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A CASE FOR JUDGMENT

The Woman Taken In Adultery

(St John 7.53 - 8.11)

A sermon preached in Manchester Cathedral on 5th October 1986, on the occasion of the annual Service for Her Majesty's Judges.

Consider, if you will, the following situation.

A rich and powerful State has overrun many other countries, and has established a huge colonial Empire. In one of the less important corners of this Empire the local people have their own religion, and their own religious law which includes some capital offences. The colonial power does not, in general, seek to interfere with the local religion, but it has decided to reserve the capital penalty to itself; that is, to forbid executions by the local people acting on their own. Nevertheless, such executions do sometimes still take place, in defiance of the imperial edict.

In this unimportant country, a radical teacher called Jesus has emerged. He has shocked some of the respectable members of society by mixing with prostitutes and shady characters. He has also challenged many aspects of the local religious law, particularly its detailed rules on Saturday observance. This has greatly upset the religious traditionalists. At the same time, in some spheres - and notably those of marriage and sexuality - this independent-minded teacher has argued for stricter standards than those of the local religion. For example, he has opted for a tighter line on divorce, and has said that the existing law on adultery is not sufficient as a moral standard:

You have heard that it was said 'Do not commit adultery'. But now I tell you: anyone who looks at a woman and wants to possess her is guilty of committing adultery with her in his heart. (Matthew 5.27)

One day this Jesus is teaching in the precincts of the Temple, the headquarters of the Jewish religion. Suddenly, he is interrupted by some religious zealots dragging before him a woman who has been caught in the very act of adultery. There is, apparently, no doubt about the facts. The zealots remind Jesus that the written law of their ancestors, the Mosaic law, provides for the death penalty in such circumstances, even though that penalty has rarely been enforced in recent times. So, they demand, what does Jesus think?

This is, certainly, a test case; but it is a test case with a difference. There is no doubt about the letter of the law, or its applicability to these facts. What is at stake is, of course, the woman's life; but, just as importantly from the point of view of the zealots, at stake also is Jesus' own position and credibility.

This is so in two senses.

First, if he advocates the death penalty, he can be represented as going against the authority of the Roman Empire, which has forbidden executions in such circumstances; but if he does not recommend death, he can be portrayed as not upholding the settled written law of his own religion.

Secondly, the accusers of the woman assume that Jesus will be sympathetic to her - is he not notoriously sympathetic to bad characters? - but they believe that he cannot both show such sympathy and remain faithful to the law. And if he does reject the law on this occasion, then what price his previous teaching on the sanctity of marriage, and on the avoidance even of adulterous thoughts?

So, Jesus is tested; and of course we all know the rest of the story. He deals with the matter in a masterly way; as one commentator puts it:

He neither condones her sin nor denies the validity of the law; nevertheless, he gives the woman an incentive to make a new start in life.

What lessons can we learn, in our own very different situation, from this story? I would like to suggest that those of us who are involved with the criminal justice system can learn four things in particular.

First, there is a notable contrast throughout the story between the way the accusers treat the woman, and the way that Jesus does. For the accusers, she is just someone who has broken the law; or even, a convenient human pawn through whom it will be possible to compromise Jesus' authority as a teacher. Jesus, by contrast, treats the woman throughout the incident as a person. This is hardly surprising, coming as it does from the man who has taught that, in God's sight, even the hairs of our heads have all been counted; and that not one sparrow is forgotten by God, yet that each human being is worth many sparrows. (Matthew 10.29-30)

So, whatever anyone has done, God still loves him or her, and cares for her. She is entitled to be treated as a person in her own right, not as a thing, or as a means to some other end, such as getting back at an unloved teacher.

In our activities in the criminal justice system, it is easy enough in the pressure of daily activity to forget that we are dealing with people, whether they be offenders, suspects, victims, witnesses, or others; and it is easy enough also for legislators and administrators to create systems which do not reflect true respect and concern for persons.

May God grant us a discernment of when we fail in this manner, and may He grant us also the will to amend our ways as necessary.

The second of the four points refers to Jesus' challenge to the accusers. 'Let him who is without sin throw the first stone'.

Jesus was not referring here - as some have supposed - to those who had committed the specific sin of adultery. Rather, he was issuing a general challenge to the accusers to examine their own souls and, probably, their own motives in bringing this particular case. And, of course, the effect was extremely powerful - one by one, the accusers melted away.

So the story powerfully reminds us of the potential sinfulness of all those involved in the administration of justice. And that reminder, I would suggest, has two implications.

At the level of the individual, it challenges each one of us to consider whether our own sins - of pride, ambition, envy, slothfulness, or whatever - are getting in the way of the proper administration of justice.

At the system level, the awareness that each person involved in the administration of criminal justice is potentially a sinful person must have consequences for the kind of legal and administrative structures that we create. In short, we cannot afford to create a criminal justice system without proper accountability - for each person in an official position in the system is potentially a sinner, and if he is not accountable for his official actions there is a risk that he may shamefully abuse that position. At the same time, since we are all sinners to some extent, it would clearly not be possible to run the criminal justice system at all if only non-sinners were to be recruited, or if everyone in the system were to be heavily castigated every time he made a sinful mistake. The balance to be developed is, therefore, to create a framework which *supports* those who have to make difficult decisions; which is open and accountable and so *enhances the likelihood that the decisions made will be wise ones* - but without putting impossible pressure or constraint on the decision-makers; yet which, finally, *condemns strongly the serious misuse of power.* (2)

To create such a system is not easy, but it is required by our Christian understanding of God and man.

The third point to be learned from our story is a simple one, yet an important one - Jesus was, in this case, content with a less than full application of the law. Indeed, in this particular situation, he clearly saw non-enforcement as the most constructive solution. As one commentator puts it:

In his exercise of the divine compassion... Jesus gives [the woman] a real incentive for a better life in the future. She has already had a real fright, narrowly escaping the death penalty. (3)

Thus the wise judge will always look for the creative possibilities of a compassionate, or merciful, approach to the offender - although

it will not be possible to take this line on all occasions. In much the same way, we have learned in recent years that the 'hard' enforcement of the law by the police - by, for example, 'swamp' stop and search campaigns - is not always the best way forward in creating long-term order in our society.(4)

May we learn from Jesus the creative possibilities of a less than full enforcement of the law - and may God grant us the wisdom to know when to use this approach, and when not to.

The fourth and final point concerns Jesus' conversation with the woman when all the accusers had gone away. He has shown compassion - but he has not condoned the woman's act. He says to her: 'Go, and sin no more'.

With this word, Jesus shows us that compassion does not mean the absence of moral standards. Compassion has been shown to the woman, but now she is reminded that moral standards matter, and she is called to amend her ways.

As Christians, we too are called, like Jesus, to uphold moral standards, and to proclaim their importance - not in a strident way, but nevertheless clearly and firmly.

There is, however, another dimension to this - and it is one that was brought out in our Old Testament reading, which reminded us of God's call to social justice.(5) *Faith in the City*, the 1985 report of the Archbishop of Canterbury's commission on urban priority areas, correctly argued that Christian theology is not simply about the moral and spiritual worlds, but about the material world also, and the way the moral and material worlds interact.(6) The report called us to a more lively awareness of the social inequalities and injustices in our own society, and their consequences.

That message is relevant to our theme in this sermon. For the urban priority areas - some of them not far from this Cathedral - are also the most crime-ridden areas of our society so far as everyday street crimes are concerned; and the people who live in them are both more likely to appear in court as defendants, and more likely to become victims of crime, than those who live elsewhere. Those of us who are connected with the criminal justice system can certainly, and rightly, say to offenders: 'Go and sin no more'; but in good conscience we can scarcely say that without having some understanding of, and concern for, the social conditions in which crimes are committed and victims are created. We need, therefore, to strive to establish the social conditions in which the likelihood of 'sinning no more' is enhanced. A sermon is not the right occasion to launch into a technical discussion of what exactly that might mean; but certainly, *Faith in the City* was right to stress that if a society has a singular absence of social justice, it is not likely to encourage law-abidingness among those who are most alienated from the sources of power in that society.(7)

The story of the woman taken in adultery is not found in the earliest manuscripts of John's Gospel, and scholars are now certain that it did not originally form part of any of our four gospels. There is, however, no reason to doubt its authenticity as a true record of part of Jesus' ministry, and we can be deeply grateful that this wonderfully impressive story has survived.

I have suggested that the story speaks to us, in our situation, by emphasising the need to treat offenders, victims and witnesses as people; by calling attention to the sinfulness of all those involved in the criminal justice system, and hence the need to create proper structures of accountability; by reminding us that the full enforcement of the law is not always the most constructive solution; by reasserting the importance of moral standards; and by calling us to create conditions in our society which will reduce the likelihood of offending, including an Old Testament concern for social justice.

May God bless to each of us our reflections upon this incident. Amen.

NOTES

- 1 B. Lindars, *The Gospel of John* (New Century Bible), Oliphants 1972, p.305.
- 2 This formulation draws particularly on the discussion at pp.23-4 of the Home Office Prison Department Chaplaincy Report entitled *Working Party on Regimes for Dangerously Disruptive Prisoners Report*, Home Office, 1983.
- 3 Lindars, op.cit., p.312.
- 4 See the report by Lord Scarman on *The Brixton Disorders, 10-12 April 1981*, H.M.S.O. (Cmnd.8427).
- 5 Jeremiah 22.1-5, 11-16.
- 6 *Faith in the City*, the Report of the Archbishop of Canterbury's Commission on Urban Priority Areas, Church House Publishing 1985.
- 7 *Faith in the City*, pp.338-9.

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