Word & World
Volume 38, Number 4
Fall 2018

Criminal Christianities

David A. Creech

Introduction: Oddity of Visiting Prisoners in Matthew 25

As Matthew wraps up the final teaching section of his Gospel, he concludes with a parable that though now familiar contains a host of peculiar features. In Matt 25:31–46, Jesus famously describes the final judgment when the Son of Man returns in his glory to judge the nations.[1] The Son of Man sits on his throne of glory and separates people as a shepherd separates sheep from goats. The sheep go to the right and are welcomed into glory and the goats are condemned to the left and sentenced to eternal agony. The decision is based not on right beliefs but on simple practices.[2] Four times exhortation to the same six activities are repeated:

[1] Here we do well to note that the *nations* (τὰ ἔθνη) are judged. Often the acts of charity (or lack thereof) are read individually, but here Jesus is concerned about the practices of groups of people. Ulrich Luz (*Matthew 21–28*, Hermeneia [Minneapolis: Fortress Press, 2005], 265) suggests that individual judgment is intended, but he does not supply evidence for the claim.

[2] Here again, pause is welcome. While many contemporary debates revolve around orthodoxy (right thinking), in this text Jesus is primarily concerned with orthopraxy (right doing). While in general the Matthean Jesus seems more concerned with right practice (see, e.g., Matt 5:17–20; 28:16–20), not too much should be made of this distinction—elsewhere in Matthew Jesus is very clearly concerned with right thinking too (see, e.g., Matt 16:13–20).

Early Christian sources often comment on the need to visit and care for those who are imprisoned, as it is very likely that this was an all-too-frequent experience for the followers of Christ in the early church. Christians saw the very real need of providing for those of their community who were imprisoned for their Christian faith.

feed the hungry, give drink to the thirsty, welcome the stranger, clothe the naked, take care of the sick, and visit those in prison.[3] The sheep unwittingly engaged in these practices, the goats did not.

The abiding relevance of the teaching in our time should be self-evident. I want to linger, however on the last exhortation, namely, to visit those in prison. The first five in the list make good sense and have a certain logical coherence. Moreover, the first five activities are attested widely in Second Temple Jewish literature. But the call to visit prisoners "appears seldom."[4] This final criterion, visiting those who are in prison, then, appears to be a fairly uniquely early Christian ideal. Why might this be the case? And how is it that Matthew could have seen the practice related to care of basic needs?

Imprisonment and Care for the Detained in the Roman Empire

The answer to the second question lies is a deeper understanding of the nature of detainment in the Roman Empire. Although modern translations nearly universally translate ἐν φυλακῇ as "in prison," it is perhaps better to read the phrase as "under watch."[5] This change in terminology is no small matter; the image that *prison* conjures in our contemporary mind would be quite foreign to Matthew's ancient audience. Put simply, in the first and second centuries of the Common Era, there is no real analogue in the Roman Empire to the contemporary use of long-term detention as punishment.[6] Instead, the more common practice was temporary detainment until the decision about punishment was made. Such detainment could take place in a variety of locations: the accused's home, a room in a public building, a cave or a pit, and so on. In any case, these were not full-serve, long-term detention sites. All that was needed was a secure place and guards to keep the prisoner contained. If after the trial the accused was found guilty and the crime was severe (but not severe enough for immediate execution), long-term punishment often took the form of exile for the elite and hard labor, presumably to death, for the non-elite. In short, there did not exist some form

[3] See Matt 25:35–36, 37–38, 42–43, and 44.

[4] Luz, *Matthew 21–28*, 278. On the first five activities, see, e.g., Job 22:6–7; Isa 58:7; Ezek 18:7, 16; Tob 1:16–17; 2 Enoch 9:1.

[5] A quick survey of all the major translations (NRSV, NIV, NASB, KJV) and some of the not so major (NLT, ESV, *The Message*) reveals that all use *in prison* for ἐν φυλακῇ. Here it also should be noted that the major lexicons (LSJ, BDAG, EDNT, and TDNT) also identify *prison* as a legitimate translation for φυλακή.

[6] One of the challenges to reconstructing Roman practices of detention is the anecdotal nature of our sources. Very few speak about the practices in any sort of systematic way. Instead, we have assorted stories of crimes and their punishments. It is not until Justinian (sixth century CE) that the Roman punishments are clearly codified. Some of the better treatments of Roman law and punishment include Richard J. Cassidy, *Paul in Chains: Roman Imprisonment and the Letters of St. Paul* (New York: Crossroad, 2001); Peter Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford: Clarendon, 1970); Glanville Downey, "'Un-Roman Activities': The Ruling Race and the Minorities," *Anglican Theological Review* 58, no. 4 (1976): 432–43; Tobias Nicklas, "Ancient Christian Care for Prisoners: First and Second Centuries," *Acta Theologica* 36, suppl. 23 (2016): 49–65; Brian Rapske, *The Book of Acts and Paul in Roman Custody* (Grand Rapids: Eerdmans, 1994).

of a "prison-industrial complex" wherein the government housed and cared for prisoners long term.[7]

The image that prison conjures in our contemporary mind would be quite foreign to Matthew's ancient audience. Put simply, in the first and second centuries of the Common Era, there is no real analogue in the Roman Empire to the contemporary use of long-term detention as punishment.

While those detained waited for their trial and sentence, they were dependent upon the kindness of others, usually friends and family, to make sure that they had their basic needs met.[8] This is perhaps one of the occasions for Paul's letter to the Philippians—while in prison they had sent him financial support to sustain him and he wanted to thank them for their generosity (see, e.g., Phil 1:7; 4:10–20). In the early second century, Ignatius, the bishop of Antioch, too seems to have had support from local Christians as he made his way from Antioch to Rome in chains.[9] In his letter to the Ephesians, Ignatius gives thanks to Crocus as one who reinvigorated him "in every way."[10] This presumably includes meeting his physical needs. It is the Syrian satirist Lucian of Samosata who perhaps gives us the best look at this practice. Writing in the middle of the second century, Lucian lampoons a man he calls Proteus, who he believes to be a liar and a charlatan. At one point in the short literary assault, Lucian briefly describes the following episode in which visitors brought food and provisions to sustain Proteus while he was detained:

> Then at length Proteus was apprehended for [becoming a Christian] and thrown into prison. . . . [W]hen he had been imprisoned, the Christians, regarding the incident as a calamity, left nothing undone in the effort to rescue him. Then, as this was impossible, every other form of attention was shown to him, not in any casual way but with great assiduity; and from the very break of day aged widows and orphan children could be seen waiting near the prison, while their officials even slept inside with him after bribing the guards. Elaborate meals were brought in, and sacred books of theirs were read aloud.[11]

From this short discussion, it should be clear why Matthew and his audience would have seen visiting those who were detained as a natural connection to the

[7] In the United States we tend to use the term *jail* to refer to a place for short-term detention and the term *prison* to denote a place for long-term detention. At the very least, the former is a better analogue for φυλακή than the latter.

[8] Luz, *Matthew 21–28*, 278. For more extended discussions on this dynamic, see Cassidy, *Paul in Chains*, 43–51 and Rapske, *Book of Acts*, 209–19.

[9] See Nicklas, "Ancient Christian Care," 57–59.

[10] Ignatius, *To the Ephesians* 2.1 (Ehrman, LCL).

[11] Lucian, *The Passing of Peregrinus*, 12 (Harmon, LCL).

other five exhortations that speak to meeting fundamental human needs. People under watch were dependent upon others for survival, and there were norms in place for friends and family to ensure that their basic needs were addressed. With the second question answered, attention can now be given to the first, and perhaps thornier, question: why does Matthew include visiting those who are under watch in this list of essential practices?

It should be clear why Matthew and his audience would have seen visiting those who were detained as a natural connection to the other five exhortations that speak to meeting fundamental human needs. People under watch were dependent upon others for survival, and there were norms in place for friends and family to ensure that their basic needs were addressed.

Criminality in the Early Decades of the Jesus Movement

The simple, and obvious, answer is that followers of Jesus were detained frequently.[12] This conclusion is supported not only by the odd list in Matthew 25 but also by many references in the New Testament and beyond. Paul writes in 2 Corinthians 6:4–5 of he and his coworkers, "as servants of God we have commended ourselves in every way: through great endurance, in afflictions, hardships, calamities, beatings, imprisonments, riots, labors, sleepless nights, hunger." In 2 Cor 11:23, Paul goes so far as to list his many detentions among his credentials that prove that he surpasses other ministers of the gospel. One might be tempted to attribute Paul's frequent time under watch to his prickly and combative relationship to authorities (see, e.g., Gal 1:10–2:10) but there is ample evidence of many who followed the Way being detained. In Mark 13:9–13 (par. Matt 10:16–23 and Luke 12:4–12) Jesus warns his followers of trials before governors and kings. Acts narrates the detainment of followers of the Way at numerous points (see, e.g., Acts 5:17–21; 12:1–19; and 16:16–40). Evidence of confinement is not limited to the New Testament. As already seen, the bishop of Antioch, Ignatius, was led in chains to Rome in the early second century. Also already discussed was the experience of Proteus and the Christians who supported him in the middle of the second century.

But was early Christian behavior *criminal*? Had Christians engaged in crimes that merited punishment? Two episodes in the early years of the movement invite deeper reflection. The first is the great fire that consumed much of the city of

[12] Luz, *Matthew 21–28*, 278, elaborates, "Could this [concern for those under watch] be a situationally occasioned impulse that was important for early Christianity? Christian missionaries could especially reckon with the possibility of being imprisoned but not only they. . . . Help from the churches was especially important for Christian itinerant missionaries who had no family members nearby."

Rome in the summer of 64 CE. In book 15 of his *Annals*, Tacitus describes a great conflagration in which only four of the fourteen regions of the city "remained intact."[13] Since Nero had long before begun his descent into a narcissistic madness and in the wake of the fire set out to build a new capital in his own name, a rumor arose that he himself had started the fire. Nero attempted to quell the rumor by opening his lands to displaced people and by engaging in rebuilding efforts using his own personal funds. Lavish rituals and banquets were celebrated. None of this worked to eliminate the suspicion that Nero was behind the disaster. Here we pick up Tacitus's report:

> Therefore, to scotch the rumor, Nero substituted as culprits, and punished with the utmost refinements of cruelty, a class loathed for their vices, whom the crowd styled Christians. . . . First, then, the confessed members of the sect were arrested; next, on their disclosures, vast numbers were convicted, not so much on the count of arson as for hatred of the human race. And derision accompanied their end: they were covered with wild beasts' skins and torn to death by dogs; or they were fastened on crosses, and when daylight failed were burned to serve as lamps by night. Nero had offered his gardens for the spectacle, and gave an exhibition in his Circus, mixing with the crowd in the habit of a charioteer, or mounted on his car. Hence, in spite of a guilt which had earned the most exemplary punishment, there arose a sentiment of pity, due to the impression that they were being sacrificed not for the welfare of the state but to the ferocity of a single man.[14]

For the purposes of the present argument, what is striking is that not only did Nero have an identifiable group of people to blame for the fire, the crowds also found such an accusation credible. In other words, the Roman populace found it plausible (even probable?) that Christians could have been responsible for the fire. This suggests that perhaps some early Christians were in fact engaged in criminal behaviors—why else would they be singled out and why would the crowds believe the accusations to be true?

In the early decades of the Christian movement, many followers of the Way operated on the margins and challenged the norms of society. Their founder was a convicted criminal subjected to capital punishment. As we saw above, one of their earliest and staunchest proponents boasted of his many detentions. As the eminent historian W. H. C. Frend writes, "The Christians tried to subvert family life and traditional institutions and were not prepared to give any recognition whatsoever to pagan rites or respect for the *genius* of the emperor."[15] To put it more starkly,

[13] Tacitus, *Annals* 15.40 (Jackson, LCL). Tacitus writes, "four remained intact, while three were laid level with the ground: in the other seven nothing survived but a few dilapidated and half-burned relics of houses."

[14] Tacitus, *Annals* 15.44 (Jackson, LCL).

[15] W. H. C. Frend, "Martyrdom and Political Oppression," in *The Early Christian World*, ed. Philip F. Esler, 2 vols. (New York: Routledge, 2000), 2:819.

early Christians very likely could have been seen by so-called upstanding Romans "as a troublesome and potentially dangerous minority in an empire that was full of un-Roman minorities and strange people."[16]

> *In the early decades of the Christian movement, many followers of the Way operated on the margins and challenged the norms of society. Their founder was a convicted criminal subjected to capital punishment.*

The second episode will further elucidate this assertion. Between 110 and 112 CE, Pliny the Younger was sent to Bithynia-Pontus by the emperor Trajan to govern. While in Pontus, Pliny encountered trouble with local Christians. In book 10.96 of his *Letters*, Pliny writes to Trajan seeking advice. He writes,

> [In regards to punishment of Christians, I am not sure] whether a pardon ought to be granted to anyone retracting his beliefs, or if he has once professed Christianity, he shall gain nothing by renouncing it; and whether it is the mere name of Christian which is punishable, even if innocent of crime, or rather crimes associated with the name.[17]

There is considerable debate as to what crimes Christians may have been guilty of. Some options include treason (*maiestas*), general contumacy, participating in banned societies, and practicing superstition or atheism. For the purposes of the present argument, it should be simply noted that there were crimes (*flagitia*) associated with the name. That is to say, fairly or not, Christians were perceived to be criminal. Moreover, according to Pliny, illicit Christian practice also had financial effect on the province. Later in the same letter to Trajan, Pliny reports that as a result of his crackdown, "the sacred rites which had been allowed to lapse are being performed again, and flesh of sacrificial victims is on sale everywhere, though up till recently scarcely anyone could be found to buy it."[18]

Concluding Reflections

In short, evidence from the late-first and early second centuries suggests that Christians engaged in criminal behavior. The exhortation in Matthew 25 for followers of Jesus to care for those in prison is not as peculiar as it might seem at first glance. It was needed because detention of Christians was common enough and because while under watch, in the absence of a system to care for

[16] Downey, "Un-Roman Activities," 433. Christian danger to society may be implied in 1 Peter 4:15, where the author reminds the audience, "But let none of you suffer as a murderer, a thief, a criminal, or even as a mischief maker." The need for such a reminder implies that there were, in fact, Christians who were suffering on account of their criminal behavior.

[17] Pliny, *Letters* 10.96.2 (Radice, LCL).

[18] Pliny, *Letters* 10.96.10 (Radice, LCL).

fundamental needs like food and water, detainees needed basic support to ensure their survival.

The exhortation in Matthew 25 for followers of Jesus to care for those in prison is not as peculiar as it might seem at first glance. It was needed because detention of Christians was common enough.

This brief survey of early Christian criminality invites further reflection on various forms of incarceration in the United States today.[19] While the context, as noted throughout this article, is distinct, the contours of early Christian criminality raise several compelling issues for the church in the United States. Although many more connections could be discussed, by way of conclusion, consider these three:

1. The criminal justice system in the United States disproportionately punishes marginalized communities. People of color are especially disadvantaged by a flawed system that does not value black and brown bodies and views them as a threat.[20] Here it would be useful to reflect on the criminalization of disenfranchised and marginalized people. The question is pretty straightforward: How do people in power define criminality and use it to maintain their privilege? While it is an imperfect first step, can our general appreciation for the early Christian movement (which helps us read their criminalization in the Roman Empire sympathetically) be used as a model to build empathy for those who are marginalized and disenfranchised today on account of a broken criminal justice system?
2. Related, as black theologians have helpfully noted, white theology is severely limited when it comes to grasping fully the Christian message.[21] The gospel emerged out of an oppressed community, which many white theologians simply cannot access. The experience of disproportionate incarceration in black communities gives theological insight that white Christians would do well to listen to and learn from. Greater attention to the voices and concerns of black and brown pastors and theologians, especially with regards to the criminal justice system and the violence done to black and brown bodies, is very much needed. Black lives do indeed matter.

[19] For data and bibliography on contemporary criminal justice practices in the United States, the ELCA's "Social Statement on The Church and Criminal Justice: Hearing the Cries" (2013, https://tinyurl.com/ycleawhh) is a good place to start.

[20] On this, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, rev. ed. (New York: New Press, 2012). Ta-Nehisi Coates's troubling 2015 essay, "The Black Family in the Age of Mass Incarceration" is now available in Ta-Nehisi Coates, *We Were Eight Years in Power: An American Tragedy* (New York: One World, 2017), 223–81.

[21] Argued seminally and forcefully in James Cone, *A Black Theology of Liberation* (Maryknoll, NY: Orbis, 1986).

3. Finally, and not explicit in this argument thus far, so many of the stories of detention that survive are centered on leaders of the nascent Christian movement. Peter, Paul, Ignatius of Antioch, Proteus, and Perpetua (sadly not discussed in this article) were all leaders in the movement and benefited from various intersections with privilege. The church was defined in part by their criminality and their unwillingness to submit to the rules of an unjust empire. Where are the church leaders today who will stand up against the unjust uses of power, even if it means risk to one's status? Can the church again be identified with the criminal? ⊕

DAVID A. CREECH is assistant professor of religion at Concordia College, Moorhead. Prior to his work at Concordia College, he was director of Hunger Education for ELCA World Hunger.