

The Trouble with Punishment

As a Christian, I've long thought that the infliction of punishment is incompatible with a God of love, or with the Christian love ethic. Punishment, I believe, has no proper place in human affairs.

Why not? Punishment connotes an intention to inflict harm or suffering on another. It exceeds sanction or penalty. It smacks of ill-will. When we say that punishment should fit the crime, we usually mean that it should impose a burden of pain or suffering equivalent to that inflicted by the crime itself. Yes, crimes call for appropriate sanctions or penalties, but these should not be imposed as punishments.

We are all familiar with the idea of penalties, whether in the context of sports (fouls), paying bills (late fees), or driving too fast (speeding tickets). Penalties are in order when someone violates the "rules" – whether of a game, or of society. They are designed to discourage violations, often to minimize risk of potential harm. They often also serve the cause of fairness. It would sound strange to call these punishments, precisely because they are not intended to inflict harm or suffering.

I also favor restitution for harms done. If someone bilks people of millions of dollars, for example, it's only fair to expect that person to pay it all back, and if that is not possible, to repay as much as possible. This is not punishment, it's merely setting things right.

Of course, there are misdeeds for which adequate restitution is impossible, and no penalty suffices. Maximal restitution and appropriate penalties should be employed, but insofar as these cannot fully compensate for the harm done, those who have been hurt and society as a whole must practice forgiveness. The infliction of pain and suffering on another precisely to avenge the pain and suffering that other has caused defies justification.

If that other poses a continuing threat to the well-being of society and its members, however, coercive measures that limit freedom are also in order. Some people must be incarcerated to protect others. The goal, however, should always be protection, not punishment. Locking people up for non-violent crimes and misdeeds that pose little threat to others is spiteful.

I'm all for holding wrongdoers accountable. Across the social spectrum far too many escape accountability for their misdeeds. In Christian perspective, justice is required in all human affairs. But justice that intends harm, or justice without love, is not justice.

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