

Reflections on Punishment and its Context

A sermon preached by the Revd Dr Mark Butchers, Vicar of St Peter's Wolvercote on Sunday 23rd August 2009

As we all know, the Scottish Justice Secretary has this week set the cat amongst the pigeons, with the release of the Libyan man, Mr Al Megrahi, found responsible for the Lockerbie bombing. Was it right to do so? Was it right to show compassion to a dying man? Or should Mr Al Megrahi have died in prison on the grounds that he showed no compassion to his victims? Difficult questions. And there are wider ones as well.

How do we deal with terrorist atrocities in a way which takes seriously the evil within them, acknowledges the hurt of the victims, does not fuel further attacks and even takes account of the grievances of the terrorists? Do we seek to punish, retaliate, deter? Or do we turn the other cheek?

As you know, I am the father of two children, now both growing up – Anna is now 20; Joe will be 18 on Tuesday. Like all parents I've known the importance of setting rules and boundaries. I've known how vital that is for the good of my family, for my own sanity, for the education of my children. I have wanted them to grow up with respect for others and aware of their responsibilities as well as their rights. The only way to do that, I feel, has been to have some rules and boundaries. But sometimes they broke the rules and what do you do then? If the rules were to mean anything, I could not ignore that, I had to act. That meant that the threat of punishment and sometimes punishment itself were inevitable - not physical, because I do not believe in that, but certainly the deprivation of pocket money or privileges. Only thus could the boundaries retain their meaning and lessons be learnt.

So I believe, sadly but inevitably, that punishment has its place, and I believe that to be true, not just at a family level, but at the level of social and international relations as well. Offences cannot be ignored.

At the same time, though, punishment within a family has or should have a context. It is not done in isolation, but within a relationship of trust, acceptance and love. That relationship is vital if punishment is to have its intended effect, namely my children developing an understanding of what is acceptable and what is not, and an awareness of their responsibilities towards others.

Context is everything. What I want to suggest this morning is that what is true of a family is no less true of society and of international relations. If, as sometimes we must, we punish those who break the law, that punishment must be set in a wider context.

I will come back to what that might mean in a moment, but first I want to offer a theological reflection. I am not sure that the Western theological tradition has served us well in putting punishment in a wider setting. For much of the last 1000 years the dominant interpretations of Christ's death on the cross have been tied up with lawcourt notions of the payment of a debt or the punishment of an offence. His death has been seen by some as a voluntary satisfaction of a debt owed to God by humanity because of our sins; by others it has been interpreted as a punishment due to us because of our sins, but taken by Christ in our place. Neither interpretation speaks to me. The particular point I want to make, though, is that the almost exclusive focus on the cross in Christian salvation, coupled with lawcourt interpretation of it, has blinded us to the context in which the cross is set, namely resurrection, new life, healing. I believe that only when we become aware of that larger picture will we come to a fuller understanding of Christ's death. As it is, we have often failed to see the wood for the tree.

Now this does not have merely theological implications. In a book published in 1996, *God's Just Vengeance*¹, Timothy Gorringer argued the case for an intrinsic link between the cross, seen as payment of debt or punishment, and harsh penal codes. Such interpretations of the cross, he suggests, have given a pseudo divine sanction to retributive justice. As Christ paid our debt to satisfy divine justice, so too criminals must pay theirs to restore a just balance in society. As Christ took the punishment we deserved, so too must criminals receive their just desserts. The criminal became the paradigm of the sinner, such that the supposedly deserved harsh treatment of the sinner sanctioned the retributive justice meted out to the criminal. Edwin Muir's image in his poem *The Incarnate One* speaks volumes:

See there King Calvin with his iron pen,
And God three angry letters in a book.²

Context is everything, but Western theology has largely failed to provide one for the cross; and that failure has underpinned the separation of punishment from its own proper setting. Just as we make the cross meaningless without the resurrection, so too we drain punishment of all creative purpose when we isolate it from healing, reconciliation and reformation.

I have neither the time this morning nor, more particularly, the expertise, to draw out the implications of this for the punishment of criminals. But I do believe there is an issue here to be addressed: does our penal system have the resources, and the will, to make punishment the means to an end, as it is in a family, rather than an end in itself? How can we take account of the reflections of an American Judge, Dennis Challeen, who wrote in 1986?

We want (prisoners) to have self worth...
So we destroy their self worth.
We want them to be responsible...
So we take away their responsibilities.
We want them to be positive and constructive...
So we degrade them and make them useless.
We want them to be non-violent...
So we put them where there is violence all around.³

But let me come back to terrorist atrocities. How are we to respond to them? What I have been suggesting is that bringing terrorists to justice and to punishment is important, but not enough. Just to punish fails to take account of the resurrection. It fails to seek a future.

For that, for a future, much wider actions are necessary, much harder ones. Flexing military muscle to arrest, or more likely to destroy, is an easier option than the other things we should be doing as well: costly introspection into why we are hated so; long-term commitment to the cancellation of debt and a genuine sharing of the world's resources; the willingness to listen to the riches of the other's insights – in short some of the values which make families work at least tolerably well: respect, acceptance, awareness of our own fallibility, a concern for the well-being of the other family members which leads us to make sacrifices ourselves.

Such, for me, is the content of the wider context I have been alluding to. It is, I think, not unrelated to what Jesus meant by loving our enemies and praying for those who persecute us. And, a false reading of the Bible though I know this to be, maybe to turn the other cheek is to turn our head so that we can gaze in new directions in search of fresh perspectives on our enemies, on their view of us and our treatment of them.

Seek justice, yes, punish, yes, but let us not neglect further action that is creative, hopeful, transformative.

And Mr Al Megrahi? Well perhaps the act of compassion which brought about his release is also part of this wider context. In that compassion, perhaps we can glimpse the possibility that the cycle of atrocity, punishment and vengeance can be broken and transcended by a higher value – just as the cross was transcended and transformed by the light, life and healing of resurrection. Amen.

References

- 1 T Gorrige, *God's Just Vengeance*, Cambridge, CUP, 1996
- 2 E Muir, *The Incarnate One*, Collected Poems, London, Faber, 1960
- 3 D Challeen, *Making it Right: A Common Sense Approach to Criminal Justice*, Aberdeen, S.Dakota, Melius and Peterson, 1986