

Retribution or Rehabilitation

written by Tim Jennings, M.D. | September 3, 2012



Hello Dr. Tim Jennings,

As I was reviewing this week's [bible study] lesson on Final Events, you make the statement in your outline..."When one accepts that God imposes law, then one must conclude that the consequences one experiences for disobedience to God's law is imposed by God, or that God's wrath is something that he inflicts to punish for sin." Since I am developing in law school my views of criminal punishment and civil sanctions, should I relate my view of God into the courtroom?

More specifically, there is two views of punishment, Utilitarianism and Retributivism.

Utilitarianism seeks to reform the criminal, reason with the criminal, and the focus is on therapy and psychiatric care. This view also incarcerates the criminal to convince the general community to forego criminal conduct in the future. Finally it teaches the convicted what conduct is impermissible.

Retributivism seeks to punish the criminal for freely violating the rules. This view gratifies the passion for revenge. Retributive punishment is the means of securing a moral balance in society

where the inmate pays his debt to society. Retributivism seeks punishment as a way to right a wrong and corrects the claim.

It appears that the wrong view of God has much in common with the Retributivism view of criminal punishment. While the utilitarianism view of criminal punish has much in common with the restoration view of salvation.

But should I look to the heartwise, healing, loving picture of God view when it comes to criminals? Should my decision of how I view God relate to what punishment a murderer, rapist, burglar, and thief receives? In other words, should I be using my influence to end punishment of criminals? So criminals can be set free from prison and be placed in rehabilitation groups, therapy, et al. Or suppose criminals were not sent to jail, just allow them to reap the natural consequence of their sins?

Thanks for your insightful and probing questions. As you know I have been contrasting Natural Law with Imposed Law. Natural Law being the principles or protocols upon which life is based, like the law of respiration, or gravity, or thermodynamics. Imposed law would be rules put in force by an external authority, such as tax law, speed limits, parking regulations etc.

Violations of natural law are incompatible with life. Violations of imposed laws are not incompatible with life.

Violations of natural law require the Designer to heal, fix and restore lest death ensue, whereas violations of imposed law require the ruling authority to inflict penalties lest unpunished rebellion ensue.

Those who view God's law as imposed view God as the imposer of punishment and thus the ultimate cosmic executioner and source of death. In this view God becomes the being to be most feared and dreaded in the universe. This, of course, we claim is a false view of God.

People get confused, because God, just like a loving parent or doctor, has used imposed rules as stopgaps to help ignorant people. When a mother puts a rule in place not to play in the street lest the child get spanked, the real problem in breaking the rule is not the spanking (imposed penalty), but the violation of natural law of physics when a car collides with the body of the child. The imposed rule, with its imposed penalty, is intended to protect the child, the unknown driver, and even the parent from the result of violation of natural law if the child is hit by a car. The spanking is not intended as retribution, but is a stopgap to help keep the child safe until the child is mature enough to govern itself and not play in the street.

In our Christian lives, understanding God's design, but operating in a world of sin, a world filled with immature beings who don't understand God's principle for life, we often need to use imposed laws and rules to help protect the innocent from the immature and the immature from themselves. But such imposed consequences serve what purpose?

The immature need to learn that "behavior has consequences." In other words, for every action there is a reaction. The universe operates on natural law and our choices bring results, healthy choices bring healthy results, unhealthy choices bring unhealthy results. Imposed laws are a means to teach this

principle, as well as to protect the innocent from those too immature to practice healthy principles, and also to protect the offenders from themselves.

Retribution is a concept of the immature. It does no good to those offended, it doesn't resurrect the murdered person, it doesn't heal the broken bone, and it doesn't restore one's innocence or recover stolen goods. It also doesn't heal, develop, save, or transform the sinner/criminal.

Utilitarianism, which I will call Rehabilitation, is focused on protecting both society from the criminal and the criminal from damaging themselves by continued actions in violation of God's design for life. Each act of selfishness actually damages the sinner, searing the conscience, warping the character, and hardening the heart. Putting someone in prison, where they are forced to cease their destructive behavior, can provide an opportunity for reflection, reevaluation, and rehabilitation, while also protecting the innocent. However, allowing one to continue on destructive rampages not only harms society, but ensures the eventual eternal destruction of the criminal.

So, in a world of sin, governments act in redemptive ways by intervening in the lives of those who, when they commit crimes, are violating the principles of love, of going good for their fellow 'man.' Arrest, prosecution and appropriate punishments are stand-in consequences, like spanking for playing in the road, intended to teach the person that such behaviors are damaging and destructive, while simultaneously protecting society. Incarceration may result in rehabilitation for some, but for others who have persisted in destructive living so long they have permanently destroyed the faculties that respond to love and truth, they put themselves beyond rehabilitation and incarceration becomes the earthly means of limiting the extent of individual destructive behavior.

So, my answer is that a loving person seeks the most effective means of making society a truly safe place. And what would be the safest society? One filled with many prisons, guards, police at every corner? Or a society filled with people who love others more than self and would rather die than hurt another? While incarceration is sadly a necessity in the world in which we live, to the degree we can rehabilitate people such that they actually become mature individuals who respect the rights of others, we have done more good for society than retribution ever can. As Gandhi, speaking of retribution, said, "An eye for an eye and the entire world will go blind."

Let us incarcerate with hearts that love the criminal, that want to see the person redeemed, saved, and restored, or if that is not possible, then to see that they are kept from doing more harm. Consider, what you would want if the criminal was your first born son or daughter? – for we are all God's children and He wants to heal us all.