

On Punishment and Mercy

Given enough time and favorable circumstance, someday I want to write a book on punishment and what's wrong with it. I'm inclined to agree with Karl Menninger, who wrote *THE CRIME OF PUNISHMENT*. The role punishment plays in people's hearts and minds, and in our world at large, is very disturbing.

What got me thinking about this was a recent H-T editorial headlined, "Mercy should be denied to man who showed none." The editorial opposed granting the request for clemency of a man who committed a horrible murder twenty years ago. The editorial concluded, "Mercy for him would mock the seriousness with which this crime must be treated. Clemency should be denied."

Whatever the merits of the case for clemency, the argument of the editorial effectively misconstrued the meaning of mercy. Mercy is not something extended to another only if that person has some claim upon it. Quite the contrary! Mercy is a gift, an undeserved act of grace or forgiveness. And to be merciful is hardly to be indifferent to the outrages of human cruelty. Rather, it is to transcend the rule of eye for eye and tooth for tooth, in pursuit of a world not condemned to the rule of retribution. In the words of Jesus in the Gospel of Matthew, "Blessed are the merciful."

Or perhaps you prefer Shakespeare. In *THE MERCHANT OF VENICE*, which I remember from ninth grade, Portia declares, "The quality of mercy is not strain'd, It droppeth as the gentle rain from heaven Upon the place beneath. It is twice blest: It blesseth him that gives and him that takes."

If you understand the meaning of mercy, and really believe in it, then you must recognize that it can only be extended –without compulsion– to those who have no claim to it and do not deserve it.

As for whether convicted criminals who have committed serious crimes should ever be granted clemency, there is no compelling reason to lock up anybody who poses no continuing threat to self or society greater than that of the ordinary person. This is hardly an easy judgment to make, but it should be a guiding principle. There may be good reason to require restitution or other efforts to make amends, but there is nothing blessed in locking people up to demonstrate our outrage at their offenses. Our propensity to punish does nothing to elevate the human condition.

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