

PUNISHMENT, FORGIVENESS, AND DIVINE JUSTICE

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Originally published in *Religious Studies* 29, 151-168

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Introduction

According to a long theological tradition that stretches back at least as far as St. Augustine, God's justice and mercy are distinct, and in many ways quite different, character traits. In his great epic poem, *Paradise Lost*, for example, John Milton goes so far as to suggest a conflict, perhaps even a contradiction, in the very being of God; he thus describes Christ's offer of himself as an atonement this way:

No sooner did thy dear and only Son
Perceive thee purpos'd not to doom frail Man
So strictly, but much more to pity inclin'd,
Hee to appease thy wrath, and end the strife
Of Mercy and Justice in thy face discern'd
Regardless of the Bliss wherein hee sat
Second to thee, offer'd himself to die
For man's offense.¹

Here Milton suggests, first, that the fall of the human race produced a conflict within the heart of God, a 'strife' between his mercy and his justice, and second, that Christ's atonement somehow managed to resolve the conflict. Presumably the source of the conflict was this: As a righteous judge, God willed something for the fallen human race that he could not possibly will in his role as a loving father; and as a loving father, he willed something that he could not possibly will in his role as a righteous judge. As a righteous judge, he willed that justice should prevail; and since justice requires retribution for sin, he was quite prepared to punish sin—in hell, for example—without any regard for the sinner's own good. But as a loving father, he also wanted to forgive sin and to permit his loved ones to escape the terrible punishment they deserved on account of

their sin. Hence the strife within the heart of God, and hence the need for an atonement that would appease the wrath of God—that is, satisfy his justice—and put an end to the strife. It is almost as if, according to Milton, Christ died not to effect a cure in us, but to put an end to a bad case of schizophrenia in the Father. That may be a bit of a caricature, but it illustrates the point that, according to Milton and a host of other theologians, Christ died in order that God might be merciful to sinners without doing violence to his own sense of justice.

I have suggested that such ideas have a long history, extending back at least as far as St. Augustine. But some may wonder whether Augustine really held such a view. For in some of his philosophical reflections upon the nature of God, at least, Augustine explicitly sets forth a doctrine of divine simplicity: the difficult to understand (and, I suspect, finally incoherent) idea that each attribute of God is identical with God himself and with every other attribute of God.² And whatever else one might say about such a doctrine, it seems obviously inconsistent with what I am here calling "the Augustinian picture of God": the idea that mercy and justice are distinct and opposing attributes of God. In many of Augustine's theological writings, however—particularly those produced towards the end of his life and those in which he stresses a doctrine of limited election—he clearly does proceed as if justice and mercy were distinct and opposing attributes of God. In the *Enchiridion*, for example, he argues that all human beings, by reason of their relationship to Adam, are part of "a corrupt mass"; that all of them, the children no less than the adults, therefore *deserve* everlasting punishment. He argues further that God selects from this corrupt mass a limited elect to which he extends his mercy; having made *them* a special object of his love, he saves them from their sin. The rest God simply leaves in their sin and guilt, and they have, Augustine insists, no grounds for complaint thereupon: For God merely gives them the punishment they deserve.³ So the rest are objects of God's justice, but not his mercy, and that is

possible only if justice and mercy are distinct attributes of God. Accordingly, though Augustine does at times defend a doctrine of divine simplicity, his predestinarian theology rests upon a very different picture; and it is this latter picture, which so influenced John Calvin and the later Protestant Reformers, that I shall henceforth call the Augustinian picture of God.

Now one of my aims in what follows is to contrast this Augustinian picture, as I shall call it, with a radically different picture of the simplicity of God's *moral* nature. According to the alternative picture, God's mercy and justice are not distinct attributes that sometimes push him in opposite directions, thereby creating a conflict within him that someone else, namely his Son, must resolve for him; to the contrary, God has but one moral attribute and that is loving kindness. It would even be misleading, given the simplicity of God's moral nature, to say that mercy and justice are different expressions of the one attribute, loving kindness; for though God's love may indeed take different forms at different times, his mercy demands everything his justice demands, and his justice permits everything his mercy permits. According to the alternative picture, in other words, 'mercy' and 'justice' are but two different names for God's one and only moral attribute, namely his love.

Such a picture seems to me both more coherent and more faithful to the theology of St. Paul than the Augustinian picture, but I shall not try to defend such controversial claims in any detail here. My purpose here is more modest and more preliminary than that. In what follows, I shall be content to point to some difficulties (as I see them) in the Augustinian picture and to illustrate a different way of putting things together. Augustine not only articulated a powerful—though also, in my opinion, a flawed—conception of God; he also put a lot of things together in imaginative and creative ways. And that, more than anything else, explains the success that Augustinian theology has had over the centuries: By communicating a relatively simple picture of

how to put things together, Augustine inspired belief in subsequent generations. Accordingly, after setting forth some difficulties with the Augustinian picture, I shall try to illustrate a different way of putting things together, one that begins with the assumption that God's justice is no different from his mercy and hence no different from his love.

The Idea of Divine Retribution

A fundamental precept of Augustinian theology is that God will eventually save some, but not all, sinners from the punishment they deserve. But just what is the punishment that those who remain in their sin shall have to endure? As Augustine describes it, "deserved and supreme misery shall be the portion of the wicked"⁴; the wicked shall have to endure, first, everlasting separation from God, and second, everlasting "physical" torment in the form of literal flames which, though they produce the same experience as an earthly fire, never consume those who writhe forever in them.⁵ Similarly, John Milton, despite his emphatic rejection of Augustinian predestination, describes the fate of those who freely reject the grace of God in Jesus Christ this way:

The second death, the punishment of the damned, seems to consist of the loss of the supreme good, that is, divine grace and protection and the beatific vision, which is commonly called the punishment of loss. It consists also of eternal torment, and the usual name for this is the punishment of sense.⁶

Now behind any such doctrine of everlasting punishment lies a particular philosophical theory about the nature of punishment and the nature of moral guilt. We may call it, as many others have, the retributivist theory of punishment. According to this theory, the justification for punishment has nothing to do with deterring crime, or with rehabilitating the criminal, or with protecting society against criminal behavior; these may all be worthy goals, but they have nothing to do with punishment *as* punishment. The only justification for punishment *as* punishment is that it serves the cause of justice; hence the only question relevant to any given punishment *as* punishment is whether the punishment in fact *fits* the crime. If Judas betrayed Jesus for thirty

pieces of silver, then the first question is whether Judas was truly responsible for his act and had therefore acquired some measure of guilt; if he had, then justice requires that he receive in return a certain penalty, perhaps suffering of some degree or a compensating loss of some specifiable kind. St. Anselm, a clear proponent of such a theory, thus speaks as if the sinner acquires a kind of debt; in the very act of disobeying God, he or she fails ‘to render to God what is due’ and thus ‘dishonors Him and removes from Him what belongs to Him’.⁷ So in effect the sinner steals from God, or at least tries to steal, his honor. But in the end, says Anselm, it is ‘impossible for God to lose His honor. Either the sinner freely repays what he owes or else God takes it from him against his will.’⁸ In the latter case, God restores his own honor by punishing the sinner: ‘when because of his sin he [the sinner] is deprived of every good, he is repaying from his own possession (although against his will) what he has seized.’⁹ In that way, the punishment of the sinner—that is, the infliction of suffering, or at least the removal of happiness—balances ‘the scales of justice’ and makes up for, or is satisfaction for, the sin itself.

According to retributivists, then, the most important purpose of punishment is to satisfy the demands of justice, that is, to extract from the guilty a compensating loss; and according to many theists in the Augustinian tradition, that is also God's sole purpose in punishing the damned: to extract from them a compensating loss so that the scales of justice will balance. Now I believe, for reasons I shall give below, that such a theory is fundamentally flawed. But within a certain legal context, the retributivist theory does have some strengths that we should perhaps appreciate, and retributivists have pointed to important difficulties in such utilitarian theories as the deterrence theory or even a simple rehabilitation theory. As retributivists are fond of pointing out, such theories tend to sever the concept of punishment from that of justice and thus to open the door for tyranny.¹⁰ If the primary purpose of punishment were to deter crime, for example, and we

should find that on certain occasions we can accomplish that by punishing an innocent person—perhaps a child of the guilty party or someone whom the vast majority believe to be guilty—then we would seem to have a justification for punishing the innocent. Or, if the primary purpose were to rehabilitate the criminal without regard for the criminal's own autonomy and rights as a person, we might feel justified in subjecting the criminal, against his or her will, to excessive 'punishment'—that is, to prolonged and cruel treatment—for a minor offense, or even for no proven offense at all. According to the retributivist, however, the primary consideration in punishment should be justice, not deterrence and not rehabilitation. It is never *just* to punish an innocent person, whatever deterrent value such punishment may seem to have; nor is an excessive punishment ever just, whatever value such 'punishment' may seem to have as a means of rehabilitation. And in addition to these important ideas—that a just judge never intentionally punishes the innocent and always tries to fit the punishment to the crime—retributivists make an even stronger point about the nature of law, namely this: The very difference between a law or a command on the one hand and a mere request on the other is that the former, unlike the latter, requires something like retribution in the case of disobedience. This is not really a point about when punishment is justified; it is a logical point about when a rule is, and is not, a law. You simply cannot have a law, except in name only, without also having some penalty in the case of disobedience. So if God wants to do more than simply make requests, if he wants to issue commands or to establish the rule of law, he must also ensure that those who disobey his commands or his laws suffer a punishment of some kind.

Accordingly, whatever defects the retributivist theory may ultimately have, retributivists have made an important contribution to our understanding of the relationship between law and punishment. They have also helped to clarify the idea of an excessive punishment. Contrary to

popular belief, the Old Testament principle of retaliatory justice—‘an eye for an eye and a tooth for a tooth’—was never instituted for the purpose of justifying harsh punishment for serious crimes, something that no one at the time would have questioned; it was instituted for the purpose of eliminating excessive punishment, such as capital punishment in exchange for a tooth. The idea was very simple. We must measure the seriousness of a crime according to the degree of harm done, and we must proportion the punishment to the seriousness of the crime.

He who kills a man shall be put to death. He who kills a beast shall make it good, life for life. When a man causes a disfigurement in his neighbor, as he has done it shall be done to him, fracture for fracture, eye for eye, tooth for tooth; as he has disfigured a man, he shall be disfigured (Leviticus 24:17-20).

This may seem harsh and unforgiving, as indeed it is, but it also has the effect of placing strict limits upon allowable punishment. And it raises an intriguing question: Given the principle of equal retaliation (*lex talionis*), for what sort of crime might everlasting torment be a just retaliation? I think we can, if we are clever, imagine such a crime. Consider a world in which one person not only murders another but somehow manages to annihilate the soul of the other, that is, somehow manages to put the other out of existence altogether; or, consider one in which one person somehow manages to inflict everlasting suffering upon someone else. If we can imagine a world in which one person does *irreparable harm* to another, then in such a world perhaps the one responsible for such irreparable harm *would*, given the principle of equal retaliation, deserve to suffer everlastingly in return. But if God is both omnipotent and perfectly loving, no such crime is even possible, it would seem, in a world that God has created and therefore governs. For if an action were so heinous, so dire in its consequences for others, that its perpetrator would deserve to suffer everlastingly in return, then a loving God would never permit it in the first place; his love for the potential victims would require him to protect *them* from such irreparable harm, and in so protecting them, he would likewise be preventing others from *doing* irreparable harm.

Insofar as the degree of harm done determines the gravity of an offense, therefore, God could never permit any offense that would warrant everlasting torment as a just penalty.

So here we already have, I believe, an initial difficulty for the doctrine of hell, as Augustine and Milton understand it. That doctrine clearly requires a retributivist theory of punishment, but it also seems to contradict the retributivist's own principle of equal retaliation: the principle that punishment must be in direct proportion to the degree of harm done. According to retributivists, certain punishments are *intrinsically fitting* for certain crimes in this sense: They satisfy the demands of justice; a greater punishment would be excessive, and a lesser one would fail to satisfy justice to the full. But then, if that is true, those who endure the appropriate punishment for their crimes should then be free of guilt; having paid their debt, they would no longer need forgiveness and no longer deserve further punishment. And because God necessarily limits the harm that anyone can do to others, all of us, including the world's worst criminals, should therefore be able to pay for the sins we commit in this life over a finite period of time. Even if we accept a retributivist theory, therefore, we are entitled to ask: Why should *everlasting* torment be an appropriate punishment for any actual crime? At the very least, it would seem, the Augustinians must either reject or modify the retributivist's principle of equal retaliation. They must defend a proposition which, on its face, seems indefensible: the proposition that, despite the limited harm we have done to others, our actions are so heinous (and our guilt of such magnitude) that we deserve a punishment, namely everlasting torment, which is far out of proportion to the harm we have actually done.

Concerning Guilt and the Question of Desert

One question for the Augustinians, then, is this: Even if we accept a retributivist theory of punishment, why should anyone suppose that some sinners actually *deserve* to suffer everlastingly

for their sin? The question is especially acute when we consider the supposed source of guilt.

For as I indicated above, Augustine appeals to the fall of Adam and to the doctrine of original sin in an effort to explain the source of our own guilt; he insists that this ‘one sin originally inherited, *even if it were the only one involved* [my emphasis], makes men liable to condemnation.’¹¹ And following Augustine, John Calvin makes a similar appeal:

Original sin . . . seems to be a hereditary depravity and corruption of our nature, diffused into all parts of the soul . . . [As a result], we are so vitiated and perverted in every part of our nature that by this great corruption we stand justly condemned and convicted before God, to whom nothing is acceptable but righteousness, innocence, and purity.¹²

From the perspective of a retributivist theory of punishment, however, the appeal to original sin merely compounds the difficulty. One of the most important intuitions underlying the retributivist theory is that we are neither responsible nor justly punished for the sins of another; and if we accept that intuition, then the idea of *inherited guilt* makes no sense at all. If, as Calvin suggests, we have inherited a depraved and corrupt nature, if we are subject to evil impulses not of our own making, then God has *less* to forgive us for, not more. He may have more to *deliver* us from, but not more to forgive us for. Consider how one author in the Augustinian tradition, Loraine Boettner, describes the effects of original sin:

Man's fallen nature gives rise to the most obdurate blindness, stupidity, and opposition concerning the things of God. His will is under the control of a darkened understanding, which puts sweet for bitter, and bitter for sweet, good for evil, and evil for good.¹³

Virtually every one of these supposed effects is, from the perspective of a retributivist theory of punishment, an excusing condition: Such conditions as ‘blindness’, ‘stupidity’, and a ‘darkened understanding’, particularly when not self-imposed, can only *decrease* our personal guilt; they could hardly *increase* it. So if anything, the doctrine of original sin, as many have interpreted it, seems to provide an additional reason for *denying* that you and I deserve to suffer everlastingly

for our sin. Such a doctrine merely pushes the crucial question one step further back anyway. For even if we set aside the problem of inherited guilt, the most fundamental question remains: Why should anyone think that everlasting torment is a just punishment for *any* act of rebellion, whether it be yours, or mine, or Adam's, or even that sometimes attributed to Satan himself? How could any finite being, limited in power and knowledge and wisdom, subject to deception and blindness, ever do anything that would deserve such punishment by way of a just recompense?

In an effort to answer such questions, St. Anselm argues that the gravity of an offense has nothing to do with the degree of harm done; neither does it have anything to do with potential harm, or even intended harm. He asks us to consider a simple example: Suppose that God were to forbid you to look in a certain direction, even though it seemed to you that by doing so you could preserve the entire creation from destruction.¹⁴ If you were to disobey God and to look in the forbidden direction, you would sin so gravely, says Anselm, that you could never do anything to pay for that sin. As a good retributivist, Anselm first insists that 'God demands satisfaction in proportion to the extent of the sin'.¹⁵ He then goes on to insist: 'you do not make satisfaction [for any sin] unless you pay something greater than is that for whose sake [namely God's] you ought not to have sinned.'¹⁶ And this seems to imply that the greatness of the one against whom an offense occurs, not the degree of harm done, determines the extent, or the gravity, of the sin. So perhaps Anselm's argument is this: If God is infinitely great, then the slightest offense against God is also infinitely serious; and if an offense is infinitely serious, then no suffering the sinner might endure over a finite period of time could possibly pay for it. So either the sinner does not pay for the sin at all, or the sinner must pay for it by enduring everlasting suffering (or at least a

permanent loss of happiness). And since, for Anselm, every sin is ultimately a sin against God, it follows that no sinner could ever pay for any sin over a finite period of time.

This is, in truth, the only argument I have been able to find in support of the view that all sinners deserve to suffer everlastingly for their sin. It seems to be the basic argument that people have in mind; though few are as explicit about the argument as Anselm is, many talk about the greatness of God and the heinous nature of any sin against *him*. But the argument is also rather strange, to say the least. First, why *should* the greatness of the one against whom an offense occurs determine *the degree of one's personal guilt*? Given a retributivist theory of punishment, the personal guilt of those who act wrongly must depend, at least in part, upon certain facts about *them*; it must depend, for example, upon the answer to such questions as these: to what extent are those who act wrongly responsible for their own rebellious impulses?—to what extent do they see clearly the choice of roads, the consequences of their actions, or the true nature of evil?—to what extent do they possess not only an implicit knowledge of God and his will for them, but a clear vision of the nature of God? Even the Augustinians admit the relevance of such questions when they insist that Adam's sin was especially heinous because he had special advantages, such as great happiness¹⁷ and the beatific vision, which you and I do not enjoy. If Adam's sin was especially heinous because he had special advantages, then the sins of those who lack his special advantages must be less heinous; and if that is true, if some sins against God are less heinous than others, then the greatness of God cannot be the only, or even the decisive, factor in determining the seriousness of a given sin.

Second, if *every* sin is infinitely serious and thus deserves the same penalty as every other sin, namely everlasting torment, then once again the idea, so essential to the retributivist theory, that we can grade offenses collapses—as does the idea of an excessive punishment and that of

fitting lesser punishments to lesser crimes. Many Christians do, it is true, speculate that gradations of punishment exist in hell; some, they suggest, may experience greater pain than others, and some places may be hotter than others. But even that seems inconsistent with the idea that *every* sin against the infinite God is infinitely grave and therefore equal to every other sin, and it does nothing to ameliorate the difficulty anyway. If all of the sinners in hell are dead in the theological sense, if all have lost everything that might make life worth living and have lost it *forever*, then all have received essentially the same punishment: everlasting separation from God and a permanent loss of happiness. And the idea that all sins deserve essentially the same punishment undermines perhaps the most important intuition behind the retributivist theory: that some offenses merit less severe punishments than others. We would hardly regard a king who executes every law-breaker, the jay-walker no less than the murderer, as just; nor would we feel much better if, in an effort to fit the punishment to the crime, the king should reserve the more humane forms of execution for the jay-walker.

Third, even if the slightest offense against God *were* infinitely serious, our fundamental question would remain: Why should anyone think that everlasting torment is a just penalty for any *possible* sin at all, even one that is infinitely serious? Retributivists do tend to believe that the more serious the offense, the more severe the punishment deserved, but even that is true only to a point. At some point additional punishment in the form of additional suffering seems diabolical and seems to have nothing to do with justice at all. Whether we believe in capital punishment or not, most of us probably would regard execution as a more fitting punishment for murder than for jay-walking; we so regard it, no doubt, because we regard murder as a more serious offense than we do jay-walking. But we also regard the rape and murder of many women over a period of years as even more heinous than the murder of one person; and we could devise—as many

societies have—punishments far more severe than mere execution. We probably now have the technology to kill a person, inch by inch, over a period of years, all the while subjecting that person to such excruciating torment that death would seem like a blessing. Should we conclude that a mass murderer, such as Ted Bundy, deserves a more severe punishment than execution?—that a more just, or fitting, punishment would be to torture him to death over a period of years? I see no reason to draw any such inference, and neither have retributivists typically drawn such an inference. Even if we could justify such an inference, moreover, that would in no way justify the further inference that Ted Bundy deserves to suffer *everlastingly* for his crimes; far less would it justify the inference that those who inflict *less* suffering than Bundy did also deserve to suffer everlastingly for their sin. Indeed, once you begin to measure the seriousness of a sin by some criterion other than the degree of harm done, you seem to undermine the retributivist rationale for proportioning the degree of punishment to the seriousness of the sin. One can always challenge, of course, the moral intuitions that underlie the retributivist idea of a fitting punishment; one can challenge, for example, the widespread intuition that it is wrong to inflict upon wrong doers greater suffering than they themselves have inflicted upon others. But in challenging such intuitions, one also undermines the only ground we have for accepting the retributivist theory in the first place.

Is God a Retributivist?

We have seen so far that, even if we accept a retributivist theory of punishment, there remain serious difficulties in the Augustinian conception of divine punishment. But now we must examine the retributivist theory more closely and consider some of *its* difficulties. I believe that Anselm himself points, unwittingly, to the fatal flaw in this theory. Recall that, according to Anselm, no punishment that a disobedient person might endure over a finite period of time could

possibly pay for the slightest offense against God. I shall now argue that Anselm was right about this; if God should torment us from now until the end of time, that would not successfully cancel out a single sin. But unfortunately, Anselm never fully grasped *why* he was right, because he never fully grasped this all-important point: Punishment is simply not the sort of thing that could pay for any offense; it is no equipoise at all for sin. Instead of concluding, as he should have, that the retributivist theory is mistaken, Anselm distorts the theory beyond recognition and thus concludes that all offenses warrant essentially the same punishment; namely, everlasting torment in hell. His intuition seems to be this: If no suffering of *finite* duration will satisfy the demands of justice, perhaps suffering of *infinite* duration will do the trick. But the truth is that no suffering of any duration will fully satisfy the demands of justice, because justice requires something of a different nature altogether.

We thus approach the fundamental weakness of the retributivist theory. According to retributivists, justice requires that we suffer some loss in return for every immoral action and in proportion to our degree of guilt; it requires punishment, not as a means to some other end, but simply for the sake of justice itself. But though retributivists insist that, for every immoral action, some degree of retaliatory punishment is *intrinsically fitting*, they have failed to appreciate, I believe, the very limited legal and temporal contexts in which their theory has even a degree of plausibility. Many are the contexts, perhaps, in which punishment is a fitting means to a desirable end, such as the protection of society or the redemption of the guilty, but very special are those—if there are such at all—in which it is, or even seems to be, intrinsically fitting. Because punishment alone does nothing to make up for, or to cancel out, any crime, it seems intrinsically fitting only within a context in which real justice seems impossible to achieve; that is, only within a

context in which we have to settle, or think we have to settle, for the best possible alternative: a kind of partial, or even contrived, justice.

Consider this question: Exactly what is it that *real* justice would require in the event that one should do something morally wrong, something that harms another or even oneself? I mean to ask here a very general question: What *sort of thing* would satisfy justice *to the full* in the event that one should do some-thing morally wrong? The answer, it seems to me, is obvious: If one could somehow make amends for the wrong action, that is, undo any harm done, repair any damage, in a way that would make up for, or cancel out, the bad consequences of the action (in one's own life as well as in the life of others), one would then satisfy justice *to the full*. I fully appreciate that, when stated in such general terms, this answer may seem rather silly; it is doubtful, you might think, that a murderer could do very much in this life to make up for, or to cancel out, the bad consequences of a vicious murder. But that is not to the point. What would satisfy justice to the full is one question; whether a given person is in a position, or has the power, to accomplish this is another altogether. So far as I know, few murderers have the power to resurrect their victims or to undo entirely—apart from God's help—the harm they have done; so if we move outside a theistic context, if we assume that physical death is the end of a person's conscious existence or that the murderer has done irreparable harm to others, then we can conclude only that perfect justice in the matter is impossible. In that event, those who believe in capital punishment may think it fairest simply to execute the murderer. Let the murderer suffer a loss in some ways comparable to that which he or she has inflicted on others. One reason, according to Herbert Morris, that such retaliatory punishment sometimes seems just is that it prevents one person from gaining an unfair advantage over others.

A person who violates the rules has something others have—the benefits of the system—but by renouncing what others have assumed, the burdens of self-restraint,

he has acquired an unfair advantage. Matters are not even until this advantage is in some way erased.¹⁸

But justice requires not only that a criminal's unfair advantage be erased; in many cases, it also requires that a victim's unfair *disadvantage* be erased. It even requires, I think, that the one responsible for a crime do something to make amends for it, something that might help to erase the victim's unfair disadvantage. In human society, of course, we cannot always achieve perfect justice; some may wonder whether even God has the power to achieve it. And when we cannot achieve perfect justice in a given case, such as cold-blooded murder, we then settle for the best possible alternative: a means of removing the murderer's unfair advantage. But whether we execute murderers, condemn them to a life sentence without possibility of parole, or punish them in some other way, our punishment does not in any way undo the harm they have done either to themselves or to others and does not, therefore, satisfy all the demands of justice.

Even the retributivists, I would also point out, recognize that punishment cannot, in and of itself, satisfy justice to the full. Richard Swinburne thus writes: 'The taking of punishment removes all the effects of wrongdoing which someone other than the wrongdoer can remove.'¹⁹ But that is not true either. If a mugger breaks my leg, the doctor who sets the leg may do more to remove the effects of the mugger's wrongdoing than punishing the mugger will ever do; and if God resurrects victims of murder, he may again do more to remove the effects of the murderer's wrongdoing than punishing the murderer will do. Of course, where punishment effectively encourages repentance or effectively achieves the goal of correction, it may do much to remove the effects of wrongdoing; but our present concern is with the sense we sometimes have that punishment is *intrinsically* fitting. And that sense, I have suggested, expresses a judgement something like this: If we cannot achieve perfect justice, if we must settle for partial justice as a kind of second best, then we should at least prevent the wrongdoer, in so far as it lies within our

power to do so, from achieving an unfair advantage over others. Beyond that, there is also a tendency to objectify our desire for vengeance or revenge. When a criminal seems to have done irreparable harm to others and no one, not even the criminal, seems able to repair the damage, we have a natural urge to strike back; if we cannot achieve perfect justice, we can at least ‘even the score’ a bit. And our legal system permits us to express that urge in accordance with a set of carefully defined rules, which a judge can indeed apply in a disinterested way. But whether it rests upon a desire to prevent wrongdoers from achieving an unfair advantage or upon the desire to avenge the victims with whom we sympathize, our sense that punishment is sometimes *intrinsically fitting* clearly presupposes a context in which the ideal of perfect justice is, or seems to be, impossible to achieve.

So now we must ask: What role might punishment of a retributivist kind have in a context—if there is such a context—in which perfect justice is *not* impossible to achieve? Presumably no humanly devised system of justice can escape altogether our human weaknesses and limitations. Unlike God, we humans have neither the data nor the wisdom nor the power to administer a perfect system of justice, and not only that: If we should try to institute a loftier system than we are fit to administer, we would most likely institute a tyrannical regime and thereby produce even greater injustice. Accordingly, not even the best of the humanly devised systems of justice can be anything more than a distorted reflection of divine justice—limited, perhaps, to preventing wrongdoers from achieving an unfair advantage through their misdeeds and to regulating our human desire to strike back. But if we suppose that God, being supremely powerful, supremely wise, and supremely loving, *can* achieve and will settle for nothing less than perfect justice, then we must also suppose that he will settle for nothing less than a full *atonement*

for sin—something that will actually make up for, or cancel out, sin; and as we have seen, punishment (in and of itself) has no power to do that.

So what, specifically, does perfect justice require? What sort of thing would make up for, or cancel out, sin? If we accept the Christian view, according to which sin is anything that separates us from God and from each other, then the answer to our question is clear: Perfect justice requires *reconciliation* and *restoration*. It requires, first, that sinners repent of their sin and turn away from everything that would separate them from others; it requires, second, that God forgive repentant sinners and that they forgive each other; and it requires, third, that God overcome, perhaps with their own cooperation, any harm that sinners do either to others or to themselves. Some will no doubt balk at the idea that perfect justice in a theistic universe would lay so many requirements, however self-imposed, upon God himself, and some may find particularly offensive the idea that justice *requires* forgiveness. Do I really want to insist not only that sinners *ought* to repent, but also that God *owes* it to them to forgive them when they do?—that repentant sinners actually *deserve* God's forgiveness? In point of fact, I want to claim more than that. It seems to me that *all* sinners, repentant or otherwise, deserve God's forgiveness, not because they have earned it, which is impossible, but because it is their inalienable right as sons and daughters of God. Merit has nothing to do with it. Sinners are entitled to God's forgiveness for the same reason a newborn baby is entitled to parental care: because it is something they desperately need and cannot live without. Even the Augustinians, I would note, seem prepared to acknowledge this much: Because God has forgiven us and has commanded us to forgive others, *we* have an obligation to forgive; *we* have no right, that is, not to forgive. But *why*, I would ask of them, has God commanded us to forgive others? Is it not because, given the Christian view of

the world, forgiveness is the just and proper response to sin? Is it not because the sinner, who yet retains the image of God, deserves forgiveness?

With such questions as these, we approach a critical parting of the ways, a point at which our two pictures of God diverge dramatically. In part because they regard justice and mercy as distinct attributes of God, the Augustinians suppose that God could justly have refused to forgive sinners or to save them from their sin; as the Augustinians see it, this makes God's forgiveness a free gift and his mercy all the more glorious because it is supererogatory. But if, according to our alternative picture, God's moral nature is simple—if all of his moral attributes are identical with his love—then his justice will be altogether merciful even as his mercy is altogether just; he will punish sinners, in other words, only when it is merciful to do so, and he will always forgive them because that is the most loving and therefore the just thing to do. As I shall try to show in the following section, moreover, such a picture has several advantages over the more traditional Augustinian picture: It accords better with the New Testament analogy between God and a loving parent; it embraces a more radical conception of God's opposition to sin; and it provides, I believe, a more profound understanding of how God will finally vindicate his righteousness in the face of unjust suffering.

Why Divine Justice Requires Forgiveness

Those who set forgiveness over against punishment and confuse the forgiveness of sin with the tolerance of sin will inevitably reject the idea that divine justice requires forgiveness. But that surely *is* a misunderstanding. The woman who forgives her adulterous husband does not merely tolerate his unfaithfulness; she may also demand a change in his behavior and may even demand it as a condition, not of forgiveness, but of continuing the marriage. Just because she does forgive her husband and continues to love him, she may refuse to continue in a dishonest relationship.

And similarly for the parents who discipline their children; those who regard parental discipline as evidence of an unforgiving attitude simply do not understand what the purpose of such discipline is. So if, as our alternative picture suggests, forgiveness and just punishment have the same object and the same goal (namely, reconciliation), then the idea that sinners deserve forgiveness is no more absurd than the idea that they deserve punishment.

Consider more closely, for a moment, the analogy to which the New Testament directs our attention: that between God and a loving parent. Do not loving parents typically acknowledge an obligation to forgive their disobedient children? We see this most clearly, perhaps, in cases of genuine repentance and remorse. Suppose that the teenage daughter of a well-known televangelist is arrested for drunk driving, and suppose that she is utterly heart-broken over the embarrassment she has brought to her family and is prepared to do anything within her power to make amends. Suppose further that, when she begs her father's forgiveness, he refuses to be reconciled to her and declares that, because she has disgraced the family, he never wants to see her again. Has the father acted justly? Clearly not, for he has failed, it seems, to discharge one of his obligations as a father; indeed, given his special position of responsibility, his own sin, in refusing to forgive, seems far worse than his daughter's sin. In a case such as this, therefore, it seems quite natural to say that the father *owes* it to his daughter to forgive her and that his daughter deserves his forgiveness. And similarly for God; if he should refuse to forgive repentant sinners—which, given the simplicity of his loving nature, he cannot do, because he cannot deny himself—he would likewise fail to discharge one of his obligations as the Creator. For one of these obligations, however self-imposed, is to promote the welfare, including the spiritual welfare, of all created persons; God could no more choose to create persons without accepting that obligation than human parents can choose to raise children without acquiring a similar obligation

for the welfare of their children. And a God who refused to forgive repentant sinners could no more promote the welfare of those for whom he is responsible than a father who refuses to forgive his children can promote the welfare of the children for whom he is responsible. That is why, given the simplicity of God's moral nature, he forgives not only because he is merciful, but because he is faithful and just as well (see I John 1:9).

Let us now change the example a bit and suppose that the daughter is not particularly repentant. We might imagine that she is in a rebellious stage, that at this time in her life she desires, or seems to desire, the approval of her high school friends more than she does that of her parents; as a result, she becomes more and more defiant. Would that relieve her father of his obligation to forgive her? Again, it seems not. But in this case the father's forgiveness, however heartfelt, may not suffice to heal the broken relationship. So let us ask this further question: What are the father's obligations in the event that his daughter's actions become more and more destructive to herself and more and more harmful to others? Here it seems clear that he must oppose his daughter's destructive behavior, and a well-chosen punishment may be the best means of communicating such opposition; on that score, at any rate, we can all agree. But insofar as such punishment expresses the father's continuing love for his daughter, it again implies no lack of forgiveness; to the contrary, it precisely *expresses* a forgiving attitude. Of course, any human father will also have to contend with his own weaknesses and limitations, and these may include feelings of resentment or even an unforgiving spirit. But in the case of God, the matter is quite different: We need have no fear that God, whose responsibility for the moral and spiritual welfare of created persons is far greater than that of any earthly father, might fail to discharge one of his obligations as the Creator. For if God is necessarily faithful and just and necessarily accepts,

having created a world, all the obligations of the Creator, then his forgiveness, which is in no way opposed to punishment, will be unconditional and without limit of any kind.

As these examples illustrate, the idea that divine justice requires forgiveness accords very well with the New Testament analogy between God and a loving parent. It also illuminates in an intriguing way the nature of God's opposition to sin. As the Augustinians see it, God opposes sin enough to punish it, but not enough to destroy it altogether; instead of destroying sin altogether, he merely confines it to a specially prepared region of his creation, known as hell, where he keeps it alive for an eternity. According to our alternative picture, however, God forgives sin for this very reason: In no other way could he oppose sin with his entire being. For as the Apostle Paul saw so clearly, our specific sins express a sinful condition, and the latter is a form of spiritual death; it is simply our condition of being separated or estranged or alienated from God and from each other. So the opposite of a sinful condition is a state of reconciliation; and if that is so, then God cannot be *against* sin, cannot oppose it with his entire being, unless he is *for* reconciliation. And he can hardly be for reconciliation unless he is prepared to forgive others even as he has commanded us to forgive them. Indeed, if God should refuse to forgive someone, as is not even possible given his loving nature, he would then separate himself from this person; and that is the very essence of sin as Paul himself understood it.

But there is, I believe, an even more subtle reason why divine justice requires the forgiveness of sin, namely this: Divine forgiveness is one of the essential means by which God protects the innocent from irreparable harm and will eventually vindicate his righteousness in the face of unjust suffering. Without any cooperation from us, God can deflect much of the harm that we might *intend* to do to others; he can resurrect victims of murder, for example, just as easily as he can victims of old age. He can even use the harm that we intend to do to others as a means of

perfecting them and of promoting their good. But the real harm we do to others is another matter, because it rests upon the harm we do to ourselves, as the mother whose teenage daughter commits suicide illustrates so nicely; the agony the mother experiences rests upon the harm that the daughter has done to herself. Of course, in this case, God can always reunite the mother with her daughter in another life. But suppose that God should refuse to do this; suppose that he should refuse to do anything to reclaim the daughter and refuse to forgive her even on the condition of repentance. If he should thus permit the daughter to harm herself irreparably, then he would also permit irreparable harm to befall all of those, such as the mother, who love her; and if he should refuse to forgive the daughter, even as the mother would forgive her, then he would separate himself not only from the daughter, but from the mother as well. Nor would it make any difference if, instead of committing suicide, the daughter had committed murder or even if, like Ted Bundy and Jeff Dahmer, she had committed a series of brutal murders. When the mother of Ted Bundy declared, so agonizingly and yet so appropriately, her continuing love for her son who had become a monster, she illustrated how in harming himself her son had also harmed his own mother. She also illustrated this all-important point: that not even God can impart supreme joy to such a mother or vindicate his righteousness in permitting her to suffer so, unless his forgiveness can find a way to reclaim her son.

More mysterious, perhaps, and therefore more difficult to appreciate is how God might vindicate his righteousness to the *victims* of a psychopathic killer or to, for example, the Jews who suffered in Nazi concentration camps. Does God really forgive even those guilty of the most monstrous crimes including genocide? Here two preliminary points are perhaps in order: First, we need not deny that giving the butchers a 'taste of their own medicine' may have a place in the divine scheme of things, particularly when nothing else is likely to get their attention. But as we

have already seen, we simply deceive ourselves if we think that punishment of a retributivist kind would either make up for such atrocities or justify God's decision to permit them in the first place. Such punishment might be a means to something that would vindicate God's righteousness, but it could hardly vindicate his righteousness in and of itself. Second, the view that God necessarily forgives even the most monstrous criminals will inevitably make the most sense to those who see their own solidarity with such criminals, to those who fully appreciate their own potential for acting in truly barbaric ways. Most of us have never had the power or the opportunity to act in such ways, and neither have we suffered from the illusion that we could get away with such actions. Having never experienced the particular historical circumstances that existed in Nazi Germany, for example, we deal with our own fears, not theirs; our own torments, not theirs; our own twisted ideologies, not theirs. Most of us probably have no idea of how we would act if suddenly thrust into a set of terrifying circumstances. The moral realist or legalist asks but one question: What has a person actually done? But God, according to most theistic religions, looks at the heart, and he presumably sees in those of us who have *not* committed atrocities many weaknesses and many selfish impulses upon which, because of good fortune perhaps, we have never acted. That, at least, seems to be a prominent theme of the New Testament. To those who congratulate themselves for never having committed adultery, Jesus declares that 'every one who looks at a woman lustfully has already committed adultery with her in his heart';²⁰ and to those who congratulate themselves for never having committed murder, the letter of I John declares that 'Any one who hates his brother is a murderer...'.²¹ In the same spirit, a prophet might declare that God sees all of the arrogance and lust for power, all of the fear and bigotry, that lurks in our own hearts as well. My point is not that such atrocities as the Nazi's committed may have been

less heinous than we had thought; my point is that none of us should underestimate our own potential for acting in truly barbaric ways.

Be all of that as it may, our question is this: How might God best vindicate his righteousness in the face of grossly unjust suffering? Insofar as we simply do not know why God has permitted certain horrors to occur in human history, we may find no answer to our question altogether adequate. But we can still exhibit an important advantage of our alternative picture. According to Augustine, God vindicates his righteousness by subjecting unrepentant souls to eternal torment; and though, as we have seen, such punishment does nothing to restore a just order, Augustine surely is right about this: At the very least, the ones responsible for terrible atrocities must learn a hard lesson; in particular, they must be made to appreciate the horror of their own actions. But the paradox is this: Only someone on the road to redemption, only a forgiven sinner, can fully appreciate the horror of even the most monstrous acts. So long as an Adolf Eichmann remains merely a monster, an irrational remnant of a person, nothing he might endure spitefully, like a tormented animal, will teach him the hard lesson we want him to learn. Do we not want him to reclaim enough of his humanity to admit that he was wrong and to appreciate *why* he was wrong? Do we not want his illusions stripped away, so he can stand naked before his Creator? Only when the light finally breaks into his darkened understanding, only when the divine forgiveness begins its work of transformation, will he begin to appreciate the meaning of his punishment and the true nature of his evil deeds; and then, of course, he will already be on the road to redemption. According to our alternative picture, therefore, a just order will never fully be restored until Adolph Eichmann comes to love his victims so tenderly that he would gladly suffer on their behalf even as they have already suffered on his behalf.

So the sum of the matter is this: If we suppose that God's moral nature is simple, we must also admit that his justice requires exactly the same thing his love requires: the absolute destruction of sin; it requires that sinners repent of any wrong they have done to others and that they be reconciled one to another. In the book of Acts, we thus find the Apostle Peter exhorting a crowd as follows: 'Repent therefore, and turn again, that your sins may be *blotted out*, that times of refreshing may come from the presence of the Lord" (Acts 3:19—my emphasis). Anything less than that would represent a defeat not only of God's love, but of his justice as well. Whether real justice, God's justice, will finally triumph, whether God will ever achieve a final restitution of all things (Acts 3:21) or the reconciliation of all things (Colossians 1:20) is, of course, another matter. But it is hard to see how anything short of such restitution and such reconciliation could possibly qualify as a triumph of justice.

NOTES

1. Bk. III, 403-410.
2. In *De Trinitate* Augustine writes: 'God is truly called in manifold ways, great, good, wise, blessed, true, and whatsoever other thing seems to be said of Him not unworthily: but his greatness is the same as His wisdom; for He is not great by bulk, but by power; and His goodness is the same as His wisdom and greatness, and His truth the same as all those things; and in Him it is not one thing to be blessed, and another to be great, or wise, or true, or good, or in a word to be Himself' (VI, 7). Note that Augustine here identifies God's greatness, not with his love, but with his *power*, and he identifies his goodness with his greatness; hence he seems to reduce everything to mere power. It seems to me, however, that one can defend a doctrine of absolute simplicity *and* be faithful to the biblical witness only if one identifies God's power as the creative and transforming power of love.
3. See Augustine, *Enchiridion*, Chapter XXV.
4. *City of God*, Bk. XX, Chap. 1.
5. *Ibid.*, Bk. XXI, Chaps. 2-10.
6. John Milton, *Christian Doctrine* reprinted in *The Complete Prose Works of John Milton*, Vol. VI, (New Haven and London: Yale University Press, 1973), p. 628.
7. *Cur Deus Homo* I, Chapter Eleven.
8. *Ibid.*, Chapter Fourteen.
9. *Ibid.*
10. For a good popular treatment of this difficulty, see C. S. Lewis, 'The Humanitarian Theory of Punishment', in *God in the Dock: Essays on Theology and Ethics* (Grand Rapids: Eerdmans Publishing Company, 1973), pp 287-294.
11. *Enchiridion*, Chapter XIV, Section 50.
12. *Institutes*, Bk. II, Chapter I, Section 8.
13. Loraine Boettner, *The Reformed Doctrine of Predestination* (The Presbyterian and Reformed Publishing Company, 1968), p.63.
14. *Cur Deus Homo*, Chapter Twenty-one.
15. *Ibid.*
16. *Ibid.*
17. See *Enchiridion*, Chapter XIV, Section 48.
18. Herbert Morris, "Persons and Punishment," *The Monist*, 52, No. 4 (October, 1968), reprinted in Jeffrey G. Murphy, *Punishment and Rehabilitation* (Selmont: Wadsworth Publishing Co., 1973), p. 43.
19. Richard Swinburne, *Responsibility and Atonement* (Oxford: Clarendon Press, 1989), p. 107.
20. Matthew 5:28.
21. I John 3:15.