



Christian Reflection

A Series in Faith and Ethics

Focus Article:

- 📖 The Measure with which We Measure
(*Prison*, pp. 20-28)

Suggested Article:

- 📖 Christian Critiques of the Penal System
(*Prison*, pp. 84-88)

What do you think?

Was this study guide useful for your personal or group study? Please send your suggestions to Christian_Reflection@baylor.edu.

Christian Reflection

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The Measure with which We Measure

Has the gospel's integrity been sacrificed to sanction the violence that accompanies legal systems? The weight of New Testament ethical teaching and Church tradition declare there is never a need for Christians to inflict violent retributive punishment.

Prayer

God, our Rock and our great Redeemer,
by your Holy Spirit open our minds
and lead us into your truth,
for the sake of our Savior Jesus Christ,
in whose name we pray. Amen.

Scripture Reading: Luke 6:37-42

Reflection

If we step back from our casual acceptance of current criminal justice practices, we will notice how much violence, through dehumanizing incarceration and death, nations and states are dealing to offenders. How much suffering is enough? Or in the language of the Bible, just what "measure" should we use? "Day in and day out we send people to jail...or make them do things they do not want to do, under coercion of force, and we justify all of this by speaking of such persons as having broken the law," leading political philosopher Ronald Dworkin has written. Yet, he worries, "Even in clear cases...we are not able to give a satisfactory account of what that means" (emphasis added).

When Andrew Skotnicki takes up the challenge to explain what breaking the law means and what the resulting punishments ought to be, at least for Christians, his account will make us uneasy with modern systems of justice. For the following reasons, he thinks "the weight of the New Testament and of the tradition of the Church declares that there is never a need for Christians to inflict violent retributive punishment on anyone."

- ▶ *The weight of Scripture leans strongly toward mercy, forgiveness, and love toward those who harm us, rather than "retribution" in the sense of vengeful, violent punishment.*¹ Skotnicki writes, "Attempts to elevate discrete sayings in the Gospels that hint at anything less than unconditional regard for all distort the unity, simplicity, and benevolence of the message of Christ."
- ▶ *Through much of their history, Christians were wary, even fearful, of bringing harm on the guilty.* Crimes were adjudicated by the Church as offenses against another and against God. If mediators could not settle a dispute between offender and victim, they sought sworn testimony from reliable witnesses. Since most Christians were "convinced that only God could judge another, and only a direct sign from God could justify bringing harm," other strategies were needed to determine innocence or guilt. For example, an ordeal assigned the judgment to God; a trial by jury forced a few people to do the morally dangerous act of judging.

Beginning in the twelfth century, new codes of law – first canon law and then secular legal systems – changed this landscape by construing offenses as violations of law and affronts to the state.



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This “new source of moral accountability not only competed with the gospel but routinely trumped its authority,” Skotnicki notes with regret, and many “granted modern law and its punitive function a primary place in determining the demands incumbent upon Christians and the legitimate means to do violence to those who broke the law.”

- *Monastic prisons, from the sixth century, focused on penitence and restoration.* (Secular prisons, which were rare before the nineteenth century, have departed from these goals.) Monks who violated seriously the communal rules might be confined in a cell after the correctional process taught by Christ (Matthew 18:15-17) was followed. Skotnicki observes that in this process “one thing is essential: the love of the shepherd for the lost sheep. The monk must not be made to endure a suffering that stifles conversion and furthers isolation. Rather, . . . each prisoner must have a wise and holy monk to accompany him through the labyrinth of penance and the necessary pain that accompanies the journey to spiritual and communal health.”

Skotnicki fears that any attempt to justify the modern penal system must wrongly “hallow the state as a necessary bulwark against disorder, law as a source of moral legitimacy, and Scripture as accommodating both.”

Study Questions

1. Why did most Christians prior to the twelfth century believe that judging an offender’s innocence or guilt was morally dangerous to them, according to Andrew Skotnicki? What practices did they develop to avoid making such judgments?
2. What did punishment mean and what limits were put on its severity in monastic prisons? What explains the differences between monastic prisons and secular prisons today?
3. What guidance do you find in the history of Christian attitudes toward punishment that Skotnicki sketches?

Departing Hymn: “Search, Lord, Our Spirits in Your Sight”

Search, Lord, our spirits in your sight,
in best and worst reveal us;
shed on our souls a blaze of light,
and judge, that you may heal us.
The present be our judgment day,
when all our lack you do survey.
Show us ourselves and save us.

Lo, fearing naught we come to you,
though by our fault confounded;
though selfish, mean, base things we do,
your justice is unbounded:
so large, it naught but love requires,
and judging, pardons, frees, inspires.
Deliver us from evil!

Percy Dearmer (1925), adapted²

Suggested Tunes: MIT FREUDEN ZART or KIRKEN DEN ER ET

¹ For more detailed study of the biblical material, see Chris Marshall’s “Divine Justice as Restorative Justice” which is discussed in the previous study guide.

² This text is based on “Thou Judge by Whom Each Empire Fell” (vv. 2 and 3).

The Measure with which We Measure

Lesson Plans

<i>Abridged Plan</i>	<i>Standard Plan</i>
Prayer	Prayer
Scripture Reading	Scripture Reading
Reflection (skim all)	Reflection (all sections)
Questions 1 and 3	Questions (selected)
Departing Hymn	Departing Hymn

Teaching Goals

1. To consider why most Christians before the twelfth century were wary of passing judgment on offenders, no matter how certain and heinous was their guilt.
2. To review the meaning of punishment in monastic prisons.
3. To discuss the application today of the restorative justice principles from this long Christian era before the establishment of systems of law, either ecclesial or secular.

Before the Group Meeting

Distribute copies of the study guide on pp. 4-5 and ask members to read the Bible passage in the guide. Distribute copies of *Prison (Christian Reflection)* and ask members to read the focus article and suggested article before the group meeting. For the departing hymn “Search, Lord, Our Spirits in Your Sight” locate one of the suggested tunes MIT FREUDEN ZART or KIRKEN DEN ER ET in your church’s hymnal or on the Web in the Cyber Hymnal™ (www.hymntime.com/tch/).

Begin with a Story

As Christians, how should we weigh or measure the punishment for criminals? Andrew Skotnicki noticed the varied responses after Troy Davis was executed by lethal injection in Georgia in September, 2011. He recalls, “There were the usual post-mortems. A relative of Davis’s alleged victim felt peace; proponents of retributive justice were satisfied that the giving and getting ratio had been balanced; others lamented the death of a man who, after twenty years, hardly resembled the young adult who first entered prison and whose conviction for killing an off-duty police officer during an altercation was based on the testimony of some witnesses who later recanted their statements. The most striking comment on Davis’s fate, in my opinion, came from the noted theologian, Jürgen Moltmann, who rightly articulated the meaning of the event fully within the orbit of Christian ethics: ‘As Christians, we receive our salvation from the justifying righteousness of God. We reject all forms of retributive justice. We reject the death penalty in the name of God.’”

Skotnicki concludes, “Whatever our own belief concerning the position taken by Moltmann on the legitimacy of what he calls ‘retributive justice,’ he challenges Christians to remember that we are first of all followers of Christ and, as such, must make him the measure against which we measure all that we do.” (*Prison*, 20)

Prayer

Invite members to share their personal celebrations and concerns with the group. Provide time for each person to pray silently. Conclude by reading together the prayer in the study guide.

Scripture Reading

Ask a group member to read Luke 6:37-42 from a modern translation.

Reflection

This study takes the Christian critique of modern prisons one step further. The previous study guide followed Chris Marshall’s “Divine Justice as Restorative Justice” in focusing on scriptural teachings about corrective or criminal justice; this one follows Andrew Skotnicki in tracing the major developments in Christian attitudes toward penology after the time of the early church. Whereas Skotnicki uses “retribution” exclusively with a

negative connotation of the vengeful use of violence in service of the state, Marshall uses this word in a neutral sense when he claims there are retributive elements in the biblical view of justice. Both authors agree that the weight of Scripture supports restorative principles of justice. Furthermore, they agree that Christians should work to reform social institutions with the same principles of justice that guide their treatment of one another in the Church. This is why Skotnicki believes the history of monastic prisons and Christian attitudes toward judging offenders are applicable to our current situation.

Study Questions

1. Assign individuals to read aloud Matthew 7:3, Luke 6:38, and Luke 12:14, and to describe their biblical context. Discuss how each passage cautions disciples about judging other persons' guilt or assigning them punishment. What is it about our human knowledge and motives that should give us pause in making judicial judgments?

Skotnicki describes two practices — ordeal and trial by jury — that allow (at least most) people to avoid making judicial judgments of guilt and punishment. He writes, "In brief, the defendant would be taken to the local church; a special oration would be made by the priest invoking God's intervention in determining innocence or guilt; the culprit would have to grasp a red hot iron or submerge a hand in boiling water; the wound would be bandaged and after several days, again in church, the bandage would be removed. If healing was taking place, the defendant was innocent. As legal historian James Whitman insists, the ordeal was not instituted in order 'to get the facts straight about the incident in question,' but in order to 'spare human beings the responsibility of judgment.'" The same explanation holds for the origins of trial by jury. It was not a reform aimed at improving judicial procedure or a sign of democratic sentiment, it was a way for rulers and magistrates to compel others to engage in the morally fearsome task of judging and bringing harm upon another, thus sparing themselves from what they believed would be the judgment of God upon them. Simply put, our Christian ancestors were at that time by and large convinced that only God could judge another, and only a direct sign from God could justify bringing harm upon another, no matter how transparent or heinous the person's guilt."

2. Imprisonment is often defended today as necessary to *prevent* the offender from committing further crimes, to *deter* other people from committing similar crimes, or to *set accounts straight* with regard to the law. Monastic prisons, by contrast, had a restorative purpose "based on the conviction that the incarcerated need no additional suffering other than that produced in the refusal to honor and love the image of God imprinted upon all of creation and upon themselves. It also is based on the certainty that silence, solitude, prayer, work, and spiritual counsel are the soul's great healers, and that they alone can bring persons to their true selves hidden with Christ in God." Skotnicki believes this "culture of monasticism reveals the blueprint for drawing the Spirit out from a heart encrusted with its own petty and destructive desires and hurts."

Skotnicki traces the shift in the meaning of punishment to the rise of canon law in the twelfth century and its influence on later secular legal systems. At that point, "the absolution given in the sacrament of confession for a public offense bestowed forgiveness from God, but was insufficient to merit forgiveness from the Church. Secular polities based not only their legal codes and the punitive sentences that are their necessary complement upon canon law, they also, like the Church, helped to remove Christ more and more from the equation in understanding the meaning of a criminal act."

3. Assign two small groups to search for guidance from Christian reluctance to judge offenders and from monastic penology. Does the former suggest a new appreciation for the jury system, or a reason for Christians to avoid participation in it? Does the latter call into question the meaning of incarceration today and provide directions for prison reform, or does it motivate certain kinds of Christian prison ministries?

Departing Hymn

If you choose not to sing the hymn, you may read the hymn text in unison or silently and meditatively as a prayer.