

## **Retribution – An Act of Love or a Necessary Evil?**

### *Retributive and restorative justice*

Retributive justice asks four things:

Did the person freely break the law?

What law was broken?

Who freely broke the law?

How can we punish this person to show that we mean it when we say their act is forbidden?

Restorative justice asks three things.

Did this person do harm and to whom?

What further harm has resulted from this?

Who has the duty of fixing the damage as far as possible?

This helps you tell the difference.

### *Punishment and Christian "love"*

Christians would say, "There is one among you who commits a crime. If you let him go free then you may be rewarding and encouraging the crime. You are failing to respect that person. So to respect the person we may have to inflict punishment or retribution. We must not enjoy hurting the person. But we must punish in love. Retribution is love. We do not punish to reform. Reforming is only an excuse because the person should be able to reform himself for he was okay before he committed the crime. However we have to try and prevent the punishment making them worse people not better. If they still choose to be worse that is not our fault. You shall love your enemy but you shall not let your enemy triumph over you."

This hypocrisy is dreadful. They won't admit that this love is about them not the other person. They want to feel they love as they administer not love but what they see as a necessary evil.

Can we love the sinner and hate the sin? Can we love the criminal and hate the crime? Sin reveals the criminal – you cannot have sins without persons. Sins tell you what kind of person the sinner is. It is nonsense to say you can judge somebody's wilful action as sinful/bad but that it is not the same as judging the person as sinful/bad. If you think a person is a sinner, love that sinner and love the sin by saving it and by turning it into a higher good.

### *A more sensible view of punishment*

Punishment is about making the law law and not hurting people. Hurting the people is a side-effect - it is not directly intended. Revenge or vengeance is about hurting the people. Punishment is like how a dentist has to hurt a patient to extract a rotting tooth. If we do not punish for laws being broken then those laws are not laws at all. They are only suggestions and why would anybody take them seriously?

### *Be liberal*

Be as liberal as possible. Do not believe in a God who punishes. Punishment is our business and not God's. If such a God exists, then we all need to be punished by him for he sees the secret sins of our hearts that the law cannot punish for it cannot see them. To affirm his existence is to wish you could attract retribution or potential retribution on the universe. We affirm too that we want to believe in a God who upholds his laws which means that we support punishment more than is necessary. In fact we must want it kept to the bare minimum and make as few things crimes as we can.

Retribution must fit the crime. It has to be administered in such a way so that the criminal can do some good such as

helping to make roads and so on. Prisons become factories so that the prisoners can benefit society by working for society without much pay. Our prisons as they are are about revenge not retribution.

If you take a life, you shall pay with your own life by spending the rest of it in prison unless you do so much good that reprieve is justified. No power on earth can give even the state the right to take life so you shall not take a life for a life. We made death and opened the Pandora's box of death. We made death because we wanted to kill. Let us not be servants of death.

### *Mercy*

Retribution is giving a person the punishment they deserve. It is motivated as being a necessary evil to avoid rewarding crime. Revenge is supposed to be different for it is not necessary and does not care if it is necessary or not. Revenge involves wanting to hurt a bad person or a good person you find bad for you out of a bad motive. Revenge is intended to do an unnecessary evil over some harm done to you. The evil may be necessary in some ways but that is not why you are doing it. But as regards retribution, when mercy is allowed it is saying the crime should at least be partly rewarded and so the punishment is unnecessary. Unless you reject mercy it is revenge you are practising not retribution.

Nobody ever intends pure evil. The one that does evil, that one intends only the good in the evil not the evil itself. Therefore it is the consequences of the act that we must hate not the act itself. We cannot hate the act without hating the person that does the act. See the good even in the darkest of evils.

As good as retribution is, being merciful to the person to let them serve others is said to be far better. But mercy accuses them of deserving retribution not mercy. Let the intention be not to be merciful but to be encouraging. You take their resolve to be good in future as deserving freedom and the cancellation of retribution. This is not mercy for it denies they deserve any more to be punished.

### *Admit that retribution is entirely human*

In brief: Retribution (punishment) is supposed to be paying a criminal back for doing wrong but doing it in such a way that it lets the person know his actions were not approved of and supposed to be for the criminal's own sake. It is supposed to be about honouring the person as letting a person do what they wish without punishing would be wrong and degrading the person. So retribution is held to be compatible with love. The Bible certainly teaches this for God in the Old Testament commanded love and was able to reconcile this command with demands that adulterers and murderers and homosexuals be put to death by stoning.

We have to hold that deserving retribution is a purely human concept. We have to punish to have some control over society. Strictly speaking, in reality, there is no deserving of suffering. There is only deserving of blessing. The concept of a judging deity must be abandoned. There is no need for the concept of divine punishment. The concept of God and this punishment from him fosters a harmful attitude and it is motivated by the wish to see people punished more than any human state can punish them. Unnecessary punishment is revenge. Do not invent punishers! If you can prove the existence of a punishing God that is fine but you cannot. You cannot suggest that people may need punishment from him unless you prove he exists. You don't want to approve of a fictitious God of punishment. It is making you want to see them suffer more than they would if there were no God to punish them.

To secularise retribution you have to admit that the love stuff is hypocrisy and that no God made us to take retribution and will not take it himself. If somebody is punished enough to stop them harming somebody else do not degrade them by hoping that there is a God if God involves the notion, "God will make them pay if we are too light on them or cannot punish them as they truly deserve."

### *Retribution is Revenge*

Revenge is supposed to be paying back a person for doing wrong but without valuing them. It is unloving.

Revenge is about indulging your pleasure in hurting a wrong-doer.

Justice is not about this pleasure but about righting a wrong - letting the person know they cannot hurt others without consequences.

Revenge is personal. Justice is about the letter of the law and is impartial towards the criminal.

Revenge is vindictive while just is about proving that if a law bans something then the criminal must be punished. A law with no punishment is not about vindication of what is right and so is not a law at all but in name.

Revenge leads to more revenge while justice will lead to closure and people being able to move on.

Retribution is revenge because:

1 The Church keeps the doctrine that they are not identical in dusty old tomes so that the doctrine does no good whatsoever and no barrister is able to give a coherent account of how retribution differs from revenge.

2 The law is not about justice though it pretends that it is. Look how you can pay a fine for a friend who has committed criminal damage.

3 It is administered by people who are less than virtuous themselves.

4 Society is arbitrary in what it makes illegal. For example, if you abuse enough children, you will end up in court charged only for a few episodes of child abuse. What a law does not punish it allows. The law tends to leave infanticide virtually unpunished if carried out by the mother. When you invent crimes and sins to hate, you can't expect people to believe you when you claim to love the criminal/sinner and hate the crime/sin.

5 Prison makes criminals worse. It is a university of evil.

### *Criminals*

Criminals break the law of society and have to pay the debt for it. Only they can pay it so fines paid by friends can no longer do unless the criminal will have to pay them back.

Hurting criminals to reform them is idiocy for all they have to do is change and you can't make them do that. It is sheer sadism. Anybody could say they have changed for the better and why should we believe somebody that has broken the law? The more harm they have done the less we should trust them.

Retributionism teaches that suffering is the wages of crime. We do not believe in retribution for we don't have free will as in the power to deserve to suffer and so you don't deserve to pay a penalty for your crimes. Retribution says that if a crime is not punished then it is rewarded. This forbids mercy so retributionism commands that we all slice bad people up – alive.

We don't believe that punishment is all about deterring others from crime for that advocates extreme brutality. We would have to crucify thieves to scare would-be thieves. Such a practice would really lead to criminals planning their crimes better to avoid capture.

Why care if somebody has earned suffering by crime? If the answer is to protect people then we are saying that it does not matter what suffering they have earned but we will use what they have deserved as an excuse for protecting people! That is quite a nasty attitude as prevalent as it is. Who would want protection from people like that?

We don't believe that punishment is just for protecting society because we are all potential monsters.

Making criminals pay is not about protecting us but about safeguarding the law for if there is no price for breaking the law then the law is a law in name only and is not a law at all. It is really offering a reward for wickedness. The amount of suffering that has been inflicted has to be inflicted in return. The killer should be behind bars for life but then we must still keep our minds open to any new light. Perhaps new evidence could appear that justifies clearing the person or ameliorating the punishment. When you take a life you have to pay for it for the rest of your life for you have taken the victim's days.

You might reply that society needs laws so to safeguard the law is to safeguard the people. The law only safeguards what it perceives as best and has many laws that are just there for the sake of being there. Nobody agrees on what is best for people. Catholic countries used to think that the best thing to do was to keep the Catholics immune from non-Catholic influences. And the Church would still like them to think that.

When you steal or harm another wrongly you have to make amends or restitution as far as you are able. A person who steals and says they are sorry can't be really sorry if they are keeping what they took instead of returning it. You have to make compensation not only for what you took but also for the sorrow you caused.

### *In principle*

What if retribution is not revenge in principle? It is but let us forget that for the sake of argument. Then if retribution is not revenge in principle it could be revenge in practice. In practice, what is called retribution is really revenge. Practically

speaking, the two have to have the same results so the only difference can be the motive. In other words, the first is motivated by love and the second by hate. Both are the same except for the motive.

We have already refuted the motive stuff. Retribution if it is soft revenge is still revenge.

The very act of condemning revenge is revenge when revenge is dressed up as retribution. This is how religion often satisfies its vengeful urges.

Suppose retribution as opposed to revenge is possible. Then you never really know if retribution is really just revenge for it all depends on the motives of those who administer punitive justice. For example, if the reason a person punishes is to gratify their own anger and not because the punishment is right even if it is right then that is revenge. The cynicism of the Bible and the world religions towards human nature would make it more probable that when a person says they are giving retribution that it is really revenge they mean to dish out under the respectable guise of retribution. We all know that the predominate fault in us is liking it very much if anybody we dislike – and we dislike anybody who corrects us for we prefer having our own way to being right – has a fall.

The only imaginable difference between revenge and retribution must be in the motive which makes it so silly to ban revenge and make it illegal for you can't make bad motives illegal for you can't see them! Where hitting a child is legal, then there is no way to show that this is different from revenge for it depends on the person's motive. So the law does allow revenge after all! What is the point of forbidding revenge and letting it in the back door? If it is all about motives, you cannot look at a judge sending somebody to jail and say it was retribution and not revenge. In practice, where it counts no difference exists.

Retribution is one of the two reasons why the free will belief is so popular. The other being rewarding. But when retribution is so likely to proceed from badness is it worth believing in free will? No. We can give rewards just for the sake of it even if we disbelieve in free will so the desire to justify and have retribution and vengeful feelings is the big attraction about free will. To punish just to satisfy feelings is revenge for it is done for the wrong reason.

### *Reform*

Retribution that does not attempt to reform the criminal is really revenge. If you respect the criminal you will attempt to change them. It is hypocrisy to punish a person for a crime when you do not care if they will be changed by it for the better. All agree that a dying old man who does something evil should get away with it. Retribution then is not about reform at all. It is about revenge.

If I make a jail and put somebody in it for insulting me that is revenge. If the state makes a jail and puts somebody in it for insulting it that is retribution. Nobody can give us a coherent reason for saying revenge and retribution differ. Any success at reforming is going to be debatable. People ceasing to commit crimes does not mean they cease to be full of crime in their hearts.

Punishment must be administered in such a way that rehabilitation can happen and that the person at least will not get any worse. Thus it is wrong to decree that each class of criminal should be punished the same way. Burglar x may need a different programme from Burglar y though both are equally bad.

### *Debt to your victims or God?*

Retribution is about paying your debt to your victims. If God alone matters then it is about paying your debt to him. If you fail to do so for God then you are abusing a principle and thus are abusing the criminals and sinners and cannot claim to be intending good to them.

### *Proofs that retribution is vengeful*

To take retribution and not knowing you are right when you do so means it is revenge. The moment you act you have only one thought in your head and the ones that judge it are not there so you don't know what you are doing the moment you do it.

Revenge is not to be considered to be illegal retribution because the law only gets its authority from right and wrong and should be respected when it is right and opposed when it is wrong. To define revenge as illegal retribution is to beg the question or assume that revenge is wrong when the question is: "Is the law right to forbid it?" The law is just not necessarily right. If revenge is right you should do it though it is illegal as long as you are sure it won't be traced back to you and you are sure the person has wronged you. The law should not punish you for revenge unless it turned out you were wrong to take that revenge.

How can the law avoid being vengeful when it punishes when there are many reasons for doubting that it is retribution therefore that it is revenge? Even if it looks like revenge but isn't, people don't know or understand so the law will demoralise people and make criminals less keen to reform with all the abuse and bad example they see.

Whatever a law does not punish it allows. Every person has committed at least a certain amount of harm. The law cannot punish everybody so anybody who commits a crime should be made to pay for that certain amount too. As long as that is not done, there can be no retribution but only revenge.

You cannot say that revenge is punishing without a trial or fair trial. It is that all right but it is not just that. To exact retribution without being sure of the person's guilt is to exact revenge. But when you know the person is guilty you don't need a trial.

It is not those who commit crimes who are punished but those who are caught. You are punished for being found out.

Rights are based on justice, giving people back what they send out of them. If we have free will there have been times in which we would have killed. If there had been a magic power in us that could kill the person we would have used it. The First Epistle of John is right to say that wishing somebody dead is as good as attempted murder. And we have hurt others a lot. If free will is true then we all deserve to be put to death or hurt badly.

Justice involves agreeing with tit for tat no matter what the experts say. Justice erases the need for a fair trial. Why not incarcerate the person suspected of murder without a trial when he deserves it even if he has not committed the murder?

Perhaps, if it is true that we deserve all suffering but we cannot let people hurt one another for we all have to live in reasonable comfort. But if we deserve to suffer we don't have to. We can live in reasonable suffering like many people do.

Justice combined with free will is not a suitable basis for ethics in any way at all for it removes all restraint in some areas and situations and justifies anything in those cases for we would all have done frightening things if we could have and so would deserve great suffering. Absolutism is the idea that some actions are wrong regardless of how much good even greater good that they do. Absolutism that is grounded on the concept of justice is largely fraud.

When moral systems permit you (or friends) not to turn yourself (themselves) in for a crime and then to put somebody else in jail for committing a crime against you. If that is not revenge what is?

Retribution is revenge.

*Restitution*

Retribution is revenge for a believer in free will.

Often restitution is revenge as well. When you smash a rich person's window and you pay to get it replaced though the person says they have forgiven you, and the person accepts, how could that really be forgiveness?

It is really revenge for it says the crime is pardoned and should still be paid for which is spiteful. The Roman Church is responsible for this form of revenge because it says that its God wants compensation for the sins we have committed even though he does not need it and his grace can heal our evil inclinations.

CONCLUSION

We have seen through the hypocrisy of the legal system and seen that retribution is just a tyrannical legalised form of revenge. The solution is to deny free will and put hate out of the question and replace punishment with compassionate therapy that keeps crime under control. Religion is the main instigator of the hypocrisy.