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What is the nature of civil justice? The answer must be a key element of Christian legal thought. Dean Tuomala’s thirty-five page masterpiece answers the question, and his answer comes from the core of the Christian faith, the doctrine of the Atonement.

Tuomala’s argument rests upon the link between civil justice and God’s justice. The civil magistrate is God’s servant who administers wrath in punishing wrongdoers. As God’s servant, he administers God’s wrath—his righteous, just wrath. Tuomala moves from this generally accepted proposition to the proposition that God’s wrath in punishing wrongdoers appears clearest in the biblical teaching on Christ’s Atonement, and so on to the proposition that Christ’s Atonement is the model for civil justice.

The heart of Tuomala’s article associates four theories explaining Christ’s Atonement with four theories of civil justice. Certainly the Atonement of Christ has significance far beyond the forensic, and civil justice embraces more than criminal law, but Tuomala’s chief interest is to draw out for criminal law the implications of Christ’s Atonement.

One of the two theories of the Atonement that Tuomala labels utilitarian is the moral influence theory. This theory holds that, in responding to lawbreaking, God the Father is a lord or creditor free to forgive debts and who wills to do so for those who believe and obey. The man Jesus Christ suffered to move us to believe and obey so as to meet the conditions of forgiveness. No role is played by a Holy Spirit. This theory of the Atonement embraces an understanding of justice reflected in the rehabilitationist theory of civil justice. The response to crime is no function of desert, but rather of utility. Civil government changes the hearts of the antisocial. The church has no essential role to play in reformation. (The trinitarian approach to Christ’s Atonement and its parallels in civil society are typical of Tuomala’s discussion of the four sets of theories, as are the evaluations he offers for each set.)

The second utilitarian Atonement theory is the governmental. It casts God the Father as a ruler who willed to punish an innocent Christ to secure order, and who wills to forgive our lawbreaking if we repent and believe. Christ died to preserve the moral order by frightening us into repentance and belief. God the Holy Spirit works generally or not at all. To this governmental theory of the Atonement the deterrence theory of civil justice corresponds. Again, as with rehabilitationism, crime calls for a useful response other than desert. The civil government is to preserve order through fear. The church is ineffective. (Not frightening enough?)

A third theory of the Atonement Dean Tuomala calls the mystical theory. It posits a God from whom we feel alienated, a Christ who lived to show and mystically effect God-consciousness, and a Holy Spirit of doubtful existence or effectiveness. Social justice is the theory of civil government Tuomala matches with the mystical theory. It understands offenses as products of alienation, as a lack of solidarity. Civil government is somehow to effect solidarity, forcing us to act as if sympathetic. The church only hurts these efforts. Its exclusivity hinders universal solidarity and community.

Dean Tuomala disapproves these three theories of the Atonement and their corresponding theories of civil government. It is instead the satisfaction theory that he approves. Tuomala focuses on its penal aspect. This holds that God the Father is a just and righteous judge, who punishes Christ in our place. Christ, God the Son, in whom the elect are united, suffers the just penalty of sin. (He may in so doing inspire fear of judgment, love of God, and reformation, but these consequences flow as incidental to his suffering the penalty deserved for sin.) God the Holy Spirit applies Christ’s objective work to believers subjectively, uniting them to Christ and working in them the consequences of this union.

While mentioning the restitutionary aspect of civil justice, Dean Tuomala focuses on the retributive theory of civil justice corresponding to the penal satisfaction theory of the Atonement. The retributive theory understands offenses as demanding deserved condemnation and punishment according to standards of justice. Civil government punishes offenders according to these standards, laying the objective ground for restoration and reconciliation. (It may thereby deter and provide an occasion for reformation, but those are outcomes incidental to supplying just deserts.) The church administers...
subjective reconciliation, fostering reformation and community. This theory, Tuomala finds, is a genuinely Christian theory of civil justice, truest to the biblical teaching on justice manifest in Christ’s Atonement.

For its elegance, depth, scope, and explanatory power, Dean Tuomala’s essay is a remarkable work of Christian legal thought, essential to a Christian understanding of civil government. It connects the enterprise of human law to the central narrative of the Bible and the very heart of the Christian faith.

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Law in Calvin’s Institutes

John Calvin (1509-64) is one of the eminent theologians in the history of Christianity and his magnum opus, the Institutes of the Christian Religion is a work of monumental significance. Few masterpieces of theology are justifiably included among significant texts for Christian legal thought, but in this case the honor is easily defensible. Calvin was no amateur when it came to law. He received extensive legal training in his youth, under several of the most important Humanist legal scholars of his day, and his first published work examined Seneca’s De Clementia. Calvin was also famously involved in the civil as well as ecclesiastical life of Geneva, his adopted hometown. Calvin addressed legal themes in the Institutes, therefore, from a wealth of learning and experience, in a way that would influence generations of Western thinkers and societies.

Calvin wrote profoundly about law in general. With many fellow Reformers, Calvin believed that distinguishing the law (what God requires of us) from the gospel (what God promises us) is essential to sound theology. For example, justification—being declared righteous before God—comes not by obedience to the law but only by faith in Christ and his gracious gospel (3.11). But this did not entail a negative attitude toward the law. Calvin developed the idea that the law has “three uses.” While law in its first use exposes human sin and the impossibility of saving ourselves, the second use has the critical task of restraining sin and preserving order in society, and the third use shows the way of grateful obedience for God’s redeemed people (3.7).

Calvin’s Institutes also has important and balanced things to say about civil law. Against contemporary Anabaptist extremists Calvin spoke highly of civil magistrates and the laws by which they govern. Serving God in political office is a noble vocation, and Calvin strictly prohibited resisting magistrates except when existing legal structures authorized lesser magistrates to remove them. (4.20) Yet Calvin’s two-kingdoms doctrine meant that while civil government and law were to be honored for their irreplaceable role in maintaining social order, they were not to be confused with the redemptive kingdom of Christ. While Calvin was no modern advocate of religious liberty, he advocated clear distinctions concerning the nature and role of church and state. (4.20.1-2; compare 3.19.15-16; 4.8-12).

Finally, Calvin’s Institutes maintained a modest doctrine of natural law, in continuity with, though not identical to, earlier Christian notions. Calvin was quick to acknowledge the limits of what natural law could accomplish due to the corruption of human sin. Pursuit of the natural law by fallen humans can get them not a single step closer to Christ’s heavenly kingdom (2.2.20, 22). Believers themselves were to interpret natural law through the clarifying lens of the Scriptures (1.6). Yet Calvin identified natural law (not the law of Moses) as the foundation for civil law and even marveled at the accomplishments of the jurists of pagan antiquity who were illuminated only by the law of nature (4.20.16; 2.2.12-17).

By providing a profound theological basis for the role of law in God’s providential care of this world, for a high view of political and legal vocations, and for a modest but significant function for natural law, Calvin’s Institutes is an enduring resource for Christian legal thought.

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