

Faith and Philosophy: Journal of the Society of Christian Philosophers

Volume 21 | Issue 2

Article 6

4-1-2004

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Recommended Citation

Porter, Steven L. (2004) "Swinburnian Atonement and the Doctrine of Penal Substitution," *Faith and Philosophy: Journal of the Society of Christian Philosophers*: Vol. 21 : Iss. 2 , Article 6.

DOI: 10.5840/faithphil20042126

Available at: <https://place.asburyseminary.edu/faithandphilosophy/vol21/iss2/6>

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SWINBURNIAN ATONEMENT AND THE DOCTRINE OF PENAL SUBSTITUTION

Steven L. Porter

This paper is a philosophical defense of the doctrine of penal substitution. I begin with a delineation of Richard Swinburne's satisfaction-type theory of the atonement, exposing a weakness of it which motivates a renewed look at the theory of penal substitution. In explicating a theory of penal substitution, I contend that: (i) the execution of retributive punishment is morally justified in certain cases of deliberate wrongdoing; (ii) deliberate human sin against God constitutes such a case; and (iii) the transfer of the retributive punishment due sinners to Christ is morally coherent. Whatever else might be said for and against such a conception of the doctrine of the atonement, the plausibility of the theory presented here should give us pause in the often hasty rejection of the doctrine of penal substitution.

Introduction

Throughout the history of Christian doctrine, the cross of Christ has proved to be a magnet for widespread theological interpretation. We possess Irenaeus's recapitulation theory, Gregory of Nyssa's fish-hook theory, Athanasius's mystical theory, Augustine's ransom theory, Abelard's moral-influence theory, Anselm's satisfaction theory, Scotus's acceptilation theory, and Calvin's theory of penal substitution, to name only a few of the historical stand-outs.¹ Since the Reformation, divergent views of the atoning work of Christ have ballooned all the more, with the typical battle line drawn between objective and subjective theories.² Even philosophers have gotten into the fray. Kant and Kierkegaard each have extended discussions of the atonement, and in contemporary, analytic philosophy, the likes of Philip Quinn, Eleonore Stump, Richard Swinburne, John Hare, and David Lewis have published on the doctrine of the atonement.³

While no one theory of the atonement has received the stamp of orthodoxy within Christendom, amongst many conservative Christians various versions of the theory of penal substitution continue to rule the day.⁴ And yet, outside of these conservative circles, the notion of penal substitution is dismissed out of hand. Keith Ward, for instance, represents a fairly common stance, "One must therefore reject those crude accounts of Christian doctrine which...say that Christ has been justly punished in our place so that he has taken away our guilt and enabled God to forgive us. Almost everything is ethically wrong about these accounts."⁵ Many of us simply cannot swallow the idea of a God who is unable to deal with his anger over



sin in any other way than by doling out punishment to sinners or to the incarnate Christ as a penal substitute.

While I am sympathetic to such sentiments, I am equally moved by the historical legacy of penal accounts of the atonement and the corresponding biblical evidence in favor of such understandings of the cross of Christ. Furthermore, and more germane to this present paper, the doctrine of penal substitution offers a rationale for the cross that appears lacking on rival accounts. There is, of course, much more to the person and work of Christ as the means of salvation than merely his death on the cross for human sin, but this latter notion remains a central biblical and theological theme that deserves careful delineation. Since many have found the idea of penal substitution to be morally suspect, my aim here is to take a further step towards a contemporary philosophical defense of the doctrine.⁶

One of the most recent and most compelling attempts to put forth a philosophical defense of Christ's atonement is found in Richard Swinburne's *Responsibility and Atonement*. While Swinburne's theory is not a penal view of the atonement, Swinburne does present Christ's person and work as a means to satisfy the moral debt sinners owe to God. In so doing, I will argue that Swinburne prepares the ground for a plausible understanding of the doctrine of penal substitution. In the critical part of this paper I lay out Swinburne's satisfaction-type theory and surface one central weakness of it—a weakness which provides some motivation for a renewed look at the doctrine of penal substitution. This leads to the constructive part of the paper in which I attempt to harness Swinburne's methodological approach to atonement theorizing and put it to work in favor of a theory of penal substitution.

I. Swinburne's Theory

The essential dilemma of the atonement is clearly stated by St. Anselm in *Cur Deus Homo?*, "If God could not save sinners except by condemning a just man, where is his omnipotence? If, on the other hand, he was capable of doing so, but did not will it, how shall we defend his wisdom and justice?"⁷ Anselm takes the first horn of the dilemma arguing that despite God's omnipotence it was morally impossible for him to save sinners without the satisfaction of Christ. Swinburne takes the second horn. On his view, God could have forgiven the sins of humanity in various morally suitable ways, it is simply that the means utilizing Christ's life and death is one of those suitable ways.⁸ God's wisdom and justice are vindicated for while the requirement of Christ's life and death is not morally obligatory for the forgiveness of sins, it is a morally fitting condition for the forgiveness of those sins.

In setting out his case, Swinburne first analyzes the process of atonement in the human context and he then applies the resultant understanding to the case of God and sinners. Through an appeal to common moral intuitions in cases of intentional and unintentional wrongdoing, Swinburne contends that wrongdoers owe their victims a certain kind of response. For instance, if I borrow your car and I accidentally smash the front end into a concrete wall, upon returning it to you I cannot merely

hand you the keys and walk away without addressing what has happened. Nor can I casually mention the damage and attempt to laugh it off. Of course, I *can* do either of these things, it is just that I shouldn't. Something would be morally amiss with either of these responses. This is because, Swinburne urges, I am morally indebted to you due to my offense and I owe you some kind of proper repayment. I am in a state of objective guilt before you for I have failed in my duty to handle your property well.⁹

Swinburne suggests that in unintentional wrongdoing wrongdoers owe the offended party at least an apology and reparation if possible. In apology I publicly distance myself from my act by sincerely disowning my wrongdoing to you. And in reparation I seek to remove the consequences of the harm as much as is logically possible. If my wrongdoing is deliberate, then I owe you even more than apology and reparation. For in deliberate wrongdoing I have a malevolent attitude and purpose towards you which adds a deeper offense to my already offensive act. Hence, I must repent and also perform penance. In repentance I privately acknowledge the wrongness of my act and I resolve not to act in such a way again. And in penance I go beyond what is required in reparation and I give you a costly gift as a demonstration that my previous steps towards reconciliation were meant and serious.¹⁰

Swinburne writes that these four components of atonement—repentance, apology, reparation, and penance—are “all contributions to removing as much of the consequences of the past act as logically can be removed by the wrongdoer” and by offering them the “wrongdoer has done what he can towards removing his guilt...towards making him and the victim at one again.”¹¹ The final act of ‘at-one-ment’ is the victim’s decision whether or not to forgive the wrongdoer on the basis of his gift of atonement.¹² Forgiveness for Swinburne occurs when the victim changes his disposition towards the wrongdoer such that the victim undertakes to treat the wrongdoer as no longer the originator of the wrong act.¹³ It is in virtue of the victim’s forgiveness that the wrongdoer’s guilt is removed.

Swinburne holds that with serious wrongs, it is bad for a victim to attempt to forgive without some form of atonement on the part of the wrongdoer, for this trivializes human relationships and the importance of right action by not taking the wrongdoer and the wrong done seriously.¹⁴ So the victim must at least require an apology from the wrongdoer, and if the act was intentional, repentance as well. Beyond this, the victim has it within his power to determine, within limits, how much further atonement is needed before he forgives. The victim can forgive with just repentance and apology, or he can insist on some degree of reparation and penance before granting forgiveness. Sometimes it is good that the victim require substantive reparation and penance, for that allows the wrongdoer the opportunity to take seriously the harm he has done.¹⁵

Swinburne applies this general view of atonement to the divine/human relationship. The idea here is that human sinners have acquired guilt before God in failing to live their lives well. Just as children owe it to their parents to do what they say, do what will please them, and make something worthwhile of their lives, *a fortiori*, humans have a duty to God to obey his commands, do what will please him, and live a virtuous life.¹⁶ For

God is our ultimate benefactor in that our existence and all that we have depends on him. So when we fail in any duty to our fellows, we fail to live a good life, and thus, we fail in our duty to God. Such a failure of one's duty to God is to sin.¹⁷

Moreover, Swinburne assumes that "God seeks man's eternal well-being in friendship with himself", and that God has worthwhile tasks with which humans can participate.¹⁸ For instance, we can help God in reconciling others to himself and to one another, we can grow in the contemplation of God and his universe, and we can help in beautifying the universe. Since these great opportunities are available to us, we do a great wrong to God in failing to take steps towards fulfilling these ends.

Thus, Swinburne holds that we have failed to fulfil our duties to God, "badly abusing" the opportunities he has given us.¹⁹ We owe God first-rate lives, though we live second-rate lives at best. And so, human persons are sinners, they are in debt to God because of their sins, and they are obligated to make atonement to God for their wrongdoing.²⁰ Swinburne writes, "it is good that if we do wrong, *we* should take *proper* steps to cancel our actions, to pay our debts, as far as logically can be done."²¹ To just walk away from God without addressing our sins is morally inappropriate.

Similarly, it would be morally inappropriate for God to forgive our sins without at least requiring repentance and apology.²² But since our actions and their consequences matter, it is good for God not only to require repentance and apology, but reparation and penance as well. By doing so, God takes sin seriously, treats us as responsible moral agents, and demonstrates the value he places on the divine/human relationship.

But because of the extent of reparation and penance needed, sinners are unable to make it. We need help from the outside. God gives us this help by providing a means of substantive reparation and penance. Swinburne writes:

If [a] child has broken the parent's window and does not have the money to pay for a replacement, the parent may give him the money wherewith to pay a glazier to put in a new window...and thereby make due reparation. The parent can refuse to accept the apology until the window is mended. Thereby he allows the child to take his action and its consequence...as seriously as he can in the circumstances of the child's initial inability to pay. That treats the child as a responsible agent, and it treats the harm done as a harm. It treats things as they are.²³

Since Christ's life and death are traditionally seen as the means of atonement for human sins, Swinburne concludes that God has provided the voluntarily offered life and death of Christ as a means for sinners to offer substantive reparation and penance.²⁴ Since the wrongs done were human lives lived imperfectly, it was fitting for a life lived perfectly to be offered as reparation and penance.²⁵ It is only when sinners combine their repentance and apology with pleading the atoning work of Christ as a means of reparation and penance that God forgives them their sins and their guilt is removed.

Swinburne's theory clearly articulates an intuitively compelling understanding of atonement. It does seem good that victims of wrongdoing condition their forgiveness at times on not only repentance and apology, but also substantive reparation and penance. Since sinners are unable to provide this, God in Christ offers them a way to realize the goods of such reparation and penance. It is not that it is necessary for God to forgive sinners in this manner, but it is a fitting way for him to do so amongst other fitting ways given God's overall intentions for human salvation.

But this otherwise plausible move generates a weakness. On Swinburne's theory God could freely choose any valuable act to serve as reparation and penance. Swinburne writes:

...it is the victim of wrongdoing—in this case God—who has a right to choose, up to the limit of the equivalent to the harm done and the need for a little more in penance, how much reparation and penance to require before he will forgive. So, despite all of these considerations about man's inability to make substantial reparation and penance, God could have chosen to accept one supererogatory act of an ordinary man as adequate for the sins of the world. Or he could have chosen to accept some angel's act for this purpose.²⁶

In fact, God could have required merely Christ's valuable life for this purpose without requiring the crucifixion. Surely all the good acts of Christ's life as well as the suffering and humility he endured in the incarnation constitute a substantive gift to offer as reparation and penance. So, since the goods obtained by Christ offering reparation and penance on behalf of sinners could be accomplished without his suffering and death, it is implausible to think that a good God would require such an event for forgiveness.²⁷ For a voluntary sacrifice of life is not a morally valuable act unless there is some good purpose that can only or best be achieved by means of it. Since the goods of reparation and penance can be achieved without Christ's death, it would appear that his voluntary death was either foolish or suicidal.²⁸

Swinburne does contend that Christ's life and death are a peculiarly appropriate means for reparation and penance in that they make up a perfect human life offered up for persons who led ruinous lives.²⁹ The idea here is that since the best reparation and penance are closely connected with the harm done, a perfect human life is *apropos* when the harms done were the imperfect lives of human persons.

While this seems right, it is not clear why Christ's *death* is an important part of his perfect human life. Would Christ's life have been less perfect if he had ascended into the heavens right after, say, the Garden of Gethsemane? If Christ's death was voluntary, as Swinburne assumes, then I fail to see how his going to the cross is a part of his living a perfect human life when the goods of substantive reparation and penance could be equally well-served by his life alone. One might think that if Christ had avoided the cross, then Christ would be seen as having dodged the inevitable result of the kind of life he led. But dodging bullets—even inevitable ones—seems a virtue, unless there is some good purpose to take the bullet. Since Christ's life alone accomplishes the goods of substantive reparation and

penance, Swinburne's view of the atonement provides no good reason for Christ to voluntarily go to the cross.

Of course, there might be some other good purpose or purposes which the cross served which made it a valuable act, and thus, rendered it capable of being a part of the reparation and penance offered to God on behalf of sinners. But Swinburne does not suggest what these other possible goods may be. And whatever they may be, it will always seem that they could be achieved equally well without Christ's death. It appears essential for Swinburne's case that he spell out some great goods which could only or best be achieved by the death of Christ, or else there will be no sufficient reason for Christ going to the cross nor God requiring it for forgiveness.

Nevertheless, it seems to me that Swinburne does capture a salient feature of the atonement process, namely, that we owe God righteous lives and that Christ's righteous life—his active obedience—serves as a satisfaction of our debt. But I have contended that such an atonement scheme fails to make sense of Christ's voluntary death—his passive obedience. If all we need is Christ's righteous life as satisfaction for our moral debt to God, then the crucifixion would be at best inconsequential as regards the forgiveness of sins and at worse a completely worthless act. What is needed is an atonement theory more intrinsically related to Christ's suffering and death on the cross.

II. The Doctrine of Penal Substitution

Given this particular weakness of Swinburne's theory, there arises some motivation to investigate the doctrine of penal substitution. For a penal understanding of the cross of Christ manifests a clear connection between the death of Christ and the forgiveness of human sin.³⁰ If moral sense can be made of the idea that the punishment of sinners is what God requires for forgiveness and that this punishment was provided for in the crucifixion of Christ, then, whatever else this conception of the atonement may have in its favor, it plainly establishes a lucid rationale for Christ's voluntary sacrifice. In what follows, I will first argue for a moral framework that makes sense of the infliction of penal consequences on wrongdoers, and then apply this framework to the case of God and sinners. I will conclude with a defense of the coherence of transferring punishment from a guilty party to an innocent party.

Victims of wrongdoing (or rightful representatives of those victims) have a retributive right to punish their wrongdoers. Perhaps harkening back to the example in which I borrow your car will helpfully illustrate this somewhat controversial point. Let us say that this time I deliberately crash your car because I am jealous of you. Now all of what Swinburne says would seem to apply. I am in moral debt to you and I ought to repent, apologize, and seek to make reparation and penance. I owe this to you and just as it would be good of me to offer it to you, so too it would be good of you to require such an atonement process as a condition of your forgiveness.

But while it seems clear that I owe you this kind of response, it also seems clear that I deserve more than this. For even after engaging in the Swinburnian atonement process, it seems permissible for you to withdraw

my car-borrowing privileges. I certainly don't deserve the privilege after what I have done, and in fact it appears that I deserve to lose that privilege—at least for a time. Due to my misuse of a certain privilege, you have the right to withdraw that privilege from me. Now, of course, you could let me borrow your car again after I've engaged in the Swinburnian atonement process, but when you do so you graciously pass over what I otherwise rightly deserve.

As another example, take the unfaithful husband who comes to his wife repentant, apologetic, and willing to make reparation and penance for his adultery. It seems permissible for the wife to accept these steps towards reconciliation but to nevertheless demand that he move out of the family home—at least for a time. The wife may say to her husband, "I will forgive you, but for now, pack your things and get out of the house." If there was a debate about whether or not this was fair, I take it that we would side with the wife. For it appears that the husband deserves to be treated in such a manner—he deserves to lose certain rights and privileges of family life due to his misuse of those rights and privileges.

This analysis seems to suggest that intentional wrongdoers have a further moral debt to their victims—what might be called a penal debt.³¹ For even after intentional wrongdoers repent, apologize, and make reparation and penance in response to what they owe their victims, they often deserve further loss. Due to the fact that they have deliberately misused certain rights and/or privileges, they deserve to have those rights and/or privileges withdrawn. Thus, it is permissible for victims of deliberate wrongdoing to demand that the deserved loss be exacted from their wrongdoers. Retributive punishment, then, is the forcible withdrawal of certain rights and/or privileges from a wrongdoer in response to the intentional misuse of those rights and/or privileges by the wrongdoer.

But what is morally permissible is not always morally fitting. In other words, while victims of wrongdoing have a *prima facie* retributive right to punish, the moral justification for exercising that right depends on the ultimate moral worth or fittingness of such punishment.³² Thankfully, there are times when the withholding of punishment, and hence the manifestation of mercy, is of ultimate moral worth. But there are other times in which great moral worth can be located in executing rightful punishment. While the potential utilitarian ends of retributive punishment are well-known (deterrence, rehabilitation, and prevention), there are also what might be called intrinsic ends that are secured in all cases of rightful, retributive punishment. For to demand that a wrongdoer suffer the loss that he deserves takes the harm done with due moral seriousness; it treats the wrongdoer as a responsible moral agent; and it expresses the value of the victim as well as the value of the personal relationship involved.³³ This in turn provides the wrongdoer the opportunity to take himself, his act, the victim, and the relationship involved with due moral seriousness by his abiding by and perceiving the justice of the enforced demands. In the case of serious wrongdoing or repeated offenses, the absence of punishment can trivialize all of these elements.³⁴

So when the wife demands that her unfaithful husband moves out of the family home, she takes the harm done with appropriate seriousness;

she treats her husband as responsible for the consequences of his actions; and she expresses or vindicates the true value of herself and her marriage relationship both of which her husband had devalued in his adultery. Furthermore, she provides the opportunity for her husband to recognize the moral import of all of these things. If the wife does not exact some kind of punishment like that described, she runs risk of trivializing the importance of right action, responsibility, and the other moral values involved.

Having argued that there are situations in which retributive punishment is morally appropriate amongst human persons, the question now becomes whether God is in such a situation vis-a-vis sinners. As Swinburne argues, humans have failed in their duties to God, and are therefore in debt to him. What we owe God are lives lived well, rather than the second-rate lives we do live. But more than simply owing God good lives we cannot produce, we do not deserve to have the lives that have been given to us.

Assuming that earthly human life is a good and gracious gift of God and that the opportunity for loving relationship with himself is the highest good bar none, then to intentionally abuse the goods and opportunities of earthly human life, including the spiteful rejection of God's offer of eternal friendship, is a clear misuse of the rights and privileges we have been given by God. Granting the above argumentation, it is permissible for God to forcibly withdraw the rights and privileges of human life on earth and the opportunity for relationship with himself. For we deserve to lose these things due to our misuse of them. If I come in late from working all day to my wife's welcome embrace and a well-prepared dinner, only to push her away and throw the food on the floor in disgust, I certainly do not deserve such generous treatment again. Just as my wife would be right to withdraw her good gifts, so too God would be right to withdraw the good gifts of human life in friendship with himself from those who abuse and reject it.³⁵ To put the matter in theological terms, we deserve the divine punishment of physical and spiritual death. That is, we deserve to be physically separated from the goods and opportunities of earthly human life and we deserve to be spiritually separated from God's loving presence.

At this point I am not prepared to argue that such punishment is obligatory. In fact, I am prone to agree with Augustine, Aquinas, and Calvin that God could forgive our sins without exacting such loss.³⁶ Nevertheless, it is morally permissible for him to exact the loss due us, and there is great moral worth in him doing so. For, parallel to the previous cases, such an exaction of loss takes human sin seriously, it treats sinners as responsible moral agents, and it vindicates or expresses the appropriate value of both the Godhead and the divine/human relationship. The result of this is that the sinner has the opportunity to be morally educated and formed, and the provision of this opportunity is good even if sinners are unwilling to recognize the correct moral values which are expressed in the punishment.³⁷

So at this point I have attempted to argue that there is a plausible conception of retributive punishment that makes punishment permissible in cases of intentional wrongdoing and that certain intrinsic good ends are involved in the exercise of such punishment. Granting this theory of punishment, I have argued that God is in such a position with sinners. What is left is to

show the moral coherence of transferring such punishment to Christ.

The substitution aspect of penal substitution has been bothersome to many. As Brian Hebblethwaite declares:

What sort of judge can impose death on another or even on himself as a substitutory punishment, thus letting me go free? Such ideas are morally objectionable in their analogical base—the purely human context—before ever they get transferred, by analogy, to the divine-human context; and *a fortiori*, they make no moral sense when predicated of a God of love.³⁸

So, first off, is such a transfer of punishment from a guilty party to an innocent party right or permissible in the human context? While it is a fairly trivial objection, it has been suggested that it is a logical impossibility to punish the innocent. For instance, Anthony Quinton writes, “For the necessity of not punishing the innocent is not moral but logical. It is not, as some retributivists think, that we *may* not punish the innocent and *ought* only to punish the guilty, but that we *cannot* punish the innocent and *must* only punish the guilty.”³⁹ So Quinton is claiming that it is part of the meaning of the word ‘punish’ that the one inflicted must be guilty. But as R.M. Hare points out, even if we mistakenly punish an innocent person, they were nevertheless punished.⁴⁰ This is what makes such a situation tragic. So the claim that punishment must only be of the guilty is not a logical claim, contra Quinton, but a moral one. It is not logically impossible to punish an innocent person whom we think is guilty, rather it is morally egregious to do so just because it is logically possible.

But the case of substitutionary punishment is not of this kind. The idea here is that someone voluntarily takes the guilty one’s place for the punishment the guilty one deserves. It would seem that the only possible way such a transfer of punishment could be just is if the substitute voluntarily and with sound mind accepts the penalty. But given that the substitute meets these conditions, I fail to see what is unjust about such a transfer. Since punishment, on the view I have sketched, is the exercise of a retributive right in order to accomplish certain good ends, how one goes about executing this right appears somewhat flexible. For on this view, there is no absolute principle of justice which necessitates punishment in response to wrongdoing. Punishment is permissible in response to wrongdoing, but it is ultimately motivated by the moral goods which can be brought about through it. Hence, the victim, within limits, has the freedom to decide to what extent and in what manner to inflict punishment. I do not see how this freedom would not extend to accepting a voluntary penal substitute.

Take for instance the football player who is late to team practice. The coach of the team punishes the late player by demanding he run 5 laps around the field. The team captain steps forward and asks the coach if he could run the 5 laps in the other’s stead. If the coach agrees to such an arrangement, then there does not seem to be anything unjust about this transfer of penalty. I take it this is because in the transfer the initial justification for punishment is still in place—that is, the late player’s misuse of his team-privileges led to the temporary withdrawal of a team-privilege.

Whether the late player or the team captain serves the punishment, the initial justification is the same. And the additional good ends that the punishment is likely to secure (e.g. team unity) are accomplished whether the late player runs the laps or the team captain runs them.

It is clear in this example that part of what makes a penal transfer just is that the infliction of punishment is the right of the one offended and it does not have to be executed. This opens up logical space for the exercise of punishment to take on various forms. What motivates the vicarious form is that the good ends which justify the punishment of the one who deserves it are also served in the punishment of the substitute.

But the practice of penal substitution in other scenarios seems wrong. We do not think it good for the mother of a convicted rapist to serve his time in prison. I propose that the reason why such a transfer is morally counter-intuitive is that while the victim still has the right to transfer the punishment, the likely good ends of such punishment would not be served by such a transfer. Given that deterrence and prevention are the main potential goods of criminal punishment, it is probably never good that such a penalty be transferred, for there is little hope of achieving these goods through a transfer.⁴¹

But the same good ends are not at issue in the divine/human situation, and so it may be good for Christ to voluntarily serve the kind of punishment that is due sinners. Christ's voluntary submission to the crucifixion coupled with his human experience of alienation from the Father is the kind of physical and spiritual death sinners deserve. It seems fair to say that Christ experienced on the cross the loss of the good gifts and opportunities of human life in friendship with God. These are the rights and privileges we abused, and it seems that they are the rights and privileges Christ gave up on the cross in our stead. On the view of punishment I have sketched, God as the victim of wrongdoing can decide to what extent and in what manner the punishment we deserve should be executed. As long as Christ voluntarily and with sound mind offers his death as the punishment we deserve and as long as God considers it in this way, there does not seem to be any injustice in this arrangement. In God demanding and Christ taking on the kind punishment we deserve in our place, human sin is taken with utter seriousness, sinners are treated as responsible moral agents, and the high value of the Godhead and the divine/human relationship is expressed. Moreover, sinners are provided the opportunity in the cross to recognize the gravity of their offense, to realize their responsibility before God, to grasp the great value of the Godhead and the divine/human relationship, and in all of this to become aware of the riches of God's mercy, grace, and love.

Conclusion

What I have attempted to do in this paper is surface a central weakness in Swinburne's theory of the atonement which motivates a renewed look at the doctrine of penal substitution. Given this motivation, I have proposed a moral framework in which human sinners deserve and God is morally justified in executing retributive punishment. But due to the intrinsic ends of

such retributive punishment and God's right to determine the extent and manner in which the punishment should be executed, I have maintained that Christ's voluntary death on the cross can be plausibly understood as the punishment human sinners deserve. So while Swinburne's satisfaction theory of the atonement presents a helpful construal of how Christ's active obedience provides the righteous lives we owe to God, the theory of penal substitution presents a helpful construal of how Christ's passive obedience provides the kind of punishment we deserve to suffer. Whatever else might be said for and against such a conception of the doctrine of the atonement, the plausibility of the theory presented here should give us pause in the often hasty rejection of the doctrine of penal substitution.⁴²

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NOTES

1. For a more detailed treatment of these and other theories see L.W. Grensted, *A Short History of the Doctrine of the Atonement* (Manchester: University Press, 1920) and Robert S. Franks, *The Work of Christ* (London: Thomas Nelson and Sons Ltd., 1962).

2. On the objective side we have various versions of penal substitution (e.g. Wesley, Turretin, Strong, Hodge, Barth), various versions of the governmental theory (e.g. Grotius, Miley, Campbell), and Gustaf Aulen's *Christus Victor* theory. On the subjective side we have just about everybody else—for instance, Socinus, Schleiermacher, Ritschl, Bushnell, Rashdall, Moberly, Dillistone, etc.

3. See Philip Quinn, "Christian Atonement and Kantian Justification," *Faith and Philosophy* 3:4 (1986) 440-452; Eleonore Stump, "Atonement and Justification," in R. Feenstra and C. Plantinga, eds., *Trinity, Incarnation and Atonement* (Notre Dame: University of Notre Dame, 1989) 188-206; Richard Swinburne, *Responsibility and Atonement* (Oxford: Clarendon Press, 1989); John E. Hare, *The Moral Gap: Kantian Ethics, Human Limits, and God's Assistance* (Oxford: Clarendon Press, 1996); David Lewis, "Do we believe in penal substitution?," in *Philosophical Papers* 26 (1997) 203-209.

4. For example, Donald Bloesch, *Jesus Christ: Savior and Lord* (Downers Grove, IL: IVP, 1997); John Stott, *The Cross of Christ* (Downers Grove, IL: IVP, 1986); Millard Erickson, *Christian Theology* (Grand Rapids: Baker Books, 1998) 818-840. These theologians do not limit Christ's salvific work to his crucifixion, it is just that they find the doctrine of penal substitution to be the best conception of how it is that Christ's death accomplishes the forgiveness of human sin. It is important to remind ourselves that forgiveness of human sin is only one part of the reconciliation of God and humans.

5. Keith Ward, *Ethics and Christianity* (London: George Allen & Unwin Ltd., 1970) 240.

6. The first step was taken in Steven L. Porter, "Rethinking the Logic of Penal Substitution," in William Lane Craig, ed., *Philosophy of Religion: A Reader and Guide* (Edinburgh: University of Edinburgh Press, 2002) 596-608.

7. Anselm, "Why God Became Man," in Brian Davies and G.R. Evans, eds., *Anselm of Canterbury: The Major Works* (Oxford: Oxford University Press, 1998) 275/1.8.

8. Swinburne's view is most fully laid out in *Responsibility and Atonement*,

though an earlier and more condense treatment of Swinburne's view of the atonement can be found in his "The Christian Scheme of Salvation," in Thomas Morris, ed., *Philosophy and the Christian Faith* (Notre Dame: University of Notre Dame Press, 1988). For a helpful discussion of Swinburne's view, see Philip L. Quinn, "Swinburne on Guilt, Atonement, and Christian Redemption," in Alan G. Padgett, ed., *Reason and the Christian Religion* (Oxford: Clarendon Press, 1994) 277-300; and Eleonore Stump, "Richard Swinburne: *Responsibility and Atonement*," *Faith and Philosophy* XI (1994) 321-328.

9. Swinburne distinguishes between objective wrongdoing and subjective wrongdoing, and the corresponding notions of objective guilt and subjective guilt. An agent does objective wrong when he fails to fulfill his obligations, whether or not he knows he has these obligations. Objective guilt is the status such an agent acquires. An agent does subjective wrong when he fails to try to fulfill his obligations. Subjective guilt is the status such an agent acquires. See Swinburne, 73-74.

10. *Ibid.*, 80-84.

11. *Ibid.*, 81, 84.

12. *Ibid.*, 84.

13. *Ibid.*, 85.

14. *Ibid.*, 85-86.

15. *Ibid.*, 86.

16. *Ibid.*, 123.

17. *Ibid.*

18. *Ibid.*, 124.

19. *Ibid.*, 148.

20. Swinburne also maintains that because humans are involved in the sins of others, they are also obligated to help their fellow humans make their atonement. Swinburne, 149.

21. *Ibid.*

22. *Ibid.*, 148.

23. *Ibid.*, 149.

24. *Ibid.*, 153-154.

25. *Ibid.*, 156-157.

26. *Ibid.*, 160.

27. Quinn makes a similar point in his "Swinburne on Guilt, Atonement, and Christian Redemption," 290-291. I press this point in a slightly different manner in my "Rethinking the Logic of Penal Substitution," 601-602.

28. If I jump in front of a speeding coach for the sake of my wife while she is at home safe and sound, my sacrifice of life is either foolish or suicidal. It is only when I jump in front of a speeding coach in order to push her out of the way that my death is morally valuable.

29. Swinburne writes, "Since what needs atonement to God is human sin, men living second-rate lives when they have been given such great opportunities by their creator, appropriate reparation and penance would be made by a perfect human life, given away through being lived perfectly." Swinburne, 157.

30. While there have been many different formulations of the doctrine of penal substitution, the earliest comprehensive statement of the doctrine is John Calvin, *Institutes of the Christian Religion*, II.12-17. Amongst the Reformers, Luther, Zwingli, and Melancthon also present the penal theory. On the views of these Reformers, see Grensted, 198-252; and H. D. MacDonald, "Models of the Atonement in Reformed Theology," in Donald K. McKim, ed., *Major Themes in the Reformed Tradition* (Grand Rapids: Eerdmans, 1992) 117-131.

31. In favor of such a notion, M.S. Moore writes, "Our feelings of guilt thus generate a judgment that we deserve the suffering that is punishment. If the

feelings of guilt are virtuous to possess, we have reason to believe that this last judgment is correct, generated as it is by emotions whose epistemic import is not in question." See M.S. Moore, "The Moral Worth of Retribution," in F. Schoeman, ed., *Responsibility, Character and the Emotions* (Cambridge: Cambridge University Press, 1987) 178.

32. For further delineation of this view of retributive punishment, see K.G. Armstrong, "The Retributivist Hits Back," in H.B. Acton, ed., *The Philosophy of Punishment* (London: Macmillan, 1969) 155-157; and Jonathon Jacobs, "Luck and Retribution," *Philosophy* 74 (1999) 540-555.

33. Various moral theorists have brought to light this function of retributive punishment, which can be called the expressive good of punishment. For more on the expressive theory, see Jean Hampton, "The Retributive Idea," in Jeffrie G. Murphy and Jean Hampton, eds., *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988) 111-161. For an application of this concept to atonement theory, see Hare, *The Moral Gap*, 243-259.

34. Punishment can also serve other extrinsic goods, such as deterrence, prevention, and reformation, and the likelihood of these goods might be what makes punishment obligatory in certain cases. That is, given that a victim has a *prima facie* right to punish, if such punishment is likely to deter other wrongdoing, and/or prevent the wrongdoer from further wrongdoing, and/or rehabilitate the wrongdoer, then such punishment would be obligatory.

35. Some might question this idea that sinners deliberately rebel or reject God's offer of friendship and a good life. It might seem that some do in fact do this, while others do not, either because they choose to live obedient lives or because they are ignorant of their obligations to God "through no fault of their own." It seems to me that those who do have knowledge of God's offer of life in friendship with himself do at some point or another, in one way or another, intentionally reject him and what he has on offer. If we understand life in friendship with God to be inexorably linked to the virtuous life, then any intentional wrongdoing is an intentional rejection of God. Further, if we know that we are obligated to obey God and do what pleases him, then any intentional wrongdoing is an intentional rejection of God. For those who are purportedly ignorant of all this, they are still failing to fulfill what would be objectively good, and thus they fail (though not intentionally) in their obligations to God. So these people too are in debt to God. But if they are truly ignorant, then punishment would not seem justified. So either the purported ignorance is a result of negligence and thus they are morally culpable for it and thereby rightly punished, or these ignorant ones will be relieved of their ignorance at some point so that they too can freely choose to either join themselves to God, repenting and apologizing for their unintentional wrongdoing against him, or they can choose to reject life in friendship with God, and would thereby be rightfully punished.

36. For Augustine, see *De Agone Christi*, c.xi and *De Trinitate*, xiii.10; for Aquinas, see *Summa Theologiae*, 3a.46.2 ad 3; and for Calvin see *Institutes*, II, 12.1. For a slightly more detailed defense of the grounds for rejecting the notion that Christ's death was necessary for divine forgiveness, see my "Rethinking the Logic of Penal Substitution," 602-603. See also Richard Purtill, "Justice, Mercy, Supererogation, and Atonement," in Thomas Flint, ed., *Christian Philosophy* (Notre Dame: University of Notre Dame, 1990) 40.

37. It is good that the wife of the unfaithful husband provide him the opportunity to recognize the correct moral values, even if the wife knows he is so hardened that he won't do so.

38. Brian Hebblethwaite, "Does the Doctrine of the Atonement Make Sense?," in his *Ethics and Religion in a Pluralistic Age* (Edinburgh: T&T Clark, 1997) 79.

39. Anthony M. Quinton, "On Punishment," in Acton, ed., *The Philosophy of Punishment*, 58-59.

40. R.M. Hare, "Punishment and Retributive Justice," in R.M. Hare, *Essays on Political Morality* (Oxford: Clarendon, 1989) 203.

41. This is part of the answer to Lewis's query in his "Do we believe in penal substitution?," 203-209.

42. I am grateful to Richard Swinburne, Joseph Jedwab, Daniel VonWachter, Greg Welty, and Hugh Rice for comments and discussion on earlier versions of this paper.