

# Divine Justice as Restorative Justice

BY CHRIS MARSHALL

**While it contains retributive components, God's justice is fundamentally a restoring and renewing justice. Knowing this, the Church is obliged to practice restorative justice in its own ranks and to summon society to move in the same direction.**

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Christians consider the Bible to be a uniquely important source of guidance for matters of theological belief and moral practice. The Bible serves as the normative, though not exclusive, reference point for discerning the will and ways of God. What the Bible says about justice, therefore, ought to be of great significance for shaping Christian thought and action on justice issues today.

Yet coming to grips with biblical teaching on justice is by no means easy. The sheer volume of data to be considered is daunting. There are hundreds of texts in the Old and New Testaments that speak explicitly about justice and righteousness (terms that coincide and overlap in meaning), and hundreds more that refer to justice implicitly. The biblical data is also very diverse. Different biblical writers sometimes take different positions on what justice requires in differing circumstances.

It is also important to recognize that biblical reflection on justice takes place within a larger cultural and religious worldview that is quite unlike that of modern secular society. To understand the justice theme in the Bible requires us to cross over into a very different social and political world than our own. Then, having crossed over, we need to decide what to bring back that is pertinent to our world. This is a task requiring considerable hermeneutical sophistication.

Added to these complications is the complexity that surrounds the con-

cept of justice itself. What actually *is* justice? How should we define it? Where does it come from? Does justice have an objective existence or is it simply the product of social agreement? Is there some stable essence to justice—such as fairness or equality or just deserts—or does justice mean different things in different contexts?

These are very difficult theoretical questions to resolve. They cannot

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detain us here, though some points are worth making. Certainly, as far as the biblical writers are concerned, justice *does* have an objective existence, because justice derives from God (Deuteronomy 32:3-4; Psalm 89:14; 145:17), and God exists apart from human speculation. Justice is objectively real because God is real. Justice is not simply a product of social consensus. It is a divine attribute. There is

no trace in the Bible of the moral and epistemological skepticism that plagues contemporary philosophical discussion about justice.

Neither is there any simple-minded objectivism at work. Just as our human capacity to know God and the truth about God is limited by sin (cf. Romans 1:18-23), so too is our capacity to know fully the nature of God’s universal justice. Our ability to grasp the meaning of justice is constrained by our creaturely finitude. It is also constrained by historical circumstance. Our experience of justice and of reality in general is always mediated through particular cultural and historical traditions. It is therefore unavoidably contextual. It can only be partial, fallible, and provisional. This is an important warning against seizing on selected biblical texts or practices to do with justice (such as those mandating capital punishment or chattel slavery), isolating them from their historical context and canonical setting, and absolutizing them as an unchangeable expression of God’s eternal justice.

## **A COMPLEX VIRTUE**

Since ancient times it has been recognized that justice is a complex or multi-dimensional value that applies to a broad range of human endeavors in varying ways. At the most basic level, a distinction exists between *distributive* or *social* justice, which deals with how goods and resources are justly distributed between parties, and *corrective* or *criminal* justice, which deals with how wrongdoing is identified and penalized. Biblical teaching has much to say about both spheres, though here our focus is only on corrective justice.

But it is vitally important the two domains are not viewed in splendid isolation, especially when seeking to apply biblical insights and priorities to our context. Much of what the Bible says about *social* justice has direct relevance to the *criminal* justice domain. If we took more seriously the biblical imperative to care for the poor and dispossessed, to avoid the unjust accumulation of wealth and power in the hands of the few, and to set at liberty those who are oppressed by debt or exploitation, we would have less cause to employ criminal sanctions against those on the margins of the community who feel they have no stake in society.

### **BIBLICAL JUSTICE AS RETRIBUTIVE JUSTICE**

It has often been asserted that the Bible articulates and endorses an essentially *retributive* conception of corrective justice. But is this so? The answer is not as simple as some assume. Discussion is complicated by the fact that the phrase “retributive justice” is dogged with ambiguity and imprecision. It is one of the most confusing and misunderstood concepts in criminal jurisprudence, and this confusion spills over into biblical studies as well.

The word “retribution” (from the Latin *retribuere*) simply means “repayment” – the giving back to someone of what they deserve, whether in terms of reimbursement, reward, or reproof. Usually the term is used in the negative sense of punishment for wrongful deeds rather than in the positive sense of reward for good behavior. When the word is used in isolation, it tends to evoke the idea of vengeance or retaliation. When it is paired with the word “justice” however, it implies a more measured delivery of punishment as due recompense for wrongdoing.

As a justification for inflicting punishment, retributive justice requires that the recipient must be *guilty* of wrongdoing (the principle of deserts) and that the pain of the penalty must be *proportionate* to the seriousness of the crime (the principle of equivalence). In these circumstances the imposition of punishment is not only appropriate, it is morally *necessary* in order to satisfy the objective standards of justice (the principle of justice). Understood in this way, many justice theorists conceive of retributive justice as a moral alternative to revenge and as a check against arbitrary or excessive punishment.

Other theorists are not so sanguine. They remain deeply uncomfortable with the undercurrents of revenge or reprisal that are still implied by the terminology, and regard the concept of retributive justice as virtually synonymous with vengeance and barbarism. They see the retributive principle of “an eye for an eye and a tooth for a tooth” (Leviticus 24:19-22; Deuteronomy 19:18-21; Matthew 5:38-40) not as a statement of just proportionality, as retributive theorists do, but as a warrant for brutal retaliation.

In my view, there can be little doubt that biblical teaching on justice includes a definite theme of retribution. Most basically, the Bible recognizes that human deeds carry inescapable consequences. There is a kind of inbuilt law of recompense in the universe that means people “reap whatever they

sow" (Galatians 6:7, cf. Ecclesiastes 10:8; Proverbs 1:32; 26:27; Psalm 7:15-16). In addition, the basic retributive concepts of guilt, desert, proportionality, and atonement are widely attested in the Old Testament legal and cultic system, and undergird moral and theological teaching in the New Testament as well. Furthermore, since God is inherently just, and God's judgments are never capricious, biblical accounts of divine judgment on sin, both within history and at the end of time, may also be regarded as demonstrations of retributive justice. The biblical story ends with an affirmation of the retributive principle of just deserts: "See, I am coming soon; my reward is with me, to repay according to everyone's work" (Revelation 22:12).

Accordingly, biblical justice is retributive justice insofar as it turns on the principles of moral culpability, measured recompense, and the rule of law. It would be a mistake to conclude, however, that biblical teaching on justice is wholly or solely controlled by some impersonal metaphysical principle of measure for measure. Instead it has a distinctively personal and relational character. Justice in ancient Israel involved doing all that was needed to create, sustain, and restore healthy relationships within the covenant community. Criminal offending was considered wrong, first, because it breaches the relational commitments that hold society together and, second, because the wrongful deeds themselves unleash a disordering power in the community that threatens to trigger a chain-reaction of ruin and disaster unless it is arrested.

One way of arresting this negative power, especially in situations of very grave interpersonal and religious offending, was by redirecting the destructive consequences of the deed back on to the perpetrator by way of judicial or divine retribution. The punishment served simultaneously to dramatize the catastrophic consequences of evil deeds and to "purge the evil from Israel" (Deuteronomy 17:12). When this happened, justice was vindicated, not by the act of retributive punishment per se, but by the fact that the community had been delivered from evil and restored to wholeness.

Yet both biblical law and biblical narrative repeatedly indicate that retributive punishment was not invariably *required* in order to secure or satisfy justice. Alternatives to retribution, such as reproof, repentance, restitution, and forgiveness, are constantly solicited and celebrated in Scripture (Exodus 34:6-7; Ezekiel 33:11; Micah 7:18; Psalm 103:2-3, 10). These alternatives do not contradict the demands of cosmic justice (as they do in a strictly retributive theory of justice), for they serve to restore relationships and hence vindicate the true character of justice.

In the New Testament, believers are expressly summoned to forego retribution or retaliation in favor of forgiveness and reconciliation and to leave issues of ultimate justice to God (Matthew 5:38-48; Romans 12:17-21; 1 Peter 2:21-23). Divine retribution may sometimes be activated providentially in the world through human agents and political institutions (Romans 13:4; 1 Peter 2:14). But repeatedly in the biblical record, and supremely in the events of

the Christian gospel, “mercy triumphs over judgment” (James 2:13) as the means of vindicating justice by restoring right relationships.

God’s justice is retributive, then, inasmuch as it is never prejudiced, arbitrary, or impulsive, and is always morally attuned to human deeds and deserts (Romans 2:1-16). But what ultimately “shows” or “proves” God’s justice (Romans 3:26) is not the ineluctable imposition of retribution on wrongdoers but the restoration of right relationship made possible by “his grace as a gift, through the redemption that is in Christ Jesus” (3:24).

### **BIBLICAL JUSTICE AS RESTORATIVE JUSTICE**

Biblical justice includes retributive components, but it cannot be adequately characterized principally as retributive justice. It is better described as a *relational* or *restorative* justice. The fundamentally restorative character of biblical justice is evident at four main levels of the biblical material.

It is visible, first of all, at the *linguistic level*. As already noted, the terms “justice” (*mishpat*) and “righteousness” (*sedeqah*) in the Bible coincide and overlap in meaning, and frequently occur in synonymous parallelism (e.g., Amos 5:24; Isaiah 16:5; 32:1). It is particularly important to recognize the justice connotations of the righteousness language of the New Testament (*dikaios, dikaioun, dikaiosunē*), which is pervasive and significant. When, for example, Paul describes the gospel as the “revelation of God’s righteousness” (Romans 1:17; 3:21), he is depicting it as the definitive manifestation of God’s saving justice. The death and resurrection of Christ is, for Christians, the controlling frame of reference for comprehending the true meaning of divine justice.

The biblical notion of righteousness refers broadly to doing, being, declaring, or bringing about what is right. Righteousness is a comprehensively relational reality. It is not a private moral attribute one has on one’s own. It is something that inheres in our relation-

ships as social beings. To be righteous is to be true to the demands of a relationship, whether that relationship is with God or with other persons. To be unrighteous – say, through criminal activity – is to violate the meaning of the relationship.

When such violation occurs, offenders stand in need of restoration. Biblical law often prescribes punitive counter-measures that are intended to

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denounce the wrong, arrest its power, and rectify its damage. Penalties may be imposed on the guilty party. But the goal of the punishment is not to maintain some abstract cosmic balance, but to put right what has gone wrong, to protect the community, and to restore the integrity of its life and its relationship with God. Justice is satisfied by the restoration of peace to relationships, not by the pain of punishment per se.

Then justice (*mishpat*) will dwell in the wilderness,  
and righteousness (*sedeqah*) abide in the fruitful field.  
The effect of righteousness will be peace (*shalom*),  
and the result of righteousness, quietness and trust forever.

*Isaiah 32:17* (cf. *Psalm 85:10*)

Second, the restorative character of biblical justice is also evident at the *macro level* in the overall direction of the canonical story. The biblical meta-narrative can be read as one large story of God's restorative justice at work. God creates a perfect, harmonious world, one in which everything is as it ought to be, where human beings live in right relationship with one another, with God, and with the wider created order.

But humankind violates these relationships. In a sense, humanity commits a crime against God, and inherits the damaging and enslaving consequences of doing so (cf. *Romans 5:12-21*). It is a crime against God's love as much as against God's law (*Genesis 3:8-9*). Adam and Eve are expelled from the Garden: they are alienated from relationship with God, with each other, and with the very ground of their origin (*Genesis 3:22-24*).

But God, the righteous judge (*Genesis 18:25*; *Romans 3:5-6*), sets in motion the long historical process of recovery. God undertakes to do all that is necessary to restore humanity to its rightful place in creation and to repair the damage inflicted. Through the preservation of Noah, the call of Abraham, the election and liberation of Israel, the choice of Judah and the house of David as bearer of the messianic seed, and the return of Israel from exile and defeat, God patiently works to restore justice to the world.

Finally through the incarnation, life, death, and resurrection of Jesus Christ, God liberates humanity from its subjection to the dominion of sin and death and renews human nature from the inside out. The first benefits of this great act of cosmic restoration (cf. *Colossians 1:15-20*; *Ephesians 1:8b-10*) are made available in the present to all who participate in Christ through repentance, confession, faith, and baptism, while awaiting expectantly its future completion (*Romans 6:1-14*). God has done all this in the present time, Paul says, "to prove...that he himself is righteous [i.e., just] and that he justifies the one who has faith in Jesus" (*Romans 3:26*).

The consummation of God's restorative action will be achieved when sin and death are finally abolished forever (*1 Corinthians 15:50-57*) and all creation is set free from pain, corruption, and frustration (*Romans 8:18-25*). This

is pictured most evocatively in Revelation 21:1-5. The “new heaven and new earth” described in this vision is not some replacement planet. It is *this* world purged of pain, suffering, and tears and permeated with the presence of God. In the book of Revelation, God is repeatedly described as the One who is Faithful, Just, and True (e.g., 15:3; 16:7; 19:2, 11) and God’s justice is finally vindicated by “making all things new” (21:3-5).

Next, within this macro-story of restoring justice there are numerous individual scenes and episodes of restorative justice at work. I refer to this as *the legislative level* because the most significant of these episodes reveal how restorative considerations permeate Old Testament legislation. In Numbers 5:6-7 and Leviticus 6:1-7, for example, covenant law spells out what is required of those who “break faith with the Lord” by wronging others in the community through deception, fraud, robbery, or theft.

Four obligations devolve on offenders. The first is recognition or remorse, the need to acknowledge guilt or confess the sin (Leviticus 6:4; Numbers 5:7). The second is repentance, the determination to make amends, to put things right, to display “fruit worthy of repentance” (Matthew 3:8).

The third obligation is restitution to the victim, plus additional compensation (Leviticus 6:5; Numbers 5:7). Restitution is prescribed frequently in biblical law, based broadly on equivalence of value (Exodus 21:26-36). Levels of compensation vary according to the seriousness of the offence and the attitude of the offender (Exodus 22:1, 4, 9; cf. Proverbs 6:30-31; Luke 19:8). If remorseful, the thief must

restore what is stolen plus a fifth more. If the thief is caught with the goods on him, he must restore double. If he has already disposed of the goods or tried to conceal the offence, he must restore four or fivefold. If he could not pay, the thief may be taken as a slave by the injured party until he has worked off the debt (Exodus 22:1b). Enslavement could only last for a maximum of six years, however, or until the year of Jubilee (Exodus 21:1-6; Deuteronomy 15:12-17; Leviticus 25:39-55), and slaves enjoyed a range of rights and protections. Arguably, Hebrew slavery was a more humane institution than is its modern equivalent of imprisonment.

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The fourth obligation on offenders is reconciliation. The crime itself, though perpetrated against another citizen, is perceived also to be a breach

of faith with God and a trespass against the Lord (Leviticus 6:2; Numbers 5:6). Before God's forgiveness can be secured through sacrificial offering, reconciliation must be made with the injured party by means of restitution. Jesus captures the logic perfectly. "So when you are offering your gift at the altar, if you remember that your brother or sister has something against you, leave your gift there before the altar and go; first be reconciled to your brother or sister, and then come and offer your gift" (Matthew 5:23-24).

Here, then, we see the restorative priorities of biblical legislation. True, some serious crimes were deemed worthy of death, though the penalty was not always carried out. But for most other offences, justice was secured through recognition, repentance, restitution, and reconciliation—things that served to repair relationships and restore community.

Finally, the restorative character of biblical justice is evident at *the ecclesial level*. Most of the teaching on corrective justice in the New Testament concerns relationships within the community of faith. Little is said about the administration of criminal justice in general society, though there is frequent comment on the brutality and injustice of penal practices in the wider world. But the central concern of the New Testament writers is to shape their own Christian communities in ways that reflect their experience of God's restorative justice in Christ.

Two texts may be cited by way of illustration, though countless others could be mentioned. In Galatians 6, Paul counsels: "My friends, if anyone is detected in a transgression, you who have received the Spirit should restore such a one in a spirit of gentleness. Take care that you yourselves are not tempted" (6:1). Paul highlights two marks of having received Christ's Spirit: a willingness to *restore* offenders to community "in a spirit of gentleness" and a humble recognition of one's own susceptibility to similar failure ("take care that you yourselves are not tempted"). Christian justice focuses normatively on solidarity with sinners and their restoration, not on harsh punishment and rejection.

This is also clear in Paul's instructions to the Corinthians concerning their treatment of someone who had violated community standards by offending, in this case, against Paul himself. The community had previously punished the offender, presumably by expulsion, but Paul is concerned that punitiveness does not have the final say.

This punishment by the majority is enough for such a person; so now instead you should forgive and console him, so that he may not be overwhelmed by excessive sorrow. So I urge you to reaffirm your love for him. ... Anyone whom you forgive, I also forgive. What I have forgiven, if I have forgiven anything, has been for your sake in the presence of Christ. And we do this so that we may not be outwitted by Satan; for we are not ignorant of his designs.

*2 Corinthians 2:6-8, 10-11*

The penalty had succeeded in engendering in the offender “a godly grief that produces repentance” (7:10). Now it is time for the forgiveness and consolation of the offender so that he is not debilitated by grief and shame. The community must reaffirm its love for him by reintegrating him in their midst. If they fail to do so, if the church clings self-righteously or angrily to its punitive stance, it risks being “outwitted by Satan,” whose destructive designs are no secret.

Christians today often suppose that ecclesial ethics—how believers are to treat one another within the community of faith—have no pertinence to the ethical standards and legal practices that apply in mainstream society. Church and world are assumed to be entirely separate domains with their own distinctive norms. As a result, conservative Christians in America often rank among the strongest supporters of the current, highly retributive penal system, with its galloping rates of incarceration and its enduring, shameful reliance on capital punishment. They sense no tension between their support for a relentlessly punitive criminal justice system and the incessant call in Scripture to practice forgiveness and reconciliation, a call they conveniently confine to the sphere of interpersonal relationships within the Church.

But such incongruity is theologically indefensible. The Church is called to bear witness to the reality of God’s saving justice in Christ, both by proclaiming it verbally in the story of the gospel and by putting it into practice in the way it deals with offending and failure in its own midst. Knowing God’s justice to be a restoring and renewing justice, the Church is obliged to practice restorative justice in its own ranks *and* to summons society to move in the same direction. There can be no justification for saying one thing about God’s justice in Church and advocating the opposite in the world.

If Paul were to come among us today, singing of God’s amazing grace on Sundays while on Mondays supporting, or being indifferent to, the retributive degradation of the present penal system, he would say what he said to the Ephesians who were being seduced by the standards of wider society: “That is not the way you learned Christ! For surely you have heard about him and were taught in him, as the truth is in Jesus” (4:20-21). The truth of God’s justice is in Jesus, and that justice is a liberating and restoring justice. The Church fails in its vocation if it fails to proclaim, to embody, and to advocate the principles of restorative justice in every sphere of life.



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