



The Biblical Roots of Justice

JOSÉ MÍGUEZ BONINO

Instituto Superior Evangelico de Estudios Teologicos, Buenos Aires, Argentina

One of the earliest Old Testament poetic compositions that has reached us—the Song of Deborah—already introduces our subject: it sings of “the righteous acts” (literally, “righteousness-es,” in the plural) of the Lord. Most modern versions translate the term as “victories.” Luther, with contemporary translators, sticks to “justice” (although he uses *Gerechtigkeit* in the singular). The variations are not arbitrary. The epic hymn, in fact, celebrates the triumph of “the peasantry of Israel” which, under the leadership of Deborah, defeats the enemy and makes the land safe and free again for the people. This act of deliverance is “a righteous act” of Yahweh—it is, in fact, his “righteousness.” This identification of God’s saving power as God’s righteousness is, I think, the central biblical root of “justice.” Correspondingly, the “epistemological locus” from which God’s justice can be experienced and apprehended is a situation of “unfreedom,” “lostness”—a situation of “absence of justice.” This is the very simple thesis that I want to illustrate in this presentation: *The biblical notion of justice is neither an inference from God’s nature or attributes nor an ethical reflection on human virtue but a notion descriptive of Yahweh’s liberating action experienced from within a situation of oppression.* That, I would claim, continues to be the only way in which we can today encounter and be involved in God’s justice.

When one deals with a subject such as this, great modesty is necessary, because we are in fact dealing with the whole theme of the Bible. No mere lexicographical research would open to us the meaning of this “motif.” In fact, justice is so closely involved with all the central motifs, and so frequently used interchangeably with them—mercy, peace, and salvation—that one would need a comprehensive theology of the Bible to uncover the full scope of the simple expression of “God’s justice.” Since the subject will occupy us during all our stay here I will only attempt to open the conversation from this initial thesis, first (1) underlining some aspects of the biblical meaning of justice, then (2) opening some systematic issues that emerge from it and, finally (3) adding a brief *colophon* which tries to date this reflection here and now.

I. JUSTICE IN THE BIBLE

1. Our understanding of the biblical meaning of “justice” began to be clarified when, eighty-five years ago, Hermann Cremer disabused us of a notion of justice as an absolute moral norm and taught us that “*sdq*” is essentially a concept of relation referring “to the real relation between two...and not the relation between an object subject to judgment and an idea.” But this insight was not seriously developed until Gerhard von Rad made it central. In fact, the network of relations in which persons are involved—as parents, neighbors, spouses, members of a tribe,

etc.—are already the “norms”: to proceed “faithfully,” “loyally” in these relations is to be “just,” to do “justice.” All these relations, however, are incorporated into and subject to a fundamental and all-determining relation: the relation of the community to Yahweh. Justice can therefore be understood only as related to covenant, the relation which God himself has instituted by creating a people for himself—calling it, bringing it from captivity, introducing it into the land, as the early “creeds” confess. These acts of deliverance are acts of justice in which Yahweh proves himself faithful to the relation he has established. It is this same faithfulness that is required from the partners in the covenant both in the relation to God and in the communal relations of everyday life. Thus “justice” is realized, created ever anew in the interconnected and changing relations of life constantly qualified by that all-encompassing common relation to Yahweh.

A number of Old Testament scholars, beginning with George Mendenhall in the sixties and culminating in the much-discussed *The Tribes of Yahweh* of Norman Gottwald, have given us an insight into the social conditions in which this understanding of justice was forged. Although we are far from having a totally accurate picture, it would seem clear that Israel as it became established in Palestine was an aggregate of disenfranchised populations which gathered around the worship of Yahweh and, partly by conquest or infiltration from outside, partly by peaceful or armed revolt of peasant and dependent groups in Canaanite territory, succeeded in occupying the land and becoming a unity. This struggle for liberation would be the social matrix of the understanding of God’s justice as saving power and of a covenant which is not finally based in common ethnic or ancestral origin but on the recognition of this liberating god. A theology that would try to separate these two dimensions—God’s liberating justice, and the social process of the constitution of Israel as a people—would run counter both to history and to Israel’s own self-understanding. Yahweh defines justice in and by his action within the struggle and the quest of a people.

It is unfortunate that we don’t know much about the origin of this deity which we call Yahweh and which became the center of unity, the power and the structuring name for a people. Somehow, somewhere, a “wandering Aramean,” or a wandering desert tribe which broke away from the Egyptian empire, brought this name of a liberating God which would “cut” a covenant to create “the project of an egalitarian tribal society” (Gottwald). Whatever our interpretation may be of the mutual relation between social process and theological interpretation, there is little doubt that the singularity of this people is closely related to the singularity of this God. Precisely because of his emphasis

on the social matrix of Israel’s religion it is particularly interesting to note Gottwald’s characterization of this deity:

The way the god is involved and active in nature, history and society follows certain modal manifestations of power, justice and mercy. The god is experienced as *power* to unleash nature or to restrain it; to motivate and enable people to act effectively or to endure the action of others as necessary. The god is experienced as *justice* to punish the misuses of human power and to reward the proper uses of human power. The god is experienced, as *mercy* to cancel out the misuses of human power; even to repair the catastrophes of nature, so that ever-renewed

historical and social life is assured. The power, justice and mercy of the god are not restricted to isolated momentary manifestations but become manifest in chains of events rooted in the larger context of past, present and future. It is precisely this primordial potency that marks off divine power, justice and mercy from their human derivatives and counterparts. There is a “going beyond” in the divine power, justice and mercy that humans can never fully exhaust in the present or entirely anticipate in the future. (p. 678)¹

The unity of power, justice, and mercy, the faithfulness of a god who remains true to his covenant in past, present, and future, the transcendence that goes further and beyond historical realization—this is the God of justice and the justice of God.

2. I am not competent to discuss the complex critical problem of the relation between the Sinai, settlement, and Exodus blocks of literature in the history of Israel. From a theological point of view, however, that relation seems to me of great importance. In this respect, I would venture to concur with Gottwald’s characterization of Israel’s self-understanding as “a community to whom Jahweh is manifest, covenanted with Jahweh, instructed by Jahweh” (p. 96). In other words, the proper understanding of God’s justice rests on this threefold basis: God’s self-manifestation as a liberating god, the covenant which grounds all relations (cultic, structural, and ethical), and the law as concrete guidance for the everyday exercise of such relations. G. von Rad, who disputes the historical connection between the Exodus and Sinai tradition, nevertheless asserts the theological unity when he says: “Israel has always celebrated the revelation of divine law as a great salvific gift. It is the guarantee of its election because in it Jahweh had manifested to his people a way and a style of life” (1.253).² One can hardly improve on the deuteronomic formulation of this relation:

Keep them and do them [the commandments]; for that will be your wisdom and your understanding in the sight of the peoples, who, when they hear all these statutes, will say “Surely this great nation is a wise and understanding people.” For what great nation is there that has a god so near to it as the Lord our God is to us, whenever we call upon him? And what great nation is there that has statutes and ordinances so righteous as this law which I set before you this day? (Deut 4:6-8)

¹This and other quotations are translated into English by the author from the Spanish version, and page references are to the latter. The English version is Norman K. Gottwald, *The Tribes of Yahweh: A Sociology of Liberated Israel 1250-1050 B.C.E.* (Maryknoll: Orbis, 1979).

²Quoted and translated from the Spanish version. The English version is Gerhard von Rad, *Old Testament Theology* (2 vols.; New York: Harper & Row, 1962-65).

In his chapter on “The Two Sources of Christian Love” Paul Ramsey (*Basic Christian Ethics*) shows, in a brief but careful study of the Old Testament vocabulary for “righteousness,” what he calls the mutual “invasion” of the vocabulary of salvation, righteousness, justice, and law. “In the light of these and doubtless many other crucial passages in the Bible, it cannot be denied that the idea of justice, and precisely that sort of justice secured through political and

other institutions, has been invaded by what righteousness on God's part means."³ The law, therefore, is not a foreign body interposed between God and his people; it is God making his sovereignty (his just mercy and merciful justice) concrete for the life of his people. Obedience to the law is the concrete expression of submission to God's justice. Aside from such concrete juridical structure, the covenant would become an abstract and empty formality.

This truly dialectical relation between justice and jurisprudence (or perhaps better juridicity) is of the essence of the covenant. The "judgments" (*mishpatim*) of the law have their root and meaning in righteousness (*tsedeqah*), and the latter operates concretely through the former. Injustice can thus be most clearly detected when the specific laws are disconnected from righteousness and used abusively against the right relations instituted by the covenant or when such laws are violated. These are normally the forms in which the prophets cast their denunciation: the wicked men "pervert justice" (literally, to "bend" or "sidetrack" judgment—*mishpat*), or they simply ignore or make mockery of judgment. The scathing condemnation of injustice finds its concrete language in this relation between righteousness and law, justice and jurisprudence. In the manifold violations of the laws protecting the weak—the poor, the widow, the orphan, the stranger—God's justice is mocked, the covenant broken; God is "not known." On the other hand, because they have not "known God," they have broken with justice, they "pervert the judgment."

The co-inherence of God's justice and the "egalitarian society" model reflected in the law becomes evident here. By denouncing the perversion or violation of the law, the prophets denounce a whole social system that is replacing the model reflected in the conception of the covenant. But the prophets lay bare at the same time a fundamental feature of that model: the right of the unprotected. This becomes the touchstone of justice and faithfulness. In Jeremiah's often quoted words, "(Josiah) judged the cause of the poor and needy....Is not this to know me? says the Lord" (22:16). God's justice becomes therefore vindication—the vindication of the wronged poor and the punishment of the "unjust" (frequently called in the Psalms "the violent ones" or "the men of violence"). The essential relation between God's and human justice within the covenant is thus again asserted. They are two sides of the same reality—God's saving power is a righteousness which establishes the human relations that correspond to that salvation. The perversion of these relations places Israel against the covenant. The prophets even place the extreme language of "holy war" in the mouth of God against his people. Mercy does not operate here against judgment but through judgment.

³Paul Ramsey, *Basic Christian Ethics* (New York: Charles Scribner's Sons, 1950) 8.

3. Do we move into a different realm when we enter the New Testament? Do we hear there of a different justice, a different salvation, even a different god? Are we justified in approaching the New Testament through the antitheses justice/mercy, self-righteousness/imputed righteousness, faith/works? It would be absurd to claim that we can adequately discuss this question in a couple of pages. But I would like to make a few observations to open our discussion.

My first claim is that the gospels place Jesus squarely in the Old Testament covenant/prophetic tradition. If there is one thing that we seem justified in claiming for the Jesus of the gospels is that he came preaching and enacting in his ministry the Kingdom of God—the

irruption of Yahweh's sovereign just-saving power. It is the good news to the captives, the poor, the hungry, and those who thirst for justice. It is the invitation to enter this new realm through repentance and trust. To place oneself under this sovereignty is to enter the domain of God's justice, to "follow" the way of Jesus, to become totally available to the neighbor—as God himself has become totally available in Jesus. It is totally new because a new day has come, the time of grace when God has broken the realm of injustice and captivity. But it is at the same time totally the same God, the same justice, the same demand of faithfulness to the covenant relationships.

The same God, the same covenant, the same justice. It is also the same law? However paradoxical it may seem, I would claim it is. When one looks at the tests offered, for instance, in the parable of the Last Judgment in Matthew 25, one finds exactly the classical "works" of justice of the Jewish and prophetic tradition: feeding the hungry, clothing the naked, serving the sick and captive. They are the works performed by Jesus himself in his signs and wonders in the Johannine writings: this is all included in the "new law," the law of love. In his *Being and the Messiah* José Porfirio Miranda has argued—in my view accurately—that *love* is concretized in the Johannine writings precisely in "the works of love" classical in Judaism: "John's love is love to the deprived, the poor, the needy" (referring to 1 John 3:17-18).⁴ This is "doing justice" which attests that someone is "born of God." It is not different from James' "piety" (true faith?).

4. How can we then account for Jesus' polemics against the Pharisees who insisted on the fulfillment of the law? When we pay attention to the content of Jesus' accusations we discover that it corresponds to the prophetic denunciation, the divorce between justice and law whereby the latter is "perverted": the law is used to "devour the houses of the widows," to deny parents the relation of care and responsibility that corresponds to the filial relationship, in fact to deny human dignity and value. But the argument is carried to a deeper level: the fulfillment of the law becomes an instrument of self-righteousness through which not only is true justice denied but a person protects himself or herself against God's righteous sovereignty (the essence of the covenant) and against the neighbor's claim.

This is precisely what is at stake in Paul's fierce battle against "works righteousness." The law has become a "curse." This is so in the first place,

⁴José Porfirio Miranda, *Being and the Messiah: The Message of St. John* (Maryknoll: Orbis, 1977) 95.

because the person, by clinging to the letter of the law, loses the capacity to relate immediately and dynamically to others. He or she becomes unable to relate to God and the neighbor except in terms of rights and duties through the clauses of a kind of transaction, impersonally. The relation becomes a sort of table of "fulfilled" and "unfulfilled," which transforms both God and the neighbor into mere objects. Soon persons become totally de-humanized. That is exactly what Jesus shows by contrast in the "vignette" of the elder brother: a relation (between brothers) which should have overcome estrangement is replaced by an "objectified" judgment based on merit. The disconnection between "justice" (a way to walk in) and jurisprudence (indications to walk in that way) brings with it the atomization of ethical life. A person looks at his or her conduct not as the realization of a unified project, a mission, but divides it into isolated acts, each one measured according to a prescription. This in turn demands more and more detailed casuistics and generates scrupulosity. The person becomes alienated: on the one hand, the person forfeits moral

responsibility; on the other, he loses sight of the human and deeper intention of the requirements he fulfills, and even gets to the point of denying and rejecting that intention: “You tithe mint and dill and cumin, but have neglected the weightier matters of the law, justice and mercy and faith” (Matt 23:23).

Paul moves even deeper. Once God’s demand has been de-personalized into minute laws and observances, works become detached from the person who performs them: they do not represent him, do not emerge from his “heart,” are external to him, objects to be accumulated, “works” (products) rather than “fruits.” On the other hand, the legalist who having fulfilled all prescriptions has reached a “good record,” is justified by this record. He reserves for himself the core of his being and presents God and neighbor with a sheet of fulfilled duties. In fact, God and the neighbor are only interesting for him as witnesses of his impeccable acts and dispensers of suitable rewards. The real direction of his action turns back on himself (the Pharisee of the parable “prays with himself” and takes God as witness: “You know....”). The most terrible thing has happened: law has become a tool of a life lived “in the flesh,” that is, in self-centeredness and incommunication, turning one’s back to God and the neighbor. This is not a people to which Yahweh is present, covenanted with Yahweh, instructed by Yahweh. The intention of the law has been totally perverted—it does not lead to maturity, it does not open to God and the neighbor, it does not lead to repentance. On the contrary, it has become the fortress inside of which a person seeks protection against God and the neighbor and prolongs a false, alienated existence.

5. If I understand it correctly, for Paul—as for Jesus—this battle against the corruption of the law divorced from justice is not the initial or fundamental question. It appears as a shadow of the great light: Yahweh has intervened again in his saving justice to deliver. He is again fighting his battles against the power of injustice, lies and death on behalf of humankind. He invites us to be caught up in this conquering justice. We can receive this news, celebrate it, trustfully enter the suffering and the joy of the new day. “Works righteousness” (as “Pharisaism” in the sense in which Jesus fought it) stands in the way, detours us and makes us miss “salvation.” This is why this battle is important. It would

be tragically ironic that, caught up in the “letter” of the forensic language and categories of Paul, we would miss the “spirit” of his concern.

What is this “spirit,” this vital center of Paul’s understanding of “the righteousness of God”? It seems to me that Ernst Käsemann has rightly grasped Paul’s thinking when he refuses to be drawn into deciding whether *dikaiosune theou* must be understood as an objective genitive (the righteousness that belongs to God) or a subjective one (the righteousness that God gives). “*Dikaiosune theou* is for Paul, as it is for the Old Testament and Judaism in general, a phrase expressing divine activity, treating not of the self-subsistent, but of the self-revealing God.”⁵ The gift is never objectified and separated from the Giver. Gift and giver have a name; Jesus Christ—the righteousness of God—is the saving power which is for us and in us.... “When God enters the arena, our experience is, that he maintains his lordship even in his giving; indeed it is his gifts which are the very means by which he subordinates us to his lordship and makes us responsible beings.”⁶

This means at least three things (which we can here only indicate). The first is that all individualistic interpretations are excluded. With Christ a new age has begun for the whole

world: a new humanity has been created—even more, the universe itself has been placed under the power of a new creation—all things “are made new.” The power of justice has been let loose in the world. Secondly, this power grasps us and makes that body of people who trust the new day (“those on whom the new age has dawned”) an instrument of justice. “Christ is the new Adam, because, as the bearer of human destiny, he brings in the world of obedience.”⁷ Thirdly, this is not a static situation: it is a power that drives towards consummation: “God’s power reaches out for the world, and the world’s salvation lies in its being recaptured for the sovereignty of God.”⁸

What about the law, understood as those concrete signs of justice? We could here recall the other struggle that Paul wages with equal force: the fight against antinomianism. To be sure, his pastoral concern concentrates on the concrete manifestations of God’s transforming power—his righteousness—in the community of faith. But here it is concrete and precise enough. It has to do with a whole new organization of relations: neither Jew nor Greek, neither servant nor master, neither male nor female (Gal 3:28). But it is even more precise in Romans 12:3-21 or in the Pauline sections in Ephesians 6:1-9, in Colossians 3:18-25, or in the reconstruction of Stoic *Haustafeln*. That all of these “precisions” are placed under the power of the Spirit and summarized as forms of love assures the proper relation between justice and the new “jurisprudence.” But that Paul does not, for all his concern with the false understanding of works, refrain from giving such concrete indications, should be a constant warning against our tendency to reduce God’s righteousness to an abstraction.

⁵Ernst Käsemann, “‘The Righteousness of God’ in Paul,” *New Testament Questions of Today* (London: SCM, 1969) 174.

⁶Ibid.

⁷Ibid., 180.

⁸Ibid., 182.

II. THEOLOGICAL RECONSTRUCTION

Biblical scholars not infrequently have pointed out that the biblical understanding of justice (*tsedeqah, dikaiosune theou*) questions some of our Protestant theological constructions. However disturbing, such warnings are appropriate and need to be heard. We have frequently overplayed the forensic elements in the understanding of justice and justification. In preaching and practice we have so individualized the understanding of justification that we have lost sight of the relation of justification to creation and eschatology. A mistaken “evangelical” hermeneutics has dug a chasm between Old and New Testaments, opening the doors to antinomianism and a subjectivistic mysticism.

These are serious matters. To recognize the truth in such warnings and to look critically at our theological formulations does not mean a betrayal of our heritage, nor does it require us to jettison the deepest evangelical insights of the Reformation. On the contrary, it is an opportunity to re-center our thinking, to correct and to deepen the meaning of our Protestant tradition and thus to release its power for renewing our evangelical faith and practice. It is in this sense, and in view of our work together these days, that I want simply to raise some questions.

1. Our Protestant tradition has rightly emphasized the absolute priority of God’s initiative and the gratuity of God’s salvation in Jesus Christ. In the articulation of this affirmation,

however, one may wonder whether that priority has been thought out in the biblical perspective of the “covenant” or in terms of a scheme in which God’s acting and human action are conceived as competitive and mutually exclusive almost as a physical problem of a summation of forces in which what is attributed to human action has to be detracted from God’s. Such a conception corresponds equally to an autocratic conception of power—a power which almost by definition excludes participation. It seems to me that in the perspective of the covenant, God’s action is understood as “enabling,” as constituting a human subject (personally and communally) who participates meaningfully and effectively in God’s work. This is precisely what the “gift” is: not a certain “something” given over or a juridical pronouncement but the incorporation into the active sphere of Christ, the indwelling presence of the Spirit. When we look at the fluid biblical vocabulary about God’s mercy, salvation, and justice from this point of view, can we still operate theologically with a radical separation of divine and human justice? Can we deny to human justice all eschatological significance? Don’t we need to recast the non-negotiable priority of God’s initiative and the gratuity of his salvation in terms compatible with the “partnership” which that salvation institutes—rather, the partnership in which such salvation “consists”?

2. Our Protestant tradition has rightly held to faith alone as our saving relation to God’s redemption in Jesus Christ. Human justice can then only be introduced as “a consequence,” a “fruit,” somehow—ontologically if not chronologically—“a second moment” in our relation to God. The structure of such a way of thinking is almost inevitably open to the introduction of a wedge between faith and life which, on the one hand, renders grace into “cheap grace” and human justice into a relative, almost dispensable (at least soteriologically) quality. Paul, at least, seems to think otherwise when he describes our dying

and being raised in Christ as the act through which we become “instruments of justice” (Rom 6:11-14). Perhaps the question can be seen more clearly if we would look to the Pauline and Johannine language concerning faith and love, both in relation to God and to the believer. I think we could hardly refuse Jon Sobrino’s formulation: “Faith is not merely a response to God’s love but a co-responding to its reality” or this one: “what we find in the New Testament is that love is not only a consequence and a requirement of a prior love of God to man but *a constitutive moment* in the birth of faith.” Such a formulation may sound suspicious to Protestant ears wary of the Thomistic *fides caritatae formata*. But is it so distant from Luther’s sermon “On the Twofold Justice” when, after a vigorous exposition of the *justitia aliena*, he tells us that our justice “perfects [*perficit*] the first [the *justitia aliena*]” and argues this christologically showing that this (our) justice corresponds to the self-emptying of the Incarnation? To be sure, Luther uses such terms as “fruit,” “consequence,” or “operation” to describe the relationship in this twofold justice. But when he describes the relation of faith as that of the bridegroom who says “I am thine” and the bride who answers “And I am thine,” such words clearly receive a new meaning. If what we are talking about when we speak of faith is really the constitution through God’s initiative of “a new human subject,” do we not need a new language that is able to express the co-inherence of faith and justice both in terms of the synthetic character of God’s salvation and of the human subject?

3. Our Protestant tradition has rightly rejected legalism. It is the continuation of the necessary struggle of Jesus and Paul. But is it enough to replace the law by the general reference

to “love” or even to “justice,” leaving the “filling out” of such notions to individual decision, to some autonomous secular order, or to a general “concern for the neighbor”? In the sermon already quoted Luther speaks of the direction in which the Christian will exercise justice as being toward the little ones, the weak, the sick, the poor with whom Christ identified himself in taking the form of a servant. The historical identification of these categories is not clear in this sermon, but we know that by this time (1518 or 1519) the Reformer had become increasingly concerned with poverty as a concrete socio-economic reality. The second suggestion in the sermon is a less fortunate one: in exercising our justice we must distinguish in us a “public” and a “private” person and proceed accordingly in each case. I do not intend to enter now the complex questions and discussions connected with this distinction. But it seems to raise a problem that we cannot sidestep in relation to our theme. How is God’s justice—the justice into which he incorporates us in his covenant—related to the relationships (face-to-face and structural) that make up our social existence? The distinction between private and public person (which we have frequently perverted to justify moral duplicity and social irresponsibility) can hardly be maintained in view of the results of psycho-social and sociological studies. The question is a very simple one: can we speak of “justice” according to the prophetic-dominical criterion of “the rights of the poor” without coming to terms with the question of the structures, systems, and relations which define the condition of the poor, personally and collectively? The relation between justice and law that we found in the Bible requires the concrete reference to social, economic, and political relationships. Otherwise God’s justice would remain an empty concept without historical correlate. If an absolute identification

of God’s justice with a concrete historical project would be an inadmissible legalism, the claim to a social, economic, and political neutrality is an equally inadmissible form of antinomianism.

III. DATE AND PLACE

I can imagine several of the Latin Americans present in this session growing increasingly restless with a presentation which develops along rather classical academic lines. We could certainly begin this consultation otherwise. We could begin it where we Latin American Christians begin our reflection on God’s justice, where the Bible itself begins it: with a people oppressed and exploited. We could begin with a God who says: “I have seen the affliction of my people...and have heard their cry...and I have come down to deliver,” and who commands: “Go and tell Pharaoh, ‘Let my people go.’” For it is thus and not otherwise that we are learning anew the Name, and the revelation of his justice, and the promise of the covenant, and the celebration of his power and mercy. This is the date and place of our reflection on God’s “justifying,” his “right-ing,” “putting a-right” a world of sin, death, and “unrighteousness” (*adikia*). But we can also, from this date and place, retrace the steps of that story and try to learn its lessons for ourselves. Or, perhaps more properly, we can rememorate that story in the power of the Spirit as our own story and heed the warnings and the directions for our own exodus. It is in this two-way transit between our dim discernment of God’s justice operating in our world and calling us to trust it, and the powerful memory of his justice disclosed and victorious once for all in the cross and resurrection of Jesus Christ, that we try to develop our theological thinking—and that I have dared to share with you these comments.