

# Forensic Metaphors in Romans and their soteriological significance\*

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## ABSTRACT

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*Previous studies on legal references in Paul concentrated almost exclusively on matters of civil law. A study of five important passages in Romans and an overview of the rest of Romans indicate that this letter contains an unusual number of forensic metaphors and that Paul, in Romans, packaged his soteriology within a forensic setting. This suggests that he deliberately created an implicature, inviting his readers to compare the iustitia Dei with the iustitia romana. Contrary to the latter, which was expected to function on the basis of equity and with which Paul's addressees were all too well acquainted, the iustitia Dei proves to be astonishingly unconventional. This judge operates with grace. Ironical as it may seem, exactly by using forensic imagery, Paul completely delegatized the Christian message.*

## 1 INTRODUCTORY REMARKS

Paul's knowledge of Roman jurisprudence has not escaped the attention of jurists and theologians. Various publications, from the seventeenth century onwards, bear testimony to this<sup>1</sup>. Although the apostle's juristic know-how was sometimes over-estimated, there seems to be consensus that he was no ignoramus in this regard.

An important milestone was the work of the Basel jurist and romanist Otto Eger, who devoted an article (Eger 1917), as well as part of a monograph (Eger 1919:26-46) to this theme. In a number of publications, Francis Lyall, professor in Public Law at the University of Aberdeen, also focussed on Paul's usage of legal metaphors<sup>2</sup>.

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\* A fuller version of this article is due to appear in a book on New Testament soteriology, edited by Jan G van der Watt, and published by Brill in Supplements to Novum Testamentum.

<sup>1</sup> Detailed by Eger (1919:26-27); Deissmann (1923:270-271). To their lists should be added Ball 1901:chapters 1-3. I would like to thank Professor P J Thomas of the department of Legal History at the University of Pretoria for his kind help and advice on legal matters.

<sup>2</sup> Cf the bibliography. Jerome Hall's article (Hall 1985) is mainly a defense of Paul from a jurisprudential perspective.

A notable feature of these publications is that they concentrated almost exclusively on matters of civil law (adoption, slavery, inheritance, financial agreements etc). Surprisingly, Paul's forensic metaphors received very little scrutiny.

The mere mention of forensic metaphors in Romans will raise some eyebrows; not only because the incidence of such metaphors is disputed, but also because of the strong reaction against any hint of legalism in Christian religion. This article will indicate, firstly, that Romans in fact displays an impressive array of forensic images; secondly, that the prevalence of such imagery does not stamp Paul's theology as legalistic. The contrary will prove to be the case.

Space limitations prevent a detailed discussion of all the possible forensic metaphors in Romans. For the same reason, I shall concentrate on presenting my case and refrain from a detailed discussion of alternative positions.

## 2 SOME KEY ISSUES

A major issue is the legal system to which Paul refers. Does he have the Roman, a typically Greek, or perhaps the Jewish system in mind? According to Mason (1974:27), Roman influence was ostensibly strong in administrative and military contexts. The same will also be true of the legal system, especially in areas where there was a prolonged Roman presence. Corinth, where Paul wrote his Romans letter, was rebuilt by Julius Caesar between 46 and 44 BC and peopled as a Roman colony. It was the capital of Achaëa, which became a Roman imperial province in 15 AD. Roman law obviously dominated there (Lyall 1984:226-228). More importantly, Paul was writing to a *Roman* audience, which suggests that he had Roman law in mind. Although the majority of his Roman addressees belonged to the lower strata of the Roman population and hailed from Jewish or Greek backgrounds, they would have been conversant with the main features of Roman law.<sup>3</sup> We can confidently assume that they would interpret his legal terms, although communicated in Greek, in accordance with Roman law<sup>4</sup>.

Related problems are, firstly, that in spite of all the ongoing research on Roman jurisprudence, there still exist deplorable gaps in our knowledge of Roman law procedure (cf Cadbury 1933:299); secondly,

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<sup>3</sup> Eger (1919:29-30) made some apt remarks on the legal knowledge of the man on the street, while Ball (1901:2) declared: "To the private citizen some considerable knowledge of law was more than an advantage: it was almost a necessity".

<sup>4</sup> Lyall (1984:24-25, 225-226) shares this view.

that we cannot always determine with confidence the exact Latin equivalent for a specific Greek term.

However, we should not over-accentuate these problems. I hope to show that, in spite of some uncertainties, we can identify the main contours of Paul's argument in terms of forensic imagery. Also, we should not one-sidedly stress the difference between Roman law and the various local forms of law (e.g. Greek, Jewish<sup>5</sup> and Egyptian) at the cost of their procedural agreements. There was a considerable degree of systemic and terminological overlapping<sup>6</sup>. Matters like a formal charge, a hearing, a final verdict, the presence of a judge or a judging body, of an accused, of a prosecutor, of witnesses and advocates etc are common to most judicial systems<sup>7</sup>.

I shall, therefore, first determine which lexemes could qualify as forensic metaphors. Secondly, it will be necessary to ask whether these lexemes function as interconnected and interactive parts of a coherent image cluster<sup>8</sup>. Finally, the macrostructural implications and soteriological bearing of my findings will be examined.

### 3 THE INCIDENCE OF FORENSIC METAPHORS IN ROMANS

As stated, the incidence of forensic metaphors in Romans is disputed. Telling in this regard is what Moore (1998) called the "semantic gulf" between the two major New Testament word dictionaries, Bauer on the one hand, and Louw-Nida on the other. Whereas Bauer-Arndt-Gingrich-Danker<sup>9</sup> interpret *δικαίω* forensically, Louw and Nida<sup>10</sup> understand it

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<sup>5</sup> For some differences between Jewish and Roman law, cf Neyrey (1996:110); see also Neyrey (1987).

<sup>6</sup> Taubenschlag devotes a whole chapter to the interrelation between Egyptian, Greek and Roman law in *Graeco-Roman Egypt* (1972:1-55). For some remarks on the usage of Greek and graecisms by Roman jurists, see Kunkel 1952:203-204. On the other hand, indigenous legal practices could, in given situations, show remarkable resistance against the Roman system – (Eger 1919:5-6).

<sup>7</sup> Robinson (1995:1-14) gives a concise overview of Roman court procedure. Its classical description is, of course, that of Mommsen (1899:339-520). For court procedure in Greece, see MacDowell (1978:235-259) and for that in Graeco-Roman Egypt, Taubenschlag (1972:479-558).

<sup>8</sup> For an overview of this interesting linguistic phenomenon, see Baldauf (2000). In his ground-breaking study on the dynamics of metaphor in John, Van der Watt speaks of "imageries" or "composite metaphors" (see especially Van der Watt 2000:18-19, 21, 137-138). Cf also Klauck's discussion of "Bildfeld" (1978:141-143).

<sup>9</sup> Moore refers to the second (1979) edition of the English equivalent to Walter Bauer 1963.

in relational (social) terms. Consequently, according to the latter, δικαιούσθαι should be translated as “to be put in a right relation with God” and not “to be acquitted by God”<sup>11</sup>.

Methodologically, I shall start with passages where the presence of forensic metaphors is the most conspicuous. Consequently, I shall move, rather crab-like, from Romans 8 to Romans 1. Furthermore, I shall proceed, within individual passages, from the certain to the less certain.

### 3.1 Romans 8:31-34

This passage forms the first sub-section of Romans 8:31-39, which functions as the conclusion to the second main section of Romans (Rom 5-8). The following lexemes in Romans 8:31-34 require our attention: ὑπὲρ ἡμῶν and καθ’ ἡμῶν (v 31), παρέδωκεν and χαρίζεται (v 32), ἐγκαλέσει and δικαιῶν (v 33) and κατακρινῶν and ἐντυγχάνει (v 34).

We start with ἐγκαλέω in v 33a. In the rest of the New Testament we find eight other occurrences of ἐγκαλέω and ἔγκλημα, all appearing in the book of Acts: 19:38,40; 23:28,29 (*bis*); 25:16; 26:2,7. Significantly, in all these instances, ἐγκαλέω and ἔγκλημα are used as forensic *termini technici*. Nowhere in the New Testament is either ἐγκαλέω or ἔγκλημα used in an everyday, non-forensic sense. Outside of the New Testament, numerous instances of the forensic use of both words can be found. Septuagint examples are Exodus 22:9; Proverbs 19:5; Wis 12:12; Sir 46:19. In non-biblical Greek, examples abound from Sophocles onwards, including the papyri (Preisigke 1915: s v; Danker 2000: s v). All indications are, therefore, that ἐγκαλέω in Romans 8:33 should be understood in the sense of laying a criminal charge (*accuso*)<sup>12</sup>. The implied answer to the question is: nobody. The prosecutor is missing<sup>13</sup>.

We proceed to κατακρίνω (v 34), leaving δικαιόω (v 33) aside for the moment. It is noteworthy that, of the fourteen occurrences of κατακρίνω in the New Testament, excepting Romans, at least 10 are clearly forensic. Four refer to the trial of Jesus: Mark 10:33 par Matthew 20:18; Mark 14:64; Matthew 27:3, and six to the future eschatological

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<sup>10</sup> Louw and Nida (1988: I,452-453). They also interpret δικαιούσθαι, δικαίωσις (in Rom 4:25) and δίκαιος (in Rom 1:17) in this sense.

<sup>11</sup> According to Moore (1998:27-43), all the δικαι-words in Romans and Galatians should be understood relationally.

<sup>12</sup> Cf i.a. Michel (1978:282-283); Wilckens (1980:174); Schreiner (1998:462).

<sup>13</sup> We do not have any textual indication that Satan is here envisaged, as in Rev 12:10, as the κατήγορ (= κατήγορος: *accusator, delator*) who has lost his *locus standi* at the heavenly court.

judgement: Mark 16:16; Matthew 12:41 par Luke 13:32; Matthew 12:42 par Luke 11:31; 1 Corinthians 11:32. The remaining four instances are all semi-forensic in character: John 8:10,11; Hebrew 11:7; 2 Peter 2:6. Surely κατακρίνω in Romans 8:34 is also used forensically, indicating the possibility of a negative verdict (*condemnatio*). However, such an outcome is implicitly denied. It has been ruled out by Christ's death "for us" (v 34). Moreover, the risen Christ is now pleading for the believers before God.

We return to δικαιῶν in Romans 8:33. Leaving aside the Pauline *corpus*, we find, in the rest of the New Testament, only a few instances of its forensic use. The one clear example is Matthew 12:37. From the context, it is evident that God's eschatological judgement is in focus (cf ἐν ἡμέρᾳ κρίσεως [v 36]). Acts 13:38-39 may provide two more instances. Nevertheless, there can be little doubt that δικαιῶν in Romans 8:33 is used forensically. Since this verb is positioned between ἐγκαλέσει and κατακρινῶν, both of which are forensic terms, it would need a brave soul to deny its forensic character. This is endorsed by the fact that θεὸς ὁ δικαιῶν forms an antithetically formulated reaction to the τίς ἐγκαλεσει question which precedes it<sup>14</sup>. θεὸς ὁ δικαιῶν explains the absence of the prosecutor. Since God Himself, as the judge (the δικαστῆς or κριτῆς), has intervened the prosecutor had no case and was forced to remove himself<sup>15</sup>.

The question arises whether these three verbs have not already lost their bond with their original metaphorical home (the lawcourt). But this is extremely unlikely. We should not allow our familiarity with these well-known biblical words to blunt their original impact on their Roman addressees. The collocation of these terms will hardly have been accidental. They were obviously chosen on purpose and they function as live, interactive metaphors, reflecting various stages of a trial scenario<sup>16</sup>: The believers are standing before the heavenly throne of judgement. They deserve to be condemned. But contrary to all expectations the guilty are acquitted.

Can we trace any other forensic elements? Within the given context, it seems quite plausible that the terms ὑπὲρ ἡμῶν and καθ'

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<sup>14</sup> Schreiner (1998:462): "In this context the forensic sense of δικαιῶν... is undeniable, since it serves as the antonym of ἐγκαλεῖν".

<sup>15</sup> Surprisingly Louw and Nida interpret δικαιῶν in Acts 13:38, where the forensic connotations are much less explicit, in the sense of a legal acquittal (1988: I,557), but in Romans they prefer the relational understanding (1988: I,452-453). Still more surprising is that they view δικαίωσις in Romans 4:25 as relational, but in 5:18 as forensic (1988: I,452,557).

<sup>16</sup> Cf Dunn (1988:510-511).

ἡμῶν could be part of the judicial imagery. Let us start with καθ' ἡμῶν. The use of the preposition κατά with the genitive as a marker of opposition is well substantiated throughout Greek literature. Κατά, in the antagonistic sense, was applied extensively in connection with court proceedings. It denoted charges *against* a person. It is used of the charges *against* Jesus (Luke 23:14; John 18:39) as well as Paul (Acts 25:14,27). In one of the papyri (P Fay 12:8) the writer declares: “Concerning these matters I laid the customary charges *against* him (κατ' αὐτοῦ)” (cf Moulton and Milligan 1972:322). In P Oxy 6:898,34 κατ' αὐτης προελθεῖν is used of proceedings against a female person. In Acts 24:1; 25:2 κατά is used of those opposing Paul at court. Mark 14:55-57 (cf Mattt 26:59) refers to witnesses *against* Jesus. In Acts 25:15 this preposition is applied in connection with a possible verdict *against* Paul<sup>17</sup>. More significantly, the Sanhedrin is portrayed in Matthew 27:1 as convening a court hearing *against* Jesus. If καθ' ἡμῶν is forensic, the same will be true of ὑπὲρ ἡμῶν, since these two phrases form a contrasting pair. Ὑπὲρ ἡμῶν may therefore refer to the judge's positive disposition towards the accused, in contrast to καθ' ἡμῶν, indicating a negative attitude. This judge is violating all normal canons of impartiality. He is unashamedly on the side of the believers!

What about παρέδωκεν in verse 32: God who “delivered up” his son? In forensic contexts, παραδίδωμι designates the *handing over* of somebody, either to be *tried* or to be *punished*<sup>18</sup>. Within the context of Romans 8:32, the second meaning is preferable: God handed over his own son to be punished on behalf of the accused. Thus we have here a second court case, embedded into the first, but chronologically preceding it. Jesus' trial and condemnation on our behalf serve to substantiate God's positive disposition. Subsequently, his death is highlighted as basis for the acquittal of believers (v 34b).

It cannot be ruled out that even χαρίζεται belongs to the forensic cluster. In Acts this verb is used three times to denote the gracious favour of a judge towards one of the parties: 3:14; 25:11,16. In P Flor I 61:59ff, G Septimus Vegetus, the prefect of Egypt, gives the following verdict against a certain Phybion: “You would have deserved to be scourged, ...but I am granting you (χαρίζομαι σε) to the multitude” (Deissmann 1923:229; Moulton and Milligan 1972:684). In the case of

<sup>17</sup> This usage of κατά was also prevalent among classical writers. Cf Liddel and Scott (1883:749).

<sup>18</sup> The gospels and Acts contain ample instances of both the forensic and semi-forensic usage of this verb: Matthew 4:12; 5:25; 10:4,17,19,21; 17:22; 18:34 etc; for extra-biblical examples, see Moulton and Milligan (1972): s v and Danker (2000): s v.

Romans 8:32, *χαρίσεται* may, therefore, indicate a judicial favour for the benefit of the accused. The argument moves from the greater to the lesser. If this judge gave his son for the benefit of the accused, he would certainly also bestow on them minor benefits.

Translations and commentaries struggle to make sense of the phrase τὰ πάντα preceding ἡμῖν χαρίσεται. Various dubious solutions are proposed<sup>19</sup>. In view of the forensic context of this passage, it can be asked whether τὰ πάντα ἡμῖν χαρίσεται does not refer to *a complete pardon*: If God did not spare his own Son, but handed him over on our behalf, would He not also “*grant us a complete pardon/acquit us totally*”? Surely this understanding, which falls completely within the range of meanings of *χαρίζομαι*, fits the context excellently.

Does ἐντυγχάνει(8:34) also belong to the forensic cluster, as has been suggested by Michel (1978:281), Dunn (1988:511) and Haacker (1999:175 note 25)<sup>20</sup>? Two reasons could justify such an enquiry:

1. It is clear that the motif of a court scenario is dominant in Romans 8:31-34. It is therefore quite conceivable that Jesus’ plea for us forms part of this imagery.
2. The παράκλητος concept, which in certain contexts runs closely parallel to ἐντυγχάνω<sup>21</sup>, probably had forensic connotations (Behm 1954:798-812.)

The verb ἐντυγχάνω occurs five times in the New Testament: Acts 25:24; Romans 8:27,34; 11:2 and Hebrew 7:25. To this could be added ὑπερεντυγχάνω in Romans 8:26. From contextual indications, it is clear that ἐντυγχάνω in Romans 11:2 and Hebrew 7:25 is non-forensic. The same will be true of ἐντυγχάνω in Romans 8:27 and ὑπερεντυγχάνω in Romans 8:26. But this, of course, does not rule out that ἐντυγχάνω in Romans 8:34 may have been used forensically. In fact, in Acts 25:24, within the context of the trial of Paul, this verb could have a technical or semi-technical connotation. In this regard it is also significant that the concept of ἐντευξις, as well as the verb ἐντυγχάνω, formed part of Egyptian court proceedings<sup>22</sup>. The Roman law system

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<sup>19</sup> Cf Dunn (1988:502); Schreiner (1998:460-461).

<sup>20</sup> Dunn describes Jesus as the judge’s “right-hand man”, in fact as an “advocate”, and Haacker speaks of him as the “Verteidiger”.

<sup>21</sup> There is a certain parallelism between Jesus’ ἐντυγχάνειν in Romans 8:34 and Hebrew 7:25 and his work as paraclete in 1 John 2:1. In each of these three instances it is the exalted Christ who acts on behalf of his people before the throne of God, but in Hebrews ἐντυγχάνειν probably has no forensic connotation.

<sup>22</sup> See Mitteis & Wilcken (1912: II, 12-21); Preisigke (1915 s v); Deissmann (1923: 175, 286); Taubenschlag (1955:495-496). These ἐντευξις εἰς τὸ τοῦ βασιλέως

would most probably have contained a similar concept. Unfortunately the exact Latin equivalent for ἐντυγχάνει in Romans 8:34 is uncertain. The great majority of Latin versions translate it with *interpellat*. A few witnesses (i. a. Hilarius) prefer *postulat*<sup>23</sup>. Yet we cannot be sure whether any of these two verbs exactly represent ἐντυγχάνει. *Interpellationes, petitiones, intercessiones, appellationes*, together with their cognate verbs, were all well-known legal concepts. Yet we do not know which of them, if any, would be applicable to Romans 8:34. It seems therefore wise, at this stage, to leave the matter open. Ἐντυγχάνω may in fact be forensic<sup>24</sup>. On the other hand, it may be the non-forensic prelude to a new stage in the discourse in which the greatness and power of Christ's love towards his own is portrayed: In all circumstances Christians can feel absolutely secure because Jesus Christ is pleading for them before God's throne<sup>25</sup>.

What would be the time setting of this court scenario? The future verbal forms (χαρίσεται, ἐγκαλέσει and κατακρινῶν) do not help us, since we cannot determine whether they are real or logical futures. We should therefore look for further evidence. From elsewhere we know that Paul definitely reckoned with a court session at the consummation of history (cf Rom 2:5-11,16; 14:10-12; 2 Cor 5:10 etc). On the other hand, the very important present participle δικαιοῦν (8:33), which expresses a durative, ongoing action, is often overlooked. Believers are here and now experiencing God as the justifier of sinners. The Aorist participle δικαιοθέντες of Romans 5:1 and the δικαιοῦν of 8:34 should be read together. This means that God *has already justified* the believers and that he *is constantly justifying* them. This court session is an ongoing process<sup>26</sup> which will culminate in the final drama at the end of history. It is

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ὄνομα were pleas for royal intervention which functioned also in criminal lawsuits - Mitteis & Wilcken (1912:21 note 2).

<sup>23</sup> Cf Sabatier 1987:625, and especially footnote 34.

<sup>24</sup> The dominance of the idea of a trial in Romans 8:31-34 certainly suggests that ἐντυγχάνω may also be forensic, but it does not *require* such a conclusion, even if this verb is functioning within a forensic context. The forensic imagery in Romans 8:31-34 is not pure in the sense that it excludes non-forensic elements. Embedded into the forensic imagery are "alien" elements, that is, formulations and metaphors from salvation history (vv 32,34), brought in to convey aspects of meaning which the forensic vocabulary could not express. For this phenomenon, cf Baldauf (2000: 128-131).

<sup>25</sup> One could ask whether ὑπερνικῶμεν in verse 37 does not echo the foregoing court scenario, since νικάω was often used in the sense of winning a legal battle (cf Rom 3:4 and Danker 2000: s v). However, the hardships rather point to a victory in the sporting arena (Haacker 1999:177).

<sup>26</sup> Cf the discussion on 1:18-32.



this exhilarating experience of God as justifier, which calls forth the triumphant chords of Romans 5:1-11 and 8:31-39. Romans 8:31-39 is a celebration of the reality of divine acquittal and the ongoing triumph of God's children.

In terms of accepted judicial procedure, this is a highly irregular case. First, according to Roman law, a criminal case had to be dismissed if the prosecutor failed to appear (Robinson 1995:5). Yet this court case proceeds until the final verdict is pronounced. Secondly, the judge is biased. He sides blatantly with the accused, making the not-guilty verdict a foregone conclusion. Finally, the accused are acquitted, even though they obviously are guilty (Rom 3:9-20). At least three accepted canons of the judicial system are violated. But it is exactly this unexpected twist which heightens the effect of this metaphor. It has a dramatic impact, and leaves a lasting impression<sup>27</sup>.

At the same time this judge does not compromise the integrity of the *iustitia* ideal as such. By surrendering his son unto death, he restores the balance.

### 3.2 Romans 2:1-16

In Romans 1:18-3:20 Paul portrays humanity's common guilt before God. He addresses the sins of the heathen nations in 1:18-32, and those of the Jews in 2:17ff. The position of 2:1-16 is unclear. Does it implicitly deal with the situation of the Jewish people as Schreiner thinks (1998:105-126,127)? If so, one would have expected a clearer transitional marker in 2:1, indicating that the Jews are now addressed. Since we find such a marker only in 2:17, it would be more appropriate to view 2:1-16 as a bridge passage, linking on to the sins of the heathen mentioned in 1:18-32, but at the same time preparing for Paul's exposure of Jewish sin in 2:17ff.

Romans 2:1-16 starts with an imaginary interlocutor. This person could be either a Jew or a non-Jew, but definitely one occupying the moral high ground and judging that Paul's foregoing indictment does not really apply to him. At the same time, since especially Jews would identify with these sentiments, the passage is preparing for the indictment of the latter in 2:17ff.

The following lexemes in this passage are relevant: ἀναπολόγητος and ἀπολο-γέομαι (vv 1,15), κρίνω (vv 1 [3x],3,12,16), κρίμα (vv 2,3), κατακρίνω (v 1), πράσσω (vv 1,2,3), ὀργή (vv 5 [bis],8), δικαιοκρισία (v 5), ἀδικία (v 8), προσωποληψία (v 11), δίκαιος (v 13), δικαιοῶ (v 13), συμμαρτυρέω (v 15), κατηγορέω (v 15).

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<sup>27</sup> See also Van der Watt (2000:384-391).

From the very start it is clear that the final judgement figures prominently (cf also 14:10: πάντες γὰρ παραστησόμεθα τῷ βήματι τῷ θεῷ). Verses 5-11 and 16 cannot be understood otherwise. Ἡμέρα (vv 5,16) is used in the traditional sense of the day of judgement (Delling 1960:955-956). In verse 16 the present form κρίνει is text-critically to be preferred to κρινεῖ. However, there is no doubt that κρίνει should be understood as a futuristic present, being a confident assertion “intended to arrest attention with a vivid or realistic tone or else with imminent fulfilment in mind” (Turner 1963:63). Due to the undoubtedly forensic setting of this passage, it is superfluous to argue for the forensic character of κρίνω, κρίμα and κατακρίνω. The same applies to κατηγορέω which forms such an intrinsic part of forensic vocabulary (cf only Mark 15:3 par Matt 27:12; Mark 15:4; Luke 23:2,10,14; Acts 22:30; 24:2,8,13,19 etc).

We turn to ἀναπολόγητος and ἀπολογέομαι. Apart from Romans 2:15, ἀπολογέομαι appears seven times in the New Testament in a forensic sense (Luke 12:11; 21:14; Acts 24:10; 25:8; 26:1,2,24) and once in a semi-forensic one (Acts 19:33). The only exception is 2 Corinthians 12:19. In addition, ἀπολογία occurs five times in a forensic context (Acts 22:1; 25:16; 1 Cor 9:3; Phil 1:7; 2 Tim 4:16) and twice in a semi-forensic one (Phil 1:16 and 1 Pet 3:15). In fact, the only exception is 2 Corinthians 7:11. Apart from Romans 2:1 and 1:20, ἀναπολόγητος appears nowhere else in the New Testament. However, outside the New Testament, we have many examples of its forensic usage, e.g. Jos *C Ap* 2:137; Polyb *Hist* 12:21,10; 29:10,5; Dion Halic *Ant Romans* 7:46,4; Plutarch *Brut* 46:2; Dio Chrysostom *Or* 2:39. We can, therefore, confidently accept that in Romans 2:1-16 ἀναπολόγητος as well as ἀπολογέομαι contribute to the court scenario<sup>28</sup>.

We now look at ὀργή (2:5 [*bis*],8). It is certainly one of the most common judicial terms in the New Testament: Matthew 3:7 par Luke 3:7; John 3:36; 1 Thessalonians 1:10; 2:16; 5:9; Ephesians 2:3; 5:6; Colossians 3:6; Rev 6:16,17; 11:18; 14:10; 16:19; 19:15<sup>29</sup>. Also in Romans, it is clear that ὀργή refers to the negative reaction of the divine judge. This is endorsed by the contexts of 2:5 (*bis*), 8 and 9:22. Also in 3:5; 4:15; 5:9 and 13:4-5 it will not be different (for 1:18, cf *infra*). However, it is virtually impossible to decide whether and where “wrath”

<sup>28</sup> For the ἀπολογία word group in Acts, see Tajra (1989:125,156).

<sup>29</sup> The positive corollary to ὀργή in judiciary contexts is ἔπαινος (cf Rom 2:29; 13:3). In Ael Arist *Rhet Leuktr* II 22 these opposites are neatly balanced: εὐρίσκω τοὺς μὲν ὀργῆς, τοὺς δ' ἐπαινοῦ κριθέντας ἂν ἀξίους ἐκ τῶν αὐτῶν (Jepp p 433 line 14).

or “judgement” or “punishment” would be its best translational equivalent.

Δικαιοκρισία is certainly also a judicial term. Not only its components, but also its collocation in verse 5 with ὀργή, vouch for this (cf ἔνδειγμα τῆς δικαίας κρισέως τοῦ θεοῦ in 2 Thess 1:5). It can also be substantiated from the papyri<sup>30</sup>.

We come to δικαίω and δίκαιος (v 13). As we have seen, δικαίω in Romans 8:33 refers to God’s justifying activity. Here in 2:13, it will certainly convey the same meaning<sup>31</sup>. Since δίκαιοι παρὰ [τῷ] θεῷ in Romans 2:13 is parallel to δικαιοθήσονται, the latter can help us to assign meaning to the former. We can infer that δίκαιοι παρὰ [τῷ] θεῷ indicates the state of having been justified or declared righteous by God.

Although Louw and Nida do not use the terms “legal” or “forensic” in connection with the verb συμμαρτυρέω, they explain it as “to provide confirming evidence by means of a testimony” (1988, I,418). The context of Romans 2:15 shows that συμμαρτυρούσης is in this case definitely used forensically<sup>32</sup>. The preposition σύν indicates that the conscience is giving corroborating evidence, but the primary witness is not identified. Within the context it is most probably the heathens’ knowledge of what the law of God requires of them (τὸ ἔργον τοῦ νόμου γραπτὸν ἐν ταῖς καρδίαις αὐτῶν). Their conscience is depicted as an inner court in session<sup>33</sup>, at which their conflicting thoughts accuse or even (climactic καί) defend them.

Once again we have a court session within a court session, but this time the embedded court scenario does not act as a basis for acquittal. It brings confirming evidence before the eschatological judge. This inner trial is sometimes understood as taking place, at least initially, in the present<sup>34</sup>, reaching out towards the final drama. However, the time qualification ἐν ἡμέρᾳ ὅτε κρίνει ὁ θεὸς κτλ in verse 16 situates it directly at the final trial. The present tenses of verse 15 should therefore, like κρίνει in verse 16, be understood as vividly presenting future events.

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<sup>30</sup> Moulton and Milligan (1972:161). In P Oxy 1:71,1,4 a petitioner appeals to the prefect: “hoping confidently to receive fair judgement (δικαιοκρισίας τυχεῖν) from your Magnificence”.

<sup>31</sup> The same is the case in Romans 3:20,24,26,28,30; 4:2,5; 5:1,9; 6:7 and most probably also in 8:30 (*bis*). The only clear exception in Romans is 3:4, which is a LXX quotation: God “will be proven right (δικαιωθῆς) in what he says”.

<sup>32</sup> In Romans 8:16 and 9:1 we can perhaps speak of a semi-forensic use.

<sup>33</sup> Cf P R Bosman (1996:294-296).

<sup>34</sup> Schreiner (1998:124-125).

We now come to some less certain lexemes. We start with προσωποληψία in 2:11. This hebraism (Moulton & Milligan 1972: s v προσωπολημπτέω) appears only three times elsewhere in the New Testament: Ephesians 6:9; Colossians 3:25 and Jas 2:1 (but cf Acts 10:34 and Jas 2:9). In none of these instances does it indicate a forensic back-ground. However, due to the forensic character of Romans 2:1-16, Romans 2:11 may be an exception. Absence of favouritism would certainly be one of the most basic requirements for a judge. Without it he will not be able to practise δικαιοκρισία.

From the context, it is impossible to make a decision on ἀδικία (v 8). In view of the overall forensic context, a juridic connotation cannot be excluded. On the other hand, the participle πειθομένοις may indicate moral wrongdoing (cf the contrastive ἀπειθοῦσι τῇ ἀληθείᾳ).

We return to πράσσω in Romans 2:1-3. This verb can be used in a wide variety of contexts. Maurer (1959:636) states that, in about two thirds of its New Testament instances, it occurs in a negative sense. In Paul, at least, this is due to negative contexts (Rom 1:32; 2:1-3; 7:19; 13:4; 1 Cor 5:2; 2 Cor 12:21; Gal 5:21). There is nothing inherently negative in πράσσω (cf 2:25). As used here, it does not seem to form part of the judicial vocabulary although it is used within the context of a trial scene.

### 3.3 Romans 1:18-32

In this passage, Paul sketches the sinfulness of the heathen nations and God's reaction to it. Already Erich Klostermann (1933:1-6) maintained that this whole section deals with the "Straffgerechtigkeit Gottes". In order to test, and, possibly, undergird this view, we shall give attention to the following lexemes: ὀργή θεοῦ, ἀσέβεια (v 18), ἀδικία (vv 18[bis], 29), ἀναπολογήτος (v 20), παραδίδωμι (vv 24,26,28) and ἄξιος θανατοῦ (v 32).

We start with ὀργή θεοῦ (v 18) and ἄξιος θανατοῦ (v 32). We have already seen that ὀργή is one of the very common forensic terms in the New Testament and that Paul uses it in the same sense elsewhere. Especially in combination with θεοῦ, its forensic character cannot be denied. It is the almighty God and Creator of the universe who acts as the judge and enacts his punishment over the nations. Also the phrase ἄξιοι θανατοῦ in the concluding verse 32 is at home in the law court. "Ἄξιος plus the genitive was widely applied to indicate a person's guilt or surmised guilt. In the New Testament outside Romans, it is used in this sense in Luke 12:48; 23:15,41; Acts 23:29; 25:11,25; 26:31. In P Flor I 61:59f it is followed by the infinitive: "You would have deserved

(ἀξιός ἦς) to be scourged (μαστιγωθῆναι)”<sup>35</sup>. Linguistically, the first and last slots of an utterance usually carry the most weight. The fact that both verse 18 and verse 32 apply typically forensic language suggests that this whole passage should be read within the framework of a court scenario. Do we find further evidence of this?

We turn to ἀσέβεια and ἀδικία. Speaking in terms of a (metaphorically applied) criminal process, these two words would indicate the gist of the offence of the heathen. Ἀσεβεία refers to man’s basic offence against God (1:18-23), while ἀδικία characterizes his moral guilt (1:24-32), which, on the one hand, was the result of God’s delivering him up to his own desires, but, on the other, increased his guilt before the divine judge. Both these words contain nothing intrinsically forensic. They were originally borrowed, ἀσέβεια from cultic vocabulary, ἀδικία from general moral vocabulary. It is therefore possible that they do not carry any forensic undertones.

Having said this, one may nevertheless ask whether there may not be something more to the choice of ἀσεβεία (cf ἐσεβάσθησαν - v 25). We know that around the Mediterranean basin ἀσεβεία became a technical term for the violation of the *ius sacrum*. In Ptolemaic Egypt, ἀσεβεία was used for crimes against the state (which was identified with the sovereign) (Taubenschlag 1972:473-474). In Greece, the procedure of γραφή could be used against any kind of impiety (ἀσεβεία), e.g. violent conduct in temples or against temple officials, magic and atheism (MacDowell 1978:197-202). In Rome, offences affecting the supreme authority of the Roman state, including the emperor, were termed ἀσεβεία. The Greek term ἀσεβεία depicted what the Romans called *crimen maiestatis imminutae* (see especially Mommsen 1899:537-540, 580-585). Philo provides us with two examples. He tells us of a certain Lampo who was on trial because of impiety (ἀσεβεία) towards Tiberius Caesar (*Flacc* 128:6). And in *Legat* 355:5 Isidorus accuses the Jewish people of ἀσεβεία towards the emperor. Ἀσεβεία was seen as an “Ehrenkränkung” (Mommsen: *ibidem*) of Roman authority and especially of the emperor. It was treated as a major offence. Does Paul’s ἀσεβεία in Romans 1:18 allude to this? This seems possible indeed. The apostle highlights the majestic greatness of God as the creator of the universe (especially in vv 20 and 25), and the shocking nature of the heathens’ perverse dealings with this great God. They refused to honour and thank him as God (v 21). They exchanged (ἠλλάξαν) the glory or

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<sup>35</sup> Other random examples include Wis 18:4: “For they deserved (ἀξιοί) to be deprived of light and imprisoned in darkness”; Jos *Ant.* 6:315,5; 11:144,5.

majesty (*sic*)<sup>36</sup> of the immortal God for mere creatures, even such lowly things as reptiles (v 23)! They bartered away (μετήλλαξαν) his truth for the lie and turned to the worship of mere creatures instead of the almighty creator - the maker of everything, who is entitled to be eternally praised (v 25)! If this was not an “Ehrenkränkung”, an infringement of the *maiestas* of the heavenly Ruler, nothing else would be. It seems therefore entirely possible that Paul, especially with a view to the frame of reference of his Roman audience, depicts the sins of the heathen in terms of *crimen maiestatis imminutae*, that is, as a capital offence, not against the Roman sovereign, but against the almighty Creator-King of the universe.

Concerning ἀδικία in 1:18<sup>37</sup>, we face the same uncertainty as in 2:8. As we have already seen, ἀναπολογήτος is often used forensically. This is also the case in 1:20. The accused cannot plead innocent because they have God’s revelation in his creation. The same is the case with παραδίδομι (cf Rom 8:32). Παρέδωκεν occurs prominently no less than three times (vv 24,26,28) and indicates the punishment meted out by the heavenly judge (Klostermann 1933:1-6; Haacker 1999:45).

This trial scenario agrees with Romans 2:1-16 and 8:31-34 in that God is the acting judge. It differs from Romans 8:31-34 in that the guilty party is not the believers, but the heathen nations. It also differs from Romans 2:1-16 in that only the heathen nations are in view, while in the latter God’s judgement concerns Jews and Greeks alike. On the other hand, it agrees, against 2:1-16, with 8:31-34 in that both scenarios are taking place in the present. This is ensured by the present tense ἀποκαλύπτεται (v 18) and the aorist παρέδωκεν (vv 24,26,28). This judgement unfolds itself *in* history.

### 3.4 Romans 1:16-17

All three previous passages envisage a trial scenario. Paul is arguing, metaphorically, in terms of penal procedure. How does Romans 1:16-17 relate to this?

The two relevant lexemes are δικαιοσύνη (θεοῦ) and δίκαιος (v 17). I shall limit myself to four observations which are, in my opinion, essential to this enquiry:

1. Commentaries commonly accept that Romans 1:16-17 contains the theme statement of Romans, and that 1:18ff is the beginning of its

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<sup>36</sup> It is significant that, in certain contexts, *maiestas* is the appropriate Latin equivalent for δόξα. In fact, in *BAGD*, the ἀλλάσσειν τὴν δόξαν τοῦ θεοῦ of Romans 1:23 is understood as “exchange of the majesty of God” - see Danker (2000: s v.)

<sup>37</sup> In 1:29 its reference is exclusively moral.



Secondly, we have seen that δίκαιοι(παρὰ τῷ θεῷ ) in Romans 2:13 is clearly used in the forensic sense of having been justified by God. Taking our clue from 2:13, we can expect that δίκαιος in 1:17b will bear the same meaning.

We see a coherent picture unfolding. In splashing δικαιοσύνη θεοῦ as theme and following it up with a scriptural quotation containing the adjective δίκαιος, Paul is triggering associations with a court trial. But contrary to the trials in Romans 1:18-32 and 2:1-16, a positive outcome is envisaged. Πίστις and πιστεύω are introduced as the means by which God's acquittal is appropriated. In 1:16-17, Paul formulates the quintessence of his gospel (cf εὐαγγέλιον [v 16] and ἐν αὐτῷ [v 17]). This trial scene agrees, in essence, with that of Romans 8:31-34 (cf also 3:21-31).

### 3.5 Romans 3:21-31

This crucial passage fits in well at this point because it is essentially an explication of what has been said programmatically in Romans 1:16-17. Everything that went before in Romans 1:18-3:20 was in fact *prolegomena*. An ailment must be diagnosed before the medicine can be applied. Now at last, Paul can drive home his main thesis, the point envisaged already in 1:16-17. This is clearly indicated by the way δικαιοσύνη θεοῦ πεφανέρωται(3:21) echoes and reintroduces the δικαιοσύνη θεοῦ ἀποκαλύπτεται of 1:17.

Romans 3:21-31 can be sub-divided into 3:21-26 and 3:27-31. The first sub-section concentrates on the fact of, and basis for justification; the second draws some conclusions by means of questions and answers in diatribal style.

This complicated passage, and especially 3:21-26, teems with forensic expressions. Yet, due to repetition, the spectrum of its judicial vocabulary is relatively limited. The following lexemes are relevant: δικαιοσύνη θεοῦ/αὐτοῦ (4x: vv 21,22,25,26), δικαιοῶ (4x: vv 24,26,28, 30), μαρτύρομαι(v 21), ἔνδειξις (vv 25,26), πάρεσις τῶν ἀμαρτημάτων (v 25) and δίκαιος (v 26)<sup>39</sup>.

Read in the light of the forensic passages previously discussed, we have every reason to accept that here also δικαιοσύνη will designate God's justification/acquittal of the guilty, and δικαιοῶ the event of being justified/declared not guilty.

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<sup>39</sup> Romans 3:21-26 contains much traditional material, but this does not really affect this investigation.



In Romans 2:15, συμμαρτυρέω was used forensically. The same will be the case with μαρτυρέω (v 21), the law and the prophets being the two witnesses.

Ἐνδειξις (vv 25,26) indicates a “convincing demonstration”, “proof”, “evidence”. Although it may not be a forensic term as such, in this context God’s justification is publicly demonstrated within a court room setting. Concerning πάρεσις, the study of Kümmel (1952:154-167) made it clear that this word is not identical to ἄφεσις. It denotes the judicial remission of punishment. It may also be significant that ἀμάρτημα (cf the genitive plural ἀμαρτημάτων which qualifies πάρεσις) also appears in judicial contexts<sup>40</sup>.

Δίκαιος in 3:26 is not used in the same sense as in 1:17 and 2:13. It has to do with the ethical quality of being righteous or just. More precisely, God is vindicated as the righteous judge.

Since this trial scene zooms in on what was cryptically indicated in 1:16-17, it elaborates on the latter. In 1:16-17, we have no clear time indication. Here it becomes clear that God’s justifying activity, like his punishment (1:18-32), is an ongoing process. It has already been made manifest (πεφανέρωται [v 21]); it is taking place here and now (δικαιούμενοι [v 24]; δικαιούντα [v 26]); it is “clearly demonstrated” (vv 24,26) in the present (ἐν τῷ νῦν καιρῷ [v 26]); and it will culminate in God’s final justifying act at the end of time (δικαιώσει [v 30]). In 1:17 the acquitted were only vaguely identified. Here they are specified as those who, like all humanity, sinned against God (v 23, taking up 3:9-20), but are now saved through grace. In 1:17 we find no indication of Christ’s soteriological work as the basis for God’s justification. Here it is prominently stated. It is a salient feature of this trial scenario that, like Romans 8:31-34, it contains two specific references to what Christ has done on our behalf, both in the form of metaphors: Ἀπολύτρωσις (3:24) depicts Christ’s soteriological work as deliverance from the bondage of slavery (or captivity) by means of a price paid<sup>41</sup>, while ἰλαστήριον derives from the cult<sup>42</sup>. Two “alien” metaphors have thus been introduced into the broader law court imagery. Paul is not interested in metaphoric purity. He is concerned to bring home his

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<sup>40</sup> Taubenschlag (1972,430); cf also the papyrus examples in Moulton & Milligan (1972:25).

<sup>41</sup> See Büchsel (1942:354-359); Schreiner (1998:190-191).

<sup>42</sup> “Atonement” or “expiation” would, in my opinion, be appropriate translations. I cannot here go into the extended discussion of the reference, tradition history and meaning of ἰλαστήριον. But cf Breytenbach (1989:166-168) and Haacker (1999:90-91) for references to divergent positions.

message effectively<sup>43</sup>. The metaphor of deliverance “through Jesus Christ” indicates the basis for God’s acquittal. The expiation metaphor, again, explains why God, while justifying sinners, does not jeopardize his justness. The cross of Jesus Christ enables him to justify undeserving sinners and, at the same time, retain his integrity as judge (3:26).

This passage agrees with 1:16-17 in its strong emphasis on faith as the means of appropriating God’s acquittal. Πίστις and πιστεύω appear no less than eight times (3:22[*bis*],25,26,27,28,30[*bis*])<sup>44</sup>.

What constitutes human guilt before God in this passage? As in Romans 1:21 and 2:23, man’s refusal to honour God for whom he is, is regarded as the basic sin. The καί which follows παντες ἥμαρτον in Romans 3:23 is epexegetic. Ὑστεροῦνται τῆς δόξης τοῦ θεοῦ explains the content of ἥμαρτον. In the light of the entire Romans 1:18-3:20, it is clear that τοῦ θεοῦ is an objective genitive. It is not the loss of man’s glory which is at stake, but his failure to honour God (correctly, Schreiner 1998,187). The judge now takes care of his own honour. By showing forth his own unique way of acquitting sinners, he vindicates himself as the righteous one (δίκαιος - v 26).

In the meantime, it has become clear that, as in 8:31-34, this court scenario flouts the regular canons of penal procedure. Up to Romans 3:20, Paul argued that the whole of humanity stands guilty before God. Yet, here in 3:21ff, the judge acquits the guilty ones “freely by his grace” (δωρεάν τῆ αὐτοῦ χάριτι[v 24]). A most unusual criterion is introduced: this judge operates with grace!

### 3.6 Forensic lexemes in the rest of Romans

We found that no less than five crucial passages in Romans contain the imagery of a court session. Logically, our next step would be to investigate to which extent forensic terms function in the rest of Romans. This will, however, be out of the question. Only some salient points will receive attention. I start with the key forensic terms belonging to the δικ-group.

Δικαιόω occurs only in the first eight chapters of Romans. It is regularly used in a forensic sense, indicating the justifying verdict of the judge. In this sense it appears, apart from Romans 2:13 and 3:24-30, also in 3:20; 4:2,5; 5:1,9; 6:7 and, probably, 8:30. The only certain exception

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<sup>43</sup> Cf Van der Watt (2000:143-149) on the priority of the message in John.

<sup>44</sup> I cannot go into the protracted discussion whether the genitive in πίστις Ἰησοῦ (χριστοῦ) (3:22,26) is objective or subjective. I can only register my conviction that the objective understanding fits the context best. But cf Schreiner (1998:181-186).

is 3:4 (a LXX quotation from Ps 50:6), where the appropriate equivalent would be “to vindicate”. But, significantly enough, it is the *judge* who is vindicated, as the parallel statement καὶ νικήσεις ἐν τῷ κρίνεσθαι σε confirms.

Δικαιοσύνη appears a full 33 times in the first ten chapters of Romans, that is, almost throughout its argumentative section (Rom 1-11). In all these instances, it has forensic connotations<sup>45</sup>. The basic idea of justification (being acquitted/declared righteous by the judge) remains constant<sup>46</sup>. In certain instances it is more appropriate to translate it with “righteousness”, but this righteousness is not an inherent ethical quality, but concerns the *status* of having been declared righteous/found not guilty by the divine judge. This is especially clear in Romans 6, where Paul rectifies a possible misunderstanding of his bold foregoing statements on the predominance of grace (Rom 5:15-21). Their new status of having been declared righteous puts a very important ethical responsibility on believers. They have to live up to it. Righteousness becomes a life principle. They are engaged in a *militia spiritualis* which requires the total application of all their faculties: παραστήσατε τὰ μέλη ὑμῶν ὄπλα δικαιοσύνης τῷ θεῷ (6:13). Righteousness has become their new master (6:16). Therefore, they should serve him with everything they have (6:18-19)<sup>47</sup>.

In the paraenetic section of Romans, δικαιοσύνη occurs only once (14:7). This is the only instance in Romans where it is undoubtedly non-forensic. Here it designates righteous living, which fits in well within the paraenetic context.

The adjective δίκαιος occurs less often<sup>48</sup>. We have seen that in 1:17 and 2:13 it refers to having been declared/found righteous by the heavenly judge. This is also the case in 5:19. These instances are quite significant, since the unmarked (standard) meaning of δίκαιος denotes a moral qualification. In 3:26 it indicates the “justness” of the judge who vindicates himself. In 3:10 an ethical quality is signified, but only as

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<sup>45</sup> Apart from the five occurrences already discussed, the remaining 28 are: Romans 3:5; 4:3,5,6,9, 11(*bis*), 13,22; 5:17,21; 6:13,16,18,19,20; 8:10; 9:30(3x),31; 10:3 (3x), 4,5,6,10. Text-critically the second occurrence of δικαιοσύνη in Romans 10:3 is uncertain.

<sup>46</sup> I have no doubt that Paul derived his understanding of δικαιοσύνη from his Jewish heritage, where מִצְדָּקָה אֱלֹהִים and צְדָקָה indicate Jahwe’s covenant mercy and goodness as reflected i. a. in the Qumran documents (e.g. *IQH* 4:37; 7:19-20; *IQS* 11:3,12). This understanding of δικαιοσύνη is also found in the LXX; cf Schrenk (1935:197-198).

<sup>47</sup> For an extensive discussion, see Du Toit (1979).

<sup>48</sup> 1:17; 2:13; 3:10,26; 5:7,19; 7:12.

adjudicated by the divine judge. On the other hand, Romans 5:7 describes someone commonly accepted as a “good man”. In 7:12 δικαία denotes the inherent moral quality of the commandments.

Space limitations do not allow an investigation of the other (possibly) relevant lexemes in the rest of Romans. I can only list them<sup>49</sup>. They are δικαίωσις (4:25; 5:18), ὀργή (3:5; 4:15; 5:9; 9:22[bis]; 12:19; 13:4-5), ἔπαινος (2:29 and 13:3), κρίνω (2:27; 3:4,6,7; 14:3), κρίμα (3:8; 5:16; 11:33; 13:2), κατακρίνω (8:3; 14:23), κατάκριμα (5:16,18; 8:1), ἐνδικός (3:8), ὑπόδικος (3:19), ἐκδικέω (12:19), ἐκδίκησις (12:19), ἐκδικος (13:4), ἐλλογέω (5:13), συμμαρτυρέω (8:16; 9:1), παρίστημι (14:10), βῆμα (14:10)<sup>50</sup>.

To summarize: The preponderance of forensic metaphors in Romans, and especially in its argumentative part (Rom 1-11), is striking. Apart from the theme announcement in 1:16-17, the lexical choices in at least four other major passages indicate forensic settings, while forensic terms occur regularly almost throughout Romans 1-11. Structurally, the whole of Romans 1:18-11:36 is an unfolding of the forensic theme announced in 1:16-17.

In conclusion, some important questions linger in the mind. Why this profuse use of forensic imagery? Why this preponderance of the δικ-group, and especially of δικαιοσύνη? Why was δικαιοσύνη singled out as the theme of Romans? These questions require an answer.

#### **4 ASSEMBLING THE BUILDING BLOCKS INTO A SOTERIOLOGICAL FRAMEWORK**

It has often been recognized that Romans is not a compendium of Paul’s theology. It rather concentrates on what is for him the essence of his gospel: soteriology. If our findings thus far are correct, it means that, in Romans, Paul has packaged his soteriology within a forensic setting.

Before trying to fit the scattered pieces together, the relation between the various trial scenarios needs to be clarified. We can accept that the trials in 1:16-17, 3:21-31 and 8:31-34 overlap. In all three instances believers are in view. In all three, they are justified by the divine judge. In all three, there is no reference to punishment. On the other hand, the two trial scenarios in 1:18-32 and 2:1-16 approximate one another, but there are also differences. The former indicates a judgement within history, the latter the final act of history. In both, humans

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<sup>49</sup> Further research may identify even more relevant lexemes.

<sup>50</sup> For the ὑπερευτυγχάνειν of the Holy Spirit, cf my discussion of ἐντυγχάνω in Romans 8:34.

are judged according to their behaviour, but only in the latter are some found not guilty and rewarded by the judge. The former focuses on the judgement of the *gentiles*, while the latter covers both Jews and gentiles. Nevertheless, these two scenarios largely augment one another.

The main problem is the relation between 2:1-16 and the trias of 1:16-17, 3:21-31 and 8:31-34. In the former, judgement correlates with human behaviour: some are punished; others satisfy the demands of the judge (2:7,10). In the latter, no one satisfies the demands of the judge. The point of departure is that humanity is totally in sin and therefore nobody can be absolved (3:9-20). Believers are therefore only acquitted by grace, through faith in Christ. Two solutions for this discrepancy deserve consideration:

1. Paul is convinced that the number of people who, on the basis of their works, will receive a positive verdict (2:7,10), is indeed so small (cf the climactic ἦ καί in 2:15) that he is fully entitled to speak of human sinfulness in absolute terms.
2. Paul presents two divergent scenarios. In the one, human merit is the criterion for salvation; in the other, faith in Jesus Christ is decisive. Although he sketches the former in very realistic terms, the total corruption of mankind has made the positive leg of this scenario unrealistic. The latter scenario, then, indicates God's new beginning.

Although these two possibilities are not necessarily mutually exclusive, within the context of Romans, the second one seems logically more convincing.

We can now assemble the pieces within a soteriological perspective. In doing so, the dominance of the forensic setting of Romans is taken into account. Underlying Paul's forensic metaphors is an integrated sub-structure, from where they derive their coherence. Also Paul's non-forensic language is undergirded by it.

For Paul, the almighty Creator-God is the eschatological judge of all people, Jew and non-Jew alike. Humanity is morally accountable to God. Sin constitutes guilt. Essentially, Paul depicts sin not in terms of individual wrongdoings, but in terms of the well-known honour-shame scheme. First and foremost, it is the refusal to honour God as God. And, because of his dishonouring God (1:21,23,25,28; 2:23; 3:23), man also debased himself (ἀτιμαζέσθαι - 1:24) and plunged himself into all kinds of sin.

From the perspective of merit, this judge shows no favouritism (2:5,6,11). All mankind stands guilty before him and deserves to be punished (1:18-32; 2:19-3:20). But seen from the perspective of faith,

those who accepted the gospel are acquitted. They also have sinned heavily. They stand guilty before the judge. They deserve the *condemno vos* ; but instead, they elatedly hear the judge's *absolvo*. This judge operates with the new norm of grace (3:24). How totally undeserved this may seem, he is unconditionally on their side (8:31). Has he not in Jesus Christ provided redemption (3:24) and atonement (3:25)? Has he not proven his love by handing over his only Son to be punished on their behalf (8:32)? These measures have restored the judicial equilibrium. The justness of the judicial system has not been compromised; as a matter of fact, the judge has been openly vindicated (3:26). However, there is one condition: justification has to be appropriated by faith.

Justification of the believers has restored their relationship with God. Therefore, they now have peace with him (5:1). They enjoy a new hope and they can confidently face all tribulations (5:2-5; 8:35-39). As a result of their acquittal, they receive a new identity. They are now God's *δίκαιοι*, a status which will be confirmed at the final judgement (cf 5:19). Their new ethos is to live according to this new status. Righteousness has become the guideline of their lives (Rom 6). As *δίκαιοι*, they now belong to a new, resurrection community. They are now living for, fighting for and serving God (Rom 6). They now even belong to God's family; they have become his children (Rom 8:14-17)!

From a time perspective, this trial setting has a present as well as a future aspect. The final trial will be at the end of time (2:1-16; 14:10), but the judge's activity manifests itself already within history. The gentiles have already, in the course of history, been punished for dishonouring God. Their punishment will be consummated in the eschaton. The believers are already experiencing their acquittal (3:24,26; 5:1,9; 8:33). Yet its final confirmation will only take place at the end (5:10).

In order to evaluate the impact of Paul's choice of forensic imagery, we need to consider certain aspects of the historical and socio-cultural situation in which Romans was written. First of all we know that Paul wrote this letter at a period when he had enough time to carefully consider his epistolary approach. He would have realized the riskiness of his undertaking. To the Romans he was not "their apostle"; he had not even visited them yet. Therefore he deliberately downplays his apostolic self-consciousness (cf especially 1:1-7), and elaborates on his long-felt desire to visit them (1:10-13). In fact, he applies all kinds of rhetorical devices to solicit their goodwill<sup>51</sup>. Afraid that he might have been too prescriptive, he backs off in 15:14-15, stating that he only reminded his audience of what they in fact already knew. We can therefore be certain that Paul's choice for forensic imagery was also a deliberate one. And

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<sup>51</sup> See Du Toit (1989).

the reason for this choice should be sought in the social context of his addressees.

In considering Paul's adoption metaphors, already Lyall asked "why...does this technical metaphor find its greatest use in the Epistle to the Romans?" (1984:98). With regard to Paul's forensic language, this question becomes even more pressing.

In looking for an answer, it may be helpful to borrow a chapter from reception criticism. This literary approach alerts us to the importance of "implicatures", the "open spaces" in the text which are continuously being filled in by its readers. Paul's announcement of his δικαιοσύνη θεοῦ theme (1:16-17), which implicitly put the *iustitia Dei* on the table, would have created such an implicature and his addressees would fill it in by associations triggered in their own minds. They would continuously compare the *iustitia Dei* with the *iustitia romana* with which they had to reckon daily. The *iustitia romana* was expected to follow the rule of adequate retribution (Klostermann 1933), but in practice this was definitely not always the case. Since they belonged to the lower echelons of Roman society<sup>52</sup>, many of them would have suffered from the sharp edges of the Roman judicial system<sup>53</sup>, despite its extravagant praises by so many. And they certainly would not dream of receiving special favours. The *iustitia Dei*, on the other hand, has as its astonishing outcome divine acquittal (δικαιοσύνη θεοῦ) for everyone, Jew and Greek, who puts his faith in God. How does this totally unconventional judiciary system really work? How will this "good news", as proclaimed by Paul, unfold?

As already indicated, incongruity with expectations makes for much deeper impressions than compliance<sup>54</sup>. This is also true of Paul's forensic imagery. In God's judgement of the heathen nations (Rom 1:18-32) and of mankind in general (Rom 2:1-16), procedure runs according to expectations. The maxim of adequate retribution (*suum cuique*) is upheld. But as far as his dealings with believers are concerned, this judge shocks all expectations<sup>55</sup>. He sides with the guilty; he takes painful measures to

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<sup>52</sup> Lampe (1989) presented an excellent and detailed analysis of the life situation of Roman Christians in the first three centuries. For an overview, see Du Toit (1998:378-387).

<sup>53</sup> In practice, non-Romans, slaves and ex-slaves, and the lower classes in general, did not receive equal treatment before the law; see Chandler (1925:51,54).

<sup>54</sup> This point can also be illustrated from the parables: The atypical in the behaviour of the good Samaritan creates the punch-line. The same is true of the father of the prodigal son; he does what even his own son did not ask or hope for.

<sup>55</sup> Naturally the Roman Christians were already acquainted with the gospel, although all might not have grasped it in its radical Pauline form. But even so, the

vouchsafe their acquittal; he shows mercy where he should have punished severely; he acquits unconditionally. Instead of judicial objectivity and equity, mercy is now the norm. The only requirement of the judge is that the accused should accept his offer. Instances of pardon and amnesty were certainly wellknown in Roman legal practice, but these were very *ad hoc*<sup>56</sup>, limited, often qualified and conditional, and more often than not politically inspired. An absolute, general and unconditional pardon like the one offered here in Romans, was totally unheard of.

Metaphors have their strengths and weaknesses. Paul's forensic imagery also has its limitations. As such, it can only depict sin as guilt before God. Other metaphors are necessary to portray, for example, its enslaving, estranging or defiling aspects. It also has limited capabilities for depicting the specific result of Christ's salvific work. For that purpose, Paul had to resort to other metaphors like deliverance (Rom 3:24), atonement (3:25) and reconciliation (5:10-11). Likewise the forensic imagery focuses preeminently on believers' *entry* into the new community. It reveals little about the nature of their new life in Christ.

On the other hand, Paul's forensic metaphors were eminently suited to highlight the sovereign activity of God, the radicality of sin and the even greater radicality of grace. In order to highlight the surprising otherness and the joy-bringing "goodness" of the good news to his Roman addressees, the apostle could scarcely have made a better choice. This was the language they would understand. *Ironic as it may seem, exactly by using forensic imagery, Paul completely delegatized the Christian message.* In God's gospel court room grace reigns supreme (Rom 5:21).

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specific way in which Paul presented it would have deepened their understanding and appreciation.

<sup>56</sup> According to Mommsen (1899:484), reduction or remission of sentences were markedly more frequent in imperial times than in the republican period. However, these measures remained definite exceptions. Concerning the practise of pardon in Rome, see Mommsen (1899:483-487,928); cf for the republican period, Greenidge (1901:519-520). Greenidge (1901:519) comments that the "sanctity of the *res iudicata* was peculiarly great at Rome, and the stability of the constitution was thought to be shaken by spasmodic exercises of the power of pardon".



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