

Justice and Mercy

A Sermon preached by

THE RIGHT REVEREND THE LORD BISHOP OF CROYDON
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MATTHEW xii, 18-21: "Behold, my servant whom I have chosen, my beloved with whom my soul is well pleased. I will put my Spirit upon him, and he shall proclaim justice to the Gentiles. He will not wrangle or cry aloud, nor will anyone hear his voice in the streets; he will not break a bruised reed or quench a smouldering wick, till he brings justice to victory: and in his name will the Gentiles hope".

"In the beginning God created the heavens and the earth. The earth was 'tohuwa bohu'—in a state of chaos—and darkness was upon the face of the deep; and the Spirit of God was moving over the face of the waters." That is how the Bible in the Book of Genesis describes the world upon which God moves out to take action. The Bible begins the story of God's creative work where we always are at every moment; for at every moment chaos, anarchy

and formlessness threaten to engulf us. The neglected garden turns to weeds and then to jungle; and the story of the "Lord of the Flies" tells us what human nature can be like when the hand of custom, tradition or law has been lifted from it; and the growing volume of crime with which our police force try valiantly to cope is evidence of the same truth: that there are demonic forces which pull us down and pull us apart individually and collectively. Chaos is the result of a power which has to be withstood until it can be overthrown; and it is always just below the surface of our life, and never far away.

Why this is so has no clear answer. In any case the question is not our concern this morning. What matters for our purpose today is that the Bible, in beginning its story with this ever present fact, does so in order to tell us what is

God's relation to it, and what he does about it. And therefore first of all the Bible proclaims that God *resists* it, because he is a God of righteousness, justice and law. For the Jew, as later on in the Bible we come to see, this disclosure of God as a God of justice and law was a cause for wonder and gratitude. The Law of God was something worth meditating on:

"Lord, what love have I unto thy law; all the day long is my study in it", says the Psalmist. (Psalm 119 v. 97.)

For the Jew that law was the moral law: the law which revealed the righteousness of God himself, and which in man's obedience to it secured for him a freedom in his relationship with both God and man. Long before the law of God was seen as a judgement or as a warning, it was loved as a gift and was constantly the subject of thanksgiving, wonder and delight.

"Thy statutes have been my songs in the house of my pilgrimage." (Psalm 119 v. 54.) A man's hope was anchored in the justice and righteousness of his God.

But of course, God's justice and God's law could never be known or loved in abstraction. They were known because they were expressed in the laws and customs of his people. For that reason men had to meditate upon them and study them, for what we call law, whether of Church or State, is chiefly regulation; and regulation can never be more than provisional. The perfect justice of God has constantly to

be re-interpreted in the light of fuller knowledge both of God's requirement and of man's need. That is why as we all come together today to acknowledge God's justice, there must be represented amongst us those who meditate upon our laws in order that they may ever be more just; those who interpret and administer them that justice may be more perfectly done; and those who watch to see where they are disobeyed that they may be made effectual. To all of these whose concern is with the law St. Paul has applied the very word which belongs chiefly now to the clergy: they are God's "ministers" attending to the justice of God, ministering it to us all. (Romans xiii, 16.)

There are also with us today our brothers who have been brought here from prison. I feel therefore that I must now go on to ask the difficult but important question: what is the *purpose* of law and the administration of justice? I suggest it is two-fold; it is to secure for the individual what are his rights, and to require of him what are also his duties. I have put the emphasis here where I believe the Bible tells us where it has to be: upon the relation of the law to the individual. This is not, however, where others would place it. In the White Paper on the "Adult Offender" of last December the Government says this:

"Whilst every effort would be made to reclaim for society the

prisoner capable of reform, it still remains the primary consideration that society must be properly protected against the wrongdoer" (par. 18). In its context, namely that of the treatment of long-term prisoners, there is force in what that says. But has it a wider reference? Does it state what is seriously held to be the primary purpose of justice? Is society or the individual the primary consideration? The answer to this question has, I believe, a decisive influence upon the meaning of punishment. How do we look upon "society"? Does the individual exist for society? Or is society a fellowship of individuals? If the first is true, punishment is for the protection of society from the dangerous individual, and is some kind of social hygiene or even surgery. If it is the second, punishment is concerned primarily with the rights and with the duties of the individual. That does not exclude that justice shall be done to the rights of society; but what it does do is to secure that the rights of the individual, and of the individual offender, shall be neither belittled nor overlooked.

What rights has the offender? There will be no doubt in anyone's mind that he has the right to be understood; to be treated as a person—a real person—and that often means a person with a family; and that not only shall he not be injured, but that he shall be helped. And about this I will speak again in a moment. But

there is one thing that the Bible, in its great reverence both for the law and for the law-breaker requires: that he shall be given the opportunity for making an act of reparation. Contrary to most present-day thinking on the matter, in punishment there should be an element of retribution. This does not mean that there must be a retributive equivalence—an eye for an eye, a tooth for a tooth—otherwise we should not have been right in doing away with the death penalty, which was precisely that. It means that an offence must be regarded as an offence, and an offender as a person.

I have allowed myself to use some highly controversial and indeed greatly misunderstood words: reparation, retribution, to which we can add expiation. They all mean the same. None of them has anything to do with vengeance. Nor have they to do with forgiveness. Reparation is not a condition imposed by someone aggrieved before he is willing or able to forgive, otherwise it is plainly not forgiveness which is being either given or received. Reparation is to be seen rather as a correlative of guilt and as a requirement of penitence. Nor do I understand reparation to be the same as restitution. Reparation is paid to the law; restitution is made to people, and is a debt which may or may not be required even where it is possible for it to be required. Reparation, retribution, expiation

are related to one's guilt, and the capacity to feel guilty is a vital aspect of true humanity. To be able to feel guilty for real wrong done betokens a healthy mind and ought neither to be despised nor destroyed. Today it is the habit of many to belittle guilt and to allow the *mens rea* to wither away from contempt. But I think that guilt and reparation still must stand as witnesses to the fact of law and the fact that we are responsible for obeying it.

Yes: I believe that this is true. But of course what I have said works two ways, not one. Over the last 18 years I have been privileged to know a great number of men and some women who have served prison sentences. I have perhaps been able to know them more intimately than many others have had the opportunity of doing. Out of this knowledge, limited though it is, I should have to conclude that few people are ever the sole cause of their crimes. Prisons and prisoners are the symptoms of a sinful and sick humanity. They are the local and particular manifestation of the poison in the blood-stream of the whole body of society. Where then is the guilt? It belongs to all. And from whom has retribution in justice to be required? Equally, from us all. With that far-reaching truth to sober and to solemnise us, we shall have to go on to consider when we impose publicly a punishment, particularly that of imprisonment,

upon an offender, in what way reparation has to be made to *him*. The tendency today is to speak of punishment as being rightly devised to reclaim the prisoner for society. Is it not equally right to ask how society can be reclaimed for him?

But there are others here today besides judges, policemen and prisoners. There are probation officers and other welfare officers, counsellors of one kind and another, and the clergy. Why are we here? It is because of what follows from what I have just been saying. It is because justice requires not only that retribution shall be required, but that restoration also shall be brought about. Justice is only a *regulative* principle; it can hardly be regarded as a *creative* one. A state of justice is not necessarily a state of harmony. And what God works for in His mercy and love is what in His justice alone He could never achieve: the perfect liberty of the children of God in the one family that bears His name. When Cain killed Abel, God asked him this question: "Where is Abel your brother?" And he said, "I do not know; am I my brother's keeper?" And the Lord said "What have you done?" Yes, what had he done? He had repudiated all responsibility for maintaining and preserving the most fundamental relationships of all human society: the relationship of the neighbour and the brother. And that is how it is with all of us now: for some more

terribly true than for others. And so it is that God in His mercy gives us once again to one another to repair for one another the ravages that have come from the absent brother and neighbour. It is in these real relationships between man and man and person and person that God reaches out to us all and begins the new creation at the point where we meet Him in one another. It is in Jesus Christ we see without doubt that our God is a wholly merciful God, who reaches out to us to save and to restore us. But He does so chiefly through the presence beside us of the merciful neighbour. Are we all, are we always, that merciful neighbour? For "he will not break a bruised reed or quench a smouldering wick, till he brings justice to victory."

Finally, we are all here today standing before God and standing beside one another, simply as people, as ordinary human beings. We do not have to be professionally concerned in order to find ourselves involved in the securing of justice and the showing of mercy in everyday life. We have all to play our part, and what is our part we may not leave to someone else. We are all responsible at times for making judgements and reaching decisions which affect the lives of other people. As a doctor, as a parent, a foreman, a supervisor, a redband in prison, or simply as a neighbour, we have to make responsible decisions.

May I then end by drawing attention to two attitudes of mind, the one anaemic and the other vicious, which equally are the enemies of both justice and mercy in life?

I refer first to that failure of nerve which refuses to take the risk of painful and personal decision in case we find ourselves held responsible for consequences we would rather avoid. The result of this attitude of mind, as a recent case at the Middlesex Area Sessions has shown, can be that great injustice is done to an individual because she is caught up into an organisation where no one is either able or willing to take the responsibility for personal decision.

The second attitude to which I refer is the readiness on the part of some people to blame, even to prosecute, a responsible person who acted responsibly, or who, because of the unremitting weight of responsibility failed at a single point of decision, and when in each case the consequences were sad. Ought not mercy to be extended to all whose task of making important decisions is a delicate or a heavy one when it is plain that when something goes wrong it is not a man's integrity that is in question but his human infallibility? Ought not the scales of justice to be tipped in his favour? Who in the end will have the courage to make honest and dangerous judgements if there is no mercy for him when he seems to fail?