

JAMES B. PROTHRO

# Both Judge and Justifier

*Wissenschaftliche Untersuchungen  
zum Neuen Testament 2. Reihe*

461

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461





James B. Prothro

# Both Judge and Justifier

Biblical Legal Language  
and the Act of Justifying in Paul

Mohr Siebeck

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For Ashley  
Partner in faith, hope, and love

*A good wife is the best of portions,  
Reserved for those who fear the Lord.  
When property has no fence, it is open to plunder;  
When a man has no wife, he is aimless and querulous.*  
Sirach 26.3; 36.30 (NJB)



## Preface

In his 1559 *Loci praecipui theologici*, Philip Melanchthon wrote of Paul's doctrine of justification: "magna est opinionum in hoc loco dissentio" (*Melanchthons Werke* II/2, ed. Hans Engelland [Gütersloh: Bertelsmann, 1953], 353). This judgment is no less true in twentieth-century scholarship and, depending on which aspect of this *locus* is being researched, could be deemed extremely understated. The amount of controversy this topic attracts has even caused several acquaintances, upon learning of my research interests, to question my sanity. However, in my experience, the sea of secondary literature into which one must dive proves more a cause for awe and humility than for despair. One is constantly reminded not merely of the sheer number of persons to whom this topic has proved captivating, but also of the skill, devotion, and effort that many of them brought to bear in their treatments – even where one disagrees. It is a lively conversation about a perennial topic, and it is one in which I am humbled to take part.

The present book is a revision of my PhD thesis, accepted by the Faculty of Divinity at the University of Cambridge in the fall of 2016. I should acknowledge here that, especially when "justification in Paul" is treated as a battleground for settling whole soteriological paradigms in Paul (or even in Christian theology *in toto*), the mere announcement of the topic creates a great many expectations of the questions to be addressed. Too often, I think, students feel pressured to "stand and deliver" on every adjacent debate even where one's line of questioning allows an issue to remain undecided. But there are simply too many questions to address with adequate method in one reasonably sized book, let alone a dissertation whose body was limited to 80,000 words by a wise faculty policy. I have expanded the original dissertation in view of a few – by no means all – of these expectations. Overall, however, I have retained its original focus and scope. This is partially out of respect for questions whose treatment would require more space than this new scholar should demand of the guild, and partially out of respect for questions I myself am still pondering. Whether this little book proves a fruitful contribution to the broader conversation about Paul and his theology is now up to the reader to decide.

The publication of this book reflects the support of countless friends and benefactors, only some of whom can receive special mention here. Gratitude is necessary to the editors of the second series of *Wissenschaftliche Untersuchungen zum Neuen Testament*, especially to Jörg Frey and James A.



Kellhoffer, who read the initial draft in full and offered valuable feedback. Thanks also to Henning Ziebritzki, Elena Müller, and the editorial staff at Mohr Siebeck for their generous and skilled work in production.

I owe a great debt to my doctoral supervisor Simon Gathercole for his advising, encouragement, and scholarly example. His close eye on both my reasoning and my writing proved to constantly challenge and improve the present work. I am also grateful for the diligence of my examiners, Scott J. Hafemann and Jonathan A. Linebaugh, who read my initial draft and offered critique and challenged me to keep the broader theological relevance of my exegesis in mind, for which I am grateful even where my opinion departs from theirs. All errors in content or style, of course, remain my responsibility.

I must single out Curtis Giese and Paul Puffe, instructors who first taught me Greek and Hebrew and modeled a love for language and theology that has fueled my subsequent studies. I am thankful also to Jeffrey Kloha and James Voelz, who took time and effort to encourage me to pursue doctoral work. I can only hope to have done them proud. My appreciation also goes to Tyndale House, Cambridge, and the community of readers there, to the efforts of Simon Sykes and the library staff, and to David Instone-Brewer for his particular encouragement. The New Testament Senior Seminar of Cambridge's Faculty of Divinity also nourished my growth as a researcher, and provided feedback and critique of my reading of Romans 6.7 that helped shape its final form in the book below. Per Jarle Bekken sacrificed research time while in Cambridge to befriend this fledgling scholar and discuss the Apostle to the Gentiles. Christian Stettler, Martinus C. de Boer, A. Andrew Das, and J. P. Davies all kindly corresponded with me about yet unpublished research.

Research for this book was enabled by substantial financial aid from Fitzwilliam College, Cambridge, by my parents' support for my education, and by the employment of my dear wife Ashley (who also proofread the dissertation and helped index the book!). Words fail me to express my gratitude to my beloved, my best friend. The experience of her endurance, love, and grace as well as sharing the new experience of parenting Sophia and Heidi, our little trusts from God, are perhaps the most humbling and awe-inspiring aspects of our five years together. I dedicate this work to Ashley, in gratitude.

James B. Prothro  
Commemoration of St. Cyprian  
September 16, 2017

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## Notes and Abbreviations

Because this study makes frequent comparative reference to Hebrew and Greek versions of the OT, OT books are consistently referenced according to standard titles (e.g., 2 Kings, not 4 Kingdoms); alternate versifications are marked in square brackets (e.g., Psalm 51[50].6). English versifications, where different, are not provided. All translations are the author's unless otherwise noted.

Abbreviations of biblical and other ancient writings follow the conventions in Billie Jean Collins et al., eds., *The SBL Handbook of Style: For Biblical Studies and Related Disciplines*, 2<sup>nd</sup> ed. (Atlanta: SBL Press, 2014), §8.3. Abbreviations of biblical editions and modern versions follow *SBL Handbook*, §8.2.1. The following abbreviations for grammatical or lexical resources, referenced in the text below, are provided here for the reader's convenience.

- BDAG. Danker, Frederick W., Walter Bauer, William F. Arndt, and F. Wilbur Gingrich. *Greek-English Lexicon of the New Testament and Other Early Christian Literature*. 3<sup>rd</sup> ed. Chicago: University of Chicago Press, 2000.
- BDF. Blass, Friedrich, Albert Debrunner, and Robert W. Funk. *A Greek Grammar of the New Testament and Other Early Christian Literature*. Chicago: University of Chicago Press, 1961.
- GKC. Emil Kautzsch, ed. *Gesenius' Hebrew Grammar*. 2<sup>nd</sup> ed. Translated by Arthur E. Cowley. Oxford: Clarendon, 1910.
- HRCS. Hatch, Edwin, and Henry A. Redpath. *Concordance to the Septuagint and Other Greek Versions of the Old Testament*. 2 vols. 2<sup>nd</sup> ed. Grand Rapids: Baker, 1998.
- IBHS. Waltke, Bruce K. and Michael O'Connor. *An Introduction to Biblical Hebrew Syntax*. Winona Lake, IN: Eisenbrauns, 1990.
- Jastrow. Jastrow, Marcus. *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*. 2 vols. New York: Pardes, 1950.
- LSJ. Liddell, Henry George, Robert Scott, Henry Stuart Jones. *A Greek-English Lexicon*. 9<sup>th</sup> ed. with revised supplement. Oxford: Clarendon, 1996.
- PG. Migne, Jacques-Paul. *Patrologiae cursus completus: Series graeca*. 162 vols. Paris: Petit-Montrouge, 1857-86.
- Smyth. Smyth, Herbert Weir. *Greek Grammar*. Revised by Gordon M. Messing. Cambridge, MA: Harvard University Press, 1956.



## Chapter 1

# Introduction: What is “Justifying”?

In his letters, one way in which Paul describes God’s action in Christ on behalf of believers is “justification,” indicated by the verb δικαίωω, with cognates δικαιοσύνη, δίκαιος, δικαίωσις, and δικαίωμα. God “justifies” persons or, passively, persons “are justified” by God. Though not present in every extant letter, justification appears to have been an important theological idea to Paul. It is one from which, when it is contested by his contemporaries, he will not budge; when it is not contested, he assumes it as a building block for other argumentation.<sup>1</sup> Paul connects justification with several significant aspects of his theology: the eschatological judgment (Rom 2.13–16; 1 Cor 4.4–5), Christ’s atoning death (Rom 5.9; cf. Gal 2.21) and resurrection (Rom 4.25), God’s righteousness and grace (Rom 3.21–26; 5.16–21), baptism (Rom 6.7; 1 Cor 6.11), eschatological life (Rom 5.18; cf. Phil 3.7–11), and the integration of Gentiles as equal heirs with Jews of God’s promises (Rom 3.28–30).

However, little else can be said about justification without argument. Paul’s “doctrine of justification” has been disputed since his own time. Especially debated – from the fourth-century Latin “rediscovery” of Paul to the Reformation to the New Perspective(s) – is Paul’s insistence that justification occurs ἐκ πίστεως Χριστοῦ καὶ οὐκ ἐξ ἔργων νόμου (Gal 2.16).<sup>2</sup> The last forty years in particular have seen a flood of publications disputing virtually every feature of this statement: the referent of ἔργα νόμου, the nature of πίστις, and the phrase πίστις Χριστοῦ.<sup>3</sup> Paul’s bare insistence on justification *by faith* likewise

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<sup>1</sup> For Galatian Gentiles to turn to Law-observance is to belittle God’s justifying act and thus belittles Christ’s death (Gal 2.15–21) and can result in forfeiting salvation (Gal 5.4). That the Corinthians have been “washed, sanctified, justified” indicates that they will “inherit the kingdom of God” and is thus a sufficient call to turn from wickedness (1 Cor 6.9–11). In Romans, being justified grounds future salvation (Rom 5.9), and the fact that no one is justified by works of Law but rather by faith is taken as concomitant to the universality of God’s reign over Jew and Gentile (Rom 3.28–30).

<sup>2</sup> For a history of some of the debates, see Alister E. McGrath, *Iustitia Dei: A History of the Christian Doctrine of Justification* (3<sup>rd</sup> ed; Cambridge: Cambridge University Press, 2005).

<sup>3</sup> Indicative of this, recent commentaries on Galatians feature full excurses on each of these issues: Martinus C. de Boer, *Galatians: A Commentary* (NTL; Louisville: Westminster



presses questions of its connection to Christology and participation, while his stubborn *not by works of Law* incites debate about justification's relation to ethics, anthropology and hamartiology, and, perhaps above all, Paul's post-Damascus continuity with his ancestral religion.<sup>4</sup> And, once these questions are answered (sometimes before), interpreters evaluate this doctrine within the overall scope of Paul's theology and dispute whether justification is "the primary expression of salvation"<sup>5</sup> in Paul or a more "subsidiary doctrine" (*Nebenlehre*) appropriate in only certain exigencies.<sup>6</sup>

But leaving aside questions of Paul's "by faith" or questions of justification's relative importance in Paul, there is little agreement on what "justifying" is *tout simple*. What does it mean to say that God "justifies" someone? What is it that Paul was concerned to emphasize occurred ἐκ πίστεως? It is with this matter that the present book is concerned. To introduce the issue, I will first show some basic data regarding Paul's talk of God "justifying" persons and the disagreements that ensue. I will then assess what is needed to address the data and current debates and propose a course of study to understand "justifying" in Paul.

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John Knox, 2011), 145–50; Douglas J. Moo, *Galatians* (BECNT; Grand Rapids: Baker Academic, 2013), 38–48, 173–76; A. Andrew Das, *Galatians* (ConcCom; St. Louis: Concordia, 2014), 245–53.

<sup>4</sup> E.g., Leander E. Keck, "Justification of the Ungodly and Ethics," pp. 199–209 in *Rechtfertigung: Festschrift für Ernst Käsemann zum 70. Geburtstag* (ed. Johannes Friedrich, Wolfgang Pöhlmann, and Peter Stuhlmacher; Tübingen/Göttingen: Mohr Siebeck/Vandenhoeck & Ruprecht, 1976); Thomas Söding, "Christologie und Rechtfertigungslehre: Zur Hermeneutik der paulinischen Soteriologie," pp. 220–45 in *Paulinische Christologie: Exegetische Beiträge: Hans Hübner zum 70. Geburtstag* (ed. Udo Schnelle and Thomas Söding; Göttingen: Vandenhoeck & Ruprecht, 2000); Eun-Geol Lyu, *Sünde und Rechtfertigung bei Paulus: Eine exegetische Untersuchung zum paulinischen Sündenverständnis aus soteriologischer Sicht* (WUNT 2/318; Tübingen: Mohr Siebeck, 2011); James D. G. Dunn, *The New Perspective on Paul: Collected Essays* (WUNT 185; Tübingen: Mohr Siebeck, 2005), 241–58; cf. the contributions in Friedrich W. Horn, ed., *Paulus Handbuch* (Tübingen: Mohr Siebeck, 2013), 347–57.

<sup>5</sup> Richard Kingsley Moore, *Paul's Concept of Justification: God's Gift of a Right Relationship* (Eugene, OR: Wipf & Stock, 2015), 24; cf. Ferdinand Christian Baur, *Paul the Apostle of Jesus Christ, his Life and Work, his Epistles and his Doctrine: A Contribution to the Critical History of Primitive Christianity*, vol. 2 (ed. Eduard Zeller; trans. A. Menzies; London: Williams and Norgate, 1875), 134; Jean-Noël Aletti, S.J., *Justification by Faith in the Letters of Saint Paul: Keys to Interpretation* (trans. Peggy Manning Meyer; AnBib Studia 5; Rome: Gregorian & Biblical Press, 2015), 209–10.

<sup>6</sup> Albert Schweitzer, *Die Mystik des Apostels Paulus*. Tübingen: Mohr Siebeck, 1930), 221; cf. William Wrede, *Paul* (trans. Edward Lummis; London: Philip Green, 1907), 123; E. P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (London: SCM, 1977), 493.

## A. Basic Data and Their Interpretations

When seeking to understand “justification” as opposed to one of Paul’s other images for what God in Christ does on behalf of believers, one is obviously focused on the act communicated by the verb δικαίω and its cognates. Pauline soteriology features vocabulary from several fields, such as ἀγοράζω, ἀγιάζω, and σφίζω. And, in many cases, it is difficult to avoid the conclusion that Paul is using them all of the same divine act. But if, as linguists insist, *choice implies meaning*,<sup>7</sup> Paul’s choice of δικαίω among these other ways of speaking suggests that it contributes a particular way of conceiving the significance of the Christ-event. But what?

At this point, we may frame the issue non-technically in terms of the *use* and *function* of this language. To illustrate by analogy, when Paul writes τιμῆς ἠγοράσθητε – “you were bought at a price” – it is clear that he is *using* commercial language (ἀγοράζω), and that such “buying” *functions* to show that God has purchased and now owns believers, on which Paul grounds the imperative to honor God as master (1 Cor 6.19–20; 7.22–23). What can be said for the language of “justifying”?

Here one finds a broad consensus in recent scholarship that, just as τιμῆς ἠγοράσθητε pulls language from the commercial sphere and predicates it of God, Paul’s talk of “justification” pulls from the legal sphere, and with a particularly biblical flavor. However, as we will see, Paul’s apparent *use* of biblical legal language occasions significant disagreement about how it *functions* as he predicates it of God’s work in Christ.

### 1. Justification as Biblical Legal Language

Paul’s language offers strong *prima facie* evidence that his talk of God as “justifier” pulls from the realm of legal language, particularly as drawn from the Jewish Scriptures. This is generally, if reluctantly, acknowledged and may be summarized briefly.

Paul uses δικαίω (“justify”) and its cognates explicitly as antonyms to verbs of accusation and condemnation (Rom 5.16–19; 8.33–34; 2 Cor 3.9). In 1 Corinthians 4.2–5, Paul sets “justification” as something that occurs in the sphere of God’s “judgment” and judicial evaluation. In Romans, he seems to go out of his way to paint the scene in which “justifying” occurs as a sort of trial *in foro divino* (to use Melancthon’s phrase): there are charges (3.9), accusations (2.15; 8.33–34), witnesses (2.15; 3.21; 8.16), people are expected but

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<sup>7</sup> See Steven E. Runge, *Discourse Grammar of the Greek New Testament: A Practical Introduction for Teaching and Exegesis* (Peabody, MA: Hendrickson, 2010), 5–7; Constantine R. Campbell, *Advances in the Study of Greek: New Insights for Reading the New Testament* (Grand Rapids: Zondervan, 2015), 63–64.

unable to give a defense for themselves (1.20; 2.1; cf. 2.15), and the whole world is held fast under God’s judgment (3.19; cf. 2.3, 5; 3.5–6). Stanislas Lyonnet comments: “On ne saurait assurément imaginer un vocabulaire plus juridique et forensique.”<sup>8</sup>

Secondly, if it is legal, it is apparently also *biblical* legal language. In Greco-Roman usage in Paul’s day, for a judge or sovereign to “justify” (δικαίωω) a person indicated only punishment or condemnation, as in the following examples<sup>9</sup>:

Dio Cassius 40.54.1: The courts convened quietly, and many were condemned (ἐδικαιώθησαν) on various charges, and others [were condemned] for the murder of Clodius – including Milo, despite having Cicero as his defender.

Aelian, *Var. hist.* 5.18: When the council of the Areopagus had arrested a witch and were about to put her to death, they did not kill her before she gave birth (for she had been pregnant when arrested). So, releasing the innocent newborn from her sentence, they inflicted the death penalty (ἐδικαίωσαν τῷ θανάτῳ) on the guilty woman alone.

Paul is obviously not pulling his language from this cultural source. However, Paul’s usage does match up with that found in the LXX, where “justifying” indicates a judicial act in favor of a person. Compare, for instance, the following:

Deut 25.1: If a dispute arises between people and they come for judgment, and [the judges] judge and justify the righteous (δικαιώσωσιν τὸν δίκαιον) and condemn the ungodly (καταγνώσιν τοῦ ἀσεβοῦς) [...].

Exod 23.6–7: You shall not pervert the judgment of the poor man in his trial. You shall turn away from every unrighteous claim; you shall not put to death an innocent and righteous one (ἀθῶνον καὶ δίκαιον οὐκ ἀποκτενεῖς), and you shall not justify the ungodly one (οὐ δικαιοσύνην τὸν ἀσεβῆ) for gifts.

Isa 5.23: [Woe to you] who justify the ungodly one (οἱ δικαιοῦντες τὸν ἀσεβῆ) for gifts and deprive the righteous one of justice (τὸ δίκαιον τοῦ δίκαιου αἴροντες).

Here, as in Paul, “justification” is the opposite of condemnation or punishment – something that, ideally, is to be done only to the one in the right in a case and never to the one in the wrong. This suggests that Paul is borrowing from the usage we see in the LXX and Greek-speaking Judaism.<sup>10</sup> Moreover, Paul himself claims that what he says about justification and “God’s righteousness” is

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<sup>8</sup> Stanislas Lyonnet, S.J., *Études sur l’épître aux Romains* (AnBib 120; Rome: Pontifical Biblical Institute, 1989), 155.

<sup>9</sup> For further examples, see James B. Prothro, “The Strange Case of Δικαίωω in the Septuagint and Paul: The Oddity and Origins of Paul’s Talk of ‘Justification,’” *ZNW* 107 (2016): 48–69, at 55–56.

<sup>10</sup> I have argued this extensively in Prothro, “Strange Case,” against Max J. Lee, “Greek Words and Roman Meanings 1: (Re)mapping Righteousness Language in Greco-Roman Discourse,” pp. 3–28 in *Fire in My Soul: Essays on Pauline Soteriology and the Gospels in*

grounded in Scripture (Rom 3.21–22),<sup>11</sup> and both cites (Rom 1.17; 3.4; 4.2–3; Gal 3.6–8, 11) and alludes to Scripture (cf. Rom 1.17 with Ps 98[97].2; Rom 3.20 with Ps 143[142].2; Rom 8.33–34 with Isa 50.8) in describing God as “justifier.”<sup>12</sup> Especially notable is Paul’s reference to God as the one “who justifies the ungodly” (τὸν δικαιοῦντα τὸν ἀσεβῆ, Rom 4.5), with precisely the phrasing of the LXX’s legal prohibition above. If Paul’s point is that God’s justifying has a different scope than Israel’s judges were permitted, the act of “justifying” appears equally judicial in either case.

This suggests strongly that Paul’s “justification” draws on biblical depictions of judgment and, particularly, God’s judgment. This leads most interpreters to agree with Douglas Moo: “*Dikaioō* and its cognates were used in secular Greek, but the widespread and theologically significant use of the terminology in the LXX, along with Paul’s frequent appeal to the OT in discussing the words (e.g., Rom. 3:22; 4:1–25), shows that the OT/Jewish background is decisive.”<sup>13</sup>

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*Honor of Seyoon Kim* (ed. Soon Bong Choi, Jin Ki Hwang, and Max J. Lee; Eugene, OR: Pickwick, 2014); idem, “Greek Words and Roman Meanings, Part 2: A Prolegomenon to Paul’s Use of Righteousness Language in His Letters,” pp. 29–52 in Choi, Hwang, and Lee, eds., *Fire in My Soul*.

<sup>11</sup> Seminally Herrmann Cremer, *Die paulinische Rechtfertigungslehre im Zusammenhange ihrer geschichtlichen Voraussetzungen* (Gütersloh: Bertelsmann, 1899), 6–10. This obtains whether δικαιοσύνη θεοῦ was taken over whole-cloth from Judaism or was part of “his OT-Jewish inheritance” that Paul significantly “transformed” in thinking out his theology (Charles Lee Irons, *The Righteousness of God: A Lexical Examination of the Covenant-Faithfulness Interpretation* [WUNT 2/386; Tübingen: Mohr Siebeck, 2015], 272). “God’s righteousness” was not likely a technical term in early Judaism (Mark A. Seifrid, *Justification by Faith: The Origin and Development of a Central Pauline Theme* [NovTSup 68; Leiden: Brill, 1992], 42–45, 99–108; cf. the clarification in Peter Stuhlmacher, *Versöhnung, Gesetz und Gerechtigkeit: Aufsätze zur biblischen Theologie* [Göttingen: Vandenhoeck & Ruprecht, 1981], 105–6 n. 16). Nevertheless, Käsemann generally seems to have won the day that the concept is “keine paulinische Schöpfung” (Ernst Käsemann, *Exegetische Versuche und Besinnungen*, vol. 2 [2<sup>nd</sup> ed.; Göttingen: Vandenhoeck & Ruprecht, 1965], 185; against Rudolf Bultmann, “ΔΙΚΑΙΟΣΥΝΗ ΘΕΟΥ,” *JBL* 83 [1964]: 12–16).

<sup>12</sup> Right-ness/just-ness was a concept with heavy currency in non-Jewish philosophical and political discourse in Paul’s day, but reading Paul’s “justification” purely against the background of Roman virtue or Caesar’s distributive justice is insufficient (Hans Conzelmann, *An Outline of the Theology of the New Testament* [trans. John Bowden; London: SCM, 1969], 216; *pace* John Dominic Crossan and Jonathan L. Reed, *In Search of Paul: How Jesus’ Apostle Opposed Rome’s Empire with God’s Kingdom* [London: SPCK, 2004], 349–403). Cicero even spoke of *fides* as the *fundamentum iustitiae* (*Off.* 1.23.1), i.e., the disposition of fidelity (to society, agreements, etc.) leads to probity; but Paul’s statements about δικαιοσύνη πίστεως (Rom 4.11, 13; cf. 10.13) cannot be understood apart from God’s “reckoning” faith as righteousness (Rom 4.3, 5–6, 11), which Paul takes from Scripture (Gen 15.6).

<sup>13</sup> Douglas J. Moo, *The Epistle to the Romans* (NICNT; Grand Rapids: Eerdmans, 1996), 79.

## 2. Interpretive Disagreements about the Language of “Justifying”

In light of the above, interpreters from a wide range of perspectives read “justification” as a legal idea, naming it “forensic,” “juridical,” “judicial,” etc., and usually see Paul here taking recourse to the deeply-rooted biblical motif of God’s judgment.<sup>14</sup> This was the broad conclusion of John Ziesler’s dissertation on righteousness-language in Paul: that “justifying” (δικαίωω) had a consistently “forensic” (as opposed to ethical) meaning.<sup>15</sup> However, the legal character of justification appears to have caused significant interpretive difficulties. Many agree that Paul means to depict salvation as an act of the divine judge, but there is disagreement about what it means for a judge to “justify” and consequently about the theology Paul intends by speaking this way. Others question the extent to which justification is meant to have a legal flavor in Paul: these vary from qualifications of the image’s importance, to the argument that the language had by Paul’s day taken on a different sense, to the argument that Paul himself set out to redefine it.

In what follows I will illustrate current interpretive disagreements about Paul’s language of “justification.” Since whole volumes have been written about the history of interpretation of the topic, this cannot be exhaustive, and,

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<sup>14</sup> E.g., Édouard Tobac, *Le problème de la justification dans Saint Paul: Étude de théologie biblique* (Universitas Catholica Lovaniensis Dissertationes 2/3; Louvain: Josephus van Linthout, 1908), 211–13; D. Adolf Schlatter, *Die Theologie der Apostel* (2<sup>nd</sup> ed.; Stuttgart: Calwer, 1922), 299; G. Adolf Deissmann, *Paulus: Eine kultur- und religionsgeschichtliche Skizze* (2<sup>nd</sup> ed.; Tübingen: Mohr Siebeck, 1925), 131; Rudolf Bultmann, *Theologie des Neuen Testaments* (2<sup>nd</sup> ed.; Neue Theologische Grundrisse; Tübingen: Mohr Siebeck, 1954), 269–70; Joachim Jeremias, *The Central Message of the New Testament* (London: SCM, 1965), 64; David Hill, *Greek Words and Hebrew Meanings: Studies in the Semantics of Soteriological Terms* (SNTSMS 5; Cambridge: Cambridge University Press, 1967), 101–9; Conzelmann, *Outline*, 217; Karl Kertelge, “Rechtfertigung II: Neues Testament,” *TRE* 28.286–307, at 288; Johann Christiaan Beker *The Triumph of God: The Essence of Paul’s Thought* (trans. L. T. Stuckenbruck; Minneapolis: Fortress, 1990), 98–99; Chang–Nack Kim, “Justification by Faith – A Minjung Perspective,” *Chicago Theological Seminary Register* 85 (1995): 14–23, at 21–23; Troels Engberg-Pedersen, *Paul and the Stoics* (Edinburgh: T&T Clark, 2000), 300; Thomas R. Schreiner, *Paul, Apostle of God’s Glory in Christ: A Pauline Theology* (Downers Grove, IL: Intervarsity, 2001), 201–7; Peter Stuhlmacher, *Revisiting Paul’s Doctrine of Justification: A Challenge to the New Perspective* (Downers Grove, IL: Intervarsity, 2001), 60–61; Timo Laato, “‘God’s Righteousness’ – Once Again,” pp. 40–73 in *The Nordic Paul: Finnish Approaches to Pauline Theology* (ed. Lars Aejmelaeus and Antti Mustakallio; LNTS 374; Edinburgh: T&T Clark, 2008); Calvin J. Roetzel, “Justification, justify,” *NIDB* 3.477–80, at 480; Douglas A. Campbell, *The Deliverance of God: An Apocalyptic Rereading of Justification in Paul* (Grand Rapids: Eerdmans, 2009), 661–65; N. T. Wright, *Pauline Perspectives: Essays on Paul, 1978–2013* (London: SPCK, 2013b), 22; Lee, “Greek Words and Roman Meanings, Part 2,” 48.

<sup>15</sup> John A. Ziesler, *The Meaning of Righteousness in Paul: A Linguistic and Theological Enquiry* (SNTSMS 20; Cambridge: Cambridge University Press, 1972).

admittedly, the long history of the topic and myriad issues that contribute to different positions would allow various potential categorizations of them. I will focus particularly on the state of the current discussion, with special attention to how various readings account for the apparently biblical legal language.

### 2.1. *Acquitting the Guilty*

The long-standing traditional view takes the judicial scene to be basically a criminal trial.<sup>16</sup> God is the judge, who evaluates charges against a person in order to determine guilt/innocence and punishment/release. The believer is the defendant, accused of crimes by the prosecution, who is necessarily presupposed but not explicitly named (perhaps Satan? the Law?).<sup>17</sup> The person is objectively guilty, a sinner, but God *pardons* or *acquits* (=δικαίωω) one who believes by virtue of the Christ-event.<sup>18</sup> Within this court scene “justifying” is

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<sup>16</sup> See, e.g., George B. Stevens, *A Pauline Theology: A Study of the Origin and Correlation of the Doctrinal Teachings of the Apostle Paul* (New York: Scribner’s Sons, 1892), 261; James H. Ropes, “‘Righteousness’ and ‘The Righteousness of God’ in the Old Testament and in St. Paul,” *JBL* 22 (1903): 211–27, at 212; Schlatter, *Theologie der Apostel*, 299–301; Deissmann, *Paulus*, 130–33; Friedrich Büchsel, *Theologie des Neuen Testaments: Geschichte des Wortes Gottes im Neuen Testament* (2<sup>nd</sup> ed.; Gütersloh: Bertelsmann, 1937), 123–32; Paul Feine, *Theologie des Neuen Testaments* (8<sup>th</sup> ed.; Berlin: Evangelische Verlagsanstalt, 1953), 215; Leon Morris, *The Apostolic Preaching of the Cross* (3<sup>rd</sup> ed.; London: Tyndale, 1965), 283–87; Dan O. Via, Jr., “Justification and Deliverance: Existential Dialectic,” *SR* 1 (1971): 204–12, at 204; Herman Ridderbos, *Paul: An Outline of his Theology* (trans. John Richard de Witt; Grand Rapids: Eerdmans, 1975), 163; Alan C. Clifford, “The Gospel and Justification,” *EvQ* 57 (1985): 247–67, at 253–54; Joseph A. Fitzmyer, S.J., *Paul and his Theology: A Brief Sketch* (2<sup>nd</sup> ed.; Englewood Cliffs, NJ: Prentice-Hall, 1989), 59–60; George Eldon Ladd, *A Theology of the New Testament* (ed. Donald A. Hagner; Grand Rapids: Eerdmans, 1993), 482–88; Schreiner, *Paul*, 201–9; Stephen Westerholm, *Justification Reconsidered: Rethinking a Pauline Theme* (Grand Rapids: Eerdmans, 2013); Andrie B. du Toit, “Forensic Metaphors in Romans and their Soteriological Significance,” pp. 213–46 in *Salvation in the New Testament: Perspectives on Soteriology* (ed. Jan G. van der Watt; NovTSup 121; Leiden: Brill, 2005); Ralph P. Martin, *The Power of Images in Paul* (Collegeville, MN: Liturgical Press, 2008), 253–54; Frank J. Matera, *God’s Saving Grace: A Pauline Theology* (Grand Rapids: Eerdmans, 2012), 103.

<sup>17</sup> E.g., du Toit, “Forensic Metaphors,” 219 n. 18. Note Meira Z. Kensky’s reading of Rom 8.31–34: seeing Satan nowhere to be found, she suggests Christ must be the prosecutor, since a trial *requires* a prosecutor distinct from judge and defendant (*Trying Man, Trying God: The Divine Courtroom in Early Jewish and Christian Literature* [WUNT 2/289; Tübingen: Mohr Siebeck, 2010], 200–1).

<sup>18</sup> This is often (not always) explained by believers receiving a legal status of “righteousness” from God as a gift won by Christ’s obedience (e.g., Edmund P. Clowney, “The Biblical Doctrine of Justification by Faith,” pp. 17–50 in *Right with God: Justification in the Bible and the World* [ed. D. A. Carson; World Evangelical Fellowship; Grand Rapids: Baker, 1992], 45–48) and by the death of Christ satisfying the divinely required punishment for sin

acquittal, the pronouncement of “innocent” or “not guilty.” Philologically this is achieved especially by understanding δικαίωω as a “declarative” verb, denoting an explicit locution that someone “is” δίκαιος, “righteous.” The “righteousness” is understood to indicate a lack of guilt before the court. More positively, it is also described as being ‘rightly related’ to God within the courtroom,<sup>19</sup> since, as Bultmann puts it, forensic “righteousness” has to do not with a personal quality or attribute but with a *Relation* – how one stands in a given matter relative to something or someone – in this case, God.<sup>20</sup> It is this standing that the judge’s verdict of “righteous” determines. Theologically, God’s pardon for the guilty is understood in terms of *forgiveness*,<sup>21</sup> but it is not merely a forgiveness of former sins; God’s verdict of “righteous” decisively determines one’s present status in relation to God and in view of the final judgment.<sup>22</sup>

## 2.2. Acquittal, Qualified

The traditional reading has many followers, but many who accept it qualify this legal definition of justification as “acquittal.” Often this comes in response to particular (but surely not uncommon) manifestations of the traditional reading – especially in ecclesial and exegetical contexts where the term “justification” has been used as an umbrella term for all Pauline (or even Christian) soteriology. Many are concerned to preserve elements of transformation and participation in God’s initial act of salvation (which some take “forensic” justification to exclude<sup>23</sup>) and a place for ethics in Paul’s eschatological reserve (which some take a present-tense “acquittal” to deny<sup>24</sup>). Some, likewise, are

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(e.g., David J. Williams, *Paul’s Metaphors: Their Context and Character* [Peabody, MA: Hendrickson, 1999], 145–47).

<sup>19</sup> E.g., Alister E. McGrath, “Justification,” *DPL* 517–23, at 518; Via, “Justification and Deliverance,” 205.

<sup>20</sup> Bultmann, *Theologie*, 268: “δικαιοσύνη [ist] ein forensischer Begriff. Er meint nicht die ethische Qualität, überhaupt nicht eine Qualität der Person, sondern eine Relation” (letter-spacing italicized). His treatment (266) cites Cremer, *Die paulinische Rechtfertigungslehre* (discussed below).

<sup>21</sup> Cf., e.g., H. D. McDonald, *Forgiveness and Atonement* (Grand Rapids: Baker, 1984), 67–69; Vincent Taylor, *Forgiveness and Reconciliation: A Study in New Testament Theology* (London: Macmillan, 1941), 75.

<sup>22</sup> E.g., Geerhardus Vos, *The Pauline Eschatology* (Grand Rapids: Eerdmans, 1953), 54–58; Rudolf Schnackenburg, “Rechtfertigung I–IV,” *LTK* 8.1034–36, at 1034; Clowney, “Biblical Doctrine,” 49–50. Some read present-tense justification as the end-time verdict already pronounced (noted below).

<sup>23</sup> E.g., John Murray, *Redemption – Accomplished and Applied* (Grand Rapids: Eerdmans, 1955), 149, 151.

<sup>24</sup> A particular target of Chris VanLandingham, *Judgment and Justification in Early Judaism and the Apostle Paul* (Peabody, MA: Hendrickson, 2006). A classic example is Bultmann, *Theologie*, 271–80: Judaism taught a future-only judgment whose criterion was Law-observance; Paul denied both the criterion (replaced with “faith”) and the reservation of

concerned not to depict God's saving and loving act in such legal terms – especially in the wake of Ritschl's (*inter alios*) influential elevation of the concept of God as *father* over that of God as *judge*.<sup>25</sup> Some qualifications are terminological, differing in what they are willing to refer to as “justification”; others qualify the legal character of justification-language as Paul used it. To simplify, one finds three patterns of such qualification (a–c):

(a) *Legal, narrowed*. An influential move was that of Albert Schweitzer, who logically distinguished two separate soteriological models for receiving righteousness and redemption in Paul: the “juridical,” which viewed Christ's death as an atonement for only former sins, which one appropriated cognitively (“by faith”); and the “mystical,” in which redemption is accomplished by one's dying/rising through participation in Christ.<sup>26</sup> One result of this logical distinction was that the “juridical” soteriology was, in Schweitzer, shorn of the enduring state of forgiven-ness and life in Christ that the traditional model usually understands to be results of God's acquittal.<sup>27</sup> Schweitzer denied that the

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justification to the eschaton (replaced with the present). Today many (most?) retain both present and future justification as Pauline but with distinct temporal aspects, perhaps different criteria (e.g., Stuhlmacher, *Revisiting*, 62–63; Michael F. Bird, *The Saving Righteousness of God: Studies on Paul, Justification, and the New Perspective* [Paternoster Biblical Monographs; Milton Keynes: Paternoster, 2007], 155–78; Karl Kertelge, *Grundthemen paulinischer Theologie* [Freiburg: Herder, 1991], 135–47). Engberg-Pedersen distinguishes present righteousness as “a state of mind of perfect sinlessness” (*Paul and the Stoics*, 295) from God's “future justifying verdict” (300).

<sup>25</sup> Albrecht Ritschl, *The Christian Doctrine of Justification and Reconciliation: The Positive Development of the Doctrine* (trans. H. R. Mackintosh and A. B. Macaulay; Edinburgh: T&T Clark, 1900), 86–139, esp. 90, 94, 139. For this dichotomy's effects on British theology, see Justyn Charles Terry, *The Justifying Judgment of God: A Reassessment of the Place of Judgement in the Saving Work of Christ* (Paternoster Theological Monographs; Milton Keynes: Paternoster, 2007). Markus Barth lists several for whom justification is “ein Akt väterlichen Erbarmens” with little to do with judgment – reinforced by respondents' requests that he “demythologize” his legal reading (“Rechtfertigung: Versuch einer Auslegung paulinischer Texte im Rahmen des Alten und Neuen Testaments,” pp. 137–209 in *Foi et salut selon S. Paul (épître aux Romains 1,16)* [ed. Markus Barth; AnBib 42; Rome: Biblical Institute Press, 1970], 140, 197–209). Similar concerns surface also in Alexander J. M. Wedderburn, *The Death of Jesus: Some Reflections on Jesus-Traditions and Paul* (WUNT 299; Tübingen: Mohr Siebeck, 2013), 167–83; Konrad Stock, “Gott der Richter: Der Gerichtsgedanke als Horizont der Rechtfertigungslehre,” *EvT* 40 (1980): 240–56.

<sup>26</sup> Schweitzer, *Mystik*, 201–21, cf. 286–87. For the juridical/mystical distinction, see *ibid.*, 25–26.

<sup>27</sup> Contrast Frank J. Matera's comment that “this acquittal results in a new life for the believer” (*Galatians* [SP 9; Collegeville: Liturgical Press, 1992], 93) with Schweitzer's flat denial: “Die fortlaufend sich erneuernde Vergebung der Sünden, die die reformatorische und die moderne Frömmigkeit in ihr [Rechtfertigungslehre] finden wollen, ist ihr unbekannt und unerschwinglich. [...] Pauli Lehre von der Gerechtigkeit aus dem Glauben ist nichts anderes, als eine besondere Formulierung der urchristlichen Vorstellung der durch den Tod Jesu geschaffenen Möglichkeit der Buße” (*Mystik*, 215).



juridical model could offer such new life, a continued state of forgiveness and salvation, or freedom from the Law, and labeled justification-passages to that effect mystically influenced.<sup>28</sup> Thus what is identified as “juridical” becomes quite narrow, and in a sense serves more to identify a non-participatory atonement model than as a description of the language or metaphor in play.<sup>29</sup> However, though Schweitzer’s distinction between the juridical and the participatory has been widely accepted, this specific delimitation of the former is less often followed; more often justification is read consistently as a legal image, while its theological role is subordinated to (or located within) participation in Christ.<sup>30</sup>

Another reading of note not founded on Schweitzer’s dichotomy, which we may label as a narrower version of the traditional “acquittal” view, is that of John Barclay. Barclay reads δικαίωσις in Paul and elsewhere as a divine “assessment” and “verdict,” the evaluation of a person as righteous.<sup>31</sup> For the accused, to be justified indicates acquittal in legal contexts.<sup>32</sup> However, discussing the LXX, he states that “it is important to note that acquittal here means that one is shown to be in the right, not that one is forgiven or absolved of guilt. [...] If there is forgiveness or absolution involved, it is described in other terms.”<sup>33</sup> Barclay holds that the same is true in Paul. Justification is not a declared absolution of sinners that itself effects their being “righteous” in God’s sight. Rather, the Christ-event bears its effects in believers, and “God considers ‘righteous’ those whose new lives, evidenced in faith, have been generated from the Christ-event [...]. To be ‘considered righteous by faith in Christ’ is thus the

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<sup>28</sup> E.g., having righteousness by faith in Phil 3.8–9 – which (assuming that “justification” results in “having righteousness”) suggests an enduring state to being “justified” – Schweitzer identifies with the “mystical” because it occurs “in” Christ, while the lack of “in Christ” language in Rom 3.28; 4.5 indicates a purely “juridical” reference (*Mystik*, 202).

<sup>29</sup> As exemplified in Sanders, *Paul and Palestinian Judaism*, 502–8, who follows Schweitzer quite closely.

<sup>30</sup> For initial reactions to Schweitzer, see David E. Aune, “Recent Readings of Paul Relating to Justification by Faith,” pp. 188–245 in *Rereading Paul Together: Protestant and Catholic Perspectives on Justification* (ed. David E. Aune; Grand Rapids: Baker Academic, 2006), 234–38. Cf. the comments on the complementarity of the juridical and participatory in, e.g., Sanders, *Paul and Palestinian Judaism*, 502; Udo Schnelle, “Transformation and Partizipation als Grundgedanken paulinischer Theologie,” *NTS* 47 (2001): 58–75, at 72–74; Michael Wolter, *Paulus: Ein Grundriss seiner Theologie* (Neukirchen-Vluyn: Neukirchener Verlag, 2011), 259; Leander E. Keck, *Christ’s First Theologian: The Shape of Paul’s Thought* (Waco, TX: Baylor University Press, 2015), 113–15; Constanine R. Campbell, *Paul and Union with Christ: An Exegetical and Theological Study* (Grand Rapids: Zondervan, 2012), 396–97. They are somewhat less complementary in the readings of Martyn and D. Campbell (below).

<sup>31</sup> John M. G. Barclay, *Paul and the Gift* (Grand Rapids: Eerdmans, 2015), 375–376.

<sup>32</sup> Barclay, *Paul and the Gift*, 376.

<sup>33</sup> Barclay, *Paul and the Gift*, 376 n. 67.

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