

Good Question: How to Deal with Criminals

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Is there a biblical principle behind the punishment of those who break the law?

Many evangelical Christians believe that when it comes to wrongdoers (or criminals), the state's first task is to make them suffer for the wrong they have done. Whether the lash, or exile from one's homeland, or a stretch on the rack, or exposure to public shame (*The Scarlet Letter*), or confinement in jail—or even the noose—punishment is expected.



Is there a Christian principle from which retributive justice is derived? Retributive justice did not arise from any Christian principle; almost every pre-Christian society dealt with wrongdoers by causing them pain. Even so, retributive justice is supported by biblical example.

In ancient Israel, God's commandments were the law of the land. Therefore, all wrongdoing (violating God's law) was a criminal offense for which the wrongdoers paid a penalty, often a shockingly steep one such as stoning.

Though it brings the good news of grace to sinners, the New Testament does not disavow the Old Testament way of punishing wrongdoers. The apostle Paul insists ([Rom. 13](#)) that God invested the state with a sword. And what is a sword for but to kill or to cause pain? Jesus said that we should render to the state what properly belongs to the state, and though he had taxes in mind, we might reasonably infer that giving the state the job of punishing wrongdoers is one way of giving the state its due.

Jesus implied—did he not?—that God gave Pilate the authority to execute wrongdoers, even when, as in Jesus' own case, he had an innocent person on his hands. It seems, then, that the New Testament grants the state the right to punish wrongdoers.

Even the cross of Christ seems to support retributive justice—that is certainly implied in the doctrine of substitutionary atonement. At the cross, God was punishing Jesus for the sins of the world. God's justice required a penalty from sinners and, in his unspeakable love, he paid the penalty himself in the person of his crucified Son.

This, in brief, seems to be the kind of biblical insight that lies behind the conviction that the state's task is to make wrongdoers suffer a fair penalty.

The matter gets sticky, however, when we ask practical questions about the state's competence to punish justly. There are no objective standards for measuring the amount of pain that will match the offense. How to measure the pain of falsifying records to deceive shareholders of an Enron?

What is more, our justice system works so badly that, for too many citizens, it serves *neither* justice *nor* reform. Locking violators (especially young ones) in our overcrowded prisons almost guarantees that they will come out worse than when they went in.

Restorative justice may be the "more excellent way." Restorative justice is not a replacement of retributive justice, but a complement. It seeks the rehabilitation of the wrongdoer and the repair of the victim's injury. The model for restorative justice may be the way that the apostle Paul urged on the Galatian church: **"If a man be overtaken in a fault, you who are spiritual, restore such a one in a spirit of meekness" (Gal. 6:1).**

By the way he conducted South Africa's Truth and Reconciliation Commission, Archbishop Desmond Tutu demonstrated how restorative justice can work when a just retribution is all but impossible to achieve—and when punishment would cause double damage if it were attempted. The wrongdoers paid the heavy penalty of facing the truth. Their victims paid the price of extending forgiveness. And—to an extent we cannot measure—the truthful wrongdoers were restored and the victims were satisfied.

We need jurists who have a passion for reconciliation as well as a respect for punishment. We need jurists with the wisdom to conceive of new ways of dealing with young offenders, ways that hold them accountable but that also offer them a possibility of being restored as responsible members of society and restored to a better life for themselves.