

In the New Testament there seems to be a conflict between the demands of Jesus and the demands of the state. Love is set forward as transcending the law, but law-breaking is not encouraged.

All of this is not to lose sight of the lessons from sociology: the volume of crime is related to poverty, unemployment, bad housing and overcrowding rather than the punitive measures of the courts. If a community allows these social evils, it must bear responsibility for the results. The adage of the Rome Congress of 1885 is still true - that societies have the criminals they deserve.

This chapter appeared in the Master of Ministry and Theology dissertation of Terry Nowell in 1993 to the University of Sheffield

Hoyles, J Arthur Punishment in the Bible. London: Epworth Press, 1986.

Terry Nowell has worked as a Methodist Minister in Derbyshire, Lincoln and Nottingham, and retired as a part-time chaplain at Lincoln prison in December 2017.

*He was appointed as editor to Justice Reflections in March 2007.
He can be contacted at terry@nowell-family.me.uk*

From the UK

A CONSIDERATION OF PUNISHMENT IN THE BIBLE: J ARTHUR HOYLES

by Terry Nowell

Arthur Hoyles was a Methodist minister and was for twelve years Superintendent of Methodist Prison Chaplains.

The book considers punishment in both Old and New Testaments, and a third section looks at biblical insights and penal history.

Part one begins by considering punishment as vengeance. Hebrew penology is studied in the light of the theological presuppositions to which it is related. So Hoyles suggests "that the theological basis of punishment in the tribal era is the covenant between Yahweh and the chosen people". In other words, divine protection and prosperity are offered in return for loyalty and devotion. Laws are laid down to help this process and they fall into one of two types:

apodictic - 'You shall not...' - usually from Yahweh, and

casuistic - 'Suppose a man does...' - usually from the Canaanite law.

In this way both cultic and secular laws are combined.

The Decalogue ties the criminal law to the covenant, with the first five commandments concerning allegiance to Yahweh, and the second five concerning offences against members of the community.

Enforcement of the law is the responsibility of the community, taken up first by the head of the family, and later the elders. Punishments are examined in detail - revenge is limited and controlled, whilst an individual offender could be sacrificed for the safety of the community. The aim of this penal provision is to propitiate Yahweh. Hoyles highlights the problem of how the crude penalties of the early Israelite code can be reconciled with the radical ethic of Jesus.

A chapter on justice follows.

The goodness of the creator God is seen in his treatment of his people - goodness brings prosperity, while wickedness brings adversity.

Criminal justice is based upon this pattern of divine justice. The king is seen as God's representative on earth and should be the protector of the underprivileged. The king's fitness to rule is gauged by his ability to administer justice and equity.

In looking at punishment and reconciliation, the theme of God's mercy is emphasised - the circle of revenge is broken by an act of mercy, as in the sparing of Noah, or Sodom and Gomorrah. The prophets, and especially Isaiah, see punishment as part of the saving activity of God, but after the exile the emphasis moves to reconciliation.

Hoyle reminds us that imprisonment was little used in the Old Testament and when it was it was usually as detention on remand rather than as a sentence in itself. In a city of refuge, the person who had killed was to remain for a fixed term, presumably to allow the anger of the victim's family to abate, and also to cleanse himself ritually.

The second part of the book considers punishment in the New Testament and first contemplates the radical ethic of Jesus. If love is at the centre, is there a place for punishment? Laws are needed and the religious and political aspects of society have to be separated. Certainly the view of Jesus on forgiveness goes far beyond human standards. For example we see the unnamed woman taken in adultery is restored in much the same way as Adam. She is accused before men, has broken the commandment of God and is about to be put to death. The woman is a pawn in the hands of the lawyers yet Jesus sees her as a person to be restored. He accepts her, allows the crowd to confront their own hypocrisy and be ashamed: 'Has no-one condemned you..... Neither do I - go and sin no more' (John 8: 10,11). In this story we see a person who had come to terms with herself under the healing touch of Jesus who reveals the same God.

The concept of God as a punisher of the wrong-doer and the rewarder of the virtuous is challenged by the concept of God as a father who loves his children even when they do wrong. It seems that the ethic of Jesus flows from a God who shows mercy. The Bible always offers a new start in its attitude to life. We may be cut off from God and man but not forever. There is a healing in terms of a restored relationship with God and man. For example, Abraham faced with the imminent destruction of Sodom (Genesis 18); David rebuked by Nathan for his adultery and murder

(II Sam. 12). The Old Testament has many such accounts and they extend into the New Testament, for instance in the appearance to Peter after he had denied his Lord (John 21).

The Sermon on the Mount shows parallels between the old law and the new, and speaks of a new relationship between God and man. The lex talionis is replaced by non-resistance - and is the love of one's enemies a recipe for anarchy?

If the answer is that Jesus is talking of a future era, then Manson, Hoyle reminds us, states that the demands are for now. But are the demands only for the followers of Jesus or for everyone?

And the attitude of Jesus to the law is debatable - he befriends lawbreakers. He is on the receiving end of punishment himself - but his strategy is to absorb evil, to bear the burden of sin.

The dilemma of Christian ethics is that on the one hand Christ teaches the fatherhood of God and love for sinners, and yet on the other hand there is judgement, condemnation and punishment. Surely, divine mercy and divine judgement are inseparable. In the parables Jesus likens God to a judge - God is constant in forgiving the sinner, while not approving of the sin.

The final part of the book considers biblical insights and penal history.

What is the relevance of biblical insights in the penological debate?

The ethical principles of the Old Testament form the background to the development of penal systems. The Christian citizen can warn and criticise the state on the basis of biblical teaching without claiming instant solutions.

Then there arises the question of criminal responsibility: is the individual responsible for wrong-doing or does the community carry some of the blame because of social conditions? Biblical teaching seems to suggest that the individual is answerable for his crime but society must share some of the blame - the sins of the fathers are visited upon the children. Ezekiel seems to suggest individual responsibility, but communal responsibility is involved whenever there are exploited minorities. The parable of Dives and Lazarus shows a sick society when Lazarus is at the gate and Dives feasts sumptuously every day. J B Phillips in his translation of Luke heads this parable 'Jesus shows the fearful consequences of Social Injustice'.