



The reformation atonement theory of penal substitution: a
systematic-theological study of its coherence with divine
justice

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Declaration

I, Troy Rist, student number u22919512 hereby declare that this dissertation, "*the reformation atonement theory of penal substitution: a systematic-theological study of its coherence with divine justice*," is submitted in accordance with the requirements for the Master of Theology degree at University of Pretoria, is my own original work and has not previously been submitted to any other institution of higher learning. All sources cited or quoted in this research paper are indicated and acknowledged with a comprehensive list of references.



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(14th September 2023)

Summary

Penal substitution has been explored in detail both within the areas of theology and philosophy. Its understanding and application of justice has been a focal point of objection for many. While often understood in purely retributive terms, there is scope to analyse its coherence with divine justice in a more comprehensive biblical manner. This systematic-theological study explores whether the Reformation atonement theory of penal substitution is coherent with divine justice. There are three objections to consider that challenge this coherence: the Reformers understanding and application of divine justice was influenced by their cultural legal context instead of being directed by scripture; penal substitution is self-contradictory as it both attempts to uphold positive retributivism (through its focus on punishing the guilty) while also contradicting negative retributivism (Jesus was innocent yet punished); penal substitution reduces divine justice to purely retributive terms. Firstly, a threefold approach is utilised to identify a broad overview of divine justice: four theories of justice within contemporary philosophy are identified and four OT narratives are analysed to determine their use/application; an exploration of OT and NT justice terms; divine justice and its wider structure within the kingdom of God motif. Secondly, an analysis of selected Reformers to determine their understanding of penal substitution as well as the place and application of divine justice within their atonement thinking. Lastly, an evaluative discussion assesses whether the Reformation atonement theory of penal substitution is coherent with divine justice in light of the findings of the previous two sections. Three observations are made: firstly, the Reformers had a clear scriptural basis for understanding retributive justice to be an essential element of divine justice. Secondly, implicit within their thinking and available within their environment are the necessary concepts to address the supposed self-contradiction within penal substitution. Thirdly, clarifying methodology such as “doctrine”, “metaphor”, “theory”, and “motif”, the kaleidoscopic view, and the epistemological presuppositions, can prevent penal substitution from being reductive in its understanding and application of divine justice. It is therefore possible to conclude that penal substitution is coherent with divine justice.

Key Terms:

Penal substitution, non-necessitarianism, kingdom of God, divine justice, distributive justice, procedural justice, retributive justice.

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CHAPTER 1

1. Introduction

Every church and Christian have some understanding of the atonement, whether it is theologically mature or underdeveloped in the sense that they know that Christ died for their sins but are unsure exactly what that means or how to explain it. This is particularly evident during easter as churches, preachers, and congregation members attempt to articulate why the death and resurrection of Christ is important and necessary. Understanding the atonement not only helps the Christian to deepen their faith, but it also helps them to evangelise. Non-believers typically challenge the Christian to explain why it is necessary for them to believe in the death and resurrection of Jesus, and so the Christian is faced with the difficult task of explaining atonement theology in a manner that is not only biblically faithful but also relevant to their audience.

One such atonement account which many churches, apologists, and congregational members adopt, and employ within their personal devotional lives and in their evangelistic endeavours, is that of penal substitution. Legal imagery, and the law court, seem readily available and accessible to us all, and so it is understandable that the atoning work of Christ gets interpreted and explained in terms of sin, punishment, wrath, judgement, a judge, and the substitution of Jesus who saved us. However, quite often the response from non-believers, and even those among the Christian community, revolves around the area of justice. How is it “just” for a loving God to punish God’s son Jesus Christ? How is it “just” for God to transfer our guilt to an innocent person? Should justice within the atonement be considered in purely retributive terms? However, most of these discussions operate from a purely contemporary philosophical perspective. Little attempt is made to understand the biblical basis for divine justice and to apply that to these questions of justice, rather it is assumed that we all know what justice, and more importantly divine justice, is and can therefore adequately assess whether penal substitution is making use of it or not.

1.1 Divine justice and penal substitution

These problems of justice challenge penal substitution's coherence with divine justice. Farris and Hamilton (2021:259-260) interpret this problem as theological in that penal substitution adopts a too narrow approach to divine justice or reduces divine justice within the biblical motif of the Kingdom of God, to purely retributive terms. They refer to the writings of William Ames, a theologian within the Reformation era, who does not subscribe to penal substitution but rather offers his own atonement account which takes a broader view of divine justice within the kingdom of God. The problem is that while penal substitution deals with retributive justice, there are other forms of justice which it does not consider. These forms of justice being: Absolute Rectitude (Honor ad intra); Relative Rectitude (Honor ad extra); the Moral Law; Distributive justice (which includes remuneration and retribution). By only focussing on retributive justice (which is one part of distributive justice) it thereby unnecessarily reduces divine justice as understood within the Kingdom of God.

Another criticism is that penal substitution does not, in fact, make use of divine justice at all. Stephen Holmes (2017: 304-308), in his analysis of the history of penal substitution, presents that although those who hold penal substitution is found within scripture and is extensively part of the history of the church, as well as being a necessary component of orthodox belief, rather suggests that meaning is being read into the texts. Holmes, through examining the bible, confessional documents, and individual writers, submits that the textual evidence provided indicates that penal substitution is being construed from texts which make no demands to be interpreted as such, and may be interpreted more genuinely in different ways. He argues that theories of atonement prosper partly because of their cultural plausibility and further identifies three cultural factors which contributed to the success of penal substitution. Firstly, narrating the crucifixion and resurrection of Christ in terms of the logic of the law court, within the cultural environment where public executions and floggings were acceptable and normal penal sanctions, made good cultural sense. Secondly, retributive accounts of punishment are necessary for penal substitution. Thirdly, that all of humanity is guilty of sin as a starting point is largely what all penal substitution arguments depend on for their plausibility. As the cultural context shifted away from these three areas, penal substitution therefore lost legitimacy as an atonement theory.

This would mean that penal substitution, and its use of legal fiction, is employing a form of justice derived from the law courts present during the Reformation period. Instead of exploring and applying a divine theory of justice as found in scripture, Reformers have instead read into scripture, and other confessional documents, their contextual legal environment.

A third objection raised by Faustus Socinus in 1578, and which is still used today, is that it is patently immoral for God to punish Jesus Christ, an innocent person, for our sins (Gomes 2017:756). This would mean that penal substitution is self-contradictory as it both attempts to uphold retributive justice, which holds that the innocent cannot be punished, and then seems to contradict retributive justice by punishing an innocent person. Socinus also argues that the retributive justice so heavily integrated in penal substitution is ruled out by the teachings of Jesus and how we should relate to one another (Williams 2007:72).

These objections, and others like them, leave penal substitution vulnerable to the criticism that it is incoherent with divine justice. The research problem is therefore:

is penal substitution coherent with divine justice, or does it read meaning into the text, is self-contradictory, or unnecessarily reduce divine justice to purely retributive terms?

The research is delimited to the objectives below and does not include the many objections to penal substitution. For example, Holmes (2017:296) identifies four such objections: penal substitution seems to improperly separate the Father, who is described as solely interested in maintaining justice, and the Son, who endeavours to rescue us from justice out of mercy; there appears no role for the Holy Spirit; penal substitution offers us a negative view of righteousness without providing a reason of our being “clothed in Jesus’ righteousness”; divine violence as an act of justice appears to be justified within the narrative which could legitimise violence more generally. Stump (2018:23–27) classifies her objections as “internal” and “external”, to note but three: penal substitution does not address the suffering our wrongdoing causes others; it does not solve the forward-looking problem of human sin as the proclivity to sin remains; and it does not remove a person’s shame for their past sinful actions. Ward (2004:240), after describing a penal substitution type of atonement, writes that “almost everything is ethically wrong about these accounts”.

These objections, and others like them, are all incredibly interesting and deserve to be dealt with, but nonetheless fall outside the scope of this research project. This research project also does not attempt to create a divine theory of justice, but rather to determine a broad understanding, or overview, of its possible structure.

1.1.1 Research gap

Penal substitution has received a large amount of attention, both within the areas of theology and philosophy¹. However, its use of divine justice has been explored in a very narrow sense. Little attention has been paid to analysing its coherence with divine justice in a more comprehensive biblical manner. While the “justice” of penal substitution can be explored from a philosophical perspective, there is scope to examine the greater structure of divine justice and its application within penal substitution as understood by the Reformers. It is insufficient to determine penal substitution to be unjust because it does not cohere with contemporary philosophical theories of justice. Research needs to be done to explore the wide ranging and ambiguous nature of divine justice, and how this can then be used to examine and analyse an atonement theory such as penal substitution. If scripture is coherent then one’s atonement theory, such as penal substitution, should cohere with other biblical themes such as divine justice.

1.1.2 Aims and objectives

A systematic-theological study was undertaken to determine if the Reformation atonement theory of penal substitution coheres with divine justice. This study comprised three objectives. Firstly, to identify a broad overview, or structure, if possible, of divine justice wherein the ambiguous nature of justice within philosophy,

¹ See E.Stump., *Atonement* (Oxford: Oxford University Press, 2018); W.L. Craig., *The Atonement* (Cambridge: Cambridge University Press, 2018) or *Atonement and the Death of Christ: An Exegetical, Historical, and Philosophical Exploration* (Waco: Baylor University Press, 2020); C.Woznicki., 2018 “Do we believe in consequences? Revisiting the ‘incoherence objection’ to penal substitution” *De Gruyter*, 60(2), 208-228; D.Thweatt., 2015 “Penal substitution and divine forgiveness” *Library Research Prize Student Works*, 20; G.Labooy and P.Weiss., 2019 “the coherence of equivocal penal substitution: modern and scholastic voices” *International Journal for Philosophy of Religion*, 86, 227-241.

and divine justice within theology, is noted. Secondly, to examine the Reformation atonement theory of penal substitution, and its understanding and application of divine justice. Thirdly, an evaluative discussion of the findings of the previous two objectives. With these in mind it is argued that penal substitution, as understood by the Reformers, could be coherent with divine justice.

1.2 Methodology

The methodology used is qualitative research in the form of an embedded traditional-narrative literature review. This type of review usually begins with a statement of the problem or question which the discussion will evolve around (as has been done already); this question may be broad and develop or be reformulated in more precise terms during the review process (Efron & Ravid 2019:21). The goal is to provide a coherent understanding of how the topic is conceptualised within current literature as opposed to offering a specific answer to the research question at the end of the review process.

To attempt to overcome the challenge of ambiguity, it was deemed prudent to combine four theories of justice within contemporary philosophy, with exegesis of four OT narratives to analyse the possible existence/use of these theories of justice within scripture. As this process unfolded throughout the study, it became evident that justice terminology within scripture was vital to determining an understanding of divine justice. Therefore, an exploration of OT and NT justice terms such as *mishpat* (מִשְׁפָּט), *tsedaqah* (צְדָקָה), and *dikaïosyne* (δικαιοσύνη) was undertaken. From there the kingdom of God motif was analysed, as well as a theologian within the Reformation, William Ames, who utilizes the kingdom of God motif to determine a broad structure of divine justice which is greater than merely retributive justice. This approach is dialectical to allow the “voices” of the authors to engage with each other naturally for the arguments to flow consistently.

With regards to the second objective, it is acknowledged that scripture is a coherent whole and therefore any atonement account must cohere with divine justice. Penal substitution is defined, and the study is delimited to: Martin Luther, John Calvin, Faustus Socinus, Frances Turretin, and Hugo Grotius. Specific attention is placed on their understanding and application of divine justice as utilized within their use of scripture and their terminology to describe the atonement. The approach is historical

to show the development of penal substitution from a general way of describing the atonement account (Martin Luther) to becoming what has been called a mature atonement theory of penal substitution.

To address the third objective, the study seeks to critically evaluate, analyse, and synthesize the findings on divine justice and the Reformation atonement theory of penal substitution in an evaluative discussion. Those areas where the Reformers atonement understanding is coherent with divine justice are highlighted, as well as those areas where they seem to be incoherent. With these areas of possible incoherence identified, this study makes use of what is explicit and implicit within the selected Reformers thinking, as well as what was not expressly articulated within their thinking but available in their environment, to determine appropriate responses to the objections.

This methodology complies with the four tasks outlined by Efron and Ravid (2019:21). Firstly, to convey a critical, comprehensive, and accurate understanding of knowledge in its current state. Secondly, to compare contrasting theories and research studies. Thirdly, to draw attention to research gaps within the literature. And lastly to indicate how what is already known about the chosen topic can be advanced.

Lastly, scripture is read in a text immanent, and intertextual, approach. The former applies to the four selected OT narratives, whereby the author, context, or audience are not considered in detail, nor is emphasis placed on these to determine the texts meaning. This is especially relevant to texts, such as the book of Job, where such historical information is not readily available. Rather, the texts are read as stand-alone texts, with any parallels or similarities to other texts purely for points of emphasis. The later applies to the scriptures relating to the justice terms within the OT and NT, as well as surveying the scripture related to the kingdom of God motif. For these notions the selected scriptures are read in dialogue with each other to create a greater awareness of the themes and their relation to divine justice.

1.3 Overview

Chapter two explores the theme of divine justice in a threefold manner: firstly, through analysing four theories of justice within contemporary philosophy

(procedural, distributive, retributive, and restorative justice) and their possible use and application in four OT narratives (Abraham's dialogue with God concerning Sodom, Pharaoh's hardening heart, Jonah, and Job). Secondly, OT and NT justice terms. Thirdly, the kingdom of God motif in scripture.

Chapter three will define penal substitution, drawing attention between a necessitarian and non-necessitarian definition, as well as analysing Martin Luther, John Calvin, Faustus Socinus, Francis Turretin, and Hugo Grotius, to determine their atonement understanding and application of divine justice therewithin.

Chapter four is an evaluative discussion seeking to critically evaluate the findings of the previous two chapters to determine whether the Reformation atonement theory of penal substitution coheres with divine justice. It aligns itself to the three objections within the research problem. Firstly, the objection that penal substitution reads meaning into the text by applying a cultural, not scriptural, understanding of justice is addressed by highlighting the retributive elements within the Reformer's atonement accounts, as well as the scriptural evidence for such a position. Implicit within their thinking is the notion of a divine pardon which can address the tension between mercy and retributive justice. The second objection, that penal substitution is self-contradictory, is dealt with in four ways: firstly, a non-necessitarian definition of divine justice. Secondly, the availability of a Divine Command Theory of ethics and its possible application. Thirdly, the *prima facie* versus *ultima facie* concerns. Fourthly, the imputation of sins. The third objection, that penal substitution reduces divine justice to purely retributive terms, is addressed, firstly, by highlighting the importance of accurate methodology to define and describe penal substitution. Secondly, through the use of a kaleidoscopic view of the atonement which could place penal substitution alongside other atonement accounts. Thirdly, by noting the epistemological presuppositions associated with such a kaleidoscopic view.

Chapter five restates the aim and objectives of the study and concludes, based on the above overview, that penal substitution is coherent with divine justice. It also makes some recommendations for further research.

CHAPTER 2

2. Divine justice

For Craig (2018a:20) divine justice is an essential motif all atonement theories must consider. Craig argues justice is an essential part of God's nature, and retributive justice is central, and essential, to divine justice (p.94). Thus, satisfaction of retributive justice is satisfaction of God's divine justice. Farris and Hamilton (2021:244) object this reduces divine justice to a purely retributive theory of justice. What furthers the challenge is that the nature of divine justice in scripture is "highly ambiguous" (Weiss 2018:44–45). There is no map-like diagram detailing its nature (Farris & Hamilton 2021:247). Scriptural commands to "be just"² do not clearly provide for its application (Olsthoorn 2016:142). Miller (2021) notes the ambiguity of justice within philosophy and argues the diverse nature of justice is dictated by the context. Referring to the *Institutes of Justinian* a possible basic definition is: "the constant and perpetual will to render to each his due". Justice includes morality and ethics and yet this interaction is also ambiguous (Olsthoorn 2016:22). For example, Spinoza adopts a narrow "legalistic" conception of justice by separating it from morality, in that justice presupposes the individual's rights, and exclusively regulates legal rights and obligations, while morality does not depend on the state for their content. For Spinoza, justice is purely upholding the individual rights accorded by civil law and denies the demands of justice can be explicated from scripture. He argues that theology has no explanatory scope to determine the means and requirements of justice in scripture. This position effectively destroys an important and traditional element of moral theology: a substantive and comprehensive theory of divine (or natural) justice drawn from scripture.

Nancy Levene (2004:5) argues the bible grounds justice in faith, obedience, and love. Theology therefore reveals the existence of divine justice but cannot define it or its required actions (Olsthoorn 2016:32). For Spinoza, theology requires philosophy to illuminate, in the case of justice, central to the biblical order to love and obey God,

² Isaiah 1:17; Amos 5:24; Micah 6:8; Psalm 106:3; Leviticus 19:16 etc.

is respecting the rights granted to citizens by civil laws (ibid.). Following this argument, theologians cannot say anything substantive about justice.

This chapter aims to determine a broad structure or overview of divine justice within scripture. The ambiguities surrounding the nature of divine justice present the challenge of determining an applicable method to determine such a structure. This study applies and combines three approaches. Firstly, utilizing four theories of justice within contemporary philosophy to examine divine justice within four Old Testament (OT) narratives. Secondly, the examination of justice terms within the OT and NT. Thirdly, the connection between divine justice and the kingdom of God motif. After engagement with these three approaches a broad understanding of divine justice will emerge and be used in the evaluative discussion in chapter four to assess whether the Reformation atonement theory of penal substitution is coherent with divine justice, or if it reduces divine justice to purely retributive terms, or not employing divine justice at all.

2.1 Contemporary philosophy and OT narratives

Weiss (2018:45) identifies four theories of justice within contemporary philosophy: distributive, procedural, restorative, and retributive justice. When conceptualising social justice a common distinction is between distributive justice and procedural justice (van Prooijen 2008:30). Distributive justice relates to the belief that people receive a fair allocation of resources (such as salaries) either in absolute terms or when compared to resources allocated to others. Apart from seeking a fair outcome, there is a desire for the preceding decision-making procedures which determined these outcomes to also be fair. However, philosophers such as Rawls (1971) reveal how debatable determining this distribution of resources is. Distributive justice is therefore receiving one's just desserts according to principles of equality. Procedural justice on the other hand also holds to the principle of fairness and the perceived fairness of decision making procedures (van Prooijen 2008:30). While there is often a positive correlation between distributive and procedural justice, research has shown that people distinguish between the evaluations of the fairness of procedures and outcomes.

Restorative justice is a remedial principle applicable when one's lawful assets are interfered with by another (Miller 2021). An attempt to correct the injustice takes the

form of restitution (*ibid.*). There is a bilateral relationship between the victim and perpetrator and requires that the victim be restored to her previous reality before the unjust behaviour occurred, and that the perpetrator not benefit from his illegal activity. Contrasted to this is distributive justice which is multilateral as it assumes multiple persons with rights to what is being distributed, and a distributing agent. Here justice demands equal distribution as per previous criteria such as need, desert or equality.

Finally, retributive justice is based on the principle that rectifying a wrong necessitates fair punishment (Marshall 2012:13). Marshall offers the following definition:

The word “retribution” (from the Latin *retribuere*) simply means “repayment”—the giving back to someone of what they deserve, whether in terms of reimbursement, reward, or reproof. Usually, the term is used in the negative sense of punishment for wrongful deeds rather than in the positive sense of reward for good behavior...As a justification for inflicting punishment, retributive justice requires that the recipient must be guilty of wrongdoing (the principle of deserts) and that the pain of the penalty must be proportionate to the seriousness of the crime (the principle of equivalence). In these circumstances the imposition of punishment is not only appropriate, it is morally necessary in order to satisfy the objective standards of justice (the principle of justice).

Evident throughout this section is the lack of emphasis by authors on the difference between positive and negative retribution³. Defending penal substitution, Craig (2018b:237) comments on the absence of consideration for the various accounts of retributivism. Although negative retributivism requires that innocent people are not punished undeservedly, the heart of retributive justice is positive retributivism, the deserved punishment of the guilty. Retributivism, as a theory of justice, is differentiated from other theories by the positive proposition that it is an intrinsic good to punish the guilty because they deserve. It is important to consider whether positive or negative retributivism is employed when examining retributive justice.

³ Detailing more specifically between positive or negative retribution aids in the discussion of determining what divine justice entails.

Scripture characterises God as just and righteous, “and all his ways are just. A faithful God who does no wrong, upright and just is he” (Deut. 32:4). God enacts just retribution by punishing the wicked and rewarding the righteous (Weiss 2018:46). For example: Adam and Eve were banished from the Garden of Eden (Gen. 3:23)⁴. Cain was punished for murdering Abel (Gen. 4:12). The builders of the Tower of Babel were scattered for trying to “build a tower that reaches to the heavens” (Gen.11:8). The spies were punished for bringing a report that encouraged the Israelites to disobey God and not conquering Canaan (Num. 14:37).

These scriptures, and similar others, leads Weiss (2018:46) to ask: “does divine justice always reflect just retribution⁵?”. Four biblical narratives challenge this notion: firstly, Abraham’s discussion with God over the destruction of Sodom which involves both the righteous and the unrighteous, and God’s apparent willingness to forgive the guilty to spare the righteous. Secondly, Exodus and the biblical motif of hardened hearts, where God possibly coerced Pharaoh into making choices he did not desire to make, in order to punish him. Furthermore, the rewarding of Moses and the Israelites with the promised land without seemingly having done anything to deserve such a reward. Thirdly, Jonah advocates for strict retribution and yet God forgives the wicked in Nineveh. Finally, Job is described as “blameless and upright; he feared God and shunned evil” (Job.1:1), and yet several seemingly undeserved afflictions befall him. Exegetical sources can illuminate various interpretations in an attempt to reconcile these apparent moments of injustice with divine justice.

2.1.1 Abraham’s negotiation for Sodom

A focal point of the Abrahamic narrative is the dialogue between Abraham and God (Gen.18:17-33) concerning the destruction of Sodom (Bridge 2016:282). Abraham’s audacious attempt to reduce God’s pardon of Sodom from fifty innocent people to ten has attracted much attention. A seemingly anthropomorphic portrayal of God raises the notion of an independent standard of righteousness and justice existing from deity and king. Harris (2003) expresses this notion by raising questions such as: Is God’s decision-making capabilities and actions bound by an independent

⁴ Unless otherwise stated, the NIV will be used for all scripture.

⁵ Throughout Weiss’ writings retribution is considered as purely positive retributivism.

source of justice (ibid.)? Is God bound by his own free will act of instilling morality into creation? Is justice whatever God commands in accordance to his character and nature? A longstanding interpretation views God educating Abraham concerning his nature.

Authors differ on the possible confrontational nature of the dialogue. For Weiss (2018:50–60), Abraham is objecting to God’s application of justice and functions as a defence lawyer, advocating justice against an unjust party. For Harris (2003:60), Abraham is challenging God. Alternatively, von Rad (1972:214) identifies Abraham as a questioner, not challenging or confronting God, but seeking to expand his understanding of God’s just nature. God takes Abraham into his confidence and speaks as protector of justice. Complaints from Sodom, explicated by the technical legal term “outcry” (זִרְעָאָה) which designates the suffering’s cry for help, has reached Yahweh. This cry is an appeal for protection from the legal community. Yahweh, the guardian of all right, is not concerned with punishing Sodom but rather investigating the case.

Genesis 18:23-25 is the culmination of the dialogue (Harris 2003:60). Abraham inquires: “Will you sweep away the righteous with the wicked?” (Gn.18:23) and appeals God to not punish the righteous alongside the wicked (Gn.18:25). Abraham’s concern is for the whole of Sodom (Gn.18:24) and is twofold: sparing the righteous undeserved suffering; showing the wicked mercy to spare the righteous. For von Rad (1972:12) Abraham’s concern is not for Lot or Sodom but rather a problem of belief as this is “an extreme case of unparallel validity for demonstrating the theological concern”. Sodom symbolizes a human community facing God’s judgement and, as per every earthly judgement, one asks: is Sodom guilty (“godless” *rāšā*) or not guilty (“righteousness” *ṣaddīq*)? “Righteous” or “godless” does not refer to the latter Jewish or Pauline doctrine of justification. Rather, the “sinner” is judged guilty in any judicial sense (due to explicit transgressions); the “righteous” is judged innocent⁶. The dialogue reveals the first question had been decided and both know the outcome and consequences of the investigation. Abraham presses his speech as there is a deeper concern: the consequences of the judicial investigation if a minority

⁶ See Deuteronomy 25:1

of innocent are found alongside the majority of guilty (ibid.). A revolutionary idea at the time as Israel was subject, both in divine and earthly judgement, to the law of collective guilt.

Collective guilt proceeds from the entrenched unity of a community implicated in any felony, a solidarity with fixed limitations binding the individual⁷ (Rad 1972:212). Abraham's focus is the entirety of Sodom; thus, this dialogue is not a protest against the ancient collective ideal and does not represent any individualizing tendencies⁸. Abraham's questioning is to determine if God's judgement is decided by the wickedness of the many or the innocence of the few. Not forcing collectivism to individualism, but rather to replace old collective thinking with new. Should not the whole be spared due to importance of the minority of righteous individuals? Abraham struggles, before the righteous judge of the world, with a new understanding of the "righteousness of God" (p.213).

OT righteousness is defined by communal relationship, not perfect actions compared to an ideal absolute norm (Rad 1972:213). Has the sin of the majority broken God and Sodom's communal relationship, or does God's righteousness mean forgiveness of the entirety to spare the innocent few? For Abraham these questions are not a theological postulate, but God's gracious allowance to stretch his righteousness to the point where a minority of innocent are more important than a majority of sinners, "so predominant is God's will to save over his will to punish" (Rad 1972:214). The ending on ten righteous people signals the unique and marvellous message of the one who brings salvation and reconciliation to the many (Isa. 53:5;10) as this was not inferred, or expected, from man. One could also refer to Hosea 11:8-9 as it reveals that God does not desire to destroy, he is as a holy one, the righteous one who redeems. The dialogue also reveals a "mathematics of mercy": determining the minimum number of righteous people required to spare the whole (Harris 2003:61).

⁷ This is true with regards to the city community, as well as the blood ties of the family and tribes, because the individual (along with his subjective responsibility), is not free with regards to the community (Rad 1972:121).

⁸ Von Rad (1972:212-213) explains individualization was expressed within Israel from the seventh century on and, for Abraham, this was not a circumstance whereby Sodom ceased to be a community that exists together because of its destiny and blood ties.

Abraham and God share the understanding that a minority of righteous people pardoning the entirety achieves both mercy and judgement⁹ (ibid.).

Weiss (2018:51) concludes the absence of ten righteous people justifies the punishment of Sodom as distributive and retributive justice (notice the absence of positive vs negative retributivism) is achieved. The innocent (Lot and his family) are saved and the wicked destroyed. However, considering von Rad's deeper issue, and the distinction between positive and negative retributivism, this conclusion does not seem comprehensive. Weiss (2018:50-51) does consider the deeper issue in a footnote but makes no consideration for the difference in retributive justice. Positive retributivism is achieved, but God is willing to forgo this if a minority of innocent are found. Although this is not the case it does reveal that divine justice is perhaps not purely positive retributivism. Important to note is that pardoning the guilty is not because they have done anything to deserve it (asking for forgiveness, changing their behaviour etc.) but simply to spare the innocent. Negative retributivism in this case would trump positive retributivism, also possibly challenging the notion by Craig earlier that at the heart of divine justice is positive retributivism. Evident here is another form of justice which involves undeserved mercy and forgiveness, which will be discussed in the case of Jonah and in the evaluative discussion, something that retributive justice makes no room for.

2.1.2 Pharaoh and the hardening of his heart

This narrative raises concerns of reconciling free will and moral responsibility. Can God hardening Pharaoh's heart coexist with justice (Weiss 2018:52)? Can Pharaoh have moral responsibility for actions performed with a hardened heart? Gunn (2009:73) questions if it is "divine or human causality? Divine and human causality?" Weiss (2018:52) restricts the focus to Pharaoh while Gun (2009:73) expands the picture to include Moses and the Israelites. Meyers (2005:70) describes Pharaoh's hardened heart as the most troubling aspect in the narrative as he is unable to relent and release the Israelites, thus increasing the Egyptians' suffering. Pharaoh's obduracy places him in competition with an all-powerful deity. The biblical terminology further complicates a reading of Pharaoh's obduracy. Janzen (2000:452)

⁹ Justice and mercy will also arise in the story of Jonah as well as the evaluative discussion.

agrees the interpretative starting point is clarification of terminology to determine if Pharaoh actions are due to free will or predetermined by God (ibid.).

Janzen (2000:452) notes the varied language in the text: Pharaoh hardened his own heart [Exod. 8:15 = *hakbed*¹⁰ (חִקְבַּד); Exod. 8:32; 9:34 = *yakbed* (יִקְבַּד)]. Without clear reference to the agent Pharaoh's heart was/remained hardened [Exod. 7:13, 22; 8:19; 9:35 = *yeszaq* (יִשְׂזַק); Exod. 9:7 = *yikbad* (יִקְבַּד)]. And lastly God would either harden, will harden, or had hardened Pharaoh's heart [Exod. 4:21 = 'ahazzeq (אֲחַזֵּק); Exod. 7:3 = 'aqseh (אֶקְשֶׁה); Exod. 9:12; 10:20, 27; 11:10; 14:8 = *yehazzeq* (יִהְיֶזֶק); Exod. 10:1 = *hikbadti* (חִקְבַּדְתִּי); Exod. 14:4 = *hizzaqti* (חִזַּקְתִּי); Exod. 14:17 = *mehazzeq* (מִהְיֶזֶק)] Interestingly these forms are based on the two verb stems *kbd* (*heavy = unresponsive*) and *hzq* (*strong = stubborn*). The latter is the dominant Hebrew term used and thus a literal translation of Pharaoh's heart becoming "strong" in its determination to deny the Israelites' release should be employed.

To align the narrative with retribution one could interpret Pharaoh as hardening his own heart (Janzen 2000:452). However, this occurs three times while God hardens Pharaoh's heart ten times, therefore Pharaoh appears the helpless victim of God's wrath. Additionally, Pharaoh is the subject in the first five wonders, and God the subject subsequently, creating an obviously deterministic structure (Meyers 2005:70). Rather, a pattern emerges whereby Pharaoh's reluctance to pursue a course contrary to his own interests becomes a God inspired act. Divine causality is conceived both as part of the human and the natural realm, meaning it is "part of the decisions that humans make as well as of the workings of nature" (p.71). Gun (2009:72) argues "Pharaoh's heart was hardened" essentially means "Yahweh caused Pharaoh's heart to harden". Initially Pharaoh has agency but finally becomes "a mere puppet of Yahweh". The question arises: is Pharaoh morally responsible, and justifiably punishable, for coerced actions? Moses Maimonides, twelfth century Jewish philosopher, provides a response which relies on the preservation of free will.

Faith and philosophical proofs reveal that "man's actions are in his own hands, and God does not induce him to do good or evil" (Maimonides in Shure 2004:25)¹¹. A

¹⁰ All Hebrew words used in this section are verbs.

¹¹ This reference is to distinguish between the words of Maimonides in Shure's commentary, and the actual commentary by Shure which, if needed, will be referenced as (Shure 2004:x).

fundamental scriptural principle is that one is judged according to their deeds (ibid.). Apparent contradictions to this principle in scripture result in the belief that God determines a person's moral outcome (p.26). However, divine retribution dictates sin must be punished, either in this world or in the "World to Come". However, repentance acts as "a protective shield against punishment". As each individual can consciously and wilfully sin, so they can also repent. Due to extreme or numerous sins deserving unusual punishment God may prohibit repentance to set an example and mete out punishment. For example: "they mocked God's messengers, despised his words and scoffed at his prophets until the wrath of the Lord was aroused against his people and there was no remedy" (2 Chr. 36:16), implicit is the prevention of the "remedy" of repentance due to wilful and egregious sin.

Pharaoh wilfully sinned by mistreating the Jews (Ex. 1:10), so God prohibits repentance to distribute deserved punishment (Ex 14:4) (Maimonides in Shure 2004:26). Exodus 9:16 clarifies God's stance that prohibiting repentance leads to punishment for wilful sin. Other examples are God preventing Sichon from repenting (Dt.2:30); God preventing the Canaanites from repenting (Jos.11:20); and the Jews in the era of Elijah who sinned numerous times and thus prevented from repenting (1 ki.18:37) (p.27). Punishment for refusing to release the Israelites would be unjust as Pharaoh could not have acted otherwise due to God's influence (Maimonides 1912:94). However, Pharaoh's sin was wilfully mistreating the Israelites, so God prohibited repentance to justify punishment. Israel's liberation through Egypt's destruction was possible but God decided to withhold repentance to mete out punishment for previous sins (p.95). Maimonides' (Maimonides in Shure 2004:27) concluding argument is that God did not determine Pharaoh's mistreatment of the Jews, that was of his own volition. Reinforcing Maimonides' position that people can willingly sin and therefore deserve retributive punishment (unless repentance is involved). People are also free to repent unless God desires to withhold repentance to justify distribution of punishment.

Maimonides' second perspective is naturalistic in conceiving of God's prophecy, providence and miracles, dispelling supernatural or direct intervention to prevent Pharaoh's free choice (Weiss 2018:56). Maimonides (1904:210) writes:

"...miracles are to some extent also natural; for they say, when God created the Universe with its present physical properties, He made it part of these properties,

that they should produce certain miracles at certain times, and the sign of a prophet consisted in the fact that God told him to declare when a certain thing will take place, but the thing itself was effected according to the fixed laws of Nature”

Nature is fixed by God, reflecting divine wisdom and providence and allowing for minimal supernatural intervention (Weiss 2018:56). In pursuit of good or evil humanity engages with God’s providence. Human actions, while free, are accredited to God by the Prophets as the First Cause of everything (including human actions) (Maimonides 1904:249). This, however, does not necessarily denote divine intervention as Maimonides continues:

It is clear that everything produced must have an immediate cause which produced it; that cause again a cause, and so on, till the First Cause, viz., the will and decree of God is reached. The prophets therefore omit sometimes the intermediate causes, and ascribe the production of an individual thing directly to God, saying that God has made it.

Pharaoh’s punishment could reference the natural consequences of his actions and not a direct intervention by God to deprive free will and repentance, therefore forcing him to do evil and exacting deserved punishment (Weiss 2018:57). Furthering this perspective Nahum Sarna (1991:23) explains the biblical conception identifies the heart as the focal point for the psychological faculties, while Meyers (2005:71) expands this to include all aspects of a person – affective, cognitive, and rational. The individual’s spiritual, moral, and intellectual life resides in the heart and so “the ‘Hardening of the heart’ is a state of arrogant moral degeneracy, unresponsive to reason and incapable of compassion” (Sarna 1991:23). Pharaoh’s obduracy becomes ingrained and irreversible; “his character has become his destiny”. He is precluded from the option of repenting and “is irresistibly impelled to his self-wrought doom.”

Therefore, Pharaoh’s “culpability is established beyond doubt. He is not an innocent, blameless individual whose integrity is compromised, and finally subverted, by the intervention of providence. He exhibits an obvious and willing predisposition to cruelty” (Sarna 1986:64). Pharaoh was not morally constrained and therefore criminally liable. The hardened heart motif reveals God uses one’s inherent disposition toward evil: “He accentuates the process in furtherance of His own

historical purposes” (ibid.). Reinforcing Pharaoh’s obstinance, he becomes trapped within his irrationality and God thus deprives the “god” of his freedom of action.

Robert Kane (1994:55), an incompatibilist¹², argues one’s present actions are considered free and morally responsible despite being determined by character and motives, if present character and motives were formed by previous undetermined actions which were rational, intentional, and voluntary. Ultimate responsibility does not require all actions be undetermined, rather that a person’s will has partially been formed by previous undetermined acts. Thus, despite character and motives determining behaviour one can claim their behaviour is of their own volition and making.

Joseph Albo, a fifteenth-century Jewish philosopher, attempts to resolve the issue of divine justice by utilizing free choice (Weiss 2018:62). Albo argues that a person’s free will is restored, not eliminated, by the heart hardening and therefore acts with freedom and responsibility (Shatz 1997:480). Albo’s methodology involves a modest and a bold claim, it is the two levels of repentance within the modest claim that are of interest (p.482). The first level is “repentance out of fear” (*teshuvah mi-yir’ah*) and the second is “repentance out of love” (*teshuvah me-ahavah*) (p.485). The former is motivated by fear of punishment, the latter is motivated by a higher standard of God’s love. However, Albo argues that there is a difference between “repentance out of fear” and Pharaoh’s context which he characterises as “ones” (coercion or duress) (p.486). “Repentance out of fear” is a continuous recognition of God’s power which results in an abiding, stable fear of punishment which then motivates repentance. If Pharaoh’s passed transgressions created an abiding fear within that affected future actions, resulting in the release of the Israelites he would have achieved “repentance out of fear”. This is not the biblical narrative as Pharaoh, in his present state, is already being subject to adversities. If the plagues resulted in the Israelites release, then once these plagues ceased Pharaoh would exit his fear state and harden his own heart. The person in the state of “ones” responds to the punishment, not the one

¹² Incompatibilism (or libertarianism) is the belief that free will is compatible with determinism (Kane 1996:26). The purpose of introducing Kane and his incompatibilist perspective is to draw attention to the fact that there is room within the philosophical discourse to defend Pharaoh’s moral culpability as well as preserving his free will.

punishing (ibid.). This difference between relenting and repenting is a vital factor separating these two types of repentance.

Weiss (2018:66–67) concludes that a literal reading interprets God exacting judgement by hardening Pharaoh's heart for his treatment of the Israelites, the plagues revealing God's glory and omnipotence. Alternatively, Maimonides first approach is consistent with retributive justice as Pharaoh was morally culpable for past sins and so his heart was hardened to receive divine punishment. Maimonides' naturalistic approach is compatible with procedural justice as it highlights fair process without consideration of the fairness of the end results. The final approach is consistent with restorative justice as the divine hardening restored Pharaoh's free choice. These alternative approaches, and their different forms of justice, reveal that divine hardening does not necessarily conflict with autonomous standards of fairness, and it is therefore possible to hold Pharaoh as morally responsible and divine justice is maintained. However, Weiss has not taken Moses and the Israelites into consideration, or their connection with, or challenge to, divine justice.

Gunn (2009:81) questions whether Moses and the Israelites were not also coerced by God, if they had opportunity to reject God, or were puppets in fulfilment of God's will. Furthermore, how is it just for them to receive the rewards of the promised land? John Goldingay (1976:84–85), and Jose Portifiro Miranda (1974:88–89) argue the exodus was an act of justice, releasing the oppressed and punishing the oppressor. Gunn (2009:81) agrees justice is an implicit issue but is subordinate to covenantal motivation. Yahweh's actions are attached to his covenant relationship with Abraham, Isaac, and Jacob. The story emphasizes plan, promise, obligation, mastery and control in that Yahweh will take the Israelites, as their God, and honour his covenantal obligation to bless the children of the patriarchs.

Yahweh cannot be resisted without experiencing his wrath and Moses, following such wrath, quietly acquiesces (Gunn 2009:83). Moses succumbs as servant, while Pharaoh is coerced to reject and eventually destroyed. Yahweh, through delivering Israel into the promised land, fulfils his covenant promise and demonstrates his mastery. Moses, however, appears to be a puppet-like character in the story similar to Pharaoh. Ann Vater (2009:65) comments on the commissioning scene:

This commissioning pattern emphasizes the privileged communication between God and Moses, as well as unleashing the powerful words of God bristling with impending action. However, this pattern does not present us with a Moses regularly confronting Pharaoh. Instead of M. Buber's prophetic Moses who provides the movement in the story by continually confronting the Egyptian king, God's speaking with Moses determines the rhythm. Ironically God's commands result in only a brief notice of a delivery or no mention of a delivery at all, thus presenting Moses as a "silenced messenger," whose own voice melts into the words of God.

Moses is more a "living oracle" than a prophet, with the confrontation being between God and Pharaoh, not Moses and Pharaoh, and only ends his literary silence before Pharaoh during the tenth plague (Gunn 2009:85). Like a true prophet, without any previous commission, Moses then takes the initiative and speaks on God's behalf, something notably absent in the earlier narrative. Furthermore, the earlier human activity abruptly ends at the burning bush. Subsequently Yahweh determines the action with the few instances of human activity not affecting the plot.

The question remains: is Moses a puppet-like figure (Gunn 2009:87)? Pharaoh ultimately perishes while Moses submits to servanthood and gives intimations of independence. He begins to act with independent freedom and faith, someone whose actions are not purely a dictum of God's. Moses is a servant not a puppet, which is vital as servants can resist their masters. There can never be a fully coterminous relationship between freedom and service, they coexist in tension. There is also tension in the Israelites' servitude, typically being identified with rebellion in the wilderness. God can risk faith from human beings or co-opt faith from puppets. The story reveals this uneasy coexistence between freedom and faith in servitude: "He can treat the people as puppets (as he treats Pharaoh) or he can risk that in freedom the people reject him, despite all" (p.88).

Childs (1974:174) argues that to interpret the heart hardening motif as an issue of divine causality misses the mark. Gunn (2009:88) disagrees both with this and the belief that it is incorrect to interpret a theological dimension of predestination and freewill. Rather, it is incorrect to interpret such a dimension only relating to Pharaoh as the entire story can be interpreted as Pharaoh, Moses, and the Israelites all acting and existing within a framework of divine causality. Questions of independence,

divine coercion, freewill, predestination, must be asked of all characters (Gunn 2009:89). No one, whether directly or indirectly, completely escapes God's control. Superficially, the narrative is about justice and deliverance of the oppressed from the oppressor (p.89). On closer inspection one finds destruction and suffering directed both to the deserved and undeserved. The Israelites are led into the wilderness where majority die, although their children succeed in building a nation. While Pharaoh and Egypt are made an example of so Israel (and the world) can recognize Yahweh as master, one who demands "service" and fulfils covenants.

One could adhere to the previous conclusion proposed by Weiss however, Gunn's alternative interpretation and identification of the key theme of the text, reveals greater ambiguity as the problems of justice do not involve Pharaoh alone, but include all the characters. Leaving a big question mark above the application and fulfilment of the four theories of justice. The next OT narrative explores the challenge mercy and forgiveness provide for divine retributive justice.

2.1.3 Jonah and the prosperity of the wicked

McKenzie (2005:2–4) writes that Jonah should be understood as a type of satirical parable, instead of historically, about Jonah son of Amittai, a prophet that lived during the time of King Jeroboam II of Israel (786-746 BCE), that is full of humour, exaggeration, irony, and ridicule. The clearest example of the conflicting demands between justice and mercy is in the deity himself whereby the author attempts to depict this struggle of a God who is both perfectly just and merciful (Crenshaw 2005:91). Etan Levine (2002:177), writes that understanding the narrative first requires understanding the protagonist's motive: "That is what I tried to forestall by fleeing to Tarshish. I knew that you are a gracious and compassionate God, slow to anger and abounding in love, a God who relents from sending calamity" (Jnh. 4:2). The context reveals this is a criticism of God's judicial stance, not a speech praising God's nature.

Jonah flees, disagreeing with God's universal application of mercy and compassion, but is pressed into service¹³ by God (Crenshaw 2005:91). For Jonah, it is a

¹³ Just as one can question whether Moses, and the Israelites, had freedom to deny the commissioning of God, the same can be asked of Jonah.

miscarriage of justice for Yahweh to grant a multitude of guilty foreigners' mercy (ibid.). God's question (Jnh.4:9) to Jonah reveals the issue transcends a discredited prophet. Jonah correctly identifies the difference between his conception of the requirements of justice and God's willingness to ignore humanities ideals of fair treatment. The application of strict justice would result in the loss of many lives, hence the need for mercy¹⁴.

Jonah represents the morality of antiquity whereby evil creates an imbalance within the world that requires rectification (Levine 2002:178). This occurs by suffering an appropriate form of punishment, or performing a good deed equal in weight to the sinful one, or offsetting retribution through a propitiation rite. All three are absent in the book of Jonah, rather the city of evil is absolved by a change of heart expressed through public contrition and ceasing all wrongdoing. The supreme moral being destroys the distinction between Good and Evil and invites investigation into how repentance after the fact changes the importance of, or God's correct response to, a deed. Failing to apply, or to postpone, divine retribution is a cause of evil in the world.

Uriel Simon (1999) identifies four headings useful to determine the central theme and unite all the elements into a conceptual and literary whole: atonement versus repentance; universalism versus particularism; prophecy: realization versus compliance; compassion: justice versus mercy. Simon argues the last interpretation is the best as "it explains the plot, the characters, and the dialogue as embodying the primordial struggle between justice and mercy". Jonah advocates for strict justice against a merciful and forgiving God, arguing that wickedness thrives due to the ferocity of evildoers and the Judge of all the earth failing to use the law as a means of punishment.

The world exists because of the incomprehensible amalgam of mercy and justice (Simon 1999). Not only fear of punishment, but the nature of salvation and the appeal of grace and mercy can also create aversion to sin. By accepting his humanity, Jonah understands humanities fundamental dependence on divine and human mercy. However, divine mercy and justice exist in a tense and uncomfortable

¹⁴ Ezekiel 33:11 reveals that God does not want the wicked to perish, but rather for them to turn and repent.

relationship (Green 1978:155). Mercy both fulfils God's justice (the world cannot function without it) and threatens to lessen and compromise it. At the heart of moral reason lies this tension, manifested as the continuous struggle between the principles of punishment and forgiveness. Despite repentance partly being an allowance to reason's insistence on moral responsibility, it is also a nullification of responsibility as it lessens the demand that the wicked must make full payment for their sinful acts (p.157).

The covenant furthers this tension as God, the distributor of good and evil, is obliged to punish and reward, otherwise he resembles the *dei otiosus*¹⁵ and would lose "religious currency" as a member of the covenant (Levine 2002:185). Levine continues: "For any 'law' lacking sanction is incapable of ensuring compliance: as long as human will to power exists, it will not yield before an objective order unsupported by force. Hence, 'Those who sin without cause will be punished' (Ps. 25:3)". God therefore appears to contravene the very Law he authored and is party to, by offering mercy to Nineveh. However, biblical thought does provide evidence of Israel's *Parens Patriae*¹⁶ showing mercy (p.189). God describes himself to Moses as "merciful and gracious" (Ex.34:6) which Jonah (4:2) quotes almost verbatim. If he included God's self-description in its entirety it would add "he does not leave the guilty unpunished" (Ex.34:7). Within biblical theology there is, in principle, no contradiction between the essential quality of mercy and the necessity to distribute punishment.

In practical application, the law expresses the ultimate values, which includes rewards and punishments (Levine 2002:190–191). Jonah, and history, confirms that human justice will be relative justice. However as "relative" means to be relative to something, it requires some absolute foundational principle for, without this, it becomes random, unpredictable and amoral. Albo is also relevant here, as Nineveh may have repented due to fear of punishment which does not constitute true

¹⁵ *Deus otiosus* (*dei otiosi* plural) literally means "god at leisure" or "god without work" and refers to a god that has retired from active life and is therefore withdrawn from the activities of humans. <https://www.encyclopedia.com/environment/encyclopedias-almanacs-transcripts-and-maps/deus-otiosus>

¹⁶ This is a legal definition which can refer to a state, or authority, which is the protector of all citizens who cannot protect themselves. (<https://www.merriam-webster.com/legal/parens%20patriae>).

repentance. Fear may motivate temporary repentance, but deeply sinful people may revert to previous ways once spared, as Pharaoh reveals. The sincerity of Nineveh's repentance may thus be questioned.

Jonah advocates for strict (negative) retribution, but realises forgiveness and mercy are greater and the prophet's ultimate achievement (Weiss 2018:73). Post forgiveness, the sinner no longer deserves punishment which can also be a form of just retribution. Mercy is not in conflict with justice and punishment, but another form of cleansing sin. Sparing Nineveh reveals divine justice involves exacting punishment or extending mercy which does not correspond to human standards of fairness, while forgiveness demonstrates retributive justice is upheld as the Ninevites' no longer deserve punishment. However, the evaluative discussion will question whether mercy and forgiveness can really be coherent with strict retributivism and if retributivism even allows for the provision of mercy at all. The final narrative to consider is Job and the suffering of the righteous individual.

2.1.4 The righteous and suffering in Job

The author, date, and literary form of Job presents a challenge for biblical interpreters (Pope 1965:29–38)¹⁷. The author's, or authors', geographical and temporal location is uncertain, with the "best guess" being written by an individual, or individuals, somewhere in the seventh century B.C. The book is placed within the Sacred Writings division of the Hebrew Bible. Pope describes the literary form as *sui generis*, in that it cannot be categorised definitively as didactic, dramatic, epic, or other such terms. However, while it may reflect a historical personage behind the text, one should be cautious to interpret this as an historical account.

The book of Job involves the suffering of the righteous, thereby challenging retributive and distributive justice. Jonah questions positive retributivism, as the guilty are shown mercy, while Job questions negative retributivism as the innocent and righteous receive suffering instead of rewards. God does not "kill the righteous with the wicked, treating the righteous and the wicked alike" (Gn. 18:25), and Job "was blameless and upright; he feared God and shunned evil" (Job. 1:1) yet suffers

¹⁷ This reference occurs in Pope's introduction which utilizes roman numerals as the page numbers (for example XXIX- XXXVIII). To make this reference clear the roman numerals were converted into a decimal numbering system).

seemingly undeserved afflictions. This creates the challenging of reconciling Job with divine justice.

There are three reasons supporting the consideration of just retribution as a universal dogma (Roberts 1977:107–114). Firstly, the often-repeated claim Job contains the presupposition of an individual doctrine of retribution established during Ezekiel's era. Secondly, the friends' doctrine of retribution has an individualistic characteristic that cannot be interpreted as a Deuteronomic theology as it overlooks the widespread, if not universal, nature of this belief in the ancient Near East. Thirdly, both the poetic dialogue and the proverbial literature presents this same widespread idea. The former portrays the problem in terms of a righteous man who, to him at least, experienced undeserved suffering; and the latter in that, the friends unambiguous, moralistic, and individualistic doctrine of divine retribution is influenced by the proverbial literature of moral exhortation.

Examination of the term *mispāt* reveals divine justice is beyond human ideals because of God's sovereign nature¹⁸. Job conceives of *mispāt* as litigation and wants to enter into a court case with God to pursue justice (Weiss 2018:77). Carol Newsom (2014:249) highlights that inequality in the relationship mean this is not possible as justice, and being "in the right", is rendered meaningless by disproportion in power, "power always wins". Job views his suffering as proof of guilt and requests God to explain the charges against him. Marvin Pope (1965:LXX) explains: "Justice, he [Job] argues, often appears abortive in the world and for this God must be held responsible. Hence Job infers that God has no concern for justice or for human feelings."

Sylvia Scholnick (1982:521) acknowledges the centrality of divine justice and argues *mispāt* is key to understanding its definition. *Mispāt* possesses a juridical and an executive dimension. Job, and his friends, derive their understanding from the sphere of the court, while God interprets it as executive sovereignty, the right of the ruler. Without knowledge of why he is suffering and based on his preconception that suffering is a punishment for sin, Job, as plaintiff, demands litigation with God to

¹⁸ It is necessary to briefly examine the term *mispāt* here as it is essential to understanding how Job conceives of divine justice. A more detailed analysis of the term will be undertaken in the following section concerning the OT and NT terms used to express divine justice.

formally charge him with precise offenses or, as defendant, to account for the charge of unlawfully seizing Job's property (ibid.). Rather than presenting a defence or charges, God concentrates on the more fundamental question of divine justice. Without reference to humanity's system of justice through litigation, God instead draws attention to his own authority over creation which he labels *mispat* (cf. Jb.40:8). God teaches Job that divine justice transcends the legal system to incorporate a system of divine kingship. Job responds by acceptance of divine power (cf. Jb.42:2) and consequently withdrawing his lawsuit (cf. Jb.42:6).

Andre LaCocque (2011:22) acknowledges the universal conception of retributive justice but refers to the final theophany as portraying an uncharacteristic image of God which "de-moralizes the natural order: there is no way to deduce from the latter a principle of distributive justice in the social and moral world". Within the universe one cannot find any moral "cause to effect". The dismissal of retributive justice reveals the real issue: disinterested righteousness (p.25). This is an attachment to God that surpasses the desire for reward and fear of retribution (Weiss 2018:79). Justice is expanded to include both God's jurisprudence and sovereignty.

Similarly, Greenberg (2011:224) identifies the author's purpose is to represent the effect of extreme, faith destroying misfortune, on an innocent man in a just divine order. A pious man whose total existence has been peaceful cannot determine if: "his faith in God is more than an interested bargain - a convenience that has worked to his benefit - unless it is tested by events that defy the postulate of a divine moral order". Extreme misfortune reveal's the basis for Job's relationship with God and reduces doubts which is necessary for his spiritual wellbeing and exemplifying disinterested devotion to God. The paradox is that unless a righteous man experiences the suffering suiting the wicked, he cannot measure his love of God.

Matitiah Tsevat (1966) provides an alternative theory of "non-justice". The narrative is a "supreme expression of religious faith" which "presents the purest moral theory in the bible" (p.104). The story denies: divine retribution; the intertwining of justice into the nature of the earth; and God's administration of justice. Rather than causing humanities neglect for establishing justice, it reveals an ideal to be realized by society. Rather than eliminating the possibility of God obligating himself to conform to human standards, God is both the author, and bound by, standards of human

conduct (ibid.). Tsevat conceives of an equilateral triangle, the three points of God (G), Jonah (J) and the philosophy of retribution (R), cannot be simultaneously maintained and thus one must be abandoned (p.105). The friends cancel J, preserving G and R. God removes R, preserving G and J. Job preserves J and R, all but abandoning G.

Job believes his innocence but is bound by the belief that God must uphold cause and effect (Tsevat 1966:105). Failing to compromise his belief of innocence, or abandon this concept of antiquity, he distorts the image of God. Determined to interpret the triangle Job becomes entangled in contradictions. Despite observations that directed him to the conclusion that R was at fault, he preserved both R and J and despaired, not surrendered, G. While Job neared the dichotomy of justice/injustice, God revealed its inadequacy for the structuring of reality due its lack of a necessary third element: nonjustice. This dichotomy should adopt the form: justice-injustice/nonjustice. The left side is societal while the right is extrasocietal. Job, and his friends, mistakenly allow the societal aspect to infringe on the extrasocietal because of R. Once the error is identified and R is thus eliminated, G and J remain. Once Job accepts this, he is set free from the old doctrine of justice and retribution. Confirmation is provided in the theophany whereby God does turn towards, and is accessible by, man: "To put it differently, he who speaks to man in the Book of Job is neither a just nor an unjust god but God".

Schultz (1996:175) concludes: whether one interprets the book of Job as defending, accepting, denying, or redefining, divine justice, justice it is still the central focus dominating the entire book. The challenge is to either accept the stories portrayal of the inadequacy of divine justice as retributive justice or reconcile the two. The first solution involves identifying Job's suffering as a divine test instead of punishment. The second is to explore Job's apparent innocence.

To begin with the latter, Weiss (2018:83) argues that rabbinic and philosophical interpretations preserve retributive and distributive justice within the text. The rabbinic sources all attempt to place a form of guilt on Job, therefore justifying his suffering. The Talmud interprets Job as serving God out of fear and not love; Rava interprets Job to not have sinned with his lips, but instead with his heart; and the Midrash interprets Job's suffering as a result of him not intervening when Pharaoh

decreed to drown the Israelite male babies (ibid.). While Maimonides argues Job lacked intellectual, not moral, perfection thus failing to understand his sufferings, Gersonides argues Job was afflicted due to his misperceptions of divine providence (p.86). Either interpretation allows God to afflict Job as per distributive and retributive justice. Apart from exploring and challenging the legitimacy of these arguments, one can reference the large number of authors who maintain Job's innocent. A variety of authors have already been considered above who maintain such a position, briefly three more will be considered.

William Pohl (2020) uses terminology such as "innocent suffering" or "innocent sufferer". Job teaches the "innocent sufferer", within a believing community, about ethical God-talk (p.4). Despite the friends' arguments for his guilt and deserved suffering Job maintains his innocence and engages in "protest prayer as ethical speech for the innocent sufferer". For LaCocque (2011:24) Job is juridically innocent and his friends repeatedly place themselves on the judicial plane in their critique. Job has not committed any guilt worthy actions and so his friends/inquisitors have wrongly accused him and become his tormentors. LaCocque is against any interpretation that Job's plight is the result of retributive justice. Lastly, Vivian Liska (2014:128), interpreting Margarete Susman's essay "The Job Problem in Kafka", writes that Job unceasingly searches for, but never finds, his own guilt. Job realises guilt does not reside within him personally but in human sinfulness. Job's suffering gains meaning precisely because of his innocence.

The former solution interprets Job's suffering as a divine test. Saadiah Gaon explains a divine test allows the righteous to reveal their devotion to God and provides them the opportunity to exemplify this devotion, and God's favour for them, to the public (Eisen 2004:18). This public dimension reveals the lack of explanation for the suffering (p.19). God may give a sinful person the reasons for their punishment and suffering to promote repentance. However, divine suffering provides no explanation as this negates part of its purpose: the public demonstration of righteousness.

Eisen (2004:184) provides a second voice, Simon Ben Zemah Duran, that seems to follow this logic:

This is the meaning of the test: God tests the righteous as it is written, 'in order to test you by hardships only to benefit you in the end' (Deut. 8:16). If it is a tradition which they [i.e., the Geonim] possess, we will accept it, for from the standpoint of inference (*sevara*), it is not a proper judgment that God should bring suffering upon a righteous person without any sin whatsoever; our Sages have already said, 'there is no suffering without sin.' . . . The meaning of sufferings of love is not that they occur without any sin whatsoever, for they surely come on account of some sins; rather those sufferings come in the manner of love as a father chastises his son, as it says, 'for whom the Lord loves, He rebukes'.

Duran agrees with Gaon that suffering can be part of a divine trial but dislikes the notion of God causing the innocent to suffer (Eisen 2004:184). Duran's solution is that sufferings of love exist¹⁹ to prevent the righteous from increasing their sin and deserving greater punishment. Divine trails are therefore a consequence of sin but limited to accidental or careless sins (p.186). Minor sins do not require full-fledged repentance, instead at times God deals with them through a test that, if passed, sufficiently cleanses the righteous of their misdeeds.

The narrative of Job challenges the notions of distributive and retributive justice. Retributive justice, while a universal dogma, appears absent or irrelevant in the face of innocent Job's undeserved afflictions. *Mispat* reveals God's sovereignty and divine justice as transcending human norms of fairness. A further interpretation dispels the notions of justice/injustice, instead introducing non-justice. Alternative readings could reconcile divine justice with retributive and distributive justice as Job would either possess some form of guilt, justifying his suffering as punishment, or not receiving punishment but rather a divine test. However, it is uncertain if the text adequately supports these alternative interpretations or if they attempt to retain human theories of justice instead of accepting a theory of divine justice that transcends human understanding.

These four theories of justice within contemporary philosophy and their possible existence and application within four OT narratives, begins to provide a picture of divine justice. Abraham questioned God to determine God's priorities: the punishment of the guilty majority versus the sparing of a righteous minority. Weiss

¹⁹ The doctrine of sufferings of love is a long-established tradition which Duran is referring to.

concludes that retributive justice is achieved as the guilty are punished and the innocent spared. However, retributive justice is also challenged as God is willing to spare the guilty majority for the sake of a righteous minority. Retributive and distributive justice are also challenged by the hardening of Pharaoh's heart. God potentially coerces Pharaoh to make an unwanted decision so that he is liable for punishment. Various interpretations reveal that, despite being coerced, Pharaoh is still morally culpable for his actions and deserving of punishment. Gunn presents a larger issue involving Moses, the Israelites, and free will. They might have been unable to deny God and thus undeservedly receive the promised land. Jonah, a strict retributivist, introduces the tension between mercy and justice. God educates Jonah to a multiplicity of approaches to sin. God can extend punishment or mercy. Weiss views repentance as upholding retributive justice as the guilty become innocent and thus no longer deserve punishment. However, as will be discussed in chapter four, it can be questioned whether this is in fact compatible with retributive justice. Finally, Job may pose the biggest threat to distributive and retributive justice as it involves the suffering of the innocent. Possible solutions include either attributing Job some form of guilt or viewing his suffering as a divine test. It is therefore possible to try and maintain that divine justice is retributive justice. However, what might be more accurate is to acknowledge an element of retributive justice within divine justice, but also its limitations with regards to mercy and forgiveness. What follows is an examination of justice terms within the Old and New Testament.

2.2 OT and NT terms for justice

The Old and New Testament "justice" terms help expand the biblical understanding of divine justice by exploring important elements that have so far been untouched. The OT section will include the hendiadys *mishpat* and *tsedaqah*, its relation to retributive and distributive justice, and its use in the prophetic and poetic literature. The NT section will explore *dikaioσύνη*, its translation in the English NT, righteousness and justice language, and western retributive justice versus Hebraic covenant justice.

2.2.1 OT: *tsedek* and *mishpat*

Ancient Israel expressed social justice²⁰ through hendiadys, the most common word pair being *zedakah*²¹ (צדקה) and *mishpat* (מִשְׁפָּט) “justice and righteousness” (Roddy 2014:77; Weinfeld 2009:228). For Sacks (2003:213), *zedakah* requires access to life’s necessities and for the wealthy to share with the needy, thus fulfilling social justice. The Israelites were expected to create a society where all had the right to dignity and equality under the sovereignty of God as the covenantal community. This word pair also exists in relation to the judiciary, which includes retributive and distributive justice.

2.2.1.1 Retributive and distributive justice:

Mishpat refers to retributive justice, or the rule of law, which is essential to govern a free society (Sacks 2003:213). This law must be impartially applied to punish the guilty, acquit the innocent, and secure human rights. *Zedakah* refers to distributive justice, a more substantial, but less procedural, idea. In civil law it is concerned with the individual and collective obligations of society to ensure a lack of resources does not cause the less fortunate to suffer (Fischer & Friedman 2015:215; Levin 2012:594). *Mishpat* largely relates to criminal justice and punishment but its severity is constrained by *zedakah*, elevating restorative justice over retributive justice (Fischer & Friedman 2015:215). The practice of *zedakah* includes activities that develop the state of affairs for the weak and helpless (workers, orphans, widows, strangers, etc.). For example: an employer withholding wage payments breaches a biblical precept and requires *mishpat*, the foundation of ethics, to observe the law. Alternatively, an employer paying a wage greater than the market value acts in line with *zedakah*. Going above the requirements of the law (forgiving of debts etc.) resides in the realm of *zedakah* (Levenson 2012:62).

²⁰ Levenson (2012:62) refers to the use of *mishpat* and *zedakah* in the dialogue between Abraham and God and, while agreeing that it is a form of social justice, disagrees that it is to be understood as in our modern secular understanding of the term.

²¹ Fischer & Friedman (2019:216) explain that *zedakah* and *zedek* are used interchangeably within the OT. Some authors (like Fischer and Friedman) refer to *zedek* while other authors, like Roddy, use *zedakah* and others, like Wiess, employ *zedeq*. Therefore, whichever term the author in question employs will be used in the discussion.

For Weinfeld (2009:236), the interpretive starting point is to distinguish between “a righteous judgement” and “justice and righteousness” as both phrases use the same word, *mishpat*. It can be translated as “judgement”, “judges”, or “judge”, as they all share the same root word (Dershowitz 2000:6). It can refer to a correct judgement and the concrete act of righteousness (Weinfeld 2009:236). *Tzedakah* represents righteousness as an abstract principle which can be personified to look down from heaven (Ps.85:11); to kiss peace (Ps.85:10); *tzedakah* and *mishpat* are regarded as the foundation of God’s throne (Ps.85:14); and God, with *tzedakah* and *mishpat*, betroths Israel (Hos.2:19).

The connection of *mishpat* and *tzedakah* to appropriate judicial decisions and execution of justice challenges the coexistence of strict justice and charity (Weinfeld 2009:236). The rabbis’ response was to place *mishpat* as judgment and *tzedakah* as a charitable act committed within the structure of the judicial process (p.237). Sacks (2003:213) notes this issue in how *tzedakah* embodies both charity and justice, which is unintelligible within the English language. Either a person is entitled to something (act of justice), or is not, (act of charity)²². *Tzedakah* unusually contains both meanings. Fischer & Friedman (2015:217) address this from a different angle: “Wherever there is judgement, there is no righteousness, and wherever there is righteousness, there is no judgement”. Charity may possibly be included in rendering justice. For example, if the guilty person was incredibly poor, King David would personally cover the cost. Strict justice is observed as the law remains impartial and righteousness is also upheld. Alternatively, the Talmud promotes compromise by both parties. Weinfeld (2009:237) argues the above discussion concerning justice and charity, extended to justice and righteousness, is inadequate as it has “nothing to do with the original meaning of the text”. This leads the discussion to the usage of the term within the prophetic and poetic literature.

2.2.1.2 Prophetic and poetic literature

The prophetic corpus and the psalms frequently ascribe “justice and righteousness” as an attribute to God (Roddy 2014:77). For the prophets it did not refer to a

²² Sacks (2003:213) uses the illustration of money to illuminate this idea. If someone gives a person money and he is entitled to it, then it is an act of justice. If he is not entitled to it, then it is an act of charity. The action of giving him money cannot constitute both justice and charity.

settlement between parties, or charitable acts within the judicial process, or to merely judicial decisions (Weinfeld 2009:237). A survey of scripture reveals it extends beyond judicial processes to mainly address improving the conditions of the poor which is achieved through regulations issued by the king and officials, not through provision of legal assistance to the poor in litigations against oppressors. *Mishpat*, originally an administrative term, later developed a uniquely juridical meaning which caused confusion in interpretation. Rabbinic Hebrews replaced the biblical term with the hendiadys “righteousness and kindness” or “performing kind acts”. “Justice and righteousness” have an implicit connection to kindness and mercy, and *mishpat* should not be understood in the juridical sense. The establishment of a throne with “justice and righteousness” being identical with “kindness” or “kindness and truth” (Is.16:5; Pr.20:28) supports this view²³. While “kindness” is identical with goodness and mercy, it is an inappropriate attribute for strict justice as it impedes the impartial execution of justice (p.238). Thus *mishpat*, particularly in “justice and righteousness”, does not signify the appropriate execution of justice but rather generally expresses social justice and equity which joins with kindness and mercy and is implicit within the prophetic exhortations.

For Gignilliat (2019:207), Yahweh’s expects the Israelites “to act justly (*mishpat*) and to love mercy and to walk humbly with your God” (Mic.6:1-8). These three infinitives (to do, to love, to walk) exist in a relationship bound by necessary and mutual reciprocity (p.203). To “do justice” removed from “loving loyalty” and “walking circumspectly” leads to unsustainable moral self-actualization. Justice, and doing justice, within the triad is a community reflectively walking with God amidst her history of undeserved grace and election. The result is “to love loyal lovingkindness” which in turn leads to definite actions of equity: “to do justice”. Thus, justice involves the law court as well as the general treatment of the community and its members. Similarly, Amos did not oppose the judiciary, but the socioeconomic order controlled by rich landowners and the ruling circles (Weinfeld 2009:238). Amos called for social justice by rebuking illegal activity (Am.3:10), the oppressors of the poor and needy (Am.4:1), the greedy (Am.5:11), and dishonest gain (Am.8:5-6).

²³ These terms are used in parallelism in several passages (Ps.33:5; Ps.89:14; Jr.9:24; Mi.6:8; Hs. 2:19; Pr.21:21).

Isaiah's parable of the vineyard can deepen an understanding of *mishpat*, *tzedakah*, and divine justice (Martin 2018). The parable reveals God desires good fruit (justice and righteousness) but instead finds bad grapes (injustice). Two cases of assonance distinguish between what God expected of his people and what they experienced. *Mispat* (justice) was replaced with *mispoh* (bloodshed) and *se'daqah* (righteousness) was replaced with *se'aqah* (distress). Isaiah thus lodged six indictments against the Israelites and rebukes those "who make unjust laws, to those who issue oppressive decrees" (Isa. 10:1). In contrast to the Messiah's justice and righteousness (Isa.9:6-7), the corrupt leaders were guilty of six things: unjust laws, issuing oppressive decrees, depriving the poor of their rights, depriving justice, harming widows, and stealing from the fatherless. Martin's interpretation supports *mishpat* and *tzedakah* as social justice. Weinfeld (2009:239) concludes by highlighting that Isaiah is not, per se, referring to the judicial system but rather to the enactment of unjust laws.

Lastly, in Psalm 94, the poet calls on God as judge to set the world right and vindicate the righteous (DeClaisse-Walford, Jacobson & Tanner 2014:422). The psalmist laments the oppression of the righteous by the proud and the destruction of the needy (Ross 2018:175). He prays that "judgment (*mishpat*) will again be founded on righteousness (*tzedakah*)" (v.15) (Weinfeld 2009:239). God performs *mishpat* and *tzedakah* as the judge and is glorified by bringing down the arrogant.

2.2.2 NT: Dikaio syne

Justice within the NT does not seem as accessible as the OT. Nicholas Wolterstorff (2013:91) questions why there is no dispute that justice features extensively within the OT and yet it is plausible that justice has been supplanted within the NT. There appears to be a discontinuity between the OT which declares God's love for justice, for us to do justice, and for injustice to be rectified, and the NT on these points. Wolterstorff asks: "Why is the God of the New Testament not also understood as loving justice? Why is the God of the New Testament not also understood as enjoining us to do justice and to seek to right injustice?". One area of examination is the NT term *dikaio syne* (*δικαιοσύνη*), especially how it is used by the apostle Paul in his letter to the Romans.

2.2.2.1 A matter of translation:

God's justice is a central theme in the teachings of Jesus and Paul, yet it is largely obscured due to a translation issue (Damholt 2015:414). It is understandable that those using English translations of the NT miss the importance of justice as their bibles do not say much about it (Wolterstorff 2008:110). Most English-language New Testaments translate the Greek word *dikaiosyne* as "righteousness" as opposed to the more befitting translation of "justice". The connection between the notion of justice and "right" language of the NT is thus lost on English readers (Marshall 2001:35). Righteousness words must therefore be included in any study of justification (Morris 1983:177).

There are almost three hundred appearances of the *dik*-stem in the NT, existing in a diversity of grammatical variations (Wolterstorff 2008:110). While a few of these appearances are translated in the English NT with grammatical variations on our word "just", the majority are translated with grammatical variations of our word "right" (p.111). Instead of translating the noun as "justice" it is instead typically translated as "righteousness". The word "just", in English, along with its grammatical variations, come from the Latin *iustitia* while the word "right", along with its grammatical variations, come from the Old English *recht*. Yet majority of NT translators translate the great bulk of *dik*-stem words, and their grammatical variations, according to the latter, the opposite decision taken by most classical Greek translators²⁴. This translation issue can lead the modern reader to a purely individual, moral, and religious interpretation of righteousness (Harink 2020:2). Furthermore, to the modern reader, "righteousness" and "justice" carry unique meanings (Marshall 2001:36). "Righteousness" involves personal, ethical, and religious purity, while "justice" involves the equality of rights and judicial fairness. The former is private, religious and moral, while the latter is public, legal, and political. Instead, Harink (2020:2) motivates an interpretation in line with the Latin word "iustus" or "iustitia". Thus, while Romans 1:17 reads of the "righteousness of God" the Latin reads *iustitia Dei*, "the justice of God".

²⁴ The fourth beatitude in Matthews' Gospel: "Blessed are those who hunger and thirst for righteousness (*dikaiosunē*), for they will be filled", and the eight beatitude: "Blessed are those who are persecuted because of righteousness (*dikaiosunē*), for theirs is the kingdom of heaven" are two examples of this.

For Harink (2020:2–3), *dik*-stem words are concerned with justice, both within the political and social order, including personal uprightness. *Dikaios* denotes “just”, *dikaioō* is “to justify” or “to make just”, and *dikaiosynē* means “justice”. In ancient Greek “righteous” or “righteousness”, in the religious, moral, individual sense, and “just” and “justice” was represented by the same word. Both personal and legal-social-political meanings were included in the *dik*-words in ordinary Greek usage. At times these words designate what is understood as righteousness and a righteous person however, they also designate notions such as justice in a criminal case, a just ruler, just distribution of power and goods, and doing justice. In Paul’s letter to the Romans alone, *dikaiosynē* occurs thirty-three times, and other *dik*-stem related words occur over thirty more times, greater than anywhere else in Paul’s writings and far more than in any other NT document. Thus, recipients of Paul’s letter in Rome would have understood it as both “righteous” (or “righteousness”) as well as the Latin *iustitia* which involves social and political justice. This leads Harink (2020:3) to conclude that:

Justice is the central and pervasive theme of the letter to the Romans—the justice of God, the just ruler, the just person, the way of justice in relationships, society and the world. It would therefore not be unreasonable to call Romans a treatise on justice.

Mishpat and *tsedeqa* also presented a challenge for the Septuagint translators (Wolterstorff 2008:112). *Tsedeqa* (righteousness) was translated as *dikaiosynē* and *mishpat* (justice) as *krisis*, a term whose regular use was in legal contexts. Even when these Hebrew words were not explicitly paired, they were mostly translated as such. Occasionally, when *mishpat* stood alone, it is translated alongside *dikaiosynē* or other *dik*-stem words. Wolterstorff concludes that NT writers did not exclusively reserve *dikaiosynē* for the social condition of justice, or for the character trait of righteousness, but was ambiguous between them. If *dikaiosynē* unambiguously meant righteousness instead of justice then the Septuagint translators would not have occasionally used it to translate *mishpat*, or the Catholic translators of the Jerusalem Bible and the New American Bible to typically translate it as “justice”, and most English translators occasionally translate it as “justice”. Also, if it exclusively meant justice, then Septuagint translators would frequently use it to translate *mishpat* and most translators would not occasionally translate it as “righteousness”.

Whether it is best to translate it as “justice” or “righteousness” will have to be decided by the context and, if this is not possible, then it would be best to maintain the ambiguity (ibid.).

2.2.2.2 Righteousness and justice language:

The focus is Paul’s deliberate explanation of God’s work of salvation in Christ by use of justice language. Statistically the “right” or “judicial” metaphor appears larger in Paul’s reflection on the cross than others (Marshall 2001:41). This is not his only, or even primary, way of explaining the cross but it is important that he deliberately uses the terminology and categories of justice and justice making to explain what God achieved in Christ. For Paul the gospel is fundamentally a manifestation of God’s justice and reveals God’s remedying to achieve justice on earth. Simultaneously it reveals justice for the oppressed. Through the cross of Christ God brings justice to those unable to free themselves from the oppression of sin, the law, and death. This is the “forensic” nature of justification, in that justification is chiefly a legal notion involving the legal status of a person before God (p.42). The OT understood righteousness and justice to have both a forensic and ethical dimension (Morris 1983:183). However, the forensic element dominates in the OT idea of righteousness as J. Skinner, quoted by Morris (1983:184), explains:

What is meant is that questions of right and wrong were habitually regarded from a legal point of view as matters to be settled by a judge, and that this point of view is emphasised in the words derived from *tsdq*. This, indeed, is characteristic of the Heb. conception of righteousness in all its developments: whether it be a moral quality or a religious status, it is apt to be looked on as in itself controvertible and incomplete until it has been confirmed by what is equivalent to a judicial sentence.

The focus is conformity to the law of God, not to an ethical norm, and it is thus a religious and not an ethical term (Morris 1983:184). Passages like Isaiah 5:22-23 reveal that righteousness in the ethical sense cannot be removed from a person, but the “right-standing” from a person with justice on their side can be removed; corrupt/negligent judges can rob the acquittal from the person who deserves it. Similarly, Deuteronomy 25:1 reveals the procedure to follow in justice with the verb translated as “acquitting” could also be “they will justify”. Justice and condemnation here are placed in contrasting legal terms. Isaiah 43:9 again reveals the legal basis

and thus justification overlaps significantly with “acquittal” and the basis is establishing legal proof by bringing forward witnesses (Morris 1983:184). For Morris the legal (forensic) basis for justification is clear (p.185). This does not detract from those passages where there is non-legal usage of the word-group. The situation is like the English usage of the word “judge”. A diversity of non-legal activities is described by both the noun and the verb. Despite those activities “judge” is a legal term, and all other usages derive their understanding from the legal term. Essentially, “justify” and “justification” are used in a variety of ways, including the ethical, however the foundational conception is legal, and it is this that provides the meaning for all other usages.

Bultmann (1959:27–28) also notes the forensic and ethical usage of the term. When referring to the condition for salvation it is a forensic term. It does not denote the ethical quality of the person, or any ethical quality at all, but a relationship. Instead, it is something a person possesses in the verdict of the law court to which that person is accountable for. It is received by adjudication by someone else. One has “righteousness” or is “righteous” when acknowledge to be. Particularly, the “righteous” person is the one in a legal action who is acquitted. This would mean the person is “innocent” – but is “righteous” not to the degree that this person may be innocent, but rather to the degree that this person is acknowledged innocent. Bultmann defines righteousness as: “the ‘favourable standing’ that a person has in the eyes of others; it is that ‘right’ which a man seeks to establish by process of law as ‘his rights’”. The more eschatology came to determine Jewish piety, the more the forensic term became an eschatological one. Although there are differences between the Pauline and the Jewish conception, they agree as to the formal meaning of *dikaïosynē*: it is a forensic-eschatological term. Marshall (2001:42) notes this similarity by how Paul conceives of God as a royal judge, sinners deserving of punishment are brought before God who graciously pardons them, acquitting them of all condemnation and thereby accepting them. Forensic imagery protects salvation as a distinct work of God based on the vicarious work of Christ and prevents the believer from attempting to stand before God based on personal merits and spiritual attainments.

However, primarily explaining justification as forensic and employing legal language and imagery may obscure the main concern – God’s work of justice-making

(Marshall 2001:42). Justice is larger than merely vindication of law, and justification than a mere pardon. Paul's view of salvation is greater than a hard, legal abstraction and so there are limits to the forensic metaphor. One possible limit is that justification embodies the form of salvation, a pardon from all charges, but not the content of salvation, which is free grace given to all repentant sinners, which dismantles forensic imagery and surpasses the legal sphere. Another possible limit is to subordinate forensic imagery to other supposedly more important metaphors in Paul's theology, such as the notion of participation in Christ, for "it is not clear how a forensic declaration frees one from hostile powers, puts one under new lordship and gives one a totally new life" (Sanders 1977, n. 47). The bigger issue might be conceptualizing the forensic character of justification in terms of law codes and law courts instead of justice and justice-making (Marshall 2001:43). Reducing the forensic dimension to a not-guilty verdict in the heavenly court demonstrably neglects the extent of Paul's theology of salvation. However, if it is conceived of as a process of doing justice then it becomes evident why Paul could adopt the manifestation of God's saving justice as the summary of his entire exposition in Romans. The Western concept of retributive justice based on metaphysical law versus the Hebraic concept of covenant justice based on relationship might be why the justice nature of justification has been traditionally linked with the adjudicating of a legal verdict which has, at times, been considered a legal fiction.

2.2.2.3 Western retributive justice versus Hebraic covenant justice:

In framing the doctrine of salvation traditional theology has made extensive use of Western, or Latin, concepts of justice (Marshall 2001:43). Many of the Latin Fathers were lawyers and were inclined to utilize legal obligations to conceive of divine human relations, as functioning in the Greco-Roman tradition. Justice was characterised by an abstract moral order whereby each person received their just desserts and imbalances must be corrected. Practically this involves ensuring the rights and duties of different parties exists in harmonization, which has two main forms of expression: distributive or social justice, and penal or retributive justice. Divine justice within the theological tradition was thus understood as conforming to the ethical norm of strict retributive justice in that God has the right to punish anyone who has transgressed God's law (p.44). God's own righteous character duty bounds God to uphold the moral order God has created and punish wrongdoers. The

universe would become a disordered and irrational place if God overlooked breaches of universal law (ibid.). God's justice also demands satisfaction and so, while loving and merciful, sin cannot simply be forgiven. The brilliance of the cross is that the penalty of sin inflicted on Christ by God satisfies the demands of retributive justice while simultaneously satisfying God's mercy by conferring forgiveness on sinners. Stephen Holmes (2017:309) notes this cultural effect in the doctrine of penal substitution. Using the logic of the law court to narrate the passion of Christ was effective in a cultural context where accepted penal sanctions involved flogging and public execution. However, as these penalties became viewed as backward and unenlightened, there is less cultural plausibility for the logic of penal substitution.

Identifying divine righteousness with retributive justice can disconnect the doctrine of justification from concerns of social justice (Marshall 2001:44). As justification is confined to the religious sphere, and social justice to the ethical or social political sphere, few see the connection between social justice and the doctrine of justification by faith. Attempts to create a theology of social involvement can largely ignore Paul's discussion of justifying righteousness. Also, emphasising social responsibility, which requires social justice and necessitates "good works", is viewed as directly threatening Paul's doctrine of justification by grace and not good works. Two things have also occurred in criminal justice and the doctrine of justification. Firstly, the conception of God's justice has been heavily influenced by the logic of criminal law and punishment. Secondly, the atonement in particular, and punitive conceptions of divine justice in general, have had a robust and harmful effect on Western penal thought and practice. Excessively harsh treatment of criminals in Western history has frequently been supported by the belief that, to protect God's own holiness, God retributively punished Christ for the sins of the world. Marshall (2001:45) concludes:

Such effects flow, in large part, from the inadequate concept of justice that has been used to interpret the implicit justice-dimension of justification. Rather than assuming a holistic, biblical conception of "shalom justice" that is capable of embracing the whole work of salvation, interpreters have presupposed a narrow, law-based conception of retributive justice that effectively confines the justice dimension to the law-court facet of the metaphor and ascribes all else to grace.

The OT and NT justice terms reveals tension between apparent conflicting concepts within divine justice. While *mishpat* and *tzedakah* can refer to retributive and distributive justice, it also appears to place restorative justice above retributive justice, set an emphasis on charity, and aim to develop the situation of the weak and helpless. If taken as strict judgement to refer to the correct execution of justice one experiences a problematic double nature within the term: strict justice versus charity (righteousness). Here divine justice is not merely concerned about retributive and distributive justice, but also about the needs of the society at large. *Dikaioyne* also carries notions of distributive, retributive, and procedural justice. But it is also wider in how it embodies the “way” of justice which involves relationships. While dominated by forensic imagery, which furthers a retributive and distributive understanding of divine justice, this can hide the true issue at hand which is “doing justice”. The forensic understanding limits one to viewing divine justice in terms of receiving a “guilty” or “not guilty” verdict obscuring the main idea of “doing justice”. As in the previous section on contemporary philosophy, divine justice clearly has distributive and retributive elements, however it again is clearly broader than these two terms alone. The final aspect to explore is the relationship between divine justice and the kingdom of God.

2.3 Divine Justice and the Kingdom of God

Craig (2018a), survey’s five essential elements that every biblical doctrine of the atonement should have: (i) Sacrifice, (ii) Isaiah’s suffering servant, (iii) Divine justice, (iv) Representation, and (v) Redemption. Farris and Hamilton (2021:245) do not have a material objection to these five motifs, but rather a formal objection that relates directly to scripture’s divine justice motif. Their objection is “what if there is a motif... missing from Craig’s list of the minimum, ‘essential’ motifs? What if the motif absent...governs how we ought to understand the other five that Craig proposes?”. The issue is the kingdom of God motif and the judicial demands, in scripture, of the divine kingdom and how these demands are met. By ignoring, or overlooking, the kingdom of God motif and its effect on divine justice Farris and Hamilton claim Craig, and those Reformers associated with penal substitution, neglect the broader or more complete view of divine justice. Firstly, a brief exploration of what is meant by the “kingdom of God” will be undertaken. Secondly, its centrality within scripture will be

observed. Thirdly, William Ames and his use of the kingdom of God to determine a broad structure of divine justice will be examined.

2.3.1 What is the Kingdom of God?

The Kingdom of God denotes the spatial and temporal rulership of God, both present and future (Godwin, Godwin & Dockrey 2014). Used interchangeably with the “kingdom of heaven” it expresses the place where God’s reign is absolute and was evident when Jesus did the will of God. Jesus also prioritised preaching the coming of the kingdom of God and appealed for people to prepare by repenting of their sins (Wolterstorff 2008:120). Jesus was also identified as the king of this kingdom, the Messiah, who will bring an era of justice and righteousness (*misphat* and *tsedeqa*) (p.121). For William Ames (2008:210) the kingdom of God is “a polity or state in which God has supreme power, and men are thus subject so that from him they may secure their own good, or eternal felicity”. It is the means by which Christ, with power and authority, distributes everything that relates to the salvation of man (Ames 1968:133–134). For Ames, it consists of five properties:

...first, its universality. It covers all ages. It is relevant to all kinds of men, and it applies to all kinds of creatures so far as they in some way further or enhance the salvation of men. Secondly, it holds sway in the very soul and consciences of men. Thirdly, it dispenses everlasting life and death eternal. Fourth, it is eternal. Fifth, it brings the greatest peace and most perfect joy to those who are its heirs.

Jürgen Moltmann (1993:5) explains that to become involved with the kingdom of God is to become involved with Jesus, as the “concern of Jesus was and is the ‘Kingdom of God’”. The one seeking God and God’s kingdom must look to Jesus and plunge themselves into the stories that transpired in his presence and are still present today in his Spirit. The answer to the question “who is Jesus?” is therefore “the kingdom of God in person”. The two are inseparable: Jesus escorts us to the beauty and extent of the kingdom in a new and unique way; and Jesus is fashioned into the Christ, saviour, and liberator of us by the kingdom. One must look to Jesus to understand what the “kingdom of God” is, and one must experience the “kingdom of God” to understand who Jesus really is.

Moltmann (1993:6–11) provides four biblical perspectives to consider. Firstly, the kingdom of God in parables. In the fourth chapter of Mark exist a group of parables

procured from human contact with nature: the Sower, the seed, and the mustard seed (ibid.). The “kingdom of God” is presented as the revitalization of nature, the last eternal spring of the creation. According to these parables the kingdom of God is simply the “new creation of all things to eternal life”. Luke chapter fifteen presents the lost and found parables: the lost sheep, the lost coin, the lost son. These reveal the kingdom of God to be “the joy of God over the rediscovery of the lost creature”. It is the source of life among us, whereby one experiences the excitement of God in God’s joy over us, as opposed to some form of alien rulership from above. Secondly, the kingdom of God in the healing of the sick. The germs of death are expelled by the kingdom of the living God and the seeds of life are spread instead. It brings both, in a religious sense, salvation, but also health in the physical experience. It means healing in respect to illness, and resurrection in respect to death. Therefore, “kingdom of God” could mean that which occurs between the sick and Jesus, between the faith of the people and his power: both must coincide. The experience of the Spirit is the presence of the kingdom, and the kingdom of God is the future of one’s experience of the Spirit. And so, the present Spirit of God which makes one alive is how one experiences the coming kingdom. Thirdly, the kingdom of God in the community of Jesus. Jesus’ community with the poor and the sick was a public demonstration that the kingdom of God, and the power of God, was bestowed upon them and those without rights and the unjust ones (sinners and tax collectors) received the right of God. And thus, the psychological prison of self-contempt is opened as the world of the humiliated and insulted receives the kingdom of God. Lastly, the Beatitudes of the poor is the climax of Jesus’ sermon on the mount which reveals the “Constitution” of the kingdom of God in this world. The “poor” are the first people the gospel is preached to, those who have nothing and are nothing in this world. Collectively, the term encompasses the unemployed, mourning, hungry, discouraged, and the enslaved. In short, those who are oppressed. In the social conflict in a society that makes the poor poorer and the rich richer the gospel of the kingdom of God sides with the poor, in the hope of rescuing the rich and save them from their atrocity. When with the poor Jesus discovers the kingdom of God, and the poor reveal the kingdom of God to him. The person who hears in Jesus’ message the kingdom of God encounters, in their community with the poor and children, the same kingdom. Jesus brought the kingdom close to humanity, as well as the poor

and children (ibid.). They are his people, his family as they embody, in this violent world, God's kingdom.

2.3.2 The centrality of the Kingdom of God motif in scripture

According to John H Sailhammer (2009:20), accurately determining the meaning of a text can be done by finding its "big idea". Farris and Hamilton (2021:246) argue that one of these "big ideas" in scripture is the kingdom of God, which should regulate how we perceive the different scriptural elements and motifs to cohere. It is undisputed that the central idea in biblical theology is the kingdom of God (Sailhammer 2009:572). So too is the thematic relation between the kingdom of God and justice and salvation (p.578). Thus, Farris and Hamilton (2021:247) write that "the judicial economy of the kingdom of God is governed by judicial demands for which the scriptures indicate we must all account, and from which Christ's work, his death in particular is said to deliver us". The task is to determine the divine kingdom's judicial demands and their structure, and how Christ's death delivers humanity from these demands. Also, whether Christ's work is singularly focused on the retributive element within the judicial structure, or if it takes the whole structure into consideration. Furthermore, how to identify such a "whole" structure within scripture. One method is to explore the close connection between scripture and the kingdom of God, justice, and salvation.

Within scripture one can observe a clear understanding about divine kingship and justice that extends beyond mere retribution (Farris & Hamilton 2021:247). This is evident from Moses declaring God's authority (Ex.15:18) to receiving the divine commands (Lv.19:1-37). This idea is repeatedly affirmed in scripture from Joshua conquering the promised land and renewal of the covenant (Jos. 24) to the time when God raised up judges (Jdg. 2:16-19) to rule over Israel, and continues through the judges who abused justice (1 Sm.8:1) and concluded with the Israelites demanding a king (1 Sm.8:7) while God was already ruling over them (1 Sm.8). The prophets and psalmists further explain the relationship between the kingdom of God and justice (p.248). For example, king David proclaims that "the LORD reigns forever; he has established his throne for judgement. He rules the world in righteousness and judges the peoples with equity" (Ps.9:7-8). Ethan the Ezrahite proclaims that "the King is mighty, he loves justice - you have established equity; in Jacob you have

done what is just and right” (Ps. 99:4). These Psalmists both highlight God as king and judge and as God delivering this justice with equity (ibid.). Isaiah (33:33) proclaims God as judge, lawgiver, and king, and combines the ideas of kingdom, justice, and salvation. He also talks of salvation in the context of lawgiving. For Jeremiah the notion of kingdom and justice is also greater than mere retribution (Jr.23:5).

From this, five observations can be made (Farris & Hamilton 2021:248). 1) Scriptural evidence supports an intimate connection between justice, salvation, and the kingdom of God. 2) The evidence supports the kingdom of God as a central motif in scripture. 3) The evidence seems to support the subject of divine justice as a critical constituent and subordinate of the kingdom of God motif. 4) The economy of salvation may equally and directly be impacted by the judicial economy of this divine kingdom. 5) scripture’s account of divine justice is not necessarily fully explained by retributivism. Retribution is one element of the wider picture of God’s judicial demands and atonement potentially possesses an asymmetrical relationship to it. Craig’s five motifs may not be sufficient to explain or make sense of what scripture means by divine justice, or even the atonement. Farris and Hamilton (2021:252–261) utilize William Ames in their attempt to observe a dogmatic account of this judicial structure within Scripture.

2.3.3 William Ames, divine justice, and the Kingdom of God

As Craig (2020:125–126) explains how the Reformer’s characterize the satisfaction of God’s justice in terms of punishment, he writes that Christ’s substitutionary death propitiated God’s wrath as “the demands of divine justice have been met”. It is this latter claim that Farris and Hamilton (2021:249) take special consideration of. They agree with Craig that divine retribution is a subcategory of distributive justice but argue that his definition of distributive justice limits the attention to purely punitive aspects of justice (p. 252). The “heart” of their objection is that focussing on one aspect of divine justice in the atonement neglects the wider picture of God’s judicial demands. The larger view of God’s judicial demands of the kingdom of God are evident in another reformed theologian, William Ames. Ames belongs to the early and high period of the Protestant scholastic tradition of the post-Reformation and is

committed to a type of Anselmian Satisfaction theory of atonement²⁵ (Farris & Hamilton 2021:253–255).

Like Craig and Turretin, Ames sufficiently explains divine retribution, but he also takes consideration of the other various demands of divine justice (Farris & Hamilton 2021:256). Ames (2008:158), like Turretin, connects the doctrine of atonement to the divine nature and “we cannot honor (God) rightly if we are ignorant of his nature and will”. When Ames explicitly discusses the kingdom and its judicial economy, he starts with the premise that God is a Perfect Being in the manner of St Anselm and other medieval academician and defines the kingdom of God, “as a polity or state in which God has supreme power, and men are thus subject so that from him they may secure their own good, or eternal felicity” (Farris & Hamilton 2021:257). Ames utilizes Gods “sufficiency” and “efficiency” as the springboard for unpacking the divine kingdom and the structure of its judicial economy”. “Sufficiency” being “that whereby he himself has sufficient in himself for himself, and for us”(Ames 1968:84). “Efficiency” being “that by which he works all, in all things” (p.91). Ames then makes a number of dogmatic moves which begins with his doctrine of the divine decrees and moves through creation and providence to arrive at divine governance, which is “God’s rule, his infinite knowledge and inscrutable wisdom, as he conserves, disposes, and directs all creation to its appointed end(s)” (Farris & Hamilton 2021:258).

Within divine providence Ames subdivides the discourse into God’s “common” and “special” (moral) government (Farris & Hamilton 2021:258). God’s moral government is specific to God’s rational creatures and is established by the moral law. God reveals the righteousness (rectitude) of God’s self-love through the moral law, making God’s holiness and moral perfection understandable to rational creatures and threatening those who disregard God’s authority and benevolence. Here divine justice and the kingdom motif are developed. Farris and Hamilton (2021:258) quote and comment on Ames (1968:110–111) as follows:

‘The revealed will of God (i.e., the moral law), which is the rule of the moral life, applies to the rational creature at this point,’ Ames continues: ‘is the way of

²⁵ The satisfaction theory holds that Christ sacrificed his life to pay a debt of honor, not punishment, in order to restore honor to God (Farris & Hamilton 2021b:256).

entering into covenant, not between those who are equal before the law but between Lord and servant'. According to Ames, this covenant is established on the footing of God's moral government, by which, he says, the Lord demands two things from the servant: 1) religion and 2) justice.

Ames (1968:237) defines religion as,

the observance whereby we do those things which directly pertain to God's honor...obedience towards God must necessarily begin with God himself...It would not be observance towards God unless it brought honor to God, and it would not bring honor to God unless it proceeded from a religious attitude.

Justice is defined as "an inseparable sign of true religion" (Ames 1968:237). The order of religion and justice in this theological couplet is important (Farris & Hamilton 2021:259). As God's purpose for his moral creatures is that they honour him, religion must begin with honour, thereby follows God's command to honour one another. Honour here refers to rectitude or God's rectoral justice, which consists of two parts (see below) and from which the other judicial distinctions, and their demands, make their egress for Ames.

According to Farris and Hamilton (2021:259) Ames' account of God's judicial economy can be laid out as follows:

- A. Rectoral Justice (Divine Rectitude and Holiness)
 - a. Absolute Rectitude (Honor ad intra)
 - b. Relative Rectitude (Honor ad extra)

I. The Moral Law (The reflection of divine holiness)

- 1. Distributive Justice
 - a. Remuneration (i.e., emendative justice)
 - b. Retribution

The place of retributive justice in this structure stands out (Farris & Hamilton 2021:259). As a subordinate of the subcategory of distributive justice this raises the question of the penal substitution theory as a whole: If Christ's death pays the debt of punishment (i.e., retribution) for humanity, thus satisfying the requirements of "divine justice" (*en toto*), what activity does the remaining structure of divine justice fulfil (p.260)? Does the atonement interact with these other features of divine justice?

What is the relationship between these other features and retributivism (ibid.)? A narrower and more explicit view of the judicial structure, evident elsewhere in the works of Ames, provides the intimate relationship between all these structures of divine justice.

It is important to note how each component in this judicial structure relate, each with its own specific requirements, and the place of retributive justice within this broad structure (Farris & Hamilton 2021:260). Rectoral justice (divine rectitude and holiness) consists of two parts: 1) absolute rectitude (honor *ad intra*) and 2) relative rectitude (honor *ad extra*). The moral law, which Ames (1968:110–111) describes as “the revealed will of God, which is the rule for the moral life”, is issued from this relative rectitude (Farris & Hamilton 2021:260). The moral law also consists of two parts: 1) distributive justice and emendative justice (i.e., remunerative). The former Ames (1968:307) describes as “giving to each his own” and the latter as “restoring to each his own” and are “remote ends of the law”. Emendative justice also consists of two parts: 1) commutative justice “equality between what is given and what is received” and 2) corrective justice “which presupposes an injustice; it is either civil or criminal”. The two parts of corrective justice are: 1) civil justice, which is correcting general injustice (i.e., the moral order), and 2) criminal Justice, which is correcting the injustice between persons. It is also important to distinguish by what Ames’s means by punishment and restitution (Farris & Hamilton 2021:261). Ames (1968:307) defines punishment as: “an act of corrective justice by which penalty is inflicted on a violator of justice. The end should be the amendment or restraint of the offender, peace and admonition to others, and the preserving of justice and God’s honor.” While Restitution is defined as “an act of corrective justice in which a person is given possession of something of his own which was unjustly taken away. Hence an act which calls for restitution is against justice strictly so-called and not only against love”.

Farris and Hamilton (2021:261) argue this to be an accurate representation of the full picture of divine justice, and hence believe that penal substitution has to provide for more than the demands of God’s retributive justice alone. Clearly there are numerous demands Ames’ account of divine justice possesses and it appears that Ames’ theory, which again is closer to Anselm’s theory of satisfaction, satisfies more

than the demands of divine retribution. Thus, Farris and Hamilton conclude their argument that penal substitution does not adequately make use of divine justice.

Exploring the kingdom of God, its centrality within scripture, and its use to create a broad structure for divine justice seems to indicate that divine justice needs to meet more than the demands of retributive justice. Retributive justice demands impartiality, and yet, the kingdom of God sides with the oppressed. The kingdom of God is also focussed on the poor, healing, and life, and so perhaps divine justice needs to also consider these aspects too. For Ames retributive justice is an element of divine justice, but there are numerous other considerations that also need to be accounted for. Penal substitution will need to make an account for these larger concerns.

2.4 Conclusion

This chapter aimed to determine a broad structure or overview of divine justice. The ambiguous nature of “justice” within contemporary philosophy, and “divine justice” within scripture obscure the observation of such a structure. The chosen method to meet this challenge was threefold: Firstly, four theories of justice (distributive, procedural, restorative, retributive) within cotemporary philosophy were considered and applied to four narratives within the OT: 1) Abraham’s dialogue with God regarding Sodom; 2) Pharaoh and the hardening of his heart; 3) Jonah and the Ninevites; 4) Job and the suffering of the righteous. Secondly, OT (*mishpat* and *zedakah*) and NT (*dikaioyne*) justice terms were explored. Thirdly, divine justice and the kingdom of God was considered. The notion of divine justice remains ambiguous however it was observed that, while the kingdom of God can offer a broad structure of divine justice, retributive justice is an important element of divine justice which exists in tension, and possible conflict, with forgiveness and mercy. The kingdom of God also challenges divine justice to consider more than mere punishment for sins. The next chapter considers penal substitution as it appeared within the Reformation era.

CHAPTER 3

3. The Reformation and penal substitution

The atonement was deeply affected by the work of the Reformers (Grensted 1920:191). Prior to the Reformation only hints at penal substitution can be observed while after the Reformation the great majority of Protestant writers seem to adopt the theory. This remodelling of the atonement was not by the Reformers direct intention, but rather a natural by-product of the underlying principles of their work. Likewise, Kolb (2017:614) writes that the atonement was not fully refined by some of the Reformers as it did not become a focal point of controversy during the Reformation. They viewed the unifying core of the doctrine of atonement to be the sacrificial and penal models evident in scripture (Vorster 2012:130). Craig (2020:125) observes that the Protestant Reformers generated a theological revolution which brought about a fully matured theory of atonement commonly known as penal substitution. This theory, foreshadowed by the church fathers and approximated by Aquinas, was fully expressed, and defended by the Reformers' works and their scholastic progeny. This section explores a select group of Reformers to determine their understanding of penal substitution, specifically its understanding and application of divine justice. It will begin with defining penal substitution and is delimited to Martin Luther, John Calvin, Faustus Socinus, Francis Turretin, and Hugo Grotius.

3.1 What is penal substitution?

For Holmes (2017:295) penal substitution adopts the logic of the law court. Sin breaks the law and necessarily requires a penalty, in this case death. Jesus, by dying on the cross in their place, pays the penalty of death for those who are saved and who no longer receive their deserved punishment. Jesus' death thus satisfies God's justice. It is penal as Christ's death pays the penalty for sin, and substitutionary as Christ, on behalf of all sinners, served as a substitute sacrifice (Vorster 2012:131). The atonement is not only the moment of Christ's death but must also include him obediently and voluntarily fulfilling God's law his whole life, both in a passive and active sense. Jesus' incarnation, along with his morally blameless life, establish along with his vicarious penitence the single act of reparation sufficient to atone for the sin of fallen humanity. Out of compassion for sinners, and out of love

for the Son, the Father accepts Jesus' sacrifice and so is punished in the place of humanity (ibid.).

For Grensted (1920:204–205):

The general Penal Theory can be very simply stated: Justice demands the punishment of sin. Therefore the attitude of a just God towards the sinner can only be one of wrath. But if the punishment is endured to the uttermost by One who adequately represents the sinner, justice is satisfied and God's mercy towards the sinner can have free play...By the death of Christ God's attitude towards man is actually changed. Wrath is transformed to love. Mercy is the result of Calvary, or, at least, is freed by the cross from the necessity of enforcing the stern obligations of justice.

Like Grensted, Kyle (2013:1) understands penal substitution to mean that God is required to punish us due our sins, and that Christ received this punishment in our place. We are therefore reconciled with God by virtue of Christ's substitutionary punishment. However, he then argues that "the doctrine's central factual claim – that Christ was punished by God – is mistaken" and the theory should thus be abandoned. However, this is not necessarily the case. Craig (2018a:53) determines penal substitution to be the doctrine that Christ was inflicted, by God, with our deserved suffering due the punishment for our sins and, as such, we no longer deserve punishment. He notes that this leaves open the issue of whether Christ was punished for our sins. It might seem absurd to think of God punishing his beloved Son for our sins. John Stott (2006:151) writes that "we must never make Christ the object of God's punishment". An alternative option is that Christ was afflicted by God with the suffering we would have experienced as the just desert for the punishment of our sins (Craig 2018a:53). Christ therefore endured the suffering that, had it been inflicted on us, would have been our punishment, but he himself was not punished. Contrary to Kyle, Christ experiencing suffering, but not punishment, is still, by definition, penal substitutionary for Craig, as Christ frees us from punishment by suffering as our substitute and assumes what would have been our punishment. However, this definition also allows for the penal substitution theorist to uphold that Christ bore the punishment for our sins by being punished in our place.

For Smith (2017:170) penal substitution is the most systematic and complete articulation of a version of the Satisfaction theory of the atonement. Christ's suffering

and death is a satisfaction for the sins of humanity which must be penal-substitutionary in nature (ibid.). Shedd (1863:204) provides a succinct definition of the theory: “the satisfaction of Divine justice for the sin of man, by the substituted penal sufferings of the Son of God”. Christ, as their substitute, bears the judicial consequences resulting from the sin of human beings, otherwise stated, the penalty of those sins.

Whether penal substitution is Jesus punished as our substitute, or his suffering as a result of the punishment due to us, it nonetheless necessitates that divine justice must be satisfied which is penal in nature. Either way, we are restored to a right standing with God because of Jesus’ substitution. Considering these definitions of penal substitution, what follows is an examination of the aforementioned Reformers to determine their position with regards to penal substitution, and their understanding of divine justice.

3.2 Selected Reformers

3.2.1 Martin Luther

Grensted (1920:204) writes that Luther’s presentation of the truth of the atonement is neither systematic nor consistent and, in fact, does not constitute a theory at all. Kolb (2017:614) attributes this to the fact that the atonement was not a focal point of controversy during the Reformation and so the polemic did not refine Martin Luther’s formulations of this doctrine. Holmes (2017:307) agrees that Luther does not offer an atonement theory but sees him as cultivating penal substitution ideas which were, a couple decades later, formed by Calvin in his *Institutes* (1536-1559) to be the first robust account of penal substitution. There is some debate though whether Luther’s understanding of the atonement is best understood as penal substitutionary. Gustaf Aulen (1953:117–138) argued that Luther reflected the “classic” (Christus Victor) view as opposed to the “Latin” (Anselmian) view. Although his use of terminology such as “sacrifice”, “merit” or “satisfaction” has been considered proof his atonement theory is in accordance with the “Latin” view, Aulen believed he is employing them in a specific Christus Victor manner and concludes that: “Luther stands out in the history of Christian doctrine as the man who expressed the classic idea of the Atonement with greater power than any before him”. Ian Siggins (1970:109) echoed Grensted in that Luther had no atonement theory as he lacked a coherent

explanation about the workings of the atonement within his teachings however, his sermons “abound in the motifs which figure in the historic atonement theories – patristic classic, dramatic, or Western, Latin and penal; objective or subjective” (ibid.).

Despite Craig’s (2020:126) stance on penal substitution being the Reformers’ doctrine, he spends remarkably little time on Martin Luther, referencing one source as evidence his teachings on the atonement exist within the penal substitution category. Luther (1998:212–213) wrote:

Being the unspotted Lamb of God, Christ was personally innocent. But because He took the sins of the world His sinlessness was defiled with the sinfulness of the world. Whatever sins I, you, all of us have committed or shall commit, they are Christ’s sins as if He had committed them Himself. Our sins have to be Christ’s sins or we shall perish forever . . . Our merciful Father in heaven . . . therefore sent His only Son into the world and said to Him: “You are now Peter, the liar; Paul, the persecutor; David, the adulterer; Adam, the disobedient; the thief on the cross. You, My Son, must pay the world’s iniquity.” The Law growls: “All right. If Your Son is taking the sin of the world, I see no sins anywhere else but in Him. He shall die on the Cross.” And the Law kills Christ. But we go free.

Kolb (2017:613–621) provides an overview of Luther’s teachings of the atonement which may shed light on how close his understanding is to penal substitution. Luther’s university instructors, educated by Gabriel Biel, a late fifteenth century theologian, placed the images of the suffering Christ in a blended structure of “Anselmian” and “Abelardian” explanations in how Christ obtained God’s grace to help sinners (p.613). Christ’s suffering and death paid the price the sinner owed to God and, if the sinner followed Christ’s example adequately to warrant that grace, it would offer sufficient support to embolden him or her to sufficiently pursue Christ’s example well enough to gain admission to heaven. This would occur post the temporal punishments attached to one’s sins, which Christ did not die for, were amortized with the satisfactions stipulated in penance. Luther discarded the medieval view of the atonement which held that, while human effort was preceded by God’s grace, human effort was necessary and essential for guaranteeing eternal life. God’s favour was understood to be won by performing sacred works and religious activities. The use of Anselm’s “vicarious satisfaction” theory and Abelard’s “moral

example” theory, within that system, allowed the determination of the effectiveness of God’s grace in the sinner’s life to be decided by human performance of God’s law (ibid.). Luther instead centred salvation around the conviction expressed by Paul in Romans 4:25 “He was delivered over to death for our sins and was raised to life for our justification”.

While expositing Romans Luther taught his students that Christ died “for our offenses...that they might be destroyed and put to death...for our justification...that it might be established and brought to completion” (Kolb 2017:615). Luther began developing his definition of justification as occurring exclusively on the foundation of God’s grace and through trust in Christ (p.616). This concept was employed in his preaching when he referred to the work that God did not like to do as God’s “alien work” – that which involved identifying people as sinners, lairs and foolish. It also involved “the suffering of Christ and sufferings in Christ, the crucifixion of the old man and the mortification of the old Adam”. While God’s proper work is the resurrection of Jesus, justification and to bring to life the new creation.

In his lecture on Isaiah 53 Luther described the accomplishment of God’s servant, the salvation and restoration of sinners, as occurring because the law necessitates that each person must die for their own sins (Kolb 2017:616). However, contrary to law, justice, and custom, Christ suffered for our sake. Christ’s substitutionary death echoed the Levitical sacrifice and only by Christ’s intervention can righteousness be restored, not through the law. Luther pointed to the analogy of the “joyous exchange” to illuminate how, under the law’s accusation of sinners, Christ’s death functions. While lecturing on Psalm 22:1 and Christ’s use of it on the cross, he talked about Christ’s abandonment as placing him under the wrath of God with the purpose of saving sinners from that wrath and eternal death (p.617). This also featured in his lectures on Galatians where Luther (1963:277) identified Christ as:

the greatest thief, murderer, adulterer, robber, desecrator, blasphemer, etc. there has ever been anywhere in the world. He is not acting in His own Person now. Now He is not the Son of God born of the Virgin. But He is a sinner, who has and bears the sin of Paul, the former blasphemer, persecutor, and assaulter; of Peter, who denied Christ; of David, who was an adulterer and a murderer, and who caused the Gentiles to blaspheme the name of the Lord.

God required Christ to make satisfaction for these sins through payment (Kolb 2017:617). Christ was therefore assaulted and killed by the law and so the wages of sin were collected by the law as, discovering Christ amidst thieves, he was found guilty as a thief, and executed, by the law. While lecturing on Isaiah the “joyous exchange”, one’s sins for the righteousness of Christ, was represented as the grafting of one plant into another. When Satan approaches a sinner to advocate that the sinner bears their own sins, Luther (1972:223), inspired by Isaiah 53:5-7, promoted the response: “I see my sin in Christ, therefore my sin is not mine but another’s . . . He has them. This is the grafting of the wild olive into the olive tree”. This exchange involved Christ possessing the sinner’s sin, and the sinner possessing the peace of Christ (Kolb 2017:618).

Luther, more regularly than Aulén suggested, used the language of payment and satisfaction in his mixture of elements of Aulén’s “Christus victor” and “vicarious satisfaction” images (Kolb 2017:618). In an undated sermon Luther, using Mark 10:45, spoke of Christ’s payment of the sinner’s debt, through suffering and death. This concept of payment was also evident in Luther’s catechetical instruction and university lectures which involved exposition of scripture. In his Small Catechism, Luther (1994:3) taught children, as a foundational belief, that Christ “redeemed me, a lost and condemned person, bought (*erworben*) and won me from all sins, death, and the authority of the devil. It did not cost him gold or silver but with his holy, precious blood, his innocent body”. While usually translated as “purchased”, “erworben” has the inherent association of acquiring possession (Kolb 2017:618). This is supported as Luther proceeded with the purpose of Christ’s atoning work: “that I may belong to him, living under him in his kingdom, and serve him”.

In his Large Catechism, Luther’s explanation of the Apostles Creed’s second article clarified the intimate link connecting the satisfaction of the law’s requirement for the sinners death with deliverance from sin, and the resurrection providing the restoration of righteousness (Kolb 2017:619). The focus of the sinner’s redemption was placed on Christ’s victory over sin, death and Satan, with Luther’s theme being rescue or redemption from condemnation and captivity. This imagery of the victorious Christ was carried through his sermons on 1 Corinthians 15 and his Easter preaching (pp.619-621).

Kolb (2017:621) summarises Luther's atonement account as:

Luther's proclamation of Christ's atonement confessed God's mysterious plan of salvation through the complete destruction of the sinner's identity through Christ's death and his burial of sinners in his tomb, and the raising up of new creatures through his resurrection for the life of trust that follows in his footsteps. Integrated into the reformer's doctrine of justification by faith, atonement and justification stand inseparable at the heart of this theology.

While there may be some debate as to which atonement theory Luther's works lends themselves, there is little doubt that it provides much of the imagery and terminology that has become foundational for the penal substitution theorist. Although Luther may not be considered such, his own understanding of the atonement clearly has much to offer for penal substitution and can be, at the least, viewed as laying much of the groundwork for those who followed to build upon.

3.2.2 John Calvin

There is also disagreement among authors as to whether John Calvin's atonement account should be considered purely as penal substitution, or if his teachings on the atonement extend beyond any single atonement theory. Writers such as Holmes (2017), Grensted (1920), Vorster (2012), Van Buren (1957) and Craig (2020) note the overwhelming aspect of penal substitution within Calvin's works, while Peterson (1983), Edmondson (2004), and Jones (2017) view penal substitution as one of the many ways Calvin describes the atonement.

Holmes (2017:307) identifies Calvin, in his *Institutes* (1536-1559), to present the first robust account of penal substitution. Calvin uses the notion of an unbreakable law that cannot be set aside, which was a culturally plausible concept at the time, within his atonement account. The English Magna Carta illustrates this cultural change; a document which rests upon the idea that there are certain things which apply and restrict the behaviour of kings as there is a law that exists beyond their reach. For Anselm, God requires satisfaction to forgive sin otherwise creatures would be able to dishonour God, and so obstruct their own being. For Calvin, God requires punishment to forgive sin as creation has a God established law, and the purpose of creation would be frustrated if that law is allowed to be broken. Death is the penalty

for sin, and God cannot alter that penalty just as a contemporary judge cannot set aside statutory sentencing guidelines (ibid.).

Craig (2020:126) finds Calvin motivates a deeper understanding of Christ's substitutionary work by focussing on what Christ has saved us from, and how he achieves this. By means of substitutionary punishment Christ satisfies divine justice by expiation of sins and propitiation of God's wrath (p.127). The effectiveness of penal substitution is contingent on the imputation of our sin and guilt on Christ, Craig quotes Calvin: "Our acquittal is in this – that the guilt which made us liable to punishment was transferred to the head of the Son of God...As he was to wash away the pollution of sins, they were transferred to him by imputation". Christ satisfies divine justice by suffering the punishment for our sins that have been imputed to him.

Grensted (1920:209) found Calvin's view of the atonement to be more structured than Luther's and to essentially be in agreement with him. For Grensted, Calvin follows a modified version of the Anselmic method, in that justice is avenging and demands punishment for sin in its own right. He later clarified this Anselmic method by describing Calvin's intent that only One who is both God and Man could achieve what was necessary (p.211). Humanity, even in the absence of sin, would require a Mediator to approach God. Sin increased this need and so it was vital for the Son of God, being both divine and human, to dwell amongst us. As to how Christ brings us into union with God, Grensted describes Calvin's atonement theory as being "objective²⁶ and substitutionary" (p.212). Grensted also notes Calvin's use of terminology such as "wrath" and "judge", as well as the conflict between God's divine love and his avenging justice, until again noting the objective aspect whereby Christ the Mediator, as our substitute, takes upon himself, the penalties of sin so that justice can triumph. Christ therefore suffers as our substitute to not only set us free but accounts us as righteous and holy.

²⁶ Edmondson (2004:109–111) disputes describing Calvin's understanding as being purely "objective" and explores the "subjective" nature as well, and how this places him in opposition to Anselm's "Satisfaction" theory. Van Buren (1957:142–144) also questions focussing solely on the objective nature and notes the subjective qualities present as well.

Seeming to agree with Grensted, Vorster (2012:131) writes that Calvin interpreted Christ's death as a mysterious meeting between God's justice and love, and regarded love "as the supreme motif behind God's work of redemption". Calvin, in book two of the 1559 edition of his *Institute*, portrays his understanding of the atonement in clear terms of penal substitution along with a firm grounding of Christ as the source of God's love. Vorster refers to the work of Henri Blocher (2004:283) who observes Calvin to predominantly employ two main language-sets when referring to the atonement. Firstly, the religious cultic language of sacrifice which includes the terms: expiation, curse, propitiation, uncleanness, and purification through shedding of blood. Secondly, the forensic or judicial language which involves terms like guilt, imputation, judgement, penalty and remission²⁷. The basis for a doctrine of atonement clearly involved sacrificial and legal images for Calvin (Vorster 2012:131). Calvin was adamant that we possessed an acquired justice, made ours in justification, which was acquired by the God-man through Jesus' acts of obedience which he performed throughout his life in his divine-human unity. Through the work of the Holy Spirit, we become participants in the righteousness of Christ.

Van Buren (1957:5), on Calvin's doctrine of reconciliation, quotes Calvin as saying that it was necessary for man:

who had ruined himself by his disobedience, should remedy his condition by obedience, should satisfy the justice of God, and suffer the punishment for his sin. Our Lord, then, made His appearance as a real man; he put on the character of Adam and assumed his name, to act as his substitute in his obedience to the Father, to lay down our flesh as the price of satisfaction to the justice of God, and to suffer in the same flesh the punishment which we had deserved.

For van Buren (1957:5) "the fulcrum of this passage is substitution: Christ in our place". For Calvin, substitution means that Christ was obedient in our place, but rather than us automatically acquiring Christ's obedience, we only acquire the possibility of obedience (p.32). With regards to the righteousness of Christ, and Christ's provision of righteousness for us by doing what we were unable to do, be obedient, he notes substitution's forensic nature (p.31). We owed God obedience but

²⁷ Van Buren (1957:68) also notes these two language sets and Calvin's simultaneous use of them, as if the two terminologies were equivalent.

were unable to pay it, and so Christ made himself available to represent us (ibid.). To be the righteous man in our place, he became man, placing us to onside and burdening himself with the responsibility of carrying out our work and paying our debt. Van Buren (1957:69) notes: “the central theme of the forensic figure is substitution, and substitution is at the heart of his exposition of the work of Christ in terms of sacrifice”. With regards to the works of Christ, he summarises it as: Christ in our place (p.141). The rest of Calvin’s theology should be understood from this point. Christ does not exist separately from his work, and his work only has meaning if it is considered to be his work. This oneness becomes clear by paying attention to how Calvin presents the substitutionary character of Christ in his work. For Calvin this substitutionary character was so central that if one were to say “Jesus Christ” one would simultaneously be saying “Jesus Christ in our place” (p.142). Van Buren concluded then, which is still pertinent today, that with so many atonement theories present, one should pause at the fact that Calvin, with his extensive theological knowledge, found a clear, consistent, and precise notion of the atonement within scripture. When faced with the many objectors to penal substitution and the idea of viewing it as one of the many theories of atonement Van Buren asks, “has he not in fact picked up the central line of the biblical witness to the work of Christ?”.

Edmondson (2004:96–114) does not subscribe Calvin to any particular atonement theory or doctrine but rather finds his work rich with a multiplicity of metaphors describing Christ’s propitiation of the Father. Edmondson argues that the formal framework in which Calvin’s theory should be interpreted is in terms of Christ’s death, in fulfilment of the Old Testament sacrifices, to be an expiatory sacrifice. Calvin also makes frequent use of Christ as “satisfaction” for the debt due to sin, so that his atonement account is often understood by commentators as abiding within Anselm’s theory (p.97). However, Edmondson agrees with Van Buren, that the forensic notion of penal substitution is a fundamental theme that permeates Calvin’s discussion of the atonement. Christ was judged and punished in our place, something Anselm specifically rejected. While providing a brief overview of the theme of sacrifice and the close association with Anselm, Edmondson notes that Calvin’s theology does make use of satisfaction language but ties it to the theory of penal substitution as Calvin often argued that Christ suffered our punishment in our place to pay the price we owed to God (p.99). Edmondson (2004:99) quotes Calvin:

“For unless Christ had made satisfaction for our sins, it would not have been said that he appeased God by taking upon himself the penalty to which we were subject”. Edmondson thus follows Van Buren in that Calvin’s atonement account clearly articulates the theme of penal substitution.

Vorster (2012:132) observes the victory motif within Calvin’s atonement account. The cross was both the objective basis of justification and the scene of Satan’s definite defeat. Christ conquering sin, death, and the devil contains a paradox as he obtained the victory by being weak. The satisfaction of divine justice disarmed Satan and death who drew their power from the administration of that justice. The Reformed Confessions, in sync with Calvin, distinguish between a twofold satisfaction: that of the law’s righteous demands, and that of the penalty resulting from sin. The Belgic Confession, article 21, asserts that the death of Christ is a payment for our sins, while article 23 states that our sins are forgiven because our unrighteousness is covered by Christ’s obedience. The Heidelberg Catechism states both that Christ bore the wrath of God and that full obedience to the law is demanded by God’s justice. However, the victor motif which is predominant in Calvin’s writings are absent in the Reformed Confessions. While Vorster and Edmondson note the variety of expressions within Calvin’s atonement theory, and yet still identify him as predominantly penal substitutionary, Peterson (1983) and Jones (2017) adopt the view that Calvin’s atonement theory is beyond any categorization.

Central to Calvin’s atonement account was Christ as Mediator (Vorster 2012:132). By introducing the offices of Christ as King, Priest, and Prophet, he expanded the Reformed doctrine of atonement. He used this concept of the threefold office to unite the Mediator’s person and work (Peterson 1983:84). While the *munus triplex* did not originate with Calvin (Eusebius, Chrysostom, and Aquinas all made use of it) he employed it in a unique manner. The mediatorial work, Christ’s intercession between God and humankind to reconcile the broken relationship, is Christ’s work on the cross (Vorster 2012:132). The work as king was him establishing God’s reign on earth and the restoration of humankind’s original dominion. The messianic king also continues to protect his people from their foes, thereby maintaining their salvation (Peterson 1983:84). As the great high priest he represents humanity before God (Vorster 2012:132). He offered himself on the cross to obtain reconciliation for his

people and he continues this priestly ministry through heavenly intercession (Peterson 1983:84). Jones (2017:224) includes Christ's role as priest as an example of Calvin's use of sacrificial language. The cross was a moment of priestly self-giving, a voluntary sacrifice which possessed expiatory power, given to God with the intention of creating a parental relationship between God's children and God. And lastly, as prophet he reveals the will of God to humanity (Vorster 2012:132). The great prophet proclaimed the gospel on earth and, through the Holy Spirit, continues to do so today (Peterson 1983:84). Therefore, Christ's person (prophet, priest, king) was inseparable from his work (proclamation, protection, and reconciliation) for Calvin.

Existing side-by-side with this threefold office are six biblical themes of the atonement to reveal Christ's saving work (Peterson 1983:85–87). These being Christ as: the obedient second Adam, the victor, the sacrifice, the legal substitute, our merit, and our example. Calvin's comfort in describing Christ's work in terms of these biblical themes alongside the threefold office motivates Peterson to conclude that Calvin did not formulate a theory of Christ's work as Anselm did in *Cur Deus Homo*. Calvin allowed his formulation of the atonement to exist with rough edges. He permitted the themes of reconciliation to overlap and joined the themes of obedience and victory. He combined the themes of Christ our sacrifice, Christ our legal substitute and Christ our merit and intermingled sacrifice, victory, and legal themes. Allowing the threefold office to exist side-by-side with the six biblical themes, instead of relating them to each other, is an example of Calvin's refusal to over systematize doctrine. Rather than starting with a systematic understanding of the Christian faith and then utilizing scriptural references to verify that system, he attempted to be a biblical theologian. The result was doctrinal formulations, the atonement being one of them, that existed with rough edges. This is evident by Calvin not relating Christ's office to the themes of reconciliation and his allowance for the office and themes to overlap, and even between the themes themselves. There was overlap between the priestly office and the sacrificial theme of atonement; the kingly office and the victory theme; and the themes of the atonement occasionally infringe upon one another. This created a comprehensive presentation of the atonement and demonstrates the breadth of Calvin's doctrine of the atonement.

While Vorster views Christ as Mediator to be in line with penal substitution, and Peterson views the threefold office and the six biblical themes to provide a broader understanding, Jones (2017:217–229) also finds Christ’s role as Mediator to extend his theory beyond the penal substitution category. Under the heading of Christ as Mediator, Jones (p.217) writes that Calvin’s atonement account does not fit within a delimited conceptual scheme and the task is to describe the primary emphases of Calvin’s understanding of Christ’s atoning work in a manner that does not reduce his unique viewpoint to a conceptually uniform atonement “model” or “theory”. The content of the “office of Mediator” is the history of Jesus Christ, attested by scripture, and carried out for our salvation at the request of God the Father. God and God’s children are placed in a right relationship as Christ fulfils the office’s demands. Jones (2017:215) quotes and comments on Calvin:

He, and he alone, is the “material cause . . . of eternal election, and of the love which is now revealed”; he, and he alone, is the one who ensures that “the love of God is poured out”; he, and he alone, stimulates “glorious praise of such abundant grace.”

When referring to the centre-stage of Christ’s obedience in Calvin’s theology, Jones (2017:220) acknowledges that atonement is not necessarily effected by the perfect “form” of Christ’s obedience. Within the context of God’s relationship with Israel and God’s law, the Mediator must embody a specific history that possesses the sole objective to work out God’s wrath against judgement due our sin to completion. All those preordained to life by God must be represented by the Mediator and, as a substitute, bear the cost of their sins.

At this point the juridical language of guilt, punishment, and payment enters the foreground (Jones 2017:221). Calvin insists that punishment is exacted and “absorbed” by the cross, disagreeing with those who understand the atonement as Christ averting punishment by offering himself to the Father. For Calvin, it is not an accident of history that Christ interacted with Pilate as he did, and died as he did, but is in fact divine content conveyed by finite forms. Jones quotes Calvin: “Christ takes on the role of guilty man and evildoer in such a way that the guilt that held us liable for punishment has been transferred”. God as Father, and Christ unite. On the one hand Christ substitutes himself for those the law deems guilty. He assumes and shoulders the penalties of the sinner’s habitual disobedience. While, on the other

hand, God, as Father, takes the punishment sinners deserve and places it onto Christ, redirecting their just and deserved “future” into the single and horrific moment of Christ’s suffering and death (Jones 2017:221). Thus, Christ’s end was our future, and our pardon is Christ’s upholding of the law (p.222). The cross for Calvin is more than a moment whereby God, agreeing to a legal standard, inflicts punishment but is also a long-postponed exercise of righteousness: a releasing of wrath that includes our past, present, and future disobedience against God. This distinction is slight but important to note, that Calvin would not suggest that God’s wrath is unrelated to divine justice, but he deliberately emphasises that language concerning God’s hatred of sin and sinners is a moment of “accommodation”. The atonement was a “matter of legal relation” for some of Calvin’s successors, but his use of juridical motifs is interlaced with impressive delicacy, where God’s anger at sin that used to hold God’s mercy and patience at bay, is worked out on the cross. The cross is both God’s demonstration of righteous anger and just punishment: “a vehement assault, long deferred, on that which obstructs God’s purposes— sin and the ‘curse’ that is its necessary corollary.”

Christ embraces our guilt and approaches the Judge, armed with vengeance, and is committed to bear the full extent of God’s anger (Jones 2017:223). It is greater than a “lawful” deliverance of a divine sentence that Christ’s death encapsulates. Calvin also differentiates between Christ vicariously assuming our guilt and his inherent purity. Christ preserves his “innocence” ontologically and embodies a substitutionary role. Calvin describes the divine wrath similarly to that of Luther. The cross extends past a mere settling of accounts, in fact, to refer to it in terms of a “retributive view of penalty” is an understatement as the crucifixion is when God loses patience, suspends God’s forbearance of sin, and articulates his holy anger without restraint. This is the reason for Christ’s terrible death, and why Christ descends into hell, and suffers more than physical death. It is for the very reason that Christ as Mediator encounters God’s wrath that everyone who is part of the body of Christ can exist without fear.

3.2.3Faustus Socinus

Faustus Socinus, in his magisterial work, *De Jesu Christo Servatore (Concerning Jesus Christ the Saviour)* produced perhaps the most severe critique of the doctrine

of Christ's satisfaction for our sins (Gomes 2017:753). Charles Beard (1883:277) describes Socinus' work as "a book in which is to be found every rational and moral argument since directed against the theory of satisfaction". Craig (2020:128) describes his attack of penal substitution as remaining remarkably contemporary and being unsurpassed in its depth and breadth.

Socinus' theology was centred around the acquiring of eternal life through the upholding of God's commandments, as Christ, God's unique, revelatory emissary, specifically revealed to us (Gomes 2017:754). There is a moral centre within Socinus' system, and he examines a doctrine's importance and necessity in light of how it contributes to obedience to God's commands, with obedience resulting in eternal life. The point of departure for evaluating Socinus' entire system is the doctrine of the reward of immortality which is accessed by obeying the divine precepts revealed by Christ. Socinus, to protect these core principles, directs his attack at the interrelated Protestant doctrines of Christ's satisfaction on the cross and justification by faith alone. For Socinus, the doctrine of justification by faith alone is directly opposed to his own view of the necessity of works for salvation. Given the systemic connection between the orthodox doctrine of satisfaction and the doctrine of justification it is clear why Socinus opposes it so comprehensively (p.755). Christ making satisfaction for our own disobedience, for Socinus, challenges how necessary our own obedience is for salvation. Considering the above, Socinus launches a frontal assault against penal substitution that falls into four categories: theological, exegetical/scriptural, logical, and moral.

Firstly, there are three essential points in Socinus' theology proper which directly relate to his view of forgiveness: 1) God must not be thought of as a Judge who "acts according to an external legal authority and who may not deviate from the letter of the law" (Craig 2020:129). Instead, as *dominus* God is above all compulsion (Gomes 2017:755). God may, or may not, forgive sin as God freely determines. 2) Sin is understood per the analogy of pecuniary debt. As creditor, God is at liberty to remit the debt without additional consequences. 3) God's mercy, wrath, and penal justice do not "reside in God" as habitual properties but are "momentary alternating acts". It would be impossible for God to forgive our sins if punitive justice was an attribute of God. Similarly, it would be impossible for God to punish sins if mercy was a divine attribute (Craig 2020:129). Instead, what are essential properties of God are God's

uprightness (*rectitude*) or fairness (*aequitas*) and mercy (*miser cordia*), in terms of God's love (*ibid.*). However, it is according to God's free will whether God chooses to punish sinners. As a result, God's immutable holiness, as penal theory requires, does not constrain him to punish sin (Gomes 2017:755).

Secondly, there are three principles underlying Socinus' exegesis of key atonement texts: 1) Scripture speaks of "redemption" metaphorically (Gomes 2017:755). Redemption does not imply the payment of a literal price but rather is a metaphor for liberation. 2) Scripture's expression of Christ dying "for" our sins is best understood as "for the advantage or benefit of" instead of denoting a substitution or exchange. 3) The orthodox doctrine of satisfaction is refuted by passages in scripture that teach "free forgiveness" (p.756). Socinus, as an example, frequently uses the parable of the king (Mt.18:23-35), whereby the king freely forgives without satisfaction and expects his servants to imitate him.

Thirdly, Socinus offers five points in his argument against the rationality of the doctrine of satisfaction: 1) remission of sins is logically incompatible with satisfaction (Craig 2020:130). Remission requires that the creditor relinquish satisfaction of the debt he is entitled to and that the debtor receives forgiveness for his debt. It is therefore logically incoherent to uphold that a creditor has simultaneously forgiven the debtor and accepted satisfaction of the debt. The debt no longer exists once it has been paid and therefore there is nothing to remit (Gomes 2017:756). Having a different person than the initial debtor agree to pay the debt on the debtors behalf, as per penal substitution, represents the transfer of the debt from one person to another, not the remission of the debt. 2) Satisfaction through a substitute, if possible, would only entail that a single death be substituted for a single individual. 3) Christ could not pay for an eternal debt as he suffered for a finite time. 4) The argument that the deity of Christ gives the death infinite worth fails as God would have then limited Christ's suffering significantly as even the slightest amount of suffering would have been infinite in value. 5) As the Godhead is impassible, and therefore cannot participate in suffering, one cannot refer to Christ's alleged deity. Even if Christ, in his divine person, could have suffered, his sufferings were temporary and thus not of infinite value.

Finally, Socinus finds the doctrine of penal substitution to be patently immoral (Gomes 2017:756). He takes special issue with the idea that an innocent person can be punished in the place of a guilty person, providing four reasons to support this: 1) From direct moral intuition Socinus argues it is obvious that the innocent should not be punished in place of the guilty. 2) The customs and consensus of all nations throughout history exhibit that the bodily punishment owed by a person can nor should be paid by someone else. 3) Scripture clearly articulates, notably so in Ezekiel 18, that it is abominable to punish the innocent in place of the guilty. 4) One must not confuse criminal and civil law. One person can endure, on behalf of another, the financial penalties as a result of defaulting on a debt, which is a civil concern, but corporal punishment or death, which are criminal concerns, are completely different and cannot be vicariously endured.

Socinus' extensive and incisive work provide far more than what is considered here, however these are perhaps the most important objections to penal substitutionary theories (Craig 2020:131). Francis Turretin and Hugo Grotius, the next two theologians to be considered, provide strong responses to Socinus in their defence of penal substitution.

3.2.4 Francis Turretin

Francis Turretin is one of the most eminent Reformed theologians who is responsible for many important theological disputations with his most renowned and principal work being his three volume *Institutio Theologia Elencticae*, which appeared in 1679, 1682, and 1685 (Beach 2020:280). Craig (2020:132) describes Turretin's *Institutes of Elenctic Theology* (1685) as a "systematic exposition of Reformed doctrine in conversation with opposing views". Crisp (2017:324), in a footnote, explains how some Reformation, and post-Reformation, theologians may seem to communicate the atonement in terms of vicarious satisfaction but, under closer examination, are actually providing a species of penal substitution. He finds Turretin's selected work, one of the greatest developed products of the period of Protestant Orthodoxy, to be a good example of this.

Turretin's treatment of divine justice serves as the foundation of his atonement doctrine (Craig 2020:132). Turretin holds that God possesses two principal virtues: justice, which includes punitive justice as an essential element, and goodness.

Goodness “is that by which he is conceived as the supreme good and the giver of all good,” justice is “that by which God is in himself holy and just and has the constant will of giving each his due” (Turretin 1992a:235). “Justice” can be employed generally to embody all God’s virtues, but in a specific manner justice: “gives to each his due and is occupied with the distribution of rewards and punishments and is called distributive justice”. Distributive justice could be punitive (imposing punishment) or premiative (conferring rewards) (Craig 2020:132). God has a right to punish which can be called “accurate right” in that it is supreme and rigorous, or to be softened by some restraint. The first is applied when God punishes both sin and the one sinning. The second is applied when God permits moderation in executing of punishment either by delaying it (time) by transferring it (in person) or by mitigating it (by degree). While justice requires the punishment of all sins, it does not necessarily require that punishment to be in the very person sinning, or at a specific time and in a specific degree.

Concerning the notion that God must utilize punitive justice Turretin takes note of a diversity of views among Christian theologians, as well as the many opinions regarding the necessity of satisfaction regarding the remission of sins (Craig 2020:132). He identifies the common view among the orthodox as “God neither has willed, nor could have willed to forgive sins, without a satisfaction made to justice” (Turretin 1978:14). Turretin offers four arguments to support his view that God must administer punitive justice: Firstly, scripture reveals God to be a just judge who despises sin; secondly, the consent of nations and conscience attest to the necessity of punishment for evil; thirdly, if expiation of sin simply required God’s will, then it would not be possible for sins to be removed by the blood of bulls and goats; lastly, separate from the necessity of satisfaction no lawful motive could be formulated for God’s subjecting Jesus to torture and death on the cross (Craig 2020:134). Turretin understands retributive justice to be an essential element of God’s justice, but its application is determined by God’s free will as to the time, degree, and person(s), it is inflicted upon.

For Turretin, sin may be considered in a threefold manner (Craig 2020:134). Firstly, as a debt owed to divine justice or; secondly, a shared hostility between God and us or; thirdly, we deserve everlasting death due our crime before the judge and supreme ruler of the world (Turretin 1978:15). Satisfaction for sin must therefore also

be threefold in that it involves payment of the debt, appeases divine wrath and, expiation of our guilt (Craig 2020:134). It is important to consider this multifaceted nature of satisfaction as the creditor does not have the private right to punish, despite sins occasionally being likened to debts, as sins are also crimes that, if remained unpunished, would prejudice the law. Pecuniary debt allows satisfaction to be paid to the creditor which is not considered to be indulgent as the creditor is paid precisely what is owed. However, penal or criminal debt, requires a judge to free the guilty person without strict enforcement of the law. Judicially speaking this is understood as *relaxation*. This means that that which is owed, such as a criminal receiving punishment, is not paid but something else is allowed because of the judge's forbearance.

In relation to the sinner God can also be viewed in a threefold manner, as creditor, or the offended party, or the judge (Turretin 1978:18). Turretin continues: "He possesses not only the claims of a creditor, which he might assert or remit at pleasure, but also the right of government and of punishment, which is naturally indispensable". Therefore, God can relax, to a degree, God's right to punish, but only to the extent that God's justice will allow, as God cannot act unjustly (Craig 2020:134). In the role of judge, God can allow for a certain forbearance, either with reference to time, by delaying the punishment, or with reference to degree, by moderating the punishment, or with reference to persons, by way of substitution. God, as the supreme judge can excuse sinners from their deserved punishment by transferring it to a substitute. In God's allowance for, and acceptance of, a substitute there is a relaxation of the law through the satisfaction rendered by Christ. Just as Turretin placed both sin and God, in relation to sin, in a threefold light, he does the same with Christ (Turretin 1978:20). Firstly, as surety who can repay our debt. Secondly, as mediator who reconciles us with God by removing all enmity. Thirdly, as priest and victim who, for a penal satisfaction, substitutes himself in our place.

Turretin also provides five necessary conditions which must be fulfilled in order for the innocent to be substituted with the guilty in a manner that is just. (Craig 2020:134). Firstly, a shared nature between the guilty person and the innocent substitute so that punishment of sin is in the same nature which is guilty (Turretin 1978:22). Secondly, the substitute must freely and willingly consent to take the burden on himself. Thirdly, the substitute must have control over his own life to

rightfully decide how it is used (ibid.). Fourthly, the substitute having the capacity to shoulder the full punishment we deserve and freeing us and himself from the power of death. Fifthly, the purity and holiness of the substitute so that he does not need to make satisfaction for himself (p.23). Christ met all these conditions, which together are sufficient for penal substitution, and so it was not unjust for him to act as our substitute (Craig 2020:134) And, as per Turretin (1978:23) no one is harmed:

Not to Christ, for he voluntarily took the punishment upon himself, and had the right to decide concerning his own life and death, and also power to raise himself from the dead. Not to God the judge, for he willed and commanded it; nor to his natural justice, for the Surety satisfied this by suffering the punishment which demanded it. Not to the empire of the universe, by depriving an innocent person of life, for Christ, freed from death lives forever more; or by the life of the surviving sinner injuring the kingdom of God, for he is converted and made holy by Christ. Not to the divine law, for its honour has been maintained by the perfect fulfilment of all its demands, through the righteousness of the Mediator; and, by our legal and mystical union, he becomes one with us, and we one with him.

Turretin argues against Socinus that Christ's sufferings were insufficient to satisfy the demands of divine justice, by maintaining that even though Christ was not punished for eternity, because of the infinite dignity of the one suffering it was equivalent as to value (Craig 2020:134). Christ suffered more than a violent death, but was abandoned by "God the Father...withdrawing from him the beatific vision, and by suspending the joy and comfort and sense and fruition of full felicity" (Turretin 1992b:434). The law determine no less to satisfy the requirements of divine justice and, while each sinner deserved a death of infinite value, this is absorbed, along with infinite punishment due us, by the dignity of an infinite person (Craig 2020:134). It is without doubt that Christ's satisfaction has infinite value, for granting he was finite as to his human nature "the satisfaction is infinite, since it is relative to the person, who is the efficient cause and to whom the obedience and suffering are to be attributed" (ibid.).

The doctrine of imputation was also important for Turretin, whereby our sins were imputed to Christ and, in exchange, Christ's righteousness was imputed to us. (Craig 2020:135). This imputation of righteousness is both one of innocence and perseverance, and essential for justification (Turretin 1978:109). The righteousness

of innocence is brought about by the remission of sins which takes away the guilt of sins, but the righteousness of perseverance does not automatically follow (ibid.). This is achieved by Christ's lifelong obedience, by which he fulfilled the law in full (Craig 2020:135). Just as our sins, which abused the law, are imputed to Christ, so too is Christ's righteous conduct, which were in complete agreement with the law, are imputed to us. Turretin does not mean God's essential righteousness when referring to the righteousness of Christ, that righteousness would be beyond human comprehension. Rather the righteousness of Christ means his lifelong obedience and the death through which he suffered, whereby the law's requirements are satisfied, are imputed to us. Importantly, this is a forensic application of imputation and not an infusion of our sin into Christ or his righteousness into us. Turretin (2004:30) agrees that the grace of Christ allows for inherent righteousness to be infused into us, but maintains this has no part in justification:

For the righteousness of Christ alone imputed to us is the foundation and meritorious cause upon which our absolatory sentence rests, so that for no other reason does God bestow the pardon of sin and the right to life than on account of the most perfect righteousness of Christ imputed to us and apprehended by faith.

In a similar manner, Christ was made sin for us imputatively, not inherently or subjectively, because God imputed our sins to him (Craig 2020:135). "Impute" means "to hold him who has not done a thing as if he had done it, whereas not to impute means to hold him who has done a thing as if he had not done it" (Turretin 2004:30). Socinus protested the doctrine of the imputation of Christ's righteousness to believers as a type of fake righteousness that substitutes for a sincere holy life (Craig 2020:135). Turretin, however, differentiates between "imputed" and "fictitious" as "imputation is no less real in its own order (judicial and forensic) than infusion is in a moral and physical order" (p.136).

Turretin's atonement theory also provides an intriguing aspect, our union with Christ²⁸, which confronts a criticism by Socinus against penal substitution which

²⁸ J. Todd Billings (2020) describes "union with Christ", within the Reformed tradition, as a complex combination of themes within the scriptural witness and essential to the church's declaration of the Gospel message.

states that Christ cannot be punished for our sins as he has no connection with us (Craig 2020:136). Turretin (2004:40) writes:

The curse and punishment of sin which he received upon himself in our stead secures to us a blessing and righteousness with God in virtue of that most strict union between us and him by which, as our sins are imputed to him, so in turn his obedience and righteousness are imputed to us.

This connection is more than mere substitution; a union exists which is the foundation of our sins being imputed to Christ and his righteousness to us (Craig 2020:136). While we are outside of Christ, and him from us, we cannot benefit from his righteousness however, God, through a twofold bond, has united us with Christ. Firstly, by communion of nature by the incarnation (natural) and secondly, the communion of Grace by Christ's mediation (mystical), as a result the imputation discussed can occur. Imputation is thus contingent on union with Christ which serves as the "cause and foundation" of our partaking in Christ's benefits, which includes justification. Turretin provides little explanation as to the nature of this union or its application, but rather views it as a historical event. One's sins cannot be considered remitted prior to one's birth as nonentities possess no properties and, therefore there is nothing to remit. This type of person is not justified as there is yet to be union with Christ. While justification has been eternally decreed, it only occurs in the present life in the instant of God's effectual calling, whereby a transfer occurs from a state of sin to a state of grace and there is union with Christ by faith. The instrumental cause of our justification is therefore faith and thus believers are immediately and absolutely united with Christ. This union with Christ imputes his righteousness to us which has two advantages: the removal of sins and the granting of a right to life (p.137). For Turretin (2004:48) this imputation of righteousness occurs first, and then sins are remitted. He advises that we should not conceive of God as first removing our sins and then imputing Christ's righteousness to us; but instead, Christ's righteousness is first imputed to us by God and then, based on that imputed righteousness, God removes our sins. For God to grant a remission of our sins without harming God's justice satisfaction must necessarily intervene which will also serve as the basis for God's pardon. The structure of Turretin's atonement account appears to consist of three steps: 1) through faith we are united with Christ who, by his nature and mediatorial office, is our head (Craig 2020:137). 2) Christ's righteousness is imputed

to us because of our union with him (ibid.). 3) Lastly, our sins are forgiven because of this imputed righteousness, and Christ's vicarious suffering and death satisfies God's justice which means we receive the right to life and adopted as God's children.

3.2.5 Hugo Grotius

Grotius presents his understanding of the atonement in his work *De Satisfactione* (1617) as a response to Faustus Socinus' *De Servatore* (1594) (van den Brink 2017:523). Widely known as the governmental theory (or Rectoral theory), Grotius attempts to support the orthodox position by arguing against Socinianism that God cannot, unconditionally, grant forgiveness and, as one might expect, identifies Christ's suffering and death as the necessary condition (Smith 2017:161). However, although Grotius can be viewed as offering an alternative atonement theory, the governmental theory, Craig (2020:137) argues this is a misrepresentation of his work, in the secondary literature, and that he actually provides a defence of non-necessitarian penal substitution, while Smith (2017:162) places Grotius somewhere between Socinianism and Satisfactionism.

On the one hand, to refute Socinus' criticism that God should not be considered as unwilling or unable to freely forgive, Grotius posits that God cannot do so as he is a just ruler and this would undermine the moral order (Smith 2017:162). God is not an offended party who could simply forfeit his right over the thing loaned or his right to ownership, but rather a ruler who must uphold the common good. On the other hand, God can freely forgive unconditionally if it does not undermine the moral order, which is possible due to the means of Christ's suffering and death. Typically presented then, the governmental theory views God as sovereign Ruler of the world who can remit sins, as per God's discretion, without satisfaction and has chosen to inflict Christ with terrible suffering to demonstrate what sin deserves and to motivate us to live holy lives before God (Craig 2020:137). This typical expression of Grotius' theory appears to blend the moral influence theory with a consequentialist conception of punishment for the aim of deterrence (2020:137). However, Grotius (1889:1–2) could be expressly defending penal substitution:

The catholic doctrine, then, is as follows: God was moved by his own goodness to bestow considerable blessings upon us. But since our sins, which deserved punishment, were an obstacle to this, he determined that Christ, being willing of

his own love toward men, should, by bearing the most severe tortures, and a bloody and ignominious death, pay the penalty for our sins, in order that without prejudice to the exhibition of divine justice, we might be liberated...from the punishment of eternal death.

Grotius (1889:32), thus concludes that Christ's death was a punishment, for our sins, and conceives of divine justice as retributive punishment:

To sum up what has been said already: since the Scripture says that Christ was chastised by God, i.e. punished; that Christ bore our sins, i.e. the punishment of sins; was made sin, i.e. subjected to the punishment of sins; was made a curse with God or was exposed to the curse, that is, the penalty of the law; since, moreover, the very suffering of Christ, full of tortures, bloody, ignominious, is most appropriate matter of punishment; since, again, the Scripture says that these were inflicted on him by God on account of our sins, i.e. our sins so deserving; since death itself is said to be the wages, i.e. the punishment of sin; certainly it can by no means be doubted that with reference to God the suffering and death of Christ had the character of a punishment.

Christ's death had two objectives: first, to exhibit divine retributive justice regarding sin, which had been delayed for an extended period, and second, to remit our sins and exempt us from punishment (Craig 2020:138). Grotius derides Socinus' moral influence theory whereby Christ's death is supposed to coax us to practice faith in hope of eternal life but agrees with Socinus that one must not consider God to be conceived of as a judge positioned beneath the law, for a judge in that position would not be able to liberate the guilty from punishment (pp.138-139). He also criticised Socinus for not differentiating "between God as ruler (*rector*) and as sovereign (*dominus*)" (van den Brink 2017:523). God, as *dominus*, can recede from his right to punish and forgive; however, God, as *rector*, is a public person, not a private person. This requires God to establish and maintain the government and the order of the world. From this standpoint God must necessarily punish sin. As *rector* God cannot withdraw from his right to punish but is obligated to practice this right. Grotius understands God to have exercised this right against Jesus by punishing him, simultaneously declaring forgiveness to all who repent and believe. Thus, the necessary concurrence of punishment and forgiveness can still be defended. Grotius (1889:129) makes this distinction between public and private law by referring to a creditor governed by private law versus a ruler who administers public law:

For with regard to the debt, the law of which has been prepared for the advantage of the creditor, a man has the freest power of decision. The less he demands, the more liberal he is. But in making a demand he exercises no act of virtue. But in regard to punishment which pertains to the common good and to order, a ruler has, to be sure, power, but not boundless power. And when he exacts punishment he exercises a certain virtue, which is called retributive justice.

It would be unjust, for Grotius, if God allowed certain sins, like sins of the unrepentant, to go unpunished, and so remitting all punishment whatsoever would not be consistent with God's justice (Craig 2020:139). Grotius, to expound God punishing Christ in the place of sinners, refers to the notion of relaxation. While all positive laws²⁹ are relaxable, those laws in which the opposite involves immutable wickedness cannot be relaxed. He thus combines the authority's opportunity to relax the law with a view of justice as retributive (p.140). Retributive justice, for Grotius, allows, but does not necessitate, punishment. God had a substantial reason to relax the law in order to punish Christ in our place, this being, the destruction of the entire human race if God had not done so.

Grotius also addressed three objections to substitutionary atonement, the first being that Christ could not be punished in our place as this would be unjust (Magliano-Tromp 2017:11). Socinus argued that it would be unjust to inflict punishment on an innocent person because of others' transgressions. This would be incompatible with the righteousness of God, an essential attribute, meaning that God will not act against justice in any circumstance. The doctrine that Christ bore the punishment for our sins is therefore not true. Grotius' response to this objection is primarily scriptural: there are moments in the bible where it is said that God punished innocent people, and if so, it cannot be inherently unjust (p.9). There are also moments where God is said to have clearly prohibited the practice, but for Grotius this is a positive law which does not bind God. Grotius thus argues that someone being punished for another's sins was neither unjust or contrary to the nature of punishment (Craig

²⁹ Smith (2017:163) describes positive laws to be those that are not absolute and so are irrevocable. For Grotius, as long as the moral order is not undermined God can enforce a law but also, in mercy, relax the same law so that punishment is not necessary for the law's violation.

2020:140). Grotius, with respect to the nature of punishment, observes that a person, though innocent, might be punished. He agrees with Socinus that it is essential for the guilty person and the innocent person to be connected in some way but advances that God designated Christ to be the head of the Church and that he willingly submitted to God, who has the right to ordain that he suffers as punishment for the sins of those connected to him (p.141).

The second objection addressed Socinus' question as to why it was necessary for Christ to suffer and die for humanity's redemption if God could forgive sins without needing any punishment at all (van den Brink 2017:4). Grotius appealed to the church fathers to argue that God, though God might have remitted our sins without punishing Christ, had good reason not to (Craig 2020:141). God was unwilling to overlook the numerous amounts of despicable sins without demonstrating by some act how angered God is with sin. Furthermore, to not punish sin completely results in a lower estimation of sin, whereas fear of punishment is the best means of preventing sin. Also, God demonstrates his great love for us through Christ's voluntary self-sacrifice. God, in perfect wisdom, chose the suffering and death of Jesus as the means of redemption through which God could demonstrate God's intense displeasure for sin and his love for humanity.

The third objection is whether Christ was in fact punished in our place (Craig 2020:141). Not only did Socinus believe it was illegal and unjust to punish an innocent man for other's transgressions, but he also argued that it is logically and legally impossible to unite the notions of satisfaction and remission, as the notion of remission becomes superfluous and void of meaning because of the satisfaction of dues (van den Brink 2017:4). Grotius responds to this objection by distinguishing between satisfaction and strict enactment of a debt or punishment (Craig 2020:141). The creditor or ruler does not grant remission if a debt, or punishment, is fulfilled by the enactment of the very thing required. As Craig comments and quotes on Grotius:

But when anything other than what one is obligated to perform is done instead, then "it is necessary that some act of the creditor or the ruler be added, which act is properly and usually called remission." This substitution for strict performance, when accepted by the creditor or ruler, has "a special name in law, viz. satisfaction, which is sometimes contrasted with performance in the stricter sense of the word". In civil law the discharge of a debt without any sort of

performance is called “acceptilation.” “But with regard to punishment it has no proper name...but is commonly called grace, pardon, indulgence or abolition”.

With regards to remission of sins, it is remission with prior satisfaction (Craig 2020:141). Socinus incorrectly argues that these two concepts are opposed, for it is the stipulation that the creditor or ruler may grant remission that allows for all satisfaction. The substitute for strict performance may be accepted or rejected by the creditor or ruler. If accepted, it is then considered satisfactory (p.142). Grotius argues against Socinus’ claim that satisfaction instantly terminates a debt, unless, contrary to legal practice, it is used to refer to the debtor’s performance of that which was due. However, if a person other than the debtor performs and something other than what was owed is performed, then the creditor or ruler are obligated to accept the substitute.

To conclude, it may be common to refer to Grotius’ theory as the governmental theory (van den Brink 2017:524). Thereby setting it as an alternative theory to other atonement theories such as satisfaction theory or penal substitution. However, as argued by Craig, this could be due to a misunderstanding within the secondary literature, and Grotius could instead be seen as defending non-necessarian penal substitution. He does differentiate from penal substitution by viewing God as Ruler who could remit sins without satisfaction while still maintaining his essential justice and holiness (Craig 2020:142). However, God had weighty reasons for another to bear the punishment we deserve and so satisfy define justice; namely, setting an example for us of his hatred for sin and extensive love for us.

3.3 Conclusion

While not all of the Reformers can be ascribed purely to penal substitution, it is undeniable that it, at the very least, was a by-product of the Reformers’ theological work and defended by many of them. This chapter provided a brief definition of penal substitution as well as exploring selected Reformers to determine their understanding and application of divine justice in their atonement thinking. For the Reformers discussed, there is an intimate relationship between the atonement and divine justice. The atonement must, in some way, make satisfaction of divine justice which was primarily viewed in retributive terms. Therefore, while not being able to label all the Reformers as “penal substitution theorists”, one could conclude that they

all, bar Socinus, connected penal substitution with retributive justice. Chapter four will evaluate whether this view of divine justice is coherent with the view discussed in chapter two.

CHAPTER 4

4. Evaluative discussion

This chapter evaluates whether the Reformation atonement theory of penal substitution (chapter three) coheres with divine justice (chapter two). The church fathers, in reference to the “apostolic” understanding of scripture, believed that Christian scripture is a unified and coherent body of truth (Ashford & Whitfield 2014:18). For Augustine, scripture comprises a coherent and unified story “that is the true story of the whole world” (p.20). John Calvin attempted to present his scripture-based theology in a unified, topical, and coherent manner (p.27). Biblical theology is defined as the study of scripture that understands and expresses scripture as a unified and coherent narrative (p.52). When it comes to general revelation and spiritual formation Moore (2014:99) writes that humans have the ability to recognize, in scripture, statements that are logically consistent and coherent. For penal substitution to accurately reflect scripture it must thus be coherent with divine justice³⁰. The philosophical subdiscipline of logic can assist in the matter as: “The philosophical sub discipline of logic helps the theologian conceive and articulate each doctrine in a unified and coherent manner and further to relate the doctrines to one another in a likewise rational way” (Ashford & Whitfield 2014:54). Penal substitution is thus coherent with divine justice if it rationally flows from, or is logically consistent with, divine justice. Logically consistent meaning that the truth claims of penal substitution do not contradict those of divine justice. This will be done in three sections, each section dealing with one of the three objections of penal substitution’s coherence with divine justice: 1) The Reformers, retributive justice, and divine justice; 2) the supposed punishment of Jesus, an innocent person; 3) retributive justice and the larger view of divine justice.

During the Reformation the atonement was not a focal point of controversy which means the formulations on this doctrine were not refined (as was evident with Luther

³⁰ This presupposes the truth of divine justice as previously explored. One may criticise that, while the discussion involving penal substitution is an accurate reflection of scripture, that of divine justice is not. As such they do not cohere, not from anything lacking from penal substitution, but rather from the side of divine justice. The highly ambiguous nature of divine justice is a further complication. Any discussion therefore must be tentative and cautious due to the wide ranging and ambiguous nature of divine justice.

and Calvin) (Kolb 2017:614). This is important as there may be elements within their thinking that were underdeveloped but which they could have referred to, to address present day criticisms. Therefore, although perhaps not explicitly stated within their work, this section will also utilize that which was available to the Reformers at the time and perhaps already implicit within their work.

4.1 The Reformers, retributive justice, and divine justice

Stephen Holmes (2017:309) argues the Reformers' understanding of divine justice, and their use of legal terminology and imagery, was largely determined by their cultural legal system and not scripture. As the cultural view of justice changed, penal substitution was deemed irrelevant. Grensted (1920:197–198) also notes this phenomenon in tracking the transition from Anselm's satisfaction theory to the Reformers penal substitution theory. Anselm's feudal context viewed honour and duty as essential which influenced his theological understanding. The cultural shift from a feudal to retributive framework influenced the shift from Anselm's satisfaction theory to the Reformers' penal substitution theory. There are three points to consider when evaluating the objection that penal substitution's use of retributive justice is cultural and not biblical, and thus incoherent with divine justice: 1) the Reformers focus on retributive justice; 2) retributive justice as essential to divine justice; 3) divine justice, mercy, and forgiveness.

4.1.1 The Reformers and retributive justice

Initially Holmes appears correct in his analyses of the Reformers use of retributive justice. Excluding Grotius, they can be defined as necessitarians whereby God's retributive justice must first be satisfied before God can forgive sins (Craig 2020:248). Forgiveness is coherent with divine justice only after satisfaction of the retributive element of divine justice. For Martin Luther the law demanded that each person must die for their sins (Kolb 2017:616). For Calvin, the God established law requires punishment first before forgiveness of sins otherwise the purpose of creation would be frustrated (Holmes 2017:307). Justice is avenging and demands punishment for sin in its own right. Turretin (1978:14) held that God neither willed, nor could will, the forgiveness of sins without first satisfaction to justice, this being distributive with punitive and premiative elements. Grotius, a non-necessitarian penal substitutionist, viewed God as a just ruler who could forgive sins if doing so does not

disrupt the moral order (Craig 2020:139). Positive laws may be relaxed however, some laws cannot be as their opposite would involve immutable wickedness. He combined retributive justice, which does not necessarily require punishment, and the possibility of relaxation.

Evaluation of the legal imagery and terminology accentuates the point. Grensted (1920:212) noted Calvin's use of terms such as "wrath" and "judge". Vorster (2012:131), utilizing Henri Blocher (2004:283), noted Calvin's two main language sets, the religious cultic language of sacrifice and the forensic or judicial language. Edmondson (2004:97) and Van Buren (1957:31) agreed that Calvin's atonement account was permeated with a forensic element: Christ experienced God's wrath was judged and punished. Jones (2017:221) highlighted the juridical language of guilt, punishment, and payment in the foreground of Calvin's atonement. Guilty before the law Christ bore the sinners' punishment as their substitute and suffered accordingly. Turretin (1978:15) followed by describing sin as a debt to divine justice whereby sinners stand before the supreme judge and ruler, deserving everlasting death for their crimes. God is not only a creditor but also has the right of government and of punishment (p.18). For van den Brink (2017:523), Grotius viewed God as both *rector* and *dominus* such that as *dominus* God can recede from the right to punish and forgive but, as *rector*, is a public not a private person. As *rector* God must punish sin to maintain the government and order of the world. It is undeniable that the selected Reformers interpreted retributive justice as essential to divine justice and made regular and extensive use of legal imagery and terminology in their atonement accounts. However, is this incoherent with divine justice? Chapter two provides clear evidence to conceive of retributive justice in such a manner and draws attention to the extensive use of legal imagery, terminology, and metaphors throughout scripture, which is discussed below.

4.1.2 Divine justice and retributive justice

For Weiss (2018:50–60) Abraham functioned as a defence lawyer in his dialogue with God. Von Rad (1972:214) explained "outcry" was a technical legal term appealing to the legal community for protection and likened the discussion to a judicial investigation. Abraham was concerned that God's positive retributivism would overshadow God's negative retributivism. God, for Maimonides (Maimonides in

Shure 2004:26), enacts retributive justice in the “heart hardening motif” as this prevents repentance thus necessitating punishment. Jonah, a strict retributivist who represents the morality of antiquity, expected God to punish the guilty and viewed mercy as contradicting justice (Crenshaw 2005:91). If God did not punish sin God would resemble the *dei otiose* and lose religious legitimacy as a member of the covenant (Levine 2002:185). Job held to the universal dogma of just retribution and first introduced *mishpat* (Roberts 1977:107–114). Weiss (2018:77) noted that Job understood *mishpat* in terms of a court case, while Sylvia Scholnick (1982:521) noted it has a juridical and executive meaning and is essential to understanding divine justice. Job and his friends understood divine justice within the logic of the court.

For Sacks (2003:213), *mishpat* refers to retributive justice while Fisher and Friedman (2015:215) perceived it largely relates to criminal justice and punishment. The judicial connotation is again evident in Dershowitz’s (2000:6) translation of *mishpat* as “judgement”, “judges”, or “judge”. Weinfeld (2009:236) explored how *mishpat* and *tzedakah* were connected to correct judicial decisions and execution of justice by Rabbis and traditional commentators. The Septuagint translators, according to Wolterstorff (2008:112), translated *mishpat* as *krisis* which was regularly used in legal contexts.

The legal and forensic terminology in *dikaioσύνη*, righteousness, and justification, furthers the notion of retributive justice. Marshall (2001:41) commented that statistically Paul preferred to articulate the cross using “right” or judicial metaphors. For Paul justice and justice making was fundamental in understanding God’s work through Christ. For Morris (1983:184) the foundational basis for justification is forensic (legal) in a nature, meaning it is primarily a legal notion involving the legal status of a person before God. Bultmann (1959:27–28) acknowledges a forensic and ethical usage of the term and explains that, with regards to salvation, it involves the verdict of the law court in which a person is legally acquitted. Both the Pauline and the Jewish conception hold the formal meaning of *dikaioσυνῆ* as forensic-eschatological. The forensic foundation, for Marshall (2001:42), is evident in Paul’s conception of God as judge and sinners as deserving of punishment. The forensic imagery prevents the personal accumulation of spiritual merits and protects salvation as a distinct work of God founded on the vicarious work of Christ.

There is clear scriptural evidence, in the selected narratives and the observed usage of legal and forensic terminology, that retributive justice is an essential element of divine justice and should be accounted for in any atonement theory. This alone may be sufficient to respond to Holmes' criticism as the Reformers seem to be consistent with the biblical data. However, it was also observed that within divine justice exists tension, and possible conflict, between retributivism, mercy and forgiveness. Does the Reformers understanding of divine justice take account of this?

4.1.3 Divine justice, mercy, and forgiveness

Harris (2003:61) spoke of a "mathematics of mercy" in the Abraham dialogue, how many righteous people was necessary to spare the entire city of wicked people? This shows that at times God favours mercy over punishment. Maimonides (Maimonides in Shure 2004:26) determined that repentance is like a "protective shield" so, instead of receiving the punishment one deserves, one receives the forgiveness one doesn't deserve. The struggle between justice and mercy is articulated clearest in the book of Jonah. Jonah, for Levine (2002:177), understood God to be slow to anger and relents from sending calamity because of God's abounding love. Crenshaw (2005:91) understood Jonah fled because he disagreed with God's universal application of mercy and compassion. Jonah determined justice to require the guilty to be punished, but instead God extended mercy, challenging Jonah to accept that God can ignore humanity's ideals of fair treatment, in favour of mercy. Simon (1999) argued "justice and mercy" is best for interpreting the Jonah narrative as it reveals the world exists because of the inexplicable amalgam of mercy and justice. Green (1978:155) explained mercy both fulfils divine justice and threatens to compromise it while the continuous struggle between the principles of punishment and forgiveness lies at the heart of moral reason. Levine (2002:185) concluded by stating that there is, in principle, no contradiction between the necessity to distribute punishment and the essential quality of mercy within biblical theology.

This tension also exists within the OT and NT justice terms, and the kingdom of God motif. *Mishpat* is connected to, and tempered by, *zedakah* which focuses on the weak, helpless, and charity (Fischer & Friedman 2015:215). Sacks (2003:213) noted the English language cannot consider justice and charity as coexisting while Weinfeld (2009:236) questioned whether justice and charity can coexist within a

judicial structure (ibid.). He argued this tension exists as *mishpat* and *tzedakah* were originally administrative terms applied to improving the conditions of the poor, which embodies kindness and mercy, but was incorrectly replaced with a uniquely judicial meaning. A survey of selected prophetic literature and psalms supported this argument as it revealed “justice and righteousness” to be identical with “kindness and truth”. “Kindness” being identical to goodness and mercy which is inconsistent with strict justice as it obstructs the necessary condition of impartiality in the execution of justice. Levenson (2012:62) also noted that *tzedakah* is going above the requirements of the law, such as forgiving of debts. For NT writers, according to Wolterstorff (2008:112), *dikaiosynē* ambiguously represented the social condition of justice, such as kindness to the poor, and the character trait of righteousness. Marshall (2001:42) acknowledged the forensic and legal language attached to *dikaiosynē* but articulated the limits of this view as insufficient to fully interpret divine justice which also includes pardon and free grace given to all sinners. Finally, Moltmann (1993:10), in addressing the question “what is the Kingdom of God” provides four biblical perspectives, the third being that of the “kingdom of the poor and of children” whereby the position of the oppressed is vital to understanding the focus of the kingdom of God motif. The kingdom of God sides with the oppressed and against those who oppress them. Divine justice in the kingdom of God cannot then be wholly impartial as mercy and charity are essential to meet the needs of the oppressed. Strict justice may only deepen oppression where the kingdom of God seeks liberation.

The OT narratives, the OT and NT justice terms, and the kingdom of God motif reveal that divine justice includes tension between retributive justice, mercy and forgiveness. For penal substitution to be coherent with divine justice it must be logically consistent with both the retributive aspect of divine justice and with the tension of mercy and forgiveness. The non-necessitarian can accommodate this simply by applying forgiveness in any context that does not undermine the moral order³¹. However, as the Reformers, bar Grotius, seem to adopt a necessitarian position, it is important to address this tension. The notion of a divine pardon, which

³¹ This is consistent with Hugo Grotius. Also, Abraham and Jonah could be examples of a non-necessitarian position as God is prepared to forgive, and does forgive, an entire city without their first being punishment.

is consistent with the Reformer's thinking, could address this. Retributive justice is satisfied, as well as God's mercy and forgiveness.

4.1.4 Divine pardon

While the Reformers use the term "pardon" they do not expand its application. Not only is the notion of a pardon evident in their thinking it is also present in their cultural context as Kathleen Moore (1997:15–22) briefly surveys the importance and history of pardoning in Europe and England before the enlightenment. Thus, a divine pardon will be explored and used to evaluate the possible reconciliation of retributive justice and forgiveness within their penal substitution understanding. Moore (1997:184), from a philosophical perspective, argues that "forgiveness", "mercy", and "pardons" must be considered separately and cannot be used interchangeably. For Moore (1997:193):

A pardon is an act by the executive (or others legally empowered) that lessens or eliminates a punishment determined by a court of law, or that changes the punishment in a way usually regarded as mitigating. A pardon is an act one can perform only in a social or a legal role. This characteristic distinguishes it from forgiveness and mercy, which are virtues that persons exhibit as individuals. Anyone who has been injured can forgive, but only one formally constituted within a legal system is qualified to pardon a violation of the norms of that system.

However, Craig (2020:216) argues that God's forgiveness does more than alter God's perspective towards sinners, it also removes our liability to punishment and thus eliminates the requirements of retributive justice on us as the deserved consequences of our sins are no more. The forgiveness of Christ means that one is no longer answerable for one's sins (p.217). Thus, for Craig divine forgiveness is closer to a legal pardon as to our common understanding of forgiveness. Moore (1997:184) seems to acknowledge this when she writes that people are hopeful, when they request God to forgive their sins, that God will reduce, or eliminate entirely, the full measure of their deserved punishment. The challenge with a divine pardon is to not view it merely as an extension of pardons found in one's current legal system. This would fall prey to the objection raised by Holmes. Any examination into the legal system is done purely to try gain practical insights into the possible theology of a divine pardon.

Craig (2020:220) defines a divine pardon as an act of grace by which God releases certain sinners from deserved punishment due to violating God's law. As the supreme Ruler God has the unlimited power to pardon sinners and no one can oppose God's action (p.221). A divine pardon cannot occur prior to being found guilty, with the notion of removing guilt being the controversial issue (p.222). Samuel Williston (1915:648), in what has been called a "landmark article", writes that:

Everybody also knows that the vast majority of pardoned convicts were in fact guilty; and when it is said that in the eye of the law they are as innocent as if they had never committed an offence, the natural rejoinder is, then the eyesight of the law is very bad.

Craig (2020:223) thus interprets Williston's definition of "guilt" to be "the property or fact of having committed the crime". This means pardons may release one from punishment and restore all civil rights, but it does not remove guilt as it cannot remove the past criminal action. While the conduct that led to the conviction exists (which it always will as one cannot undo the past) the person remains guilty (p.228). Based on this view of guilt, it can never be expunged, even with a divine pardon or after full punishment (p.229). Applied to standard retributive theories of justice, even after receiving full punishment and satisfying the demands of justice, one is still guilty as the past criminal action remains. But then, based on retributive justice, the personal is still guilty and deserves punishment. According to this logic guilt can never be expunged, divine justice never satisfied, and so all would be condemned to hell for the smallest of offences, despite being sufficiently punished or receiving a divine pardon. However, if "guilt" is considered as "liability to punishment", as Craig (2020:223), Grudem (1994:574), and Moore (1997:96) do, then a possible solution arises. The function of a pardon is to remove one's liability to punishment, which also removes their guilt (Craig 2020:223). Thus, a divine pardon means the guilty become innocent, despite the person having sinned and being condemned for it, and no longer deserving of punishment.

Justification was key to the Reformer's understanding of the atonement which a divine pardon also speaks to. Alister McGrath (1982:223) highlights three features of the Protestant Reformers Pauline doctrine of imputed righteousness which has already been observed: 1) justification includes a forensic declaration of righteousness which changes one's legal status before God. 2) Conceptually there is

a distinction between justification and sanctification. 3) Justifying righteousness is an external righteousness that has been imputed to the Christian through faith. At the heart of justification is the notion of a divine pardon (Craig 2020:234). The divine pardon that has freed us from the liability to punishment means we are legally innocent before divine justice. However, the sanctifying work of the Holy Spirit is required to transform one's moral character. This is a moral, not forensic, transformation which cannot be brought about by a divine pardon alone.

It can be questioned whether a divine pardon can be an act of mercy and is coherent with pure retributivism (Craig 2020:241). A pardon out of mercy contravenes positive retributivism as the guilty escape deserved punishment and so justice is subverted³². Equal treatment under the law is also compromised as pardons as acts of mercy could be given out arbitrarily. For Moore (1997:11), pardons may only be applicable, in retributive justice, with respect to innocence, excusable crimes, justified crimes, and adjustments to sentences. Moore identifies the "dilemma of the merciful judge" which could be applied to God: either a judge gives the offender what is deserved (thus offering justice not mercy), or the deserved penalty for the offender is waived (thus the judge acts unjustly)³³ (p.192). A judge chooses between justice and injustice and cannot officially practical real, or pseudo, mercy. However, God is simultaneously Ruler and Judge, God as Ruler can undo the verdict made as Judge (Craig 2020:243). As Judge God is infallible and so no mistaken judgments occur. Justification is not a decree of acquittal; the guilty judgement remains. Instead, God as Ruler, pardons us so that despite our previous guilty existence we are now innocent before God. However, the dilemma persists for God as Ruler: if the pardon rectifies injustice, then it is an act of justice, not mercy; but if it is a merciful act then it is unjust as it contravenes the requirements of retributive justice. The pardon cannot right injustice as God is an infallible judge, thus it is an act of mercy and deemed unjust by the strict retributivist. What is needed is a method to reconcile divine mercy and retributive justice that justifies a divine pardon without encroaching on either

³² This challenges Weiss' conclusion to the Jonah narrative; whereby retributive justice is achieved as the Ninevites are forgiven and thus no longer deserving of retributive justice. The claim here is that such forgiveness contravenes positive retributivism as the guilty escape punishment.

³³ This is the same problem raised by Sacks in chapter two with regards to *mishpat* and *tzedaqa* as justice and charity. The very problem a divine pardon is seeking to address.

virtue (Craig 2020:247). This is where the strength of penal substitution is observed as it takes account of the retributive aspect of divine justice as well as justification for a divine pardon as an act of mercy.

Penal substitution can hold that a divine pardon is granted due to the satisfaction of divine retributive justice (Craig 2020:247). For the Reformers Christ, as our substitute, bears the punishment due our sins to fully satisfy divine retributive justice (p.249). Based on this God pardons our sins. Christ as our penal substitute means God can grant us an undeserved divine pardon out of mercy and grace. This is not motivated by human effort, but by God's mercy and grace, and reconciles a divine pardon, as grounded in mercy, with divine retributive justice. Thereby taking into consideration the tension between retributive justice, mercy and forgiveness. Lastly, our redemption is achieved upon receiving God's pardon as Christ is the one who discharged the sentence for our sins, not us (p.248). Until we have received God's pardon we persist in our state of judicial condemnation. Refusal of God's pardon denies benefit from Christ's sacrifice as it amounts to rejection of the satisfaction of divine retributive justice that Christ achieved. This is especially true if accepting the divine pardon is conditional on repentance and faith which, forgoing these conditions, render the pardon ineffectual.

With regards to the first objection, that the Reformers make use of a form of justice that is culturally influenced, as opposed to scripturally supported, and therefore incoherent with divine justice, it can be concluded that there is evidence within scripture to motivate the Reformers retributive perspective and that, although not explicitly stated within all of their thinking, a divine pardon could have been utilized to expand their thinking to take into account the tension between retributive justice and mercy. Penal substitution can thus be considered coherent with divine justice with regards to the first objection. The next point to consider is the punishment of Jesus Christ as an innocent person.

4.2 The punishment of Jesus and retributive justice

A key objection, raised by Socinus, is the suffering and punishment of Jesus Christ, an innocent person (Gomes 2017:756). Negative retributivism considers the suffering and punishment of an innocent person to be unjust, and God does not treat the wicked and the righteous alike. If Christ is innocent, and he has been punished

and suffered for our sins, is this not incoherent with divine justice? Penal substitution seems to both uphold retributive justice and contradict it through the punishment of the innocent Jesus. To be coherent with divine justice penal substitution needs to reconcile the suffering of Jesus as an innocent person with negative retributivism. There are four points to consider in evaluating this issue.

4.2.1 Non-necessitarianism

Firstly, as previously explored, one could adopt a non-necessitarian definition by claiming that Christ was innocent but voluntarily suffered, not punished, for our sins. Christ bore our deserved suffering, due our punishment for our sins, but remained innocent himself. As Christ was innocent and not punished there is no conflict with retributive justice and therefore penal substitution is still coherent with divine justice. Here one could draw a similarity between Jesus and Job. Pohl (2020) considered Job to be a “innocent sufferer”, which might be accurate for Jesus too. Both could be innocent but called to suffer by God for an appropriate divine reason. In the case of Job, a divine test, in the case of Jesus, the salvation of humanity. However, the selected Reformers, bar Grotius, are necessitarians in that they interpret it as necessary for Christ to be punished for our sins to satisfy divine justice. Non-necessitarianism, while a viable solution to the objection, was not adopted by the Reformers and so further solutions must be explored.

4.2.2 Divine Command Theory

Secondly, one could appeal to the Divine Command Theory (DCT) of ethics. DCT replaced virtue ethics, and reached its mature formulation, in the thirteenth century by Franciscan scholars (Schumacher 2016:462). Craig (2020:177) claims “the Protestant proponents of penal substitution were, like Anselm, all advocates of some sort of Divine Command Theory of ethics”. DCT has many versions but can be broadly defined as the view that whatever God commands is what is morally good (Harrison 2015:108). More specifically, divine imperatives determine moral duties (Craig 2020:177). God is not subject, and must conform, to an external law, and there are no moral duties God must fulfil as God does not issue commands to Godself. God only acts in accordance with God’s nature. God will also have special prerogatives denied to us, such as the taking and giving of human life as God determines. God is free to make exceptions as God acts *in accordance with* duty and

not *from* duty (ibid.). However, while DCT could be defended as coherent, it is not without issues, as Schumacher (2016), Harrison (2015), and Plaisted (2017) observe. Defending DCT is not presently required, but merely to draw attention to its availability to, and possible application by, the Reformers to meet the present objection. Per Grotius, even if the punishment of the innocent is forbidden within a God established system of justice for governing human beings, this does not necessarily forbid God from acting such (Craig 2020:177). If God determines it is appropriate to adopt human nature in the form of Jesus Christ and offer God's own life for the sacrificial offering for sin, no one can forbid God. God can pursue this course if it is consistent with God's nature. And as this allows God to satisfy the demands of divine retributive justice, while also providing the means to distribute mercy and forgiveness through a divine pardon, so that humanity may repent, seek forgiveness, and live in unity with God, is this not consistent with God's nature?

4.2.3 *Prima facie vs ultima facie*

Thirdly, there is a difference between the *prima facie* and *ultima facie* demands of retributive justice (Craig 2020:179). In specific cases punishment may be justified *ultima facie* as the moral considerations outweigh the *prima facie* demands of retributive justice. There is a difference between the justification of an *act* of punishment and the justification of the *practice* of punishment. In claiming the guilty must be punished the positive retributivist is referring to the general practice of punishment. Overruling considerations, like protecting the rights of others, means the act of punishment might not be required thus the *prima facie* demands are waived.

Feinberg and Gross (1980), referring to Aristotle on justice, further this point. They note he is the first person to acknowledge the difference "between the just or unjust *quality* of an act and the just or unjust *effect* of an act on others" (p.286). The effect of an injustice may occur involuntarily and, as involuntary acts are not blameworthy, the action that produced the effect cannot itself be unjust as assigning an unjust act to a person requires blaming them. There are also instances when voluntarily producing an unjust effect on others can be fully justified; for example, when the effect is the least evil choice the actor could make in the circumstance. When person *A* has no third option available, it is justifiable to violate the rights of *B* instead of *C* and *D*, but this justification does not annul the injustice done to *B*. Here, *A* did not

exhibit unjust *behaviour* although *B* was unjustly *treated* (ibid.). Feinberg and Gross (1980:286) continue:

For an act to have an unjust quality (whatever its effects) it must be, objectively speaking, the wrong thing to do in the circumstances, unexcused and unjustified, voluntarily undertaken, and deliberately chosen by an unrushed actor who is well aware of the alternatives open to him.

Cases of strict liability and vicarious liability are examples where the *prima facie* demands of negative retributive justice are relinquished due to weightier moral concerns (Craig 2020:180). In strict liability³⁴ a person is found guilty and punished despite having no *mens rea*, in vicarious liability³⁵ a person may receive a criminal charge and accordingly punished despite no *actus reus* or *mens rea*. This may seem *prima facie* unjustified but overriding considerations cause it to be *ultima facie* justified. It is useful to recall the narratives of Abraham and Jonah. In the case of Abraham and Sodom, God is willing to spare the guilty majority for the sake of the righteous minority and with Jonah and Nineveh God is willing to forgo punishing the guilty and instead offer mercy and forgiveness. According to the *prima facie* demands of justice both Sodom and Nineveh should be punished but God, due to weightier moral considerations, such as sparing the innocent and the desire to save an entire city rather than destroy it, acts in a way that seems unjustified *prima facie* but is justifiable *ultima facie*. Perhaps, for God, mercy, forgiveness, and protecting the righteous, are moral concerns that outweigh the *prima facie* demands of his retributive nature. Similarly, in the case of Christ, one may claim the *prima facie* demands of negative retribution are set aside (Craig 2020:180). For the sake of humanity's salvation, the penal theorist may claim that it is justifiable for God to forgo the demands of negative retributive justice and punish Christ as our substitute. In this specific case, the restoration of humanity to God may be the weightier moral consideration that justifies forgoing divine negative retributive justice. One could also

³⁴ For example, a person who is found to be in possession of drugs, but was not aware that he/she was in possession of drugs (maybe picked up the wrong bag, was placed on him/her without knowing etc.)

³⁵ For example, an owner of a bar is held responsible for the bartender selling alcohol to underage teenagers. The owner neither did the act of selling (*actus reus*) or knew they were underage teenagers (*mens rea*).

claim that this is in line with moral goodness as God has mercifully saved the world from destruction (ibid.).

A possible objection is why God chose to forgo the negative demands of retributive justice and punish Christ, instead of forgoing the positive demands of retributive justice and simply spare all of humanity (Craig 2020:181). One response has already been explored by Grotius. It may have been possible for God to spare humanity without punishing Christ but God, from a place of infinite wisdom, chose to express God's intense hatred towards sin, and love towards humanity, through the death and punishment of Christ. Thereby offering humanity an example of God's grace and mercy.

4.2.4 Imputation of sins

Lastly, the Reformers adopt the imputation of our sins to Christ which means Jesus was legally guilty before God and deserving of punishment. This is evident in both Calvin and Turretin, as well as Luther's "joyous exchange" analogy. While legally guilty, and legally liable to punishment, Christ remained pure as our sins were imputed to, not infused in, Christ (Craig 2020:182). Thus, as per the doctrine of the imputation of sins, the objection that the punishment of the innocent Christ, by God, fails.

Mark Murphy (2009:259) differentiates between two imputation doctrines and rejects both. The first is that our wrongful acts, or sins, were imputed to Christ, and the second is that our guilt for our wrongful acts were imputed to Christ. What seems consistent with the Reformers, and echoed by Wayne Grudem (1994:495) is the latter. Grudem defines impute to mean: "to think of belonging to someone, and therefore to cause it to belong to that person". Murphy rejects both versions for the same reason: we lack experience for either the transfer of moral responsibility for actions or of guilt separated from actions from one individual to another (Craig 2020:183). For Grudem (1994:494–729), this objection initially fails for one reason: a lack of experience does not, by necessity, mean that imputation of sins is false, merely that there is no personal experience. It could be very specific cases whereby the imputation of sins is applicable therefor justifying no personal experience of it. Grudem identifies three such areas which are consistent with the Reformers: 1) we are counted guilty because of Adam's sin (p.495). As our representative God

counted Adam, and us, as guilty because of his sin (ibid.). As the ultimate infallible judge of the universe God deemed Adam's guilt to belong to us and so God rightly imputed Adam's guilt to us. 2) Similarly, God imputed the guilt of our sins to Christ, meaning God thought of Christ to be guilty, not that Christ had a sinful nature or had committed the sins. 3) God imputes the righteousness of Christ to us, meaning that God regards it as belonging to us, or thinks of Christ's righteousness as belonging to us. If the Reformers, and Grudem, believe there is sufficient biblical data supporting the above three points, which is no doubt the case, then one can question why personal experience is necessary to determine the truth of the imputation of sins? If it is a clear biblical principle, then lack of personal experience does nothing more than show it only applies in very specific circumstances.

The above should be sufficient to address the objection however, there are actual personal experiences to draw from as well. Craig (2020:183–193) identifies legal fiction and vicariously liability as two such examples, each addressing one of the forms of imputation. As the second definition has already been adopted, only the option of vicariously liability will be explored. What is at issue is not the removal of guilt from one person onto the other, but the replication of guilt from the one who committed the act to a different person (p.187). It is not about removing the primary actor's guilt but rather, due one's wrongdoing, imputing that guilt to another. In agreement with the Reformers, and Grudem, Craig notes that the doctrine of imputation does not state that when one's guilt is imputed to Christ it is removed from that person. Rather, just as Adam remained guilty and yet his guilt was also replicated in all of humanity, so do we remain guilty as our guilt is imputed to Christ. The complete basis for penal substitution is that punishment removes guilt.

Cases involving vicarious liability can be observed within civil law (Craig 2020:188). Here the notion of *respondeat superior* (the superior shall answer) is applicable, whereby the fault (liability) of the servant is attributed to the master (Giliker 2010:228). This is often applicable between the employer and the employee, where the employer, who did nothing illegal, is held liable for the employee's illegal conduct due to the fact that the employer hired the employee and thus set things in motion, as well as the employee acting for the benefit of, and under the direction of, the employer. Furthermore, the employer deliberately chose an employee who was either unskilled, careless, or lacking in moral character (p.229). Typical cases include

employer's being held accountable for employees illegally selling items, even including offences such as assault, manslaughter, and fraud (Craig 2020:188). It is important to note that the employer is not liable for other acts such as complicity or negligence, for which he may be blameless. Instead, it is by virtue of the relationship with the employee that the liability acquired by the employee for the specific actions are imputed to the employer, despite the employer never having personally committing the actions in question. The liability of the employee is replicated, not transferred, to the employer and as such, with regards to vicarious liability, there is an example of the responsibility of an action imputed to someone other than the actor.

A possible response is that liability and not guilt are being imputed to another person in these civil cases (Craig 2020:188). However, *respondeat superior* can be applied both in criminal and civil cases. The liability accrued by an employee that committed crimes while performing one's duties can also be imputed to the employer. Although only the employee committed the crime both the employer and the employee may be found guilty. Two such examples of this: the employee, who had been delegated oversight of a café, contravened the law by allowing prostitutes to gather there, as such the owner was found to be guilty (p.189). The licensed owner of a bar was found guilty when the bartender sold alcohol to a constable on duty. Both cases involve the imputation of guilt from one party to another party who did not commit the act. Vicarious liability is also another circumstance of strict liability as no *mens rea* is required therefore the superior is found guilty without being found blameworthy. Therefore, while not culpable, the superior is guilty and liable for punishment.

Importantly, vicarious liability is not being adopted or applied to penal substitution in any way. The imputation of sin is enough to overcome the objection that God punished Christ who was an innocent person and so penal substitution both seems to uphold retributive justice and yet be incoherent with retributive justice. Vicarious liability was explored to address the criticism by Murphy that we do not possess any personal experiences of the transfer of guilt separated from actions from one individual to another innocent person. Vicariously liability is one such personal example which serves to defeat the objection raised. Any disanalogies or dissimilarities between vicarious liability and penal substitution as an atonement theory are therefore irrelevant at this stage.

The objection that penal substitution is incoherent with divine justice as it advocates for the punishment of an innocent person, Jesus Christ, which goes against God's retributive nature, fails for four reasons. 1) It does not consider those definitions of penal substitution whereby Christ suffered but was not punished. 2) It does not provide for the ontological basis for moral values and duties 3) the *prima facie* demands of retributive justice might be outweighed, like in the case of Christ, by *ultima facie* weightier moral considerations. 4) It fails to address the imputation of sins to Christ. Either one of these considerations should be sufficient in addressing the objection and thus it can still be concluded that penal substitution is coherent with divine justice. What follows then is the third objection, that of penal substitution unnecessarily reducing divine justice to purely retributive terms.

4.3 The atonement, methodology, and the kaleidoscope view

The final point to consider is retributive justice within the larger picture of God's divine justice. Farris and Hamilton (2021:244) criticise penal substitution as unnecessarily reductionist as it reduces divine justice to purely retributive elements and ignores the larger dimension of divine justice. This has, in part, been addressed in section one of this chapter, that of retributive justice and mercy and forgiveness. However, chapter two also explored the notions of procedural and restorative justice, as well as divine justice and the kingdom of God and William Ames. Were the Reformers reductionist by not considering these other areas within their understanding of divine justice?

The issue might be in how one interprets the Reformers position of penal substitution with regards to other atonement accounts. For example, Farris and Hamilton (2021:247) observe Craig as identifying penal substitution as *the* Reformer's doctrine. This poses three possible issues: firstly, the term "doctrine". Did the Reformers truly view penal substitution as a "doctrine"? Secondly, that penal substitution stands alone and separate to other atonement accounts. Did the Reformers hold that penal substitution is necessarily separate to other atonement accounts? Thirdly, the epistemological foundation for multiple atonement accounts. Did the Reformers hold penal substitution to be the foundation of any atonement understanding? Clarifying the Reformers understanding of penal substitution as a doctrine, metaphor, theory, or motif, its relation to other atonement accounts, and its

epistemological foundation, will show that the Reformers were not overtly reductionist in their thinking. Rather, for the Reformers, penal substitution is a necessary element within any atonement account which specifically focusses on the retributive element of divine justice, while still allowing for other atonement accounts to provide answers for the larger framework of divine justice. This section consists of three parts: firstly, to distinguish between a “doctrine” as opposed to a “metaphor”, “model” “motif”, or “theory”; secondly, to explore the kaleidoscopic view of the atonement; lastly, to explore the epistemological foundation for a kaleidoscopic view.

4.3.1 The atonement and issues in methodology

While no specific terminology was observed by the Reformers, contemporary atonement works abound with terminology such as doctrines, theories, models, metaphors and motifs (Crisp 2017:315). Yet modern theologians agree that there is no single description of Christ’s atoning work within the NT. One position is that, instead of searching for atonement models or theories, one should acknowledge that scripture contains various metaphors and motifs, but no single mechanism for atonement, which would be expected in a conceptually sophisticated model or theory. Another position is that, based on the kaleidoscope of images for the atoning work of Christ in the NT, theologians should conclude that scripture mandates a plurality of atonement models (p.316). The question is both the interpretation of scripture and the views expressed by historic theologians writing about the atonement, such as the Reformers. Exploring the terms of doctrines, models, theories, metaphors, and motifs as applied to the atonement is necessary (p.317).

After analysing the different terms, Crisp (2017:333) briefly summarizes them:

Motifs and metaphors are partial pictures or windows onto the doctrine; doctrines are more complex wholes that have motifs and metaphors as constituent elements; models are more narrow, but conceptually richer attempts to provide a particular way of understanding the reconciling work of Christ; and theories about atonement models offer a way of thinking about these different doctrines relative to particular cultural and contextual hermeneutical concerns that shape the particular accounts of the work of Christ.

If this way of analysing the differentiations that exist between the alternative methods of understanding the saving work of Christ is accurate, then it would stand against

the overly simplistic typical threefold typological method that has been commonly used to classify atonement doctrines (Crisp 2017:333). Rather than a typology of different atonement doctrines exists instead varying levels of theological explanations concerning the atonement. Some approaches would be categorised as mere motifs and metaphors, others as doctrines or models that provide a mechanism for atonement, and some as theories about atonement models.

Recently there has been a propensity to articulate different methods to the doctrine of atonement as a multiplicity of different metaphors (Crisp 2017:319). The atoning work of Christ as a penal substitution, a ransom, a moral example, a satisfaction for sin, or some other picture, representation, or symbol. This was observed in the writings of Martin Luther and Calvin. Luther clearly did not provide a doctrine or theory of the atonement, but rather engaged with a multiplicity of metaphors while using penal substitution language. Similarly, Calvin, although seen as offering a robust account of penal substitution, also used a multiplicity of metaphors such that it's possible to not consider him a pure penal substitution theorist.

Models of atonement are less comprehensive, due to a difference in conceptual goals, than doctrines of atonement but also provide, due to a difference in dogmatic function, more explanatory scope of the nature of atonement (Crisp 2017:331). They endeavour to provide complex data in a more simplified manner, a semblance of what is true, which can be found in creeds, confessions, scripture, and the work of select theologians. Like a doctrine, models provide a method for atonement although do not provide a complete explanation as such. Models are usually produced by individual theologians who provide particular opinions and arguments to contribute to the development of the general conception of the atonement as perceived by specific communities and churches. Models therefore have a narrower focus than atonement doctrines. Classic atonement models include the governmental view, satisfaction, and penal substitution, as well as a number of the patristic atonement accounts like those by Athanasius and Irenaeus. This applies to Calvin, Turretin and Grotius who are individual writers, in a specific context, attempting to provide a mechanism for the atonement, while not claiming their view to be wholly complete or exhaustive. Therefore, according to Luther and Calvin (depending on the scholar) penal substitution is one metaphor or motif being used. And for Calvin, Turretin, and Grotius, it would be akin to a model.

Last is a theory, which is more comprehensive than a doctrine or a model (Crisp 2017:332). The only atonement account that Crisp identifies as fitting this category well is the kaleidoscopic view by Mark Baker and Joel Green. The goal is to offer a theory about conceptualizing different atonement models relative to each other and to the doctrine of atonement. Baker and Green claim to provide a means to conceptualize all the current models of atonement as limited metaphorical “windows” onto some larger whole. This is more akin to a meta-model or theory, instead of just another model, concerning currently existing atonement models, one that contemplates other important factors like social location and epistemic purview. Therefore, for point one, none of the Reformers seem to hold penal substitution as a “doctrine” or even a “theory” but more akin to a “model” or “metaphor.”

4.3.2 The kaleidoscopic view

The kaleidoscopic view holds that each atonement account functions as incomplete symbols and therefore should not be taken too far or viewed too literally (Burnhope 2012:346). All these accounts are relevant to a complete understanding of the atoning significance of Christ, and each describe a reality but indirectly. Supporters of this view highlight that there is no single articulation of the atonement within scripture (Burnhope 2012:346). Stephen Sykes (1997:23) holds that there is a salvation story but it exists in a plurality of forms. As not everyone lives in, and will be persuaded by, one overarching narrative there will be multiple atonement accounts. Due to post-modernism the Church may have to claim there is a great story which is true and derives from God’s own actions with the power to transform lives (p.24). But it can be acknowledged that, within the multiple versions of the story there is room for imaginative freedom and improvisation. As Sykes (1997:24) continues:

It seems the ‘great story’ exists in our head as snatches, so to speak. We have a sense of it having the shape of a story, with a setting, theme, plot(s) and resolution – but the plot or plots can be told in episodes, and the episodes lend themselves to different versions. There is enough coherence to provide a unity, but not so much definitive detail as to stifle the capacity for improvisation on the theme.

It should be understood, for missiological and pedagogical reasons, that Sykes is mirroring, not yielding, to postmodern thinking (Burnhope 2012:347). Different people

interpret the same reality differently as per their different worldviews or paradigms (ibid.). Conceding that within scripture there are multiple, overlying, and complementary images and metaphors, all seeking to explain the character and identity of God and our relation to God, it should be expected for the bible to similarly reflect the atonement.

Peter Schmiechen (2005:4), considers the underdeveloped nature of the atonement in the NT and the early church and provides two points: firstly, there lacked a primary story to answer all the questions the NT poses. Christian teaching, preaching, and apologetics, would have utilized the one primary explanation if all questions had been answered. The church formally adopted creedal statements concerning the Trinity and Incarnation and yet never did the same for the atonement (p.5). The atonement is inherently complex and diverse such that it resists being restricted to a single answer. Secondly, Jesus' life, death, and resurrection are not self-explanatory events. These all, contrary to the conservative view, require explanation. Atonement theories thus try to deliver an internally coherent account of Jesus' life, death, and resurrection which is, fundamentally, evangelical in nature. Schmiechen, like Sykes, gives the accounts room to interpret the story of Jesus in ways that are relevant to new circumstances, inviting a new generation in the community of believers (Burnhope 2012:348). This is the contextual value of atonement accounts which binds the various accounts as follows: firstly, by operating in prescribed circumstances as they are completed narratives – all atonement accounts are interpretations of post-resurrection events that have occurred in history. Secondly, there are specific patterns focussed mostly on relational notions: between Jesus and God; Jesus and the religious practices and Jewish scripture; Jesus and the disciples before his arrest.

Lastly, John Howard Yoder (2002:233–234) acknowledges a diversity in positions but is hesitant to conclude that there is no single right story. To account for this diversity, he raises the notion of pluralism as the right answer. This may be appealing culturally, but part of theology's task is to guard against incorrect teaching. Instead, relative pluralism may assist the church in overcoming a type of cultural narrowness. Although a right answer may not be possible, Yoder posits that some answers, at least, are better than others. For any atonement account, the cross of Christ must be in centre focus in the evangelical understanding (Burnhope

2012:349). The cross may possess a secondary metaphorical application but is itself a real event, not a metaphor. It clearly possesses deep significance in the NT record and therefore any atonement account that disputes the centrality of the cross to the plan “dissolves the only story the church has ever known” (McKnight 2010:61)

The kaleidoscopic view holds “Christ is crucified” as the method for understanding God’s eternal purpose, with the variety of voices in scripture and Christian tradition with regards to unpacking the atonement being the principle ground for its multivalent view (Burnhope 2012:349). Intrinsic and inherent to God’s purpose is the significance of Christ’s death such that there may be no single exhaustive manner to articulate its meaning for our salvation. NT authors created a wide collection of images for conveying the saving importance of the cross, assembled around areas of public life in antiquity. This allowed them to make Israel’s ancient scriptural images familiar by drawing on the audiences’ life worlds. With regards to the second point, the Reformer’s do not seem to try and limit themselves to one atonement account but seem to place themselves within this kaleidoscopic view through their multiplicity of metaphors and motifs.

4.3.3 Epistemological presuppositions

The issue the kaleidoscopic view poses is whether penal substitution can be one understanding among many or if it must have priority over other atonement accounts that should, at best, be placed in a subordinate function (Burnhope 2012:345–346). Should no atonement account be seen as controlling, or is penal substitution so integral to biblical faith that this is exactly how it should function? Also, how does the Reformers position fit in with this? What makes the nature of this issue particularly awkward is that no “both/and” solution appears available. The underlying epistemological presuppositions may further illuminate this discussion (p.357).

The Enlightenment’s concept of truth, based on the four components of objectivity, universality, eternity, and intelligibility, underlies modern western culture and society (Burnhope 2012:357). Enlightenment “foundationalism” uses the metaphor of a building, where a set of undisputed basic beliefs that are meant to be universal and context-free operates as the “foundation”. For Burnhope (2012:357), the core notion of foundationalism:

is that a 'most basic' belief on any given subject anchors other beliefs that arise as conclusions from it. Thus, the foundationalist's initial task for the construction of a knowledge edifice on a subject (such as atonement) is to determine the foundational belief or principle on which that subject-knowledge rests.

Enlightenment epistemology exists within the hermeneutical expectation of penal substitution as one foundational theory (Burnhope 2012:357). For example, one advocate for penal substitution, Thomas Schreiner (2006:67) claims that, when scripture is considered as a canonical whole, penal substitution acts as the foundation for all other atonement accounts. However, foundationalism is no longer unconditionally accepted, with postmodern thinkers preferring a "belief mosaic" approach, or to think of knowledge like a spider's web where each strands supports others (Burnhope 2012:358). This "web of belief", with truth having implied and limited anchor points, for conservative thinkers, is very close to an epistemology that has been infiltrated by the postmodern rejection of absolute truth. Contrasting this is that these different metaphors comfortably exist within a kaleidoscopic view. A post-foundational approach to epistemology as one's starting point means no one atonement theory is necessarily the most basic. On the other hand, preserving one such belief will undertake even more importance if it is understood as defending, against postmodern relativism, the traditional Christian metanarrative.

The cornerstone of the Reformed approach to theology is *sola Scriptura*, the "formal principle" of the Reformation (Burnhope 2012:358). Scripture either expressly sets down everything necessary for salvation, faith and life, or it can be deduced from Scripture. Nothing, whether it is human tradition or new revelation of the Spirit, may be added at any time. The *reliability* of scripture, the inherent truth as the Word of God, is closely connected to the *authority* of scripture. There are two reasons this is important: firstly, even if one allows for the unequivocal acceptance of *sola Scriptura*, in the absence of any credal statements it can be questioned what is necessary to determine the authoritative hermeneutical method by which one can deduce what the atonement story that has been expressly set down in scripture is. Luther and van Eck disputed whose interpretation was important: the Church's understanding in the form of tradition, or the ordinary believer. It is possible that with the atonement debate this has switched, with the Reformers' conception inhabiting the ground of Church tradition.

Secondly, it is easy to combine the defence of scripture *itself* with the defence of a specific *understanding* of what scripture teaches on a subject (Burnhope 2012:359). For example, Holmes (2007:42–43), possibly agreeing to an *a posteriori* hermeneutic of the atonement while attempting to defend it, writes:

Much of the language about the atonement in the NT could be understood in penal substitutionary terms if we had good reason to do so, but equally could be understood in other terms. When we read of Jesus ‘redeeming’ us, or ‘paying the price’ for our sin, if we already know from somewhere else that penal substitution is the right way to understand the atonement, then we can read these as different ways of describing penal substitution. When you look at writers arguing that penal substitution is the right way to understand the cross in the Bible, this seems to be what a lot of them do.

This relates back to the effect culture can play in understanding divine justice³⁶. Some atonement accounts will be more appealing than others, and will be more applicable and acceptable depending on the culture (Green 2006:185). Those accounts should be set aside that counter the scriptural narrative as understood within the classical faith. This, however, should not deter one from viewing the biblical narrative, which many seek to embody and live out in their lives and communities as Jesus’ followers, permits a wide range of images and models for understanding and articulating, the atonement. Anyone who desires to be informed by tradition and shaped by scripture, but also not be a product of any specific culture, needs to be aware of identifying cultural impressions within current theology (Burnhope 2012:361). Protestant theology, to its detriment, may be criticised for being overly susceptible to the events, creeds and confessions of the sixteenth and seventeenth century. However, the quest for a culture free theology may be unattainable. Culture should be seen as a theological resource, with the gospel being embodied in culturally conditioned forms. To avoid cultural appeasement, the gospel calls all cultures into question, including the original culture it was first embodied.

³⁶ This has already been acknowledged to some extent in chapter two, section 2.2.2.3 “western retributive justice versus Hebraic covenant justice”.

While the appropriate hermeneutical method to determine the atonement story as expressly observed in scripture is still uncertain, a few observations can be made: Firstly, with regards to culture it may be impossible to completely separate its influence on Christian thinkers as they embark on the task of biblical hermeneutics. The Reformers cultural understanding of justice was clearly retributive, but to conclude this resulted in them reducing divine justice to their specific cultural context, when a wide range of scriptural evidence supporting their understanding of justice has been offered, is insufficient. Secondly, none of the research has shown the selected Reformers argue penal substitution to be the only atonement doctrine above and beyond all others. Rather, they all seem to endeavour to describe a complex theological concept by utilizing various images, metaphors, and models. As Craig (2020:215) writes:

Atonement theories emphasizing redemption should thus not be seen as stand-alone theories but rather serve to highlight one aspect of a multifaceted atonement theory that has penal substitution as its centre.

This may be considered in a foundational aspect like Craig, Schreiner, and perhaps even Calvin, Grotius, and Turretin, seem to hold. Whereby any atonement account must have penal substitution as the basis from which all else is built upon. Or maybe in terms of a “spider web” approach that Luther seems to embody, where no particular atonement account is superior to others. It must be said that Luther considered penal substitutionary language vital to the atonement, and thus any atonement account must include penal substitution as part of its “web”. Either way, it is possible to provide an account of penal substitution that is coherent with other atonement accounts.

Therefore, the objection that penal substitution is reductionist as it reduces divine justice to purely retributive terms and ignores the wider structure of divine justice, is only accurate for the penal substitution theorist who views it as the only atonement doctrine. To the penal substitution theorist, like many of the Reformers, where it is a means to make sense of a very particular form of divine justice, retributive justice, then this objection fails. This is not to say the other forms of divine justice are not important and should not be considered, merely that it is not within the scope of penal substitution. Other atonement accounts which focus on, for example, the restorative aspect of divine justice, could be compatible with penal substitution. One

could argue that if no single atonement account can sufficiently make sense of, and explain all, the biblical data concerning the atonement, then it would be difficult to expect one atonement account to make sense of, and explain all of, divine justice. Perhaps a multiplicity of atonement accounts is needed to make sense of divine justice. One last objection might be towards the place of penal substitution within the kaleidoscopic view. If foundationalism is best, should penal substitution be the base from which all others are built upon? This would imply that the “base” consists of retributive justice which all other forms of divine justice exist upon. William Ames, for example, who seems to adopt a foundationalist perspective of divine justice, places retribution, not as the base, but rather as a subordinate of distributive justice which, in turn, is considered not only within the moral law, but also after rectoral justice. If it is a “spiders web” approach does this imply there is no hierarchy in terms of the focus of divine justice?³⁷ That all forms of divine justice are equal and should be considered as equal? While important questions to consider, they are not relevant to this section which sought to explore if the Reformers unnecessarily reduce divine justice to purely retributive terms which, it may be concluded in this very specific context, they do not.

4.4 Conclusion

This chapter evaluated whether penal substitution, as per the Reformation, is coherent with the explored understanding of divine justice. According to the sub discipline of logic, penal substitution is coherent with divine justice if it rationally flows from or is logically consistent with it. This means that the truth claims of penal substitution do not contradict those of divine justice. The three objections concerning the coherence of penal substitution and divine justice being that it is influenced by its legal environment; penal substitution is self-contradictory as it both upholds divine justice as retributive justice and promotes the punishment of Jesus, an innocent person, which undermines retributive justice; and it unnecessarily reduces divine justice to purely retributive justice. This was done in three sections: 1) the Reformers use of retributive justice in the light of divine retributive justice; 2) the punishment of

³⁷ A hierarchy of divine justice may have already been observed, as it has already been noted how God may seek mercy over retributive justice, and to favour the poor and oppressed over the rich.

Jesus; 3) retributive justice and the larger concern of divine justice. It was shown that the Reformers made use of a form of divine justice, retributive justice, that is clearly evident within scripture; the Reformers, through a divine pardon, can account for the tension between retributive justice and mercy; and that while penal substitution focusses almost exclusively on retributive justice, it could be utilized with other atonement accounts that make provision for the larger framework of divine justice. It is therefore possible to conclude that penal substitution is coherent with divine justice.

CHAPTER 5

5. Conclusion

The aim was to engage in a systematic-theological study of the Reformation atonement theory of penal substitution and its coherence with divine justice. The problem this study sought to address was whether penal substitution read meaning into the text as influenced by the cultural legal environment, was self-contradictory, or unnecessarily reduced divine justice to purely retributive terms. The study considered three objectives. Firstly, to identify a broad overview, or structure, of divine justice. Secondly, to examine the Reformation atonement theory of penal substitution and its understanding and application of divine justice. Thirdly, to engage in an evaluative discussion based on the findings of the previous two chapters.

5.1 Overview

Chapter two began with an acknowledgement of the challenge of divine justice. It is an ambiguous term whereby the bible commands us to be “just” but says little by way of explanation or application. The challenge was therefore to note a broad overview, or structure, of divine justice with this ambiguity in mind, as well as to note the place of retributive justice within this structure. The first step was to explore the four main theories of justice within contemporary philosophy (procedural, restorative, retributive and distributive justice) and their possible use and application within four OT narratives. Abraham and God’s dialogue brought the notion of retributive justice to the foreground. God seeks to uphold retributive justice which, in this case, involves punishing Sodom. Abraham is concerned that God might destroy the righteous along with the wicked, but God reveals that God will spare the guilty for the sake of the righteous. Thus, negative retributivism seems to be placed above positive retributivism in divine justice. The hardening of Pharaoh’s heart furthers the notion of retributivism as God hardens Pharaoh’s heart so that he cannot repent and therefore deserves retributive punishment. Moses, the Israelites, and their possible lack of free will and undeserved suffering also challenges retributivism. Jonah, a strict retributivist who represents the morality of antiquity, reveals God to be slow to anger and quick to forgive. This narrative deals directly with the challenge between God’s retributive justice and God’s mercy. Jonah believes God must punish all sins, while God reveals that God, at times, favours mercy to punishment. Lastly, Job

introduced the notion of the suffering of the righteous. Job determines his suffering to be unjust as he is innocent and blameless. This calls into question God's positive and negative retributive justice. Some attempts can be made to view Job as either guilty, and deserving of punishment, or undergoing a divine test. However, another possible explanation is that God's view of justice extends beyond human ideals of fairness and retributivism.

From these narratives an exploration into some of the justice terminology with the OT and NT was undertaken. This involved the hendiadys of *mishpat* and *tsedaqah* and the NT *dikaioyne*. These terms revealed that while retributive justice is clearly an element of divine justice, it also exists in tension, and possible conflict, with mercy and forgiveness. The hendiadys contains both retributive and distributive justice, but also restorative justice and an emphasis on charity, the helpless and the weak. It also considers the needs of society as a whole. *Dikaioyne* is obscured due to an issue of translation but possess the ideas of distributive, retributive and procedural justice. It is a broad term which is also applied to the "way" of justice and, while dominated by forensic imagery, this can overshadow the main focus which is "doing justice". The OT and NT justice terms develop one's understanding of divine justice which clearly has distributive and retributive as essential elements.

And lastly divine justice and the kingdom of God motif was explored. This examined a broad understanding of what the kingdom of God is, which was closely linked to the person and works of Jesus Christ. The kingdom sides with the oppressed, is focused on healing, the poor, and life. It also explored the centrality of the kingdom of God motif in scripture and William Ames use of the kingdom of God to present a structure of divine justice that, while having retributive justice as an element, was also far greater than merely retributive justice.

Chapter three began by noting that scripture is a coherent whole, and therefore the Reformation atonement theory of penal substitution should cohere with divine justice for it to be considered biblical. A necessitarian and non-necessitarian definition of penal substitution were presented, the difference between the two being whether Christ was punished for our sins, or suffered what would have been our deserved punishment. The study was delimited to Martin Luther and moved through John Calvin, Faustus Socinus, Frances Turretin, and Hugo Grotius. Throughout this

progression it was evident that their understanding of divine justice centred around retributive justice. While there was a multiplicity of metaphors or motifs used within their language to describe their atonement understandings, penal substitution, and legal terminology, dominated their viewpoints.

Lastly, chapter four sought to evaluate the findings of chapter two and three to determine if penal substitution is coherent with divine justice as per the three objections. The first objection dealt with whether penal substitution's use of retributive justice was culturally, not biblically, determined. Therefore, penal substitution is not consistent with scripture and is incoherent with divine justice. A threefold approach was adopted. Firstly, it was shown that the Reformers found retributive justice to be an essential element of divine justice and they make use of legal terminology based on the logic of the law court. Secondly, it was shown that there is precedence within scripture for this legal terminology and to think of retributive justice as an essential element of divine justice, as well as to talk of divine justice in terms of the logic of the law court. It is clearly observed throughout scripture and therefore logical for the Reformers to utilize it in their atonement thinking. Thirdly, divine justice not only embodied retributive justice, but this exists in tension with mercy and forgiveness. For penal substitution to logically flow from, or be coherent with, divine justice it must not only account for retributive justice but must also provide an account for the tension between retributivism and mercy and forgiveness. Here it was shown that the penal substitution theorist may appeal to the notion of a divine pardon. The strength of the necessitarian penal substitution theory is that it takes the retributive aspect of divine justice seriously and it also provides a means for God, out of his mercy and grace, to extend a divine pardon to humanity thereby allowing us to receive God's forgiveness. A divine pardon also speaks into the area of justification which is an integral part of the Reformers atonement understanding. Based on this discussion it was therefore observed that, on point one at least, penal substitution is coherent with divine justice.

The second objection was the punishment and suffering of Jesus as an innocent person. If retributive justice is essential to divine justice, as has been claimed, and negative retributive justice holds that it is unjust for the innocent to be punished, then it logically follows that penal substitution is incoherent with divine justice as Jesus Christ was innocent and yet punished for our sins. Four points were considered:

Firstly, one could adopt a non-necessitarian definition of penal substitution. Secondly, the Divine Command Theory of ethics questions what grounds moral duties. Thirdly, the *prima facie* demands of retributive justice may be outweighed by *ultima facie* moral considerations. Fourthly, according to the doctrine of imputation, one can question whether Jesus was innocent when punished. Any of these four considerations should be enough to meet the objection that it was unjust for God to punish Christ and so penal substitution is incoherent with divine justice. As it stands, penal substitution is still coherent with divine justice.

Lastly, methodology, the kaleidoscopic view, and epistemological presuppositions were dealt with. The first point considered was whether to view penal substitution as a theory, metaphor, model, motif, or doctrine. If one conceptualises penal substitution as *the* atonement theory or doctrine, then it could be incoherent with divine justice as it does not take into account the wider concerns of divine justice (offered by William Ames as well as the wider concerns of the kingdom of God). However, if penal substitution is viewed through the lens of being one of many motifs or models with a specific focus on God's retributive justice, then it could be considered coherent with divine justice as it is not aiming to provide a full picture of divine justice. It is instead taking a very specific approach and allowing room for other atonement accounts to consider, and make sense of, other aspects of divine justice. The kaleidoscopic view flows naturally from this perspective. The kaleidoscopic view considers each atonement account to function as incomplete symbols, with each account being relevant to a complete understanding of the atonement. Penal substitution would therefore be one incomplete atonement account existing in unison with other atonement accounts. "Incomplete" in this sense is purely meaning that it does not explain, or make sense of, divine justice in its entirety. Penal substitution speaks to the retributive nature of the atonement, while another atonement account could be used to speak to another aspect of divine justice. Due to the highly ambiguous nature of divine justice, a plurality of atonement accounts may be needed to fully conceptualise its role in the atoning sacrifice of Jesus Christ. This brings forward the last point that was considered, the epistemological presuppositions.

Penal substitution could be viewed from either a foundationalist perspective or a post-foundationalist perspective. The former would require viewing penal substitution

as the “base” from which all other atonement accounts are built upon. This would require retributive justice to be the base from which all other forms of divine justice are built upon (something authors like Ames would take special consideration of). The latter would view penal substitution as one thread in a “spiders web” approach. Where neither atonement account is viewed as superior to others, but rather need to all “connect” with each other. Thus, divine justice is not superior to other forms of divine justice but rather “connects” to them in some way. Penal substitution would be a vital and necessary “strand” in any atonement account. Either perspective allows for penal substitution to be considered along with other atonement accounts and forms of divine justice.

It was therefore concluded that, based on the objections discussed, there are no logical inconsistencies between the Reformers account of penal substitution and divine justice. Penal substitution, as understood by the Reformers, is thus coherent with divine justice from within this very narrow evaluation.

5.2 Recommendations for further research

Perhaps the biggest area that stills needs further research and development is that of divine justice. Developing a theory, or understanding, of divine justice that takes into consideration the entire biblical narrative, and the full body of our current understanding of justice, is challenging. Furthermore, considering a “hierarchy” within divine justice, or the relationship between different elements within divine justice as per the epistemological presuppositions. Is it “foundational” with retributive justice at the base? Or do these elements of justice “connect” with neither one being above nor below the other? Other areas such as: creation, covenant, the law of Moses; further ethical issues such as the killing of the Canaanites, Abraham and the sacrifice of Isaac, or God’s judgement of Ananias and Saphira, could also be considered.

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