

Texts for Scriptural Reasoning

'Crime and Punishment'

The Scriptural Reasoning Society

Introduction: 'Crime and Punishment'

This session is about the demands of justice and how people of faith relate to and can make sense of the secular legal system. This is a rather big question to deal with in SR – too big, it might seem, to even try. And yet, this question is also too topical and too much at the heart of the ongoing dialogue about our civic existence to avoid it. Overwhelming as it may appear, we have therefore little option but to try and wrestle with it as people of faith.

How can we live, judge and be judged in the light of the infinite discrepancy between God's perfect justice and our human limitations? Human judgments can be marked by pride and self-interest. Moreover, we have often little or no knowledge of our fellow human being's heart. Knowing ourselves should be sufficient to remind us constantly that every human attempt to establish justice is fraught with difficulty. While this can be humbling, there can be no doubt that justice is something we must always strive for, and we cannot evade making judgments to establish justice as long as people live together in this world in communities, cities and nations.

Absolute justice, however, is a divine attribute. And the high standard of justice that people of faith derive from their belief in God's ultimate justice cannot be separated from another divine attribute, forgiveness. Forgiveness is what makes the painful limitations of all our mistaken judgments bearable. Forgiveness, rightly understood, is what both the judged and their judges cry out for. It is forgiveness, and not perfection, that makes the human pursuit of justice meaningful.

Karsten van Sander

Leviticus 19:15-18

- 15** Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the poor, nor favour the person of the mighty; but in righteousness shalt thou judge thy neighbour.
- 16** Thou shalt not go up and down as a talebearer among thy people; neither shalt thou stand idly by the blood of thy neighbour: I am the LORD.
- 17** Thou shalt not hate thy brother in thy heart; thou shalt surely rebuke thy neighbour, and not bear sin because of him.
- 18** Thou shalt not take vengeance, nor bear any grudge against the children of thy people, but thou shalt love thy neighbour as thyself: I am the LORD.

טו ל'א-תעשו עוול, במשפט-ל'א-תשא
פני-דל, ול'א תהדר פני גדול: בצדק,
תשפט עמיתך.

טז ל'א-תלך רכיל בעמך, ל'א
תעמד על-דם רעך: אני, יהוה.

יז ל'א-תשנא את-אחיך, בלבבך; הוכח
תוכיח את-עמיתך, ול'א-תשא עליו חטא.

יח ל'א-תקום ול'א-תטר את-בני עמך,
ואהבת לרעך כמוך: אני, יהוה.

Notes to Lev 19:15-18

- 15 עוֹל: cs. עוֹל, sf. עוֹלוֹ: wrong, injustice
מִשְׁפָּט decision by arbitration > legal decision > legal case > justice, right > what is in conformity to a case
- 16 רְכִיל: slanderers, Ez 229, *h'lak r'kil* practice slander
רֵעִים, רֵעִה: comrade, companion, friend, fellow
- 17 שָׂנֵא 1. hate Gn 2627; obj. God Ex 205, subj. God Dt 1231
2. be unable (or unwilling) to put up with, slight (one's wife)
- נָשָׂא 1. lift, raise (high): in genl.: obj. ark Gn 717, signal Je 46
- 18 נָקַם take revenge, vengeance

Deuteronomy 16:18-20

- 18 Judges and officers shalt thou make thee in all thy gates, which the LORD thy God giveth thee, tribe by tribe; and they shall judge the people with righteous judgment.
- 19 Thou shalt not wrest judgment; thou shalt not respect persons; neither shalt thou take a gift; for a gift doth blind the eyes of the wise, and pervert the words of the righteous.
- 20 Justice, justice shalt thou follow, that thou mayest live, and inherit the land which the LORD thy God giveth thee.

יח ש'פטים וְש'טרים, תתן-לך בְּכָל-
שַׁעְרֶיךָ, אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לְךָ,
לשְׁבֹטֶיךָ; וְשָׁפְטוּ אֶת-הָעָם, מִשְׁפָּט-צֶדֶק.

יט ל'א-תטה משפט, ל'א תכיר פְּנִים;
ול'א-תקח ש'חד--כי הש'חד יַעֲוֶר עֵינַי
חֲכָמִים, ויסַלֵּף דְּבַרֵי צְדִיקָם.

כ צֶדֶק צֶדֶק, תִּרְדֹּף--לְמַעַן תִּחְיֶה וְיִרְשָׁתָּ
אֶת-הָאָרֶץ, אֲשֶׁר-יְהוָה אֱלֹהֶיךָ נָתַן לְךָ.
{ס}

Notes to Dt 16:18-20

- 18 שָׁפַט decide, settle (a dispute) between
צֶדֶק: sf. צֶדֶקוּ, צֶדֶקָה, צֶדֶקָה: (what is) right, normal: just weights
- 19 נָכַר (impf. יִנְכֹּר) dissemble, pretend
שָׁחַד: gift, present, e.g. 1K 1519; bribe, e.g. Is 123

Jeremiah 29:4-7

- 4 Thus saith the LORD of hosts, the God of Israel, unto all the captivity, whom I have caused to be carried away captive from Jerusalem unto Babylon:
5 Build ye houses, and dwell in them, and plant gardens, and eat the fruit of them;
6 take ye wives, and beget sons and daughters; and take wives for your sons, and give your daughters to husbands, that they may bear sons and daughters; and multiply ye there, and be not diminished.
7 And seek the peace of the city whither I have caused you to be carried away captive, and pray unto the LORD for it; for in the peace thereof shall ye have peace.

ד כ'ה אָמַר יְהוָה צְבָאוֹת, אֱלֹהֵי
יִשְׂרָאֵל: לְכֹל-הַגּוֹלָה--אֲשֶׁר-הִגַּלְתִּי
מִירוּשָׁלַם, בְּבָבֶלָה.

ה בְּנוּ בָתִּים, וְשִׁבוּ; וְנִטְעוּ גִּבְעוֹת, וְאָכְלוּ
אֶת-פְּרִיָן.

ו קַחוּ נָשִׁים, וְהוֹלִידוּ בָנִים וּבָנוֹת, וּקְחוּ
לְבָנֵיכֶם נָשִׁים וְאֶת-בָּנוֹתֵיכֶם תְּנוּ לְאִנּוּשִׁים,
וְתִלְדְּנָה בָנִים וּבָנוֹת; וּרְבוּ-שָׁם, וְאַל-
תִּמְעָטוּ.

ז וּדְרֹשׁוּ אֶת-שְׁלוֹם הָעִיר, אֲשֶׁר הִגַּלְתִּי
אֶתְכֶם שָׁמָּה, וְהִתְפַּלְלוּ בְעַדָּהּ, אֶל-יְהוָה:
כִּי בְשָׁלוֹמָהּ, יִהְיֶה לְכֶם שְׁלוֹם.

Notes to Jer 29:4-7

- 5 גּוֹלָה those deported into exile, the exiles
- 6 רְבָה become numerous Gn 122; be(come) great: waters
- 7 עִיר permanent settlement, city (w/o respect to size or claims)

Talmud, Tractate Shabbat 10a

Every judge who judges fairly, even for an hour, is credited by Scripture as if he were a partner with the Holy Blessed One in the act of Creation.

Pirkei Avot 3:2

Rabbi Hanina the vice-high priest, used to say: Pray for the peace of the government, for if it were not for the fear of it, people would swallow each other up alive.

Tractate Bava Kama 113a

Samuel taught: The law of the state is the law.

Luke 23:39-43

- 39 One of the criminals who were hanged railed at him, saying, "Are you not the Christ? Save yourself and us!"
- 40 But the other rebuked him, saying, "Do you not fear God, since you are under the same sentence of condemnation?"
- 41 And we indeed justly, for we are receiving the due reward of our deeds; but this man has done nothing wrong."
- 42 And he said, "Jesus, remember me when you come into your kingdom."
- 43 And he said to him, "Truly, I say to you, today you will be with me in Paradise."

Εἷς δὲ τῶν κρεμασθέντων κακούργων ἐβλασφήμει αὐτὸν λέγων· οὐχὶ σὺ εἶ ὁ χριστός; σῶσον σεαυτὸν καὶ ἡμᾶς.

ἀποκριθεὶς δὲ ὁ ἕτερος ἐπιτιμῶν αὐτῷ ἔφη· οὐδὲ φοβῆ σὺ τὸν θεόν, ὅτι ἐν τῷ αὐτῷ κρίματι εἶ;

καὶ ἡμεῖς μὲν δικαίως, ἄξια γὰρ ὧν ἐπράξαμεν ἀπολαμβάνομεν· οὗτος δὲ οὐδὲν ἄτοπον ἔπραξεν.

καὶ ἔλεγεν· Ἰησοῦ, μνήσθητί μου ὅταν ἔλθῃς εἰς τὴν βασιλείαν σου.

καὶ εἶπεν αὐτῷ· ἀμήν σοι λέγω, σήμερον μετ' ἐμοῦ ἔσῃ ἐν τῷ παραδείσῳ.

Notes to Luke 23:39-43

40 **κρίματι** noun dative neuter singular common from **κρίμα**, -**ατος, τό** lawsuit, decision, decree. judging, judgment; authority to judge; verdict. Mostly condemnation, sentence, punishment

41 **δικαίως** (adv.) justly, uprightly, rightly, as one ought

ἄτοπον out of place, improper, wrong, evil. Also: unusual, surprising

Romans 3:21-26

- 21 But now the righteousness of God has been manifested apart from the law, although the Law and the Prophets bear witness to it-
- 22 the righteousness of God through faith in Jesus Christ for all who believe. For there is no distinction:
- 23 for all have sinned and fall short of the glory of God,
- 24 and are justified by his grace as a gift, through the redemption that is in Christ Jesus,
- 25 whom God put forward as a propitiation by his blood, to be received by faith. This was to show God's righteousness, because in his divine forbearance he had passed over former sins.
- 26 It was to show his righteousness at the present time, so that he might be just and the justifier of the one who has faith in Jesus.

Νυνὶ δὲ χωρὶς νόμου δικαιοσύνη θεοῦ πεφανέρωται μαρτυρουμένη ὑπὸ τοῦ νόμου καὶ τῶν προφητῶν,

δικαιοσύνη δὲ θεοῦ διὰ πίστεως Ἰησοῦ Χριστοῦ εἰς πάντας τοὺς πιστεύοντας. οὐ γὰρ ἔστιν διαστολή, πάντες γὰρ ἥμαρτον καὶ ὑστεροῦνται τῆς δόξης τοῦ θεοῦ

δικαιούμενοι δωρεὰν τῇ αὐτοῦ χάριτι διὰ τῆς ἀπολυτρώσεως τῆς ἐν Χριστῷ Ἰησοῦ·

ὃν προέθετο ὁ θεὸς ἱλαστήριον διὰ [τῆς] πίστεως ἐν τῷ αὐτοῦ αἵματι εἰς ἔνδειξιν τῆς δικαιοσύνης αὐτοῦ διὰ τὴν πάρεσιν τῶν προγεγονότων ἁμαρτημάτων

ἐν τῇ ἀνοχῇ τοῦ θεοῦ, πρὸς τὴν ἔνδειξιν τῆς δικαιοσύνης αὐτοῦ ἐν τῷ νῦν καιρῷ, εἰς τὸ εἶναι αὐτὸν δίκαιον καὶ δικαιούντα τὸν ἐκ πίστεως Ἰησοῦ.

Notes to Rom 3:21-26

- 21 **δικαιοσύνη** [*dikaioisune*] *righteousness, uprightness; religious requirement. Mercy, charitableness. Justice, equity.* In Paul the phrase $\delta. \theta\epsilon\omicron\upsilon$ and its variations refer to God's *equitable way of dealing* with humanity in grace. $\pi\omicron\iota\epsilon\acute{\iota}\nu \delta.$ *do what is right.*
- 22 **διαστολή -ῆς, ἡ** [*diastole*] *difference, distinction*
- 23 **δικαιῶ** [*dikaioo*] to show to be righteous, to declare righteous
ἀπολυτρόσεως noun genitive feminine singular common from **ἀπολύτρωσις, εως, ἡ** *release. Fig, redemption* (lit. 'buying back'), *deliverance, acquittal, ransoming.*
- 24 **ἱλαστήριος** [*hilasterios*] propitiatory, mercy seat, propitiation
- 25 **ἀνοχή** [*anochē*] a delaying, forbearance

Qur'an 5:32-40

On that account: We ordained for the Children of Israel that if any one slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people. Then although there came to them Our messengers with clear signs, yet, even after that, many of them continued to commit excesses in the land.

The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter; Except for those who repent before they fall into your power: in that case, know that Allah is Oft-forgiving, Most Merciful. O ye who believe! Do your duty to Allah, seek the means of approach unto Him, and strive with might and main in his cause: that ye may prosper.

As to those who reject Faith,- if they had everything on earth, and twice repeated, to give as ransom for the penalty of the Day of Judgment, it would never be accepted of them, theirs would be a grievous penalty. Their wish will be to get out of the Fire, but never will they get out therefrom: their penalty will be one that endures. As to the thief, Male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in power.

But if the thief repents after his crime, and amends his conduct, Allah turneth to him in forgiveness; for Allah is Oft-forgiving, Most Merciful.

Knowest thou not that to Allah (alone) belongeth the dominion of the heavens and the earth? He punisheth whom He pleaseth, and He forgiveth whom He pleaseth: and Allah hath power over all things.

مَنْ أَجَلَ ذَلِكَ كَتَبْنَا عَلَىٰ بَنِي إِسْرَائِيلَ أَنَّهُ
مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي
الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ
أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا وَلَقَدْ
جَاءَتْهُمْ رُسُلُنَا بِالْبَيِّنَاتِ ثُمَّ إِنَّ كَثِيرًا مِّنْهُمْ
بَعَدَ ذَلِكَ فِي الْأَرْضِ لَمُسْرِفُونَ
إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ
وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ
يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خِلَافٍ
أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي
الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ
إِلَّا الَّذِينَ تَابُوا مِن قَبْلِ أَنْ تَقْرُوا عَلَيْهِمْ
فَاعْلَمُوا أَنَّ اللَّهَ عَفُورٌ رَّحِيمٌ
يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَابْتَغُوا إِلَيْهِ
الْوَسِيلَةَ وَجَاهِدُوا فِي سَبِيلِهِ لَعَلَّكُمْ تُفْلِحُونَ
إِنَّ الَّذِينَ كَفَرُوا لَوْ أَنَّ لَهُمْ مَا فِي الْأَرْضِ
جَمِيعًا وَمِثْلَهُ مَعَهُ لَيَفْتَدُوا بِهِ مِنْ عَذَابِ يَوْمِ
الْقِيَامَةِ مَا تُقْبَلُ مِنْهُمْ وَلَهُمْ عَذَابٌ أَلِيمٌ
يُرِيدُونَ أَنْ يُخْرِجُوكَ مِنَ النَّارِ وَمَا هُمْ
بِخَارِجِينَ مِنْهَا وَلَهُمْ عَذَابٌ مُّقِيمٌ
وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً
بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ
فَمَنْ تَابَ مِنَ بَعْدِ ظُلْمِهِ وَأَصْلَحَ فَإِنَّ اللَّهَ
يَتُوبُ عَلَيْهِ إِنَّ اللَّهَ عَفُورٌ رَّحِيمٌ
أَلَمْ تَعْلَمْ أَنَّ اللَّهَ لَهُ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ
يُعَذِّبُ مَنْ يَشَاءُ وَيَعْفُو لِمَنْ يَشَاءُ وَاللَّهُ عَلَىٰ
كُلِّ شَيْءٍ قَدِيرٌ

Qur'an 5:44-45

It was We who revealed the law (to Moses): therein was guidance and light. By its standard have been judged the Jews, by the prophets who bowed (as in Islam) to Allah's will, by the rabbis and the doctors of law: for to them was entrusted the protection of Allah's book, and they were witnesses thereto: therefore fear not men, but fear me, and sell not my signs for a miserable price. If any do fail to judge by (the light of) what Allah hath revealed, they are (no better than) Unbelievers.

We ordained therein for them: "Life for life, eye for eye, nose or nose, ear for ear, tooth for tooth, and wounds equal for equal." But if any one remits the retaliation by way of charity, it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed, they are (No better than) wrong-doers.

Qur'an 2:178-179

O ye who believe! The law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman. But if any remission is made by the brother of the slain, then grant any reasonable demand, and compensate him with handsome gratitude, this is a concession and a Mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty. In the Law of Equality there is (saving of) Life to you, o ye men of understanding; that ye may restrain yourselves.

إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ يَحْكُمُ بِهَا
النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا
وَالرَّبَّانِيُّونَ وَالْأَحْبَارُ بِمَا اسْتُحْفِظُوا مِنْ
كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ فَلَا تَخْشَوُا
النَّاسَ وَاخْشَوْا اللَّهَ وَلَا تَشْتَرُوا بِآيَاتِي ثَمَنًا
قَلِيلًا وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ
الْكَافِرُونَ

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ
بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ
وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَنْ
تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ وَمَنْ لَمْ يَحْكَمْ بِمَا
أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ
فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ
وَالْأُنثَىٰ بِالْأُنثَىٰ فَمَنْ عَفِيَ لَهُ مِنْ أُخِيهِ
شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدِّءِ إِلَيْهِ
بِإِحْسَانٍ ذَلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ وَرَحْمَةٌ
فَمَنْ اعْتَدَىٰ بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ
وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ
لَعَلَّكُمْ تَتَّقُونَ