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Punishment in Ethics and Theology.

I.

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The intellectual climate of the period which is now, perhaps, near its end has been unfriendly to the idea of a moral order of the world. Both the main elements in that idea have tended to suffer eclipse, for neither has providence nor reward and punishment been a favourite subject of thought and discussion. The present paper deals with punishment as a factor in the moral order. Not only is the subject important for ethics, but I believe that it has a living interest for theology, and that an honest examination of it would prove a first step towards overcoming the difficulty which religious teachers find in making the thoughts of salvation and atonement clear to themselves and authoritative to others.

What are the penalties which follow wrong-doing, and how can they help towards its conquest? These questions were, it may be, too absorbing to our forebears, but in recent years they have suffered undue neglect. Yet there is much to be said for the procedure of the elder Moberly, whose great book, *Atonement and Personality*, opened with a brief but searching treatment of punishment.

The neglect into which the conception of punishment has fallen is not due to the logical difficulty of finding a clear connexion between the ideas of ill-doing and of pain. It is true that there is no direct passage in thought from one to the other, just as there is no necessary connexion between the ideas of virtue and happiness—which accounts for the fact that Kant felt bound to round off his ethical system by connecting them in a purely external way. But though the association of reward with virtue, and of punishment with selfishness and wrong, cannot be explained by any process of logical analysis, yet it has been close and persistent through most stages of ethical and religious thought. Not easily does the heart of man surrender its instinctive demand that the good should in the end be happy, and the evil feel the heavy consequences of their wrong-doing.

Why, then, should this long association have been broken in recent times, at least as regards the link between wrong-doing and penal suffering, and why should this last idea have fallen into disrepute? One reason is that the tradition of past theologies still survives, with their ghastly pictures of the eternity of suffering which awaits the impenitent; nor have we wholly forgotten those savage penal codes and that harsh and unchristian use of punishment, physical and mental, in education which lasted far into the nineteenth century. These provoked a reaction, long-continued and, as reactions often are, extreme, in which the whole idea of penal suffering was impatiently dismissed. A further reason follows from this; for the emphasis laid on the brighter, more hopeful side of life has tended to make men overlook the darker. Optimists no less than pessimists unconsciously select the facts on which they build up their world-view; and those in particular who hold that evil is good in the making are not likely to spend much time in elaborating the thought of the penalties which follow it.

But it is certain that this reaction reached its farthest point in the period before the War. Rather, this easy, optimistic view could hardly survive the shocks of the War—though the present popularity of a non-theological humanism might seem to belie this view. But slowly the lessons of the War, and still more of the Peace, are sinking into the conscience of the nations. In the international sphere we are moving towards the fulfilment of the saying: 'When Thy judgments are in the earth, the inhabitants of the world learn righteousness.' In the sphere of individual conduct also, there are signs that a sterner, more stringent, view of wrong-doing may arise.

We were told some three years ago that the kidnapping and death of Colonel Lindbergh's baby, and the helplessness of the police to provide protection or to bring the criminals to account, did as much as the economic stress and suffering of the time to shake American opinion out of that facile optimism and acquiescence in crime which marked the years before 1929. That narrative of unspeakable baseness stands along with scores of other newspaper reports, and reports to the League of Nations, throwing light on the activities of the kidnapper, the procureur, the drug-trader, and the agent of armament firms who stirs up hatred in the columns of 'controlled' newspapers, or spends large sums in forcing grit into the wheels of successive Disarmament Conferences; and such reports

must make every thoughtful man ask anew, What is the end of these things? Can we contemplate such instances of human degradation and selfishness, untempered and unashamed, without passing from the idea of crime to that of punishment? Is this a morally tolerable world if in it such men can get away with the profits won by a reckless and deliberate disregard of every right and interest of their fellows? When such questions, unwelcome it may be, are forcing their way into all but incurably shallow minds, a re-examination of the problem of punishment would seem to be timely in itself, even apart from its value as a propædeutic to other and more central Christian doctrines.

There is a familiar distinction between the possible views of punishment as deterrent, retributory, and reformative; and it is also possible to trace the development of the idea in an evolutionary rather than an analytic way by observing how it gradually passes from an external to an internal form. I propose to follow both lines of thought, but to take the latter first.

In its simplest form the penalty of wrong action is looked on as coming entirely from without, inflicted by the forces of Nature or by the social disapproval of fellow-members of the tribe or group. At first penalties of the former type are looked on as the work of deities or spirits which direct the course of Nature. But when animism passes into a more scientific and impersonal form of belief, it gradually comes to be recognized that only in metaphor can we speak of Nature as '"punishing" the breach of her laws.' Yet the importance of paying heed to the effects of action in the material world does not grow less as we move farther away from primitive conceptions. In the case of civilized as of primitive man it is a great part of the art of life to adapt his action to the ways of Nature; and grave are the penalties if he fails. The modern airman or navigator must observe the signs of the sky not less carefully than the fisherman who follows his calling with sail and oar; indeed, a higher degree of skill and attention is needful for the former, since he has a far wider range of circumstances to consider, and the interests imperilled by his failure are far greater.

At all stages in man's long career he has suffered when he failed to 'obey Nature.' But, even if we hold that this is an essential part of life's discipline in a world ordered by the Divine Mind and Will, yet the penalties which follow wrong (*i.e.* ill-adapted) action in the outer world have one great limitation. It has often been pointed out that Nature 'punishes' ignorance as severely as deliberate wrong-doing—some would say, much more severely—just as Nature, like the State at a later stage, commonly rewards ability or prowess rather than pure virtue.[1] Even at the present day it is probably true that more suffering is caused by ignorance of the laws of health than by deliberate self-indulgence or neglect of the needs of others. It is imperfect knowledge rather than carelessness which causes men to plant towns and villages on sites infested by malaria, or on the line of geological faults in a region specially subject to earthquake.

Thus, while we believe that no part of the universe in which we live is isolated from the rest, and that we cannot treat the material world as falling outside the scope of God's action,[2] it remains true that the view of sin and its punishment which Nature affords is at best partial and clouded. In this sphere we learn the importance of studying Nature's ways, and of a constant and careful use of the knowledge gained, both for our own sake and the sake of others. We learn also something of human solidarity by observing how one man's error or carelessness often brings suffering and loss on many. But, valuable as these lessons are, they are too general and impersonal to give us an insight into the true nature of punishment, nor can they make an unambiguous appeal to the *conscience* of man.

It is when we come to punishment as a social practice, exercised in theory at least for the protection of the social group, that true Nature appears. The interest to be safeguarded is one which all members of the group can understand, and it is not impossible that the man who suffers the penalty of his fault at one time may at another be himself a dispenser of justice. However harsh primitive law may be in some of its workings, its general tenour is in line with the sense of the community. Thus the individual begins to sit in judgment on himself. If he is judged by his peers or by a chief of recognized authority, the judgment thus given awakens an answering judgment in his own breast. There is an increasing chance that he may acknowledge its justice; and as soon as he begins to do so the punishment ceases to appear as a pain irrationally imposed from without. He feels that it is something brought on himself by an action in which he preferred his own passing, apparent

[1] On the latter point, cf. A. C. Ewing, *The Morality of Punishment*, 154 f.

[2] Cf. an article by the present writer, 'Can the Idea of Providence be Maintained?' in *Contemporary Review*, January 1932, 76 f.

good to the real and lasting good of the community.

Thus we pass towards the third and completely inward stage, in which the real penalty is not that which a judge, however high his authority, may impose, but that which is worked out in the conscience and life of the now repentant wrong-doer. If the first stage represented something less than true punishment—the penalty for disregard of natural law being of too impersonal a kind—the third represents something more. In it punishment has become the effort after self-reformation of a fully awakened and self-judging moral being. In Moberly's phrase, 'penal suffering comes ever increasingly to mean the suffering of penance rather than of penalty.' [1]

The greatest discussion known to me of this higher, more inward form of punishment—perhaps the most arresting treatment of punishment in all philosophical literature—is that in the *Gorgias* of Plato, especially in the central part of the dialogue, where Socrates is arguing with the young Polus, the ardent follower of the famous sophist, Gorgias. The main contention of Socrates is that it is a worse thing to do than to suffer injustice. 'In my opinion, Polus,' he says, 'the unjust or doer of unjust actions is miserable in any case—more miserable, however, if he be not punished and does not meet with retribution, and less miserable if he be punished and meets with retribution at the hands of God and men.' Polus expresses astonishment at this doctrine, and asks if a man detected in an unjust attempt to make himself a tyrant and put to death after suffering every kind of torture, physical and mental, will be happier than if he escape and become a tyrant. To meet this objection Socrates develops the analogy of health in the soul and body, and argues that virtue is the health of the soul, as sin is its disease. After pointing out that in mind, body, and estate there are three corresponding evils—injustice, disease, poverty—he asks, 'Which of the evils is the most disgraceful? Is not the most disgraceful of them injustice, and in general the evil of the soul?' But if this be the worst of evils, and the way of escape from it be the acceptance of punishment and the enduring of remedial pain, must not the last be a good to be sought out rather than an evil to be shunned. So we reach the paradox with which this part of the argument ends. 'He, then, has the first place in the scale of happiness who has never had vice in his soul. . . . And he has the second place who is delivered from vice, that is to say, he who receives admonition and rebuke and punishment.' And conversely, 'to do wrong is second only in the scale of evils; but to do wrong and not to be punished is first and greatest of all. . . . Every man ought in every way to guard himself against doing wrong, for he will thereby suffer great evil. And if he, or any one about whom he cares, does wrong, he ought of his own accord to go where he will be immediately punished; he will run to the judge, as he would to the physician, in order that the disease of injustice may not be rendered chronic and become the incurable cancer of the soul.'

Then the further paradoxical conclusion is drawn that the worst fate one can wish for an enemy is that he should escape punishment after he has sinned—'If he has stolen a sum of money, let him keep and spend what he has stolen on him and his, regardless of religion and justice; and if he have done things worthy of death, let him not die, but rather be immortal in his wickedness; or, if this is not possible, let him at any rate be allowed to live as long as he can.' [2]

Once again before the conclusion of the dialogue Socrates returns to the same thought when arguing with Callicles, a more unflinching exponent than Polus of the doctrine that self-gratification and self-interest are the rule of life—'I affirm that he who desires to be happy must pursue and practise temperance, and run away from intemperance as fast as his legs will carry him: he had better order his life so as not to need punishment; but if either he or any of his friends, whether private individual or city, are in need of punishment, then justice must be done and he must suffer punishment, if he would be happy.' [3]

In this long discussion, which I have partly quoted, partly summarized, several features stand out clearly. The main thought is that of punishment as a means of reform, and of the efficacy of pain to this end. *How* pain can work the change from love of evil to hatred of it, Plato does not clearly state; but the suffering to which he attributes this effect is recognized as justly incurred (cf. 'justice must be done' in the last sentence quoted), and it must therefore be borne willingly, not in a spirit of revolt. From that follows the sense of urgency which appears again and again—the wrong-doer 'will run to the judge' to heal the hurt of his soul. It is the same urgency which appears in the second canto of Dante's *Purgatorio*, when the spirits found lingering at the base of the

[1] *Atonement and Personality*, 24.

[2] *Gorg.*, tr. Jowett, 472 f., 477–481*a*.

[3] *Ibid.* 507.

Mountain of Purification are reproved in these words :

> What negligence detains you loit'ring here ?
> Run to the mountain to cast off those scales,
> That from your eyes the sight of God conceal.[1]

There is also implicit in Plato's thought the conception, so clearly expressed in modern times by Hegel, that the punishment is not disconnected from, or arbitrarily attached to, the evil done. It is not 'a menace,' which 'may incite a man to rebellion in order that he may demonstrate his freedom. . . . The injury [penalty] is a right of the criminal himself, and is implied in his realized will or act. . . . The Eumenides sleep, but crime wakes them. So it is the criminal's own deed which judges itself.'[2] Finally Hegel's paradox—itself a re-affirmation of Plato's—that the evil-doer has a *right* to be punished, is taken up and extended by the great Russian moralist, Solovyof : 'The true conception of punishment is many-sided, but each aspect is equally conditioned by the universal moral principle of pity, which includes both the injured and the injurer. The victim of a crime *has a right* to protection and, as far as possible, to compensation ; society *has a right* to safety ; the criminal *has a right* to correction and reformation.'[3]

At the end of this process of development we have reached an idea of punishment which resembles the so-called punishment for the breach of Nature's laws in the inevitability with which it follows the doing of wrong, but which differs *toto cœlo* in that its inevitability now has an inward character. It is an inward compulsion which brings the wrong-doer to say, *Mea culpa,* and to seek both to make amends to others and to amend his own life. If the punishment includes deprivation of freedom, that, as Solovyof further says, 'is especially important as a *pause* in the development of the evil will, as an opportunity to bethink himself and repent.'[4] His eyes may thus be opened to the ugliness and baseness of what formerly attracted him, 'until his iniquity be found to be hateful'—a phrase which in Ps 36 may be a mistranslation, but which expresses one of the most profound truths of moral experience.

(*To be concluded.*)

[1] *Purg.* ii. 115 (tr. Cary).
[2] *Philosophy of Right,* §§ 99–101 (tr. Dyde, 96 ff.).
[3] *The Justification of the Good* (tr. N. A. Duddington), 322 f.
[4] *Ib.*

Christianity and Progress.

By the Reverend Frederic C. Spurr, Birmingham.

The idols that men worship are for ever doomed to fall. Dagon is found lying on his face in the early morning and his 'hands cut off upon the threshold.' The golden calf is burned, ground to powder, and strewn upon the water which the people drink. The idols of the mind share a similar fate, but in another realm. Their destruction is none the less real although it lacks a material form.

The great mental idol of the Victorian epoch was named Progress. It was invested with the attributes of Deity itself. Mr. Herbert Spencer declared social progress to be a 'cosmic law identical with biological evolution.' It was inevitable. His camp follower, Mr. H. G. Wells, repeats the dictum of his master. 'Progress,' he says, 'continues in spite of every human fear and folly. Men are borne along through space and time, *regardless of themselves,* as if to the awakening of the greatness of man.'[1] The italicized words are identical in meaning with Mr. Spencer's 'cosmic law.' Mr. Wells, who is an accredited prophet with some, is so certain of human progress being perfected, that he permits himself to draw in advance, and with much imaginative detail, the world as it will be one day. But the date, unfortunately, runs into six figures. Meanwhile life has to be lived, and it is pressing. The Victorian optimism, however, did not remain unchallenged even in Spencer's time. Ernst Haeckel, who was very confident about the past, and who very cleverly filled up unpleasant gaps with material of his own, was not so sure about the future. In his *Riddle* he had to admit with regret, that there was another and a serious side to his picture. 'We have made little or no progress in moral and social life, in comparison with

[1] *The Work, Wealth, and Happiness of Man.*