Article

Ethics of Sin and Punishment

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Abstract: The aim of the paper is exploring the ethical foundations and approaches to crime and punishment relying on the close moral roots of criminal law. Our further aims are to prove value-based approach to the basic concepts of criminal law. Primarily we intend to apply legal theoretical methods to perceive the relationship between criminal law and morality. Our ethical approach is based on Christian ethics relying on Greek and Jewish foundations. We seek comparison of the ethical conceptual possibilities of crime and punishment and the basic concepts of criminal law. We find out that the term *crime* is not used in criminal law, but it builds on this fundamentally ethical concept. The indeterministic conception of criminal guilt as the basis of blameworthiness also appears in St. Augustine's ethics, based on Greek and Jewish legal and ethical considerations. The social necessity and proportionality of punishment is based on the foundations of Christian social teaching. Some elements of the Restoration appearing in the modern criminal law approach reflect the values of the ethics of Christian punishment. According to the Christian approach the punishment is good if the sinner comes repentant and it leads to reconciliation between commitment and victim.

Keywords: ethics basis of criminal law; sin; punishment; restorative justice

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I. Introduction

Within the framework of this paper, we focus primarily on the ethical, especially the Christian sociometric content of the concepts of sin and punishment. In legal thought, sin and punishment are first and foremost legal concepts. However, this pair of concepts is also an intrinsic part of Christian religious teachings. One of the most influential factors in the development of moral norms in societies has been the norms of the Christian religion. Different dogmatic systems give different meanings to concepts. Law and morality are more or less closely related. According to Bittar's model, the moral root of law is best evidenced by human dignity (Bittar, 2002). All that law says about man is morality transformed into law. However, this morality is not naturally neutral from the ideologies prevailing in a given society. The content of the right to human dignity is based on moral considerations, i.e., on ethical considerations that are also influenced by ideologies. The recognition or non-recognition of the foetus as a human being is a mapping of a slice of social morality of what public opinion holds about the value of human life.

II. The Relationship between Criminal Law and Morality

Nowhere is the relationship between law and morality perhaps closer than in criminal law. This is true even if applying criminal law to enforce the criminal law's imperative sometimes goes against moral norms (Diamond, 1996). Criminal law does not use the concept of crime. Still, it derives its basic concepts, such as guilt, crime, or the responsibility for crime as utilised in science, from this essentially

moral and ethical concept. However, the basis of criminal law concepts is still a crime. This, in turn, raises the legitimate need to examine the content of the religious norms, which have a decisive influence on the moral norms and convey the concepts of crime and punishment. By the twenty-first century, religious norms had lost much of their generality and were relegated to the followers of a particular religion as directly enforceable social norms. At the same time, they are indirectly reflected in the content of moral rules. Morality, on the other hand, now regulates social relations, affecting the individual, his will and his actions. In other words, it includes all of these in the subject of its evaluation. This is an essential difference from law since the latter cannot affect the will until it has a form of expression that is perceptible to the outside world. It is the exact point that characterises the values of both morality and religion.

Standing on the foundations of Kant's philosophy, it can be said that moral precepts are norms that must be followed unconditionally. These commanding norms are, according to Kant, imperatives that demand unconditional obedience. Following moral norms does not tolerate considerations of practical ends (a lie remains a lie in all cases, even if it serves good ends) (Kant, 1991). Religious norms are analogous to this. The commandments "Thou shalt not kill" and "Thou shalt not steal" do not tolerate exceptions. And criminal prohibitions are based on precisely these worded commandments (Finszter, 2012).

There is a significant difference on the consciousness side. If we condemn human behaviour from an ethical point of view, this is based on the assumption that the person who performed the act knew what they were doing and could have known that they should not have done it. Moral responsibility also implies awareness and freedom of choice. It is also the basis of legal responsibility (Turay, 2000). In Christian norms, ignorance of the "law" is apt to exculpate of error and deception. The differences between the various systems of norms could be enumerated at length. Still, these few considerations are sufficient to justify Imre Békés in saying that a formal comparison of sin and guilt in legal and religious terms is unlikely to yield much (Békés, 2001). The basis for comparing content rather than form is the Christian ethical view that man has free will. And through his conscience, he can distinguish

between the right and wrong. These two capacities form the basis of individual responsibility. It is here that, through the influence of Christianity on European culture, the indeterministic moral ethic of the man is rooted, according to which the man is responsible for his actions and not an unconscious instrument of some inscrutable divine will.

The ethical basis of the individual's free will, discretion and responsibility is already to be found in the world of legal responsibility. A close connection between morality and criminal law is perhaps best illustrated by the Nuremberg trials of war criminals. Here, the question arises as to whether a man acting under the law and obeying an order under the law can be condemned for obeying an evil and inhuman law rather than the requirement of humanity that he should have refused to obey the order. Justice and righteousness are only related concepts if we define the interpretative framework accordingly. The interpretative framework of this research is the values of the Christian religion. Therefore, we will also examine the common root of criminal law and morality from this perspective.

The value system on which the social value judgements are based should theoretically be reflected in the criminal law of the country concerned. To simplify the question, we can say that "good criminal law" is morally and ethically accepted and followed by the society. The basis for this acceptance may be the high degree of congruence between the values that are followed mainly by the society in question and the values protected by the criminal law system. In other words, a "good criminal law" protects the system of values that is generally accepted and followed by society and that, as such, is considered worthy of criminal law protection and that is protectable by criminal law.

There are, of course, acts that are regulated in almost identical ways in different social systems, regardless of time and place. The commandments "Thou shalt not kill" and "Thou shalt not steal" generally punish the perpetrators of crimes against life and property, irrespective of the political and social system. At the same time, however, some acts are strongly influenced by political and social changes in a given state. Such crimes are typically crimes against the state (Barna, 2015). But they also include some crimes against public order and drug offences. Inevitably, historical and social events, changes and trends in crime

leave their mark on the thinking of the criminal legislator. As a result, the relationship between criminal law and morality has become much looser in the 21st century (Domokos, 2019).

The basic concepts of criminal law include guilt and crime. However, the concept of crime is not used in criminal law at all. Crime is primarily a moral issue, whereas criminality is an artificial legal phenomenon. However, it is hard to deny that it has solid moral roots. The question of which acts are criminalised by the legislator is not only a matter of criminal policy but also a moral issue.

III. The Ethics of Crime

One of the means of criminal defence is, by its very nature, the threat of punishment, which may deter the offender from engaging in criminal conduct. By making an act an element of criminal law, the State provides protection for the protected legal object. On the other hand, the means of criminal protection include imposing a penalty and its application. Thus, crime and punishment are central concepts in criminal law. But the same observation is also accurate from a theological point of view. It is, therefore, necessary to examine the issues of crime and punishment from the perspective of Christian theology. This study is not fundamentally theological, therefore, we will only point out the most critical aspects of this issue, which are more or less generally agreed upon among the main branches of Christianity.

Since Christianity is rooted in the Old Testament, on the one hand, and historically influenced by Greek culture, on the other, it is worthwhile to give a brief overview and examine the interrelationship between them.

Research on the Old Testament reveals very few theoretical-theological claims about sin. The main reason and explanation for this is that, although the Book of Psalms does show a perceptible expression of universality, they invariably tend to be based on a personal story-telling in which the speaker voices a complaint, which leads to the conclusion that the Old Testament tends to employ a form of speech that is most appropriate to the phenomenon of sin, which is no other than confession (Rad, 2000).

In the Old Testament, the word *caddíg* is used to describe a person who is not guilty, was originally derived from a legal term because initially Jewish law used this word to describe a person who faced a charge. Still, in the proceedings, this charge was found to be unfounded. Therefore, this term can be identified with the person declared innocent by the court.

The Book of Prophet Isaiah also includes the help given to the powerless and weak (Koskai, 1996). In 1 Kir 8,32, the word *caddíg* is joined with the word *rásá* in the original text. The basic meaning of this word is *evil, ungodly*. This term is the opposite of *caddíg*, the person in whom the guilt of the accusation has been established; that is, his guilt has been found in the proceedings. Later, these legal terms passed into religious language. In Genesis 3, in the story of the First Sin, the narrative points to the true essence of sin, which is nothing less than the act of opposing God's will, of breaking His commandments by putting man's will above God's will. The transition between the theological use of *caddíg* and *rásá* appears here. A *rásá* is accused of putting his own will, his ideas first, over the divine will, of breaking God's law, and these accusations are found to be well-founded against man. In the Old Testament, several other terms denote sin, most profoundly expressed by the word *pesa*. This noun means "to rise against someone, to rebel." Rebellion as a sin appears several times in Scripture. In addition, the terms *backa* and *awón* are also used. The meaning of *hátá* is *to err*, to miss the mark, and from this concept developed the concept of missing the mark God set before man and thus sinning, which is identical to the Greek *hamartia*. The root *awón* means *to go astray*; going astray, the perpetrator is not emotionally guilty, whereas *áwón* implies a negative emotional attitude. In the case of the *dua*, only the act is contrary to God's will, whereas in the case of the *awón*, the person himself is also contrary (Pap, 2008). The latter implies a psychological connection between the individual and his act, with a positive emotional charge, whereas the *dua* means a negative emotional charge.

Jewish law and the rules of Jewish religious life derive from the same source (Talmud and Torah). Sin is a violation of these rules. Since all legal rules are derived from God's revelation and commandment, to violate these rules is to violate God's ordinances and, ultimately, God.

The sinner's punishment was retribution for the law or religious precept that was deliberately infringed.

The ancient Greek language used several terms for the concept of sin. One is "*hamartema*" (*hamartia* in another sense), most commonly found in drama. It is a tragic misdeed by the protagonist by not correctly calculating the consequences of his actions. However, several distinct layers of this term, at least three, can be identified. The first layer is identified with a misapprehension of goals, the second — with a lapse of judgment or wrong action, and the third — with a lapse of the law, or even more so, a sinful action. In the latter meaning, evil action implies moral sin. These three meanings have developed in succession over time. Therefore, in early Christianity, the term had the latter meaning (Bremer, 1969).

The other term is "*adikia.*" This term is most commonly used to denote *lawlessness*. It is equivalent to the Latin term "*iniuria*" that is equal to the Latin term "*iniuria*" in written human law. With some clarification, exploring the deeper layers of the meaning of this term, it is used in some cases in an absolute sense to denote unrighteousness and wickedness. In these cases, it refers to actions and behaviour that do not conform to moral standards. More theological weight is given to those cases in which the term is directly and recognisably used as the opposite of what is just, right and righteous. In this case, the measure of injustice is the justice of God (Bartha, 2000).

The third term is "*Siberia*" that has a religious connotation because it means not having sufficient respect for the gods. The fourth term used is "*kakia.*" It is essentially the opposite of virtue and is most closely associated with vice. Finally, we find a particular concept of sin. This is the word "*hubris.*" The sin of *hubris* means that one crosses the boundary between man and the gods and enters the territory of the gods. It manifests in a feeling that what man does or happens to him is too much for man's being, that it can no longer be continued (Maróth, 1996). It is essentially a kind of *hubris* in which man considers himself much more than his human nature justifies. The desire to do more, to compete, is a natural human behaviour, which is more a Greek virtue, but beyond a certain point, one no longer wishes to compete not with other humans but with the gods. This is *hubris*. An example is the story

of Daedalus and Icarus. One can argue about whose *hubris* caused the tragedy of Icarus. Did Daedalus, the master builder, overthink himself when he wanted to fly, or Icarus, who, despite his father's admonition, soared higher and higher as if there were no limits in front of him? Instead, Daedalus's *hubris* is the root cause of Icarus' punishment since he wanted to create and create as a master builder, imitating the gods.

An overview of the Greek concepts of crime leads us to conclude that everything we think of as criminal guilt today is a peculiar mixture of *hamartia* and *adikia*. The close relationship of criminal law with morality shows similar features to *hamartia*. The violation of criminal law norms, being a written law, leads to the area of *adikia*.

In the Christian theological sense, sin means separation from God. Man is a created being, and God created him in his image. Man's responsibility towards God stems from this state of creation. Man must fulfill the will of the creator. Sin is essentially the refusal of this moral commitment (Békés, 1996). The consequence is the disturbances surrounding man, death, and ultimately damnation. Man's sin is that he has broken his relationship with God. He refused to obey the god anymore.

Furthermore, man's sins are what he says, thinks, omits, or acts in this state. In the state of sin, one can only sin. However, it is an essential truth in the Holy Scriptures that we are not guilty because we sin but because we have become sinners (Csuka, 2000). In other words, sin itself is a characteristic of man, a compelling reason, because he cannot act otherwise than sinfully. Sinful acts (offenses) are already the consequence of this characteristic, e.i., sin. Everything a person does in this state is a sin because he does everything without God.

Moreover, what is not of faith is sin. What Man does apart from God, independently of Him, not out of faith, is sin. Sin is, therefore, not a legally interpreted reality in the Bible. In the Bible, sin is not a question of morality but a disobedience of faith (Csuka, 2000). The origin of sin is not to be found in man. According to the Bible, the first sin happened in heaven, in the spiritual world, when Lucifer, the archangel, took God's place and rebelled against God. To do this, he won over the man because if the man becomes like God, then there is no more dependence between them and no relationship between the

creator and the created (Csuka, 2000). According to Christian theology, this is where sin comes from. It is difficult for modern lawyers under the rule of law to understand that all people are sinners and all sins stem from this sinful nature, which makes Man unable "not to sin."

Augustine dealt mainly with the appearance of the origin of sin in his doctrine of original sin. According to Augustine, God did not create man with sin. Even children's souls have the shadow of sin from birth (Farkas, 2002). Nevertheless, where does the bad come from? — asks Augustine, to which he gives the answer that the root of sin can be traced back to our free will, and he adds that our suffering arising from sin is a sign of God's justice. He himself writes about this in his Confessions, "Because when I wanted something or did not want it, I knew with complete certainty that it was not someone else, but myself, who wanted it or did not want it, and I almost discovered that this was the reason for my sins. I also saw that what I do against my will is not (free) action, but (compulsion, i.e.) suffering, so it cannot be my sin, but my punishment; and that you do not judge me unjustly, I easily believed as soon as I thought of you and your justness" (Farkas, 2002).

It follows that man is the cause of his sins; he is the forger of his sins, for which God cannot be held responsible. St. Augustine puts it this way: "Because everything good comes from God, consequently everything comes from God, and consequently, all nature also comes from God. Since this turning, which we call the sinner, is also a downward movement and everything that leads downward originates from nothing, then watch where it is going, and you can be sure it is not towards God. Since this holddown is voluntary, it is within our power. If you are afraid of it, do not want it; if you do not, it will not happen" (Szent Ágoston, 1989). This teaching of St. Augustine represents the roots of an indeterministic penal concept. It does not regard man as a toy of some external power but as a being with an independent will and reason responsible for his actions. Man, in his free will, turned away from God, from the unchanging good towards the changing evil, and, therefore, this turning away is not forced but is followed by a voluntary, worthy, and just punishment, namely: misfortune. Here, it is essential to note that one should not understand fate by misfortune, but human misfortune, sin, that the first pair of people abandoned a specific good

for an unavoidable evil. According to this, the most just punishment is if a person loses what he did not want to use well (*see* sinful), but if he had wanted to, he could have done it despite all the difficulties.

IV. The Ethics of Punishment

The Jewish law collections can be formally divided into two large groups: one is the casuistic laws, and the other is the apodictic laws. The main characteristic of the laws mentioned later is that they express a command or a prohibition, and those laws did not take mitigating circumstances into account. Thus, in most cases, the price for the crime was imposed with the death penalty. Today, we would call this punishment system merciless, since the people of the time did not consider the cause of the crime, its gravity, or the degree of guilt. Since the Jewish laws were mainly concerned with religious and ethical issues, the blood of every spilled person cried out to God. Therefore, murder is a sin against the God who gave life. Thus, it can only be made good by the death of the guilty person, regardless of the degree of guilt (Soggin, 1999).

In contrast, casuistic laws show a more lenient assessment. What is most characteristic of them is that they try to determine in advance all the possible types of situations that may occur as a result of an act or an omission, so that they can judge and adjudicate the crime in question. Its name can also be traced back to this concept, since this law was created based on specific cases. About half of the laws in the Book of the Covenant could be classified in this category. It takes into account aspects that have been known since ancient times. The casuistry procedure is never used for laws related to cults or ethics. This is where the distinction between sacred and secular law begins (Soggin, 1999). The difference between the two laws is shown by the fact that religious and ethical issues characterize the content of the apodictic laws. In contrast, as a parallel to this, the casuistic laws are more secular. We will discuss the latter in more detail below.

A frequent criticism of Jewish law is the cruelty of the Talio principle. The development of Jewish law covers an extremely long period. In this long time interval, the essential characteristics of

statehood also changed. Although the legal bases were little exposed to changes, the application of different legal institutions changed over time. It is enough to refer to the trial of Jesus, where the Jewish high council could no longer apply the death penalty. They could be tried for blasphemy. However, according to their religious laws, there was no longer a legal possibility to impose the death penalty applicable for this reason (Sáry, 2004). The legal principle that operated in the world of nomadic peoples later lost much of its practical significance (Bernard, 1973). Therefore, the identification of the cruelty of the Talio principle with the principles of Jewish criminal law is only apparent, and it is not at all a question of the fact that according to Jewish legal regulations, a guilty person should be blinded.

In the Second Book of Moses, we read "An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot, burning for burning, the blue spot for blue spot" (Moses, 21.20). At the same time, in the passages preceding and following this, we find pretty detailed criminal law provisions, where various crimes are primarily punished by compensation, and the perpetrators of intentional acts against life are ordered to be punished by death. The perpetrator of negligent homicide had the opportunity to seek a city of refuge. The perpetrator of intentional homicide could even be dragged away from the altar to be executed. Interestingly, the murder of enslaved people fell under a different judgment: "If someone strikes his male or female slave with a stick in such a way that he dies in his hands, he must be punished. Nevertheless, if he stays alive for a day or two, do not blame his master because it is his own money" (Moses, 21.20).

Thus, the unintentional homicide of slaves[1] did not go unpunished. However, the Mosaic laws do not provide for exact punishment (Moses, 21.20). Furthermore, if the enslaved person dies only later as a result of the beating, the master does not even have to answer because no intent to kill can be inferred.[2] In this case, Jewish law did not perceive the act

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[1] We have deliberately avoided the term careless because the result beyond intention, i.e., in today's terminology, the death that occurs as a result of bodily injury that causes death should also be understood as belonging here.

[2] Mózes öt könyve és a Haftárák. Available at: http://enok.uw.hu/hertz/HRTZj. pdf (In Hungarian) [Accessed 25.11.2024].

as negligent homicide but as bodily injury causing death. In this case, the perpetrator's intention was at most (but certainly not) to cause injury. In the case of enslaved people, only the intentional act of killing was — in an unspecified way — punishable. In the case of acts against a person committed to the detriment of free Jewish citizens, injuries resulting from a fight resulting from a quarrel were an exception to the Talion principle, and bodily injury causing death was ordered to be punished as murder. Two conclusions can be drawn from this regulation.. One is that the Jewish law considered the "Do not kill!" — commandment is valid for all people. This commandment also protected enslaved people. At the same time, there is a second conclusion, according to which there are huge differences between the human dignity of the Gentile enslaved people and the Israelites.

It emerges from the rules of Jewish law that the Talion principle, apart from the exceptions discussed above, was more of a theoretical tool of the ancient court to collect compensation. The amount expressed the harm the wrongdoer intentionally caused his neighbor.[3] At the same time, in the third book of Moses, the talion principle appears again specifically as a punishment for bodily harm: "If someone commits bodily harm against his fellow countryman, let him be dealt with as he did: a fracture for a fracture, an eye for an eye, a tooth for a tooth. Let them do the same to him as he has done" (Moses, 24.20).

In essence, Jewish law orders the Talion principle to be applied to intentional homicide and bodily harm as long as the victim is a free Jewish citizen. Jewish criminal law attributes a threefold purpose to punishment. Punishment as retaliation is not revenge and is expressly prohibited by law. Its primary goal is to correct the criminal and prevent him from committing another crime. Furthermore, if repair is not possible because the crime committed is so severe that no other punishment can be substituted, the death penalty is prescribed, and only physical destruction remains. A secondary goal is to deter other members of society from committing crimes. The law aims to deter people from committing crimes through the severity of the punishments. The third

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[3] *See* http://zsido.com/fejezetek/a-zsido-jog/ (In Hungarian) [Accessed 24.11.2024].

goal is to obtain atonement for the wrongdoer. The perpetrator also sins against God. According to the Talmud, suffering on Earth cleanses you of sin and alleviates spiritual pain in the afterlife (Szathmáry, 2003).

The intermingling of legal materials and liturgical elements can already be felt in the Five Books of Moses, collectively known as the Pentateuch. In the Ancient East, they did not make a distinction, and they did not sharply separate the cult from the everyday life of the citizens (Soggin, 1999). In the Middle East, law was considered sacred and inviolable from the beginning, as it was directly or indirectly derived from the deity (Soggin, 1999). The separation of "church" and state is unthinkable since religion was the most essential basis of the existing order. The law becomes sacred because the gods always mediate it to the people. It is a consequence of the divine origin of the law that the main consequence of its violation is that it will automatically be considered sacrilege. This explains the frequent death sentences because, at that time, it was the greatest crime committed by man.

Among the classical Greek philosophers, Plutarch, in the first century, outlines a model in which he looks for the motivations responsible for the proliferation of crimes. He sees the reasons for the errors related to the punishment: in the delay and disproportionateness of the punishment. In the case of disproportionate punishment, the punishment is too large or too small compared to the crime. A disproportionately large punishment for a minor offense multiplies sins in the same way as a small punishment for a major crime. People consider the former to be unfair and think on the basis of "I will be punished anyway," while concerning the latter, minor crimes can multiply significantly because they are "paid with nothing" for the big ones as well. If crimes are not punished, it encourages the perpetrators to commit more crimes; they may think that what they have committed is not a crime since they were not punished for it. If the punishment comes too late, it can no longer be interpreted as a response to the crime but as a stroke of fate that cannot be related to the crime committed or is not related to the crime to which it originally referred. When the same punishments follow the same harmful actions, they dissuade people from committing the crime (Gyenisné, 2003).

The belated punishment has neither an educational nor a deterrental effect, since no one considers this "blow of fate" as a consequence of the crime. At the same time, Plutarch admits that a divine punishment is sometimes delayed (Plutarkhosz, 1985). In Christian theology, punishment appears as a necessary consequence of sin; however, grace as God's response to sin allows man to avoid the most severe consequences.

The awareness of sin in the individual is the sense of guilt that arises from man's moral being. Guilt is the manifestation of moral responsibility in a person's conscience arising from violating an ethical commitment. Guilt also means rejecting sin, that is, the state when the individual faces his sins and condemns them himself. Guilt is a punishment in itself, as it is a sign of admitting that what a person has done is contrary to God's order (Békés, 1996).

As a result of sin, in a person's life appears shame. The first pair of people also wanted to hide from God because they knew they had sinned against His command. There is a sharp difference between an apology and a confession. Self-judgment appears in confession, which the individual often wants to avoid, even though a person is truly in his place when he honestly judges himself before God and confesses his sins (Békés, 1996). This theological idea appears in the 32nd Psalm: "I confessed my transgression to you. I did not cover my sin. I decided to confess my unfaithfulness to the Lord, and you forgave my sin that I committed."

Sin is not without consequences, even if one receives the grace of forgiveness. These actions cannot be undone, so the consequences must be considered. External punishment is a burden that the guilty person bears because he embraces the weight of his actions with his inner sense of guilt. Guilt is the conscious tolerance of the abnormal feeling of life but accompanied by revulsion and self-contempt, created by guilt and the conscience's recognition (Békés, 1996). The ultimate consequence of sin is death, separation from God, and its final form — damnation. However, death is not the last word. God loves the person who is separated from him, so he offers him the possibility of grace in his son, Jesus.

With his death on the cross, Jesus took upon himself the sin and punishment of the man. Grace is the release from the burden and from the most serious consequence of sin — damnation. However, this also requires the active action of the person to confess (Bonhoeffer, 1999). God's answer to sin is grace, which humanity gained at the cost of the sacrifice of his son. It is grace that God said yes despite the man's sin (Bridges, 2019).

For Christian theology, the man is a sinner, and since he cannot find a way out of this situation by himself, he needs redemption and grace. The redeemed person is then freed from the burden of sin. A person who has received grace experiences the closeness of God, the state from which he fell due to sin. Desiring and striving for this state, he tries to settle his sins. He tries not to waste grace. It does not mean that he will no longer sin, but it does mean that if he recognizes his sin, he will leave it afterward. "Mercy does not view sinners as simply undeserving, but as persons who can never deserve it…. It is not that we do not deserve mercy, but that we deserve hell" (Storms, 1984). Sin lies in man's self-righteousness, and self-righteousness is impiety. God's answer to sin is that we must die. Grace, therefore, the gospel's content is simply that Jesus took it upon himself in his birth and stood for man's sin in his death (Barth, 1996).

Therefore, the process of sin-guilt-confession-grace strengthens one's moral responsibility for one's own actions. The churches announce this way to the condemned, conveying that if they settle with their sins, there is another way. We cannot earn this grace by our merits because it is through the merits of Christ that it can be a part of our lives, and we cannot lose it because of our lack of merit, the grace that was freely given if it were not free, then it would not be grace.

Calvin emphasizes the need for justice to be fair and proportionate. According to his admonition, the exercisers of power must refrain from two extremes: excessive strictness because this causes more harm than healing and excessive leniency because this destroys many innocent people (Kálvin, 1991). This was a very progressive ethical concept in that era. After all, for the man of the Middle Ages, sin was a rebellion against authority and, thus, against God, which justified any punishment. Furthermore, for ordinary people, the most cruel executions acquired a

natural beauty. The period before Calvin was characterized by extremity: either severe punishment or complete exemption; the transition between these two was very slight (Huizinga, 1979).

V. Conclusion

Criminal law does not use the term crime, but at the same time, it is very much based on this fundamentally moral and ethical term. Everything that criminal law describes with guilt is firmly rooted in St. Augustine's teachings on sin. Punishment is a social necessity according to Christian ethics and criminal law, and sufficiently defined proportionality aspects must be considered when imposing it. The legal standard of proportionality depends on the prevailing ideologies, ethical principles, and the quantitative and qualitative characteristics of crime in the society. Christian ethical proportionality mostly depends on different religious attitudes (Unnaver and Cullen, 2005).

Restorative justice is closest to the Christian doctrine of punishment, along with the clarifications that will be formulated later. In addition to reducing recidivism, this justice process seeks to repair the harm caused by the act, so that the offender is held accountable for his actions rather than punished (Braithwaite, 2002). The remorse, repentance, and, in suitable cases, the forgiveness of sins that appear in restorative justice reflect everything that theology teaches about the issue of sin in the relationship between Man and God. Just as the only way for a guilty person to avoid the most severe consequences of sin is to stand before God with repentance, in the same way, confronting the offender with his sin, making amends, and forgiving the victim allows for avoiding punishment. Sins committed to the relationship between God and the man offend God, and only the atoning sacrifice of Jesus could atone for them. In the same way, all the sins committed in human-human relationships require reparation because each sin hurts the individual, as a whole, in his individuality. There is no intercessor between the man and the man like Jesus between God and the man, so in this connection, the perpetrator must make amends for his sins against the victim.

One of the pillars of restorative justice is the involvement of communities. There is a well-known standing acording to which

communities gave up the exercise of informal social control over time because the state performed this function for them. Therefore, restorative justice requires rethinking the role of the society (Bazemore and Marune, 2009). This role of social control also fits into the Christian concept of the society. The Calvinist model of society precisely recognizes the institution of community control. You can also find judging among the original functions of the Reformed Presbytery. The congregations elect the members of the presbytery; in this case, the community administered justice through elected officials. This differs from the primitive community sanctions of the pre-penal law era. At the same time, it expresses an entirely different quality than the sitters' role in the social justice system known today. The presbytery effectively exercised the control function of the community within a legally regulated framework.

Based on this, it can be concluded that on a Christian ethical basis, any restorative solution where the offender's repentance appears, and in response to this, a pardon can be approved instead of a sentence.

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