Justice is Peacemaking:
A Biblical Theology of Peacemaking in Response to Criminal Conflict

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MCC U.S. Office of Criminal Justice
21 South 12th St., P.O. Box 500, Akron, PA 17501-0500
USA

MCC Canada Victim Offender Ministries Program
Box 2038, Clearbrook, B.C. V2T 3T8
Canada

Wayne Northey serves currently as Director of Victim Offender Ministries, Mennonite Central Committee Canada.

Another Occasional Paper (#8) done by Wayne was a collection of readings of biblical/theological works in the field. This paper is a kind of companion to that.

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A shorter version of this paper was originally presented in a seminar at the North American Conference on Peacemaking and Conflict Resolution (NACPCR) in Montréal, March 2, 1989. Prof. Conrad Brunk of Conrad Grebel College was a respondent at that seminar, and subsequently released his "Response" for this publication. Wayne then wrote a response to his Response.

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Wayne Northey

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Preface

A shorter version this paper was originally presented at a seminar at the North American Conference on Peacemaking and Conflict Resolution (NACPCR) in Montréal, March 2, 1989. Prof. Conrad Brunk of Conrad Grebel College was a respondent at that seminar, and subsequently released his "Response" for this publication. I in turn wrote a response to his Response.

I have also done some revisions of the original essay, not in light of Prof. Brunk's comments (that would be cheating!), but thanks to comments made by my colleague Howard Zehr, Director, Mennonite Central Committee U.S. Office of Criminal Justice; Prof. Loren Wilkinson, Regent College; New Testament scholar (now retired) Prof. C.F.D. Moule; and several colleagues in the VOM field on whom I have tested this material. None of these persons would entirely agree with every aspect of my thesis, however.

In addition, Levi Reimer of Winnipeg has done some extensive editing of my papers. Innumerable improvements were made to the language and format thanks to his suggestions. In fact, the whole impetus to get this published finally is due to him.

Meanwhile, Howard Zehr has since done a superb job of pointing us in the same direction in *Changing Lenses: A New Focus for Crime and Justice* (Herald Press, 1990), Chapter 8, "Covenant Justice: The Biblical Alternative." His entire book is a sustained argument for, and giving of practical signposts to, the restorative justice model from many perspectives.

It is hoped that this publication will prompt dialogue on this issue. Certainly it vigorously contradicts the dominant western view (secular and Christian) of an appropriate response to crime. I take heart from Hans Christian Andersen's classic, *The Emperor's New Clothes*, that it was not a 'wise person,' nor a 'scholar,' nor a 'philosopher' (cf. I Cor. 1:20) nor any other 'professional' who named the king's naked preening, but a small

child! It would be great nonetheless if sometime a 'top-flight' theologian would give us a full systematic treatment of a biblical (instead of a Constantinian) response to crime. If this publication can induce someone like that to 'do it right,' I will be pleased!

As in all theology, this issue touches the very heart of God, and is therefore exhilarating to ponder.

WAYNE NORTHEY, MARCH, 1992

Justice is Peacemaking: A Biblical Theology of Peacemaking in Response to Criminal Conflict

by Wayne Northey

I. Where Am I Coming From?

All theology, like all fiction, claims Frederick Buechner in one of his many books, is at its heart *autobiographical.* For theology takes on flesh only in the divine/human encounter of life.

So a reasonable place to begin is with me. Once *I* am quickly disposed of, we will move on to *theology* proper — a word from and about God to the topic before us.

First, I have a long-standing commitment to canonical Scripture as the primary source and measure of my theology. I was raised with this belief, and my study and life experience since have not dislodged it, rather, it has been confirmed and deepened overall.

I agree with Karl Barth's approach to the Scripture, when he says: "There is a stream in the Bible, which carries us on its own to the sea, if only we entrust ourselves to it. The Holy Scripture interprets itself, in spite of all human limitations." (Lindemann, 1973, p. 18) Barth's whole approach to Scripture was one of taking it seriously, while at the same time avoiding undue literalism. In this regard, he was fully open to the tools of the historical-critical method in throwing light on the text — provided it did not simply obscure, or worse eradicate, the text. What gives *life* to Christianity, claims Barth, is its dependence upon canonical Scripture as

the Word of God, interpreted against the backdrop of the entire Christian tradition, past and present.

Therefore I treat theology as totally derivative from the written text of canonical Scripture, with questions of how that text came to its present form decidedly in the background, and only helpful for doing theology if subservient to the text as it stands. I try to understand theology as fed through the sieves of God's illuminating work by the Holy Spirit, my personal life experience, and the interpretation of the church throughout the ages.

That, briefly, is how I will approach theology in this essay.

Second, I am an *evangelical* by upbringing and conviction. I take this to mean that I hold to some of the core assertions of orthodox belief found in all traditions.

At one time my evangelicalism was weighted towards a pietistic, otherworldly, highly individualistic and spiritualized understanding of the faith, with little bearing upon the sociopolitical dimensions of life, except to affirm the *status quo* as God-ordained.

In my pilgrimage thus far, I have retained what I consider central evangelical beliefs, while at the same time I have embraced an *anabaptist* perspective of reading social ethics, not unaffected by the Reformed tradition, especially as interpreted by Nicholas Wolterstorff in his book, *Until Justice and Peace Embrace* (1983). I have learned as well from Catholic and Eastern Orthodox sources.

I warm to Ron Sider's assertion that "... if Evangelicals were consistent, they would be Anabaptists and Anabaptists would be Evangelicals" (1979, p. 149). In that vein, I aspire to be an *evangelical anabaptist* in my approach to social ethics.

Sider, in the article already quoted, suggests three primary ingredients of this *anabaptist* orientation to social ethics: costly discipleship, the church

as the new community living out the kingdom, and nonviolence (the way of the cross) (1979, p. 150). I will interact with these themes in the course of this paper.

Third, my general political orientation is towards '*anarchism*.'[1] It is from this perspective that I shall approach the question of the rôle of the church in relation to the structure of the justice system.

'Anarchism,' however, is a loaded term, and open to misunderstanding. 'Christian anarchism' maintains that justice systems throughout the world are not wrong or evil primarily because of certain specificities about their way of operating, however reprehensible some of these may be. Rather, from a christian anarchist perspective, they are wrong because they are ultimately *illegitimate* — they have no place "exercising authority" over others, for *power corrupts*, as Lord Acton observed, *and absolute power corrupts absolutely.* While that is the invariable bent in the exercise of power amongst the "ungodly" (cf. Paul's statement in I Cor. 6:1ff), Jesus taught and demonstrated that there is a legitimate exercise of power: it is that of servanthood (Mark 10:41–45; Luke 22:24–30; John 13:1–17). John Yoder says:

> Jesus recognizes ... that 'doing good' is a claim the powerful make for themselves. He doesn't say the claim is false — nor does he affirm it. He simply sets aside the idea in favor of servanthood as his way to be the expected king and therefore his disciples' way as well. *But servanthood is not a position of non-power or weakness. It is an alternative mode of power.* So it is when we turn from self-righteousness to serve. This is not a retreat but an end-run. (Emphasis added)[2]

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1. I discuss again what is meant by this position near the end of my "Response" to Conrad Brunk.

2. Unfortunately, I could not find the proper bibliographical reference for this quote, obtained from some written notes of a friend.

While I have intuitively been an 'anarchist' of the above sort for some time, it took two writings to give me that name: one by Vernard Eller entitled *Christian Anarchy* (1987), and the other, an article originally published (in English) in *Katallagete* in 1980 by Jacques Ellul, and included in a slightly different version as the last chapter in *Jesus and Marx* (Ellul, 1988)[3]. The article is entitled "Anarchism and Christianity" and argues, as does Eller's book, that the consistent biblical position *vis à vis* the exercise of all political power is its *rejection.* Ellul says: "... the only Christian political position consistent with revelation is the negation of power: total refusal of its existence, a fundamental questioning of it, no matter what form it may take." But for Ellul, this does not mean non-engagement in the sociopolitical realities of our society. Rather, he says, "...as Christians we must participate in the political world and the world of action, but in order to deny them, to oppose them by our conscious, well-founded refusal." (both quotes from Ellul, 1988, pp. 172 & 173)

An Old Testament scholar, reviewing years of research says:

> [...] the Bible's message [is] a critique against a power-oriented world community which has a pyramid concept of justice. The Bible is more than a critique, however; it is a proclamation of Yahweh's establishment of an alternative community by which the world is made to know the way of Yahweh. The claim is that this is not *a* message, but *the* message of the Bible's multifaceted literature, a literature which is normative for the life of the human community today (Lind, 1990, p. 4).

3. Ellul has since written *Anarchy and Christianity* (1991) as a fuller treatment of this theme, and with reference to Eller's work.

II. A Biblical Theology of Peacemaking and Justice

I wish to present several aspects of the biblical revelation which have a bearing on the subject of this paper. I begin by saying, however, that biblical justice and biblical peace are inextricably linked. This is surely the meaning of Psalm 85:10, which reads:

> Love and faithfulness meet together; *righteousness and peace kiss each other.*

As well, the biblical material throughout both Testaments joins these two realities. James, in a typically pithy and tantalizing way, of which Pascal's *Pensées* are reminiscent, says: "Peacemakers who sow in peace raise a harvest of righteousness [or *justice*]." (3:18) This is a consistent New Testament perspective on the link between these two concepts. Perry Yoder's helpful biblical study, *Shalom: The Bible's Word for Salvation, Justice, and Peace* (1987) is an excellent aid towards this understanding of the interplay between justice and peace.

I would now like to list several headings under which to consider justice and peace, all of which have a bearing on criminal conflict.

A. Biblical Justice is Covenantal

First, biblical justice is covenantal and personal, rather than abstract and inflexible. When Yahweh gave his law, he did so in the second person, indicating a profound *I–Thou* orientation in contrast to other ancient neareastern law which was impersonal and unalterable.

Jacques Ellul says that biblical justice is supremely "...what is in accordance with the will of God. Law is what is prescribed with a view to this justice." (1969, p. 46) Law is a great gift to humanity; hence there is the ceaseless praising of it as in Psalm 119. In the Ten Commandments a note of promise and fulfillment is struck far more than one of commandment and prohibition. That is, as in the Sermon on the Mount, the call is to a whole new way

of life which, if followed, means "You will" obey parents as a result, etc., and "You will not" kill, or steal, etc. (Zehr, 1990, p. 143). The law is, therefore, the central source of humanity's finding direction and fulfillment in life.

Another element of this covenant justice is God's merciful election. A God who chooses his people, and acts in mercy towards them, is not one to promote 'law' in an oppressive, power-oriented way as in the case of surrounding neareastern state law. One study of law in the Old Testament says:

> While law was unchangeable and eternal in the ancient east generally, we can say of OT law: "The law is given to the people not as something eternal and immutable" but as a law which comes from a God "who is merciful and forgiving"... Old Testament law, which is understood as divinely given law..., has its basis in Israel's relationship with God as constituted by God's election. This is a decisive and essential feature of Old Testament law (Boecker, 1980, p. 87).

Yet another aspect of covenantal law is the motive/model clause.

> This is a clause from history, from religion, or from some other sphere, which modifies a law, giving to it a motive or reason, or sometimes modeling it after Yahweh's behavior.

A little later, the same author says:

> It is obvious that the motive clause provided a model for behavior which propelled law forward, and supplied to law an inner motivation. Law was "written upon the heart." This characteristic of biblical law came to full fruition in such statements of Jesus: "You, therefore, must be perfect, as your heavenly Father is perfect." (Matt. 5:47) (Lind, 1990, pp. 85, 86 & 87; cf. pp 46 & 47)[4]

4. There is a New Testament counterpart to this feature, discussed in Section IV

The Ten Commandments begin with such a motive clause: "I am the LORD your God, who brought you out of Egypt, out of the land of slavery." (Ex. 20:2) With that kind of model, how could law ever be used oppressively in Israel?

Ellul tersely catches the essence of covenant law by saying: "Law appears as mercy". (1969, p. 59)

B. Biblical Justice is eschatologically (future kingdom) and salvation oriented

Second, law is to be seen in light of God's coming kingdom, foreshadowed in the Old Testament, inaugurated by Jesus in the New. Ellul states that human law is situated between the covenant and the *parousia* (Christ's return). Law is at best provisional, designed to be swallowed up in the future reality of the kingdom. It is to be *primarily* restorative, compassionate, and merciful, a pointer to the work of salvation achieved in Jesus Christ, so that God is both *just* and *justifier* (Romans 3:25 & 26). The cross of Christ becomes the high point and measure of God's justice — which is also at once God's supreme act of judgment and forgiveness.

Numerous Old Testament passages such as Isaiah 45:8, 51:4,5, & 14, etc. render justice and salvation parallel. Says Ellul:

> The ultimate manifestation of God's justice reveals God's will to restore. This thought is extremely important for the understanding of justice. When God judges, He does so in order to restore what has been distorted, the relationship between God and man and among men themselves. (1969, p. 47)

Thus David can cry out after his crimes of adultery and murder: "Save me from bloodguilt, O God, the God who *saves* me, and my tongue will sing of your *righteousness* [or justice]" (Psalm 51:14).

Justice and salvation run parallel. Once again, Perry Yoder's study (1987) suggests this in the title itself: *Shalom: The Bible's Word for Salvation, Justice, and Peace.*

C. Jesus and Justice[5]

Jesus' rejection, therefore, of the conventional understanding of the *lex talionis* (law of retribution) in his day was not surprising (Matt. 5:38–42). The biblical way of justice, for the Christian in private life as much as for the Christian before the state, (for the Bible nowhere makes such a false division[6]) answers a forceful NO to any form of retaliation, and points to a clear affirmation of overcoming evil with good (cf. Rom. 12:21). Jesus never taught, nor ever demonstrated, any other way than a forgiving response to the wrongdoer: the Gerasene maniac, the prostitute, the adulteress, the extortionate tax-gatherer, the brigand, etc., are examples. In Matt. 5:43–48, we are exhorted to be perfect as our Father in heaven is — without distinction between the enemy and the friend, the just and the unjust, the guilty and the innocent, the persecutor and the persecuted, the brother/sister and the alien, the victim and the offender.

Jesus, for Christians, is surely the supreme 'hermeneutical principle' — the ultimate model for our relationship to the wrongdoer. He repeatedly offered unconditional love (like the Prodigal Son's father) and called people to repentance and conversion. He also exercised caution about

5. A book I discovered too late for this paper is: *Christ and the Judgment of God* (Travis, 1986). It is a thorough treatment of this topic in all the strands of New Testament literature. It also delves into the Old Testament background. Its conclusions are completely in line with this section and with the overall thrust of this paper.

6. ... in the Pentateuch and the Talmud [likewise in the New Testament] there is no separate term for ethics as opposed to law. Law and ethics, the public and the private, were inseparable. It is only a modern post-Reformation way of thinking which allows us to make a division between the public and private spheres of morality. (McHugh, 1978, p. 99)

blame-fixing as in his response to the adulterous woman (John 7:53–8:11), and in his prohibitions against judging and condemning (Matt. 7:1–5; Luke 6:37–38, etc.).

There was further a rejection of a concept of just deserts, such as in the parable of the vineyard workers (Matt. 20:1–16); the story of the Prodigal Son (Luke 15:11–32); and in the concept of salvation freely offered the sinner (cf. Paul's expansion of Jesus' teaching in Rom. 3:21–26).

It is important to point out however that Jesus' word of forgiveness was closely tied to his word of confrontation. The entire Bible is for that matter one long challenge to humanity to give up sinfulness. This call to give up sin is intended nonetheless more as a call to restoration and freedom than a warning of punitive consequences of sin. We read Jesus' words to the woman caught in adultery, for instance: "'Then neither do I condemn you, ... Go now and leave your life of sin.'" (John 8:11b) The word of noncondemation and forgiveness is accompanied by the challenge to active repentance. This approach may be summed up as "speaking the truth in love" (Eph. 4:15). If one or the other is emphasized at the expense of the one or other, something is lost. This is likewise the thrust of Matt. 18. The order here is first confrontation to elicit repentance (vv 15–20). But should repentance not be forthcoming, the offer of forgiveness was to continue limitlessly (vv 21 & 22, and the subsequent story). Consider this commentary:

> It remains an open question what now should happen, after all attempts have failed to win the sinner over.
>
> Matt. 18:21ff supplies an answer to the question: the victim is to forgive. He basically is challenged not to insist on his rights, rather to renounce them. The story of the unfaithful servant cannot be separated from the foregoing verses; they belong together as an essential part of Matthew's teaching. Only when both pericopes are perceived as a unit is one guarded against misunderstandings. Without forgiving, without the admonition to renounce one's rights, Matt. 18:17 remains an unsatisfac-

> tory *dénouement* and the matter remains unresolved. The other side of the equation is likewise important: if the sinner is not won over, the challenge to forgive is unsatisfactory, even dangerous, for it could strengthen the offender in his offence and augment the wrong. Only this kind of dialectic renders the recommended course of action meaningful. (Meurer, 1972, p. 59)

Jesus demonstrated a compassionate act of forgiveness by restoring the severed ear of the high priest's servant at Gethsemane. But the foremost indication of forgiveness in the face of wrongdoing was of course Jesus' prayer on the cross: "Father, forgive them..." And this is then transposed into universal application of an offer of forgiveness by Paul, when he says: "God presents [Jesus] as a sacrifice of atonement, through faith in his blood. *He did this to demonstrate his justice...* at the present time, so as to be just and the one who justifies the man who has faith in Jesus." (Rom. 3:25 & 26)

D. Church Discipline is Restorative

In the exercise of New Testament church discipline, the overriding purpose is clearly *restorative.* Paul's words in Galatians 6:1 are decisive: "Brothers, if someone is caught in a sin, you who are spiritual should *restore* him gently." (Jeschke, 1972; Meurer, 1972, pp. 117–156)

The church is the "new Israel", called, like Israel of old, to model a new type of power; the power of the self-giving love of the cross, thereby bringing blessing to the nations, as God promised Abraham.[7]

7. There is more on this in Section VI.

III. Some Misconceptions about Biblical Justice

A. God's justice is retributive

If God's justice and law are in fact mainly restorative, covenantal and salvation-oriented, where does the Old Testament (and sometimes New Testament) notion of *retribution* fit?

One root word for the Old Testament idea of retribution is, transliterated, *shalam,* linguistically close to *shalom,* the grand Old Testament term for peace and wholeness. Retribution, biblically, is never an *end* in itself, nor is it an abstract concern for violation of the *moral order* which many Catholic and Protestant interpreters have claimed. Wrath and justice are God's instruments for retributive justice, designed however, not as ends, but as means to effect repentance and restoration.

What is to be made then of the classic retribution text in Exodus 21:23–25?:

> But if there is serious injury, you are to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise.

First, the *talion* or law of retribution is not specific to the Old Testament, but is found in other neareastern law codes. It is therefore hardly a unique revelation of God's character unknown outside Israel!

Second, the *talion* is found only explicitly in three places throughout the Old Testament: Exodus 21:23–25, Leviticus 24:18 & 20, and Deuteronomy 19:21. It is not the central thrust of Old Testament law.

Third, the *talion* covered only cases of bodily injury. It was in no way a general principle of interpersonal behaviour, rather was "... valid only as the official sentence of a properly constituted court." (Boecker, 1980, p. 175) In application therefore, "... the *lex talionis* ... seems to have lost its force, merely asserting a principle of proportionate compensation."

(de Vaux, 1961, pp. 149 & 150) In its application, it was actually an instrument of peacemaking. It established the value of an eye for an eye, and so on.

Fourth, the *talion* is designed to maintain a proper balance in human relationships. Against the background of ancient neareastern nomadic blood feuds (there is for example Lamech's boastful retaliation in Genesis 4:23ff), "The talion was meant to contain the mechanism of blood-revenge triggered off by an injury within limits which did not affect the survival of the group concerned." (Boecker, 1980, p. 174) The *talion* was above all a call to limit, not to inflict, injury.

Further to all this one notes that the main purpose of the Hebrew *legal assembly* — ancient Israel's central legal institution — was to settle a dispute between members of the community so that prosperous coexistence could be restored (Boecker, 1980, p. 174). Reconciliation of the disputing parties, often concretely demonstrated in the form of restitution, with an emphasis on forgiveness, was the norm. Boecker claims that

> [...] the legal assembly is the organization for reconciliation. It grows up out of a practical need. It does not go beyond this in its actions nor in its outlooks. It intervenes when it must, but does not intervene any further than it must. It has no desire to provide systematic law. Nor does it act in systematic legal ways, but its sole endeavour is to settle quarrels and to guard the well-being of the community. To judge means here to settle. (1980, p. 175)

The administration of justice in ancient Israel originally took place *at the gate*, where the marketplace was, incorporating all parties to the dispute. This was unimaginably unstructured and unbureaucratic as opposed to our modern state-run, technological western justice systems. The functions of the individuals in the trial were not clearly defined, and were often interchangeable: the witness, plaintiff, and judge could all be the same person. There was no public prosecutor. The state was neither promulgator nor enforcer of the law. Yahweh was the giver, the prophet, the guardian, of the law. The goal of *shalom* — the reestablishment of right relationships — was central. The fruit, not the tree, the result, not the process, were paramount. Bureaucratic structure gave way entirely to the peacemaking purposes of the highly informal process.

The end, in summary, of biblical justice, was not retribution, rather restoration.

B. Legal codes and biblical justice

Mosaic law in all its specific detail is not meant to be normative for the church. It was given to a non-repeated political arrangement of God's people known as a 'theocracy.' Nor are various legal codes of the Old Testament to be taken then or now like modern western state law codes, which invariably are formalized, rigid, and punitive. Moses would not approve of the long-standing esteem in which he is held as the great *lawgiver*, since western law has failed to grasp the essence of Mosaic law: covenant and *shalom* (Zehr, 1990, pp. 126–157). Instead, it has adopted one means of response to crime as an end — the use of *penalty* — as the ultimate goal of the justice system. Herald Berman's *Law and Revolution* gives a fascinating account of how the notion of *penalty* emerged as the supreme goal of justice in our western culture — thanks to Christian theologians[8]. Herman Bianchi points this out as well[9].

8. The main justification 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.* (1983, p. 183)

9. Tsedeka-justice is the bottle that contains the spirit of retribution and punishment. As long as it is in the bottle it can be useful. If left out [*sic* — it should read *let*], it is just an evil spirit. This happened when the Christian doctrine... introduced the biblical concept of retribution without tsedeka into the European legal system. The results have been simply a catastrophe. (1973, p. 308)

I will say several things about the Old Testament law codes:

First, judaic law is much broader and deeper than western state law. It is primarily theological, and conveys, as indicated, all the dimensions of the relationship between God and humanity. It was not simply narrowly concerned with legal or criminal data.

Second, the law codes were really in fact only quasi-legal. The *primary* purpose of the laws was to create a people of God who would adhere to God's will. The concern was thus much more religious than criminal, or even civil.

Third, some of the language seen to be most legally oriented was actually homiletical, exhorting God's people to holiness. Exodus 23:22–24 is a good example. The writing was often as if the Israelites were already living according to God's law.

Fourth, some of the references to prohibitions and punishments are more descriptive than prescriptive — as much describing an actual event as warning, indicating that it should/should not happen again (Compare Redekop, 1990). For example, see Lev. 20:27 and Num. 15:36.

Finally,

> [...] it is probable that a ritualistic form of expiation or atonement in the temple, rather than an applied punishment, accomplished the redress of crimes or sins in the bulk of cases. (Mackey, 1983, p. 9)[10]

See for example, Num. 16 & Lev. 4, Lev. 6:1–3, 6–7. Otherwise, compensation was the norm, not so much seen as a punitive measure as a means of making peace come to all concerned.

10. Several of the points in this section were also gleaned from this book.

The same author just quoted sums up the Old Testament material thus:

> In their Scripture and tradition, Jews have urged caution in judgment, have shown reluctance to punish, and have exhibited the desire to make atonement, restitution, or reconciliation, when conflicts have occurred. This is their interpretation of "making right", "making peace", or achieving *shalom*. The predominant theology is one of restoration. (Mackey, 1983, p. 12)

C. The Christian and the state

It is not possible to discuss a theology of peacemaking in response to criminal conflict, without looking at the question of the state.

Romans 13:1–7, together with I Tim. 2:1–4, Titus 3:1–2, and I Peter 2:13–17, are the only references in the entire New Testament letters to a christian response to the state. Many assert that the I Peter passage is a kind of commentary on Romans 13, and the other two passages say little different from the longer Pauline section in Romans 13.

In Jesus' teaching, the state was viewed, overall, as a special form of the general concept of neighbour, towards which love and goodwill are to be practised, regardless of whether, by Roman law in Jesus' case, it forces one to go an extra mile, to pay unfair taxes, or to die by crucifixion (Cf. Matt. 5:38ff). Jesus left Christians with little detailed guidance on their relationship to the state. Nonetheless Paul in Romans 13 draws on Jesus' words and deeds constantly in his discussion of the state.

The Romans 13 text has emerged over the centuries as the key place where Christians have sought direction about their relationship to government.

Let's look first at the context. Read for yourself Romans 12–15 (even better, the entire book). Chapter 12 of Romans begins a discussion of the ethical implications of the first eleven chapters of doctrine which Paul has been explaining systematically to the Roman churches, churches he had never visited.

A central point about the immediate context of Romans 13:1–7 is this: it is doubtless because the Roman state was supremely for the early Christians *Public Enemy Number One*, that Paul moves on from discussing the christian response to the enemy in chapter 12 to a consideration of the state as a primary illustration of how to respond to the enemy, under whose direct eye the Christians at Rome lived. For as we have already seen in Jesus, the state is a special form of the neighbour, and likewise, the enemy is a special form of the neighbour. For both reasons, the state becomes the most obvious illustration of Paul's theme of demonstrated love even to the enemy.

What exactly is that theme?: The thesis of the entire twelfth chapter of Romans (which forms the context for Paul's discussion of the state) is doing the perfect will of God by learning to love the neighbour, especially the enemy. For "...he who loves his fellow man has fulfilled the law." But that quotation is chapter 13:8, showing how the love theme flows right on from chapter 12 to a discussion of the state, and beyond.

Did the early church in fact consider Rome to be such an arch enemy? This is a very important question for understanding this passage. The answer is "Yes" and "No". The "Yes" aspect is certainly well established, and doubtless influential in Paul's discussion.[11] On the other hand, the Roman state was recognized as positive in a number of ways, not least of which was the *pax romana* (the Roman peace) secured throughout the

11. Here are some of the considerations:

a) Paul, as did all Christians, knew the Roman government to be the *Dealer of Death to the Author of Life* — and knew the arbitrary, illegal, and brutal terms under which Rome meted out the death penalty to Christ.

Empire, such that the Gospel could spread rapidly via the well-ordered transportation infrastructure of the day.

Paul launches then, in chapter 13:1–7, into a brief discussion about the state seen as Public Enemy Number One by the early church. His purpose is to illustrate his call to love the enemy by supplying a concrete

11. (continued)

b) Only a few years before this letter was written, the Emperor Claudius had had church congregations at Rome broken up and dispersed, at the same time the Jews, *en masse*, had been expelled from Rome.

c) Within the Jewish contingent of all the christian churches, there persisted a violent hatred towards Roman rule, akin to the hatred felt by the Vietnamese towards the Americans, or the Afghanis towards the Russians.

d) The majority of Christians in the early decades of the church were marginalized nondescripts, outside of the *Establishment* of that society, and naturally at odds with the government because of their constantly receiving the *short end of the stick*. And a certain percentage of Christians were slaves, who under Roman law had no status.

e) In general, the state was seen to be pagan and evil. There ensued upon this attitude a very rebellious feeling towards government.

f) 'Authorities' (apart from God's ultimate authority), in the New Testament, and indeed throughout Scripture, are invariably seen negatively, and as being under the rule of Satan. The author of Ephesians says explicitly in 6:12:

> For our struggle is not against flesh and blood, but against the rulers, against the authorities, against the powers of this dark world and against the spiritual forces of evil in the heavenly realms.

The author uses the identical terms in Ephesians for "rulers" and "authorities" as found in the passages concerning the state.

g) Finally, there was a long-standing aversion towards the Roman system of justice which persisted until well into the third century A.D. The reason for this is that the retributive, punitive system of Roman law is seen as overtly unjust as opposed to God's way of restorative justice, which chooses rather to be wronged and cheated in order to be reconciled to the neighbour. (See I Cor. 6, for example, and Meurer, 1982.)

specimen of one for consideration. Pragmatically as well, Paul knew the risks of revolutionary fervour towards Rome.[12] Here is the passage:

> Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves. For rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and he will commend you. For he is God's servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God's servant, an agent of wrath to bring punishment on the wrongdoer. Therefore, it is necessary to submit to the authorities, not only because of possible punishment but also because of conscience.

Rather than understand this text to be a call to the state to exercise violent punishments against other nations, or towards its own criminals, it seems far more consistent to see Paul, instead, urging Christians to submit to this enemy as Jesus taught submission to all enemies, and demonstrated it supremely in his death on the cross. The only christian way of overcoming evil is by doing good.

It is therefore very strange to me that this text should have been taken, over

12. I Peter 4 addresses Christians in a similar context. Verse 15 reads, in the NIV:

> If you suffer, it should not be as a murderer or thief or any other kind of criminal, or even as a meddler.

Another possible translation of the Greek word for 'meddler' is 'revolutionary.' In the Greek, the word 'even' does not appear. Certainly the word 'revolutionary' fits the context better! Is it not likely the very bias of the translators, influenced by a prostate interpretation challenged in this essay, which made them choose against thinking that early Christians could ever have been viewed as revolutionaries? I know of no English language translation which uses the word 'revolutionary.'

the centuries since Constantine, as the supreme endorsement of the state's use of violence, as if God willed or ordained such a response to the state's enemies, in contradiction to God's own way of responding to his enemies as spelled out in chapter 5 of Romans; in opposition to Jesus' teaching which Paul repeatedly echoes in Romans 12 and following; and in defiance of Paul's instructions immediately prior and subsequent to Romans 13:1–7.[13]

Equally strange is the contention that God has one ethic for the private Christian, and another for the Christian as a state functionary, as already mentioned (Cadoux, 1955, pp. 111ff.; Eller, 1987, pp. 196–204; Yoder, 1972, pp. 193–214.[14]). One can again refer to the assertion of Ellul quoted earlier, that the only consistent biblical response to all created powers — of which the state is the most representative and illustrative — is a refusal of their ultimate legitimacy.

The state, I contend therefore, has no biblically legitimate right to give a punitive, retributive response to the wrongdoer, especially where these responses are seen as final and *ends* in themselves. (Capital punishment is the ultimate example.) Siegfried Meurer is blunt on this matter, after a masterful study of the New Testament and Law:

> It cannot be said categorically enough that the state has no right to mete out retribution.... The New Testament rejects the theory of retributive justice according to everything we can ascertain. (1972, p. 182)[15]

13. Alistair Kee calls this reading in fact "a great reversal" and "the triumph of ideology" — one utterly foreign to the New Testament (1984).

14. These represent a scholarly, confessional, and polemical reading of the text concurring with and supporting my contention.

15. The original reads:

> Auch der Staat hat nicht das Recht, Vergeltung zu üben. Das kann nicht deutlich genug ausgesprochen werden.... Das N.T. lehnt nach allem, was wir ermitteln können, die Vergeltungstheorie ab.

Compare also Moule (1990) who argues throughout that retribution is not a legitimate response to crime.

IV. The Atonement as Ethical Model and Motivation

John Yoder asserts that

> There is thus but one realm in which the concept of imitation [of Christ] holds — but there it holds in every strand of the New Testament literature.... *this is at the point of the concrete social meaning of the cross in its relation to enmity and power.* (Emphasis added) (1972, p. 134)

Yoder's study leads to the conclusion that in the New Testament the cross is consistently the only way of dealing with the problem of power.

Similarly, the Old Testament called God's people ultimately to the way of the suffering servant (the cross) in response to political power.

> Yahweh's law and leadership were not experienced through an office of [state] institutionalized violence, but in the reality of covenant relationship and worship, and in the office of prophet who communicated the divine will to the people. This revolutionary kind of government reached its climax in the suffering servant of II Isaiah who went out to win the nations for Yahweh, armed only with Yahweh's word.... That his enterprise ended with suffering and death and that it is this psalm of suffering and death which was decisive for the early church's understanding of Jesus shows that both Old and New Testaments are dealing primarily with the problem of political power. (Lind, 1990, p. 19)

I would now like to look at the theme of atonement as the ethical model and imperative for Christians. This will lead on to two related themes: *reconciliation and justification.*

A. Atonement

John Driver in his book, *Understanding the Atonement for the Mission of the Church* (1986) argues for a view of the atonement sharply at odds with prevailing western concepts which have been dominant only since the fourth century Constantinian era. At that time there was a profound reversal of Christian social ethics over against the early church orientation. (See also Kee, 1982; and Yoder, 1984). Driver says:

> To understand law as basically a system of just retribution and sin as primarily guilt which deserves punishment is to read the New Testament [view of atonement] from the post-biblical perspective of Roman law and a Western sense of guilt.
>
> This concept of law is an understandable consequence of the Constantinian vision of church and society. With the christening of the entire society, law was dislodged from the context of grace which had always characterized biblical covenant law. Therefore it became relatively natural to transfer the legal concepts of punishment and guilt from secular society to the church's self-understanding (1986, p. 33).

Guilt and punishment are not the primary categories of the New Testament understanding of the atonement. To ascertain what is the central thrust, I will quote one of the key passages on the atonement in Romans 5:6–11:

> You see, at just the right time, when we were still powerless, Christ died for the ungodly. Very rarely will anyone die for a righteous [person], though for a good [person] someone might possibly dare to die. But God demonstrates his own love for us in this: While we were still sinners, Christ died for us.
>
> Since we have now been justified by his blood, how much more shall we be saved from God's wrath through him! For if, when we were God's enemies, we were reconciled to him through the

> death of his Son, how much more, having been reconciled, shall we be saved through his life! Not only is this so, but we also rejoice in God through our Lord Jesus Christ, through whom we have now received reconciliation.

The atonement in this passage is above all an initiative of love on the part of God to his enemies. The text is explicit in indicating that while we were *sinners* and *enemies* of God, Christ died for us. The primary image of the atonement therefore is God's reaching out to the enemy to bring the enemy into God's circle of friends. Concretely, the atonement is about the love of God reaching out to win over God's enemies. The essential reality of what the atonement brings about is reconciliation, or peace or *shalom.*

This is a far cry from an understanding of the atonement as mainly 'propitiation' for wrongs done, demanding satisfaction of the wounded party — in this case God. Such a notion is far more indicative of feudalism, on which St. Anselm drew for a model in the 11th century (he was the first systematic exponent of a doctrine of atonement (Berman, 1983, pp. 174ff)), than it is of biblical teaching.

C.F.D. Moule in a classic paper on this topic, says bluntly:

> [...] the more cleanly and clearly the notion of compensation and satisfaction is eradicated from the Christian doctrine of atonement, the less clouded will be the issue about the place of retribution inside the gospel. If words like 'compensation' and 'satisfaction' could be successfully specialized, so as to relate exclusively to what has to be done in order to restore the wrongdoer to his proper personhood, to his full stature and dignity as a responsible person, then they would be tolerable — perhaps even desirable. But it seems to me extremely difficult to detach them from the suggestion of compensation and satisfaction to a feudal lord for injuries done to him; *and this is something which is alien to the gospel.* (Emphasis added) (Moule, 1990, pp. 7 & 8)

The atonement is not therefore primarily a static dogma to be wrestled analytically into a creedal statement. While it is about the reality of an event in history, it is less *dogmatic* than it is *ethical* in its thrust. It is the primary model for the way of the Christian in the world. Just as Jesus taught and exemplified sacrificial love for the enemy, refusing the way of retribution and retaliation, and supremely demonstrated this on the cross, the very centrepiece of the atonement, so we Christians are to

> Be perfect, therefore, as your heavenly Father is perfect. (Matt. 5:48),

and to

> Be imitators of God, therefore, as dearly loved children and live a life of love, just as Christ loved us and gave himself up for us as a fragrant offering and sacrifice to God. (Eph. 5:1 & 2 — This is a capsule statement of the atonement.)

The atonement is ultimate model and motivation, therefore, for a non-punitive, nonretaliatory, nonretributive response to the wrongdoer. Fully in keeping with Jesus' teaching and example, we are to forgive 70 times 7 and beyond (Matt. 18).

1. Wrath and vengeance

Now, before moving on to reconciliation, I should say a brief word about *wrath* and *vengeance.*

First, Paul removes any notion of the Christian's legitimately meting out wrath in his blunt statement in Rom. 12:19:

> Do not take revenge, my friends, but leave room for God's wrath, for it is written: "It is mine to avenge, I will repay," says the Lord.

This is an Old Testament theme too (Deut. 32:35).

Second,

> [...] one of the striking things about the way in which Jesus uses the Old Testament is the complete absence of the theme of vengeance in His references. On a number of occasions Jesus refers to a theme from an Old Testament prophet but stops short of the reference to vengeance (especially Isaiah 61, cf. Luke 4). The theme, "Day of Vengeance", so central to the Dead Sea Sect, the Samaritans, and others in the first century, is almost totally missing in New Testament thought. The New Testament church is built upon a different understanding of the nature of community. Here primary relationships are central and legal structures or legal concepts of justice must yield to a more profound understanding of personal relationships. (Klassen, 1977, p. 26)

Third, God's wrath does not have the finality so often associated with it. Moule's paper, already alluded to, is a sustained argument for the idea 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.* (Emphasis added) (1990, p. 3)

Driver argues thus:

> God's response to the unfaithfulness of humanity... is wrath. However, in the biblical perspective the wrath of God is not an abstract law of cause and effect in a moral universe to which somehow even God must subject himself. Biblical wrath is an intensely personal response of God to the unfaithfulness of his people with a view to protecting the salvific covenant relationship which he has established in the Old Testament and the New....

> Inasmuch as God's wrath is his wounded covenant love, it is in reality more salvific than punitive in its intention. (1986, p. 183)

Moule makes a similar point about God's wrath, especially as one reflects on the finality of hell:

> If God has willed the dire consequences that ensue on sin, it does not necessarily follow that he has willed them retributively, punitively. It may be that he has willed them as the only way of doing justice to the freedom and responsibility of the human personality, as he has created it. (1990, p. 6)

Fourth, God's vengeance exercised on humanity's behalf is far more "vindication" than retribution. The ultimate vengeance of God is most clearly seen in the resurrection: a complete vindication of Jesus as victim (signaling a similar reversal, a similar rehabilitation ultimately, of all victims). One unpublished study of *Naqam* (root NQM, meaning vengeance) in the Old Testament says: "*nqm* has to do with setting things right as only God can set things right." (Knupke, 1989)

Thus God's wrath in connection with the atonement, when considered as an ethical model for Christians, is never an end, but a means of discipline, of abetting the peacemaking process with the offender. In short, it is a means of reconciliation, the theme to which I shall now turn.

B. Reconciliation[16]

Reconciliation is a classic New Testament concept. Though Jesus only used the term itself once, and Paul rarely, it is the heart of the message and theology of the New Testament. It is not without antecedents in the Old Testament and Judaism, but in its full development is distinctively Christian.

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16. This is a slightly different version of my article on this theme in *The Mennonite Encyclopedia: Volume V*, Herald Press, 1990.

Its central meaning is the overcoming of an enmity. This enmity is towards humanity from God's side (i.e. his wrath), and towards God on the part of humanity (sin, rebellion, indifference, disobedience, etc.). Both parties therefore need mutual reconciliation, but in the God-humanity relationship, God is the initiator. Driver specifically says:

> Strictly speaking, God is not reconciled, nor does he reconcile himself to us or to the world. God (or Christ...) is the subject of reconciliation. Humankind, as well as the world, is the object of reconciliation. (1986, p. 178)

Humanity is in the dog house, not God!

Paul is the only New Testament writer to use the actual terminology of reconciliation, specifically in Romans 5:10–12; Romans 11:15; I Corinthians 7:11; II Corinthians 5:18–20; Ephesians 2:16; and Colossians 1:20–23. Related concepts are forgiveness, justification, fellowship, sanctification, atonement, peace, freedom, 'sonship' (i.e. filial relationship). These terms are used by a variety of New Testament authors.

Reconciliation with God (theological) through Christ becomes for Jesus and Paul the essential paradigm for all other relationships: to oneself (psychological); to one's fellow (sociological); to the entire creation (ecological, cosmological). Reconciliation is the operative antidote to all consequences of the Fall, which may be described always as breakdown of relationship — or enmity and conflict.

"As the concept of *shalom* — peace is a harmonic of *tsedeka* [*sic*] — justice, peace is a harmonic of reconciliation" (Allard, 1986, p. 110). That is, peace is fully congruous in the Bible both with the theme of justice and with reconciliation, which is why I entitled this paper, *Justice is Peacemaking*. Christ's sacrifice on the cross epitomizes the understanding that God's justice in response to criminal conflict has reconciliation as its goal. Punishment and retribution as ends in themselves have no legitimate place in Christian vocabulary, action, or call to the state. Alternatively, "law is in the service of reconciliation and peace", which statement

is the conclusion and title of a major exegetical study of the New Testament on law (Meurer, 1972).

> Remove the concept of peacemaking from proclaiming the Gospel and the very meaning of Gospel changes... Reconciliation among humans is the identifying mark of God's new creation!

is how one writer sums up the biblical perspective. (Kraybill, 1981, pp. 8 & 12)

That God's forgiveness is God's law is the breathtaking teaching of the New Testament. As in the Old Testament, law is primarily mercy. Old and New Testament texts overall point to this conclusion (Lind, 1990; Meurer, 1972; Northey, 1989).

Vengeance too, is at God's initiative (Romans 12:19) — and is never the Christian's prerogative personally, nor to will for the state, as already indicated. Even from God's perspective, again to quote Moule, if God

> [...] has willed the dire consequences that ensue on sin, it does not necessarily follow that he has willed them retributively, punitively. It may be that he has willed them as the only way of doing justice to the freedom and responsibility of the human personality, as he has created it. (1990, p. 6)

As already seen, vengeance is self-consciously omitted from Jesus' agenda — even when he quotes Scripture with such themes in it (Klassen, 1977, p. 25ff; Jeremias, 1971, pp. 204ff).

Reconciliation is therefore the heart of the atonement, as the atonement is the heart of the Gospel — the incredible Good News about God's peace initiative towards humanity. Reconciliation is not primarily, nor even exclusively, about the removal of guilt nor the forensic declaration that we are justified in God's sight (justification). "The primary concern appears to be the reestablishment of relationship." (Driver, 1986, p. 182)

While this of course entails personal dimensions, the biblical implications far exceed any private individualism, so that the reconciliation called for spreads out in ever-widening circles and does not leave untouched any aspect of our sociopolitical existence.

C. Justification

One writer claims that "... justification, a legal term of primary importance for understanding the atonement, and reconciliation are in reality parallel concepts..." (Driver, 1986, p. 179) In the following brief discussion of the concept of justification, I shall rely upon Driver's study (Driver, 1986, pp. 187–204).

There is no common technical term which the New Testament employs for this concept.

In the Middle Ages, justification was seen as the act whereby God pronounced an individual righteous — a declaration needing to await the end of the sanctification process. Because God was also viewed as a distant and angry judge in much of medieval piety, people were terrified at the prospects of purgatory and hell. Thus there was a great emphasis placed upon good works — especially in acts of charity and in the sacraments — in order to appease God the Judge, so that God might 'go easy' on God's people.

Martin Luther turned this whole aspect of justification on its head, by discovering that justification is not at the end, rather at the beginning, of the sanctification process. But the predominant individualistic, private nature of justification was never changed. It simply failed to have a social or political application, dealing rather with one's relationship to God alone[17], not to others or to the creation. It became mainly a matter of a forensic declaration about a person's standing before God — in essence,

17. One could say it was a doctrine emphasizing *sola fide* (by faith alone) and *solo Deo* (toward God alone).

it was a *legal fiction.* The juridical nature of this image totally overwhelmed the other biblical connotations, which included political, cultic, social, familial, biological, technological, and athletic overtones in Paul's writings. The juridical imagery however on which Paul drew was based on the Old Testament, whereas the medieval Catholics, then the Reformers, drew essentially upon Greco–Roman and feudalistic justice concepts. A paper by Herman Bianchi, already quoted from earlier, especially deals with this fact[18]. Some of the key categories of this nonbiblical way of justice which gained wide acceptance in the christian west were guilt, punishment, satisfaction, acquittal (Roman) and an abstract concept of universal moral law (Greek).

But the Old Testament background to this concept emphasizes God's saving activity on behalf of his people, and his covenant people's appropriate response of obedience and love (Lind, 1990). So,

> In the light of the Old Testament understanding of justice, there is really no basis for understanding justification as essentially a juridical (forensic) pronouncement on the part of God. Rather, it has to do with the establishment of a new situation characterized concretely by God's righteousness. (Driver, 1986, p. 195)

In other words, God is not pictured as a Judge passing sentence in response to our sin, so much as a Father, like that of the Prodigal Son, inviting us to come home — which means leaving our life of sin — as with the challenge to the woman caught in adultery in John 8:11 (Kraus, 1987, pp. 161ff and *passim*).

18. He says:

> Christian philosophy just proclaimed the Roman system and the basic idea of justice to be consistent with Christian doctrine. It went even further. Thomas Aquinas did not only proclaim the Greco–Roman idea of justice to be consistent with Christian dogma, he simply proclaimed the classic idea of justice to be THE idea of justice. Thus it came to be that the western legal system continued to be Greco–Roman in nature *and was never more endangered by any biblical thought.* The reformation attacked many ideas of medieval doctrine, it never even pronounced any doubts concerning the legitimacy of Greco–Roman justice for a Christian culture. (Emphasis added) (Bianchi, 1973, p. 308).

Faith is a key component of justification, for one is justified by faith. But faith in the Old Testament, as well as in the New, does not mean primarily to accept the fact that one is a sinner and that Christ has died in one's place, on the basis of which one is declared righteous by God, regardless of actions or works. Rather, faith is above all *faithfulness* (the Greek word *pistis* can have both connotations, which in reality are flip sides of the same coin). It is a matter of attitude and of conduct — like Abraham's faith, Paul's primary illustration. The opposite of faith, biblically, is not doubt but disobedience.

Justification, therefore, is not mainly a matter of having righteousness imputed to oneself by God through faith in Christ. It is, instead, that power which establishes a whole new world, the force which brought the kingdom of God into being. Or, as Paul says in II Cor. 5:17: "Therefore, if anyone is in Christ, [there is a new creation]..." The brackets contain another valid translation of that text, which, while including personal dimensions, points to a completely new reality affecting the entire range of our sociopolitical existence. It is cosmic in scope.

Justification and sanctification, therefore, are inseparable realities. Our sanctification in turn is demonstrated primarily by our reconciliation in practice towards ourselves, our fellows, and the whole of creation. Failing that, justification is no more than a legal fiction, and those claiming it without appropriate demonstration in their lives and lifestyles come under Jesus' critique, directed towards the Pharisees: "... they do not *practice* what they preach.... [they] have neglected the more important matters of the law — justice, mercy and faithfulness." (Matt. 23:3 & 23)

As opposed to the Reformers' notion that justification and sanctification are entirely separate matters (Jesus may be Saviour, but not necessarily Lord in one's life), and the Catholic understanding in the Council of Trent for instance (the Catholic response to the Reformation) that sanctification and justification are the same, the biblical material indicates rather that they are interdependent and neither may be claimed without the other. They continually lead to and from each other.

V. Summary and Conclusion from the Biblical Study

We have scanned some of the general biblical material on peace and justice which relates to criminal conflict. Then we looked at three specifically New Testament themes: atonement, reconciliation, and justification, all with an eye to an application to criminal conflict.

The conclusion I have been arguing towards, when one considers a biblical theology of peacemaking and its application to criminal conflict is this: that the overarching goal we must hold out for is *shalom*. That is, we must seek the reestablishment of right relationships wherever relationships have been broken by the criminal act. This is what justice demands, and what biblical peacemaking is about. To be content with anything less, or to hold out for any other goal of justice — such as penalty or punishment which have characterized western justice for nearly a millennium — is not only inadequate, but woefully unfaithful to the biblical witness.

This cannot be said too strongly in light of the pernicious persistence and dominance of the decidedly post-Constantinian, anti-Christian goal of punishment affirmed in the christian west for centuries. The only appropriate response for Christians to an awareness of this misappropriation of the biblical material is repentance and conversion[19].

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19. To conclude with a biblical vocabulary: if *kenosis* [self-emptying] is the shape of God's own self-sending, then any strategy of Lordship, like that of the kings of this world, is not only a strategic mistake likely to backfire but a denial of gospel substance, a denial which has failed even where it succeeded. What the churches accepted in the Constantinian shift is what Jesus had rejected, seizing godlikeness, moving *in hoc signo* [in this sign] from Golgatha to the battlefield. If this diagnosis is correct, then the cure is not to update the fourth-century mistake by adding another 'neo-' but to repent of the whole 'where it's at' style and to begin again with *kenosis* (Yoder, 1984, p. 145).

The church, of course, cannot undo the past. But it can and should dramatically reorient its theology and practice in line with the biblical material for the future.

VI. The Role of the Church as Agent of Change

This necessarily brings me to my final topic: the role of the church as an agent of change. Two quotes immediately come to mind:

> There remains a serious problem in the claim that Christ's death establishes a new covenant... [whereby]... the people of the new covenant will have the law implanted in their hearts, and they will obey God without fail. *This description does not fit the Christian church.* (Emphasis added) (Patrick, 1985, p. 245)

> The church is like Noah's ark: one wouldn't stand the stench within were it not for the storm without[20].

One needn't read a scurrilous book like Judith Haiven's *Faith, Hope, No Charity* (1984) to know that the church has always presented unsavoury faces to the world. One need only read church history. It is strewn with the wreckage of failed demonstration of the new covenant in Christ — like the huge array of hardware abandoned by the Arabs in the Six Day War. But I can also think of a more ominous reference to Arabic Muslims (of the fundamentalist variety), in reflecting on the death threat against Salman Rushdie for his *Satanic Verses.* If one is honest about the history of western Christianity, and about its contemporary expression from many quarters, the face the world sees is too often *khomeiniesque*: one contorted with judgmentalism, vengeance, dogmatism, intolerance, narrow-mindedness, and, tragically, death.

20. From one of Frederick Buechner's writings, not quoted verbatim.

Listen to this indicting quote for instance, based upon a study about 25 years ago of conservative evangelicals and Catholics:

> Those who hold Christian religious attitudes strongly are more warlike, less democratic, more punitive, less tolerant, more conservative, less world-minded, more repressive and less humanitarian than non-Christians.
>
> Apparently, in spite of its emphasis on love, devout Christians are less loving than the less devout. The fruits of Christianity appear to be directly opposite to its ideal of love. (Russell, 1967)

I can name many personal friends, relatives, and acquaintances who have left the church and sometimes the faith, because of the sheer ugliness of what they see in the contemporary church and church history.

I believe that it is a significant sign of integrity to be deeply troubled by the church's failures throughout the centuries. Often God has simply passed our Christianity by, dismissing it with these words of the Apocalypse (3:15–18):

> I know your deeds, that you are neither cold nor hot. I wish you were either one or the other! So, because you are lukewarm — neither hot nor cold — I am about to spit you out of my mouth. You say, "I am rich; I have acquired wealth and do not need a thing." But you do not realize that you are wretched, pitiful, poor, blind and naked. I counsel you to buy from me gold refined in the fire [that's pain and suffering — unthinkable for triumphalistic, *top dog* Christians], so you can become rich; and white clothes to wear [that's reconciled relationships with neighbour and enemy], so you can cover your shameful nakedness; and salve [that's simple obedience] to put on your eyes, so you can see.

Juxtapose this indictment with these words:

> For he [Jesus] himself is our peace.... His purpose was to create in himself one new [person] out of the two, thus making peace, and in this one body to reconcile both of them to God through the cross, by which he put to death their hostility. He came and preached peace to you who were far away and peace to those who were near. For through him we both have access to the Father by one Spirit....
>
> His intent was that now, *through the church*, the manifold wisdom of God should be made known to the rulers and authorities in the heavenly realms, according to his eternal purpose which he accomplished in Christ Jesus our Lord. (Ephesians 2:14–18; 3:10–11)

The concrete meaning of these words in the early church was that Jew and Gentile were deeply reconciled through Jesus Christ, such that the centuries-long barriers could disappear. This is a model of how every barrier to every relationship in Christ was to be overcome, with the emergence of reconciliation the primary sociopolitical reality in the life of the church.

How then is the church, so often compromised, to be an agent of change in the area of criminal justice? I will discuss that in light of this comment by a contemporary evangelical, Jim Wallis:

> When I was a university student, I was unsuccessfully evangelized by almost every Christian group on campus. My basic response to their preaching was, "How can I believe when I look at the way the church lives?" They answered, "Don't look at the church — look at Jesus."
>
> I now believe that statement is one of the saddest in the history of the church. (1981, p. 108)

Following on with Wallis' analysis, he indicates that while renewal on many fronts is needed in the church, apart from the renewal of

koinonia[21], all other forms of renewal, including peacemaking in response to criminal conflict, is inadequate. He says:

> The greatest need of our time is for koinonia, the call simply to be the church, to love one another, and to offer our lives for the sake of the world. The creation of living, breathing, loving communities of faith at the local church level is the foundation of all the other answers [about achieving renewal]. (1981, p. 109)

This is perhaps the most significant *stopper* in reflecting on the question of the church as a change agent in criminal conflict. In our concrete social relationships within the church, have we been liberated so as to live a life of peace? If we are not a people at peace, we are not the people of God.

One writer says emphatically:

> [...] it is possible to affirm that the New Israel of God, this messianic community of peace, is the point at which all of the principal New Testament images for understanding the work of Christ [the atonement] converge. Peoplehood under God's reign is the organizing center around which all of these images rotate....
>
> The creation of human community in which God's peace prevails is not coincidental, nor is it a secondary result of the saving work of Christ. The creation of a new humanity in which personal, social, and economic hostilities are all overcome in reconciliation is a primary and direct result of the death and

21. New Testament scholar C.F.D. Moule in personal correspondence pointed out to me that the primary meaning of *koinonia* is 'partnership,' not 'fellowship.' Still, the nuance of *koinonia* stressed by Wallis is fellowship in the context of reconciled relationships.

> resurrection of God's Messiah. This is the church which proclaims, with the authority which arises out of authenticity, to all humanity — including the "principalities and powers" — the mystery of God's saving intention in Jesus Christ. (Driver, 1986, pp. 222, 228 & 229)

This means a life of 'anarchy' in the Christian sense of that term. It offers no ultimate allegiance to any arky[22] other than God's kingdom. Jacques Ellul argues that Christians add two essential elements to nonchristian anarchism — *realism* and *hope*: realism about the impossibility of eradicating the infection of evil from our sociopolitical existence, or of abolishing all powers, especially that of the state, this side of the coming kingdom. And hope that one day, *one day*, the kingdom of peace and justice will dawn (1988, pp. 171ff).

A fascinating sociological analysis of this kind of churchly existence has been done by J. Peter Cordella (1991). He contrasts the 'contractarian' and 'organic' models of current western societies with the 'mutualist' model in response to crime and conflict. He also traces the lineage of such mutualist communities back to the Pentecost movement of third-century Christianity, up to today's Hutterites, Amish, and Mennonites, which often existed in opposition to the dominant church institutions. (Compare Kee, 1982). He contends that such communities have an immense amount to instruct us in our current response to crime, by model, and direct teaching. Howard Zehr's *Changing Lenses* (1990) would be a good example of rootage in such an approach to society.

Cordella says that the kind of churchly life described above, which he calls '*mutualist*,' is the greatest hope for bringing about positive social change. This contrasts with an *individualism* already destructively rampant in our culture; or *revolution* which only changes who is in power but not the nature of coercive power relationships themselves; or *reform*

22. This is Vernard Eller's idiosyncratic spelling (1987).

which too easily is co-opted by larger bureaucratic structures. He ends his paper thus:

> If, through social change, we seek a society guided by reconciliation rather than retribution, we must be willing to consider the possibility of establishing mutualist communities. While such a possibility is rejected as utopian and idealistic, it is important to remember that these communities represent the only true alternative to the two dominant models of society, the contractarian and organic. The very reason mutualist communities have existed and still exist is to set an example that members of the dominant society might finally emulate: "Remember, the reason we live in community is not so the individual members can attain the highest degree of perfection. Instead we believe that by living in total community we set an example and that this is the best service we can do for society today, in its fragmented state. We want all those who sigh and groan under the wrongs in today's world to see that full community lived in mutuality is possible." (Cordella, 1991, pp. 43 & 44)

John Howard Yoder says similarly:

> The church is called now to be what the world is called to be ultimately...
>
> Nonconformity is the warrant for the promise of another world. Although immersed in this world, the church by her way of being represents the promise of another world... (1984, pp. 92 & 94)

The authors of *Resident Aliens* likewise tersely state: "...The church doesn't have a social strategy, the church is a social strategy,..." (Hauerwas and Willimon, 1989, p. 43)

The reality of the coming kingdom acts as the true north on the compass, motivating us to establish, however marginally, little signs of the kingdom — little demonstration plots of what it would look like. I have always been encouraged by such projects as church-based *Victim Offender Reconciliation Programs*, for they are alternatives to the usual state response to criminal conflict (Claassen & Zehr, 1990; Peace Section Newsletter, 1986). Though there is the ever-present danger that such programs might be co-opted by the retributive state justice system model.

The church's call is to faithfulness, ever seeking practical ways of demonstrating God's alternative to coercive power and state-institutionalized violence. Such a mandate will keep us busy 'til kingdom come!

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Response to Wayne Northey's Paper "Justice is Peacemaking: a Biblical Theology of Peacemaking and its Application to Criminal Conflict"

by Conrad G. Brunk

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It is appropriate to have at a conference on Peacemaking and Conflict Resolution a paper exploring the theological and philosophical aspects of criminal justice. A paper that looks in particular at the Christian and biblical roots of the idea of justice is especially germane — because Western practice is so firmly rooted in understandings of justice and punishment which claim, rightly or wrongly, to have their foundation in these sources.

Northey's paper picks up one of the most difficult and controversial issues in the subject of appropriate means of resolving conflict between persons and groups. It is that of the conflict of two very important values that seems almost always inherent in attempts to resolve these conflicts — the value of peace and reconciliation on the one hand, and the value of justice on the other.

People have certain strongly held convictions about the 'moral order' that should be preserved in the resolution of a conflict. But the preservation of this order, as a kind of abstract ideal, often seems incompatible with the goal of restoring and healing broken relationships in the con-

flict. The means we use in the criminal punishment system especially, are often dehumanizing, self-defeating, and destructive of the very system of justice and moral relationships between people they are supposed to protect.

Northey is trying to find a way through this conflict of values. He does a very good job of identifying the theological understandings that underlie the development of Western practises of criminal punishment and calling some of these understandings into serious question.

A central theme in Northey's paper is the claim that, in contrast to the usual view, which sees Western understandings of retributive punishment as derivative from the Judeo–Christian biblical tradition, the fact is that Western theology has been distorted by the influence of alien ideas of retribution imported from alien (Greek and Roman?) sources, via Western law, into the reading of the biblical texts. Northey wants to strip away these post-biblical conceptions to find the meanings of biblical concepts of guilt, sin, atonement, punishment, and reconciliation in their original contexts, in hopes that this will help correct our modern understanding.

I. "Without the Shedding of Blood There is no Remission of Sin".

This central principle in the Biblical concept of redemption has also been profoundly influential in the Western concept of punishment. It is used to justify the idea of "retributive" punishment, in the sense I understand Northey to use this term. The underlying idea here is that pain, suffering, and even the sacrifice of life are essential ingredients of the remission of sin, and hence of the "compensation" required for an offense.

This is not only a biblical idea. It is found in many other religions — the idea that the gods can be appeased when they are wronged only through the shedding of the blood of the offender or of some substitute sacrifice.

The "blood feud" is the primitive expression of this idea.

The underlying moral impulse behind this view is the idea of *compensation* for wrongs done. And the form of the compensation is suffering. It is a moral equation of sorts, which says that "only the suffering of the offender can compensate for the suffering of the victim (or the victim's family or society)". This is the motivating idea behind the *lex talionis* — only an eye can compensate for an eye... etc.

Compensation is not an idea that is foreign to the restorative concept of criminal conflict resolution Northey wants to defend. The idea of 'restoring' or 'reconciling' the offender to full participation in society must include the aspect of the offender taking responsibility for his or her actions.

The disagreement with this view comes at the point of the claim that suffering can in any meaningful way compensate for anything. How does an eye compensate for an eye? It doesn't. It merely produces a world of blind people, as Gandhi aptly pointed out. It does not restore anything to victims or society; it only restores the scales of an abstract justice (and, this abstract justice concept is question begging, because it cannot give a persuasive account of how an eye taken for an eye produces justice).

What, then, can be the meaning of the claim that there can be no remission of sin without the shedding of blood? Here is where some rethinking about the meaning of this biblical principle is required. The place to look for guidance on this is, as Northey argues, at the supreme act of God's reconciling humanity to God, the death of Jesus.

Northey agrees with those contemporary theologians who reject the traditional 'substitutionary' understanding of the atonement — that Jesus' death was a substitute 'blood satisfaction' of the wrath of God, who had been wronged by human sin. Rather, Northey reads the idea of Christ's atonement as a reaching out by God to the enemy (those who have wronged God by sin), to reconcile the enemy (humanity) to God again.

What would lend strong support to the viewpoint Northey is developing here is to put this idea of atonement into the context of Christ's suffering, or 'shedding of blood', which is an important part of the biblical imagery of atonement. It is taken biblically as the prime example of the remission of sin through the shedding of blood. This has to be taken seriously. Rightly understood it can be a powerful image of the very conclusion Northey wishes to draw.

What the 'propitiation' or 'blood satisfaction' interpretation of Christ's atonement misses, is the idea that it is through God's own suffering that reconciliation with humanity is accomplished. That is to say, an essential ingredient in the overcoming of alienation is the willingness to take risks, to give up absolute security against those who might wrong you. Sometimes this requires a willingness to suffer. This is what the Hindu Mohandas Gandhi understood to be the significance of Jesus' suffering. It was for him the example of a fundamental principle of human conflict — that the accomplishment of reconciliation and justice often requires willingness to suffer wrong, and that suffering can become a means of changing the behaviour of the evildoer.

Understood this way, the traditional idea that justice requires compensatory suffering of the offender gets turned on its head. It is not the suffering of the offender that rights the scales of justice, but rather the suffering of the offended. In other words, the principle, "Without the shedding of blood there is no remission of sin", takes on a totally new implication in the reconciling death of Jesus. It no longer serves as a basis for the *lex talionis* conception of punishment — the view that only the suffering of the offender, or penal justice can right the wrongs done by an offender, or right the scales of justice, or appease an offended God.

Rather, the principle stands for the view that remission of sin requires willingness on the part of those offended to take the risks required for the accomplishment of reconciliation.

II. What is the Criminal Analogue of Repentance?

Where does the idea of repentance come into Northey's concept of reconciliation of the criminal offender? He makes it clear that repentance is an essential aspect of reconciliation between God and humans, and that 'repentance' is more than just an acknowledgement of guilt or an asking for forgiveness. It is a commitment to righteousness, or 'conversion,' to use a good evangelical word. Northey objects to the idea of justification as being merely a 'forensic' declaration of one's righteousness by God (i.e., simple 'forgiveness').

What is somewhat puzzling in this is that when it comes to criminal offenders Northey seems to advocate the very forensic approach he rejects at the theological level. The only concrete illustration he gives of how offenders and their victims should be reconciled and 'peace' restored is the act of forgiveness. He takes the suffering Christ as the model of response to offenses against oneself or one's fellows. "That God's forgiveness is God's law is the breathtaking teaching of the New Testament," he says, and "As in the Old Testament, law is primarily mercy."

What is lacking in this account is the analogue, in the realm of social justice, of 'repentance' in the realm of theological reconciliation. Is not repentance ideally one of the goals of punishment, and one of the essential precursors to the restoration of a right relationship? How do offenders against criminal laws and other social norms 'repent' of their offenses? In other words, what is required on the part of the offenders as their contribution to the restored relationship? This, I think is at the heart of any concept of punishment as restoration.

I doubt that Northey is willing to accept a theological concept of reconciliation that sees it accomplished solely by actions on the side of God. He does not accept this kind of, what Dietrich Bonhoeffer called, "cheap grace." Reconciliation is not simply a matter of God's mercy, though God's mercy is the stimulus, the motivating energy, and the indispens-

able agency through which the reconciliation of people to God is accomplished. Why then, would a theory of "peacemaking in criminal conflict" (as Northey calls it) be willing to reduce this reconciliation almost exclusively to the mercy of the society which has been wronged by the actions of the offender? I am sure this is not what Northey intends to say, but his argument tends to point strongly in this direction, given the way he develops the theological premise.

III. What About Justice?

At the outset of his paper Northey declares his view to be that "biblical justice and biblical peace are inextricably linked." Thus, we would expect him to tell us how his view of peacemaking in criminal conflict would achieve both peace and justice. However, I am unable to tell what his view of a just settlement of a conflict is. In fact, there seems to be a far greater concern with 'peace', defined as reconciliation, than with justice, defined as the presence of constructive, moral relationships between persons in community.

Yet, Northey is very clear that the theological example of justification he wants as the model for criminal conflict resolution involves the "reestablishment of *right* relationships" or of a new order. Reconciliation on just any terms is not enough. This is very closely related to the matter of repentance discussed above. Real peace requires changes in the way people relate. In other words, it requires justice, or *right relationships*, which have been "broken by the criminal act." In the theological context this means turning from sin and doing God's will — what Northey calls "sanctification."

But, how is justice defined in the context of criminal conflict resolution? What is required of the offender? Northey is clear about what he expects of the victim — willingness to suffer wrong and to forgive. But surely forgiveness does *not* mean permitting an unpeaceful and unjust relationship to continue unchanged. But what is, or should be, required of the offender? This is the heart of the question about criminal punishment.

And it is precisely at this point that Northey gives us little insight.

The contemporary alternative dispute settlement mechanisms such as the Victim–Offender Reconciliation Programs, which Northey ends his paper by holding up as a prime example of a truly Christian 'anarchic' alternative to the state's response to criminal conflict, take the concept of *restitution* and *compensation* as central to the restoration of the relationship between victim and offender. Yet Northey seems to reject these concepts as overly punitive. He quotes Moule favourably as saying that the idea of "compensation and satisfaction... for injuries done... is alien to the gospel."

Northey seems to suggest that mercy and forgiveness are the proper Christian substitutes for compensation and restitution. But are they? How can a right relationship be restored if just compensation for wrongs done is not forthcoming? If there is no restoration of right relationships, in what acceptable sense is either peace or justice accomplished? If offenders are not willing to do voluntarily what is necessary to correct the wrongs done to their victims, how can the forgiveness offered by the victims alone restore a right relationship and accomplish peace and justice? This, of course, is part of what punishment tries to accomplish.

IV. What About Punishment?

I have a real problem with Northey's discussion of punishment, both at the theological and the social level. He has difficulty with the whole idea of punishment itself because of its retributive implications.

What is it that he finds objectionable? First of all, he finds the idea of *vengeance* to be intrinsic to the idea of punishment, and this, he thinks, is alien to the biblical concept of reconciliation. I agree with him about this concept of punishment — which is based upon the idea of pain and suffering as being deserved by the one punished.

But vengeance or retribution, is not the only possible goal of punish-

ment. Many theorists of criminal punishment hold that the goal is deterrence of offenses and the maintaining of a just order. Others hold that it is moral training and discipline (as punishment often functions in parenting of children). Still others think that it is primarily compensatory or restitutional. Still others think of it as rehabilitative. These justifications for punishment all involve *sanctions* of some kind being brought against the offender. These sanctions may involve the infliction of pain or other aversive stimuli (e.g., a spanking), deprivation of liberty (prison, or "You can't go out and play today."), fines, or various forms of forced compensation (labour, restitution, etc.). It need not always be the infliction of evil or suffering.

Does Northey object to all of these or just some of them? Which ones? Sometimes he seems opposed to the concept of punishment *per se*, at other times only to punishment which is based upon vengeance.

His discussion of divine punishment is puzzling in this regard. There is a grudging acceptance of the idea of divine punishment of those who do not repent, despite the clear place of this concept in both Old and New Testaments. On the one hand Northey says that the essence of God's law is mercy, and that God's wrath is "more salvific than punitive in its intention."

On the other hand, he quotes Moule favourably as interpreting the concept of divine punishment of sinners as God willing "the dire consequences that ensue on sin... only as a way of doing justice to the freedom and responsibility of the human personality, as he has created it." But this is precisely the classical justification that is given for the retributivist theory of punishment Northey finds so objectionable! It is the view that free, responsible humans, who choose evil, bring upon themselves the suffering of their punishment because they have chosen it freely by their criminal action.

At another point Northey says that God's wrath "is never an end, but a means of discipline, of abetting the peacemaking process with the offender." But what does this mean? What is the difference between

'punishment' and 'discipline'? No theory of punishment with which I am acquainted holds that retribution is an end in itself in the sense that the *suffering* itself is the good to be achieved. All of them see it as serving some moral purpose beyond the suffering or the pain, usually having to do with the restoring of the balance in the scales of justice. The question is, what moral purpose is legitimately served by punishment? What is the moral purpose of 'discipline' Northey is willing to accept? This is the heart of a theory of punishment.

In the end, it seems to me that Northey has to accept the centrality in the biblical context of the concept of divine punishment of evildoers. And, it seems to me also that he has to accept the legitimacy of punishment in the human context as well. The question is not whether punishment is legitimate from a Christian point of view, but rather *what kind of punishment is legitimate*, and *for what purposes*.

I want to say that the purpose of legitimate punishment is the restoration of the relationship between victim and offender. But it must be recognized that sometimes the victim of an offense is not an individual alone. Sometimes it is a whole group, and yes, sometimes it is the whole system of moral order itself, or the community, that is offended against. The question of what is required of the offender to restore the broken order or relationship is not always clear. Restoration of justice may also on occasion require *protection* of *potential victims* as well as protection of justice and moral order. The restriction of the liberty of offenders can be justified on these grounds — grounds that seem to me to be entirely consistent with the Christian principles Northey wants to uphold.

V. What About the State and 'Christian Anarchy'?

Another problematic area of Northey's paper for me is his appeal to what he calls "Christian anarchism." He does not spell out what exactly he means by this term, but he does tell us that all "justice systems throughout the world are... *ultimately illegitimate*," and he agrees with

Ellul that Christians should deny the exercise of all political power. What are the apparent implications of this anarchism?

One implication is that it seems to run squarely into Biblical passages like Romans 13, which appear on their face to argue that the exercise of political power by the state is ordained by God, and that punishment of offenders and maintenance of social order are legitimate functions for the state.

I must admit that I find Northey's exegesis of Romans 13 highly strained and unconvincing, making it say virtually the opposite of what the passage says on its face. The tone of the passage simply is not that of giving in to an unrepentant enemy, it is a call to recognize the *legitimacy of certain government functions*. This does not mean that the passage blesses *anything* governments do in the name of justice. The traditional misinterpretation of Romans 13 is that whatever governments do must be obeyed because they are ordained by God to keep order. It seems to me that the proper interpretation is that governments are authorized by God to do what is just, and only what is just.

One of the conclusions Northey draws from his "Christian anarchism" is that "The state... has no biblically legitimate right to give a punitive, retributive response to the wrongdoer (*especially where these responses are seen as final and ends in themselves*)."

Northey's interesting qualifier in this statement makes it hard to know what he means. As observed earlier, I know of no states that claim to make punishment an "end in itself." They all claim to be accomplishing some just end (deterrence, desert, rehabilitation, etc.). Does he mean to say that no state has the right to use violence on offenders? Does Northey mean to say that the state does not even have the right to mete out restorative forms of punishment of the types he himself would seem to advocate? What exactly does he see as the rôle of Christians *vis à vis* the state and the larger society which establishes and calls upon the legal system to protect its values and its order? Do they reject all of this? Do they try to influence it to find better ways of accomplishing these goals

more justly? Do they set up their own institutions to handle the resolution of conflict with offenders?

We need to know more from Northey how his "Christian anarchism" answers these questions. If his view is only that the kind of order which ought to be established in the Christian community, or the church, must not be founded upon the same structures of violence that typically characterize the state, then I would agree. But I cannot agree that the Bible lends its support to the idea that law, upheld by sanctions and discipline, is inappropriate for either the church or the state. In both, the maintenance of a community that reflects its moral values, whatever they are, requires rules and a system of discipline that motivates obedience to those rules.

Response to Conrad Brunk's *Response*

Conrad Brunk's Response was helpful to clarify what I was attempting to do.

His introduction of the theme "without the shedding of blood...." was enlightening. What Brunk says is reminiscent of René Girard's *Violence and the Sacred* (1977). It also would be of interest to read Girard's *Things hidden since the foundation of the world* (1987), in light of this footnote in Jacques Ellul's Jesus and Marx:

> Recently we have witnessed the appearance of a new interpretation grill [of the Bible] presented by René Girard in *Des choses cachées depuis la fondation du monde* (Paris: Grassett, 1978), a nonsacrificial interpretation of biblical texts. Rather than presenting merely another interpretation, Girard gives us a genuine method. Since it fits no ideological canon, I feel certain it will never attract notice or be taken into account by biblical scholars. (Ellul, 1988, p.86)

As a matter of fact, since that time, Girard's work has attracted the notice of several biblical scholars. One of these recently published a seminal study entitled: *Sacred Violence: Paul's Hermeneutic of the Cross* (Hamerton-Kelly, 1992). Another has produced an essay due to become an 'Occasional Paper' in our series where this work appears, entitled: "Scapegoats, The Bible and Criminal Justice" (Redekop). All of this material argues in the same direction as does Brunk.

Further, I appreciate Brunk's discussion of Christ's suffering as a turning on its head of the customary notion of vicarious suffering: God, the 'victim' *suffers* as 'offender'! This is reminiscent of a lecture I heard by Jürgen Moltmann at the *Vancouver School of Theology* the very week I

presented my paper at the NACPCR[1], in which he says that God's suffering in Christ is the overwhelming indication of his complete solidarity with all who suffer. Also, as Brunk likewise points out, Moltmann indicates that God vicariously steps in as 'offender,' while simultaneously being the 'offended,' such that forever more, at the very centre of trinitarian life, there is the cross. Finally, from this, there ensues the new birth, allowing for the potential of the new creation of all things. Solidarity, vicariousness, and the new birth all interrelate in Christ's suffering as 'offender,' while being nonetheless the victim (as God) of our sin.

I also appreciate Brunk's questioning what is the criminal analogue for repentance. He rightly observes that I do not spell out at all what should be expected of the offender to whom Christians are called to offer forgiveness. Am I not in fact denying legitimacy to a concept of mere forensic justification in the God–humanity relationship if not resulting in reconciled relationships (I agree with Driver that this otherwise is a legal fiction [1986]), while calling on Christians to do what I say God does not do: namely to declare offenders forgiven without asking for any kind of acts of repentance to demonstrate their contriteness?

One of the participants at the seminar asked me afterwards if I was not coming at this primarily as an offender advocate. That was a revealing question/observation. The answer is undoubtedly: Yes. And to a degree therefore, I have been unduly lopsided in my desire to challenge Christians to forgive the offender, while not being similarly concerned to challenge the offender to make amends to the victim. Victims' rights movements, as well as the development of projects known as V.O.R.P.'s (Victim–Offender Reconciliation Programs) and other victim-

1. February 28, 1989 was the date of Moltmann's lecture. It is available on cassette from the Vancouver School of Theology, 6000 Iona Dr., Vancouver B.C., CANADA, V6T 1J6.

oriented services have helped me appreciate the need for balance in this matter.[2]

I was, however, in general primarily directing my remarks to the church (Christian 'non-offenders,' at least technically before state law), rather than to offenders, as the state defines such.

Nonetheless, I since have thought of the following summary of Jesus' teaching which I believe helps in working through the issue of repentance and forgiveness:

> All injuries received are to be forgiven; *but forgiveness is of two kinds.* When the offender is a real 'brother', with whom sympathy and fellowship are normal, forgiveness means the restoration of intimacy, and must therefore be preceded by repentance and reconciliation, which in their turn may have to be led up to by rebuke [footnote references are: Matt. 18:15–17, 21–35; Luke 17:3f; Matt. 5:23f]. *The fact, however, that elsewhere universal forgiveness is demanded, apparently irrespective of reconciliation* [footnote references: Mark 11:25; Matt. 6:12 & 14f.], *seems to show that if the offender is an outsider with whom intimacy is impossible, even then the offense may and must be in some sense forgiven.* (Emphasis mine) (Cadoux, 1955, p. 33)

The author continues by mentioning Jesus in his response to Judas (Matt. 26:50; Mark 14:48f; John 28:22f), and more universally on the

2. In discussions with Melita Rempel, formerly of *Open Circle*, Winnipeg, and Wilma Derksen of the *Mennonite Reporter*, who has written a book about her daughter's murder (*Have You Seen Candace?, 1991*), I am learning even more about the necessity of giving full vent to victims' rage and pain.

Mort Macallum-Patterson also underscores this in: "Blood Cries: Lament, Wrath and the Mercy of God", (1987) and *Toward a Justice that Heals: the church's response to crime* (1988).

cross in response to those who crucified him (Luke 23:34). I tend to agree with Cadoux' drift here.[3]

At the very least, the response of the Christian is to demonstrate a willingness to forgive, and to present an active offer of forgiveness. The story of the Prodigal Son is an example of forgiveness proffered before any indication of repentance (Luke 15:11–32). Romans 5 states that "While we were still sinners" (verse 8) and "when we were God's enemies" (verse 10) — i.e. before any sign of repentance on humanity's part — Christ died for us, offered us forgiveness. The story of the woman caught in adultery (John 7:53–8:11) is another text where the act of forgiveness ("Then neither do I condemn you") appears without any indication of repentance. One can only presume that repentance at some point was shown by the woman. But it perhaps took place only after the word of noncondemnation was given. Though Jesus of course calls for appropriate acts of repentance in his injunction, "Go now and leave your life of sin" (John 8:11).

Also instructive are Paul's words in I Cor. 6 concerning Christians' offending others. It seems obvious that Paul strongly critiques the justice norms of his day in his comments in verses one and six especially

3. Mort Macallum-Paterson however contends:

> Furthermore, as I understand Jesus' word from the cross, his prayer, "Father, forgive them; they do not know what they are doing" (Luke 23:34) was not a declaration that he was willing to forgive those who were crucifying him. Instead it was a plea that God forgive them. That was to be the end of the matter, and whether or not Jesus was able to bring himself to forgive his assailants must remain a subject for speculation.
>
> We make an error of psychological insight if we lay on the victim or the survivor the faith expectation that they ought to forgive the one who injured, as if anything short of such forgiveness is somehow due to weakness of faith (1987, p. 24).

However, see comments immediately preceding and including the next footnote.

because of their retributive goal (Meurer, 1972, pp. 141–146). But Paul heatedly writes: "Why not rather be wronged? Why not rather be cheated?" (verse 7), presumably in the interests of encouraging Christians to seek peace, even if they receive no compensation, and gain no sense of 'justice' in amends being made. And Cadoux points out that in the early church this principle was applied equally to non-Christians:

> We have no references to Christians on their own initiative seeking in pagan courts for redress against pagan wrong-doers until the latter half of the third century. (1955, p. 106)

In other words, the early Christians' sense of justice led them to suffer loss, in the interests of making peace, even when they could have legally pressed for compensation.

I think therefore it would be safe to conclude that there is a kind of mystery here defying neat (theo)logical categories. "Which comes first, the chicken or the egg?" might appropriately be posed in this instance. It seems that the two actions, forgiveness and repentance, invariably are bound together, though questions of in which order, and after what time lapse, are not easily answerable.

It is, however, obvious that one cannot enter into the good of another's forgiveness without appropriate repentance, change of behaviour, etc. Psychologically, it just doesn't work otherwise. On the other hand, repentance may also not be readily forthcoming from the offender without demonstrated willingness to forgive by the victim, a willingness only perceived in the act or offer of forgiveness itself.

Once a woman approached me after a sermon I had preached on restorative justice. She was very upset with my call to forgiveness. Her husband and she had been in marriage counselling for a time, then he had finally left her. She soon learned that he was involved with another woman — something he had not even told either of their children. She felt that his behaviour — while he still claimed to be a Christian! — was so reprehensible that she could not remotely think of forgiving him. We agreed

in discussing this that forgiveness is not an *obligation* so much as an *invitation*: an invitation to freedom. In fact, the accent of the entire biblical law is on invitation rather than command. Seen in this way, the call to offer forgiveness is not onerous ("For my yoke is easy and my burden is light" Matt. 11:30). There may necessarily be a time lapse for legitimate rage, anger, hurt, etc., to be expressed and dealt with. That forgiveness however is ultimately necessary for a person finally to break free of the past is not only a profound Christian insight, but one which is echoed by victims everywhere.[4]

I agree with Cadoux' summary of the whole issue when he says: "All this is in one form or another a deduction from the sublime command: 'I say unto you, Love your enemies...'" (1955, pp. 33 & 34), and he proceeds to quote Matt. 5:44-48, referring as well to Luke 6:27ff. This command is not predicated upon a prior indication of repentance from the enemy.

I know this does not address questions about forgiveness, for example, by sexual abuse victims, especially when children are victims, and/or forgiveness where genuine power imbalances exist. While this consideration makes the issue much more complex, it does not, I believe, invalidate the above. To anticipate criticism from persons such as Marie Marshall Fortune,[5] to offer forgiveness, or to stand willing to forgive *is not remotely the same as offering oneself ongoingly as a victim to the abuser!* The victim of the abuse must be assured that the abuser has stopped the abuse, and will never repeat it, before willingly exposing oneself to the offender again.

Lest I still be misunderstood: the victim, and the wider church body, must ever hold in tension the need to stand ready to forgive, to offer forgiveness, and to forgive, *and* the need for the offender to stop the wrongdoing, to repent, and to indicate genuine acts of repentance. The

4. I have discovered this in personal interaction with many victims. Richard P. Fitzgibbons also wrote an illuminating article on this (1986).

5. See her *Sexual Violence: the Unmentionable Sin* (1983).

Matthew 18 passage is equally strong on both points. Any lessening of the tension in favour of one or the other pole — forgiveness or repentance — weakens, and even misses, the biblical thrust.[6]

Finally, as already indicated, I was addressing primarily Christians and the church in their response to offenders. (And yes, in this sense, I speak as an offender advocate). Christians can be under no illusions, I maintain, about their call to offer concrete forgiveness to offenders, regardless of the offender(s)' response. Certainly, however, on the other hand, forgiveness merely bleeds off into nothingness if the circuit is not completed by the offender(s)' making specific amends as indication of genuine repentance. But the former, I believe, should become operative, regardless of the latter. Otherwise, theologically, grace is conditional, which it is not.

As to Brunk's questions about my view of justice, I believe that biblical justice and peace are flip sides of the same coin, all but parallel in meaning, and separable only in abstract thought. I believe that Paul's injunction in Romans 12:18[7] concerns an act of justice as much as it does an act of peacemaking, as the rest of the passage implies. God is surely at peace regardless of the repentance of humanity. Likewise, surely justice prevails in the God–humanity relationship, regardless of human acts of amends-making (which is called, biblically, sanctification).

Ideally, nonetheless, repentance should follow the offer of peace or forgiveness. I therefore support V.O.R.P.'s emphasis on restitution and compensation. These are concrete symbols of repentance. Of course, they may not mean any such change of attitude either, even if dutifully agreed to and carried out. And they likely will not mean such if the demand for compensation and repentance originates primarily out of a retributive,

6. Howard Zehr's treatment throughout *Changing Lenses* (1990) keeps working at this balance.

7. "If it is possible, as far as it depends on you, live at peace with everyone."

punitive orientation: i.e. out of a desire to make another person 'pay,' to suffer, to experience pain.

This addresses the next question of Brunk as well: what place does punishment have? I am critical mainly of a notion of punishment which carries with it the connotation of *pain-delivery* as Nils Christie labels it (1982, p. 57). I am reacting, in my critique of punishment, to the sort of notions advanced by Anselm and St. Thomas Aquinas, which are fundamental to the idea of punishment prevalent in western criminal law. Hear Herald Berman on this, quoted in my original paper:

> 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.* (Emphasis in original; boldface mine) (1983, p. 183)

If this is not a view of punishment that puts almost the entire accent upon "... retribution [as] an end in itself", at least in terms of the offender's perception as the recipient of that punishment (*pace* Brunk: "No theory of punishment with which I am acquainted holds that retribution is an end in itself."), then I think we are playing with semantics. Granted, notions of specific versus general deterrence may be brought in to make the pill of this long-standing western theory of punishment more palatable. For instance, the execution of the murderer, which clearly is an absolute end to the specific offender, may be argued to serve a "moral purpose" (Brunk's wording) of general deterrence of other would-be murderers. Apart from the enormous volume of research material available contradicting the notion of the effectiveness of general deterrence, this still begs the question of the offender's fate, for whom punishment is THE END in a horribly final way.

I believe that, in theory and in fact, our western criminal law for nearly a thousand years, at least where the specific offender is concerned, has followed a notion of retributive justice which views punishment as legitimately an end in response to wrongdoing. This point was well illustrated in a discussion between a former British Columbia Attorney General and Peter Gzowsky on CBC's *Morningside*, about the parole of a particular terrorist. While the Attorney General conceded that the terrorist, who had been involved in bombings and sabotage, had likely been rehabilitated, she still should not have been paroled, he thought, on the grounds that she had not been sufficiently "penalized" for her actions. In other words, she had not suffered enough! He prefaced this by saying that Canadians needed to return to old-fashioned notions of justice, namely penalty. He was (likely unwittingly) merely echoing the theologians Anselm and Aquinas, as well as hundreds of years of theorizing in western criminal law, which calculatedly propose penalty, retribution, and punishment as a perfectly legitimate end or goal of justice.

Thus, I am reacting to societal notions of punishment which are based on the belief that pain itself (penalty etymologically comes from the Latin *poena* meaning pain) is a valid goal of a justice system. Certainly this is the implication of Anselm's and Aquinas' teachings, and is reflected in one of the goals of sentencing routinely given by judges.

Moule's statement about God's willing the "dire consequences that ensue on sin" (1990, p. 6)[8] is designed precisely to remove punishment from any realm of retributive justice altogether. It is like C.S. Lewis' idea in *The Great Divorce* (1946 & 1972) that there finally are only two kinds of humanity: those who say to God, "Thy will be done", and those to whom God says, "Thy will be done". I believe that Lewis catches the essence of

8. The full quote is given in my original paper.

God's justice at this point: *it is humanity who chooses heaven or hell*, for "No, there is no escape. There is no heaven with a little hell in it — no plan to retain this or that of the devil in our hearts or our pockets. Out Satan must go, every hair and feather" (1946 & 1972, title page). In other words, God as a Sentencing Judge is a valid concept *only insofar as God is seen to endorse a person's prior decision about heaven or hell.* No one goes to hell unwillingly. That is the key insight of Lewis' imaginative story of a bus ride from hell to heaven, with full permission for the passengers to enter and remain in heaven, provided they want to. But they don't want to (on heaven's terms)!....

Otherwise put, biblical punishment is not so much *prescriptive* as *descriptive.* "The wages of sin is death", for example, is not a forensic statement based on a divine penal code insisting upon death to all sinners! As in the Garden, humanity "shall surely die" in relation to God, self, others, and the cosmos, when engaging in sin. It is in the nature of things that this happens. It is descriptive of what will happen, not prescriptive of what must happen. The punishment is invariably contained in the very act of the sinner, not in God in response to the sin. "[One] reaps what [one] sows" is a descriptive proverb, not prescriptive sanction. Analogously, marital unfaithfulness carries within it the seeds of marriage dissolution. It is not externally imposed punishment, but part of the baggage of willful infidelity.

Whereas state legal codes monotonously are prescriptive about what are the 'dire consequences' of wrongdoing, with God, it is always serendipity: as in the case of the 11th-hour labourers receiving the same wage as all others, or the welcome home of the Wayward Son, or the forgiveness of the woman caught in adultery — or salvation offered us, enemies and sinners! This kind of justice is not, in Brunk's terms, "the classical justification that is given for the retributionivist theory of punishment Northey finds so objectionable!" Some other dynamic, wild and woolly, is at play here designed to disrupt even the normal course of effects of wrongdoing, and certainly set aside any sense of prescribed retribution!

If punishment was freely chosen by the state's offenders (as in rare instances it has been) we might be closer to the biblical understanding of punishment of evil. Not likely, however, for there is ever present in the Bible the untamable mercy of God, vigorously desirous of destroying evil, yes, but not the evildoer (even, perhaps when the evildoer wishes his/her own destruction). Even the "kings of the earth" enter the New Jerusalem at the end of the Apocalypse, after having been the Lamb's staunch enemies throughout the book, and having known punishment in the lake of fire. But that was not the end of the story! Some of the early church leaders even had hope that Satan too might one day be redeemed! Invitation to salvation and freedom seem the final words from God. Punishment is penultimate.

To summarize, state punishment rarely is redemptive, in experience or by design, and is, therefore, opposite to the serendipitous mercy of God.

I otherwise agree with Brunk's comments about punishment, and its purposes.

On the question of the Christian and the state, I stand by my earlier comments. I think it is the most natural way of reading the text. And it enjoys much contemporary support, as Yoder points out in his treatment of the passage (1972, pp. 193–214), and as indicated in allusion to some other treatments mentioned in my original paper. I might add that Jacques Ellul also follows this reading (1988, pp. 166–170[9]). I know that Brunk appreciates Ellul, in light of his quotations from him in his paper "Law and Morality: Tensions and Perspectives" (1982). But I also know

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9. Just as this was being prepared for publication, I read Jacques Ellul's *Anarchy and Christianity* (1991), written with due appreciation for Eller's *Christian Anarchy* (1987). Ellul concludes his comments on Romans 13 with:

> ... we need to relativize the (traditionally absolutized) formula that there is no authority except from God. Power is indeed from God, but all power is overcome in Christ! (p. 85)

This is quintessential 'anarchy' for Ellul and Eller.

that this reading goes against majority christendom's understanding ever since Constantine — as of course do most of my paper's arguments.

I grant that I have left quite undeveloped the implications of such an 'anarchic' position *vis à vis* criminal law. To have done otherwise is beyond the scope of the paper, and frankly beyond my own theorizing or practice. Eller is helpful, but certainly not the last word. Ellul is typically iconoclastic and tantalizingly elusive.[10]

Two of my readers of this paper and response, Prof. Loren Wilkinson, and Prof. C.F.D. Moule, suggested that my use of 'anarchy' is misleading and unhelpful. I agree that anarchy cannot mean a total rejection of the validity of all powers, structures, and orderings in society. Human society would fall into chaos without some social structure. What I believe the biblical teaching to say however is that all such entities must constantly be questioned, challenged, and denied any ultimate, absolute validity. That is Eller's and Ellul's thesis.

I find Lesslie Newbigin's comments instructive here:

> Our relation to the structures has to contain both the judgment that is inevitable in the searing light of the cross, and also the patience which is required of us as witnesses to the resurrection. We are not conservatives who regard the structures as part of the unalterable order of creation,... and who therefore suppose that the gospel is only relevant to the issues of personal and private life. Nor are we anarchists who seek to destroy the structures. We are rather patient revolutionaries who know that the whole creation, with all its given structures, is groaning in the travail of a new birth, and that we share this groaning and travail, this struggling and wrestling, but do so in hope because we have already received, in the Spirit, the firstfruit of the new world. (Rom. 8:19–25) (1989, p. 209. Incidentally, the biblical passage alluded to was instrumental in Ellul's conversion.)

10. Howard Zehr has worked at this in *Changing Lenses* (1990), while recognizing that there is still much more work to be done.

Let us therefore pursue the Christian vision in response to crime as patient revolutionaries, hopeful and caring towards everyone we encounter. Amen.

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