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# Imputatio Iustitiae Christi, Liberum Arbitrium in Renatis, and Tertius Usus Legis in Melanchthon's Later Loci

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IMPUTATIO IUSTITIAE CHRISTI, LIBERUM ARBITRIUM IN RENATIS,  
AND TERTIUS USUS LEGIS IN MELANCHTHON'S LATER LOCI

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A Dissertation Presented to the Faculty  
of Concordia Seminary, St. Louis,  
Department of Systematic Theology  
in partial fulfillment of the  
requirements for the degree of  
Doctor of Theology

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by

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## CHAPTER I

### INTRODUCTION AND OVERVIEW

#### Introduction

As a northern European humanist<sup>1</sup> and a biblical scholar Philip Melanchthon was both philosophically and theologically inclined to encourage Christian piety and good works. In his tertius usus legis Melanchthon introduced to Lutheran theological vocabulary the

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<sup>1</sup>Northern European humanism may be distinguished from the Renaissance of southern Europe by its focus on the reform of the church and its emphasis on Christian piety. With its accent on the ad fontes return to the sources of western civilization and more importantly, its return to the biblical foundations of the Christian religion, it provided many of the materials to be used by the evangelicals in their desire to reform the church theologically. Two northern European humanists figure prominently in the life of Philip Melanchthon. Johann Reuchlin, Melanchthon's great uncle, was instrumental in guiding the education of Melanchthon, especially after Melanchthon's father died when he was eleven years of age. Reuchlin's fame rested on his reputation as a philologist and he is best remembered as a scholar and advocate of Hebraic studies. It was Reuchlin who encouraged the Elector to appoint Melanchthon to his new university at Wittenberg as a teacher of Greek. The relationship between Melanchthon and Erasmus was less direct but more enduring (the relationship between Melanchthon and Reuchlin ended when Melanchthon embraced the theology of Luther). The two men corresponded throughout their lives although they never met. Melanchthon shared with Erasmus the skills of a philologist, the reputation of a stylist, an abiding concern for unity in the church, and an emphasis on personal piety. They differed in that the focus of reform in the church for Melanchthon was theological while for Erasmus it was for reform in morality and church structure.

distinctive pedagogical or instructional function of the Decalogue as the means by which God revealed his will for the regenerate and instructed them in righteousness.<sup>2</sup> It

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In 1516 Erasmus published the Novum Instrumentum, the editio Greek edition of the New Testament. The importance of this publication for Melanchthon and Luther can be found in its use as the basis of Luther's German translation of the New Testament (in the preparation of which Luther frequently utilized Melanchthon's skills in Greek). Erasmus typifies the northern European humanist. His Handbook of the Militant Christian (Enchiridion Militis Christiani) characterizes his personal striving for perfection in Christian piety. The Praise of Folly (Morias Egkomiön) satirizes the church and the absurdity of superficial morality. His sermon (really a treatise) Concerning the Immense Mercy of God (De Immensa Dei Misericordia) underscored his desire to base theology in the Scriptures (in this case, Saint Paul) and his concern for making the Gospel a factor in Christian living. In his, On Mending the Peace of the Church (De Sarcienda Ecclesiae Concordia) Erasmus articulates his hope to restore peace to the church through a program of reform based on tolerance and evangelical enlightenment. Erasmus' reform was doomed by the distrust of both the Roman and evangelical parties but his concerns were ultimately incorporated, in part, by the "Reformation" Decrees of the Council of Trent (Session 22). Helpful in understanding Erasmus as theologian, in relation both to the church fathers and to the evangelical movement is John William Aldridge, The Hermeneutic of Erasmus (Richmond, VA: John Knox Press, 1966), *passim*. On the influence of Erasmus and Reuchlin on Melanchthon, see Carl S. Meyer, "Christian Humanism and the Reformation," Concordia Theological Monthly 41 (November 1970): 637-647. The definitive study on Melanchthon as humanist is Wilhelm Maurer, Der Junge Melanchthon zwischen Humanismus und Reformatio, 2 vols. (Goettingen: Vandenhoeck & Ruprecht, 1967 and 1969). The first volume is entitled "Der Humanist." The second volume concerns Melanchthon as theologian.

<sup>2</sup>That Luther also taught a pedagogical function of the Law will be maintained and supported later in this study (Chapter III). The point here is that Melanchthon introduced the terminology which has been adopted through the Formula of Concord as the classic expression of the

is not remarkable that a Christian theologian should be concerned about the Decalogue and Christian sanctification. This function of the Law, however, raised distinctive questions and problems for the first generation of evangelical Lutheran theologians. If sinners are justified by grace, through faith, alone, apart from works of the Law, and if the Law always accuses sin, then logically it would seem that the Law has no distinctive function for those who are righteous by grace through faith and the Law has only a negative, accusing function for the Christian who sins. How then can there be a pedagogical, non-accusatory function of the Law?

For Roman theologians, the problem did not arise since justification by grace through faith was understood as necessarily including caritas in fulfilling the works of the Law. The sola gratia, sola fides was denied.<sup>3</sup> For

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continuing validity of the Law for the regenerate. On Luther's relation to the Formula of Concord, Article VI, "Third Use of the Law," see Armin W. Schuetze, "On the Third use of the Law: Luther's Position in the Antinomian Debate (FC, VI)," in No Other Gospel: Essays in Commemoration of the 400th Anniversary of the Formula of Concord, ed. Arnold J. Koelpin (Milwaukee: Northwestern Publishing House, 1980), pp. 207-228. For a carefully prepared opposing opinion (that is, that the third use of the Law vocabulary is not descriptive of Luther's position and in fact distorts it) see Ragnar Bring, Das Verhaeltnis von Glauben und Werken in der Lutherischen Theologie (Munich: Kaiser Verlag, 1955), passim, but especially pp. 39-67.

<sup>3</sup>Although the theological positions and vocabulary of the various Roman schools at the beginning of the sixteenth century were anything but monolithic, there was

other theologians the problem did not arise because the continuing validity of the Law was summarily rejected.<sup>4</sup> Lutheran evangelicals denied both solutions to the problem of the Law in relation to the Gospel, contending that the Roman position obscured the Gospel and the antinomian position denied the Law and perverted the Gospel. Against the work righteousness and scholasticism of Roman theologians and the antinomianism of some evangelical

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agreement among both Dominican (Thomist) theologians and Franciscan (following Scotus) theologians on the progressive nature of justification and the necessity of good works for salvation. Hubert Jedin provides a helpful and detailed picture of the process by which Dominican, Franciscan, and other theologians reached consensus at the Council of Trent in a formulation which specifically rejected the evangelical understanding of forensic justification and the sola gratia, sola fide of the reformation. Hubert Jedin, A History of the Council of Trent, 2 vols., trans. Ernest Graff (St. Louis: B. Herder Book Co., 1961), 2: 166-169, 239-316. This consensus is best expressed in the eleventh canon of the article On Justification: "if any one saith, that men are justified, either by the sole imputation of the justice of Christ, or by the sole remission of sins, to the exclusion of the grace and the charity which is poured forth in their hearts by the Holy Ghost, and is inherent in them; or even that the grace, whereby we are justified, is only the favour of God; let him be anathema." The Canons and Decrees of the Sacred and Ecumenical Council of Trent, trans. J. Waterworth (Chicago: Christian Symbolic Publication Soc., n.d.), p. 46.

<sup>4</sup>The antinomian theology of John Agricola will be investigated in chapter III. The Zwickau prophets and Thomas Muentzer, with their emphasis on private revelation, and the iconoclasts of Karlstadt also bring to mind movements within the reformation which disregarded the distinction between Law and Gospel and denied the function of the Scriptures in mediating the will of God through the Law. On Luther and his relation to Muentzer and Karlstadt, see Heinrich Bornkamm, Luther in Mid-Career (1521-1530), ed. Karin Bornkamm, trans. E. Theodore Bachmann (Philadelphia: Fortress Press, 1983), pp. 51-83 and 143-181.

theologians, the theologians of the Augsburg Confession affirmed both Law and Gospel, distinguishing Law and Gospel but not separating them, affirming the Gospel as the forgiveness of sin and the Law as God's judgment on sin. But if justification is by grace alone and the Law always accuses, what is the function of the Law in the life of the regenerate? If it does not motivate obedience (for this is the function of the Gospel) how is one to affirm a positive function of the Law without confusing Law and Gospel and without plunging the evangelical witness into the work righteous theology of the Roman party?

The answer lay in the evangelical understanding of forensic justification. Justification is not a process but an event happening in a moment of time by which God by grace, through faith, for the sake of Christ, declares the sinner righteous. Forensic justification thus encompasses both the imputation of the righteousness of Christ and the non-imputation of sin. But what of the man justified? What has changed for him? His relationship to God has changed from an antagonistic relationship of fear and judgment to a filial relationship of love and forgiveness. His heart has been enabled to love God. Yet he remains a man. He still has within himself his previous sinful nature. He thus experiences the warfare of flesh and spirit Saint Paul describes in Romans 7. In this conflict of the new man by grace and the old man of sin, the Spirit

of God works through Word and sacrament to assure faith and strengthen renewal. This revealed Word contains the unchanging will of God in the Law as well as the abiding promises of Christ in the Gospel. In order that the Christian sinner-saint might not be left to his own devices or centered in his own opinions, the Spirit of God through the Word of God instructs the Christian in that which pleases God so that the new heart of the Christian may choose without coercion the will of God, although he remains spiritually weak and encumbered by sin.

Justification is distinguished from this process of renewal (sanctification) as God's forensic decree establishing the relationship which empowers the Christian to do that which pleases God. But justification and sanctification, although distinguished (in that justification by grace, through faith, for Christ's sake, must precede sanctification and good works) dare not be separated from one another. In the economy of God justification necessitates sanctification and sanctification is dependent on justification.

This brief overview indicates the theological conjunction of the third use of the Law, forensic justification, and regenerate free will first articulated in the theological writings of Philip Melancthon. The title of this dissertation is not intended to suggest that forensic justification, third use of the Law, and

regenerate free will are in some sense logical constructs by which Melanchthon sought to synthesize Law and Gospel as the basis of Christian ethics. Rather, because Melanchthon accepted the divine Scriptures as the norm of Christian teaching, these terms expressed what he understood the Scriptures themselves to teach regarding justification, the instruction of the Law, and the regenerate free will: (1) Man is saved by grace, through faith, for the sake of Christ alone; (2) The Christian has a continuing need for instruction in the will of God through the Decalogue because of his dual nature as sinner and saint; (3) God holds the Christian responsible for choosing the divine will as the Holy Spirit works through the Word, instructing the renewed yet sinful heart of the Christian in the Law of God.

It is the purpose of this study to investigate how forensic justification, the third use of the Law, and the free will of the regenerate Christian complement one another in Melanchthon's theology. The distinction of Law and Gospel, justification and sanctification, "old man and new man," sin and grace provide the pedagogical framework for this expression of evangelical theology. This study therefore focuses on the fundamental distinction basic to understanding the Scriptures and articulating Christian theology -- the distinction between Law and Gospel. In so doing, it underscores Melanchthon's great and continuing

legacy as the pedagogue of the Lutheran reformation.<sup>5</sup> But it also raises the important question of whether Melanchthon in formalizing the theology of the Lutheran church truly conveyed the spirit and insights of Martin Luther, or ossified Luther's prophetic and pastoral dynamic into a propositional theology based on scholastic (Aristotelian) distinctions and humanist presupposition?<sup>6</sup>

The Formula of Concord, Solid Declaration, affirms that "The distinction between Law and Gospel is an especially brilliant light which serves the purpose that the Word of God may be rightly divided and the writings of

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<sup>5</sup>Melanchthon's contribution to the Lutheran reformation as educator and dogmatist have been universally recognized. For his contribution to German liberal arts education he has been accorded the title "Praeceptor Germaniae." The definitive work in this area remains Karl Hartfelder, Philip Melanchthon als Praeceptor Germaniae (Nieuwkoop: B. De Graf, 1964), passim. Reprint of the 1889 Berlin edition.

<sup>6</sup>Many have made this accusation, from a variety of theological points of view and for a variety of theological reasons. A sampling would include: Richard R. Caemmerer, "The Melanchthonian Blight," Concordia Theological Monthly 18 (May 1947): 115-36. Jaroslav Pelikan, From Luther to Kirkegaard (St. Louis: Concordia Publishing House, 1963), pp. 24-75. Ragner Bring, Das Verhaeltnis von Glauben und Werken in der Lutherischen Theologie. Karl Holl, Die Rechtfertigungslehre im Licht der Geschicht des Protestantismus (Tuebingen: J.C.B. Mohr, 1922), passim but especially pp. 16-27. Karl Holl, "Gogarten's Understanding of Luther," trans. Walter F. Bense, in What Did Luther Understand by Religion, ed. and trans. Luther Adams and Walter F. Bense (Philadelphia: Fortress Press, 1977), pp. 111-120. Albrecht Ritschl, The Christian Doctrine of Justification and Reconciliation, trans. and ed. E. R. Mackintosh and A. B. Macaulay (Edinburgh: T. and T. Clark, 1900), passim. Frank Hildebrandt, Melanchthon: Alien or Ally? (Cambridge: University Press, 1946), passim.

the holy prophets and apostles may be explained and understood correctly."<sup>7</sup> Theologically, the sixteenth century evangelical reformation may be described as a conscious desire to define Law and Gospel according to the testimony of Scripture alone. The Scriptures and not the accumulated philosophical and theological thought of the previous sixteen centuries were to serve as the norm of Christian theology. The evangelical affirmation that "the Law always accuses"<sup>8</sup> and thus does not share a complementary function with the Gospel but rather stands in an adversarial role to the Gospel broke radically with what had become the scholastic teaching of the Western Church. The Gospel conversely and in contradistinction to the Law was described by the evangelicals in accordance with Saint Paul's epistles as the imputation of the righteousness of Christ and the non-imputation of sin.

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<sup>7</sup>FC, SD, VI, 1. see also Ap., IV, 5. Citations to the Lutheran Confessions will be made according to document, article number, and paragraph number in order to facilitate the use of the German-Latin Bekennnisschriften and Tappert's English translation. Die Bekennnisschriften der evangelisch-lutherischen Kirche (Goettingen: Vandenhoeck & Ruprecht, 1967 [sixth edition]); The Book of Concord, trans. and ed. Theodore G. Tappert (Philadelphia: Fortress Press, 1959). The following commonly used abbreviations will be used: AC: Augsburg Confession; Ap: Apology to the Augsburg Confession; SA: The Smalcald Articles; TPP: Treatise on the Power and Primary of the Pope; SC: Small Catechism; LC: Large Catechism; FC, Ep: Formula of Concord, Epitome; FC, SD: Formula of Concord, Solid Declaration. English translations in this dissertation will be those of the Tappert edition.

<sup>8</sup>Ap, IV, 38.

This formulation of Law and Gospel stands in stark contrast to the doctrine of justification in the sixteenth century Roman church.<sup>9</sup> Justifacere was used to translate the Greek dikaioo and etymologically understood as the transformation by which God "made righteous" the unrighteous. The Western Church had rightly condemned Pelagianism. Yet through its transformational and progressional theology of justification it had made the continuing good works of the transformed Christian an essential ingredient in his reconciliation to God. For faith to be salvific it must be infused by works of love through which the Christian demonstrated that he was justifacere. The law of works which had been banished from the front door by the church's proscription of Pelagianism entered the church through the back door when justifacere was understood to describe not the conversion of the Christian but the process of renewal. This process was described and amplified by the schoolmen of the Middle Ages with a variety of definitions and distinctions. Although diverging among themselves in specifics, the schoolmen shared in common a denial that one is saved by grace, through faith, for the sake of Christ alone, viewing grace

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<sup>9</sup>A concise, accurate, and helpful summary of the evolution of Augustinian thought and its consequences for the western church's understanding of justifacere is provided in the paper released by the U.S. Lutheran-Roman Catholic Dialogue entitled "Justification by Faith" in Origins: NC Documentary Service 13, no. 17 (October 6, 1983), pp. 279-281.

as an infused quality, faith as intellectual assent, and Christ as the new Law giver whose death atoned for man's condition of sin but not for his voluntary sin.

Justification described the process whereby the infused grace of God and the intellectual assent of man enabled the regenerated Christian to know and to choose the will of God revealed by Christ. In this process the Christian became righteous before God and justified.<sup>10</sup> The admixture of Law and Gospel resulted, from an evangelical point of view, in a falsification of both Law and Gospel. The evangelical emphasis on sola gratia, sola fide, and solus Christus

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<sup>10</sup>At the opening of the debate on justification at the Council of Trent, Jedin notes the presentation of Bertano, Bishop of Fano, a Thomist and an advisor to the papal legates. "Bertano begins by examining the two basic concepts of justice and faith. There is a three-fold justice, namely, the justice of God who promised to send us his Son for the forgiveness of sin; the justice of Christ, that is, the merits of his Passion and death, which must be appropriated by us and become our own (iustia inhaerens); finally the justice of good works by which we prove ourselves to be just. The first justice does not justify; only the second does so because it effects the remission of sins and fits us for the justice of good works. . . . Only faith in the Gospel, that is, faith united to hope and charity justifies. . . . Faith freely bestowed by God is actively accepted by man, hence he does not remain purely passive in the process of justification. St. Augustine says: 'He who made thee without thee will not save thee without thee,' and St. Thomas declares that 'when we are justified, we assent to God's justice.' The difference between the Catholic and Lutheran doctrine of justification appears on three heads. Bertano declared: "the sola fide formula is too narrow because it excludes hope and charity; faith does not contain personal justification; good works are not merely tokens of justification, they are an essential element of it." Jedin concludes: "It can hardly be contested that Bertano's note evidences a profound insight into the real doctrinal differences and does not fasten on mere formulas." Jedin, p. 185.

restored the Gospel to the church and placed the Law in its proper subordinate position to the promises of Christ. But it left the evangelical church with a problem of terminology as it sought to redefine on a biblical basis the meaning of "Law," "Gospel," "justification," "sanctification," "regeneration," and "renewal." It is with this process of redefinition that this study is concerned.

Philip Melanchthon occupies a pre-eminent position in this process of epitomizing and defining the evangelical insights of the Lutheran reformation. Pedagogue, classicist, philologist, logician, historian and biblical scholar, Melanchthon brought the academic talents necessary to formulate into theological propositions the insights of Luther, whom he highly esteemed. Through the editions of his Loci Communes Theologicae, first published in 1521, Melanchthon sought to epitomize in "Commonplaces" the basic themes of biblical teaching and to refute the errors of scholasticism. These copies or commonplaces expanded in size and scope through the second edition of 1535, and culminated in a kind of Summa Christianae Doctrinae in the final Latin edition of 1559.<sup>11</sup>

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<sup>11</sup>The most complete gathering of Melanchthon's writings is to be found in the Corpus Reformatorum, 28 vols., compiled by Carol Bretschneider, ed. Henry Bindsell (Brunswick and Halis: C. A. Schwetschke and Son, 1842-1858). Melanchthon's Loci are found in vol. 21, which includes the first edition of 1521; fragmentary student

The two topics with which Melanchthon was most consistently occupied were those of justification and the Law. In his descriptions of both justification and the Law one notes a development in theological precision. Regarding justification, Melanchthon's theology evolved into the vocabulary of forensic justification found in later editions of the Loci (1535, 1559) and subsequently in the theology of confessional Lutheranism through the Epitome and Solid Declaration of the Formula of Concord, Articles IV and V. With respect to the Law, Melanchthon in the 1535 edition introduced a third function of the Law in addition to the civil and theological functions described in earlier writings, including the Augsburg Confession and its Apology.<sup>12</sup> This three part division of the functions of

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notes based on Melanchthon's lectures on the Loci, published in 1533; the second edition of 1535; and the third and final edition of 1559. The Corpus Reformatorum includes only the Latin editions. Hereafter it will be cited CR, with volume and page number. In this century Robert Stupperich has provided the closest thing to a critical edition of Melanchthon's works in his selected edition of Melanchthons Werke in Auswahl (Studienausgabe), 7 vols. (presently), ed. Robert Stupperich (Guetersloh: Mohn and Co., 1953 through present). Melanchthon's Loci are reproduced in the Studienausgabe in the two part second volume, first (1521) and last (1559) editions, with footnote references to the 1535 edition. The Studienausgabe is commonly abbreviated St.A. and will be cited in this manner with volume and page number.

<sup>12</sup>In the Ap Melanchthon describes the first use of the Law ("civil use") in these terms: "For God wants this civil discipline to restrain the unspiritual and to preserve it he has given laws, learning, teaching, governments and penalties." (Ap, IV, 22) He speaks of the second use ("theological use") several paragraphs later.

the Law is reproduced in the Formula of Concord, article VI and has remained a part of Lutheran confessional vocabulary.

Concomitant with Melanchthon's specification of the nature of justification and the instructional function of the Law is his concern to articulate precisely the psychology of the regenerate will as it freely chooses to know and to do God's will revealed in the Holy Scriptures. Through the vocabulary of forensic justification Melanchthon maintains the sola gratia and sola fide of the Scriptures. Through the third use of the Law Melanchthon affirms the abiding validity of the Law as revealed in Scripture against both radical enthusiast opinions and scholastic Roman theology. Through the free choice (arbitrium)<sup>13</sup> of the regenerate will Melanchthon affirms

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"For the law always accuses and terrifies consciences. It does not justify, because a conscience terrified by the law flees before God's judgment" (Ap, IV, 3E). The third function ("pedagogical use") of the law is summarized in the FC as follows: ". . . after they are reborn and although the flesh still inheres in them, [the law gives] them on that account a definite rule according to which they should pattern and regulate their entire life" (FC, Ep, VI, 1). "Those who have been born anew through the Holy Spirit, who have been converted to the Lord and from whom the veil of Moses has been taken away, learn from the law to live and walk in the law" (FC, ED, VI, 1).

<sup>13</sup>For consistency arbitrium will be translated as "choice" and voluntas as "will." The distinction will be developed in chapters IV & V. Suffice it here that voluntas in the psychology of the mature Melanchthon described that faculty of man which is bound by the "affections" of sin and therefore is not free, and arbitrium described the free choice the regenerated Christian heart can make to obey the commandments of God, understanding at the same time that arbitrium is the consequence of grace worked in the human heart by the Holy Spirit mediated by Word and sacrament.

the individual's ability to act on the basis of the faith God gives by grace in living a life responsive to God and responsible to God. In consequence one notes in Melanchthon a continuing emphasis on the benefits of prayer and the necessity of good works.

#### Overview of this Study

The place of the Law in the context of the Christian life has remained a primary focus of Christian theology since Saint Paul penned his letter to the congregations of Galatia. In addressing the question, what function does the Law have in the life of the Christian, several attendant questions come to the fore. Since the distinctive witness of the Christian faith is to the Gospel of Jesus Christ, does the Mosaic Law have a continuing function for the regenerate? If the Law remains valid for the regenerate, how does it relate to that Gospel? Does it complete or perfect the Gospel? Is the Gospel a new Law? Is it the means by which the righteousness of the Law is attained? Does sin remain in the "justified?" Are Law and Gospel mutually exclusive messages of God whereby one's existence is either within the framework of Law or the framework of the Gospel? Does grace exclude all human efforts? Does the Gospel exclude the Law? Obviously the answer to these questions and others impinges on one's understanding of sin, grace, Law, Gospel, justification, sanctification, and righteousness.

Although Christian theologians have answered these questions in a variety of ways, for the ten centuries between the conversion of Saint Augustine and the Lutheran reformation, the Western Church recognized the priority of grace and the necessity of good works in the process of justification, whereby the sinner was made righteous before God. In making a man righteous, God infused within that man qualities of love which enabled him to keep the Law. Only a faith informed by loving obedience to the Law was viewed as salvific. The painstaking work of Thomas Aquinas wed this western, Augustinian tradition to the dialectic of Aristotelian logic in a synthesis which by the time of the Council of Trent had become a theological norm for the Church of Rome.<sup>14</sup> It was on the basis of this

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<sup>14</sup>It would be anachronistic to say that the Roman church responded to the theology of Luther and Melanchthon in the 1520s, 30s and 40s on the basis of the Council of Trent, but it would be appropriate to say that the theology later canonized at Trent lay behind the Roman responses to the reformation in the first half of the sixteenth century. The Roman rejection of forensic justification has been cited above (footnote 11). Underlying this rejection of the sola fide and justification as the imputation of the righteousness of Christ and the non-imputation of sin is the Roman understanding of sin itself. In the Decree concerning Original Sin it is affirmed, "If anyone denies, that by the grace of our Lord Jesus Christ, which is conferred in baptism, the guilt of original sin is remitted, or even asserts that the whole of that which has the true and proper nature of sin is not taken away; but says that it is only erased, or not imputed; let him be anathema." The Canons and Decrees of the Sacred and Ecumenical Council of Trent, p. 24. What remains in those born again is not sin ("as being truly and properly sin in those born again") but it is "of sin and inclines to sin." Ibid. The evangelical view of the reborn as "sinner-saint" is thus categorically rejected, as well as its implications for justification, the Law, and free will.

scholastic vocabulary that Roman theologians responded to the sola gratia and sola fide vocabulary of the evangelical reformation. In appealing to the Old Testament and to Pauline theology the evangelicals formulated their theology of justification in a way which radically departed from scholastic definitions and understandings.<sup>15</sup> To understand this evangelical departure from traditional Augustinian theology, one must first appreciate the theological vocabulary the Western Church had inherited from those who represented themselves as holding to the Augustinian tradition. Therefore this study begins with a reprise of conservative Augustinian theology through the self-avowed Augustinian Thomas Aquinas, with particular reference to the topics of justification, the Law, and Christian obedience. This background is essential in understanding the early theology of justification in both Luther and Melanchthon in the context of later formulations and in understanding why the early Luther is often contrasted with the forensic vocabulary of the later Melanchthon by those who see in

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<sup>15</sup>A helpful essay, positive in tone but written by a Roman theologian, underscores the evangelical departure from the scholastic synthesis of Law and Gospel, justification and works. The essay relates to Luther's later Galatians commentary but is equally applicable to Melanchthon. Peter Manns, "Absolute and Incarnate Faith -- Luther on Justification in the Galatians Commentary of 1531-1535," in Catholic Scholars Dialogue with Luther, ed. Jared Wicks (Chicago: Loyola University Press, 1970), pp. 121-158.

Melanchthon a denigration of Luther's theology. It is the position of this writer that the mature Luther and Melanchthon both affirmed forensic justification and that many contemporary critics of Melanchthon's theology are in fact arguing for a western, Augustinian view of justification.

Although this thesis is an investigation of the theology of Melanchthon, it is impossible to undertake such a study without reference to his mentor and colleague at the University of Wittenberg, Martin Luther. For twenty-eight years mutual esteem for one another's work, a desire to remain faithful to Holy Scripture, and a shared responsibility to the evangelical church intertwined the lives and work of these two men. Differences of temperament, personality, education, background, roles and priorities might have isolated these men from one another, but mutual respect and a shared commitment to the Holy Scriptures and the preaching of the Gospel enabled these men to use their talents in tandem, mutually complementing one another in the explication of reformation theology.

Reformation theology did not spring full flower in a moment of divine enlightenment. It developed slowly as Luther and Melanchthon sought to explicate the teaching of Scripture. It grew amidst controversy, both with theologians of the Roman church and with theologians within the evangelical movement itself. One is able to trace

this theological growth in the writings of both Luther and Melanchthon, particularly with reference to justification, the Law, and Christian obedience. In describing the mature position of Melanchthon regarding justification, the Law and Christian obedience; this study traces his theological growth throughout the 1520s, culminating in the Augsburg Confession and its Apology.

Essential to this study is a recognition of the reformers' continuing need to define and refine terminology in order that their evangelical position might not be misunderstood by its opponents or misrepresented by deviant supporters. Especially with regard to the distinctive functions of Law and Gospel the aberrations of Agricola and his antinomian supporters are noted. This controversy, beginning in the late 1520s and culminating in Luther's antinomian Disputations in the late 1530s resulted in a more precise use of terms and in less ambiguity in doctrinal formulations. It is during this period of time that Melanchthon specifies his forensic description of justification, speaks of the Law's third use, and begins to speak of the function of the regenerate free will in obedience to the Word of God.

In the areas of justification, the Law, and regenerate free will one finds little development or amplification of Melanchthon's theology after 1535. Despite continuing controversy and ongoing dialogue with

the theologians of Rome, the reformed, and among the evangelicals themselves, Melanchthon's theology in his writings and in the subsequent editions of his Loci remains unchanged. Indeed, he often repeats himself verbatim.<sup>16</sup> This would suggest that Luther knew and approved of the mature theology of Melanchthon, although Melanchthon's formulations were his own and often distinct from Luther's.

This survey of Melanchthon's theological development in his articulation of forensic justification, third use of the Law and regenerate free will would indicate that these emphases bear a close relationship to one another, not merely as controverted issues, but in the

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<sup>16</sup>That Melanchthon frequently quotes himself from one writing to another is evident to anyone having read his works. Peter Fraenkel remarks that "what we have elsewhere called the 'propositional' aspect of the Gospel, leads Melanchthon to think of the Church's continuity in terms of a repetition of statements." Melanchthon's contemporaries also noted this tendency, and "they used a conventional expression to voice their complaint: "Philippus canit eande cantilenam." Peter Fraenkel, Testimonia Patrum: The Function of the Patristic Argument in the Theology of Philip Melanchthon (Geneva: Librairie E. Droz, 1961), p. 145. As professor of theology and of the classics, one might suggest that Melanchthon was simply reaffirming the pedagogical maxim: "Repetition is the mother of study." But probably more germane to Melanchthon's concern was theological precision. A variety of ways of expressing the same truth may in fact confuse that truth. In this Melanchthon's style differs significantly from that of Luther, for whom paradox and seeming self-contradiction were aspects of his theological style. In consequence, one can cite Luther against Luther on a variety of topics. Melanchthon is internally very consistent. The problem for Melanchthon arises when one attempts to make his theological formulations fit the mold of Luther's theology.

focusing on Melanchthon's theology. Any one of these three emphases, viewed separately, might be misunderstood (and they were so viewed and in consequence thus misapplied -- by friend and foe alike). Forensic justification apart from the continuing validity of the Law might be abused as license for sin. Andreas Osiander's rejection of forensic justification may be viewed in this light. Certainly it was a continuing charge leveled against the evangelicals by the Roman party. The third function of the Law, viewed apart from forensic justification and the Holy Spirit's renewal of the regenerate will, might be misconstrued as a new legalism and as a displacement of the Gospel. The Formula of Concord, Article VI, is a commentary on such a concern which arose (and continues to arise) among Lutheran theologians. Emphasis on free choice apart from Melanchthon's strong accent on the necessity of justification prior to sanctification would appear synergistic. Although Melanchthon clearly indicated the priority of forensic justification to the renewal of the regenerate free will, his students were less clear and some of them taught a synergistic view condemned by Formula of Concord, Article II.

Modern commentators often fault Melanchthon for separating sanctification from justification. In fact, through the vocabulary of forensic justification and the

third use of the Law Melanchthon carefully distinguished justification and sanctification. Distinguishing justification and sanctification was especially necessary pedagogically at a time when the Roman church and even some among the evangelicals (for example: Osiander) assumed the Western, Augustinian, "making righteous" (justificare) concept of justification. Like a tripod, forensic justification, third use of the Law, and regenerate free will provided the foundation of Melanchthon's Christian ethos, underscoring his humanist concern for Christian doctrine and piety.<sup>17</sup> If any single leg of this tripod is emphasized disproportionate to the others, the structure of Melanchthon's theology tumbles into heterodoxy.

This study would suggest that many of the detractors of Melanchthon as an evangelical apologist have failed to view his theology as an organic whole and in consequence have "put asunder" what Melanchthon had carefully "joined together." Often one learns more about the personal concerns of the critic or the theological concerns of his school of thought than one learns about Melanchthon. Moreover Melanchthon has suffered in

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<sup>17</sup>This theme is expanded by Robert Stupperich who writes of Melanchthon that "His whole life he devoted to the task of challenging men to pietas et doctrina." Robert Stupperich, "The Development of Melanchthon's Theological-Philosophical World View," Lutheran World, vol. 7 (September 1960): 171.

consequence to his close association with Luther. Luther himself appreciated the distinctive genius of Wittenberg's "Magister Philip" and recognized his gifts as pedagogue and ecumenical spokesman.<sup>18</sup> He also recognized and on occasion criticised Melanchthon's natural timidity and his innate desire to achieve consensus among contending

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<sup>18</sup>Perhaps Luther's most famous comment is found in his table talks regarding Melanchthon, Erasmus, Karlstadt, and himself. "Res et verba Philippus; verba sine re Erasmus; res sine verbis, Lutherus; nec res nec verba Carolostadius" (WA, Ti, III, 460). Citations to Luther will be made to the Weimar Ausgabe, commonly abbreviated WA. D. Martin Luthers Werke, 94 vols., (Weimar: Herman Boehlaus Nachfolger, 1883-present). When an English translation is available, reference will be made to the American edition of Luther's Works, commonly abbreviated AE. Luther's Works, 55 vols., ed. Jaroslav Pelikan and Helmut T. Lehmann (St. Louis; Concordia Publishing House and Philadelphia: Fortress Press, 1958-present). Translations by the author will be so noted. In his preface to Melanchthon's Commentary on Colossians Luther commends Melanchthon's exegesis and style (WA., XXX-2, 68-69). He reserved his highest commendation for the first edition of the Loci. In his Bondage of the Will Luther said the Loci deserved to be included in the canon of the church and that "You cannot find anywhere a book which treats the whole of theology so adequately as the Loci Communes do. . . . Next to Holy Scripture, there is no better book." (WA., Ti, V, 204-5). Above translation in Loci Communes Theologicae, trans. Lowell J. Satre, in Melanchthon and Bucer, ed. Wilhelm Pauck (Philadelphia: Westminster Press, 1969), p. 17. Hereafter cited as "1521 Loci" (Satre). For other positive expressions of appreciation for Melanchthon's work see the following: WA., Ti. XXX:460; WA., Ti. V:205; WA., Ti. V:435; WA. XXX, 2:68-69; WA. XVIII: 601. Luther's appreciation of Melanchthon's gifts was first expressed after Melanchthon's inaugural lecture at the University of Wittenberg when he wrote (August 31, 1518) "a man worthy of every honor" (WA., Br. I, 191-2) (AE., 48:76-80). When Luther received a copy of the AC he wrote, "Philip's Apologia . . . pleases me very much." His additional comment, "I cannot step so quietly or softly," has been interpreted both as praise and as criticism (WA., Br. V:319-20, AE. 49:295-99).

parties.<sup>19</sup> It is ironic that this aversion to conflict and desire for unity should have repeatedly embroiled Melanchthon in theological controversy in the fourteen years he outlived Luther. Melanchthon lacked the staunch courage of Luther. He optimistically supposed those holding divergent or deviant positions could be reconciled to the truth on the basis of the revealed Word.

As a pedagogue and systematician he avoided the paradoxical vocabulary of Luther's theology. As classicist he couched evangelical theology in Aristotelian dialectic.<sup>20</sup> As ecumenist he respected and researched the worthier opinions of the church fathers.<sup>21</sup> As

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<sup>19</sup>Luther was critical of Melanchthon's spiritual and personal timidity at Augsburg and warned him against an accommodating spirit (WA., BR. V:405-407; AE. 49: 326-333).

<sup>20</sup>Quirinius Breen questions whether Melanchthon understood Aristotle. "It is true that he so favored Aristotle because he considered him the ace of dialecticians and a rhetorician, in fact, something of a 'Ciceronian.' Had he not so looked on him I doubt if he would have defended him." Quirinius Breen, "The Terms 'Loci Communes' and 'Loci' in Melanchthon," Church History 16 (December 1947): 205. Peter Petersen in his Geschichte der Aristotelischen Philosophie im Protestantischen Deutschland (Leipzig: Felix Meiner, 1921), p. 101, terms Melanchthon a philosophic eclectic. By this Petersen does not mean that Melanchthon is not basically Aristotelian. Petersen affirms, however, that for Melanchthon, Aristotelianism was the clearest philosophy, especially in its gift of dialectic; and that Melanchthon appreciated Aristotle for his practical uses, but he was selective in his use.

<sup>21</sup>Peter Fraenkel's Testimonia Patrum is the definitive treatment of Melanchthon's positive and negative evaluation of the Greek and Latin fathers.

humanist and philologist he worked out of a background decidedly differing from Luther's. It is not surprising then that as pedagogue, humanist, classicist, philologist and ecumenist, the structure of his theology should differ from that of Luther. That his pedantic style of theology suffers in comparison to the vivid, pastoral and expressive theology of Luther is to be expected. But Luther frequently praised Melanchthon's doctrinal formulations.<sup>22</sup> Perhaps Luther knew Melanchthon better than his subsequent detractors. Certainly Luther knew that his own personal charisma and prophetic utterances would not sustain the church of the reformation -- only pure doctrine and Christian piety could do that.<sup>23</sup>

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Fraenkel treats of Melanchthon's criticism of the doctrine of justification in the fathers and of his selective use of the doctrine of justification in Augustine, pp. 292-306.

<sup>22</sup>Even critics of Melanchthon acknowledge this (sometimes with seeming amazement). Despite the variety of heresies laid at Melanchthon's door by Lutherans of the second generation and generations following, there is no evidence in Luther's works of any severe criticism of Melanchthon's doctrinal formulations, even in those areas later in controversy among Lutherans. Whatever other questions might arise, two things seem certain. Luther knew Melanchthon's mature theology and Luther was not reluctant to criticize doctrinal aberrations. Might it be that some of the criticism of Melanchthon's theology is anachronistic, filtered through the strife theologically, politically, and geographically which followed Luther's death and was only resolved with the publication of the Book of Concord, 1580?

<sup>23</sup>In his last sermon preached at Wittenberg, Luther said, "I foresee that, if God does not give us faithful ministers, the devil will tear our church apart through the sectarians and he will never cease until he has

This is not to make Melanchthon immune from criticism. Melanchthon admitted his handling of the Leipzig (1548) interim to have been a mistake.<sup>24</sup> In seeking consensus Melanchthon on occasion resorted to theological ambiguity, as in the 1541 Variata of the Augsburg Confession.<sup>25</sup> By temperament, personality,

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accomplished it. In a word, that is simply what he has in mind. If he cannot do it through the pope and emperor, he will accomplish it through those who are still in accord with us in doctrine." (WA. LI:131-32. AE. 51:378).

<sup>24</sup>C.R. VIII, 841. For a summary of Melanchthon's political and theological difficulties during this period see Robert Kolb, "Historical Background of the Formula of Concord," in A Contemporary Look at the Formula of Concord, ed. Robert D. Preus and Wilbert H. Rosin (St. Louis: Concordia Publishing House, 1978), pp. 12-87. This balanced presentation goes a long way in correcting the distortions found in Gerhard Friedrich Bente's "Historical Introductions to the Lutheran Symbols," in Triglot Concordia: The Symbolical Books of the Evangelical Lutheran Church (St. Louis, Concordia Publishing House, 1922), pp. 1-266. Lowell C. Green notes regarding the Bente "Introduction": "Bente was dependent on Franz Hermann Reinhold Frank, who was also excessively biased against Melanchthon in his great work, Die Theologie der Concordienformel, 4 vols. (Erlangen: Theodore Blaesing, 1858-65), in A Contemporary Look at the Formula of Concord. p. 306, footnote 7. The number of citations in Bente to Frank and a cursory reading of Frank would substantiate this evaluation.

<sup>25</sup>Melanchthon was seldom satisfied with the original edition of any of his writings, and this included the Augsburg Confession. Certainly he may be criticised for treating as a personal document one that had been subscribed by the evangelical church. In 1541 he revised the Augsburg Confession, bringing the article on the Lord's Supper into conformity with the expressions of the Wittenberg Concord (1537), and also the articles concerning free will, justification, and new obedience were revised. However, these changes were not noted among the evangelicals until the Roman party first criticized these revisions as having changed the evangelical position. In

predilection he was not equipped to pick up Luther's mantle in 1546 nor was he later able to bring consensus to the diverging opinions of the evangelicals following Luther's death.<sup>26</sup> But these are areas beyond the scope of this study. No one at that time or since has accused Melanchthon of accomodation either to Rome or to other evangelical theologians in the areas of forensic justification, third use of the Law, or the role of the

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fact the changes in the Variata do represent a hardening of the evangelical position against the theology of Rome and a softening toward those parties participating in the Wittenberg Concord. In relation to the subject of this dissertation Seeberg writes: "Faith apprehends the purely forensic decree of justification. And because this occurs, the Spirit is also granted to the individual for his regeneration. The inseparable connection which is in Luther always maintained between regeneration, justification, and sanctification is thus broken. These are the ideas which underlie the thorough going revision of the Articles IV and V in the Variata Edition of the Augsburg Confession." Reinhold Seeberg, Textbook of The History of Doctrines, 2 vols, trans. Charles E. Hay (Grand Rapids: Baker Book House, 1952) 2: 360. One should note that between the presentation of the AC and the revision of the Variata the controversy with John Agricola had brought about a tightening of vocabulary regarding justification, not only in Melanchthon but also in Luther, see chapter III of this dissertation. In a footnote to his comments about Melanchthon's theology in the Variata, Seeberg remarks, "If the Augsburg Confession is to be interpreted in accordance with the Apology, then the prevalent formula of the Lutheran doctrine of justification finds its sym-bolical support in the Variata!" (Ibid.) It seems that it could be argued that the more the evangelicals specified their doctrine of justification in relation to the Roman doctrine of justification, the more the vocabulary of forensic justification gained priority.

<sup>26</sup>Melanchthon's role in the polemics within the Lutheran party following Luther's death has been treated helpfully in Robert Kolb's "Historical Background of the Formula of Concord," pp. 13-87.

regenerate will in sanctification. Indeed, in these areas (particularly forensic justification and third use of the Law) Melanchthon found himself aligned with the conservative, "gnesio-Lutheran" party.

The present investigation will therefore restrict itself to Melanchthon's relation of Law and Gospel, justification and sanctification in the context of forensic justification, third use of the Law, and regenerate free will. Melanchthon's pragmatic and humanistic concern for the Christian in his living relationship with God focused on justification as the divine proclamation of forgiveness for the sake of Christ and its necessary implications for Christian living. "To know Christ, is to know his benefits."<sup>27</sup> It is in this context that justification is identified with the forgiveness of sins and faith is emphasized as confidence (fiducia) in that imputed forgiveness.

The subsequent renewal of the Christian worked by the Holy Spirit through the revealed Word creates within the Christian heart a new will to please God. This regenerate will is enabled freely to choose to do the will of God. However, while the forensic decree of God has imputed the Christian righteous by grace, through faith, for Christ's sake, the renewal of the Christian is

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<sup>27</sup>St.A. II,I, p. 7. "1521 Loci," (Satre), p. 21.

incomplete, and the Christian must seek the guidance of God in his Word to know what works are pleasing to God. The Christian is free from the Law in that it no longer condemns him, but he carries within him in this mortal life weakness and sin. Therefore the Christian must avail himself of the Word by which is revealed the will of God. The Law thus remains necessary as a testimony to the works which please God. Far from separating justification from sanctification, Melanchthon intends to stress the implications of God's forensic decree for the life of the redeemed sinner-saint. In distinguishing forensic justification from Christian renewal, Melanchthon emphasized the central doctrine of the evangelical church, the sola gratia, sola fide, soli per Christum of justification.

Melanchthon clearly affirms that this forensic decree necessarily effects a change in man's heart so that he seeks to know and to do the will of God. But man's relationship to God is not based on his continuing renewal or his good works either prior to or following the gift of God's grace. That relationship depends entirely on the divine imputation of Christ's righteousness and the non-imputation of sin. Therefore the doctrine of forensic justification emphasizes the monergism of divine grace while the renewal of the heart with its ability freely to choose the will of God revealed in the Word, emphasizes Christian responsibility.

As indicated above, pure doctrine and Christian piety characterize Melanchthon's theological concern for the church. This concern to epitomize doctrine in theological propositions has caused Rome to see in Melanchthon the beginnings of later Lutheran orthodoxy and the stagnation of evangelical theology in a scholastic mold. These same scholars have charged that Melanchthon's distinction of justification and sanctification, even if for pedagogical purposes, resulted in the separation of justification and sanctification in later orthodoxy. Evaluation of this position is beyond the scope of this study, but recognizing these positions as they relate to an interpretation of Melanchthon's theology is vital. Jaroslav Pelikan represents this position concisely when he writes,

It is interesting as well as significant that those who most strenuously opposed Melanchthonian theology continued to do so in terms of Melanchthonian philosophy and Melanchthonian psychology. . . . One of the major conclusions to which the researches of Karl Holl have led is the thesis that much Lutheranism after Luther is not really Lutheran, but Melanchthonian, and that later Lutheranism filled Luther's words with Melanchthon's meanings and then put Luther's words into Melanchthon's categories. . . . Contemporary research in the theology of Luther has taken it as its aim to get behind Melanchthon to the real Luther and to rediscover Luther's relevance for the present theological crisis.<sup>28</sup>

Does Melanchthon misrepresent Luther in his doctrine of forensic justification, third use of the Law, and

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<sup>28</sup> Jaroslav Pelikan, From Luther to Kierkegaard (St. Louis: Concordia Publishing House, 1963), p. 26.

regenerate free will? It is the conclusion of this thesis that he does not.

In a study that involves the topics of justification, the Law, and Christian renewal, it is essential that parameters be set. The focus of this study is on the continuing validity of the Law for the regenerate in the context of Roman theology of the sixteenth century, Luther's theology, evangelical controversies of that time and the essential harmony of forensic justification, third use of the Law, and regenerate free will in explicating the basis of Christian ethics. What was the understanding of justification, the Law, and Christian obedience that informed Melanchthon's Roman opponents? How did Melanchthon come to his mature position in these theological areas? What are these mature positions and how do they relate to one another? Is Melanchthon's position in these areas consistent with Luther's teaching? Is it consistent with Confessional Lutheran theology in the Formula of Concord? Does Melanchthon's understanding of forensic justification, third use of the Law, and Christian obedience have relevance to contemporary Lutheran theological discussions? An emphasis will be placed on utilizing Melanchthon's own writings rather than those of his contemporary detractors or his subsequent commentators. Secondary literature will be noted as it contributes to the subject at hand, but the

priority will be that Melanchthon speak for himself in developing the interdependencies of his theology.

Thomas Aquinas is utilized as a representative spokesman for the Augustinian tradition as it developed in the Roman church of the sixteenth century. There is no evidence to suggest that either Luther or Melanchthon had any deep acquaintance with Thomas' writings. Why then Thomas as spokesman? First, Thomas, Luther, and Melanchthon each shared a high respect for Augustine's theology. Secondly, the Augustinian tradition as mediated by Thomas had achieved a formative position in Roman theology, as evidenced by the formulations of the decrees at the Council of Trent.<sup>29</sup> It was Cardinal Cajetan, before whom Luther was summoned at Augsburg in 1518, whose conservative commentary on Thomas' Summa began the great revival of Thomism in the sixteenth century.<sup>30</sup> Thirdly, both Luther and Melanchthon perceived themselves as teaching a doctrine of justification, the Law, and Christian good works at variance with the fides formata, fides informata, and fides infusa expressed in "the new law of the gospel" of Thomistic theology. The distinction of

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<sup>29</sup>The manifold and recurring influence of Augustine at the deliberations of the Council of Trent is stressed by Jedin. Specifically Jedin notes the common appeal of Luther, Thomas and theologians at Trent to Augustine regarding the future of sin (pp. 145-8) and regarding justification (pp. 166-68, 185-88, 258-9, et al.).

<sup>30</sup>"Cajetan, Thomas De Vio," in The Oxford Dictionary of the Christian Church, ed. F. L. Cross (London: Oxford University, 1961), p. 216.

Law and Gospel, the differentiation of justification and renewal, the affirmation of the sola gratia, sola fide, forensic justification, and the discussion of the nature and place of good works all represent a thrust of evangelical theology at variance with Thomism. Thus it is precisely in the interrelation of forensic justification, third use of the Law, and Christian obedience that Melanchthon articulates the distinctive evangelical emphases in theology. Fourthly, Thomas' formulations in his Summa and Melanchthon's Confessional writings and Loci played significant roles in the continuing dialogue of Roman and Lutheran theologians of the late sixteenth century and throughout the period of orthodoxy.

Some attention is given to the formulations of evangelical theology regarding justification, the Law, repentance and new obedience prior to 1530. This emphasis is necessitated by several factors. First, it underscored the conservative and evolving theology of both Luther and Melanchthon in these central areas of evangelical theology. It becomes clear that the articulation of forensic justification, the careful distinction of justification and sanctification, Law and Gospel, and the instructional function of the Law in relation to its theological function emerged gradually during this period. Secondly, in this period one sees Melanchthon and Luther doing theology not as an abstraction, but as a habitus practicus focusing on the

needs of the evangelical Christians and of the evangelical church. Thus in Luther's catechisms and Melanchthon's "Visitation Articles" one finds a formulation of evangelical theology written for the care and nurturing of the Christian, accenting the power of the Gospel and the continuing validity of the Law. Thirdly, in the controversy with Agricola one touches on issues at the heart of this study: the understanding of justification, the role of Law and Gospel in the salvific plan of God, the continuing validity of the Law for the regenerate. The controversy began with Agricola's attack on Melanchthon's insistence on the preaching of the Law prior to repentance. It culminated in Luther's Antinomian Disputations, where Luther clearly articulates (as will be shown) a theology of forensic justification and of the continuing validity of the Law which parallels that of the mature Melanchthon.<sup>31</sup>

In the years between the Romans Commentary (1532) and the second edition of the Loci (1535) Melanchthon achieved his mature position regarding forensic justification, the instructional function of the Law, and regenerate free will. Attention will be focused on the

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<sup>31</sup>This position will be documented in chapter III & VI both with reference to the controversy whether Luther's theology of the Law in its theological function also includes a pedagogical function and whether the pedagogical function of the Law in Luther is in harmony with Melanchthon's third use of the Law, and with reference to the "analytic" (made righteous) -- "synthetic" (declared righteous) debate precipitated by Karl Holl at the beginning of this century.

Romans Commentary because of its clear development of forensic justification. The 1535 edition of the Loci introduces the term "third use of the Law" and Melanchthon's juxtaposition of the Holy Spirit, the Word, and the human will in the life of the regenerate. The Saxon Confession (1551), Examen Ordinandorum (1553) and writings against Flacius and Osiander provide continuing witness to the stability of this mature position culminating in the 1559 Latin edition of the Loci, which appeared only one year prior to Melanchthon's death.

In the final chapter the implications of this study will be addressed. Did Melanchthon ossify and pervert Luther's theology of justification with his forensic vocabulary? Did Melanchthon replace the Gospel emphasis in Luther with a legalistic ethic in his affirmation of the third use of the Law? Did Melanchthon detract from the theological function of the Law (second use) in his affirmation of a positive function for the Law in the life of the regenerate? Does Melanchthon's emphasis on free will in the content of the Word and the Holy Spirit deny the divine monergism of justification or rather express the necessity of Christian choice in the process of renewal? Do his formulations properly distinguish justification and sanctification, or does he unduly separate justification from sanctification? Is it accurate to distinguish Luther as teaching an "effective" or "analytic" doctrine of

justification and Melanchthon a "forensic" or "synthetic" form? Finally, did Luther teach a function of the Law paralleling Melanchthon's third use?

Such questions have been raised by modern theologians. It is the purpose of this study to put these questions in historical and theological perspective, and in so doing to come to a better understanding of Melanchthon's legacy to the church of the Augsburg Confession. It was the prayer of Melanchthon that he might be spared the ravings of theologians. It is the intention of this study to heed that prayer and to study Melanchthon in view of his positive contributions to evangelical theology, especially expressed in the Formula of Concord, Articles IV, V and VI.

## CHAPTER II

### THOMAS AQUINAS ON JUSTIFICATION AND THE NEW LAW OF THE GOSPEL

#### Justification

Thomas was an Augustinian and understanding Thomas on justification requires recognizing his continuity with- in the Augustinian tradition. Like Augustine, Thomas interprets justificare etymologically as justum facere, to make righteous or just.<sup>1</sup> Therefore, while justifica-

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<sup>1</sup>Augustine writes: "For what else does the phrase 'being justified' signify than 'being made righteous,' by Him, of course, who justifies the ungodly man, that he may become a godly one instead?" Aurelius Augustine, "On the Spirit and the Letter," in A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church, first series, 14 vols, ed. Philipp Schaff, trans. Peter Holms, vol. 5: "Saint Augustine's Anti-Pelagian Works" (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1971), chapter 45, p. 102. The Nicene and Post-Nicene Fathers will be cited hereafter NPNF with the title of the specific work, translator, chapter and page number.

Augustine spoke of justification in two ways: (1) being made righteous (as in citation above) and (2) the forgiveness of sins (as in Enchiridion). In the Enchiridion Augustine writes, "The death of Christ crucified is nothing other than the likeness of the forgiveness of sins -- so that in the very same sense in which the death is real, so also is the forgiveness of our sins real, and in the same sense in which His resurrection is real, so also in us there is authentic justification." Aurelius Augustine, Enchiridion, in Augustine: Confessions and Enchiridion, trans. and ed. Albert C. Outler (Philadelphia: Westminster Press, n.d.), chapter 14, p. 369. This twofold understanding is also to be found in

tion is the remission of sins, it is primarily the creation of a just man who is united with God<sup>2</sup> as his final end<sup>3</sup> and his highest good.<sup>4</sup> In the instant of justification God moves a man from serving sin to

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St. Thomas, as indicated in the text. Augustine stresses the "made righteous" understanding of justification, which at that point is synonymous with renewal. In "On Grace and Free Will," he writes: "Thus it is necessary for a man that he should be not only justified when unrighteous by the grace of God -- that is, be changed from unholiness to righteousness -- then he is requited with good for his evil; but that, even after he has become justified by faith, grace should accompany him on his way, and he should lean upon it, lest he fall." Aurelius Augustine, "On Grace and Free Will," in NPNE, vol. 5: "Saint Augustine's Anti-Pelagian Works," chapter 13, p. 449. Augustine reiterates this view in The City of God. "For He, abiding unchangeable, took upon Him our nature, that thereby he might take us to Himself; and holding fast his own divinity, He became partaker of our infirmity, that we, being changed into some better thing, might, by participating in His righteousness and immortality, lose our own properties of sin and mortality, and preserve whatever good quality He had implanted in our nature, perfected now by sharing in the goodness of His nature." Aurelius Augustine, City of God, in NPNE, trans. Marcus Dods, vol. 2 "St. Augustine's City of God and Christian Doctrine," Book 21, chapter 15, p. 465.

<sup>2</sup>Summa, I-II, 111.1. English translations will be from Thomas Aquinas, The 'Summa Theologia', trans. by the Fathers of the English Dominican Province (London: Burns Oates and Wasbourne, 1923). The "Blackfriars" edition provides the Latin text with English translation and includes notes, appendices, glossaries and introductions. Thomas Aquinas, Summa Theologiae 60 vols., edited and translated by the members of the Blackfriars, O.P. (New York: McGraw-Hill Company, 1963-1974). For ease in reference to various editions, citations will be made not by page number but by part, question, article and reply.

<sup>3</sup>Ibid., I-II, 111.5.

<sup>4</sup>Ibid., I-II, 1112.4.

justice. The justification of the ungodly is a miracle<sup>5</sup> and the greatest work of God.<sup>6</sup>

Justification begins with the infusion of habitual grace,<sup>7</sup> which is an operative grace, for God is the sole mover.<sup>8</sup> By this infusion of grace, habitual grace becomes an accidental quality of the human soul. This infusion results in a transformation of man by which his higher faculties are placed in subordination to God and his lower faculties are placed in subordination to reason.<sup>9</sup> Bernard Lonergan describes Thomas' theology of justification as a "shift" from "servitude to sin" to the "liberty of the sons of God," "a change from one spontaneity to another, a straightening out of man," which "naturally gives rise to acts of free will, acts of faith and repentance, that both acknowledge this change in attitude and result from it."<sup>10</sup>

Justification is a work of God and not an accomplishment of man himself. Man is passive. However,

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<sup>5</sup> Ibid., I-II, 113.10.

<sup>6</sup> Ibid., I-II, 113.9.

<sup>7</sup> Ibid., I-II, 110.2, 111.2

<sup>8</sup> Ibid., I-II, 111.2.

<sup>9</sup> Ibid., I-II, 113.1.

<sup>10</sup> Bernard J. F. Lonergan, Grace and Freedom, Operative Grace in the Thought of St. Thomas Aquinas, ed. J. Patout Burns (New York: Herder and Herder, 1971), pp. 57-58.

in moving a man to justice God acts in accordance with the condition of human nature; therefore, the will must be free and the mind must turn toward God in faith.<sup>11</sup> The infusion of habitual grace results not only in a change in what man is but also in what man does. The infusion of grace is evidenced, therefore, by a faith formed and perfected in love.<sup>12</sup>

Thomas distinguishes between operative grace (by which God loves man to himself) and co-operative grace (by which the soul is not only loved, but is itself a mover). Justified man is enabled to co-operative grace and the activity of his free will to perform acts of faith and repentance pleasing to God.<sup>13</sup> Through these acts of faith and repentance man fulfills the will of God. Ultimately the function of justification is the fulfillment of the Law because the justification of the sinner enables and empowers him to fulfill the Law in love and obedience. Grace inclines the will to love the fulfillment of the Law. Justification thus creates a man of justice pleasing to God,<sup>14</sup> who is just in his action and just in his disposition.<sup>15</sup> Sin is remitted because

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<sup>11</sup> Summa, I-II, 113.3.

<sup>12</sup> Ibid., I-II, 110.3.

<sup>13</sup> Ibid., I-II, 111.2.

<sup>14</sup> Ibid., I-II, 111.1.

<sup>15</sup> Ibid., I-II, 113.1.

God is pacified toward the sinner and by grace has infused his divine love. The mind and will are turned toward God.<sup>16</sup> The infusion of grace is effective in creating a righteousness so that the soul is healed and enabled to will what is good and pleasing to God. Moreover the soul is empowered to carry out what it wills and to persevere in good so that it finally attains to glory.<sup>17</sup> The transformation of the man, the acquisition of justice, unites man with his highest good.

Citing Romans 8:30 Thomas affirms that, "the remission of sins is justification."<sup>18</sup> In the subsequent articles of Question 113 he describes the process of justification which includes not only the forgiveness of sins, but the renewal of man and the acquisition of justice. "The remission of sin would be meaningless if there were no infusion of grace," because, although "the love of God is eternal, the effect of that forgiveness is intermittent, because it is sometimes lost and never regained."<sup>19</sup> That God does not impute sin is an expression of his love, but the non-imputation of sin also implies that grace has had some effect on the man

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<sup>16</sup> Ibid., I-II, 113.3.

<sup>17</sup> Ibid., I-II, 111.3.

<sup>18</sup> Ibid., I-II, 113.1.

<sup>19</sup> Ibid., I-II, 113.2.

whose sin is not imputed. The first stage of justification is thus the infusion of habitual grace which makes it possible for man to do what previously was impossible, that is, to love God. In the second stage, Thomas addresses the question of free will.

Since God moves a man to justice in a manner which accords with the condition of his human nature, and it is proper to the nature of man that his will should be free . . . God never moves him to justice without the use of his free will. With all who are capable of being so moved God infuses the gift of justifying faith in such wise that he also moves the free will to accept it.<sup>20</sup>

This movement of the free will is also a movement of faith.

Justification requires the movement of the mind by which it turns to God. But the mind turns to God in the first instance by faith . . . . A movement of faith is therefore required for the justification of the ungodly.<sup>21</sup>

However, this movement of faith "is not perfect unless it is formed by charity."<sup>22</sup> To understand why faith must be perfected by love, one must understand the true nature of faith.

Under Question two, Article nine, "the Act of Faith," Thomas defines faith.

To believe is the act of the intellect as it assents to divine truth at the command of the will as loved by God through grace . . . . Faith is related to charity as a disposition is related to the ultimate form which it precedes. Now it is obvious that a subject or matter cannot act except by the power of its form. Neither

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<sup>20</sup> Ibid., I-II, 113.3.

<sup>21</sup> Ibid., I-II, 113.4

<sup>22</sup> Ibid.

can a preceding disposition alike act by the power of the form, and the form is the main principle of action. . . . Thus, without charity, neither nature nor faith can produce a meritorious action. But when charity supervenes, the act of faith becomes meritorious through charity.<sup>23</sup>

In making the Aristotelian distinction between "form" and "matter" Thomas is enabled to describe faith as the "subject or matter" which is incapable of action without its "form." Love is the form, the formative principle, which gives faith its power to act. Thus faith is informed, perfected, by love.<sup>24</sup> Faith itself is an intellectual assent of the mind to divine truth by the command and will of God through grace. The will moves the intellect to assent to God's testimony of himself in his revealing Word. Faith comprehends the first truth of God, that he has dealt with mankind in history through Jesus Christ. This is what Thomas means when he affirms that "an act of faith is required in the justification of the ungodly to this extent, that a man believe that God is the justifier of man through the mystery of Christ."<sup>25</sup> The truthfulness of that faith is guaranteed by the truthfulness of God.<sup>26</sup> Man is not

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<sup>23</sup> Ibid., II-II, 2.9.

<sup>24</sup> Charles P. Carlson, Jr., Justification in Earlier Medieval Theology (Hague: Martinus Nijhoff, 1975), p. 120, footnote 33.

<sup>25</sup> Summa, I-II, 113.4.

<sup>26</sup> Stephen Pfurtner, Luther and Aquinas on Salvation, trans. Edward Quinn (New York: Sheed and Ward, 1964), pp. 68-72.

justified only by faith and man cannot please God only by faith, but "justification by faith" means justification by faith as intellectual assent perfected by love. Man is justified and pleases God ultimately not merely by his intellectual assent to God as first truth, but by his love through which he fulfills the law of God.

The third stage in the process of justification is contrition.

The justification of the ungodly thus requires a twofold covenant of the free will. It must yearn for the justice which is of God. It must also abhor sin. . . . It is thus by charity that we delight in God and by charity also that we abhor the sins which separate us from God.<sup>27</sup>

Justice and sin cannot co-exist in man; one cannot be both transformed and not transformed.

The fourth stage is the remission of sins. "Now the remission of sins is the end in the justification of the ungodly. . . . The remission of sins should not therefore be omitted in the enumeration of things required for the justification of the ungodly." The remission of sins and the infusion of grace are identical, "as referring to the substance of the act, since God bestows grace and forgives guilt by one and the same act."<sup>28</sup> Remission of sins is the consummation of the process of justification, but the

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<sup>27</sup> Summa, I-II, 113.5.

<sup>28</sup> Ibid., I-II, 113.6.

whole process "is necessary for the justification of the ungodly -- an infusion of grace, a movement of the free will toward God in faith, a movement of the free will in recoil from sin, and the remission of sin."<sup>29</sup> In this way Thomas protects his theology from the charge of Pelagianism, and yet also insists on the free will and intellectual assent of man in faith and in the Christian abhorance of sin.

Thomas is concerned that this process of justification not be interpreted in a temporal sequence. The infusion of grace and justification of the ungodly are instantaneous. The four stages necessary for salvation occur simultaneously in time. But the infusion of grace is first, the movement of the free will toward God is second, its recoil from sin is third, and the remission of guilt is last. Only from a human point of view does freedom of guilt precede the reception of justifying grace. Ultimately, "grace is the cause both of the remission of guilt and the acquisition of justice."<sup>30</sup>

#### The New Law of the Gospel

All law has its source in the Creator. Thus the one who has established all law and the one who justi-

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid., I-II, 113.8.

fies are the same, and both justification and the Law have the same end: making a man righteous in order that he might accomplish his created end: unity and blessedness with God. Revealed Law and justification by grace through faith in Christ therefore are complementary. The fulfillment of justification is the life lived in the Holy Spirit through the new Law of the Gospel. When a man is justified, that is, made righteous, he is enabled by the Spirit to love God above all things and his neighbor as himself. This is faith working through love.

The old Law prescribed precepts set forth in the natural Law which continue to be valid and binding on all men for all time. However, the old Law also contained precepts binding only on the Jews.<sup>31</sup> This old Law was given for two purposes: to restrain the hard hearted and proud and to instruct the good who desire to do the will of God. It is most appropriate that the old Law was given as an intermediary between the natural Law and the new Law of the Gospel:

With regard to good men the law was given to them as a help; which was most needed by the people at the time when the natural law began to be obscured on account of the exuberance of sin: for it is fitting that this help should be bestowed on men in an orderly fashion so that they might be led from perfection to perfection, wherefore it was becoming that the old law should be given between the law of nature and the law of grace.<sup>32</sup>

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<sup>31</sup>Ibid., I-II, 98.5.

<sup>32</sup>Ibid., I-II, 98.6.

The final purpose of the old Law is to establish the commandment of charity, that is, to establish friendship between God and man and man and man. The necessity of the old Law is located in man's sinful habitus which has impeded man's natural reason. Ideally man's reason should not have needed any additional revelation other than that which was given in natural law, but human reason having become "habituated to sin" began to obscure the will of God. It was necessary that God through his divine Law therefore rescue man from the evil of his impeded reason. Because of this impediment, human kind has judged things to be lawful that are in fact evil. Thus the old Law belongs to the articles of faith, not as are the doctrines of the Trinity and the incarnation because man's reason cannot comprehend such mysteries, but because through sin man's reason has become liable to manifold errors and must be corrected. If all men had right reason the implication is that the old Law would have been unnecessary.<sup>33</sup>

The old Law has the teleological function of directing mankind to God; as opposed to human law, which is given to direct men in their relations to one another. Within the old Law are to be found three kinds of precepts: moral, ceremonial, and judicial. The moral precepts are binding on all men and are equivalent to the

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<sup>33</sup>Ibid., I-II, 99.2.

precepts of natural Law.<sup>34</sup> But in addition to instructing man in moral righteousness, the old Law also directs men to the coming of Christ, "as the imperfect disposes to the perfect, wherefore it was given to a people as yet imperfect in comparison to the perfection which was to result from Christ's coming. . . ."<sup>35</sup> The old Law thus consists of abiding commandments and of divine promise.

The new Law is addressed to those who live in the perfection of Christ's coming, the promise fulfilled. Its efficacy is based on the grace of the Holy Spirit which is given through faith in Christ.<sup>36</sup> "Consequently, the new Law is chiefly the grace itself of the Holy Ghost which is given to those who believe in Christ."<sup>37</sup> In this the new Law differs from the old Law, being internal, within the heart, whereas the old Law was an external precept. But the new Law also contains (though this is of secondary importance) precepts by which the faithful are instructed in what they should believe and what they should do. "Consequently we must say that the new Law is in the first place a Law that is inscribed on our hearts, but that

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<sup>34</sup> Ibid., I-II, 99.4.

<sup>35</sup> Ibid., I-II, 99.6.

<sup>36</sup> Ibid., I-II, 106.1.

<sup>37</sup> Ibid., I-II, 106.1.

secondarily it is a written Law."<sup>38</sup> It is according to the inward grace bestowed by the Holy Spirit that the new Law justifies. But it is as written Law that the new life instructs in the teaching of the faith and in the commandment of God which are to direct human affections and human actions.<sup>39</sup>

Saint Thomas gives three reasons why the old Law was necessary and which explain why it was not appropriate that the new Law was given at the beginning of time. First, since the new Law consists chiefly of grace through the Holy Spirit, it was not possible that it should be given prior to the redemption of human kind through Jesus Christ. Secondly, since the new Law is the Law of perfection, it was appropriate that, "Because a thing is not brought to perfection at once from the outset, but through an orderly succession of time . . ." that the new Law was not given originally. Thirdly,

the new law is the law of grace wherefore it behooved man first of all to be left to himself under the state of the old law so that through falling into sin, he might realize his weakness, and acknowledge his need for grace.<sup>40</sup>

The old Law and the new Law share the same end, namely, man's subjection to God. They differ in how they function. The old Law is like a pedagogue for children

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<sup>38</sup>Ibid., I-II, 106.2.

<sup>39</sup>Ibid., I-II, 106.3.

<sup>40</sup>Ibid., I-II, 107.1.

(Gal. 3:24) whereas the new Law is "the law of perfection" since it is the Law of charity (Col. 3:14).<sup>41</sup> Thus the new Law may be compared to the old Law as the perfect is compared to the imperfect. That which is perfect fulfills that which is lacking in the imperfect. Accordingly the new Law fulfills the old Law by supplying that which was lacking in the old Law.

What was lacking in the old Law was the capacity to justify mankind. Because it is the purpose of every law to make mankind righteous and because the old Law could accomplish this end only in promise but not in fact, the new Law was necessary in order that men might be justified before God. The new Law fulfills the promise of the old Law by justifying men through the power of Christ's passion (Rom. 8:3,4). Because the new Law gives what the old Law promised (2 Cor. 1:20; Col. 2:17), it is called the Law of "reality" whereas the old Law is called the Law of "shadow or of figure."<sup>42</sup>

Christ fulfilled the precepts of the old Law both in his works and in his doctrine. By his willingness to be circumcised and to fulfill the other legal observances binding under the old Law he did the works of the Law (Gal. 4:4). In his doctrine he fulfilled the old Law in three ways: (1) by explaining the true sense of the Law; (2) by

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<sup>41</sup>Ibid., I-II, 107.2.

<sup>42</sup>Ibid., I-II, 107.4.

"prescribing the safest way of complying with the statutes of the old Law," and (3) by adding to the old Law his own counsels of perfection (as for example, in his address to the young lawyer, "If you would be perfect, go and sell all that you have. . . ." Matt. 19:21). Thus while the old Law placed on mankind the burden of external works, the new Law relates to the interior motivations for virtue and righteousness. For the virtuous man, virtuous acts are not difficult. In this respect, then, the precepts of the new Law are less burdensome for the righteous and more burdensome for those who are not righteous, "Because the new Law prohibits certain interior movements of the soul which are not expressly forbidden in the old Law in all cases. . . ." <sup>43</sup> Accordingly, for the righteous man the new Law is not burdensome, for John writes, "His commandments are not heavy" (1 John, 5:3).

Righteousness is dependent on the gracious gifts of the Holy Spirit by whom men become receivers of grace through the incarnation of the Son of God. From the Spirit's gracious gifts works of two kinds ensue. First, there are the works which lead to grace in some way, such as the sacramental acts instituted by the new Law in Holy Baptism and in the Holy Eucharist. Secondly, there are external acts which ensue as a result of grace. These are of two kinds. There are those acts which necessarily

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<sup>43</sup> Ibid., I-II, 108.1.

contribute to or detract from a faith working in love. These are the works prescribed or proscribed by the new man. Secondly, there are those works which are not necessarily opposed to or in keeping with a faith working through love, but have been left by the new Law to the discretion of each individual. In these areas one is free either to choose to act or to refrain from acting. This is why the new Law is also described as the Law of liberty. In this the new Law differs from the old Law which "decided many points and left few to man to decide as he chose."<sup>44</sup>

Accordingly the new law is called the law of liberty in two respects. First because it does not bind us to do or to avoid certain things, except such as are of themselves necessary or opposed to salvation, and come under the prescription or prohibition of the law. Secondly, because it also makes us comply freely with these precepts and prohibitions, inasmuch as we do so through the promptings of grace. It is for these two reasons that the new law is called the law of perfect liberty (James 1:25).<sup>45</sup>

Grace is not by one's own efforts, but comes through Christ alone who instituted the seven sacraments whereby men receive grace. The right use of grace is found in doing works of charity. Insofar as these works of charity are essential to virtue and pertain to the moral precepts, which is also part of the old Law, the new Law adds nothing. But through grace Christ orders the Christian's interior movements both as they relate to

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid., I-II, 108.4.

himself and as they relate to the neighbor. Grace impinges then on both man's will and his intentions. Man's will consequently refrains from both those acts which are overtly proscribed by the Law and those works and internal acts which might give occasion to evil deeds. Christ by grace also directs man's intentions, teaching that in our good works we should not seek human praise or worldly riches but the good of the neighbor. The Sermon on the Mount provides these words of instruction from the Lord.

He mentions three works, to which all others may be reduced, since whatever a man does in order to curb his desires, comes under the head of fasting, and whatever a man does for the love of the neighbor comes under the head of alms-deeds; and whatever a man does for the worship of God, comes under the head of prayer.<sup>46</sup>

Revealed Law is necessitated by human sin. Even among the upright "the light of man's natural reason [is] clouded somewhat by the impulses of sinful desire."<sup>47</sup> Sin is the disposition by which one sets one's heart on earthly goods and chooses to ignore God. Therefore a meritorious act consists in setting aside "the attraction of creatures and holding fast to God."<sup>48</sup> It is by faith that the Christian is enabled to acknowledge God as the

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<sup>46</sup>Ibid., II-II, 22.1.

<sup>47</sup>Ibid., II-II, 104.3.

<sup>48</sup>Ibid., II-II, 22.1.

author of the Law and as the one to whom submission in life is due.<sup>49</sup>

Therefore, because of sin, the new Law admonishes men to withdraw as much as possible from temporal occupations, even though these are not against the Law per se, but which nevertheless distract the soul and impede the movement of the heart toward God. It is only in loving God with all one's heart that the Law is fulfilled. In reality the blessed in heaven alone are able to love God at all times. For the Christian it is enough that his heart is habitually directed toward God so that it will never entertain anything that is against the love of God. In this "perfection" is to be found the way to heaven. Thomas notes in this regard that "venial" sin is not contrary to the habitus of loving God, but only hinders it in exercising itself.<sup>50</sup> It is the new Law that frees man's mind from its preoccupation with worldly matters.<sup>51</sup>

Man is motivated to obey divine Law in two ways: through fear of punishment ("servile fear") and through love of God ("filial fear"). It is this filial fear based on one's reverence for God which serves as the source for all other practices by which God is revered. The filial

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<sup>49</sup>Ibid., II-II, 44.4.

<sup>50</sup>Ibid., II-II, 95.3.

<sup>51</sup>Ibid., II-II, 22.2.

fear of God, arising from love of God, is consequently the motivating factor in the good works of charity which are to characterize the Christian life.<sup>5 2</sup> The change that love works in a man's heart is threefold. First, there is a rebirth to new life. Secondly, there is a reforming of the life that has been ruined by sin. Thirdly, there is a change toward living a more holy life.<sup>5 3</sup> Thus merit from obedience to God's will originates in reverence to God and results in a hierarchy of moral virtues. "The nobler the good the Christian foregoes for the sake of God, the higher is the virtue." Least important is the giving up of external possessions. Next is the offering of one's physical well being. Above all is the sacrifice of the will. In consequence the virtue of obedience is more praiseworthy than any other moral virtue, "seeing that by obedience a person gives up his own will for God's sake. . . ." <sup>5 4</sup>

The aim and end of the spiritual life is that man is united to God. That union is achieved through love; consequently everything else is subordinate. The commandment to love, therefore, is the greatest of all commandments. Indeed, all Ten Commandments are directed to the love of God and the neighbor and are not

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<sup>5 2</sup>Ibid., III, 90.4.

<sup>5 3</sup>Ibid., II-II, 104.3.

<sup>5 4</sup>Ibid., II-II, 44.1.

dispensable. The commandment to love virtually includes the commands about all other Christian acts.<sup>55</sup> The Christian's will which is therefore the principle of all spiritual movement and which culminates in charity is that which moves the intellect (mind), the desires (soul), and the acting power (strength) whereby love is expressed. When the Lord therefore commands in the great commandment that one is to love God with all one's heart, mind, soul, and strength, he is commanding,

that our full intent be on God; with all your heart, that our intellect be subject to God, with all your mind; that our appetite be ruled by God, with all your soul; and that our exterior action be obedient to God, with all your strength or power or might.<sup>56</sup>

Likewise one is to love the neighbor in the manner that he loves himself according to the Second Commandment. First, "in respect to the end: he will love his neighbor for God just as he loves himself for God," and thus his neighbor-love is holy. Secondly, he will not yield to his neighbor in things which might be harmful to the neighbor, but only in those areas which work to his good. Therefore his neighbor-love is just. Thirdly, he will not love his neighbor merely to his own advantage or to please himself, but he will love his neighbor for his own sake. Thus his neighbor-love is true.<sup>57</sup>

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<sup>55</sup> Ibid., II-II, 44.4.

<sup>56</sup> Ibid., II-II, 44.6 (italics in the original).

<sup>57</sup> Ibid., II-II, 44.8.

Analysis of Thomas

Although Thomas is very careful to underscore the primacy of grace in the regeneration of the Christian, there are several ingredients in his theology which tend to undercut divine monergism: his understanding of the nature and function of the Law, his understanding of faith as intellectual assent until formed by love, and his positive appreciation for the human will as it chooses what the intellect offers. Analysis of Thomas on justification and the new Law will therefore center in questions relating to these areas.

One's understanding of the Law of God is reflective of one's understanding of the nature of human sin, and one's understanding of sin focuses attention on one's understanding of the human condition. Sin for Thomas is an "impediment to natural reason." The idea that the Law is an accusing force that unremittingly convicts humankind, regenerate and unregenerate, of sin against God, is foreign to Thomas. Although the old Law brings to man an awareness of "weakness" and the new Law instructs a man in what he should do through the promptings of grace, Thomas is not able to share the pain of Saint Paul in Romans 7:12-25. Thomas might agree that man's free will is in captivity through sin,<sup>58</sup> but he would nonetheless affirm that free

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<sup>58</sup>Philip Watson, "Erasmus, Luther, and Aquinas," Concordia Theological Monthly, 40 (December 1969):755.

will remains and that man continues to have the capacity to resist sin. It is a matter of the disposition or ends to which the will has inclined itself. Man's problem with sin is his ungodly (not "God-ward") desire and in consequence his defection from the will of God in the Law.<sup>59</sup>

Original sin and human concupiscence are related by Thomas in such a way as to make sin a depraved tendency rather than a description of a condition of utter depravity.<sup>60</sup>

It is at this point that one feels most strongly the Aristotelian influence on Thomas' theology. Justification is not the declaration of righteousness by which God imputes the sinner righteous and holy by grace through faith for the sake of Christ (Ephesians 2). Justification is perceived rather in classical ethical terms as that which leads to the highest good through the remaking of a man. It is this ethical presupposition which brings about the diminution of sin and the emphasis on free will. Secondly, Thomas describes justification as a transformation by which one is made righteous, "justifacere," rather than justification understood as the gracious activity of God by which the sinner receives the righteousness of Christ apart from works. In this Thomas

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<sup>59</sup>Frederick Copleston, Thomas Aquinas (New York, Barnes and Noble, 1955), p. 235.

<sup>60</sup>Carlson, p. 118.

is clearly following the conventional scholastic scheme of processus justification.<sup>61</sup>

For Paul, faith is essentially trust in the mercy of God apart from the Law. For Thomas, faith culminates in charity, the new Law. It is faith forced by charity which justifies. The gospel is "a new Law" by which faith expresses itself. There is a natural progression in Thomas' thought which leads from "Law of grace" to "formed faith" to "new Law" to "Law of liberty" which comprehends the withdrawal of the Christian from the world and his uniting with God in blessedness. Compare this to Saint Paul in Galatians where Law is contrasted to Gospel and God's activity in making the sinner just is clearly distinguished from the sanctified activities of the regenerate. The Gospel in Paul does not complete the Law but overcomes its accusations in order that the Christian may do, without the prompting of the Law, what the will of God requires. For Paul the Law is fulfilled, not through withdrawal from the world, but in service to the neighbor, where the neighbor is to be found according to his needs (Phil. 1:19-26; Rom. 13:8-10). This is not to imply that Thomas is not concerned with the need of the neighbor, but

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<sup>61</sup>Joseph Pohl, Grace: Actual and Habitual, adapted and edited by Arthur Preuss (St. Louis: B. Herder Book Company, 1934), pp. 274-76. Pohl-Preuss specifies the Lutheran errors in the doctrine of justification and of sola fide from a Thomistic point of view with many citations from the Summa.

his emphasis seems to be on the non-worldliness of the cloister.

Ultimately then for Thomas, faith is not fiducia but intellectual assent informed by love, a theological virtue.<sup>62</sup> Significantly, Thomas distinguishes theological virtues from natural virtues in the gracious activity of God. Like natural virtue, theological virtues are also good habits or dispositions of the mind by which one chooses to live righteously. But these theological virtues do not derive from man's natural aptitude. Terence Penelhum defines Thomas' understanding of theological virtue as "a good disposition of the mind by which we live righteously, of which no one can make bad use and which God works in us without us."<sup>63</sup> But such faith is only a first virtue. It must be interconnected with hope and with charity.

Just as moral virtues can only exist imperfectly in a man if isolated from one another, or in the absence of prudence, so faith and hope can exist without charity but not have the 'perfect character of virtue' without it. Charity, on the other hand, is 'quite impossible' without faith and hope. Charity, which is a friendship of man with God, cannot exist unless men believe in God and aspire to such fellowship with him.<sup>64</sup>

This distinction Thomas makes using the terms "formed" and "unformed" faith. Formed faith is a "living faith that

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<sup>62</sup>Terence Penelhum, "The Analysis of Faith in St. Thomas Aquinas," Religious Studies, 13 (June 1977):135.

<sup>63</sup>Ibid.

<sup>64</sup>Ibid., p. 142.

is found in the ongoing, sustained Christian life." Unformed faith is "a mere intellectual assent which is not, because of sin, pervaded by charity and does not bear fruit in the Christian life." Both formed and unformed faith come from the same disposition, but only one is a virtue; only formed faith is a living faith. Formed faith may be described as "justifying faith" but only because it comprehends charity through the new Law of the Gospel. Faith alone is dead. It is merely intellectual assent.<sup>65</sup>

Although one follows the reasoning of Thomas here, it is difficult to understand how this description of faith accords with Saint Paul in Romans 5. "Therefore since we are justified through faith we have peace with God through our Lord Jesus Christ." Saint Thomas is reflecting the formula of Saint Augustine, "Credere est cum assensione cogitare,"<sup>66</sup> but in this manner faith has been reduced to an epistemological element in Christianity, a function of the intellect, but not of the heart.

Since the justification of the sinner and the sanctified Christian life which follows are viewed as one entity in the concept of "formed faith" (that is, unformed faith informed by charity), Thomas makes no distinction

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<sup>65</sup>Carlson, p. 119.

<sup>66</sup>cited in Tad W. Guzie, "The Act of Faith According to St. Thomas," The Thomist 29 (July 1965):261.

between justification and sanctification. Indeed, there is no locus on sanctification in the Summa. Sanctification is spoken of rather in the context of the sacramental life of the church. Justification and sanctification are subsumed and combined in "the new Law of the Gospel." This provides opportunity for misunderstanding. Charles Carlson writes in his Justification in Earlier Medieval Theology,

Elsewhere (Summa Theol. III, q. 56, art. 2 and 4), Thomas gives a more extended definition: ". . . quod in justificatione animarum duo concurrunt: scilicet remission culpae, et novitas per gratiam." He does not elucidate the second part of this definition in any other place (it does occur in his doctrine of the atonement, but only incidentally in an obscure responsio); this 'renewal by grace' was, however, the definition taken up at the Council of Trent and was given currency as the classic Thomist definition of justification.<sup>67</sup>

Because Thomas affirms that the human will moves the mind and the desires (soul) and the acting power of man toward its beatific end, he may be misinterpreted to imply that this act of will also moves man initially into his relationship with God. This is the position Scotus was to take. Thomas denies this, but the confusion of Law and Gospel in "the new law of the gospel," the combination of justification and sanctification in "formed faith," the emphasis on the will in the attainment of blessedness with God, all contribute to the possibility that the position of Thomas may be misunderstood as advocating the

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<sup>67</sup>Carlson, p. 119, footnote 29.

synergistic position that man is a co-worker with God in the accomplishment of his salvation. Thomas specifically denies this, but his theology has failed to do justice to Paul's penetrating insight in Romans 3:21-31, that man is saved apart from his own efforts at keeping the Law.

For Thomas, "it is appropriate" that the Gospel and the new Law be intimately related. Together they reflect the new commandment of the Lord "that you love one another as I have loved you" (John 15:12). In recounting the significance of Christ's obedience to the Law, Thomas affirms that by his obedience Christ showed his approval of the old Law and perfected it so that he might "free men from subjection to the Law."<sup>68</sup> As one imputed righteous by grace through faith, Paul would affirm this understanding in part, but would add that such an understanding is not descriptive of the condition of sin in which the redeemed continue to find themselves (Romans 7:13-24).

The basis of this problem would seem to lie in Thomas' confidence in the power of human reason.<sup>69</sup> Man as a rational being, Thomas maintains, is able to act for or against the natural law, having in himself the inclination to do good.<sup>70</sup> In this, reason is hindered by

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<sup>68</sup>Summa, III, 40.4.

<sup>69</sup>Lee, p. 435.

<sup>70</sup>Summa, I-II, 94.6.

concupiscence<sup>71</sup> and it is necessary that God reveal moral concepts through the Ten Commandments. It is the function of the old Law thus to provide through revelation the knowledge of God's will which is obscured by sin. Through the new Law and the power of the Holy Spirit the will of God is written upon the human heart in order that man may know and choose the will of God. The assumption here is that the human will, knowing the will of God, will choose that will as its highest good.

But what of the sin of origin which remains in the human heart? What of the ungodly desires (concupiscence) which continue to draw away from God and into man himself? Are these eliminated in the regenerate? Thomas recognized the necessity of repentance and contrition, but he seems to affirm that by the power of the will these desires directing one away from God can be conquered through redemption by the greater love of Christ. The evangelicals found the answers of Thomas and other scholastics inadequate precisely at this point. In Paul they found another answer, the answer of a righteousness which is given to man from outside man, the righteousness of another, the righteousness of Jesus Christ.

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<sup>71</sup>Ibid., I-II, 94.6.

## CHAPTER III

### JUSTIFICATION, SANCTIFICATION, AND THE FUNCTION OF THE LAW IN LUTHER (1519-1535)

#### Early Luther (1519-24)

Martin Luther's two commentaries on Galatians provide opportunity to compare the early Luther of 1519 with the mature Luther of 1535. With its emphasis on Saint Paul's understanding of Law and Gospel, Galatians provides an ideal context in which to develop Lutheran on Law, Gospel, justification, sanctification and good works over the period of fifteen years at the heart of the evangelical Reformation. As a result of controversy with the theologians of Rome, and the antinomianism of John Agricola, in the context of sharing in the evangelical formulations produced at Schwabach (1529), Marburg (1529) and Torgau (1530), in constant dialogue with Melanchthon in the preparation of the Augsburg Confession, one finds in Luther's later Galatians Commentary a sharpening of theological vocabulary. This development culminated in the Smalcald Articles and the Antinomian Disputations in the second half of the 1530's. The "making righteous" (effici) terminology and "being pronounced righteous" (reputari) terminology which are used interchangeably in

the early Luther are more clearly distinguished in the mature Luther as the distinctions between Law and Gospel, justification and sanctification, are defined.<sup>1</sup>

In his 1519 Galatians Commentary Luther develops the theses of Law and Gospel, not viewed in a Thomistic framework as complementary revelations by which justification may be described as "the new Law of the Gospel", but as two different addresses to man from God having two entirely different purposes. The Law increases sin, for

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<sup>1</sup>It is beyond the scope of this study to do more than indicate the process of definition whereby both Luther and Melanchthon became increasingly precise in their specification of the nature of justification, sanctification, and the continuing validity of the Law for the regenerate. Adolf Koeberle provides a helpful summary of Luther's development with regard to the relationship of justification as forgiveness and sanctification as renewal. "A closer examination will further be able to distinguish three periods in Luther's development, each having a different emphasis in the treatment of the constituent parts of this relationship. There is a first period in which he so strongly emphasizes the effici alongside of the reputari that he interchanges them without any scruple or even speaks of a magis et magis justificari. . . . Then, however, the emphasis begins to fall ever more strongly on the Christus pro nobis. Here (say in the commentary on Galatians of 1522-35 [sic.]) is the real climax of Luther's creative activity. In the later part of his life, as a result of his experiences he approaches closer to the attitude of Melanchthon. The justitia aliens which we already find clearly indicated in the writings of 1520-21 is more and more placed in contrast to renewal. It is certain, however, that Luther at all times, though with varying degrees of emphasis, held fast to the essential connection of justification and sanctification, while at the same time marking clearly the theological difference between the two conceptions." Adolf Koeberle, The Quest for Holiness, trans. John C. Mattes (St. Louis: Concordia Publishing House, 1982), p. 93, footnote 12: Excursus.

the man who is a slave to the law is a slave to sin.<sup>2</sup> Only Christ can free man from the accusations of the Law. As in Augustine, Luther emphasizes the effect of justification in actualizing a change in man by which he is enabled to overcome the power of sin. Freedom from the Law, in Christ, occurs spiritually, not in the manner of human righteousness, by which the Law is changed, "but it is Christian freedom when men are changed without changing the law."<sup>3</sup> Through the preserving power of the Holy Spirit and for the sake of the vicarious satisfaction of Christ, "the same law that was formerly hateful to the free will becomes delightful, since love is poured into our hearts through the Holy Spirit."<sup>4</sup> It is Christ who has overcome the Law and who gives to Christians his Holy Spirit by which he makes them righteous and lovers of the Law, "not because of their own works, but freely, because it is freely bestowed by Christ."<sup>5</sup>

Nevertheless, the function of the Law remains one of bringing the Christian to an awareness of sin.

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<sup>2</sup>Martin Luther, D. Martin Luthers Werke, 94 vols. (Weimar: Herman Boehlaus Nachfolger, 1883-present), 2:560. Hereafter this work will be cited as WA. Luther's Works, 55 vols., gen. eds. Helmut Lehmann and Jaroslav Pelikan (Philadelphia: Fortress Press/St. Louis: Concordia Publishing House, 1955-present), 27:325. Hereafter this work will be cited as AE.

<sup>3</sup>WA 2:560; AE 27:326.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

Therefore, when under the guidance of the Law, you have come to the knowledge of your sins, beware lest before all else you presume henceforth to satisfy the Law as one who intends to live a better life. But despair altogether of your past and future life, and trust boldly in Christ.<sup>6</sup>

Just as the sinner seeks to justify himself before God on the basis of the law without reference to the grace of Christ, so too the Christian is tempted to presume that he can live a life pleasing to God apart from the grace of Christ and according to the formulations of the Law. Luther admonishes the Christian to pray to Christ, "that sin may be destroyed also in your flesh and that the Law may be fulfilled there too, just as it has been already fulfilled in your heart through faith."<sup>7</sup> It is only through faith that, after "receiving love, we keep the Law, not under compulsion or because we are attracted for a time, but freely and steadfastly."<sup>8</sup> Since the Law has not been changed, but the Christian man has been changed, he is free from that Law only insofar as he is in Christ. When the Christian man makes use of his flesh as a pretext for evil (Luther here cites 1 Peter 2:16) he is no longer free of the Law's indictment. Freedom from the Law therefore does not mean that the Law has been nullified or that it is no longer powerful in the accusation of sin. Freedom means that, "we do what is good, not from com-

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<sup>6</sup>WA 2:562; AE 27:328.

<sup>7</sup>Ibid.

<sup>8</sup>WA 2:574; AE 27:346.

pulsion, but gladly and with no ulterior motive."<sup>9</sup>

Servitude to sin has been replaced by servanthood in Christ, expressed in service and in love to the neighbor. Luther concludes,

Therefore what was said before is correct, namely, that the servitude of the spirit and freedom from sin or from the Law are identical with freedom from righteousness, or from righteousness and the Spirit. A person goes from servitude to servitude, from freedom to freedom, that is, from sin to grace, from fear of punishment to the love of righteousness, from the law to fulfillment of the law.<sup>10</sup>

Luther's insights in this first Galatians Commentary became a touchstone of the evangelical movement through the publication and distribution of his The Freedom of the Christian one year later. At the center of the evangelical movement stands the relationship of Law and Gospel in the justification and sanctification of the Christian.

The treatise on The Freedom of the Christian (1520), begins with a paradox. "A Christian is a perfectly free lord of all, subject to none. A Christian is a perfectly dutiful servant of all, subject to all."<sup>11</sup> This paradoxical truth concerning the temporal estate of the Christian man is a reflection of the Christian's twofold nature, spiritual and bodily.

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<sup>9</sup>WA 2:575; AE 27:347.

<sup>10</sup>WA 2:576; AE 27:349.

<sup>11</sup>WA 7:49; AE 31:344.

According to the spiritual nature, which men refer to as the soul, he is called a spiritual, inner, or new man. According to the bodily nature, which men refer to as flesh, he is called a carnal, outward or old man.<sup>12</sup>

The spiritual man is a creation of the Holy Spirit, not the product of his own works.

Wherefore it ought to be first the concern of every Christian to lay aside all confidence in works and increasingly to strengthen faith alone and through faith to grow in the knowledge, not of works, but of Jesus Christ.<sup>13</sup>

Luther distinguishes between the Law and the promises. Through the Commandments a man learns to recognize his helplessness before the Law, which demands perfect obedience. He finds nothing whereby he may be justified. Here the second part of Scripture comes to his aid.

namely, the promises of God which declare the glory of God saying, "If you wish to fulfill the law . . . come believe in Christ in whom grace, righteousness, peace, liberty and all things are promised you. . . ." That which is impossible for you to accomplish by trying to fulfill all the works of the law . . . you will accomplish quickly and easily through faith. . . . The promises of God give what the commandments of God demand and fulfill what the law prescribes so that all things may be God's alone, both the commandments and the fulfilling of the commandments.<sup>14</sup>

Luther reasons that:

A Christian has all he needs in faith and needs no works to justify him, and if he has no need of works, he has no need of the law, and if he has no need of the law, surely he is free from the law.<sup>15</sup>

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<sup>12</sup>WA 7:50; AE 31:344.

<sup>13</sup>WA 7:52; AE 31:347.

<sup>14</sup>WA 7:53; AE 31:348-9.

<sup>15</sup>WA 7:53; AE 31:349.

He therefore concludes,

This is that Christian liberty, our faith, which does not induce us to live in idleness or wickedness, but makes the law and works unnecessary for any man's righteousness and salvation.<sup>16</sup>

Luther is speaking in the context of the freedom of the Christian man; his conclusion concerns the Christian's relationship to the Law. The Christian faith makes the Law unnecessary because faith, not the Law, gives God what belongs to him.<sup>17</sup> Luther repeatedly affirms that faith fulfills the Law without works.<sup>18</sup> The First Commandment of the Decalogue is fulfilled through faith alone. Thus he concludes, the whole of the Decalogue is fulfilled by faith.<sup>19</sup>

What then of good works? Luther asks this question recognizing the inherent temptation for man to conclude that if "faith does all this and is alone sufficient unto righteousness . . . we will take our ease and do no more work and be content with faith."<sup>20</sup> This danger is the impetus for Luther's important distinction between what is ideally the case and what is in fact the case. In this focus Luther distinguishes his theology from

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<sup>16</sup>WA 7:53; AE 31:349-50.

<sup>17</sup>WA 7:53-54; AE 31:348-51.

<sup>18</sup>WA 7:55-58; AE 31:353-56.

<sup>19</sup>WA 7:55-56; AE 31:353.

<sup>20</sup>WA 7:59; AE 31:358.

both Augustine and the subsequent Augustinian tradition (as found in Thomas) through his realistic understanding of the abiding validity of sin in the regenerate and the impossibility of perfection in one who remains both flesh and spirit. If Christian men were "wholly inner and perfectly spiritual men" they would be free from all works. But they are not, and so they are yet servants of the Law.

As long as we live in the flesh, we only begin to make some progress in that which shall be perfected in the future life. . . . Insofar as [a Christian] is free he does no works, but insofar as he is a servant, he does all kinds of works.<sup>2 1</sup>

Luther recognizes that in the Christian there is a paradoxical duality. He is justified, and so free. He is not perfect, but insofar as he is a servant, he does all kinds of good works.

Luther concludes that it is true that, "good works do not make a good man, but a good man does good works; evil works do not make a wicked man, but a wicked man does evil works."<sup>2 2</sup> The Christian needs no good works for his righteousness and salvation, but does good works so that he may serve and benefit others in all he does, "considering nothing except the need and advantage of his neighbor."<sup>2 3</sup>

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<sup>2 1</sup>WA 7:59; AE 31:358.

<sup>2 2</sup>WA 7:61; AE 31:361.

<sup>2 3</sup>WA 7:64; AE 31:365.

Although the Christian is free from all works, by faith he finds a model for his new life in the life of Jesus Christ.

he ought in this liberty to empty himself, take upon himself the form of a servant, be made in the likeness of men, be found in human form, and to serve, help and in every way deal with his neighbor as he sees that God through Christ has dealt with and still deals with him.<sup>2 4</sup>

This is the Christian motive for good works; not the demand of the Law, but the free Spirit of God.

I will therefore give myself as a Christ to my neighbor, just as Christ offered himself for me; I will do nothing in this life except as I see is necessary, profitable, and salutary to my neighbor, since through faith I have an abundance of all good things in Christ.<sup>2 5</sup>

Christians are to pray against the temptation of thinking that "when laws are prescribed, that righteousness must be obtained through laws and works," but rather pray that Christ might "write his law in our hearts. . . ." <sup>2 6</sup>

Luther encountered a different problem in the excessive zeal of Andreas Karlstadt. In his Letter to the Christians at Strassburg, Luther argued against Karlstadt on two fronts: (1) Karlstadt's deprecating of the Law of God into a code of external formalities, and (2)

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<sup>2 4</sup>WA 7:65; AE 31:366.

<sup>2 5</sup>WA 7:66; AE 31:367.

<sup>2 6</sup>WA 7:73; AE 31:376.

Karlstadt's misuse of freedom to undercut the integrity of the Gospel. Luther refuses to tolerate "anyone imprisoning Christian freedom by laws and laying a snare for consciences"<sup>27</sup> By no means does Luther intend by this to be understood as abrogating the Law. In his Against the Heavenly Prophets he numbers the Law as the first of the articles "everyone" is to pay attention to and hold fast.

The first is the law of God, which is to be preached so that one thereby reveals and teaches how to recognize sin (Romans 3:20 and 7:7), as we have often shown in our writings. However these prophets do not understand this correctly, for this means a truly spiritual preaching of the law, as Paul says in Rom. 7:14 and a right use of the law, as he says in 1 Tim. 1:8.<sup>28</sup>

Karlstadt has chosen to make a law of external things in which God gives freedom, making a commandment of that which God neither commands nor forbids. Luther warns in his treatise that "these prophets must not be allowed to force you and forbid you."<sup>29</sup> Luther maintains that he would rather be a monk and return to the cloister than resubmit to the bondage of humanly instituted rules.<sup>30</sup> Luther indeed refuses to distinguish between the Decalogue and the ceremonial and judicial laws of the Pentateuch,

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<sup>27</sup>WA 15:395; AE 40:69.

<sup>28</sup>WA 18:65; AE 40:82.

<sup>29</sup>WA 18:142; AE 40:152.

<sup>30</sup>WA 18:116; AE 40:134.

affirming that the whole Law of Moses has been abrogated.<sup>31</sup> "Why does one then keep and teach the Ten Commandments? Answer, because the natural Laws were never so orderly and well written as by Moses."<sup>32</sup> The basis of the Law is the natural Law written in the heart.

"Where then the Mosaic law and the natural law are one, there the Law remains and is not abrogated externally, but only through faith, spiritually, which is nothing else than the fulfilling of the Law (Rom. 3)."<sup>33</sup>

Luther's conclusion: whatever "goes beyond the natural law . . . is free, null, and void. . . ."<sup>34</sup> The Law must be preached, but not the law of Phariseeism. Rather, it must be the Law which condemns sin. This is vital, for only through the proclamation of the Law can hearts be prepared to hear the Gospel. Luther continues:

Second, when now sin is recognized and the law is so preached that the conscience is alarmed and humbled before God's wrath, we are then to preach the comforting word of the gospel and the forgiveness of sins so that the conscience again may be comforted and established in the grace of God, etc.<sup>35</sup>

One finds thus in the writings of Luther in the early and mid-twenties a strong accent on the accusing function of the Law and a continuing celebration of the freedom of the

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<sup>31</sup>WA 18:76; AE 40:93.

<sup>32</sup>WA 18:81; AE 40:98.

<sup>33</sup>WA 18:81; AE 40:97.

<sup>34</sup>Ibid.

<sup>35</sup>WA 18:82; AE 40:82.

Gospel. He very clearly expresses the necessity of the Law for the conviction of sin in order that the Gospel might be heard as the divine answer to the fallenness of man's predicament, but the role of the Law for the regenerate is less clearly defined. Luther finds in the theology of Rome and the radicalism of Karlstadt this in common -- that both would obscure the Gospel by making the Gospel merely the basis of a new legalism. For Luther the fulfillment of the Law is not found in the works of men, but in faith, which comes in Christ. Luther's position was to be largely distorted by the antinomianism of John Agricola.

Agricola's Objection to the "Visitation Articles"

Concerned for the spiritual condition of the evangelical churches, Luther, Melanchthon, and others with the consent of the Elector began a program of visitation in 1527. Melanchthon was asked to draw up a doctrinal formulation to be used in these visitations. Luther wrote its preface.<sup>36</sup>

In the first article, "Concerning Doctrine," Melanchthon expressed the following concerning repentance:

Many now talk only about the forgiveness of sins and say little or nothing about repentance. There neither

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<sup>36</sup>Heinrich Bornkamm, Luther in Mid-Career (1521-1530), ed. Karin Bornkamm, trans. E. Theodore Bachmann (Philadelphia: Fortress Press, 1983), pp. 491-494.

is forgiveness of sins without repentance nor can forgiveness of sins be understood without repentance.

. . . . .  
 But some hold that nothing should be taught to precede faith and that repentance follows from and after faith, in order that our opponents might not be able to say that we have recanted our former teaching. One ought to remember that repentance and law belong to the common faith. For one must of course first believe that God is the one who threatens, commands, and frightens, etc. So it is best for the unschooled, common people, that such phrases of the faith retain the name of repentance, commandment, fear, law, etc., so that they may better distinguish and understand the faith in Christ which the apostles call justifying faith, i.e., which makes righteous and takes away sin.<sup>37</sup>

Since this position was certainly that of Luther and of the evangelical party, Melancthon would not have expected it to have become the source of controversy. However, John Agricola, a student of Luther, saw in Melancthon's formulation cause for concern that the evangelical party was yielding to points of Roman theology through Melancthon's emphasis on the Law and repentance. In the moment of conversion, Agricola asked, is conversion the result of the Law's indictment of sin or the reality of the Gospel's proclamation of forgiveness? Agricola argued that the Law itself could only result in a misbegotten search for God. The Gospel alone could complete what the Law could not do. The human heart is conquered through the confession of sin and faith. Therefore it is not the

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<sup>37</sup>WA 26:202-3; AE 40:274-75; Robert Stupperich, ed., Melancthons Werke in Auswahl (Studienausgabe), 7 vols. (Guetersloh: Mohn and Co., 1953-present), 1:222-23. Hereafter this work will be cited as St.A.

terrors of the Law but the love of God which is given for sinners which must be the true and holy preaching of repentance. It is not the fear of punishment, but the love of righteousness which is the root of all good. Love is awakened only through love. Only through the preaching of the mercy of God are hearts won. Agricola thus turned the relationship of Law and Gospel around. First came grace and the justification of the sinner, then the Law by which one accomplished the will of God. Agricola did not at this point deny the possibility for a function of the Law in the life of the regenerate. Rather, his concern was whether the Law should be preached prior to conversion.<sup>38</sup>

Melanchthon wrote to Luther complaining of Agricola's criticism and Luther responded in a letter dated October 27, 1528.

You write that somebody is chastising you because you have taught in your Visitation Articles that penitence begins with fear of God. Agricola has written me almost the same thing, but I think little of this war of words, especially as it affects the common people. For the difference between fear of penalty and fear of God is easier to put in syllables and letters than to recognize in actual fact and in the state of one's own heart. . . . When we teach the fear of God, then, I believe we are doing just what we do when we teach the freedom of the Spirit. There are some who distort the latter into security of the flesh, and so there are

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<sup>38</sup>Wilfried Joest, Gesetz Und Freiheit (Goettingen: Vandenhoeck & Ruprecht, 1968, pp. 46-47.

some who distort the former into despair, that is, into fear of penalty. Who can prevent them.<sup>39</sup>

In the second article of the Visitation Articles Melanchthon had been very clear that the preaching of the Law must precede that of the Gospel.

The people are thus to be urged and exhorted to fear God, to repent and show contrition, lest their ease and life of false security be punished. Therefore Paul says in Rom. 3:20: "Through the law comes (only) knowledge of sin." True repentance is nothing but an acknowledgement of sin.

Then it is important that faith be preached. Whoever experiences grief and contrition over his sins should believe that his sins are forgiven, not on account of his merits, but on account of Christ. When the contrite and fearful conscience experiences peace, comfort, and joy on hearing that his sins are forgiven because of Christ, then faith is present -- the faith that makes him righteous before God.<sup>40</sup>

Luther brought Melanchthon and Agricola together in conference at Torgau (November 26-28, 1528) to seek agreement on their views concerning the relationship of repentance and on their views regarding the relationship of repentance and faith.<sup>41</sup> Seeming agreement was reached by distinguishing between faith in a general sense (fides generalis) which anticipated repentance and the "justifying faith" Melanchthon had spoken of in Article 1 of the Visitation Articles, which grasps the righteousness

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<sup>39</sup>Martin Luther, Luther's Correspondence, 2 vols. trans. and ed. Preserved Smith and Charles Jacobs (Philadelphia: The Lutheran Publication Society, 1918) 2:418-19. WA BR 4:271-273.

<sup>40</sup>WA 2:203; AE 40:276; St.A. I, 223.

<sup>41</sup>Bornkamm, Luther in Mid-Career, pp. 493-497.

of God and the forgiveness of sin by grace for the sake of Christ. This apparent agreement was not to last. Agricola maintained his position that repentance, consciousness of sin, and fear of God were to be based on the Gospel and not on the Law.<sup>42</sup>

Melanchthon in the "Apology" and the  
Loci on the Law

Although the distinction between "general faith" and "justifying faith" had brought about a seeming reconciliation of the conflict between Agricola and the theology of Luther and Melanchthon, the term "Gospel" continued to be used both in a broad and narrow sense often with no indication as to which sense was intended. In the Apology to the Augsburg Confession, under the title "Faith in Christ Justifies," Melanchthon uses "Gospel" in a broad sense. "The Gospel declares that all men are under sin and are worthy of eternal wrath and death."<sup>43</sup> In a formulation regarding penitence Melanchthon speaks of the Gospel in a way which must have been heartening to Agricola.

We say that contrition is the genuine terror of a conscience that feels God's wrath against sin and is sorry that it has sinned. This contrition takes place when the Word of God denounces sin, to offer the forgiveness of sins and righteousness for Christ's sake,

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<sup>42</sup>Kawerau, G. "Antinomian Controversies," The New Schaff-Herzog Religious Encyclopedia, 1:199.

<sup>43</sup>Ap IV, 62.

to grant the Holy Spirit and eternal life, and to lead us as regenerated men to do good.<sup>44</sup>

On the other hand, "Gospel" is also used by Melanchthon in the Apology according to its narrow, or proper, or strict sense (that is, as that by which a man is justified by grace through faith). An example is to be found in the same article on "penitence" where Melanchthon questions: What need is there of Christ if by our work we achieve the forgiveness of sins? We, on the contrary, call men's consciences away from the law to the gospel, away from trust in their own works to trust in the promise and in Christ; for the gospel shows us Christ and promises the forgiveness of sins freely for his sake.<sup>45</sup> Against the Roman assertion of works that justify, Melanchthon is very careful to distinguish the work of the Law and the work of the Gospel.

This is a teaching of the Law and not of the gospel, to imagine that a man is justified by the law before being reconciled to God through Christ. . . . Paul on the contrary, contends that we cannot keep the law without Christ. Therefore we must accept his promise that by faith we are reconciled to God before we keep the law.<sup>46</sup>

Thus in the Apology, "Gospel" is used in a wide sense as including the entire revelation of God, both Law and

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<sup>44</sup>Ap XII, 29.

<sup>45</sup>Ap XII, 76.

<sup>46</sup>Ap XII, 85-86.

Gospel, and at other times it is used in a narrow sense to distinguish God's act of salvation in Jesus Christ (Gospel) from God's requirements of man (Law).

Luther had conceded to Agricola at Torgau that Gospel in the wide sense may be understood as preceding the preaching of the Law, insofar as apart from faith, the only effect of the Law is to effect either work righteousness or despair. However, in dialogue with the Roman church, the evangelical party would speak in the 1530s less frequently of the Gospel in its wide sense, restricting the use of the word "Gospel" generally to the narrow sense in which Melanchthon had employed it in the Apology when he wrote:

These are the two chief works of God in men, to terrify and to justify and quicken the terrified. One or the other of these works is spoken of throughout Scripture. One part is the law which reveals, denounces, and condemns sin. The other part is the gospel, that is, the promise of grace granted in Christ.<sup>47</sup>

Perhaps as a consequence of the conflict with Agricola in 1527, and certainly in opposition to the scholastic mixing of Law and Gospel, there was a gradual restricting of terminology regarding the use of the word "Gospel" so that it began to be used more and more only in its narrow sense and in distinction from the Law (properly understood as the accusation against sin).

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<sup>47</sup>Ap XII, 53.

The accusatory function of the Law was not in dispute between the evangelicals and Agricola. Agricola did not object to Melanchthon's assertion in Article IV of the Apology, that "the law always accuses and terrifies consciences. It does not justify. . . ." <sup>48</sup> As has been seen, the question he raised was whether this accusatory function of the Law had any relation to the salvific function of the Gospel in justification. Agricola contended that it did not. By extension the question now was raised whether the Law had any function in the life of the regenerate? Was the Christian under obligation to keep the Law? Should the Law be preached at all, or should only the Gospel (broad sense) be preached to bring about sorrow over sin, contrition, repentance, and forgiveness?

The evangelical position is explained in a section of the Apology entitled "Love and the Keeping of the Law." Although directed to the theologians of the Roman Confutation against the Augsburg Confession, it is also applicable to the questions Agricola had raised concerning the Law. <sup>49</sup> Melanchthon had maintained that the Law always accuses and terrifies consciences -- it does not

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<sup>48</sup>Ap IV, 38.

<sup>49</sup>Johann Michael Reu, The Augsburg Confession: A Collection of Sources (Chicago: Wartburg Publishing House, 1930), part II, pp. 348-383.

justify,<sup>50</sup> now, therefore, he continues, "It is impossible to keep the law without Christ; it is impossible to keep the law without the Holy Spirit."<sup>51</sup> Emphasis on the activity of the Holy Spirit in the life of the Christian man pervades this section. Melanchthon counters the charge that the evangelicals do not require good works with the contention that "we not only require them, but show how they can be done."<sup>52</sup> Human strength cannot keep the Law, "nothing else than Christ's power is needed for our conflict with the devil."<sup>53</sup> Christians therefore keep the Law, "not because we live up to it, but because we are in Christ."<sup>54</sup> One cannot separate faith and love; neither may one invert the order, faith -- love. Love is a consequence of faith.

Melanchthon is concerned with countering the contention that love justifies. "Selecting love, which is only one of these effects of faith, our opponents teach that love justifies. From this it is clear that they teach only the law."<sup>55</sup> Melanchthon's reasoning is straightforward.

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<sup>50</sup>Ap IV, 38.

<sup>51</sup>Ap IV, 126.

<sup>52</sup>Ap IV, 136.

<sup>53</sup>Ap IV, 139.

<sup>54</sup>Ap IV, 140.

<sup>55</sup>Ap IV, 145.

If someone believes that he obtains the forgiveness of sins because he loves, he insults Christ and in God's judgment he will discover that this trust in his own righteousness was wicked and empty.<sup>56</sup>

Melanchthon acknowledges that "love is the keeping of the Law and obedience to the Law certainly is righteousness,"<sup>57</sup> but he distinguishes between a righteousness of the Law and the righteousness of faith.

When this keeping of the Law and obedience to the Law is perfect, it is indeed righteousness, but in us it is weak and impure. Therefore it does not please God for its own sake and it is not acceptable for its own sake.<sup>58</sup>

One misunderstands the Gospel if he contends that by faith Christians are justified, but that Christ ceases to be the mediator following Christian renewal. "It is an error to suppose that he merely merited 'initial grace' and that afterward we please God and merit eternal life by our keeping of the law."<sup>59</sup> The Christian must return to the promise and firmly believe that "we are accounted righteous on account of Christ. . . ."<sup>60</sup> The Law cannot be satisfied even by the Christian.<sup>61</sup> "Therefore even in good works he requires our faith that for Christ's sake

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<sup>56</sup> Ap IV, 150.

<sup>57</sup> Ap IV, 159.

<sup>58</sup> Ap IV, 160.

<sup>59</sup> Ap IV, 162.

<sup>60</sup> Ap IV, 165.

<sup>61</sup> Ap IV, 172.

we please God and that the works in themselves do not have the value to please God."<sup>6 2</sup> In this connection Melanchthon cites Jerome. "Our righteousness does not consist in our own merit, but in God's mercy."<sup>6 3</sup> Although the Christian is still far from perfection in the Law, yet in Christ the Law cannot condemn him. Melanchthon sums up his position thus,

Good works should be done because God has commanded them and in order to exercise our faith, to give testimony and to render thanks. For these reasons good works must necessarily be done. They take place in a flesh that is partly unregenerate and hinders what the Holy Spirit motivates, fouling it with its impurity. Because of faith, they are nevertheless holy and divine works, sacrifices, and the reign of Christ whereby he shows his rule before the world.<sup>6 4</sup>

This citation summarizes the evangelical understanding of faith and works, in contrast to the Roman position as exemplified in Thomas Aquinas. Good works are commanded by God. In this formulation Melanchthon is not far from the vocabulary of the 1535 Loci where he first articulated the terminology of the third use of the Law. Good works are an exercise of faith, not to complete faith as in Thomas, but in consequence of faith, which is complete in itself. Good works are necessary as a witness to faith and in obedience to the command of God, but not as completing justification or as contributing to

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<sup>6 2</sup> Ibid.

<sup>6 3</sup> Ap IV, 173.

<sup>6 4</sup> Ap IV, 189-90.

salvation. In a schema incomprehensible to Aquinas, Melanchthon affirms with Luther that the Christian, although justified before God, remains only "partly regenerate." His flesh hinders his renewal, a reality that becomes a significant factor in explaining the instructional function of the Law in 1535. While the flesh hinders the renewal of the regenerate, the Spirit motivates the Christian to do good works, working through the Gospel (faith) and not through the Law (coercion). The "good" of good works describes not an inherent quality of the work itself but the faith in Christ for whose sake it is accounted good. Both justification and good works reflect the grace of God, given not in response to human merit or effort, but solely from divine love. The Christian in response does good works, not to witness to his own goodness, but to witness to the reign of Christ in the world through his people.

Law and Gospel in Luther  
(1532--1537)

Luther's writings in the period between the Augsburg Confession and the antinomian controversy of 1537 reflect his continuing concern with the proper distinction between Law and Gospel. Five works will be briefly surveyed here to develop Luther's understanding of Law, of Gospel, and of their relationship: The Commentary on Psalm

51 (delivered in lecture June through August, 1532), the Lectures on the first chapters of Genesis (1536), the Lectures on Galatians (1535), the Disputation regarding Justification (1536) and the Smalcald Articles (1537).

In his Commentary on Psalm 51, Luther distinguishes between two kinds of sinners: (1) sinners who do not consider themselves to be sinners and therefore seek to justify themselves, persecuting the Word of God; (2) sinners who feel their sins and the wrath of God and are afraid before the face of God.<sup>65</sup> It is the latter group which is of interest to the purposes of this study. According to Luther true theology teaches that those who are terrified in conscience have truly felt the effects of divine Law.

then one part of theology is finished, the part that uses the Law and its threats. . . . We must not stop here, but go on to the knowledge of the other part of theology, that part that fulfills the whole of theological knowledge: that God gives grace to the humble (1 Peter 5:5).<sup>66</sup>

Although the power of sin is done away with through divine mercy, sin itself nevertheless remains. "Wherefore both statements are true: 'No Christian has sin; and every Christian has sin.'"<sup>67</sup> With every Christian moreover there remains two kinds of sin, "sin that is forgiven,"

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<sup>65</sup>WA 40-2:333-34; AE 12:315-16.

<sup>66</sup>WA 40-2:334; AE 12:316-17.

<sup>67</sup>WA 40-2:352; AE 12:328.

and "sin that remains."<sup>68</sup> "Once a Christian is righteous by faith and has accepted the forgiveness of sins, he should not be so smug as though he were pure of all sins." He is righteous only by an "alien righteousness."<sup>69</sup>

Those who presume perfection are led from the Word and its gracious pronouncement of forgiveness for Christ's sake into ungodliness. If one minimizes the remnants of sin, he is likely to minimize the Spirit who cleanses him, and his gift of healing. Luther consequently describes justification as having two parts. Although regeneration and renewal are both subsumed under the topic of justification, one notes the distinction between justification (in the narrow sense) and subsequent sanctification.

The first is grace revealed through Christ, that through Christ we have a gracious God, so that sin can no longer accuse us, but our conscience has found peace through trust in the mercy of God. The second part is the conferring of the Holy Spirit with his gifts, who enlightens us against the defilements of spirit and flesh (2 Cor. 7:1).<sup>70</sup>

Indeed, there is only one cause for justification, the merits of Christ. But, "if someone wants to, he may list the acknowledgement of sin as a second cause or as the learned say, a causa sine qua non."<sup>71</sup> The Gospel is

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<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> WA 40-2:357-58; AE 12:331.

<sup>71</sup> WA 40-2:358-59; AE 12:332.

primary, but the conviction of sin is necessary. "If the Law has frightened and whipped a heart until it has been lead to a feeling of sin, let Christ come according to his promise and let him console and lift up such a frightened one again."<sup>72</sup> The teaching of the Law is necessary for both the regenerate and the unregenerate.

For the forgiveness of sins therefore this confession or knowledge is necessary, that we believe and confess that we are sinners and that the whole world is under the wrath of God.<sup>73</sup>

Both Law and Gospel are the Word of God and are given that Christians might know that they are sinners and are saved by grace alone.

In the later Galatians Commentary Luther carefully delineates the proper relationship between the Law and the Gospel. Luther here defines two uses of the Law: political and theological. "The first (political) is to restrain those who are uncivilized and wicked."<sup>74</sup> The theological use is its spiritual use. True believers, those justified by faith, do not rely on the Law for their relationship with God, but on the merits of Christ alone. A man cannot be a doer of the Law, unless he is first justified "before and without the law, through

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<sup>72</sup>WA 40-2:364; AE 12:336.

<sup>73</sup>WA 40-2:370; AE 12:340.

<sup>74</sup>WA 40-1:429; AE 26:274.

faith."<sup>75</sup> Nevertheless the Law has a continuing and abiding function, "to reveal to man his sin, blindness, misery, wickedness, ignorance, hate, and contempt for God, death, hell, judgment, and the well deserved wrath of God."<sup>76</sup> This function of the Law is not understood by hypocrites and sophists who presume their own righteousness. Because men are by nature legalists (especially men who try to keep the Law to vindicate themselves), "God cannot soften and humble this man or make him acknowledge his misery and damnation in any other way than by the law."<sup>77</sup> Luther summarizes his position most clearly, "But the true use of the Law is this, that I know that by the Law I am being brought to an acknowledgment of sin, and am being humbled, so that I may come to Christ and be justified by faith."<sup>78</sup>

This is the proper function of the Law. . . . The sinner should know that the Law does not disclose sins and humble him to make him despair, but that the Law was instituted by God so that by its accusation and crushing it might drive him to Christ. . . ."<sup>79</sup>

Although the Law kills, "God still uses this effect of the Law, this death, for a good use, namely, for life."<sup>80</sup>

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<sup>75</sup>WA 40-1:430; AE 26:275.

<sup>76</sup>WA 40-1:481; AE 26:309.

<sup>77</sup>WA 40-1:482; AE 26:310.

<sup>78</sup>WA 40-1:533; AE 26:348.

<sup>79</sup>WA 40-1:533; AE 26:348.

<sup>80</sup>WA 40-1:517; AE 26:335.

The regenerate sinner finds himself "divided this way into two times."

To the extent that he is flesh, he is under the Law; to the extent that he is spirit, he is under the Gospel. To his flesh there always clings lust, greed, ambition, pride, etc. So do ignorance and contempt for God, impatience, grumbling, and wrath against God because it obstructs our plans and efforts.<sup>81</sup>

Luther counters the position of Agricola and the Antinomians with a very specific question. "Why, then, the Law?" He answers, ". . . When reason hears that righteousness or the blessing is obtained on the basis of grace and the promise, it immediately draws the inference, 'Then the Law is worthless.'"<sup>82</sup> Luther also contests the position of Karlstadt and the radical right.

The matter of the Law must be considered carefully, both as to what and as to how we ought to think about the Law; otherwise we shall either reject it altogether, after the fashion of the fanatical spirits who prompted the peasant's revolt a decade ago by saying the freedom of the Law absolves men from all laws, or we shall attribute to the Law the power to justify.<sup>83</sup>

Luther's own position is this:

Both groups sin against the Law: those on the right who want to be justified through the Law, and those on the left, who want to be altogether freed of the Law. Therefore we must travel the royal road, so that we neither reject the Law altogether nor attribute to it more than we should.<sup>84</sup>

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<sup>81</sup>WA 40-1:526; AE 26:342.

<sup>82</sup>WA 40-1:527; AE 26:343.

<sup>83</sup>WA 40-1:527-28; AE 26:343.

<sup>84</sup>WA 40-1:528; AE 26:343.

Luther expresses the dual nature of a Christian as flesh (and therefore under the Law) and spirit (and therefore under the Gospel). The abiding validity of the Law (against "fanatical spirits") is not that it justifies (over against Roman scholastic theology) but that it accuses sin. As sinners, the regenerate remain under the Law. As those justified in Christ, the regenerate have no need of the Law. Luther would not reject the Law, for it has a continuing function for the regenerate "to the extent he is still flesh," nor would he attribute to the Law more than one should (for, "to the extent he is Spirit, he is under the Gospel"). It is precisely in these terms that the Formula of Concord, Article VII, "the Third Use of the Law," articulates the paradoxical reality of the regenerate sinner-saint.<sup>85</sup> Luther at this point, however, does not draw the conclusion found in the Formula:

"Believers, furthermore, require the teaching of the law so that they will not be thrown back on their own holiness and piety, and under the pretext of the Holy Spirit's guidance set up a self-elected service of God without his Word and command."<sup>86</sup>

In commenting on Genesis 3:15 in his 1536 Commentary Luther might be mistaken for an antinomian himself. "If sin is abolished, then also the law."<sup>87</sup>

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<sup>85</sup>FC,SD,VI:17-21.

<sup>86</sup>FC,SD,VI:20.

<sup>87</sup>WA 42:146; AE 1:196.

The catch of course is that sin has not been abolished. Luther's point is that the Law was given after sin.<sup>88</sup> There are two kinds of promises: the promise of the Law (with threats attached for disobedience), and the promise of grace (which has no threats added to it).<sup>89</sup> In his Disputation regarding Justification of the same year, Luther specifically articulates his simul justus et peccator paradox, and underscores the need for the Law.

Thesis # 23: For we perceive that a man who is justified is not yet a righteous man, but is in the very movement or journey toward righteousness.  
 Thesis # 24: Therefore, whoever is justified is still a sinner and yet he is considered fully and perfectly righteous by God who pardons and is merciful.<sup>90</sup>

Contrition is necessary for forgiveness, but it does not provide forgiveness.<sup>91</sup> One cannot desire forgiveness unless one confesses his sin.<sup>92</sup> In the disputation on Argument X, Luther responds to the assertion that, "Righteousness depends on a condition of penitence. Therefore it is the cause of justification."<sup>93</sup> His response acknowledges that contrition is necessary for faith, but also recognizes that true contrition cannot be

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<sup>88</sup>WA 42:103; AE 1:138.

<sup>89</sup>WA 42:224; AE 1:304.

<sup>90</sup>WA 39-1:83; AE 34:152-53.

<sup>91</sup>WA 39-1:102; AE 34:171.

<sup>92</sup>WA 39-1:108; AE 34:177.

<sup>93</sup>WA 39-1:123; AE 34:192.

made unless mercy and grace are present. One hears here overtones of the conversation Luther, Melanchthon, and Agricola shared at Torgau in 1527 on the nature of repentance. Law must precede Gospel; contrition must precede forgiveness, and yet for true contrition, there must already be an expectation of forgiveness, or that contrition will result in despair or work righteousness.

Much of what has been written above is summarized succinctly by Luther in the Smalcald Articles.<sup>94</sup> The Law was given to restrain sin but man in his sin ignored the Law or presumptuously thought he could keep the Law.<sup>95</sup> However, "the chief function or power of the Law is to make original sin manifest and to show man to what utter depths his nature has fallen and how corrupt he has become."<sup>96</sup> Luther is sensitive to the spiritual need of man to be restored, having been crushed by the Law, and in his article on "Repentance," Luther explains the dynamics of true contrition over sin. The Law destroys human pride with its unremitting judgment. "To this office of the Law the new Testament immediately adds the consoling promise of grace in the Gospel." Where the Law exercises its office alone, there is only death and despair, but God

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<sup>94</sup>SA III,IV: "The Law."

<sup>95</sup>SA III,II:1-3.

<sup>96</sup>SA III,II:4.

offers forgiveness in many ways, and with God there is plenteous redemption (Psalm 130:7).<sup>97</sup> In Article III, Part IV, Luther articulates the means by which the Gospel comes to the repentant sinful Christian: the spoken Word, Holy Baptism, the Keys, and the "mutual conversation and consolation of the brethren."<sup>98</sup> It is noteworthy that John Agricola attached his name to these Smalcald Articles as one of the signatories. Later that same year, however, Agricola and the antinomian question again became the center of focus in Luther's theological concern.

#### The Writings Against Antinomianism

Agricola's primary concern rested in the question of whether the Law played a part in the repentance of the sinner prior to his justification. His answer was that it did not. Luther on the other hand maintained that the question of the Law's relevance for the initial conversion of the sinner also impinged on the Law's usefulness in the ongoing life of Christian sanctification. If the Law had no role in accusing man of sin prior to conversion, could it have a role following conversion? The controversy in the Lutheran church following Luther's death and culminating in the Concord established through the Formula, Articles V and VI, is evidence of the prophetic nature of Luther's concern.

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<sup>97</sup>SA III,III:8.

<sup>98</sup>SA III,IV.

In his Propositions of 1537, Agricola does not treat of the role of the Law in the regenerate, but of its role in bringing the unregenerate to the point of acknowledging the need for a savior from sin. At this point it is important to recall that both Luther and Melanchthon had used the term "Gospel" in a wide and narrow sense. In its broad sense Luther recognized that "Gospel" is used in Scripture with reference to the whole body of Christian truth. In its narrow or proper sense, however, Luther insisted that Gospel be understood in the sense of promise, that is, the gracious gift of forgiveness by grace, through faith, for the sake of Christ. Law in its proper sense he insisted must be distinguished from Gospel in its proper sense as God's demand for perfect righteousness, and the expression of his wrath against sin must be distinguished from the promise of grace and new life in Christ.

Agricola cited with approval those writings where Luther had used the term Gospel in its wide sense, but condemned the use of Gospel in its proper or narrow sense. The effect was not so much to deny God's wrath over sin, but to subsume it into a category of the Gospel. Effectively, Agricola would have ended the distinction between Law and Gospel, and in that process would have returned the evangelical church to the basic error of the Roman church -- the confusion of Law and

Gospel.<sup>99</sup> Yet it was Agricola's contention that he was saving the evangelical party from alleged Romanizing tendencies of Luther and Melanchthon, both of whom insisted on the necessity of the Law's proclamation prior to the justification of the sinner through the Gospel.

Agricola's Positions Circulated Among Brethren was circulated anonymously and later printed by Luther with his Disputations of 1537. Agricola maintains that repentance must not be taught on the basis of the Decalogue, but on the basis of the Gospel. This is in accordance with Christ's words in Luke 24:26; 46-47 and John 16:8, and Mark 16:15 and Saint Paul in Philippians 2:5 and 12. ". . . Repentance must be taught from the remembrance of Christ, not the Law" (#5). Since men are justified without the Law, solely through the Gospel, Agricola concludes that the Law is unnecessary and should not be taught "for the beginning, the middle, or the end of justification" (#9). Against Luther and Melanchthon Agricola concludes, "Thus for the preservation of purity of doctrine those must be resisted who teach that the Gospel is not to be preached unless the soul is first shaken and made contrite by the Law" (#13). Agricola defines the activity of the Law in a way that might well have come from the pen of Luther or Melanchthon. "The Law

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<sup>99</sup>This is exemplified in Thomas' description of justification as "the new Law of the gospel." See chapter II above.

only accuses against sin, and indeed without the Holy Spirit, therefore it accuses to condemnation" (#16). Agricola argued that since the Law cannot save, it has no place in the preparation of the sinner for justification. And since the Gospel is the power of salvation, Agricola contends that any message apart from the Gospel is irrelevant to justification.

Thesis # 17: However it is the task of teaching that it not only condemn with great efficacy, but also that it save at the same time. However, this is the Gospel which teaches repentance in connection with the forgiveness of sins.

Thesis # 18: For the Gospel of Christ teaches the wrath of God and heaven, and at the same time the righteousness of God, Romans 1. For this is a preaching of repentance in connection with the promises which reason cannot hold to naturally, but through divine revelation.<sup>100</sup>

Franz Pieper insightfully writes of this argument,

Agricola wants contrition or repentance taught from the Gospel and not from the Law, because a contrition or repentance from love of God can come only from the Gospel. The last part of this sentence is true of course. . . . [But] he is actually making trust in God, or faith, in the remission of sins follow on contrition which proceeds from love of God, hence dependent on renewal and sanctification.<sup>101</sup>

In so doing he has denied the function of the Law and put the teaching of the Gospel in uncertainty, for the

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<sup>100</sup>WA 39-1:342-345. The Antinomian Disputations are not translated in the AE. Translations are the author's own. For ease in reference, individual thesis numbers will be cited in the main body of the text using parentheses.

<sup>101</sup>Francis Pieper, Christian Dogmatics, 4 vols. trans. and ed. Theodore Engelder (St. Louis: Concordia Publishing House, 1950-57), 3:227, emphasis added.

"Gospel" that reveals sin is not the "Gospel" that forgives sin -- and the sinner is left without any Gospel at all. Luther and Melanchthon would certainly agree with Agricola that the Law accuses of sin and that only the Gospel justifies, but they would contend that only the one who has an awareness of his wretchedness before God as sinner can acknowledge his need for the savior who forgives sin, when the Gospel is proclaimed to him. Apart from the Law's accusation, there is no need for the Gospel.

In order that he might document his position Agricola cites writings of both Luther and Melanchthon to seek to show that these reformers have departed from their initial position in their affirmations of a continuing need for the Law both in the justification and in the new life of the Christian. The "pure" statements of Luther and Melanchthon which Agricola cites, upon reading, are those statements where the reformers were stressing the Gospel as that which enables Christian freedom and the love of God and of the neighbor -- situations in which they were using justification in the context of renewal and the term "Gospel" in its broad sense. The "impure" statements Luther and Melanchthon are accused of making relate to the distinction of the Law and Gospel and the continuing need for the Law in order that man as sinner might acknowledge his sin. Luther adds to this series fourteen propositions of his own which characterize the

antinomian position or draw out implications of that position.

The First Disputation Against Antinomianism was set for December 18, 1537.<sup>102</sup> Agricola was not present. The arguments of this first Disputation provide in themselves an excellent summary of Luther's understanding of the relationship between Law and Gospel. Repentance consists of two parts, sorrow over sin and resolution to live a better life (#1). Repentance, understood as sorrow over sin, is the work of the Law (properly understood) (#4). The resolution to live a better life is the work of the Gospel (in its narrow sense). "Therefore to the Law must be added the promise (that is, the Gospel), which comforts and encourages the terrified conscience, so that a man can propose to do good" (#7). Sorrow over sin is only partial repentance and when one perseveres only in this part of repentance, the result is despair and destruction (#8-9). Although scholastic theologians understood repentance as consisting of sorrow over sin and resolution to live the better life, they imagined that such sorrow over sin came as the result of man's own efforts and free will (#10-16), and that the resolution to live a better life flowed from human choice and powers (#17).

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<sup>102</sup>WA 39-1:345-347.

In Theses 18-22 Luther gives his own position: that sorrow over sin comes from the Law and that the resolution to do good is a gift of the Holy Spirit through the Gospel. Luther also rejects those who "perniciously teach that the Law must be abolished from the church," because "the whole Scripture teaches that repentance is begun from the Law. . . ." (#24-25). The remainder of the first Disputation consists of illustrations from Scripture and from the lives of Adam, David, Paul and Christ himself, underscoring that "sin and death do not come through the word of grace and comfort, but must necessarily be shown through the Law" (#31).

In the second Disputation<sup>103</sup> Luther begins with statements which of themselves might be misinterpreted as antinomian.

Thesis # 1: The Law is not only unnecessary for justification but is entirely useless and utterly impossible.

Thesis # 8: In summary, the Law must be separated from justification as far as heaven is distant from earth.

But his purpose is to distinguish Law as entirely impotent in justification from the grace of Christ which declares sinners to be saints. "And nothing should be taught, said, or thought concerning justification unless it exhibits only the Word of the grace of Christ" (Thesis #9). But these opening theses dare not be misunderstood.

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<sup>103</sup>WA 39-1:347-350.

Luther is just as firm as always that the Law remains a necessity in the church. "However, it does not follow from these things that the Law must be abolished and removed from the teaching of the church" (#10). Why? Because man in his pride must be brought to see his unrighteousness and humiliation before God (#11-14). If this is not done, man in his presumption of innocence will condemn himself (#13-16). Therefore the Law is "greatly necessary and useful" (#17) and "whatever points out sin, wrath, or death, performs the work of the Law, whether it is in the Old Testament or in the New Testament" (#18). This statement underscores the dynamic concept Luther has of divine Law. The Law is not merely a code or a rule; it is the means by which God addresses each man in his sin and condemns him.

The Law is to be proclaimed to the secure, those without repentance. The Gospel is to be announced to those who sorrow over sin in repentance. Luther continues, "For to reveal sin is not, and cannot be, anything other than the Law or the effect and most proper power of the Law" (#19). Without the Law, sin is not revealed (#20-24) and if sin is not revealed, there is no need for forgiveness and no need for a savior (#25-29). Because the Law too is a Word from God the Holy Spirit, to forbid the Law is to forbid the truth of God (#38). The statements of Agricola and others are thus destructive to

the Law, the Gospel, and salvation. Luther summarizes his position with these words: "For as the Law was before Christ, it certainly accuses us, but it is placated under Christ by the forgiveness of sins and henceforth fulfilled through the Spirit" (#45).

Luther underscores the theme of the third Disputation<sup>104</sup> with his seventh thesis, almost a verbatim citation of the first of the 95 Theses (1517): "When Christ rightly says to all his own 'Repent,' he intends that the entire life of the believer should be repentant." The Christian does not choose to commit sin, but nevertheless does sin and must plead for the mercy of God (#16). In demonstration of the continuing validity of the Law, Luther cites the Lord's Prayer as a prayer of repentance. The name of God is not made holy by us, nor is the kingdom brought by us, nor is God's will done by us of our own accord, but only in mercy (#18-21). What the Christian prays for in the Lord's Prayer is what the Law commands (#22-25). Although the church is holy, it is also sinful and must continually repent.

On this account even the Lord's Prayer itself teaches that the Law is before, during, and after the Gospel and for this reason repentance must begin with the Law itself. (#27)

Therefore, if the Antinomians would abolish the Law, they must also abolish most of the preaching of Christ himself

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<sup>104</sup>WA 39-1:350-352.

from the Gospel (#31). Christ does more than merely repeat the Decalogue, he perfects it. "He also repeatedly accuses, rebukes, threatens, terrifies, and exercises similar duties of the Law of the Gospel" (#34).

It is interesting to note that Luther uses at this point the phrase, "Law of the Gospel," delineating Gospel in its wide sense. This phrase is used by Thomas Aquinas to describe how Christ perfects the Law of the Decalogue and to underscore the continuing validity of the Law for Christians. However, Saint Thomas does not connect the "Law of the Gospel" with Law as that which accuses, rebukes, threatens and terrifies, but only as that Law which in the New Testament completes the Law given in the Old Testament.<sup>105</sup> Luther concludes his third Disputation by denying the antinomian proposal that sin can be known from somewhere other than the Law (#37). One may abolish the Decalogue, but one cannot abolish the Law of God written on the human heart (#40).

Luther begins the fourth Disputation<sup>106</sup> warning against the Roman error by which it is taught that one cannot be certain of the forgiveness of sins, for the Gospel is denied and man is thrown back on his own good works rather than on the death of Christ on behalf of

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<sup>105</sup> Summa, I-II, 107.

<sup>106</sup> WA 39-1:352-354.

sinners (#1-13). But this error is not as severe as the error of those who would completely deny the Law and leave no room for repentance (#14-15). The effect of this antinomian contention, that the Law of Moses is unnecessary and should not be taught at the beginning, the end, or the middle of justification would mean a denial of Paul, a dishonoring of parents and those who govern, in short, the end of God's structure for both the Kingdom of heaven and the kingdom of this world (#16-23). Against this Luther maintains with Saint Paul, "that all men are sinners (that is the task of the Law), and . . . they must be justified in Christ" (#24). Man is not convicted as a sinner except by the Law (#25) and the Law requires that the entire debt of disobedience be paid (#26-31). The Law must be taught until it is fulfilled by Christ (#24). Only faith justifies, fulfills the Law, accents the forgiveness of sins and does works freely in love (#35-36). This it does without the Law (#37-38) and in fulfillment of the Law (#39). Thus the Law is not abolished, for apart from the Law, the Gospel has no meaning or purpose. Indeed, Christ restored the Law and improved the Law (#41).

The fifth Disputation continues the argument with which the fourth Disputation concluded.<sup>107</sup> The Law

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<sup>107</sup>WA 39-1:354-357.

rules as long as sinful man lives. To be free of the Law unregenerate man must die. This is because sin rules in man as long as he lives and the Law is the power of sin (#1-9). Only in Christ is the Law fulfilled, sin eliminated, and death destroyed. Therefore, insofar as the Christian is in Christ, he is no longer under the Law, but insofar as he is a sinner, outside Christ, he is under Law, sin and death (#12). To abolish the Law, therefore, one must first abolish sin and death (#17). If the Law is necessary for those who are Christians, how much more is it not necessary for the ungodly (#27-29). Denial of this is the insanity and ignorance of the antinomians (#30), who would deny the preaching of the Law prior to justification and as it relates to the life of Christian renewal. As for Christians:

In this life they are always both just, living in the flesh, and also evil, combined with the just in greater numbers. Therefore since the Law is established, it can hardly be doubted that it should be taught, not abolished, for by it they came to know sin and death, that is, the wrath of God. (#33-34)

Thus the law must be taught to the pious and the godless (#42).

To the godless, that being terrified they may be shown their sin, death, and the inevitable wrath of God. . . .  
 . To the pious, that they may be admonished to crucify their flesh with its concupiscence and vices, and not become secure. (#43-44)

Only in relation to God's declaration of forgiveness has the Law been removed, not as a result of some formal or substantial principle. Again, Luther reiterates,

What the Law does, it does by terrifying and killing, that it may drive one back to himself, that is, knowledge of himself. (#59)

For if the Law is abolished it is not known what Christ is or did, that he fulfilled the Law for us. (#61)

Therefore the teaching of the Law is necessary in the church and should be entirely retained, for Christ cannot be retained without the Law. (#66)

Finally, the Law is fulfilled . . . in Christ, but it is not possible to teach this unless you teach that the Law is unfulfilled in us. (#68)

In summary, to abolish the Law but leave sin and death is to obscure the disease of sin and death to the destruction of men. (#69)

These theses affirm Luther's mature position and provide a precise understanding of the relative functions of Law and Gospel, functions in which they are essential to each other and yet must be carefully distinguished from one another.

In the sixth Disputation<sup>108</sup> Luther underscores the consequences of the antinomian position: no sin, therefore no punishment or forgiveness; no punishment or forgiveness, therefore, no wrath or grace; no wrath or grace, therefore, no divine or human government; no divine or human government, therefore, no God and no man; neither God nor man, therefore there is nothing, "except perhaps the devil" (#1-6). Luther is not impressed that the antinomians consider themselves excellent teachers of God, Christ, grace, and the Law, for in Luther's mind their doctrine has only taken God's name in vain, as does

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<sup>108</sup>WA 39-1:358.

the teaching of the false demons and false prophets (#7-11). Law has no function, politically or theologically, apart from its accusation of sin, thus all the antinomian fine words about the Gospel mean nothing, leading to the very most "pestilent villany." They are not the servants of Christ, but serve themselves and expect to be served by others, seeking the glory of man in this life (#20).

Agricola was not present for the first of the public Disputations (December 18, 1537) but he was present for the second Disputation (January 12, 1538) after which he recanted.<sup>109</sup> In spite of the public reconciliation between Luther and Agricola there were rumors of insincerity on Agricola's part. Agricola was again absent from the third Disputation (September 6, 1538). In December of that year Agricola sought reconciliation with Luther, asking that Luther prepare the text of a recantation that he would sign. Luther's treatise Against the Antinomians contained this retraction.

Master John Eisleben wishes to withdraw what he taught and wrote against the law or the Ten Commandments and to stand with us here in Wittenberg as the Confession and Apology did before the Emperor at Augsburg; and if he should later depart from this or teach otherwise, it will be worthless and stand condemned.<sup>110</sup>

In the treatise Luther expresses his bewilderment that

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<sup>109</sup>AE 47:103.

<sup>110</sup>WA 50:470; AE 47:108.

anyone should think that he himself was antinomian, citing his exposition of the Ten Commandments in both the Large and Small Catechisms. Antinomianism is untenable, he asserts, for "whoever abolishes the law must simultaneously abolish sin. If he permits sin to stand, he must most certainly permit the law to stand. . . ." Moreover, if there is no sin, then Christ is nothing. Why should he die if there were no sin or Law for which he must die?<sup>111</sup>

Luther connects the necessity of the Law and the necessity of the atonement; indeed, Luther's understanding of the atonement informs his understanding of the Law, and vice-versa. The two are correlative, and each expresses the sinner's relationship to God, the Law in terms of the sinner's own righteousness (with the consequence that he is condemned), and the Gospel in terms of Christ's righteousness (with the consequence that the sinner is declared righteous through faith).

Even if we did not require the law for ourselves, or if we could tear it out of our hearts (which is impossible) we would have to preach it for Christ's sake, as is done and has to be done, so that we might know what he did and suffered for us. . . . For the law terrifies me more when I hear that Christ, the Son of God, had to fulfill it for me than it would were it preached without mention of Christ and of such great torment suffered by God's Son, but were accompanied only by threats.<sup>112</sup>

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<sup>111</sup>WA 50:471; AE 47:110.

<sup>112</sup>WA 50:473; AE 47:113.

The problem the Antinomians have is that their "new method" by which they "preach grace first then the revelation of wrath"<sup>113</sup> in actuality makes grace of no consequence. In effect, what they want to do is to eliminate the Law yet teach the wrath of God, which is the function only of the Law. "Thus they merely discard the few letters that compose the word 'law' meanwhile affirming the wrath of God. . . ."<sup>114</sup> Luther sarcastically characterizes the antinomian position as one in which it is contended,

"We are sheer spirit, we have taken captive our own flesh together with the devil, so that all our thoughts and ideas are surely and certainly inspired by the Holy Spirit, and how can it be found wanting."<sup>115</sup>

In this Luther approaches the concern of the third function of the Law (as described by Melanchthon), that it is necessary for the regenerate (because they are spiritually weak) to be instructed by the Word in those works which please God, and not rely on their own opinions, good intentions, supposed spirituality or spiritual intuitions. The third use of the Law thus affirms the Scriptures as the means by which the Holy Spirit teaches, reproves, corrects, and trains in righteousness (2 Timothy 3:16).

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<sup>113</sup>WA 50:474; AE 47:114.

<sup>114</sup>WA 50:474-75; AE 47:115.

<sup>115</sup>WA 50:477; AE 47:119.

At this same time Luther also expressed his concerns about the antinomians in his treatise on the Councils and the Church (1539). Although the antinomians preach with real sincerity about the forgiveness of sins and the doctrine of redemption, "they flee as it were the very devil the consequences that they should tell the people about the third article, about sanctification, that is, of the new life in Christ."<sup>116</sup> In this writing Luther's concern is not related directly to the function of the Law in the accusation of sin, so that the sinner might be prepared to hear the gracious message of the Gospel, but rather with the effects of antinomian teaching on the life-style of the regenerate.

They think one should not frighten or trouble the people but rather always preach comfortingly about grace and the forgiveness of sins in Christ. . . . You want to be a Christian and at the same time remain an adulterer, a usurer, envious, vindictive, malicious, etc.! Instead they say, though you are a whoremonger, a miser, or other kind of sinner, if you but believe, you are saved, and you need not fear the law. Christ has fulfilled it all.<sup>117</sup>

Luther's conclusion: "They may be very fine Easter preachers, but they are very poor Pentecost preachers, for they do not preach de sanctificatione et vivificatione Spiritus Sancti. . . ."<sup>118</sup> The antinomians are not only

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<sup>116</sup>WA 50:599; AE 41:113.

<sup>117</sup>WA 50:599; AE 41:113-14.

<sup>118</sup>WA 50:599; AE 41:114.

invalidating the work of Christ by despising the Law, but they are also making of no avail the ministry of the Holy Spirit, "because they propose to let the people continue in their old ways and still pronounce them saved."<sup>119</sup>

In discussing the nature of the church, Luther again criticizes the antinomians for their disregard of sanctification. Christians are holy people, "not only through the forgiveness of sin acquired for them by Christ (as the antinomians foolishly believe), but also through the abolition, the purging, and the mortification of sins on the basis of which they are called a holy people."<sup>120</sup> In consequence the antinomians only strengthen those who remain in their sins, failing to teach them of the errors of sin, since they are all removed by Christ.<sup>121</sup> Preaching Christ, they destroy Him through their teaching. One cannot affirm the first great table of the law ("about comfort, grace, and forgiveness of sins") and not also give heed to the works of the Spirit in the second table.<sup>122</sup>

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<sup>119</sup>WA 50:600; AE 41:114-15.

<sup>120</sup>WA 50:624; AE 41:143-44.

<sup>121</sup>WA 50:626-27; AE 41:147.

<sup>122</sup>Ibid.

Forensic Justification in Luther

Agricola had argued that the Law had no validity in the conversion of man because only the Gospel could awaken a love for God. This argumentation was valid only if justification were understood effectively as the making righteous of the unrighteous. In arguing for the necessity of the proclamation of the Law prior to the conversion of the unregenerate, Luther was inevitably placing justification in its forensic setting, as the non-imputation of sin and the imputation of the righteousness of Christ. In carefully distinguishing Law and Gospel, Luther was also distinguishing justification as the declaration of Christ's righteousness from renewal as the effective consequence of man's new relationship with God.

One is not surprised then to note that, although Luther speaks of justification in an effective sense prior to the antinomian controversy, as an infusion of righteousness by which the unrighteous become righteous, following the controversy Luther tends toward the language of forensic justification, stressing the non-imputation of sin and the imputation of Christ's righteousness. Since the Large Catechism is written at the beginning of this controversy (indeed, one notes many similarities between the Visitation Articles and Luther's two Catechisms) one finds there a theology of justification which speaks in

effective terms. The Smalcald Articles on the other hand were written near the end of the controversy with Agricola, and reflect a forensic understanding of justification.

In the Large Catechism one notes a certain degree of ambiguity with regard to the distinction between justification and sanctification. Speaking of the activity of the Holy Spirit in the third article Luther writes, "Therefore to sanctify is nothing else than to bring us to the Lord Jesus Christ to receive these blessings which we could not obtain by ourselves."<sup>123</sup> Employ the word "justify" in place of the word "sanctify" and the sentence does not change meaning. This understanding is confirmed in Luther,

The Holy Spirit reveals and preaches that Word and by it he illumines and kindles hearts so that they grasp and accept it, cling to it, and persevere in it.<sup>124</sup>

Justification as acceptance and sanctification as perseverance are not distinguished but viewed in a continuum of regeneration. The Holy Spirit must "awaken understanding in the heart" and "make us acceptable to the Father."<sup>125</sup> "Forgiveness is needed constantly,"<sup>126</sup>

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<sup>123</sup>LC II:39.

<sup>124</sup>LC II:42.

<sup>125</sup>LC II:43-44.

<sup>126</sup>LC II:54.

for without forgiveness there can be no holiness.<sup>127</sup>

Meanwhile, since holiness has begun and is growing daily, we await the time when our flesh will be put to death, will be buried with all its uncleanness and will come forth gloriously and arise to complete and perfect holiness in a new, eternal life. Now we are only halfway pure and holy.<sup>128</sup>

Throughout the Christian life the Spirit continues to work through the Word until the day of resurrection when forgiveness is no longer necessary. Luther's vocabulary is unmistakably Augustinian ("justum facere"), and he describes justification and sanctification similarly in the fourth section of the Large Catechism, concerning the power and effect of Baptism,

which is simply the slaying of the old Adam and the resurrection of the new man, both of which actions must continue in us our whole life long. Thus a Christian life is nothing else than a daily baptism, once begun and ever continued.<sup>129</sup>

One immediately notes a difference in vocabulary in the Smalcald Articles with the extensive citation of the forensic vocabulary of Saint Paul in Romans 3.

Moreover, "All have sinned," and "they are justified by his grace as a gift, through the redemption which is in Christ Jesus, by his blood" (Rom. 3:23-25). . . . Inasmuch as this must be believed and cannot be obtained or apprehended by any work, law, or merit, it is clear and certain that such faith alone justifies us, as St. Paul says in Romans 3, "For we hold that a man is justified by faith apart from works of law" (Romans

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<sup>127</sup>LC II:56.

<sup>128</sup>LC II:56.

<sup>129</sup>LC IV:65.

3:28), and again, "that he [God] himself is righteous and that he justifies him who has faith in Jesus" (Romans 3:26).<sup>130</sup>

In Part III, section XIII, Luther describes justification in clearly forensic terms.

by faith . . . we get a new and clean heart and . . . God will and does account us altogether righteous and holy for the sake of Christ, our mediator. Although the sin in our flesh has not been completely renewed or eradicated he will not count or consider it.<sup>131</sup>

Not only is the Christian initially accounted righteous but even in the renewal which follows, his works are good only by the imputation of Christ's righteousness.

Good works follow such faith, renewal, and forgiveness. Whatever is still sinful and imperfect in these works will not be reckoned as sin or defect for the sake of the same Christ. The whole man, in respect both of his person and of his works, shall be accounted and shall be righteous and holy through the pure grace and mercy which has been poured out upon us so abundantly in Christ.<sup>132</sup>

The Galatians Commentary (1535) and the Disputation on Justification (1536) signal a similar change in vocabulary.

A helpful digest of the mature Luther's doctrine of justification is found in his 1535 Commentary on Galatians 2:16. "Yet you know that a man is not justified by works of the law but through faith in Jesus Christ." True Christian repentance and righteousness is in the Christ, "who is grasped by faith and lives in the heart,"

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<sup>130</sup>SA II:1-4.

<sup>131</sup>SA III,XIII:1.

<sup>132</sup>SA III,XIII:2.

and "on account of which God counts us righteous and grants us eternal life."<sup>133</sup> This faith which grasps Christ "is counted for righteousness."<sup>134</sup>

Here it is to be noted that these three things are joined together: faith, Christ, and acceptance or imputation. Faith takes hold of Christ and has Him present, enclosing Him as the ring encloses the gem. And whoever is found having this faith in Christ, who is grasped in the heart, him God accounts as righteous. This is the means and merit by which we obtain the forgiveness of sins and righteousness . . . . Thus God accepts you or accounts you righteous, only on account of Christ in whom you believe.<sup>135</sup>

The imputation of Christ's righteousness is necessary not only in the initial conversion of the sinner, but also in the ongoing life of sanctification. "Now acceptance is extremely necessary, first, because we are not yet purely righteous, but sin is still clinging to our flesh during this life. God cleanses this remnant of sin in our flesh."<sup>136</sup> With Christ as the mediator between God and man by faith, "all our sins are sins no longer."<sup>137</sup> But without Christ there is no forgiveness, only the "sheer imputation and condemnation of sins."<sup>138</sup>

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<sup>133</sup>WA 40-1:229; AE 26:130.

<sup>134</sup>WA 40-1:233; AE 26:132.

<sup>135</sup>Ibid.

<sup>136</sup>WA 40-1:233; AE 26:132-33.

<sup>137</sup>WA 40-1:133; AE 26:133.

<sup>138</sup>Ibid.

The non-imputation of sin and the imputation of the righteousness of Christ do not mean a passivity in Christian love. "Because you have taken hold of Christ by faith through whom you are righteous, you should now go and love God and your neighbor."<sup>139</sup> This the Christian can easily do for he has been "liberated from the burden and sting of sin," and consequently, "because everything is sweet and pleasant within, he willingly does and suffers everything."<sup>140</sup>

A Christian is not someone who has no sin and feels no sin; he is someone to whom, because of his faith in Christ, God does not impute his sin . . . . It is not in vain, therefore, that so often and so diligently we inculcate the doctrine of the forgiveness of sins and the imputation of righteousness for the sake of Christ.<sup>141</sup>

The Christian is above the Law and sin because in his heart Christ is present. When the Law accuses him he looks to Christ and has him present within him, the victor over the law, sin, death, and the devil.<sup>142</sup> ". . . Sin is forgiven and righteousness is imputed to him who believes in Christ." This makes him "a son and heir of God." "Through faith in Christ . . . everything is

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<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> WA 40-1:235; AE 26:133.

<sup>142</sup> WA 40-1:235; AE 26:134.

granted to us -- grace, peace, the forgiveness of sins, salvation, and eternal life."<sup>143</sup>

Commenting on the second half of Galatians 2:16 ("Even we have believed in Christ Jesus, in order to be justified by faith in Christ and not by works of the Law") Luther strictly distinguishes between justification and sanctification. "Since we are now dealing with the topic of justification we reject and condemn works, for this topic of justification will not allow any discussion of good works."<sup>144</sup> His definition of justification is a classic forensic description. "We are pronounced righteous solely by faith in Christ, not by the works of the law or by love."<sup>145</sup>

Luther's understanding of "flesh" plays a part in this understanding of justification. ". . . 'Flesh' means the entire nature of man, with reason and all his powers. This flesh . . . is not justified by works, not even by those of the law."<sup>146</sup> Luther is not speaking here only of sins against the Law, but is maintaining that "flesh" is not justified by works done in accordance with the Law "works that are good."<sup>147</sup> Justification is thus not a

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<sup>143</sup>WA 40-1:236; AE 26:134-35.

<sup>144</sup>WA 40-1:240; AE 26:137.

<sup>145</sup>Ibid.

<sup>146</sup>WA 40-1:244; AE 26:139.

<sup>147</sup>WA 40-1:244; AE 26:140.

process of renewal because even the good works of man are of the flesh and consequently of no merit. ". . . 'Flesh' means the highest righteousness, wisdom, worship, religion, understanding and will of which the world is capable."<sup>148</sup> The papists, Zwinglians, Anabaptists and

all those who either do not know about the righteousness of Christ or do not believe correctly about it . . . [teach]: "Faith in Christ does indeed justify, but at the same time observance of the Commandments of God is necessary. . . ." Here immediately Christ is denied and faith is abolished, because what belongs to Christ alone is attributed to the Commandments of God or to the Law."<sup>149</sup>

Later, in his commentary on verse 2:20, Luther sums up his position. "In short, this life is not the life of the flesh although it is a life in the flesh; but it is the life of Christ, the Son of God, whom the Christian possesses by faith."<sup>150</sup> The Christian and his Lord share a union through faith by which life itself is shared; whatever belongs to Christ ("grace, righteousness, life, peace, and salvation") now belongs to the Christian. "I must be so closely attached that He lives in me and I in him."<sup>151</sup> All this is the Christian's possession "by

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<sup>148</sup>Ibid.

<sup>149</sup>WA 40-1:249; AE 26:143.

<sup>150</sup>WA 40-1:290; AE 26:172.

<sup>151</sup>WA 40-1:284; AE 26:167.

the cementing and attachment that are through faith, by which we become as one body in the Spirit."<sup>152</sup>

The imputation of the righteousness of Christ is no static exoneration of a guilty man, but an intimate union by which the Christian and his Lord share a common life. Anyone who seeks a righteousness apart from faith in Christ "is nullifying the grace of God and despising the death of Christ, even though he may speak otherwise with his mouth."<sup>153</sup> How does one reconcile this vocabulary with the vocabulary of the earlier Luther and the imagery of the Catechisms? Luther offers help in this regard in his Disputation on Justification (1536), in which he clearly articulates a forensic theology of justification.

though sin remains, He [God] considers us to be righteous and pure, and that a man is so absolved as if he had no sin, for Christ's sake. We truly thank God because his imputation is greater than our impurity. And sin which in substance is not being removed, shall be imputed as having been removed and shall be absorbed by the goodness of God who conceals it on account of Christ who overshadows it, although it remains in nature and substance.

The adversaries do not want to admit this. Therefore they laugh when we say that faith justifies yet sin remains. For they do not believe that incredible magnitude of God's power and mercy beyond all mercy. He who is righteous is willing to concede this, but he who is not righteous wants to consider himself righteous. This imputation is not something of no consequence, but is greater than the whole world and the holy angels. Reason does not see this for there is a kind of neglect of the Word of God. But we should give thanks to God, I say, because we have such a

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<sup>152</sup>WA 40-1:284; AE 26:167-68.

<sup>153</sup>WA 40-1:308; AE 26:185.

Savior who is able to cover us and to count our sin as nothing. For God's mercy is pardoning and love is meanwhile forgiving, and God really takes sin in such a way that it does not remain sin, because he begins materially to purge and to forgive completely. On no condition is sin a passing phase, but we are justified by the unmerited forgiveness of sins and by the justification of God's mercy. Sin remains, then, perpetually in this life, until the hour of the last judgment comes and then at last we shall be made perfectly righteous. For this is not a game or delusion, that we say, 'Sins are forgiven by faith and only cling to us, because that newness of life has miraculously begun.' In short, the term 'to be justified' means that a man is considered righteous.<sup>154</sup>

Here is a clear description of Luther's understanding of the non-imputation of sin and the imputation of the righteousness of Christ. And yet, remarkably, in the citation immediately before the above quotation, Luther writes in a manner which initially seems completely at odds with a forensic view of justification. "I reply to the argument, then, that our obedience is necessary for salvation. It is therefore, a partial cause of our justification."<sup>155</sup> Luther clarifies what he means when he writes, "Works are necessary to salvation, but they do not cause salvation because faith alone gives life. On account of the hypocrites we must say that good works are necessary to salvation."<sup>156</sup> Works save outwardly; that is, they show evidence that the Christian is righteous and

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<sup>154</sup>WA 39-1:97-98; AE 34:166-67.

<sup>155</sup>WA 39-1:96; AE 34:165.

<sup>156</sup>Ibid.

that there is faith in the Christian that saves inwardly. It is as Paul says, "Man believes with his heart and so is justified, and he confesses with his lips and so is saved."<sup>157</sup> Luther has made a distinction between two kinds of righteousness: the inward righteousness of faith and the outward righteousness of works. However he uses the word "justification" to describe both inward and outward righteousness.

Luther explains the distinction and the necessity of the affirmation of two kinds of righteousness.

For the Christian shows his life and that he has been made a Christian by love and good works and flees all vices. . . . Love merits forgiveness of sins, that is, love reveals that his sins have been forgiven.

Christ is there speaking of both kinds of righteousness, first because above all we should know that by faith in Christ our sins are forgiven in the sight of God, and this is called inward righteousness. Next, after the forgiveness of sins, love ought to follow. This love shows all men that we have the remission of sins and that we have been pronounced righteous by God, and this is called outward righteousness. This righteousness follows, the former precedes, since the order is a priori, that is, from the efficient cause of justification. . . . Spiritual justification then is twofold in nature. Where justification is between God and man, this is from the efficient cause. The other is corporal and outward, which takes place between man and man; this is from the effect. Before God, faith is necessary, not works. Before man, works and love are necessary, which reveal us to be righteous in our own eyes and before the world. We concede then that man justifies himself, as to the effective cause, but not with respect to the efficient cause. For this cause is from God alone and without works, by faith alone in Christ. . . .<sup>158</sup>

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<sup>157</sup>Ibid.

<sup>158</sup>WA 39-1:92-93; AE 34:161-62.

As one reads through the extensive Disputation on Justification one is immediately impressed how this distinction between inward and outward righteousness clarifies the ambiguities which otherwise seem so contradictory within Luther. Although Luther uses the word "justification" to cover both kinds of righteousness, he is sharply distinguishing between justification as the imputation of the righteousness of Christ (an "alien righteousness" which is "outside us and foreign to us" and "cannot be laid hold of by our works)"<sup>159</sup> and sanctification which justifies before men ("because it is necessary for us to be as certain before man through the evidence of our faith, as we are certain before God").<sup>160</sup> Luther is using "justification" both to describe man's relationship to God in the inwardness of faith (justification in its narrow sense) and to describe man's relationship to man in the outwardness of works (justification in its broad sense).

Luther maintains that the two doctrines, "promise and the law," are correlatives. "Law has works. Promise has faith." Faith alone justifies, "but we should give evidence of it and show it through works, because fruits . . . and works testify that perfect faith is present in us."<sup>161</sup> Justification is a continuing activity, not in

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<sup>159</sup>WA 39-1:83; AE 34:153.

<sup>160</sup>WA 39-1:121; AE 34:189.

<sup>161</sup>WA 39-1:121; AE 34:190.

the sense of a progress in renewal, but in a recurring imputation of the righteousness of Christ and a continuing non-imputation of sin.

Summary: Luther on Justification and the Law

Does Luther teach a third use of the Law? It is clear that he does not use third use of the Law vocabulary. Werner Elert has convincingly demonstrated that the single reference to a three part division of the Law in Luther's Antinomian Disputations<sup>162</sup> is in fact an interpolation from Melancthon's 1535 Loci (second edition).<sup>163</sup> Granted then that Luther does not use the phrase "third use of the Law" and nowhere divides the Law into three functions (civil, theological, and instructional), does this mean as Elert and others would contend, that Luther does not teach an instructional function of the Law?<sup>164</sup> A yes or no answer in Luther is not easy to establish.

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<sup>162</sup>WA 39-1:485. Werner Elert, Law and Gospel, trans. Edward H. Schroeder (Philadelphia: Fortress Press, 1967), pp. 33-40.

<sup>163</sup>CR 21:406.

<sup>164</sup>The position of Elert and others who deny that there is a legitimate third function of the law in Lutheran theology will be discussed in chapter VI. The question at this point is whether Luther describes a pedagogical function of the law as in any sense distinct from the theological function of the law which always condemns the sinners even in its instruction.

Luther functions with a very dynamic understanding of the Law in relation to man, both man as unregenerate sinner and man as regenerate sinner-saint. For Luther the Law is never merely a code or a rule; it is a part of the fabric of creation. The written Law of Moses possessed its authority because it is the divine explication of the natural Law God has written in human hearts. The question of an instructional function of the Law does not arise of course in a discussion of the Law in relation to the unregenerate. Here Luther affirms only the accusatory function of the Law, with the result that the unregenerate ignore the Law, modify the Law, or despair of the Law and are confirmed by the Law in their sin. With regard to the regenerate Luther recognizes the existential duality of the Christian who is simultaneously saint and sinner, totally saint, totally sinner. As saint, the Christian is in the Law by grace and has no need of the Law. As sinner, the Christian is under the Law and feels the weight of its constant accusation. However, the accusation of the Law has a different effect in the regenerate. While in the unregenerate the Law's accusation results in either legalism or despair, in the Christian the accusation of the Law brings the believer to his knees before Christ, seeking in faith the forgiveness only Christ can give. Thus the Law is fulfilled for Luther, not in works, but by faith, alone. Good works are

not the effect of the Law, but the fruits of the Holy Spirit who motivates the Christian to have the mind of Christ and to live according to his new commandment, loving others as he has been loved by Christ himself (John 15:12). But being motivated by the Holy Spirit to seek to do the will of God and knowing what that will is are two different things.

In his duality as sinner-saint the Christian in his desire to know the will of God is constantly frustrated by his own sinful nature. Luther explains this existential reality in which the Christian finds himself with the simple words of the Small Catechism regarding the ongoing significance of baptism.

What does such baptizing with water signify?

Answer: It signifies that the old Adam in us together with all sins and evil lusts, should be drowned by daily sorrow and repentance and be put to death, and that the new man should come forth daily and rise up, cleansed and righteous, to live forever in God's presence.<sup>165</sup>

The drowning of the old Adam is a function of the Law as it accuses sin. What function, if any, does the Law have for the "new man" who desires to live "cleansed and righteous . . . in God's presence?"

Perhaps nowhere does Luther give his answer more clearly than in his explanation to the Decalogue in his two Catechisms and in his explanations for the first three

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<sup>165</sup>SC IV:11-12.

petitions of the Lord's Prayer (which as has been seen are closely associated in Luther's mind). With the exception of the First Commandment, Luther explains each commandment in three parts. First, Luther affirms the relationship that exists between God and man by grace through faith: "We should fear and love God. . . ." Second, Luther describes what the commandment proscribes (" . . . that we may not . . ."). Third, Luther affirms what God wills for his people (" . . . but rather . . ."). Certainly the proscription (" . . . that we may not . . .") of the commandment is an accusation of sin for everyone doing such things, and the affirmation of what God requires (" . . . but rather . . .") condemns those who have not sought to do this will of God. In both cases the sinner has failed to keep the First Commandment, that he should "fear, love, and trust in God above all things."<sup>166</sup> But if the fulfillment of the First Commandment is faith, and the Christian in faith seeks the will of God, then Luther's positive affirmation of God's will (" . . . but rather . . .") is not an imperative, but an indicative. Having the righteousness of Christ and the forgiveness of sins, the believer seeks the will of God revealed in his Word. The Law for the believer not only proscribes sin but describes God's immutable will.

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<sup>166</sup>AC I:2.

It is in this second part of the explanation (" . . . but rather . . .") that Luther is connecting the teaching of the Decalogue with the Natural Law written in the human heart. If mankind were not perverted by sin and man would naturally seek those things which are of God, there would be no need for the proscription of the Law (" . . . that we may not . . .") and man would happily do what God desires (" . . . but rather . . ."). Since the fall, however, only those in Christ can choose to do what God wills. When Luther writes in the Large Catechism that faith is the fulfillment of the first commandment and of the whole Law,<sup>167</sup> he is describing this positive function of the Decalogue in which God testifies to his will for his people. It is in the Preface to the Large Catechism that Luther writes, "This much is certain, anyone who knows the Ten Commandments perfectly knows the entire Scriptures."<sup>168</sup> Luther's insight in this regard is supported by the Hebrew text, in which the "ten words" of the Law are written not in the imperative but in the indicative. Because you are my people, God says, you will live thus . . . (Exodus 20:3-17).

Luther's explanation to the Third Commandment may be used as an example of this emphasis. He does not

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<sup>167</sup>LC I:13-15.

<sup>168</sup>LC Preface:17.

understand this commandment to require a particular day for worship or to require particular activities to sanctify the day. Again, locating the commandment in the creation and stressing its origin in the divine rest the seventh day, Luther focuses in his explanation on the divine Word. What defines the Sabbath is not its location on the calendar but it is that time set apart for the people of God to hear the Word. Every day is a sabbath when the people of God hear the Word, hold it as holy and gladly learn it.<sup>169</sup> Certainly Luther held the assembling of the saints for worship as important, but the accent in his explanation is on the need of the Christian to live (every day) in the Word of God. This emphasis on hearing and learning the Word accords with his positive view of the Law as describing what the saints of God will seek to do in their desire to live according to the creative and re-creative will of God. In the Word alone that will of God is to be found.

The same emphasis on the Scriptures as the Word which reveals the will of God is present in Luther's explanations for the first three petitions of the Lord's prayer. When Christians pray that God's name would be holy among them, they are praying that the Word of God might be taught clearly and purely, so that they might

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<sup>169</sup>SC I:6; LC I:78-93.

live holy lives in accordance with it.<sup>170</sup> One could hardly hope to find a more specific reference to the instruction or pedagogical function of the Word of God in relation to Christian living. If a Christian would keep the Second Commandment, he must learn to pray the first petition of the Lord's Prayer, for God's name is hallowed only when God's Word is taught clearly and purely and Christians live lives in accordance with it.

When Christians pray that the kingdom of God might come, they are praying for the coming of the Spirit of God so that "by his grace we may believe his holy Word and live a godly life. . . ."<sup>171</sup> God's kingdom comes through the Word empowered by the Spirit. The Spirit uses means, and if the Christian would participate in the coming of the kingdom, he must utilize the means the Spirit gives. God's will is not to be found apart from the Word he has given. The will of God is mediated through that Word, and not by private illumination or through the fanaticism of those who set themselves up as above the Word (Karlstadt, Muenzer, and the Zwickau prophets, for example). The Spirit works through His Word to create faith and to empower the Christian for godly living. One cannot keep the Third Commandment, gladly to

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<sup>170</sup>SC III:11.

<sup>171</sup>SC III:8.

hear and learn the Word, without praying the Second Petition of the Lord's Prayer, that through the Spirit of God mediated in the Word he might believe the gospel and live a Christian life.

Similarly, the Third Petition of the Lord's Prayer centers in the will of God, revealed in the Word of God. The Law accuses sin, "when God curbs and destroys every evil counsel and purpose of the devil, of the world, and of our flesh which would hinder us from hallowing his name and prevent the coming of his kingdom. . . ." But through the Gospel the Holy Spirit "strengthens us and keeps us steadfast in the Word and in faith. . . ." <sup>172</sup> The basis of these petitions is the relationship that already exists between God and his people, who believe "that he is truly our Father and we are truly his children. . . ." <sup>173</sup> Just as the basis of the Commandments is to be found in faith, "We should fear, love and trust in God above all things." <sup>174</sup> For the regenerate, this filial fear of God is joined with faith which consoles the anxious heart. It is not the "servile fear" of the unbeliever who has no faith and can find no comfort in the Word. <sup>175</sup> For those

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<sup>172</sup>SC III:11.

<sup>173</sup>SC III:2.

<sup>174</sup>SC I:2.

<sup>175</sup>Thomas makes the distinction between "filial fear" and "servile fear" in the Summa, see above, chapter II. Melanchthon also makes this distinction in Ap XII:38.

who love God as sons and daughters by faith, the Law does not condemn, but instructs in the Word of God as an instrument of the Holy Spirit.

With Luther's dynamic concept of the Law, the Law is not merely a code, but the revealed will of God which the Christian sinner-saint will seek with all his heart. Both Law and Gospel express the will of God. That which affirms God's expectation of man is the Law. That which conveys God's promise of salvation by grace through faith in Christ Jesus is the Gospel. Only the Christian can keep the Law because only the Christian lives by grace through faith in the imputed righteousness of Jesus Christ. The Law of God is immutable. There is no change in the Law. But through the Gospel there is a change in man so that his will is no longer turned against God but is turned in faith toward God. Regenerated by grace through faith, he seeks what the Law commands, not by coercion, but in loving obedience. With this change in the heart of man the Law serves a positive, instructional function in revealing God's will so that believers may know with certainty how they may please God. The Law has accused these sinner-saints in their sin. Now, forgiven in Christ these sinner-saints find in that same Law, not condemnation, but the revelation of God's will. Their response is not one of despair or work righteousness but rather one of thanksgiving, praise and love. As those who

are already God's people the Law instructs them in the righteousness of God, so that they are not dependent on private opinion. In this Luther is reflective of the Old Testament concept of Torah as embracing both command and promise. Luther's understanding of the Law for the regenerate is that of the Psalmist who, as one who loves God, meditates on God's Law day and night (Psalm 1:2).

Nothing is so effectual against the devil, the world, the flesh, and all evil thoughts as to occupy oneself with the Word of God, talk about it, meditate on it. Psalm 1 calls those blessed who "meditate on God's Law day and night." You will never offer up any incense or other savor more potent against the devil than to occupy yourself with God's commandments and words and to speak, sing, and meditate on them. This indeed, is the true holy water, the sign which routs the devil and puts him to flight.<sup>176</sup>

The Law has nothing to do with justifying the sinner. Only the Gospel can do that. The Law does not motivate obedience, only the Gospel can do that. The Law does not make the works of the Christian good. Only the imputation of the righteousness of Christ by grace through faith can do that. But the Law does testify to the Christian of those works which God desires and in love the Christian seeks to do God's will according to both tables of the Decalogue. Thus Luther can speak in his Antinomian Disputations of "the new Law of the Gospel" -- not as did Thomas who denied the sola fide (in an evangelical sense) -- in accordance with Saint Paul when he wrote to the

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<sup>176</sup>LC Preface:10.

Philippians, "And I am sure that he who began a good work in you will bring it to completion at the day of Jesus Christ" (Philippians 1:6). Being "partakers . . . of grace" (Philippians 1:7), Paul can pray for his Christian friends

that your love may abound more and more, with knowledge and all discernment, so that you may approve what is excellent and may be pure and blameless for the day of Christ, filled with the fruits of righteousness which come through Jesus Christ, to the glory and praise of God. (Philippians 1:8-11)

Knowledge and discernment come through the Scriptures as Paul pointedly reminds the young pastor Timothy, "All Scripture is inspired by God and profitable for teaching, for reproof, for correction, and for training in righteousness, that the man of God may be complete, equipped for every good work" (II Timothy 3:16).

With this understanding of the relationship of faith and works, Luther refuses to separate grace in Christ (by which a man is declared righteous before God) from grace in works (the external righteousness of love's response). Righteousness is descriptive of man only by grace through faith. This is true not only of the inward righteousness of the Christian heart, but also of external righteousness expressed in the subsequent good works of the Christian. The Christian is good before God by grace through faith; so also his works are good before God by grace through faith. God gives what God requires.

Therefore, for Luther, justification may be described in its narrow sense as the inward righteousness of the regenerate in relation to God or justification may be understood in its wider sense as the external righteousness embracing both regeneration and renewal, expressed in a life of loving God and the neighbor. Both internal and external righteousness, regeneration and renewal, are by grace alone, through faith alone. Man's efforts neither change his relationship with God nor make his works good.

In summary, three aspects of Luther's theology impinge on his understanding of justification, sanctification and the continuing validity of the Law for the regenerate. First, Luther uses "justification" in a broad and narrow sense. Second, Luther often does not carefully distinguish between justification (in the narrow sense) and sanctification as renewal, since all is by the grace of God, alone. Third, Luther uses the Augustinian "make righteous" effective vocabulary of justification in a very non-Augustinian way. Justification is descriptive of what God's grace does in both regeneration and renewal: it makes people holy before God and it makes their works holy before God through faith. Grace is not an infused quality that transforms man and enables him to do good works. Grace is rather the gift of God which transforms the relationship between God and man so that God accounts

the man and his works as good, for Christ's sake. Adolf Koeberle writes of Luther:

With Luther the primary question was likewise not that of making holy but of being accounted holy. The communion with God that has been interrupted by guilt can only be again restored through the removal of guilt. . . . Besides the idea of the imputation of the righteousness of God we always find associated with it in Luther's ideas the belief in the commencement and continuation of a progressive renewal in life, but with the righteousness of faith ranking above the renewal. . . . He wanted to distinguish between "external" righteousness and "inner" sanctification but without separating them from each other. His linking together of the two while at the same time maintaining their correct inner sequence will always remain the ideal solution to the problem. So, and only so, will justification be preserved from the danger of quietism, and sanctification from the danger of perfectionism.<sup>177</sup>

The instructional function of the Law in Luther as a result is reflective of Luther's understanding of the grace of God in Christ Jesus and the reality of the Christian condition as one who is a sinner-saint. Aquinas describes grace as an infused quality which transforms man so that he is no longer a sinner but is holy, having by grace a habitus by which he is able to do works which are holy in themselves. Luther denies that grace is a habitus or that faith infused by love is a virtue of the Christian himself. Rather, Luther sees grace as descriptive of the ongoing relationship of forgiveness imputed by God, who continues to restore the sinner-saint to himself and who

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<sup>177</sup>Koeberle, Quest for Holiness, p. 92, footnote 12:Excursus.

accords the works of that man as good, not because of an inherent goodness in the man himself or in his works, but because he is imputed righteous by grace and his works done in faith are accounted good by God's gracious acceptance.

In all of this Luther remains governed, not by humanistic or scholastic presuppositions, but by his abiding concern to be faithful to the Scriptures. He strongly denounces (1) the enthusiasm of "fanatical spirits" who esteem their private revelations and understandings as above that of Scripture; (2) the antinomianism of Agricola who denies the Scriptures when he denies the continuing validity of the Law for the regenerate; (3) the Romanists, who distort the clear teachings of Scripture by their scholastic and Aristotelian presuppositions; and (4) "those lazy bellies and presumptuous saints" who think they are learned theologians and do not know the biblically based teachings of the Catechism.<sup>178</sup> The Decalogue has abiding validity for the Christian because it remains the Word of God and the will of God.

It is no small task to synthesize Luther's prophetic insights into an effective format for the instruction of the church. How does one structure

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<sup>178</sup>LC Preface:9.

Luther's theology against those who disproportionately emphasize one aspect of his teaching over another or against others who play off one statement against another. It was Melancthon's often avowed intention to remain faithful to God's Word and Luther's teaching as he created a dogmatic synthesis that would preserve the Scriptural insights of the reformation and refute the distortions of its theology by other evangelicals and by its opponents. Whether he was successful in the implementation of this intention remains the focus of this study. His synthesis in the Loci and other writings regarding forensic justification, the third use of the Law, and regenerate free will becomes the next topic of study.

## CHAPTER IV

### FORENSIC JUSTIFICATION, THIRD USE OF THE LAW, AND REGENERATE FREE WILL IN MELANCHTHON (1532-1535)

The relationship of faith to love, justification to good works, stood at the heart of the controversy between the evangelicals and Rome. That relationship received classical formulation in the Confession made at Augsburg (1530) and in its Apology (1531). Article IV, "On Justification," follows immediately brief articles on the Holy Trinity, original sin, and the person and work of Jesus Christ. Summarizing who God is, what man has become, and what Christ has done for mankind, Melanchthon follows immediately with a description of how man is restored to God by grace, through faith, for the sake of Christ. Men cannot be justified before God, "by their own strength, merits or works," but "are freely justified for Christ's sake, through faith. . . ." <sup>1</sup> "This faith God imputes for righteousness in his sight." <sup>2</sup> The righteousness God requires of man is the righteousness God

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<sup>1</sup>AC, IV, 1-2.

<sup>2</sup>AC, IV, 3.

imputes to man through faith in Jesus Christ. The verb imputare stresses the "otherness" of the righteousness which now characterizes regenerate man. It is not his own. It is not from works. It is the righteousness of another who is himself righteous and has acted on behalf of mankind.

Although imputare had been used previously by Melancthon in the negative with reference to the "non-imputation of sin," the positive use of imputare in the Augsburg Confession would be expanded in the Apology and especially in the Romans Commentary to emphasize the forensic nature of justification and the imputation of the righteousness of Christ. In the Augsburg Confession, however, it is faith in Christ which is imputed (imputare) for righteousness, a use of imputare which does not differ from the use of reputare (to repute or account righteous) which had been commonly used prior to this time. Man is accounted or reputed righteous for Christ's sake through faith.

Righteousness before God is a gift. God is active; man is passive. The faith which passively accepts the righteousness of God in Christ, however, actively seeks to do God's will. Faith "is bound to bring forth good works, . . . it is necessary to do good works commanded by God."<sup>3</sup> Faith acting in love to the

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<sup>3</sup>AC, VI, 1.

neighbor is a necessary consequence to faith which depends upon the righteousness of Christ. Good works do not merit justification before God, "for forgiveness of sins and justification are apprehended by faith. . . ." <sup>4</sup> One notes that faith (fides) here is used in opposition to works to underscore the divine monergism of justification, and not primarily to express the nature of faith as that which trusts (fiducia) in the righteousness of Christ. As Melanchthon in the Apology and in the Romans Commentary begins to utilize imputare to express the imputation of the alien righteousness of Christ, he also utilizes fiducia to express the personal relationship which characterizes the believer's confidence that Christ's righteousness is his own by God's acceptance and favor.

The article on justification and the theology of justification found in the Augsburg Confession were attacked by the Roman party in its Confutation issued slightly more than a month after the Diet at Augsburg. The Confutation agreed that, "our works of themselves have no merit, but that God's grace makes them worthy of eternal life." <sup>5</sup> This Roman position manifestly differed from that of the evangelicals:

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<sup>4</sup>AC, VI, 2.

<sup>5</sup>Confutatio Pontificia, in Johann Michael Reu, The Augsburg Confession: A Collection of Sources (Chicago: Wartburg Publishing House, 1930), part II, p. 350.

if anyone should intend to disapprove of the merits that men acquire by the assistance of divine grace, he would agree with the Manichaeans rather than with the Catholic Church. For it is entirely contrary to Holy Scripture to deny that our good works are meritorious.<sup>6</sup>

The sola gratia of the evangelical party is denied in favor of the fides formata (faith formed by love).

In defending Article IV of the Augsburg Confession, Melanchthon in the Apology speaks more extensively concerning justification in its relation to renewal and good works. The real issue remains the need to express the biblical teaching that men are justified only by grace through faith on account of Christ:

because of Christ by faith itself we are truly accounted righteous or acceptable before God. And to be justified means to make unrighteous men righteous or to regenerate them, as well as to be pronounced or accounted righteous.<sup>7</sup>

In his defense of the evangelical position Melanchthon gives rise to what Otto Ritschl in a famous essay has termed "Der doppelte Rechtfertigungsbegriff in der Apologie der Augsburgerischen Confession."<sup>8</sup> The ambiguity

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<sup>6</sup>Reu, pp. 350-51.

<sup>7</sup>Ap, IV, 72.

<sup>8</sup>Otto Ritschl extensively examines the distinction between Gerechtmachens and Gerechtersprechens in his article, "Der doppelte Rechtfertigungsbegriff in der Apologie der Augsburgerischen Confession" (Zeitschrift fuer Theologie und Kirche, 20 [1910]: 292-338). Ritschl maintains that a careful distinction between these two concepts would be a misunderstanding of Melanchthon, who made no such distinction. Melanchthon's point is that no quality in man originated man's relationship with God. Edmund Schlink (Theology of the Lutheran Confessions,

of the texts suggests that Melanchthon did not intend to distinguish what has come to be identified as "forensic" or "effective" vocabularies of justification. To impose such distinctions on Melanchthon in the Apology is

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trans. Paul Koehneke and Herbert J. A. Bouman, [Philadelphia: Fortress Press, 1961], pp. 90-116) includes a helpful summary of the literature on the subject. Citing the research of Eichorn and Thieme, Schlink contends that "to be declared righteous is the same as to be made righteous and vice versa." "'Justum effici regenerari, vivificari' are other terms for 'iustum reputari, remissionem accipere, Deo acceptum esse,' but one and the same event takes place" (p. 94, fn. 13). Holsten Fagerberg (A New Look at the Lutheran Confessions [1529-1537], trans. Gene J. Lund [St. Louis: Concordia Publishing House, 1972], pp. 149-155) understands iustos effici and iustos reputari to be complementary terms which support the one sustained idea of Apology IV, that faith alone justifies. With careful use of sources, Fagerberg comes to the conclusions that, "The righteousness of Christ imputed to man forms the basis of the forensic declaration of justification" (p. 155). Michael Rogness in his Reformer Without Honor: Philip Melanchthon (Minneapolis: Augsburg Publishing House, 1969) contends that Melanchthon never thought in the alternatives put forth by the later debate. Had he intended to outline two doctrines of justification, he would have done so. "The truth of the matter is that for him, 'to be righteous' was the same as 'to be pronounced righteous.' . . . The key to understanding this is Melanchthon's use of the word 'regeneration.' He thought of regeneration and vivification . . . in terms of their literal meanings in Latin. . . . This is precisely what justification does: trusting in Christ, our sins are forgiven, we are reconciled and accepted by God, who imputes Christ's righteousness to us and pronounces us righteous. This is our justification and our regeneration." (pp. 114-115) Vinzenz Pfner (Einig in der Rechtfertigungslehre? [Wiesbaden: Fran Steiner Verlag, 1970], pp. 169-181) gives extensive treatment to the question of the two descriptions of justification. He concludes that the iustum reputari is not an isolated term for Melanchthon, but is understood in the context and under the assumption of iustum effici (p. 181). It is an oversimplification to contend that iustum effici represents the Catholic position and iustum reputari represents the Lutheran position. Rather, Melanchthon does not wish to make a

anachronistic. In fact, Melanchthon expresses the evangelical theology of justification in both ways. In places, he uses a vocabulary consonant with an "effective" or "analytic" concept of justification.

Therefore we are justified by faith alone, justification being understood as making an unrighteous man righteous or effecting his regeneration.<sup>9</sup>

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by faith alone we receive the forgiveness of sins for Christ's sake, and by faith alone are justified, that

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distinction between being justified and becoming justified, but between justification as beginning, a one time act, and justification as a continuing act. Melanchthon's concern is to maintain that forgiveness is God's act, not man's, and he wishes to affirm man's continuing need for forgiveness after rebirth (p. 178). For Melanchthon, faith, Christ, being reputed righteous and being made righteous are all bound together (pp. 180-181). Horst Georg Poehlmann also looks at Melanchthon's concept of justification in the context of the Roman-Lutheran debate (Rechtfertigung [Guetersloh: Gueterslohe Verlagshaus, 1971], pp. 28-30, 320-323). Poehlmann understands Article IV of the Apology to stand or fall on its christological base, and contends that Melanchthon must be understood in this context. Justification is the center of theology and Christ is the center of justification. Melanchthon has made synonyms of justificare, salvare, and regerari because his concern is always justification for the sake of Christ, for the honor of Christ (p. 28). Poehlmann contends that Melanchthon's concept of justification is paradoxical: a vivificari and a pronuntiari, a regerari and a reputari, an effici and an accipere remissionem. Being declared righteous and being made righteous are not two events in Melanchthon's theology, but two sides of one event. It is not a being spoken righteous and then being made righteous, but rather a being spoken righteous and with it a being made righteous (p. 321). The conflict between the forensic and effective elements in justification is a paradox (p. 322). Regeneration is identical with justification, being understood as Christ dwelling in the Christain (p. 323).

<sup>9</sup>Ap, IV, 78.

is, out of righteousness we are made righteous and regenerated men.<sup>10</sup>

Melanchthon's focus is on the gracious gift of forgiveness and acceptance by which one is justified by grace, through faith, for Christ's sake. As a document asserting the historic continuity of evangelical teaching with that of the church catholic, the Apology utilizes a vocabulary consonant with Augustinianism while expressing also the distinctive Pauline emphasis on justification as a forensic declaration. Later in Apology IV, when Melanchthon does define justification in its biblical context, he speaks in forensic terms.

"to be justified" . . . does not mean that a wicked man is made righteous, but that he is pronounced righteous in a forensic way, just as in the passage, "the doers of the Law will be justified."<sup>11</sup>

Later, Melanchthon affirms in the same vein,

In this "justify" is used in a judicial way to mean "to absolve a guilty man and pronounce him righteous," and to do so on account of someone else's righteousness, namely Christ's, which is communicated through faith. Since in this passage our righteousness is the imputation of someone else's righteousness, we must speak of righteousness in a different way here from the philosophical or judicial investigation of man's own righteousness, which certainly resides in the will.<sup>12</sup>

Philosophical virtue and external morality ("man's own righteousness") lie within the framework of man's ability

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<sup>10</sup>Ap, IV, 117.

<sup>11</sup>Ap, IV, 252.

<sup>12</sup>Ap, IV, 306.

to choose. In this he has free will. Melanchthon's concern here, however, is with the spiritual righteousness of the sinner before God. This righteousness is not the product of man's action based in free choice, but "is the imputation of someone else's righteousness. . . ."

Recognizing that the righteousness of a Christian is the imputed righteousness of Christ Himself does not mean indifference about the life of the regenerate. Justification as the "imputation of someone else's righteousness" cannot be separated from the new life of sanctification which is to characterize the Christian.

After we have been justified and regenerated by faith, therefore, we begin to fear and love God, to pray and expect help from him, to thank and praise him, and to submit to him in our afflictions. Then we also begin to love our neighbor because our hearts have spiritual and holy impulses.<sup>13</sup>

Justification and regeneration describe the same divine activity on man's behalf.<sup>14</sup> Although Melanchthon uses

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<sup>13</sup>Ap, IV, 125.

<sup>14</sup>On Melanchthon's identification of justification with regeneration, Rogness writes: "This is our justification and our regeneration. Being justified before God, we are made alive again. . . ." It is not something altogether apart from us, for it has a profound, transforming effect within us. In this context Melanchthon could write, 'Justification is regeneration.' This is not to say that justification includes the good works which followed. . . . But it is not separated from good works either, because this regeneration and vivifying effect of justification was both reconciliation and 'the beginning of our renewal.' For him this regeneration was the rebirth from which works flowed. . . . Though Melanchthon might have opened the door to a more abstract concept of justification with the terms 'pronounce' and 'impute,' he apparently did not intend to make it less

temporal terms to distinguish justification from renewal, as in the citation of Apology, IV, 125, above ("After . . . we begin . . . then. . . .") his purpose is not to provide a chronological ordo salutis which would separate renewal from justification, but rather he would "properly" distinguish justification from renewal, justification being the necessary antecedent for renewal, and renewal the necessary consequence of justification. Melanchthon makes this point in his article on penitence:

we put into penitence the parts that properly belong to it in conversion or regeneration and the forgiveness of sin. Worthy fruits as well as punishments follow regeneration and the forgiveness of sin. We have put these two parts in order, to emphasize the faith that we require in penitence.<sup>15</sup>

Thus, "to be pronounced righteous" and "to be made righteous" have ultimately the same meaning for Melanchthon in the Apology. However, the vocabulary of forensic justification eliminates the Law-Gospel confusion of scholasticism by making the non-imputation of sin and the imputation of the righteousness of Christ received through faith, the basis of Christian renewal.

Therefore we reject the Pharisaic opinions of our opponents that we do not receive the forgiveness of sins by faith but merit it by our love and works, and that we ought to set our love and works against

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than something effective within the believer by drawing a curtain between it and the restoration of good works." Rogness, pp. 115-116.

<sup>15</sup>Ap, XII, 58.

the wrath of God. This is a teaching of the Law and not of the Gospel, to imagine that a man is justified by the Law before being reconciled to God through Christ. . . .<sup>16</sup>

Melanchthon's careful distinction between Law and gospel provides the focus of his Romans Commentary the following year. Here Melanchthon employs extensively a forensic vocabulary of justification and investigates exegetically the relationship of justification and the functions of the Law in explicating the theology of Saint Paul.

Forensic Justification in the  
Romans Commentary (1532)

The Romans Commentary develops the exegetical basis of the theology of justification and renewal formulated in the Augsburg Confession and its Apology.<sup>17</sup> Melanchthon divides Saint Paul's Epistle to the Romans into two parts: (1) a disputation on justification and (2) precepts of moral admonition. It is Paul's discussion of justification which is most important to the church because, "it contains the chief and proper locus of Christian doctrine; it teaches us of the proper office of Christ, of the remission of sins, of

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<sup>16</sup>Ap, XII, 84.

<sup>17</sup>In Ap IV, "On Justification," Romans is cited 63 times. The Romans Commentary develops on an exegetical basis the insights regarding justification which are systematically expressed in the Ap. One result of this careful study of Pauline theology is a sharpening of the forensic vocabulary of justification which is to characterize the theology of Melanchthon after 1532.

justification before God."<sup>18</sup> In this locus on justification the Gospel is properly discerned and distinguished from the teaching of philosophy, the Law, and Decalogue. Man cannot fulfil the Law. While the Law harangues about compassion it always adds a condition, that is, that it must be fulfilled. The Gospel continues to promise the forgiveness of sin and justification by grace. Perfect obedience to the Law is impossible and therefore cannot be a completion of the Gospel. "That indeed we would be accepted is not because of the implementation of the Law, but by the promise of Christ, on account of whom we please God, although we are unworthy."<sup>19</sup>

In the first part of Romans Paul denies that man can satisfy the Law. All men are truly under the wrath of God and eternal punishment because human nature is corrupt and fights against the Law of God. Ignorance of God, contempt of God, doubt about God, hatred of God and other vices are inherent in human nature. Therefore man is not able to be just through the implementation of the Law. Certainty of reconciliation to God and justification before God cannot depend on a condition of human

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<sup>18</sup>Robert Stupperich, eds, Melanchthons Werke in Auswahl (Studienausgabe), 7 vols. (Guetersloh: Mohn and Co., 1953-present, 5:30. Hereafter this work will be cited as St.A.

<sup>19</sup>St.A., 5:31.

worthiness, but only on the promise of God, who for the sake of Christ pronounces the sinner righteous.

Righteousness is contingent on grace, not the Law.<sup>20</sup>

Later in the epistle Paul hands down precepts concerning good works. The Gospel preaches repentance and which good works are necessary, although those good works are not efficacious in making one righteous. Obedience under the Law is not a precondition of the Gospel, but the Gospel proclamation is a precondition to obedience. Christians are righteous following the remission of sins and are reputed righteous, that is, they are accepted by God.<sup>21</sup>

Melanchthon begins his commentary with a Prolegomena de iustificatione in which he explains Paul's understanding of Law and Gospel and provides a definition of Pauline terms. There are two chief parts to Scripture: the Law and the promise of reconciliation. The Law requires perfect obedience. The Gospel is the promised mercy of God given for the sake of Christ. There would be no difference between the Law and Gospel if the promise of mercy depended on a condition of the Law. The Law teaches mercy and shows God to be merciful but adds a condition of its own: perfection. The Gospel offers free remission of sin and pronounces the sinner righteous and acceptable to God, although he has not satisfied the Law.

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<sup>20</sup> Ibid.

<sup>21</sup> St.A., 5:31-32.

Melanchthon distinguishes the biblical position from that of Rome, which teaches that men's sins are forgiven if they are sufficiently contrite. When this condition is added, however, one cannot but doubt whether he has the forgiveness of sins or pleases God. For this reason it is necessary that one know that what God has promised on account of Christ does not depend on an individual's repentance or works. The scholastic view "transforms the Gospel into Law."<sup>22</sup> Moreover, when one speaks of the Law, it is necessary that one recognize that natural man is not truly obedient to the Law of God, which requires perfect obedience of the heart toward God. Therefore the opponents of Luther do not teach correctly when "they dream that men through their natural strength are able to satisfy the Law of God. . . ."<sup>23</sup> Sin dare not be understood merely as a working against the Law. It is a natural corruption in which all mankind is born.<sup>24</sup>

The theological method of Melanchthon is one of definition and epitomization. Having outlined the distinction between Law and Gospel in relation to the grace of God and human works, he now sets forth the definitions of justification, righteousness and faith that are operative in Paul's epistle.

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<sup>22</sup>St.A., 5:36.

<sup>23</sup>St.A., 5:37.

<sup>24</sup>St.A., 5:37-38.

Therefore Paul teaches of justification: The Gospel preaches repentance and accuses sin and offers forgiveness of sins and justification and eternal life to all, not for the sake of our worthiness or our works or habits or virtues, but through mercy on account of Christ. . . . By faith alone men are justified (sola fide homo iustificature).<sup>25</sup>

. . . . .  
To be justified properly signifies to be reputed righteous, that is, to be reputed accepted by God.<sup>26</sup>

One notes the use of "Gospel" in its broad sense as incorporating both repentance and forgiveness of sins (in keeping with his earlier Visitation Articles, which occasioned the indignation of Agricola). This should not be read as indicating some confusion in Melanchthon's mind between what the Law is and what the Gospel is, but as explicating the necessity of the Law's work in accusing man of sin in order that the essential or proper work of the Gospel might be accomplished: reputed the sinner righteous and acceptable to God by grace, through faith, on account of Christ.

In defining righteousness, Melanchthon distinguishes between the iustitia legis (righteousness of the Law, centering in man's obedience) and the imputatio iustitia (the imputation of another's righteousness, centering in the obedience of Christ imputed to men). The righteousness of the Law is one's voluntary obedience of the Law of God and includes both virtues and actions. It

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<sup>25</sup>St.A., 5:38-39.

<sup>26</sup>St.A., 5:39.

is identical with philosophical righteousness. Imputed righteousness is the righteousness of Christ which accepts the sinner by grace alone and not for the sake of his own virtues, which are unworthy. Faith is trust (fiducia) in this promised mercy of God. Such faith is not merely an historical knowledge, but is properly an assenting to the divine promises of mercy, reconciliation and justification. For the sake of faith in Christ sinners are pronounced righteous. Faith which apprehends the grace of God becomes a principle or cause of all other virtues. While such new virtues ought to be effected in the Christian, only faith justifies. "Sola fide iustificamur."<sup>27</sup>

There are three aspects to justification: the remission of sins, justification, and the gift of eternal life. Melancthon emphasizes that Scripture is replete with testimonies affirming that the forgiveness of sins must depend on faith in Christ and not one's own merits or worthiness. For this reason, Melancthon stresses the sola of grace and faith, although that term (sola) is offensive to the Roman party. The exclusive nature of faith must be maintained, "because consciences would be perpetually in doubt concerning the forgiveness of sins if it depended on a condition of our worthiness."<sup>28</sup> Nor

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<sup>27</sup>St.A., 5:40-41.

<sup>28</sup>St.A., 5:43.

does it follow that subsequent to the forgiveness of sins, sinners are pronounced righteous for the sake of their new virtues or works. Those who are justified are sons of God and coheirs with Christ having the gift of eternal life. In this life there ought to be Christian virtues because the Gospel preaches repentance and faith is not able to exist except in repentance. However, one must distinguish between the individual and his works. Even the works of the regenerate are far from the perfection of the Law, nevertheless, on account of Christ the regenerate are reputed to keep the Law.<sup>29</sup> When the Gospel preaches repentance and reconciliation it offers eternal life, which encompasses both new life now in the Holy Spirit and eternal life forever with God.

"Certainly it therefore requires good works and obedience toward God because eternal life is spiritual life and obedience toward God. . . . And the Holy Spirit is given for this, so that when we grow through the Word and are consoled, this new and heavenly life and obedience in us might be effected."<sup>30</sup>

The Christian, although he is pleasing to God by grace through faith, will seek to keep the Law as an effect and consequence of his reconciliation with God. To be justified is to be pronounced righteous, pronounced as having righteousness. Therefore a man ought to have both a righteousness of faith and a righteousness of works.

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<sup>29</sup>St.A., 5:45.

<sup>30</sup>St.A., 5:46.

"But this later righteousness, when it does not satisfy the Law is not to be judged to be righteousness, except that that person is now accepted in mercy by faith."<sup>31</sup>

Melanchthon expands this theme in his commentary on Romans 12. "Those who are reborn in Christ are reputed righteous, not for the sake of their implementation of the Law, which follows renewal, but for the sake of Christ, by faith."<sup>32</sup> The sacrifices which God requires in the New Testament are not those of money or ceremony, but the continuing effects of the Holy Spirit in the regenerate heart. Such spiritual works include all the works of the Decalogue: fear of God, belief in God, prayer, acts of kindness, confession, patience in afflictions, obedience to those who govern, and chastity. Because the New Testament offers the spirit of righteousness and eternal life, it requires such spiritual sacrifices. The gift of money, the use of ceremony, indeed, no work is valid ex opere operato, without fear of God and faith. Life in the Spirit grows through fear of God, prayer, faith, mortification of the flesh, patience, and love.<sup>33</sup>

Those who are in Christ, although they sin, yet because they believe in Christ, remain in grace. They have the favor of God and nothing in them is condemned.

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<sup>31</sup>St.A., 5:49-50.

<sup>32</sup>St.A., 5:283.

<sup>33</sup>St.A., 5:290.

Commenting on Romans 8:1 Melanchthon notes that the text does not say, "There is no sin in those who believe," but there is no condemnation. This is because sin, which is present also in the believer, is forgiven and not imputed for the sake of Christ. Believers are reputed just, not for the sake of their previous implementation of the Law (indeed, they still have sin in the flesh) but for the sake of Christ.<sup>34</sup>

In the fifth chapter of Romans Paul deals extensively with the consequences of justification. "Being justified by faith, we have peace with God through our Lord Jesus Christ" (Romans 5:1). The sentence may be understood as reflecting both the cause and the effect of justification.

First he repeats the principal proposition of cause, that we are justified by faith. Then he adds the effect: we have peace with God, etc.<sup>35</sup>

This is the principal proposition of the entire epistle,<sup>36</sup> "that we might be certain that we are reputed righteous before God through mercy for Christ's sake, and not on account of our works or our virtues. . . ."<sup>37</sup> In his examination of Romans 3:21 Melanchthon had previously affirmed that to be justified simply and properly means to

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<sup>34</sup>St.A., 5:226.

<sup>35</sup>St.A., 5:156.

<sup>36</sup>St.A., 5:98.

<sup>37</sup>St.A., 5:99.

be reputed or pronounced righteous or accepted by God. Faith is trusting (fiducia) in the certainty of mercy. Therefore we are justified by faith. Melanchthon rejects the scholastic addition of formata to fide, that is, the proposition that we are justified by faith for the sake of love ("fide iustificatur propter dilectionem") because Paul clearly adds that faith does not depend on a condition of our love ("fidem non pendere ex conditione nostrae dilectionis").<sup>38</sup>

It is in this context that Melanchthon argues in Romans 5:1 that the Christian is justified by faith alone. As long as consciences are angry against the judgment of God, they flee from God and hate God and they despair.<sup>39</sup> The doubting conscience does not have peace. The scholastic notion of "satisfaction" and works undermines the certainty which comes only through the gracious mercy of God in Christ. Likewise, ". . . When scholars dispute concerning the forgiveness of sins they distinguish between the forgiveness of guilt and the forgiveness of penalty. . . ." Melanchthon denies such distinctions, rejecting scholastic discussions of satisfaction and purgatory and maintaining that,

in the forgiveness of sin there follows joy and peace toward God. Wherefore, there is not left the terrors

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<sup>38</sup> Ibid.

<sup>39</sup> St.A., 5:157.

of purgatory, but faith, when it accepts the forgiveness of guilt and encourages and revives consciences terrified by guilt.<sup>40</sup>

Eternal death is abolished, not by our satisfactions, but by the victory of Christ. Afflictions are part of the Christian life and they come from God but they are mitigated by God for the sake of repentance and faith, "without the authority of the church or the loosening of the church."<sup>41</sup> It is therefore through faith in Christ that the Christian has access to God (Romans 5:2).

Scholastics teach much about works; about faith, they have nothing to say. But it is faith which apprehends the promise of God in Christ. The grace of God is not a quality or a gift infused in man, but the favor of God, "the remission of sin and the imputation of righteousness and the effecting of new virtues in us."<sup>42</sup>

The Christian glories in hope although burdened by sin. Christ promises eternal life, that is, new and perfect righteousness. "But it appears somewhat distant in those who believe. Not only are they held back by death and other calamities, but sin also adheres in them."<sup>43</sup> Nevertheless, Melanchthon finds consolation in Saint

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<sup>40</sup>St.A., 5:158.

<sup>41</sup>Ibid.

<sup>42</sup>St.A., 5:159.

<sup>43</sup>Ibid.

Paul's understanding of righteousness, not as the consequence of human effort, but as the effect of divine monergism.

Above he has said that we are now righteous, but he understands righteous not as a quality in us, but as relative to being accepted by God. . . .

. . . . .  
Although Christians do not have completely new lives, they have a gift . . . a hoping that God is glorified in us. Certainly we know we eagerly seek eternal life and a new nature, in which there is no sin, although meanwhile we carry around an obnoxious nature in sin and death.<sup>44</sup>

The Christian is accepted by God, "but we are also foul, and we await perfect renewal."

Although renewal begins in this life, however, since sin always adheres in us, the conscience is established in us so that we know we are righteous, not for the sake of renewal, that is a quality in us, but through mercy. . . . What sort of renewal is this? To the extent we have renewal and life, to that extent we have faith. Wherefore we hold and exercise faith by mercy and at the same time, also renewal grows. But in those with great and horrible terrors, when the conscience knows the magnitude of sin and the wrath of God, the work is this, by consolation, that he is clearly righteous that is, we are accepted, not for the sake of our renewals but for the sake of Christ.<sup>45</sup>

Even death and other calamities are glorious for the Christian, for he knows they are not designed for his ruin, but for his health. Afflictions cannot happen without the counsel and will of God and God calls Christians through these afflictions to repentance so that "we are cheered up and call upon him." By this alien work

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<sup>44</sup>St.A., 5:159-60.

<sup>45</sup>St.A., 5:160.

of God he afflicts and terrorizes, so that he may save and serve.

When, therefore, we believe this to be the purpose of afflictions, not that we are ruined, but that we may seek mercy, then afflictions are good and gifts and signs, not of wrath, but of grace.<sup>46</sup>

By faith the Christian expects and receives help from God in all these afflictions, not doubting God but loving God in patient submission.

In explicating the text of Romans 5 Melancthon distinguishes between "philosophical patience" and "Christian patience." Philosophical patience is "obedience of a kind to reason without hope or faith in the mercy and help of God." Christian patience consists of obedience and faith. It trusts in the mercy of God and demonstrates faith as it patiently tolerates afflictions.<sup>47</sup> The Christian thus lives in hope, "which is a certain, continuing trust and expected event," based in the promises of God. "So that the conscience would be certain, we understand that faith and hope do not have their cause in our dignity, but rather in the divine promise." The object of faith and hope is not the quality or virtue of the individual, but the love of God.

Wherefore it is held that the object of faith and hope is not our qualities, not our virtues, but the love of

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<sup>46</sup>St.A., 5:162.

<sup>47</sup>St.A., 5:163.

<sup>48</sup>St.A., 5:164.

God toward us shown in certain and infallible promises.<sup>49</sup>

Through faith and hope the Holy Spirit prepares to move in the hearts of the pious beginning a life of joy and peace of conscience.<sup>50</sup>

Romans 5:6-9 affords Melancthon an opportunity to treat of the relationship of Law and grace. "The chief question of the conscience concerning the will of God," he asserts, "is whether God loves us and whether he is in fact angry."<sup>51</sup> The answer to that question lies in the sacrifice of Christ. "Christ's death is neither from a debt nor in any way for the sake of himself."<sup>52</sup> With the comparison of Christ and Adam in verses twelve to nineteen, Saint Paul touches on the three chief points of Christian doctrine regarding God's wrath and his love; these topics are sin, Law, and grace.

Paul's theology does not support scholastic distinctions. When Paul speaks of original sin here he does not distinguish between the "names" original and actual sin, because "simultaneously they are completed as basis and fruit, namely a total sin, a corruption of

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<sup>49</sup>St.A., 5:166.

<sup>50</sup>St.A., 5:167.

<sup>51</sup>Ibid.

<sup>52</sup>St.A., 5:168.

nature and a fruit of the corruption of nature."<sup>5 3</sup>

Reason cannot comprehend the filth inherent in natural man or the horrible power of sin inherent within man's nature (including ignorance of God, contempt for God, and hatred for God). Basing their view in philosophy and ignoring Christian doctrine, scholastics affirm that sin is not sin unless it is voluntary. On the other hand, it is the teaching of Scripture that the strength of body and soul are so corrupted that man is not able to obey or satisfy the law of God.

Original righteousness is not imputed or approbated to man, but is an integrity of man by which body and soul were able to obey truly the Law of God. But after the fall of Adam natural man spoiled this integrity. This ruin followed the corruption so that now natural man of himself neither truly believes God nor truly fears nor is able to love God, but he understands and loves the good subjects of the senses. He is ignorant and contemptuous of God; he flees from God and has hatred for the judgment of God. He trusts in temporal things and does not trust God. This sickness has not lessened nor is it a fickle kind of stupidity, but it is a horrible impulse of the soul and body against the Law of God.<sup>5 4</sup>

This corruption makes it impossible for man to do the Law of God.

Although reason in the things subject to it (the things which are subject to the senses) is able to do the civil and external works of the Law, nevertheless in man there is horrible ignorance of God, contempt and hatred for God.<sup>5 5</sup>

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<sup>5 3</sup>St.A., 5:170.

<sup>5 4</sup>St.A., 5:171.

<sup>5 5</sup>St.A., 5:172.

Those who would lessen or disregard the doctrine of original sin also undermine the doctrine of grace. Melanchthon identifies scholastic teaching with that of the Pelagians, who imagine that a man of his own natural strength is able to satisfy the Law and to obey the Law of God and that the concupiscence of man can be lessened by right will. "This they call tinder and do not teach it to be sin, but scarcely the punishment of original sin."<sup>56</sup> For Paul original sin is truly sin. This is the testimony of the whole of Scripture. Because the scholastics do not understand sin, they cannot understand justification as the imputation of righteousness.

Plainly the scholastics' judgment is preposterous. Justification in the Gospel is the imputation of righteousness even if there is an inherent fault in nature, because the Gospel pronounces us righteous for the sake of Christ and not for the sake of our own virtues. Original sin as a thing in itself is not imputed, but is a fault in our own nature, fighting with the Law of God. But the scholastics teach against original sin that it is by imputation; righteousness in the Gospel they deny to be an imputation of righteousness and they teach that by our own virtues we are pronounced righteous before God. See, reader, the scholastics invert the doctrine of Law and Gospel. They do this not only in this controversy, but in many others.<sup>57</sup>

Melanchthon recognizes that many clever men laugh at this evangelical understanding of original sin. However, these men do not mock the evangelicals, but Scripture itself. ". . . This is the proper, simple, understanding of Scripture concerning original sin that we

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<sup>56</sup>St.A., 5:175.

<sup>57</sup>St.A., 5:176.

follow." Moreover this interpretation has the testimony of church fathers and other knowledgeable teachers of the church.<sup>58</sup>

Sin is no slight defect in man that can be corrected by right reason and resolution of the will, but is something worthy of the wrath of God and his condemnation.<sup>59</sup> Man's reason blindly fails to recognize that death is the consequence of sin and not merely a natural phenomenon. Therefore Melanchthon rejects "those who dispute that original sin damns no one, although it is a condition of mortality. . . ."<sup>60</sup> Original sin fights against the whole Law of God, offers death, and brings eternal damnation unless it is conquered by trust in the benefits of Christ.

In commenting on Romans 5:13-15 Melanchthon develops his understanding of the Law and of its function for both believer and unbeliever. Sin is not abolished by the Law. Only the Gospel can accomplish this. What then is the profit of the Law? Briefly, it accuses sin.

Through the Law comes recognition of sin. Not if the law, however, accuses sin, certainly it is not abolished but aggravated so that it terrifies us, judges us, and condemns us, driving us to death.<sup>61</sup>

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<sup>58</sup>St.A., 5:176-77.

<sup>59</sup>St.A., 5:177.

<sup>60</sup>St.A., 5:178.

<sup>61</sup>St.A., 5:180.

The Law does not console the sinner; it does not revive the conscience burdened with death, but it oppresses the sinner with infinite terrors. The Gospel alone abolishes death because through Christ the resurrection is promised to all believers. The Gospel alone lifts up and consoles and brings new life to men. Thus the Law must be understood as the antithesis to the grace of God, as in the antithesis Saint Paul draws between those who are children of Adam and those who are reborn in Christ. In Adam all men are accused. In Christ, all who believe are pronounced righteous.<sup>62</sup> This is God's gracious act (Romans 5:15).

"Grace" continually means for the Hebrews: forgiveness, mercy, favor, to be pleased, as has been said, gracious acceptance. This is the appropriate and most true interpretation of the word grace. Therefore grace ought to be understood as acceptance, as mercy, as the benevolence of God toward us, and it ought not be understood as a quality or virtue of our own toward God. Grace is completed by these two things: forgiveness of sin and the imputation of righteousness.<sup>63</sup>

What is "given through grace" is the gift of the Holy Spirit and eternal life.

Now the Gospel at the same time offers in the forgiveness of sins the Holy Spirit, who through faith is accepted. When the conscience is stirred up and consoled, he prepares new impulses and new life.<sup>64</sup>

Thus, both justification as a forensic proclamation and

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<sup>62</sup>St.A., 5:182.

<sup>63</sup>St.A., 5:185.

<sup>64</sup>Ibid.

renewal as the bestowal of the Holy Spirit undergird the monergism of divine grace.

Although sin continues "to adhere in our nature," it does not invalidate the gift of grace because it is the pronouncement of another's righteousness.

To such a degree Christ has power over the reign of sin so that grace covers up present sin. . . . The renewed are pronounced righteous not for the sake of the implementation of the Law, but for the sake of Christ, although nature continues to contain faults.<sup>65</sup>

The promise of the Gospel is that grace abounds over sin. "Christ is far greater and has overcome the universal reign of sin."<sup>66</sup> Christian consolation rests not in one's own obedience or good works, but in the Gospel promise, that "we are pronounced righteous by the merits of another, because of Christ, and not because of our own virtues."<sup>67</sup>

Romans 5:18-20 occasions an excursus on the nature of the Law itself. There are two functions of the Law. The first is the civil function which coerces man by external discipline to obedience. Such external righteousness merits physical rewards in this life. Disobedience brings punishment in this life and in the next. Melancthon identifies this Law with "the Law of morals or the universal philosophy of morals, in so far as

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<sup>65</sup>St.A., 5:189.

<sup>66</sup>Ibid.

<sup>67</sup>St.A., 5:190.

it follows right reason."<sup>68</sup> This "natural judgment" is divinely instituted and arises not only in the mind of many but as "a divinely imparted light." That human philosophy and right reason may attain to such natural Law does not lessen "that they are the Law of God, just as the Decalogue in the divine Scriptures, and plainly the same still continue as Law, since God inscribed them earlier in the mind of men."<sup>69</sup>

The other function of the Law is spiritual. "It shows sin; it accuses and terrifies consciences with the judgment of God." This is a Law no one satisfies, for no one fears and loves God with his whole heart. Not only does the Law not console human hearts, but it does not reconcile men to God. Indeed, the Law only increases sin and enmity against God. But this does not leave the Christian without comfort.

We can have as much sin as we please, however, we know grace, mercy, to be more productive. We do not allow the magnitude of sin to oppress us or to conquer the glory of the mercy of Christ. We would not imitate the voice of Cain who said, "My sin is greater than I am able to bear." But we oppose that voice with this sentence, "Where sin abounds, there grace abounds more."  
. . . . .  
Grace reigns through righteousness to life eternal; that is, through mercy at the same time we are reputed righteous and we are given life eternal, not for the sake of our virtues, but for the sake of Christ. Here you see clearly the conjunction of justification and eternal life so that we certainly know eternal life is given through the forgiveness of sins, and if it is

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<sup>68</sup>St.A., 5:192.

<sup>69</sup>Ibid.

given not because of our worthiness or merits, but for the sake of Christ, then it is necessary that it be grasped.<sup>70</sup>

As an evangelical theologian and a northern European humanist, Melanchthon brought together both the biblical insights of the Lutheran reformation and the considerable skills of a philologist to his study of Saint Paul's Roman epistle. Theologically, Melanchthon began his study recognizing that Saint Paul cannot be understood properly apart from a careful distinction of Law and Gospel. This distinction Melanchthon found self-evident in Saint Paul's formulation of justification as a forensic declaration by which the righteousness of Christ is imputed to the penitent sinner. Utilizing the Greek text in the best edition then available (the Novum Testamentum of Erasmus) Melanchthon sought to elucidate Saint Paul according to the clear and simple meaning of the text.<sup>71</sup> In this Melanchthon was willing to utilize the insights of Augustine and earlier church fathers, but he

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<sup>70</sup>St.A., 5:196-97.

<sup>71</sup>In a chapter entitled "The Perspicuity of Scripture," Peter Fraenkel characterizes Melanchthon's doctrine as including, ". . . its absolute purity of doctrine and its absolute antiquity; the direct vocation of the authors; the 'incarnation' of the Gospel in authoritative human statements in which God is the speaking subject. . . . They have been written down by the commandment of God and more particularly in view of the certainty, permanence and security which belong to the written word." Peter Fraenkel, Testimonia Patrum: The Function of the Partistic Argument in the Theology of Philip Melanchthon (Geneva: Librairie E. Droz, 1961), p.

was unwilling to compromise the text to accommodate theological traditions and scholastic perceptions not in accord with the Word of God.<sup>72</sup>

The Romans Commentary accents Law and Gospel as the central doctrines of Christianity. Departing from Saint Thomas Aquinas and later scholasticism, Melanchthon understood Saint Paul to utilize the terms Law and Gospel not as complementary messages by which man accomodates himself to God through an infusion of grace and a perfection of his own qualities, but as antithetical messages of judgment and promise by which man is accused of sin by the Law and made righteous by grace through faith in the imputation of Christ's righteousness. A biblical understanding of justification necessarily excludes all human merit and worthiness and affirms the monergism of divine acceptance by which the righteousness of Christ is imputed to those who trust only in the mercy of God.

Scholastic theology, on the other hand, reflects both an inadequate view of the Law and a disregard for

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208. "A close corollary of this emphasis on certainty is that on the perspicuity of Scripture which after all is nothing more than the fact that God lets us know with certainty the Scripture's import and meaning. . . ." (Fraenkel, p. 209).

<sup>72</sup>An extended treatment of this theme is found in Melanchthon's De ecclesia et de autoritate verbi Dei written in 1539. For a discussion of this writing, see chapter V, pp. 217-20.

Paul's forensic theology of justification by grace through faith. Original sin is not merely imputed to man. Man is sinful in himself; incapable of loving God and incapable of doing God's will. Melancthon's emphasis is on the wholeness of sin: sin as reflecting the complete alienation of man from God. Sin reflects not only the "actual" doings of the sinner, but the "origin" of sin in man's rebellion against God, in his failure to love and trust in God above all else. Righteousness cannot come by the Law because natural man cannot love God and in consequence cannot keep God's Law perfectly.

If man is to be righteous before God, it can only be through the non-imputation of man's sin and the imputation of Christ's righteousness. Stressing that man's righteousness is not his own but is the righteousness of another, Melancthon consistently utilizes the verb imputare. Man is reputed or accounted righteous (reputare) by grace through faith. But how? Imputare stresses the forensic nature of justification. The righteousness of the regenerate is the imputed righteousness of Christ himself. Justification is not a divine fiction by which God ignores the sin of man and declares the unrighteous to be righteous. The penalty of sin is death and man is justified by death.<sup>73</sup> The grace

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<sup>73</sup>Werner Elert, Lowell C. Green, and Arthur Karl Piepkorn all note significantly that the word justification does not imply for St. Paul or for sixteenth

of God is that favor of God by which He is willing to accept the death of His Son as payment for the Law's curse. The righteous dies for the ungodly in order that the ungodly may be declared righteous. The accusation of

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century thinking what it implies for twentieth century English speaking people, that is: innocence. "To be justified" in contemporary society implied that one has been falsely charged or accused or that there was "good reason" for a particular act. In sixteenth century Germany, "to be justified" denoted that one has received the due penalty of his act. No presumption of innocence is implied. "Saxon law could speak, for example, of 'the body of the person justified by the sword,' meaning thereby corpse, minus sword-severed head." Arthur Karl Piepkorn, Profiles in Belief, 3 vols. (New York: Harper and Row, 1978), 2: 62. Lowell C. Green cites Werner Elert similarly. "Werner Elert clarified this problem in the light of legal history. In the legal code of Luther's day the concept of justification was not applied at all to one who showed himself innocent of a crime. In sixteenth century German, justification '. . . denoted either the painful trial by ordeal, which might go so far to claim the life of the person being tried, or more commonly the carrying out of a penal sentence, especially the execution of the one convicted.' Elert noted that during the seventeenth century it was still common to speak of the expenses to the state for corporal punishment as the 'coats of painful justification,' and that mention is made of '. . . the body of one justified with the sword.'" Lowell C. Green, How Melancthon Helped Luther Discover the Gospel (Fallbrook, CA: Verdict Publications, 1980) p. 206. See also Werner Elert, Der Christliche Glaube (Hamburg: Furche Verlag, 1956), pp. 459, 470, 472; and Werner Elert, "Deutschrechtliche Zuege in Luthers Rechtfertigungslehre," Zeitschrift fuer Systematische Theologie 12 (1934-35): 23-26; Robert C. Schultz, "Baptism and Justification." Una Sancta, 18 (Easter, 1960): 11-14. It is with this understanding that Melancthon writes in Apology IV, 305: "In this passage 'justify' is used in a judicial way to mean 'to absolve a guilty man and pronounce him righteous' and to do so on account of someone else's righteousness, namely, Christ's, which is communicated to us through faith." This opinion reflects St. Paul in many places: Romans 6:3-7; Romans 5; 1 Corinthians 15, 2 Corinthians 5:21, Galatians 3:13. In light of the above, Green's summation is helpful.

the Law is satisfied by the death of Christ. The righteousness of Christ is given by grace to those who believe. Thus justification consists of both the non-imputation of sin and the imputation of the righteousness of Christ. For this reason Melanchthon frequently identifies justification with the forgiveness of sin (non-imputation of sin) and regeneration (the imputation of the righteousness of Christ and the bestowal of the Holy Spirit). He identifies grace with divine favor and acceptance. He identifies faith with trust (fiducia) in the promises of God. The scholastic distinction between fides formata and fides informata is denied. The scholastic concept of grace as an infused quality (gratis infusa), of sin as merely concupisence, and of satisfaction (of the Law's penalty by penitence and works) are likewise rejected. They deny the sola gratia, sola fides of Scripture.

Melanchthon affirms both a righteousness of the Law and a righteousness of God. Righteousness of the Law

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"Through the forensic declaration man is removed from the unjustified to the justified state. This is a profound change. However, justification means no outward change in the qualities of the individual. . . . Thus, justification by imputation of alien righteousness need not be called a fiction, but something that actually takes place in the decision of God, something that alters the destiny of the individual. God regards him as a just person. For the sake of Christ God is pleased to regard the sinful self as purged. God reckons his faith to him for righteousness." Green, How Melanchthon Helped Luther Discover the Gospel, p. 208.

is not an imputed righteousness, but a righteousness of works, demanding perfection. The righteousness of God is the righteousness of another, imputed by grace through faith. Those who are righteous by grace through faith are not perfect according to the Law for they continue to sin. Nevertheless, by God's favor and acceptance, they remain in grace. The regenerate thus remain sinners while declared saints. But the regeneration of the sinner by the grace of God does result in a new man who lives in the Spirit of God. This man, reborn by grace through faith and the bestowal of the Holy Spirit, reflects the mercy of God in his life now. His heart moves in new ways. Faith which trusts in the favor of God becomes also the source of new virtues by which a man seeks to do that which pleases God. Good works are a necessary consequence of faith and reflect the effects of the Holy Spirit in the life of the regenerate.

The Law of God is written in the minds of all men, although now obscured by rebellion against God and sin. This natural Law is identical with the revealed Law of the Decalogue. Philosophers are capable of formulating morals based on the natural Law, although inadequately. What philosophy cannot discern is the spiritual function of the Law, which accuses man of failure to love God, trust God, or obey God. This discernment is available only to those who have received the Spirit of God by faith and who

recognize the enmity of God against sin, as revealed in the Scriptures. Consequently, only those in Christ can truly repent of sins and seek to do the will of God. For this reason Melanchthon frequently includes in the term Gospel not only the promises of God, but repentance as well. Repentance is an essential part of the life of the regenerate, who feel the accusation of the Law and trustingly turn to the favor of God, confident in the righteousness of Christ which is theirs through justification.

Recognizing the civil or political function of the Law in governing the affairs of all men, and the spiritual or accusing function of the Law which brings recognition of sin and continuing dependence on the mercy of God in Jesus Christ, Melanchthon emphasizes the continuing validity of the Law for both regenerate and unregenerate. Moreover, when one recognizes that the spiritual function of the Law in bringing about repentance is essential to life in the Spirit of God (renewal), it is not surprising that Melanchthon should begin to emphasize the didactic function of the Law in training the regenerate in righteousness.

By grace through faith, the First Table of the Law has become a divine indicative describing the believer's love of God, instead of a divine imperative accusing the sinner of rebellion against God and of failure to love and

trust God. The Law, of course, continues to accuse the regenerate of their sin. As Melanchthon notes regarding Romans 8:1, Paul does not say there is no sin in those who believe, but there is no condemnation. The regenerate, however, possessing the Spirit of God, are motivated to do the will of God, not from fear, but from love, not in order to justify themselves before God, but as fruits of the righteousness already imputed to them by grace. In the regenerate, then, the Law has a new function; not merely the civil ordering of human conduct, not only the spiritual accusation of sin, but that of a guide to those works which please God and reflect the indwelling of the Holy Spirit. The Law has nothing to do with the seeking of righteousness before God. Righteousness is already the possession of the regenerate whose sins are forgiven and to whom the righteousness of Christ is imputed. But in those who believe, the Law has to do with the effecting of righteousness as the fruit and consequence of faith itself. The Law does not motivate Christian obedience, but it reveals God's will. These insights into the nature and function of the divine Law become fixed in the second edition of the Loci (1535) and are subsequently described as the "third office of the Law."

#### The Third Use of the Law in the Loci (1535)

Fragmentary student notes of Melanchthon's lectures on the Loci (1535) "de lege Dei" add nothing to the

excursus on the Law in the Romans Commentary as summarized above.<sup>74</sup> In 1535 Melanchthon himself published an expanded version of the Loci communes theologici. The extended locus de lege divina is subdivided into topics dealing with the division of the Law (Divisio legum), the Ten Commandments (Decalogus), the natural Law (De lege naturae), the uses of the Law (De usu legis divinae), the distinction between commandment and counsel (De discrimini praeceptorum et conciliorum), of poverty (De paupertate), and of chastity (De castitate). The first four subtopics contain Melanchthon's teaching concerning the Law as it relates to justification and renewal. The introduction to the topic de lege divina reiterates the text of the Romans Commentary and the lecture fragments recorded by Pommerani. The Law commands what one is to be, what one is to do, and what one is to omit in life. It requires perfect obedience to God and condemns those who do not present to God such perfect obedience. Melanchthon provides a catalogue of scholastic errors and Saint Paul is cited against these "pharisaical opinions." The Law of

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<sup>74</sup>These student notes from Pommerani are contained in Melanchthon's Corpus Reformatorum, 28 vols., compiled by Carol Bretschneider, ed. Henry Bindsell (Brunswig and Halis: C.A. Schwetschke and Son, 1842-1858), 21: 253-332 and are listed as belonging to the second edition of the Loci although the second edition was not published until 1535. The locus de lege Dei in Pommerani's notes is found on pp. 294-95. Hereafter this work will be cited as CR.

God not only requires civil or external works, but perfect obedience toward God. It accuses not only actual sin, but man's inherent depravity. Unless one knows this, he is not able to understand the benefits of Christ.<sup>75</sup>

In the first subtopic, Divisio legum, Melanchthon distinguishes between natural law, divine Law, and human law, but it is with the divine or Mosaic Law that he is chiefly concerned. The Law of Moses contains moral Law, civil Law, and ceremonial Law, but only the moral Law appertains to all mankind. This is true, not because the Law was given by Moses, but because the moral Law (Decalogue) coincides with the natural Law, and because the moral Law is cited in the gospels as teaching spiritual righteousness and obedience toward God. The moral Law thus illustrates and interprets the natural Law.

The two tables of the Decalogue are distinguished in that the First Table focuses on the spiritual nature of righteousness, and the Second Table teaches what one ought to do toward the neighbor (civil righteousness). Although Melanchthon instructs his reader in all the commandments, he emphasizes the First Table. The explanation to the First Commandment stresses the forensic nature of righteousness, that for the sake of Christ the Christian is pronounced righteous. Therefore the First Commandment

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<sup>75</sup>CR, 21:320.

is fulfilled by the imputation of the righteousness of Christ. Without the Gospel one is not able to keep the First Commandment, for one is not able to trust God without Christ. The Law itself always accuses and condemns. The highest and chief work of the First Commandment is to command an internal (spiritual) worship of God.<sup>76</sup>

The Second Commandment teaches of external worship and of the effects of faith in the proper use of God's name. It requires prayer, acts of kindness, preaching of the Word of God, and confession. The Third Commandment relates to the external ceremonies of worship. The Word of God commands that ceremonies ought to be preserved which serve the ministry of the Word. They pertain to all mankind in all times and places so that the public ministry of the Word of God might be preserved.<sup>77</sup>

The Church of Rome distorts these commandments of God. It violates the First Commandment when it denies the natural corruption of man and fails to teach of faith (fiducia) which trusts in the gracious mercy of God. It violates the Second Commandment by destroying true prayer and worship in insisting on the idolatry of the mass and monasticism. It violates the Third Commandment when it

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<sup>76</sup>Ibid., p. 392.

<sup>77</sup>Ibid., p. 392-95.

teaches that the perfunctory use of ceremonies merit the remission of sin ex opere operato without faith.<sup>78</sup>

The Second Table of the Mosaic Law pertains to those virtues which are necessary for society including obedience of civil authorities and of parents. All the promises of the Law are conditional, and it is only through the Gospel that, "when we are pronounced righteous by grace, through faith, for the sake of Christ that we are reputed to implement the law."<sup>79</sup> Natural Law is the knowledge of the divine Law placed in human nature.<sup>80</sup> This knowledge of divine Law has been obscured by original sin,<sup>81</sup> nevertheless vestiges of this implanted knowledge remain, for the conscience testifies that there is a God who blesses righteousness and punishes unrighteousness.<sup>82</sup>

It is under the title, De usu legis divinae, that Melanchthon introduces the threefold office of the Law. He begins this subtopic by reiterating what he has already established concerning the use of the Law. The Law of God requires the perfect obedience of human nature. But perfect obedience is not possible; consequently, man is

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<sup>78</sup> Ibid., p. 395.

<sup>79</sup> Ibid., p. 398.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid., p. 399.

<sup>82</sup> Ibid., p. 400.

not righteous because of the Law, since sin always adheres in natural man. Under the subtitle Legis officia, Melanchthon sets forth the threefold office of the Law with regard to man's corrupt nature. The first office of the law is the civil office, which coerces human discipline and establishes a condition of peace in which the Gospel might be proclaimed. The second, proper, and principle office of the Law is to show sin, to accuse, terrify, and condemn sinful consciences. It is this function of the Law to which Melanchthon usually refers when describing the effect of the Law. Through the accusation of the Law the sinner is prepared to hear the gracious promises of the Gospel. The second office of the Law must be understood always in its relation to justification.

The third office of the Law relates to the function of the Law in the lives of those who are justified in Christ and seek to do the will of God.

The third office of the Law is in those who are righteous by faith, so that it might teach them of good works, seeking the works which please God. It commands certain works in which obedience toward God is exercised.<sup>83</sup>

One notes that this office of the Law, like the first and second offices, is for those who continue to exist in the natural corruption of the flesh. All men are sinners. However, the third use of the Law pertains only to those

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<sup>83</sup>Ibid., p. 406.

sinners who are declared righteous by faith. The third use of the Law thus applies to sinners to whom the righteousness of Christ is imputed by grace. Melanchthon emphasizes the duality of the corrupt sinner who has been justified by faith when he continues, "although we are far from the Law as it pertains to justification, however, as it pertains to obedience, the Law remains. Justification is necessary in order to obey God."<sup>84</sup> Those justified by the imputation of the righteousness of Christ begin in part to do the Law; they begin to be obedient. The nature of this obedience Melanchthon does not discuss at this point (under the locus, De lege divina) but only later under the locus, De bonis operibus, concerning good works. Between this discussion of the Law and the later discussion of good works, Melanchthon develops the meaning of the Gospel (De evangelio), grace and justification (De gratia et de iustificatione).

Although the third function of the Law is an office of the Law and therefore included under the topic De lege divina it exists only for those who have received the promises of the Gospel, being justified by grace through faith. The third function of the Law is not to be understood in the scholastic sense as a fides formata, a faith formed by love, describing how man is justified before God. With regard to justification, the Law has

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<sup>84</sup>Ibid.

only one function: to accuse and condemn sin. But in those who are righteous by faith the Law teaches of good works which please God and of those works in which God commands obedience. Melanchthon thus distinguishes between the accusatory function of the Law and the function of the Law which teaches obedience. Only those reborn in Christ have imputed to them the righteousness of Christ and are capable of loving God. Only when a person is imputed righteous can he do works acceptable to God.

The second function of the Law is necessary in order that a sinner might know his estrangement from God and seek forgiveness by grace through faith. The third function of the Law is a fruit and consequence of justification. Having the favor and acceptance of God already by grace through faith, the believer seeks instruction in the Word of God concerning those works which please God and by which he may exercise obedience in faith. Therefore the third office of the Law, while included under the locus concerning the Law, does not relate to the chief and proper use of the law (second office) which relates to justification, forgiveness, and the imputation of the righteousness of Christ. Rather, the third office of the Law relates to sanctification, good works, and the effects and fruits of the Holy Spirit within the hearts of believers.

The locus De bonis operibus underscores Melanchthon's emphasis on the centrality of justification understood as the divine favor of God and acceptance for the sake of Christ. Believers are not given eternal life for the sake of good works, but for the sake of Christ. "Good works" refers to the civil or external righteousness which reflects obedience to the Second Table of the Law, but more importantly, "good works" consist of the spiritual works of faith. Melanchthon affirms that, "obedience must follow reconciliation,"<sup>85</sup> but adds that it is not enough to teach that obedience is necessary for the Christian. One must also continually repeat that for the Christian also the Law never loses its proper and chief function of accusing sin, because ". . . no one is able to satisfy the Law."<sup>86</sup>

"Obedience must follow reconciliation," but even for those reconciled to God in Christ perfect obedience is impossible. Nevertheless the believer's obedience is pleasing to God, although it is imperfect, because he is reconciled to God by faith. God does not abolish the Law by faith, but effects it so that he is pleased. "It is necessary, therefore, that the reconciliation of the person come first, and this is reconciliation . . . by faith, which is given, not for our worthiness, but through

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<sup>85</sup> Ibid., p. 429.

<sup>86</sup> Ibid., p. 430.

mercy."<sup>87</sup> Following reconciliation the works of the Christian truly please God and obedience follows, because he is in Christ. Thus, Melanchthon insists, "it is not for nothing that a person is distinguished from his works."<sup>88</sup>

Good works are done then in the exercise of faith to the glory of Christ. Faith is especially exercised in prayer, repentance and the growth of confidence before God in the midst of dangers. Obedience is a fruit and effect of faith. The Law in its chief and proper use continues to show even regenerate man that he cannot keep the commandments of God. The Gospel promises that God will not look at the works of the believer, but at the faith of the believer who trusts in Christ and has received the imputation of the righteousness of Christ.

Although the believer is imperfect and his works are imperfect, they are accepted by grace, through faith, and reputed good, for Christ's sake. Certain of reconciliation to God by grace and no longer seeking reconciliation through works, the believer willingly seeks to do that which pleases God and is commanded by God, not through the coercion of the Law but by the gift of the Holy Spirit. In this the Christian is instructed by the

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<sup>87</sup> Ibid., p. 431.

<sup>88</sup> Ibid.

Law (the same Law that accuses sin), knowing that in Christ he is imputed righteous (although a sinner) and that eternal life has now already begun in him. The Christian trusts not in what he has done, but in what he has become, by grace, and in what he has received, through the imputation of the righteousness of Christ. The renewed heart of the Christian, once bound by sin, has been freed to choose those works which please God and are commanded by God. These three, the revealed Word of the Law, the efficacious power of the Holy Spirit, and the regenerate heart of the Christian enable the believer to live in obedience to the Law and in the fruits of the Spirit, to the glory of Christ. By grace, Christian obedience although imperfect has begun.

#### Free Will in the "Loci" (1535)

The first comprehensive statement of the evangelical church on the subject of free will was written by Melanchthon in his first edition of the Loci (1521).<sup>89</sup> Melanchthon maintains that since all things happen through necessity according to divine predestination, the human will (voluntas) is not free. Consequently there is no free choice (arbitrium). Human reason affirms that there

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<sup>89</sup>St.A., 2, pt. I, pp. 8-16. English translation: Philip Melanchthon, "The Power of Man, Especially Free Will," Loci Communes Theologici in Melanchthon and Bucer, trans. Lowell J. Satre, ed. Willman Pauck (Philadelphia: Westminster Press, 1969), pp. 22-30. Hereafter cited "1521 Loci."

is free will in external things, "But Scripture tells nothing of that kind of freedom since God looks not at external works but at the inner disposition of the heart."<sup>90</sup> The affections are not under the power of the will for by experience people discover that the will itself cannot control love, hate, or similar affections. Affections are able to be overcome only by more powerful affections. Since the will is itself the source of affections, Melanchthon opposes the scholastic teaching that the will (voluntas), "by its very nature opposes the affections or that it is able to lay an affection aside whenever the intellect so advises or warns."<sup>91</sup>

Although one affection can overcome another affection, Melanchthon denies "that there is any power in man which can seriously oppose the affections."<sup>92</sup> God requires purity of heart (in biblical language) or of the will (in philosophical language), therefore whatever freedom man may seem to have in external acts is of no importance, since man cannot control his own affections. When free will (voluntas) is related to predestination, there is no freedom in either external or internal activity, since all things take place according to divine

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<sup>90</sup>St.A., 2, pt. I, 13. "1521 Loci" p. 27.

<sup>91</sup>Ibid.; Ibid. pt.

<sup>92</sup>Ibid., p. 15; Ibid., p. 29.

determination. However, according to natural judgment, there seems to be a certain amount of freedom in external things. On the other hand, when the will is related to human affections, there is clearly no freedom, even to natural judgment, because "when an affection has begun to rage and seethe, it cannot be kept from breaking forth."<sup>93</sup>

In this first edition of the Loci Melanchthon is clearly deterministic. Free will in both external and internal activities is denied. In contradistinction to scholastic teaching (as seen in Aquinas, for example) it is denied that the intellect moves the will by presenting its object to it. The will is not capable of opposing the affections. Moreover, there is no free choice because the affections are not free. Melanchthon avoids using words like "reason" and "free will" choosing instead to speak of "the cognitive faculty" and "the faculty subject to the affections."

In the locus on sin which follows immediately the locus on the will the question of free will and sinful affections are drawn closely together. Sin is "a depraved affection, a depraved activity of the heart against the Law of God."<sup>94</sup> This depraved affection results from a

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<sup>93</sup>Ibid., p. 17; Ibid., p. 30.

<sup>94</sup>Ibid., p. 18; Ibid., p. 31.

force within man driving him toward sin. There is no will in natural man to oppose this affection. However, "in those who have seen justified by the Spirit, good affections struggle with the bad. . . ." <sup>95</sup> Consequently, Melanchthon denies the position of medieval scholasticism.

What works of free will will you preach to us and what power of man? Do you not imagine that you are denying original sin when you teach that a man is able to do something good in his own strength? A bad tree cannot bring forth good fruit. <sup>96</sup>

The scholastics focus on external works and judge those works according to the letter of the Law. But God judges the heart and its affections. The affections of natural man have been perverted by sin, and the cognitive faculty of man's intellect cannot conquer the affective faculty of man's sinful heart. Man cannot will or do what is good. He has no free will. Even in those who have been justified, the good affections must struggle with the bad.

The notes of Pommerani based on Melanchthon's lectures in 1533 expand this theme. <sup>97</sup> Evangelical doctrine destroys free will because it teaches that in man there are horrible corruptions which struggle against the Law of God. This corruption within man, however, human

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<sup>95</sup> Ibid., p. 16; Ibid., p. 29.

<sup>96</sup> Ibid., p. 24; Ibid., p. 35.

<sup>97</sup> CR, 21:274-281.

will is not able to destroy. The will of natural man is neither able to effect nor to fulfill obedience to the Law of God. Apart from the Holy Spirit, the human will cannot dispel doubts about God, have true fear of God, or grasp true faith in the mercy of God. Scripture teaches everywhere that human nature is subjected to sin, and that without the Holy Spirit man is incapable of truly fearing God or trustingly believing the promises of God. The human will cannot make natural man spiritually alive. Without the Holy Spirit men cannot please God, be righteous before God, or have eternal life.

One notes in these lectures that the strict determinism of the 1521 Loci is abandoned. Melanchthon does acknowledge that the will has some liberty in natural man. The unregenerate are able to effect to some extent the external works of the Law. Nevertheless, Melanchthon continues to label as false the scholastic teaching that natural man is able to satisfy the Law of God without the Holy Spirit. Against the scholastics he affirms that sin is inherent in man; he denies that a man can be righteous before God for the sake of his good morals or merit, either de congruo or de condigno; he denies that the forgiveness of sins is given for works of mercy or that natural man is able to love God apart from God's gracious gift of his own Spirit. The scholastics further err when they say that man is able, without the Holy Spirit, to

love God above all things or to have true faith in God or similar spiritual impulses.

The second edition of the Loci (1535) incorporates the less deterministic view of the will with regard to external works found in the 1533 lectures. In man is found reason (that is, a mind which judges) and will (which is either obedient to or struggles against that judgment). The will commands the lesser powers of man: the senses and sensual desires (affections). This position markedly differs from that held in the first edition, where Melanchthon writes,

If you relate the will to the affections, there is clearly no freedom, even to natural judgment. When an affection has begun to rage and seethe, it cannot be kept from breaking forth.<sup>98</sup>

The freedom of the will is conjoined with the power of reason. If natural man were not corrupted by sin, he would have a certain and clear knowledge of God. He would have true fear, true faith, and obedience to the Law. Now, however, man is oppressed by death, filled with doubt and error and he does not truly fear God. The Law of God, moreover, requires not only external, civil obedience, but perpetual and perfect obedience of the heart.

With regard to the power of human will, Melanchthon asks, "by what means is human will able, by its own strength, without renewal in some way, to do the external

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<sup>98</sup>St.A., 2, pt. I, 17. "1521 Loci" p. 30.

works of the Law?" He answers that question by affirming the power of human will to do the external works of the Law. "This is free will (voluntas) which the philosophers rightly attribute to man." Because the Scriptures teach that there is carnal righteousness to some extent, Melanchthon concedes that human will is able to effect civil righteousness to a limited extent without renewal.''

Although Melanchthon appears to have changed his position from one of holding that there is no freedom of the will with regard to the affections, to holding that there is a freedom of the will with regard to the affections, the change is more apparent than real. In 1521 Melanchthon is describing the reality of natural man's condition. "When an affection has begun to rage and seethe, it cannot be kept from breaking forth." In 1535 Melanchthon is describing man's ideal condition in which the will either acquiesces to or struggles against the judgment of human reason. Melanchthon is clearly less deterministic about the ability of natural man to effect works of civil righteousness. But he is no less deterministic about the ability of natural man to do what pleases God spiritually, as is clearly seen in the development of the locus regarding free will in the second edition of the Loci.

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' 'CR, 21:373-378.

In human nature there is a horrible corruption which fights against the Law of God. The human will cannot eliminate this corruption from the nature of man. In consequence, man is not able to satisfy the Law of God, which requires not only external obedience, but internal beauty, fear, faith, highest love of God, and perfect obedience. The human will cannot, without the Holy Spirit, effect the spiritual affections God desires: true fear of God, true faith in the mercy of God, obedience, tolerance of afflictions, love of God, and so forth.

The Holy Spirit is efficacious through the Word, as Saint Paul writes in Romans 8:26: "The Spirit helps us in our infirmity." The regenerated human spirit (anima) is encouraged so that it is enabled to retain the Word. It is not discouraged, because it is taught that the promise of the Gospel is universal and we ought to believe. In the context of Romans 8:26, Melanchthon continues, "We see conjoined these causes, the Word, the Holy Spirit, and the will, which is certainly not idle, but fights against its infirmities." Citing Basil of Cesarea, "Only will, and God has come before hand." Melanchthon continues, "God anticipates us, he calls, he moves, he delights, but we shall have seen and shall not have resisted. Sin constantly begins with us and not from the will of God." Chrysostom says, "He draws, but he draws the one who wills." Melanchthon warns his readers,

"We ought not indulge in indifference or natural desires."<sup>100</sup> Melanchthon concludes this locus with the understanding that obedience to the Law is possible through grace. This interpretation is necessary so that one might understand that the obedience of the pious is distant from the perfection of the Law, but that the regenerate are pleasing to God for the sake of Christ.<sup>101</sup>

Three developments can be identified in this edition of the locus on free will. First, Melanchthon uses "mind" and "will" rather than "cognitive faculty" and "voluntary faculty" in describing the two parts of man. Fagerberg suggests that this is the result of Aristotelian influence and a desire to adopt a more precise terminology. The will and the affections which were identified with one another in the first edition are now separated and the affections subordinated to the will.<sup>102</sup> This observation is helpful. Melanchthon is more positive about the usefulness of philosophy and especially Aristotle in developing definitions. It is less clear that the will and affections are identified in the first edition. Clearly they are separated in the second edition although one looks in vain for substantiation to the assertion that the affections are subordinated to the

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<sup>100</sup>Ibid., p. 376.

<sup>101</sup>Ibid., p. 378.

<sup>102</sup>Fagerberg, p. 127.

will. Secondly, Melanchthon specifically allows for free will in works of civil righteousness without the addendum in the first edition that ". . . there is freedom in neither external nor internal acts, but all things take place according to divine determination."<sup>103</sup> Thirdly, Melanchthon emphasizes a more positive role for the will in the regenerate. In natural man the affections cannot be overcome. But by the power of the Holy Spirit, regenerate man is empowered to make choices (arbitrium) which reflect his rebirth: choices not to sin, choices to do the will of God. This positive function of the regenerate will does not happen in man innately, but in the context of the Word and the efficacious power of the Holy Spirit. "We see conjoined these causes, the Word, the Holy Spirit, and the will, which is not idle, but fights against its infirmities."

If Melanchthon had conjoined the Word, the Holy Spirit, and the will in the context of justification, his position would clearly be one of synergism. This however is not the case. Melanchthon is speaking of the new life of the regenerate following justification and the reception of the Holy Spirit. Forensic justification includes both the imputation of the righteousness of Christ, by grace through faith, and the gift of the Holy

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<sup>103</sup>St.A., 2, pt. I, 17. "1521 Loci" p. 30.

Spirit, who effects a new life of love and obedience in the Christian. That this is the context of this conjoining of causes (the Word, the Holy Spirit, and the regenerate will) is attested by the following. First, Melanchthon strongly affirms in the preceding paragraphs that the human will cannot satisfy the Law of God or bring about faith, love of God, or the other spiritual affections that God desires and requires. Secondly, Melanchthon uses Romans 8:26 in the immediate context of the conjoining of causes, a text which addresses itself to the Christian condition following justification, not the initial conversion of the unregenerate. Thirdly, Melanchthon emphasizes that it is the Holy Spirit who helps the Christian spirit "retain the Word." Fourthly, the context immediately following the three causes exhorts the Christian not to indulge in indifference and natural desires. Finally, the locus concludes with a discussion of how obedience to the Law is possible by grace through faith so that the pious live pleasing to God for the sake of Christ. This is also the emphasis in the locus concerning the third use of the Law.

Thus by 1535 Melanchthon has developed (1) his forensic vocabulary of justification; (2) a concept of free will in the regenerate by which those who have imputed to them the righteousness of Christ by grace through faith and have received the gift of the Holy

Spirit are enabled to choose to do the will of God in loving obedience; and (3) the distinctive third office of the Law which describes the function of the revealed Law in the Word of God in the lives of those imputed righteous, having the Holy Spirit within their hearts and in consequence, a changed heart or will. For those in whom are conjoined the Word of God (Law and promises), the gift of the Holy Spirit, and a regenerate free will -- true fear of God, true love of God, and obedience to the Law of God are begun. Because this good work of God is only begun and not accomplished, the second, chief, and principal function of the Law remains. The Law continues to accuse the regenerate also of sin. But for the Christian the accusation of the Law results in neither despair nor work righteousness but rather in repentance and in dependence on the righteousness of Christ, imputed by grace. Forgiven and restored the Christian utilizes the Word of God, the Spirit of God, and his own regenerate free will (renewed heart) to choose that which pleases God. Resolving not to sin again and instructed by the Law in the abiding and immutable will of God, the believer freely chooses those works which please God and in which God would have him exercise obedience.

## CHAPTER V

### FORENSIC JUSTIFICATION, THIRD USE OF THE LAW, AND REGENERATE FREE WILL IN THE 1559 LOCI

The final edition of the Loc*i* was published in 1559, one year prior to Melanchthon's death. What had begun in 1521 as a theological handbook had now become a major dogmatics of evangelical teaching. Although the years between 1535 and 1559 had been filled with theological controversy among the evangelical, Roman, and reformed parties, and within the evangelical party itself, the final edition of the Loc*i* in 1559 does not theologially differ from that of 1535. What one does find is a reiteration, often verbatim, of the theological positions put forth in 1535.

The emphasis on justification as a forensic proclamation, on the instructional function of the Law for the regenerate, and on the role of the renewed will in choosing the will of God, were already intact by the second edition as seen above. The expansive final edition of the Loc*i* provides Melanchthon's definitive explication of those themes which had shaped his theology for the past forty years: Law and Gospel, sin and grace, faith and obedience, justification as the imputation of the

righteousness of Christ, and renewal as the efficacious activity of the Holy Spirit within the obedient hearts of those who trust in Christ.

#### Of Grace and Justification

The locus, De gratis et de iustificatione, is divided into four parts: De vocabulo fidei, De vocabulo gratiae, De bonis operibus, and De argumentis adversariorum. One notes Melanchthon's juxtaposition of grace, faith, and good works under the rubric of justification. In so doing it is not his purpose to confuse justification and renewal or to separate justification by grace through faith from renewal and good works, but to distinguish them. The content of the locus is the biblical relationship between the imputation of the righteousness of Christ and the response of obedience manifested in those who trust in Christ. This locus comes midway in the Loci. Melanchthon thus far has developed the loci regarding the Trinity, creation, the cause of sin and its effects, free will, original sin and actual sin, the divine Law, and the Gospel. These loci are replete with references to and definitions of grace, faith, and justification. With the locus "on grace and justification" Melanchthon provides a summation of his theology of justification and begins to direct the attention of his reader to the effects of justification for those renewed by grace through faith.

The loci which follow focus on what may be described as practical or functional questions. What is the church? What is the meaning of repentance? What are the number and benefits of the Sacraments? Other topics addressed include predestination, the resurrection of the dead, prayer, ceremonies in the church, the mortification of the flesh, Christian liberty, and the place and function of civil authority. In this locus regarding grace and justification Melanchthon conjoins the imputation of the righteousness of Christ with the new obedience effected by the Holy Spirit in the regenerate.

Melanchthon emphasizes the priority of the first subtopic, De vocabulo fidei, for the task of doing theology. This topic contains the summation of the Gospel and points to the chief benefit of Christ, which distinguishes the church of God from all who would imagine that man is justified by the Law or by self-discipline. Recognizing that there is a difference of opinion regarding this topic, he describes this difference as one that exists between those who adhere to the word of God and those who follow human opinion or judgment and neglect the simple teaching of the prophets, of Christ, and of the apostles. When the clear teaching of Scripture is neglected, theology is transformed into philosophy and it is imagined that there is no difference between philosophical righteousness (righteousness by works) and

Christian righteousness (justification by grace through faith).<sup>1</sup>

Ignorance of Christ's work and benefits has often obscured the true teaching of the church as can be seen in the Old Testament and the subsequent history of the New Testament church. The Pharisees thought themselves to be righteous according to the Law and in consequence could find no need for the coming of the Messiah. Thinking that he would be established as a ruler by the world, they did not understand that it was right that he should be a victim for all people to placate the wrath of God against sin. Righteousness would be a gift; not something of themselves but from another. The prophets sought to appraise the people of God of this error, proclaiming that sin is not removed by the righteousness of the Law since it remains in human nature. They affirmed that righteousness is believing, hearing, and receiving eternal life from God for the sake of the promised savior. This is clearly taught in the psalms of David (Ps. 2:12; 143:2) and in the prophecies of Isaiah (Isa. 53:11) among others.

"Fanatical spirits" coming immediately after the time of Christ and the apostles also distorted the Gospel into Law, holding man to be righteous by the Law. Some of

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<sup>1</sup>Robert Stupperich, ed., Melanchthons Werke in Auswahl (Studienausgabe), 7 vols. (Guetersloh: Mohn and Co., 1953-present), 2, pt. II, p. 353. Hereafter this work will be cited as St.A.

the pious, nevertheless, preserved the true understanding of the Gospel as the Scriptures testify: that we receive the remission of sins by grace, through faith, for the sake of Christ alone. Others, then and now, teach that men are able to satisfy the Law of God of themselves; that righteousness is a consequence of keeping the Law, and that such obedience is meritorious and worthy of eternal life. These do not admit that faith signifies trust in the mercy of God. They affirm, rather, that those reborn ought to doubt even that they are in grace. This understanding is not Christian, but pagan.<sup>2</sup> These errors do not edify God's people but lead the light of the Gospel into darkness, obscuring the benefits of Christ, true consolation of the conscience, and genuine prayer. It is necessary therefore that the church expose this error and warn against it.<sup>3</sup>

Melanchthon begins his warning against such teaching in the church by emphasizing the coercive nature of the Law. Aristotle is cited with approval when the philosopher describes righteousness as the most beautiful morning and evening star. Civil order is necessary because the preaching of the Gospel cannot be efficacious in a world without order or in those who persist in doing

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<sup>2</sup>Ibid., pp. 354-56.

<sup>3</sup>Ibid., p. 354.

what is against the conscience. The notion that we merit the forgiveness of sin by implementation of the Law or that by the Law man is righteous or reconciled to God must be rejected. When the Law and the recognition of sin are brought together with the Gospel, many accuse the evangelicals of stoic determinism. But this is mere human opinion, and not the teaching of Saint Paul or of the other apostles and prophets.<sup>4</sup>

With this warning Melanchthon develops his second point, that it is through the preaching of repentance and the promised deliverer that men are received by God, and not because of obedience or works. This proclamation has constituted the ministry of the church from the time of Adam through Christ and the apostles, who were commanded, "Go and preach repentance and the remission of sins in my name." The preaching of repentance is the true voice of the Law, through which God reveals both external sin (wicked deeds) and internal sin (not fearing God, not loving God, not trusting God). The Gospel itself accuses the world of its unbelief when the world does not listen to the Son of God and is not moved by his passion and resurrection. The Holy Spirit convicts the world of sin because it does not believe (John 16:8-9). The Law of God's wrath denounces all mankind, and in part the

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<sup>4</sup>Ibid., pp. 356-57.

calamities of men are the effect of God's Law admonishing men and calling all to repentance.<sup>5</sup>

When human minds hear the voice of the Law and are terrified by sin, only then can the open promise of the Gospel be heard, which sets forth the forgiveness of sins by grace for the sake of Christ. This is Melanchthon's third point. Faith comes by the mercy of God and not from any worthiness in man. Faith is given to men by God in order that men's minds might be encouraged through forgiveness and reconciliation. If faith were based on the habits of men, if human contrition or worthiness were to be the standard of judgment, then the soul would be plunged into desperation or doubt.

But we have a certain and firm consolation. It depends on the benefits of God and not from a condition of our own worthiness. Our consolation is solely from mercy for the sake of Christ's promise. And when God forgives sin, he also gives us the Holy Spirit, who begins new virtues in the pious.<sup>6</sup>

". . . To justify is a forensic word. . . ." (" . . . Justificare est forense verbum. . . .").<sup>7</sup> Men are pronounced righteous, their sins are forgiven, and they are reconciled to God.

When God forgives sin, at the same time he gives the Holy Spirit to begin new virtues. However, first terrified minds must seek remission of sins and reconciliation.<sup>8</sup>

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<sup>5</sup>Ibid., pp. 357-58.

<sup>6</sup>Ibid., p. 359.

<sup>7</sup>Ibid.

<sup>8</sup>Ibid.

The righteousness or worthiness of man is never the cause of forgiveness. Righteousness is by grace alone, but the forensic righteousness of justification inaugurates a new person who has received the Holy Spirit in order that he might begin to live a life pleasing to God.

The next subtopic of his locus on grace and justification focuses on the biblical description of faith. Melancthon begins by distinguishing the Roman position from the evangelical understanding of justification.

To Roman ears . . . to be justified by works signifies to obtain forgiveness and to be righteous, that is, to be acceptable to God, for the sake of proper virtues and deeds. On the contrary, to be justified by faith in Christ means to obtain forgiveness and righteousness that is, to be reputed acceptable, not for the sake of proper virtues, but for the sake of the Mediator, the Son of God.<sup>9</sup>

This understanding is discerned from the Gospel itself and especially in the writings of Saint Paul, who opposes any other point of view as the voice of human reason and the Law.

As the Baptist exclaimed, "Behold the Lamb of God who takes away the sin of the world." Paul wishes for us to put forth this sacrifice and teach that for the sake of the Son of God forgiveness and reconciliation is given, and not for the sake of our own virtues.<sup>10</sup>

The righteous Son of God, seated at the right hand of the

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<sup>9</sup>Ibid., p. 360.

<sup>10</sup>Ibid.

Father, intercedes for us and forgives our sins. Therefore faith points to him as Mediator and applies his gifts to us.

Melanchthon underscores that such faith is not only an historical knowledge, but a confident trust in the promises of God, for the sake of Christ. Those who object to this teaching do not understand Scripture and they do not understand the certainty of God's promises. They remain burdened by fear and doubt and they are distressed about being forgiven. Consolation, however, comes from a source outside themselves, the promised mercy given for the sake of the Mediator. For those who trust in themselves and not in Christ, the words of the Creed, "I believe in the forgiveness of sins," are said in vain.<sup>11</sup>

Faith is to assent to every word of God intended for us and chiefly also to the promise of grace and reconciliation given for the sake of Christ the Mediator, as well as trust in the mercy of God's promise for the sake of Christ. Now trust is a movement of the will necessary for the response of assent. The will which rests in Christ is kindled by the Holy Spirit.<sup>12</sup>

This understanding of faith is clearly attested by Saint Paul, who in Romans 4 makes the promise correlative to faith.

The promise is firm because it is by grace, through faith. We assent to the promise and we are able

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<sup>11</sup>Ibid., pp. 360-61.

<sup>12</sup>Ibid., p. 363.

to assent by grace. If the Law were added as a condition, desperation would follow. Romans 5:1 ("Justified by faith we have peace. . . .") teaches that mere historical knowledge of Christ does not effect peace with God but only augments terror and desperation. What, indeed, is a more terrible sign of the wrath of God against sin than that no other victim was possible other than the death of God's Son. ". . . It is not possible to placate the wrath of God except through the Son." Faith is trusting that these benefits of Christ apply to us. "This trust consoles the terrors of the mind and affords peace."<sup>13</sup>

The Christian's consolation is found in submission to the judgment of God, which is wrath against sin. Faith rests in the mercy of God, who has been propitiated through the death of his Son. It is a very personal confidence, as was recognized by both the Psalmist (Ps. 2:12) and by Saint Paul (Eph. 3:12). The heart is not purified by the righteousness of the Law. But faith alone purifies the hearts of those who believe they are saved by the grace of God in Christ Jesus. By faith, the Christian can call in trust upon God and expect from God consolation and help.<sup>14</sup> Those who do not teach that such consolation comes from Christ do not rejoice in his

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<sup>13</sup>Ibid., p. 365.

<sup>14</sup>Ibid., p. 366.

benefits. When it is said, "We are justified by faith," nothing other is said than that for the sake of Christ one receives the remission of sins and is reputed righteous. This is the continuing witness of the Gospel and is certainly the true consensus of the church and a true explanation of Pauline teaching. But human reason understands only the righteousness of works. The biblical and evangelical understanding of faith is that to which all the articles of Christian belief point.

Faith is to assent to every word of God intended for us and chiefly also to assent to the promise of grace and reconciliation given for the sake of Christ the Mediator. By faith a man apprehends and applies the promises of God and quiets the human heart. The Creed's other articles point to this article: "I believe in the remission of sins and life everlasting." This is indeed the highest promise and end, to which other articles refer, because "the Son of God is sent" as John says, "to destroy the works of the devil," that is, to put away sin and to renew righteousness and eternal life.<sup>15</sup>

The third subtopic of the locus "on grace and justification" focuses on the meaning of the word "grace." Philosophy obscures the benefits of Christ and the imputation of grace, which is the free remission of sin, mercy, and the gracious acceptance of God. This gift of grace signifies also the reception of the Holy Spirit and eternal life. "Eternal life" is a comprehensive term including new life and eternal righteousness which is begun now and is later perfected. The Law cannot offer

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<sup>15</sup>Ibid., p. 371.

true, eternal life, but only a discipline of external morals, which is not eternal, not enduring, and not the perpetual righteousness that God requires.<sup>16</sup>

Melanchthon develops the content and meaning of the term grace through an exegetical study centering in Romans. This study is largely a repristination of the insights already found in his Romans Commentary (first published in 1532, but continuously edited and republished throughout Melanchthon's lifetime). Melanchthon structures his study of grace under four headings. First, grace is the remission of sins, the imputation of righteousness, and the gift of the Holy Spirit. It gives the honor to Christ due to him as savior and mediator (John 1:29; Isa. 53:10). Secondly, grace offers consolation to the stricken conscience. Men need not doubt that God has acted on their behalf in Christ (Rom. 4:16; John 1:18). Thirdly, grace exalts prayer and dependence upon God through Christ as mediator. Finally, this scriptural understanding of grace properly distinguishes between Law and Gospel.

The Law has its own kind of promises, but they do not include the remission of sin, reconciliation to God, or the imputation of the righteousness of Christ. The Law prescribes that man is righteous if he excels in obedience

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<sup>16</sup>Ibid., p. 372.

and is without sin. The Gospel proclaims the Son of God as Mediator and claims Christians for his sake, being reconciled by grace, alone. Therefore any opinion which teaches that there is forgiveness for the sake of works buries the doctrine of faith, the honor of Christ, and the consolation of consciences in the Gospel.<sup>17</sup>

The remainder of this subtopic on grace develops the biblical foundation of the sola gratia, focusing on Romans, chapters 3-5, but including exegetical studies of Ephesians 2:8; Galatians 2:16; Galatians 3:14. It is Melanchthon's continuing concern to anchor the evangelical position in the Word of God and not in the traditions of the church or philosophy of man. The following are also cited as attesting to the truth of the evangelical position regarding grace and faith: Matthew 11:28; John 3:16; Acts 10:43; Romans 10:11-13; 11:32; 1 Timothy 2:4; 2 Corinthians 6:1 and Luke 11:13. The position of the Roman party leaves Christians in perpetual doubt concerning forgiveness and detracts from Christ's honor, as Scripture clearly attests.<sup>18</sup>

Melanchthon concludes the locus, De gratia et de justificatione, with a subtopic on good works, De bonis operibus. Obedience, the righteousness of a good

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<sup>17</sup>Ibid., pp. 373-77.

<sup>18</sup>Ibid., pp. 383-86.

conscience and of good works which God commands, necessarily ought to follow reconciliation to God. This is the teaching of Scripture: Romans 8:12; 1 Corinthians 6:9; 1 John 3:7-9; Ephesians 2:10.<sup>19</sup> What good works is the Christian to do? Those which are commanded in the Word of God and summarized comprehensively in the Decalogue. The chief good works are those of the first table of the Law: believing God, trusting God, and fearing God. The Roman opponents ignore the first table of the Law and teach nothing of faith, which is the principal good work. How are Christians able to do such good works? The internal obedience of the heart cannot begin without knowledge of the Gospel and without the gift of the Holy Spirit by grace (Gal. 3:14). Love of God is not possible unless one first hears the voice of the Gospel. Faith must precede works. By grace the Holy Spirit is received, who exalts new, spiritual impulses in the regenerate which are congruent with the Word of God.

How do such good works please God? The Christian lives with an infirmity which is evidenced by his failure to overcome those things which impede good works, by the imperfection of his works, and by the continuing condemnation of the Law. Obedience is a necessary response to the Gospel, but sin remains in the regenerate

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<sup>19</sup>Ibid., p. 386.

when they continue to fight against the Law of God.<sup>20</sup> Nevertheless, although sin continues in the regenerate, the believer does good works as one whose hope is in the Lord and not in the merit of those works.

Melanchthon summarizes the relationship of grace, faith, and good works to one another in three points: (1) the regenerate are renewed or reconciled to God for the sake of God's Son and are received by grace through faith for Christ's sake; (2) in the regenerate there remain infirmities, sin, and vicious affections which are contrary to the Law of God; (3) obedience and righteousness of conscience begin in the regenerate but are far from perfection in the Law. Nevertheless, the reconciled are able to please God for the sake of Christ, who continues to bring before the Father the prayer and worship of all believers. It is for the sake of Christ that the believer himself is reconciled to God. Reconciled to God in Christ, the works of the believer are received by God in grace.<sup>21</sup> Faith is exercised in works because the regenerate believe in God and trust that God will be pleased with even these works, done for the sake of the promise in Christ. Christians then do good works from three causes: (1) because they are commanded

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<sup>20</sup>Ibid., p. 396.

<sup>21</sup>Ibid., p. 399.

by God; (2) because they are obliged to obedience by faith (faith requires good works); (3) in order that faith may be retained, because the Holy spirit is expelled from the heart when that heart persists in sins against the conscience.<sup>22</sup> The Christian seeks to do the will of God, as God has revealed that will. ". . . We judge concerning the will of God from the point of view of the Word of God."<sup>23</sup>

Melanchthon concludes his locus on grace and justification with a scriptural refutation of the Roman position (De argumentis adversariorum). Expressing the objections of the Roman party through syllogisms, Melanchthon demonstrates that these positions are refuted by the clear teachings of Scripture and cannot be maintained. What is maintained is that man is saved by grace through faith for the sake of Christ, and not from works, although works are a necessary consequence of faith. Such works done in faith are graciously accepted by God for the sake of his Son and the regenerate, in seeking to please God and to do his will, finds the testimony to those works which God desires and commands in the clear witness of the Scriptures and summarized in the Decalogue.<sup>24</sup>

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<sup>22</sup> Ibid., p. 404.

<sup>23</sup> Ibid., p. 415.

<sup>24</sup> Ibid., pp. 415-440.

Third Use of the Law

The description of the third use of the Law in the final edition of the Loci is largely unchanged from that of the 1535 edition. It remains brief and is specifically directed to the office of the Law in the life of the renatis (those reborn by grace through faith to whom the righteousness of Christ is imputed and the ministry of the Holy Spirit is bestowed).

In so far as the reborn are justified by faith, they are free from the Law. . . . They are free from the Law, that is they are free from its cursings and condemnation and from the wrath of God which is set forth in the Law. When the reborn retain faith and trust in the Son of God, they fight against sin and conquer the terrors of sin. Meanwhile, however, the Law is taught. It shows the residue of sin in the reborn so that knowledge of sin grows and with it repentance. At the same time the Gospel of Christ is heard so the faith grows. The Law is set forth for the reborn so that it might teach certain works in which God wills us to exercise obedience. Certainly God does not wish us to devise some work or worship on our own, but he wishes to rule us by his Word, as it is written, "In vain do they worship me with the mandates of men," "your Word is a light to my feet." Human reason, when it is not ruled by the Word of God, easily errs. It is enraptured by desire so that it approves evil works (as appears in the laws of the nations). The divine ordinances remain immutable, so that we might submit to God. Although we are free from the Law and from condemnation because we are righteous by faith, for the sake of the Son of God, however, so that we might attain to obedience, the Law remains. The Law remains because the divine ordinances remain in order that the justified might be obedient to God and so that they might have the beginnings of obedience. . . .<sup>25</sup>

Melanchthon's explanation of the Law's third office can be summarized under three headings: (1) freedom from the

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<sup>25</sup>St.A., 2, pt. I, 325.

Law's condemnation for the renatis; (2) the abiding necessity of teaching both Law and Gospel; and (3) the Word of God as the instrument of God's self-revelation.

Insofar as the reborn are those justified by faith, they are free from the Law's condemnation. Melancthon recognizes the duality of the Christian who is both justified by grace through faith and in consequence free of the Law and its condemnation, and yet remains a sinner who stands accused by the Law. The third office of the Law addresses the continuing function of the Law in the regenerate who, although they are sinners and stand accused by the Law, nevertheless are free from the Law's condemnation through the imputed righteousness of Christ. They are unwillingly sinners because those justified by faith struggle against sin although sin continues to be a part of their fallen nature.

Consequently, both Law and Gospel must be preached to the regenerate, who are free from the Law's condemnation by grace and yet stand accused by the Law as sinners. The Law demonstrates the residue of sin in the regenerate. In so doing the Law brings about in the regenerate a heightened sensitivity to sin. Moreover, in addition to showing that which God condemns, the Law also teaches those works in which God wills the regenerate to exercise obedience. Since the Law continues to function in the life of the regenerate, the Gospel must continue

also to be preached so that faith, a trusting confidence in the mercy of God through Jesus Christ, will continue to grow. Only by faith can the believer look beyond his own sin with confidence to the gracious acceptance of God.

The preaching of both Law and Gospel must be anchored in God's Word. God's Word is his instrument. "God wishes to rule us by the Word. . . ." Human reason or wisdom easily errs when it is not ruled by the Word. The Christian continues to struggle with the affections of sin; he is enraptured by the desires of the flesh. But the divine ordinances of God's Word are immutable. As the church must be obedient to the Word of God, so the individual Christian must live in accordance with that Word.

The third use of the Law may be described, then, as the rule of God's Word in the life of the regenerate. God does not desire that the regenerate should devise works or worship according to human reason which, "when it is not ruled by the Word of God, easily errs." Melanchthon emphasizes that the Word of God is the rule and norm of both Christian doctrine and the Christian life. One of the writings which most concisely develops Melanchthon's understanding of the normative character of the Scriptures is his treatise De ecclesis et de autoritate verbi Dei (Of the Church and the Authority of

the Word of God), written in 1539. Melanchthon reacts against both the false claim of the Roman church that the teaching of the church is to be preferred to the Word of God<sup>26</sup> and against the false teaching of "fanatics" on the right who distort the Word of God for their own purposes.<sup>27</sup>

But I call the church the assembly of true believers who have the Gospel and sacraments and who are being sanctified by the Holy Spirit, as the church is described in Ephesians 5 and John 10. . . .<sup>28</sup>

These then constitute the church: the assembly of believers, the Gospel (Word of God), the sacraments, and the sanctifying activity of the Holy Spirit. Melanchthon affirms that the "church" through the ages has always existed, but he acknowledges also that at times its teaching and practices have been less pure and have even obscured the Gospel through erroneous opinions. Articles of faith have been denied. "Therefore, whenever the authority of the church is adduced, one must ascertain whether it has been the consensus of the true church, congruent with the Word of God."<sup>29</sup>

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<sup>26</sup>St.A., 1:326; Philip Melanchthon, "The Church and the Word of God," in Melanchthon: Selected Writings, trans. Charles Leander Hill, ed. Elmer E. Flack and Lowell J. Satre (Minneapolis: Augsburg Publishing House, 1962) p. 133. Hereafter cited Hill, citations in the text are those of the Hill translation.

<sup>27</sup>St.A., 1:327. Hill, p. 134.

<sup>28</sup>St.A., 1:328. Hill, p. 135.

<sup>29</sup>St.A., 1:334. Hill, p. 140.

The majority of the work treats of church councils and Latin and Greek fathers of the first seven centuries. Melanchthon evaluates the writings of these individuals and the pronouncements of these earlier Synods "according to the Word of God, which abides always in the rule of doctrine."<sup>30</sup> Augustine receives positive treatment because of his careful distinction between Law and Gospel and his consistent reliance on Scripture. It may indeed be argued that Melanchthon understands Augustine to be more of an "evangelical" than he actually was in his understanding of justification.<sup>31</sup> In any case, his treatment of Augustine allows Melanchthon to reiterate his own understanding of the relationship of Law and Gospel.

It is as Paul says: therefore to be freed from the Law is to be freed from that verdict that we are subject to the wrath of God and eternal death. It is to be liberated not only from rites or external spectacles, but much more to be delivered from the Law which completely terrifies, curses, damns, and slays us, when, to be sure, another factor is proposed because of which we are pronounced righteous, namely the Son of God who has been made a victim for us.<sup>32</sup>

The church, the Word, the sacraments and the activity of the Holy Spirit in the lives of believers constitute the instruments by which the will of God is accomplished among men. This church is no mere ideal, but exists by the

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<sup>30</sup>St.A., 1:337. Hill, p. 143.

<sup>31</sup>See footnote #1, Chapter II.

<sup>32</sup>St.A., 1:361. Hill, p. 164.

grace of God where the Gospel is proclaimed and where believers practice worship of God, repentance of sins, study of the Word, and the Christian life according to God's revealed will.

Let us not think that the church is only a Platonic state. The assembly is the true church in which the pure doctrine of the Gospel shines forth and in which the divinely instituted Sacraments are rightly administered. In such an assembly there must be some living members of the church who practice true worship of God, who repent, call upon God in true faith, devote themselves to study, and work for the propagation of the gospel, declare their confession and serve their vocation. Finally, they practice the pious duties demanded by God and as they face dangers of every kind, they practice prayer and other good works.<sup>33</sup>

In this concise description of the church Melanchthon also provides an integrated analysis of the third use of the Law in the lives of those reborn by grace through faith.

Melanchthon summarizes his exposition of the third office of the law emphasizing the roles of Law and Gospel in the life of the Christian. The Christian is free from the curse of the Law and its condemnation, by grace through faith in Christ. The Law remains, however, so that those justified by the imputation of the righteousness of Christ might begin obedience through the efficacious ministry of the Holy Spirit. Melanchthon never wavers in affirming that the chief and principal function of the Law is that of accusing sin. The third office of the Law, however, emphasizes the continuing

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<sup>33</sup>St.A., 1:384-85. Hill, pp. 184-85.

reliance of the Christian on the Word of God so that he might do the will of God according to the revealed Word of God and not according to works of his own choosing or devising. It is through works of human devising that the church of his own time had come to abrogate the distinctive messages of the Law and Gospel so that the Gospel was subsumed into a category of the Law and the Law of God was temporalized into philosophical legalism. Through the third use of the Law Melanchthon emphasizes the Word of God as the rule and norm for Christian doctrine and practice in opposition to both the church of Rome and fanatics on the right who distort that Word of God, confuse Law and Gospel, and rob Christians of their confidence in the sola gratia, sola fide and the solus per Christum of the Gospel.

#### Regenerate Free Will

Melanchthon is aware that the question of free will has intrigued man through the ages. Natural philosophers (physicis) have made distinctions and named processes by which choices are made in their psychological investigations. Some of these distinctions are of human origin; others were given by the prophets and apostles. In natural man there is a part that knows and judges which is called the mind (mens) or the intellect (intellectus) or reason (ratio). This knowing and judging is called

knowledge (notitis). The other part of man is that which desires (appetens) and is called the will (voluntas). The will may be either compliant or resistant to the knowledge of the intellect. Under the desiring part of man are the sensual desires or affections (affectus) which originate in the heart of man and incite impulses in man toward the object of desire.<sup>34</sup>

Melanchthon begins his discussion with a definition of free choice (libero arbitrio). "Free choice is the mind (mens) and will (voluntas) working together. Free choice is that faculty of the will (voluntas) which is able to choose or to desire what is pointed out to it by the intellect, or to reject it." The will does this according to its own unprejudiced nature (nature integra). Although there are impediments to this process, yet man has free choice (arbitrium). The ancients attest to it and this vocabulary is common also to the prophets and apostles, when they speak of the mind and heart, which correspond to the philosophers' use of intellect and will.<sup>35</sup>

While some philosophers deny that the human will is free, the concern in the church is whether human will is able to obey the Law of God, given man's natural

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<sup>34</sup>St.A., 2, pt. I, 237.

<sup>35</sup>Ibid., pp. 237-38.

depravity. Melanchthon responds that the natural man is not even able to address this question because of the greatness of the sin in which he is born. Unless a man knows the Law of God, he is not able to do even outward civil works, but perfectly and perpetually obeys his corrupt human nature. The Law commands that man is to love God with his whole heart. If human nature were not corrupted by sin, if human nature had a clear and strong knowledge of God, if it did not doubt the will of God, if it had true fear and trust in God, then human nature would be outstanding in its complete obedience to the Law. If this were the case in natural man, a firm light would be set up concerning God and the impulses of all consciences would be in accord with God. However, natural man is oppressed by the illness of his ancestry; he is full of doubt concerning God. He does not truly fear God or trust in him, nor is he incited to love God, but "the many flames of the affections are corrupt." As a result natural man by no means is able to satisfy the Law of God. What then is the will able to do?<sup>36</sup>

There remains in natural man some measure of judgment and an ability to choose among the things that are subject to reason and senses. The human will is able on its own, without renewal, to do the outward works of

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<sup>36</sup> Ibid., p. 238.

the Law to a limited extent. This is free will (libertas voluntas) which philosophy rightly attributes to man. Paul himself distinguishes between carnal and spiritual righteousness, acknowledging that those who are not reborn do have choice, within limits, and can do, within limits, the outward works of the Law. For example, man is able to keep his hand from murder, from robbery, from plunder. Paul calls this carnal righteousness.<sup>37</sup> The Law instructs unregenerate man and it punishes his violations, as it reveals and punishes the sorrowful sins of this life (such as incest and murder). "The Law is set down for the unjust" (1 Tim. 1:9). That is, the Law is to coerce the unregenerate and to punish stubbornness. Likewise, "the Law is a teacher" (Gal. 3:24). That is, it coerces and teaches. Man's external obedience does not merit the remission of sins; neither does it justify ("by which we are declared to be righteous before God"); however, it is necessary, for by the civil righteousness which the Law constrains the church in the meantime is able to teach Christ. The Holy spirit is not efficacious in those who are stubborn, those who persevere in delinquency against the conscience.<sup>38</sup>

The freedom to do the Law is greatly impeded by two causes: the infirmities with which man is born, and

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<sup>37</sup> Ibid., pp. 238-39.

<sup>38</sup> Ibid., p. 239.

the devil. The corrupt affections in man are sharply stimulated and greatly incited by the fallen nature of man. Natural man is often obedient to impulses which are contrary to the counsels of the mind. The devil too is active in the impious. He impedes government and he impels many things which lead to ruin. Citing biblical and historical examples of the devil's destructive influence, Melanchthon concludes that the frailty of man is very great since all of history and indeed one's daily experience ("in which so much misery is seen") teach that man's wisdom is only so much confusion from which the most dismal death results. Nevertheless, despite these impediments (man's nature and the devil) there remains some liberty in the average mind when outward morals are reborn.<sup>39</sup>

The church, however, is not concerned with free will as it relates to external matters. The church is concerned with free will as it relates to the Law imprinted on human hearts. Carnal man is full of doubt concerning God, without trust in God, and has an innate hostility to the Law of God.

Though natural man is oppressed by sin and death, the greatness of this evil is not seen by human discernment, but in the revealed Word of God. It is certain that man does not have the freedom to set aside this depravity, which is with him from birth, or to set aside death. This great and chief evil of mankind

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<sup>39</sup>Ibid., pp. 239-40.

becomes evident when free will is weakened. The will is not able to burn out the depravity in us from birth, nor is it able to satisfy the Law of God because the Law of God not only concerns outward discipline and somewhat darkened works, but it also demands an inner obedience of the heart, as the Law says: "Love the Lord your God with your whole heart and with all your mind and with all your strength." The Law judges and condemns sin in natural man which is not removed. Just as we are not able to deprive death of all its power, so also we are not able to burn out the depravity with which we are born. This evil can be acknowledged only when one perceives the beneficia Christi, who removes sin and death and renews natural man. Thus the will is captive, not free, except of course to exalt natural depravity and death.<sup>40</sup>

Natural man has a captive will and in his weakness cannot understand his own condition. His will is free only to violate the Law of God and to merit the cure of that Law: death.

Melanchthon's third point concerns the spiritual actions of regenerate man. The church has existed since the beginning of the world. Those who are the church are not guided by human strength or human weakness, but are illuminated to spiritual impulses by the Holy Spirit: fearing, believing and loving God. In some this is true to a greater extent than in others. Philosophers and Pelagians may ridicule this idea, but the Spirit of God has been poured out upon the hearts of believers.<sup>41</sup>

Melanchthon continues his discussion of the Christian life with an exegetical study. "Those who are

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<sup>40</sup> Ibid., pp. 240-41.

<sup>41</sup> Ibid., p. 241.

led by the Spirit of God are the sons of God," "If one has not the Spirit of Christ, he is not of Christ" (Rom. 8:14 and 8:9). These two sentences are "clear and plain witnesses of the gift of eternal life and the rule of the Holy Spirit." "Spirit of God" does not signify philosophic reason, but the Holy Spirit sent into the hearts of the pious and kindling knowledge of God through the Gospel and the proper influence of God's Law. Melanchthon also cites 1 Corinthians 2:14. "The natural man does not perceive those things which are sent from the Spirit of God." He understands homo psychikos to refer to natural man with only his natural senses and reason, being without the Holy Spirit. Paul distinguishes between the natural (animalem) and spiritual (spirituali) life.<sup>42</sup>

Although limited knowledge is naturally impressed on man concerning divine Law, nevertheless man has many doubts about the providence of God and about the Gospel. Man says to himself: perhaps we are regained, perhaps we are heard clearly, but perhaps not. Each man considers the darkness of his heart; he considers God's wrath, he considers whether he is regained, whether he has heard clearly, whether he delights in affliction. It is in the context of these considerations concerning the security and freedom of the soul versus flight from God, that this

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<sup>42</sup> Ibid.

writing of Paul is to be understood: "The natural man does not receive the things which are of the Spirit of God." Natural man does not clearly perceive God's wrath against sin; he does not understand the peace of God or truly fear God. This is also the testimony of Saint John (John 3:5; 6:44; 15:5). "Unless one is born of water and the Spirit, he is not able to enter the Kingdom of God." "No one is able to come to me, unless the Father draws him." "Without me, you can do nothing."<sup>43</sup>

Melanchthon continues his exegetical study emphasizing divine monergism with a reference from Isaiah 59:20-21. These words contain "a most sweet description of the church and teach who is the church and where the church is to be found and who has received the benefits of God." The church is that gathering which proclaims the Gospel tradition of the prophets and apostles. Where there are living members of the church possessing the Holy Spirit, there must also be found the Word of God, the remission of sins, the Holy Spirit, and eternal life. These are the possessions of those who are the church.<sup>44</sup> Here the Holy Spirit is efficacious in the regenerate through the proclamation of the Gospel, as is taught in Galatians 3:14 ("that we might receive the promise of the

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<sup>43</sup>St.A., 2, pt. I, 242.

<sup>44</sup>Ibid.

Spirit through faith"). Free will in relation to the unregenerate has already been denied. The context here is a discussion of the regenerate, who are not to seek God apart from his Word.

It is often said that understanding concerning God must begin with the Word of God, for God is not sought apart from his Word. At any time we begin with the Word, there are three concurrent causes of good actions: the Word of God, the Holy Spirit, and the human will, assenting to and not resisting the Word of God. It is possible, indeed, to discard the Word of God as Saul himself voluntarily discarded it. But when the mind, hearing the Word and being sustained by it does not resist it, does not indulge in the Word with indifference and understands it, it is enabled to assent by the Holy Spirit. In this certainly the will is not idle. The ancients said, "Grace leads the way, the will only accompanies to do good works." So also Basil says, "Only will and God has come beforehand" (monon thelason, kai theos proapanta). Will a little and God already come into the thoughts. God anticipates us; he calls, he moves, he delights, but we shall have seen and shall not have resisted. Sin constantly begins with us and not from the will of God. Chrysostom says, "He draws, but he draws the one who wills" (O de elkon ton boulomenon elkei). Just as in this same place John writes, "All who have heard the Father and would learn, come to me." . . . [Christ] commands us, "Teach," that is, "hear the Word and do not resist," but assent to the Word of God and do not give way to indifference."<sup>45</sup>

The regenerate have received the Word without asking for it, while their human will continued to struggle against that Word. Nor would it have helped the regenerate if the will had been as that of a statue. The only time the will does not struggle against God and his Word is when it too has become holy. Even the regenerate must struggle against their natural depravity.

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<sup>45</sup>St.A., 2, pt. I, 243-44.

With those who are holy, however, there are certainly most difficult times. Still, the will is not idle, but assents feebly and would fall down in desperation, except for the promises and examples among those who are called and are repeatedly called and delighted by the Spirit.<sup>46</sup>

Only the continuing activity of the Spirit keeps the Christian from falling.

Melanchthon attacks the license of the Epicureans who would maintain that if man is justified by grace and not works, then he may indulge in indifference and other depraved affections. Nor will Melanchthon allow the opinions of "the crazy Manicheans" who maintain that there are some men for whom conversion is not possible.

"Conversion did not happen for David as if the lapsed were turned into a fig tree, but it happened with some free will in David when he heard rebuking and the promise, and then willed to be free of the offense."<sup>47</sup> It is important to note here that Melanchthon is using "conversione" in the sense of conversio continuata. David was certainly already one of the people of God, but he had sinned against God. It is David's repentance that Melanchthon is here terming "conversion."

Melanchthon has no intention of calling the sola gratia, sola fide into question. Indeed, the whole paragraph is a defense of divine monergism against those

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<sup>46</sup>Ibid., . 244.

<sup>47</sup>Ibid., pp. 244-45.

who would contend that good works are necessary to be justified before God. Further evidence of this interpretation of Melanchthon comes immediately with a citation of Romans 1:16, "The gospel is the power of God unto salvation." But the Gospel cannot be that power when it is resisted, when its promises are thought of lightly. The Gospel must be assented to and believed. How is this done? "The Gospel is the ministry of the Spirit. We receive the promise of the Spirit through faith." What Melanchthon is resisting is the notion that faith is a kind of infused quality within man. God, through the Holy Spirit, brings the Christian to faith; in faith the Christian must respond. Reconciliation between God and man requires the grace of God and the response of faith.

If so much is to be expected of this infused quality without any of our action, like the enthusiasts and Manicheans imagine, it is not the work of the gospel and there is no light in the soul. But God instituted the ministry and it is heard so that the mind might know the promises and embrace them. Then we may resist indifference, because the Holy Spirit is efficacious in us at the same time.<sup>48</sup>

There is no excuse for delay in responding to God's gracious gift of faith with a life of good works. "The mandate of God is eternal and immovable, the voice of the gospel must be obeyed, the Son must be heard, the Mediator must be acknowledged." If one says, "I cannot," Melanchthon answers, "In some way you are able, when the

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<sup>48</sup>Ibid., p. 245.

voice of the Gospel sustains you, when you are helped by God. I beseech and I know that the Holy Spirit is efficacious in being a consolation within you."<sup>49</sup>

Melanchthon exhorts his readers to struggle against their natural depravity. "I know God in this same manner converts us when, exalted by the promise, we struggle with ourselves, when we call upon and resist our indifference and other depraved affections." There is a struggle going on within the Christian: the Word, the Spirit, and the regenerate will versus man's depravity, captive will, indifference to God, and the devil.

Free will in man is the faculty to apply oneself to grace. That is, one hears the promise and is able to assent and to give up sins against the conscience. This does not happen when one is in league with the devil. . . . Since the promise is universal and since there is in God no contradiction of the will, it is necessary that there be in us some cause of discrimination, why Saul was cast down and David was received. Therefore it is necessary that there is a dissimilar action in these two. Properly understood, this is true and is used in the exercise of faith and in true consolation, when the soul's rest is in the Son of God shown in the promises. It illustrates this conjoining of causes: Word of God, Holy Spirit, and the will.<sup>50</sup>

The free will to which Melanchthon refers is that possessed by those who rest in the Son of God in the exercise of faith. He employs the examples of Saul and David as an illustration of the "joining of causes" he earlier used in

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<sup>49</sup>Ibid.

<sup>50</sup>Ibid., pp. 245-46.

the context of bonae actionis. The regenerate, having the Holy Spirit and dependent on the Word of God, must exercise their renewed hearts and minds in choosing God's will.

"Even if the weakness is great, nevertheless there is still free will, when indeed already, by the Spirit, one is able to help and to do something to the external guarding against falling."<sup>51</sup>

Melanchthon continues to address the problem of obedience in the Christian life. His point is that the Christian, although imputed righteous, remains weak and must perpetually guard against falling by the power of the Spirit mediated through the Word and the use of his own regenerate will (heart). He cites the example of Joseph, who was able to resist the allurements of adultery. There were two causes why he was able to resist this sin: first, "the Word of God and the Holy Spirit influencing the mind, so that the Word might ardently be understood," and secondly, "the mind's understanding, depending upon how much it is ruined when the devil is obeyed." Even for the regenerate, then, there may be a loss of gifts, the eternal wrath of God, punishment in this life and in the future, plus many lapses and scandals. But the Holy Spirit working in man's regenerate will strengthens the Christian in his weakness and restrains the flames of the heart. This same Spirit continuously incites fear of God

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<sup>51</sup>Ibid., p. 246.

and faith which rests in God. "In this the will is not idle, but resists such allurements and handles the eyes and feet so as to avoid occasional lapses. These examples show clearly the causes of good actions."<sup>5 2</sup>

Melanchthon concludes this third section of the locus on free will by emphasizing that bonae actionis are (1) increased by the help of the Holy Spirit, and are (2) stimulated by our diligence, as Christ said, "He gives the Holy Spirit to those who ask." Melanchthon condemns "those who disdain, are idle, who resist, who petulantly throw others to wickedness." He reminds his Christian readers, "Paul orders us to be on guard, so that it is not in vain that we receive grace," and exhorts them "diligently to remember how much Christ promises kindness and how many times and how often he commanded us to pray." "Ask and you shall receive." If the Christian does this, then he will know how to make progress in a life of good works. Faith is incited prayerfully to petition to God for strength. If the Christian does not do so, "Indifference is increased, because we neglect the understanding of these precepts and promises of Christ."<sup>5 3</sup> Melanchthon's concern is pastoral and homiletical. He is not arguing a theological point so

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<sup>5 2</sup> Ibid.

<sup>5 3</sup> Ibid., pp. 246-47.

much as he is addressing the spiritual needs of his Christian readers.

The fourth part of the locus on free will addresses "the many things which happen to man which are incomprehensible to human judgment and are certainly not begun in us." There are aspects of this life over which we have no control and this constricts human free will. Joseph had no control over his banishment into exile by his brothers. Other things which happen are errors of men in judgment, as when Josiah pondered what was the right thing to do when he made war with the Egyptians. The prophets prophesied concerning this danger in various places. Moses was called to lead the people out of Egypt, but by no means foresaw that they would spend forty years in the desert, or that the multitude would wander around without water or food because of the sins of the people and the sedition of their leaders. Moses only knew that he would have no success by himself, but that he would be leading by God's command. All this shows, as Jeremiah said (Jer. 10:23), that the way of man is not in man's power and that it is not possible to direct one's way and calling by human counsel or human diligence, nor can one lead successfully unless God helps.

Thus also the Baptist says, "Man is not able of himself to undertake anything, unless it as given to him from heaven." Hezekiah was successful in governing, because he was helped by God. Ahijah was not successful because he was not helped by God. Anthony desired to

rule alone, but it was not given to him from heaven but it was given to Augustine. These writings do not abolish freedom of the will, which pertains to the choosing of those things which have been foreseen, but is said concerning objects outside us and concerning events which happen at the same time as those various other causes in addition to our own will, as the will of Pompey alone was not able to be the cause of victory.<sup>54</sup>

While there is freedom of choice, therefore, it is limited by these external impediments. Man should be taught to place his trust in God and to ask for help from God, since many things which happen are incomprehensible to man. Melanchthon quotes Jehoshaphat, "When we do not know what to do, let us turn our eyes to you, O Lord." Christ himself promises, "I will not leave you orphans" (John 14:18). The same is said in the Psalms, by Paul, and by the Lord. "You may be sure you will be successful in your endeavor, when God helps you." It is for this assistance that the Christian is to pray.<sup>55</sup> The reason for confusion concerning this question is that, "Men for the most part act as if they were drunk and without discipline, without diligence, and they live without any exercise of faith and calling. How are they then able to discern concerning actions or objectives?" Melanchthon answers, pointing to Paul. Paul recognizes that his understanding is a gift of God alone and is not mixed with

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<sup>54</sup> Ibid., pp. 247-48.

<sup>55</sup> Ibid., p. 248.

inference or error nor is it entangled with corruption of doctrine or other evils. "Thus he prays that his great cares could be ruled and helped by God."<sup>56</sup>

At this point Melanchthon recapitulated what has been assessed concerning free will. First: Human nature is corrupt. Therefore the knowledge of God in man's heart is obscure and man's heart and will are aberrant before God. Man does not fear, trust, or love God, but is rather seized by many corrupt emotions. Second: The devil, with a horrible hatred of Christ, "develops each opportunity by which he can implicate man in snares and sins and increase man's passion for dangerous crimes, as he did in Cain, Saul, Judas, and others." Third: "this life is one of trouble and danger in which many daily experience unexpected and confusing opinions, as David did not foresee the sedition of his son. 'You don't know what the late evening brings.'"<sup>57</sup> "If man's nature were unimpaired, he would not be impeded in his freedom, nor would he be in darkness and perversions nor would he be disturbed by the devil or by trouble." Rather, "He would be most free to choose and could have the faculty to act." But this is not the case.

The Law of God is not incited without the Holy Spirit. The lowest outward discipline is often impeded. There-

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<sup>56</sup> Ibid., p. 249.

<sup>57</sup> Ibid.

fore if one contends that the saying of the church concerning the present nature is to be accepted, it is necessary to add many restrictions. . . . But through God man is able to hurl down evil and he is able to do rightly when encouraged by the Holy Spirit. Now and then the will is not idle, nor does one have a will as if one were a statue. . . . The will is made one of helping the Holy Spirit in great freedom, that is, being a circumspect and a constant agent and ardently calling upon God.<sup>58</sup>

Melanchthon concludes his discussion of free will with a look at two citations from Jerome. "Let him be anathema, if anyone says that it is impossible for God to have foreknowledge." Melanchthon maintains that, if anyone should say that God does not have foreknowledge, it is certain that that man does not understand why the Law of God was given. Certainly political law judges that Law should do a certain thing, and it does. But the Law of God was given chiefly because it shows the judgment of God against sin. God desires to look with his wrath upon the man in sin and he shows sin, "by the voice of the Law." The righteous man loves God with his whole heart. But because man is not able to do this, the Law judges and accuses man and declares its wrath against man. This is what Melanchthon describes as the second, chief and principal work of the Law.<sup>59</sup>

The second reason the Law was given was so that obedience to the Law might begin in Christ (third office of

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<sup>58</sup> Ibid., p. 250.

<sup>59</sup> Ibid., pp. 323-25.

the Law). Because men are reconciled to God, their obedience is begun in Christ with the help of God. This is carefully explained by Paul in Romans 3. Works do happen, but these are external acts, and Paul denies that, for the sake of these works, a man is justified or that he satisfies the Law. When it is said that "the Law is impossible" it is meant that due to man's corrupt nature the Law judges both inward and outward sin. Finally, the benefits of Christ must to recognized, for it is he alone who removes sin. The Law does not remove sin; rather, it accuses man of sin. By the Law no man is righteous.

Therefore Christ gives us the Holy Spirit, so that in our infirmities the law is begun and makes us somewhat wholesome, and the teaching of the devil against all mankind is suppressed.<sup>60</sup>

For the natural man, the Law is impossible. For the regenerate, the Law is possible. The Law is God's will for his people and by the power of the Holy Spirit, obedience is begun.

Melanchthon then considers a second saying of Jerome: "Let him be anathema, if anyone says he is able to do the Law without grace." Grace is to be understood as including not only the imputation of righteousness by grace for the sake of Christ, but also as the continuing activity and help of the Holy Spirit. The imputation of the righteousness of Christ would necessarily preclude works

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<sup>60</sup> Ibid.

because of its recognition of Christ's work and its faith in the satisfaction for sin accomplished by Christ. First, it must be said of grace that, "the law of God happens through grace." For the sake of Christ man is received and becomes a member of the body of Christ. In this it is certain that already man pleases God, just as if he had done the whole Law. By the imputation of grace man is received, though unworthy, and overcomes sin. Secondly, grace is to be understood as the many faceted work of the Holy Spirit.

Minds are incited to the true light and preserved in the Word of God. The impulses of faith are excited in the heart and minds are moved so that they undertake what is beneficial for us and for others.<sup>61</sup>

He who has received the grace of God is to pray therefore that he might do what pleases God and what is useful for himself and for the church. He is unable to do this unless God helps and sustains him. It is certain, however, that God wills to be with the believer and to make him strong when he prays, as Christ clearly says, "How much more will your heavenly Father give the Holy Spirit to those who ask." But man seldom prays for help. Rather, in desperation he flees from God and seeks human counsel. This is why men do not come to a recognition of the promises and benefits of Christ. Therefore the regenerate should cast off their indifference and

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<sup>61</sup>Ibid., pp. 250-51.

ignorance and understand the greatness of one's misery and danger so that they might incite themselves truly to call upon God. The promises of God are true, "Ask and you shall receive." "God is near to all those who call upon him in truth." Jerome writes:

"Law works through faith," that is, by imputation for the sake of Christ and by the help of the Holy Spirit, so that when obedience as begun, though we are far from perfection in the Law, nevertheless we are accounted righteous for the sake of Christ.<sup>62</sup>

The Law is established then both by the imputation of the righteousness of Christ in the initial conversion of the Christian (conversio prima) and by the Holy Spirit in the continuing conversion (conversio secunda, conversio continuata) which characterizes the Christian life.

The Law is established through faith, first by imputation because for the sake of Christ we receive reconciliation, without which theology is the voice of condemnation, and secondly, because by faith we receive the Holy Spirit and he begins and continues obedience for the sake of Christ.<sup>63</sup>

This concluding paragraph summarizes Melanchthon's position throughout the locus. It is evident that Law is used here not only in its accusatory function, but also as the revealed will of God for the regenerate (third use of the Law). The righteousness of God is established in man first by faith; that is, it is imputed to man for the sake of Christ. Secondly, the righteousness God requires is

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<sup>62</sup>Ibid., pp. 251-52.

<sup>63</sup>Ibid., p. 252.

established in the Christian life through the sanctifying activity of the Holy Spirit. In the first case, the righteousness of imputation, man is entirely a passive agent, fulfillment of the Law is imputed to the sinner. God, for the sake Christ, imputes the benefits of Christ's vicarious satisfaction. In the second case, however, the Christian man, having received the benefits of Christ, is now enabled by the Holy Spirit to resolve and to begin active obedience to God's will, as a consequence of faith.

Melanchthon affirms the monergism of God's activity in bringing men to faith, but in accordance with Saint Paul (Romans 5-8) affirms also that once God has acted, man must respond with a faith active in love (Gal. 5:6). Man makes this response of loving obedience by the power of the Holy Spirit. Melanchthon's locus on free will is directed to the regenerate and predicated on faith in the imputation of Christ's righteousness and the gift of the Holy Spirit. Forensic justification is the foundation on which Melanchthon builds his understanding of the Law's pedagogical function in the regenerate and of the regenerate will's function in choosing what God desires and commands. The imputation of righteousness and the bestowal of the Holy Spirit renew the hearts of those who believe and by faith the regenerate are enabled to know and to choose God's will.

## CHAPTER VI

### CONCLUSIONS

The repetitious (often verbatim), didactic style of Melanchthon facilitates summarizing his theology. Two themes predominate: divine monergism (justification by grace through faith for the sake of Christ's imputed righteousness) and Christian piety (new spiritual life mediated by the Holy Spirit through the Word of God and impelled by the Spirit through the regenerated heart of the Christian). These themes reflect what Melanchthon terms "the two chief parts of Scripture" -- Law and Gospel. The Gospel is the non-imputation of sin and the imputation of the righteousness of Christ. The Law is the immutable will of God, written in the hearts of men, obscured by sin, and revealed in the Decalogue. The Law always accuses sin in the sinner. For those righteous by grace through faith, the Law remains the immutable will of God to be sought out in loving obedience.

Melanchthon's theological method is synthetic. It is his purpose to show how the revelation of God in the Old and New Testament Scriptures join in proclaiming the beneficia Christi. The key to this synthesis is the proper distinction between Law and Gospel. Gospel focuses in

the righteousness of God. Law focuses in the righteousness of men. Justification is God's act by which he forgives sin, imputes to the sinner the righteousness of Christ, and bestows his Holy Spirit. Sanctification is the resultant co-operation of regenerate man working with God the Holy Spirit in effecting the revealed will of God. In order for man to work with God, God must first work within man. In the act of justification God bestows his Holy Spirit, who works within human hearts through Word and sacrament, enabling men to love God, to trust God, and to obey the will of God. This regenerated heart (voluntas) is capable of free choice (libero arbitrio). Apart from God's Spirit, man has no free choice. He can only sin. Indeed, even with the Spirit of God, the choices of the regenerate often remain tainted by sin and it is only by grace (God's gracious favor and acceptance) that the "works" of the Christian are reputed "good."

For the Christian, then, the Law has two distinctive functions. The primary office of the Law (second use) is the accusation of sin. Daily the Christian must throw himself on the mercy of God, imploring forgiveness and seeking pardon of all sins for the sake of Christ. Such repentance characterizes every aspect of the Christian life, including "good works." The other office of the Law (third use) is that the Law instructs the Christian through the Scriptures in God's

immutable will. Because the Christian, although imputed righteous, is also a sinner, his knowledge of God's will remains obscured by sin. Were the Christian to rely only on his inherent knowledge of God's will, he would choose not the works that please God, but works of his own devising. Therefore the Christian remains dependent on God's revelation of his will throughout the Scriptures and codified in the Ten Commandments. This Law is taught by Christ in the gospels and interpreted by the apostles in the epistles. In this sense the Law is for Melanchthon a codification of the natural Law which was written into human hearts at the time of creation.

Ragnar Bring is partly correct when he writes that Melanchthon identifies the content of the new life in the Spirit with the fulfillment of the Law.<sup>1</sup> This is true, Melanchthon would maintain, of that part of the Law which relates to "external righteousness" (the second table of the Law). The real foundation and meaning of the Law is found, however, in the first table where love of God, trust in God, true worship, prayer and study of the Word are required. The fulfillment of the First Commandment is faith, trust (*fiducia*) in God's imputed righteousness and the non-imputation of sin, for the sake of Christ. It is not adequate to conclude, as Bring does, that Melanchthon

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<sup>1</sup>Ragner Bring, Das Verhaeltnis von Glauben und Werken in der Lutherischen Theologie (Munich: Chr. Kaiser Verlag, 1955), 142.

has a moralistic concept of sin.<sup>2</sup> For Melanchthon, as for Luther, sin has its basis in unbelief, which is evidenced in a failure to love God, trust God, and to look to God alone for peace and reconciliation. Natural man cannot bring himself to fear, love or trust in God. This is God's work. Melanchthon thus stresses the sola of grace and faith, and the total helplessness of man's condition.

Melanchthon does not distinguish between the names "original" and "actual" sin. Actual sin has its source in original sin, and both the origin and the act of sin are descriptive of the total sinfulness of man. Man's natural depravity cannot be removed by doing one's best ("facere quod in se est") because the Law demands perfection, a perfection no man can give. The only cure for sin is that God would not impute sin to the sinner and would instead impute the righteousness of Christ and bestow the gift of his Holy Spirit. Bring, who describes Luther as holding to a theocentric view of salvation and Melanchthon as holding to an anthropocentric view of salvation, fails to understand Melanchthon precisely at this point. Bring contends that Luther links the new life of the regenerate with justification, but that Melanchthon sees this new life only in the context of fulfilling the Ten Commandments.<sup>3</sup> According to Bring, Luther finds a unity

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<sup>2</sup>Ibid., p. 143.

<sup>3</sup>Ibid., pp. 59-62.

in faith and works, but a radical opposition between Law and Gospel, while Melanchthon blends Law and Gospel together and separates faith from works.<sup>4</sup> Moreover, Bring continues, Christian liberty is the opposite of a Law-activated ethics and Melanchthon's emphasis on free choice belongs with legalistic thinking.<sup>5</sup>

The study of Melanchthon provided in chapters IV and V shows this to be a distortion of Melanchthon's position. Like Luther, Melanchthon is completely theocentric when it comes to describing the monergism of divine grace by which the unregenerate are reborn. In the resultant "new life" Melanchthon has two foci: (1) the enabling activity of the Holy Spirit through Word and sacrament and (2) the need for the regenerate will to utilize the Word to ascertain the will of God and to utilize the sacrament as an instrument of the Holy Spirit's enabling power for new life. Seeking God's revelation of himself in his Word and finding in that same Word both the promise of reconciliation and instruction in the abiding will of God, Melanchthon emphasizes the sola Scriptura principle for Christian renewal. The Christian who truly fears, loves, and trusts in God is not accused by the Law. Rather, the Law instructs the Christian in God's will. On the other hand, when the Christian does

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<sup>4</sup>Ibid., pp. 142-43.

<sup>5</sup>Ibid., pp. 156-57.

not fear, love and trust in God above all else, but gives into the passions and affections of the flesh, the Law is not merely instructional, it accuses of sin. The same Word from God can have different effects for different men (regenerate and unregenerate) and differing effects within the same man (when repentant and when unrepentant). This is not a blending of Law and Gospel nor is it a moralistic theology. It is a proper distinction of Law and Gospel.

Melanchthon would never affirm that the Law impels Christian obedience. This is the work of the Holy Spirit; it is a gift of grace. The Law does not empower obedience; it accuses and instructs. The Gospel does not accuse sin or instruct in righteousness; it empowers obedience through the forgiveness of sin and the bestowal of the Holy Spirit. Melanchthon does not separate faith from works. He distinguishes the one (faith) as the antecedent to the other (works). Works depend on faith. Men are justified, not by obedience or works, but by faith alone. Nevertheless, works are necessary for the faithful because the Spirit of God cannot persist within a heart that willfully sins against God's Law. In this sense Melanchthon could affirm that good works are necessary for salvation. The works of the regenerate have no salvific merit in themselves. But they are necessary as the fruits, evidence, and effects of faith.

Bring inquires, "Does the indwelling of Christ have the same meaning for Melanchthon as it has for Luther?" He admits that Luther and Melanchthon did not recognize a difference in their positions.<sup>6</sup> The "indwelling of Christ" motif does not blend easily with the juridical imagery of forensic justification: the imputation of Christ's righteousness and the non-imputation of sin. But forensic justification is the vocabulary of Saint Paul. The "indwelling" imagery of renewal is prominent in the gospel and epistles of Saint John. This does not mean that Paul and John (Melanchthon and Luther) are expressing different theologies of justification, but that one is speaking of the cause of justification and the other is emphasizing the effect of justification. In justification God forgives sins and imputes the righteousness of Christ. This is Melanchthon's understanding of forensic justification. In justifying the sinner, God the Holy Spirit is also imparted to the regenerate. Melanchthon describes sanctification as the Holy Spirit's efficacious activity within the Christian heart through Word and sacrament. Melanchthon, then, speaks not of the indwelling of Christ, but of the indwelling of the Spirit of God. The righteousness of Christ is imputed. The Spirit of God is

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<sup>6</sup>Ibid., pp. 56-58.

imparted. In this sense, Melanchthon clearly differs from the early Luther who held to an "effective" rather than a "forensic" view of justification. Those who typify Luther's theology as the "Christ in us" are describing the young Luther still influenced by John Tauler, the Theologia Deutsch,<sup>7</sup> and the Augustinian (Thomistic) view of justification.

Using Thomas Aquinas as typical of the scholastic view of justification (for reasons given in the introduction) it is clear that Melanchthon's desire to be faithful to Saint Paul made it impossible for him to utilize the

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<sup>7</sup>The impact of John Tauler on Luther is well documented in the studies of Steven Ozment. Steven Ozment, Homo Spiritualis: A Comparison Study of the Anthropology of Johannes Tauler, Jean Gerson and Martin Luther (1509-1516) in the Context of their Spiritual Thought (Leiden: n.p., 1969). Steven Ozment, The Reformation in Medieval Perspective (Chicago: Quadrangle Books, 1971). George Williams provides thorough documentation both chronologically and theologically of Luther's use of Tauler's sermons in his Romans lectures and of his high opinion of them. Between 1515 and 1544 Luther makes twenty-four references to John Tauler as a good German theologian. Ozment, The Reformation in Medieval Perspective, p. 227. Luther mistakenly believes Tauler to be the author of the Theologia Deutsch, which he prized as a demonstration that his teaching was not new and that good theology could be written in the German language. In his opinion, the Theologia Deutsch was evidence that "German theologians are without a doubt the best theologians." Martin Luther, "Preface to the Complete Edition of A German Theology," in Luther's Works, 55 vols., gen. eds. Helmut Lehmann and Jaroslav Pelikan (Philadelphia: Fortress Press/St. Louis: Concordia Publishing House, 1955-present), 31:76. Hereafter this work will be cited as AE. Luther edited the Theologia Deutsch and it was his first published work. In an age of cultic formalism and philosophic theology, Tauler rejected

Augustinian, "effective" vocabulary of justification inherited from the middle ages and mediated in the sixteenth century through the interpreters of Thomas Aquinas (especially Cajetan).

Melanchthon and Thomas clearly differ in their formulations regarding the function of the Law, the relationship of Law and Gospel, imputation and renewal in justification, the relationship of justification and sanctification, the definition and function of faith, the relationship of faith and love, the nature of grace, and the place of sin and grace in the life of the Christian. For Melanchthon, Law and Gospel are antithetical. Thomas identifies the Gospel with the new law of Christ. For Melanchthon, sin is forgiven. In Thomas, sin is removed. Melanchthon distinguishes between justification as the imputation of righteousness and sanctification as renewal. Thomas includes forgiveness and renewal in the transformation of the Christian. For Melanchthon, man is justified by faith alone. For Thomas, man is justified by

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the externals of religion and appealed to the inwardness of the Christian soul reposing in the Spirit of God. In consequence, although Tauler respected reason, he was not uncritical of its effects. Although Tauler encourages Christians to be faithful in worship, he recognized the uselessness of an ex opere operato performance of externals. Tauler distinguished between the inward man of faith who is formed in the image of God and who shares in all the riches of God through grace and the outward man who is turned in on himself and overwhelmed by the pain and problems of life. A mystic, Tauler emphasized the indwelling of Christ.

faith informed by love, including the movement of the free will and the assent of the intellect. For Melanchthon, justification is the forgiveness of sins and the imputation of the righteousness of Christ. For Thomas justification is also the forgiveness of sins but not in a primary sense; justification is rather the acquisition of righteousness -- transformation and renewal. For Melanchthon, faith is a confident trust (fiducia) in the imputed righteousness of Christ and the forgiveness of sins. For Thomas, faith is an intellectual assent that unites man with God as first truth; faith is knowledge. For Melanchthon, justification is the continuing imputation of the righteousness of Christ to men who continue to resist God and his will, who continue to violate his Law. For Thomas, justification is the result of God enforcing his intentions against the resistance of man, who is ultimately powerless.

Melanchthon describes the Christian as both justified and a sinner. For Thomas, the Christian is healed through the infusion of habitual grace so that the love of God, formerly impossible, is now possible. Righteousness and sin are mutually exclusive and do not exist in the same individual. For Melanchthon, the Christian's good works are good only in so far as they are done in faith and accepted by God in mercy. For Thomas, good works have a merit in themselves. For Melanchthon,

justification is a function of the Gospel over against the continuing accusation of the Law. For Thomas, justification serves to fulfill the Law. For Melanchthon, theology begins with man's need to be reconciled to God. For Thomas, theology is a science, the imprint of God's own knowledge. Thomas experiences no turmoil about his relationship with God.

Ultimately for Thomas, justification is the acquisition of justice. For Melanchthon, justification is the imputation of righteousness. It is in the context of this difference that one must understand Melanchthon's rejection of "effective" justification and the formulations of scholastic theologians describing justification as an "infusion of grace" and as a qualitative transformation of the regenerate. That Thomas is in the Augustinian tradition and part of the catholic tradition of western theology cannot be doubted. That this tradition adequately represents the dynamics of New Testament theology and in particular Saint Paul's theology of justification must be denied. For this, one must turn to the carefully exegeted theology of Melanchthon in his Romans Commentary and the epitomizing of that theology in the Loci. Melanchthon's forensic vocabulary of justification is a repudiation of Rome and of the Augustinian tradition on the basis of Saint Paul. For Luther the vocabulary of forensic justification and the

distancing of evangelical theology from the Augustinian tradition came more slowly.

Some would deny that Luther ever utilized the forensic vocabulary of justification found in Melancthon. Karl Holl is most often cited in defense of an understanding of Luther's theology of justification which affirms that for both the early and mature Luther, justification means to make unrighteous men righteous (effective justification).

In justification, Luther regards it as essential that the one with whom God -- out of free grace -- has entered into relationship will also actually become righteous in this relationship; otherwise God's judgment of justification would amount to a lie. To be sure, it is not a case of forming a good intention to 'mend one's ways' after one has been justified; rather, God himself transforms the person within the new relationship.<sup>8</sup>

In this citation Holl has expressed the concern which is essential to the effective justification -- forensic justification debate. If God declares that an unrighteous man is a righteous man and there is in actuality no difference in the man, those holding an effective view conclude that forensic justification is a legal fiction and God is misrepresenting reality or is altogether capricious. Holl's solution is one that affirms that there is indeed a difference in man made by justification. Man

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<sup>8</sup>Karl Holl, What Did Luther Understand by Religion? ed. James Luther Adams and Walter F. Bense, trans. Fred W. Meuser and Walter R. Wietzke (Philadelphia: Fortress Press, 1977), p. 117.

is "transformed" within the new relationship of grace. Holl is in fact holding to the western, catholic tradition of Augustine.

Erich Seeberg in his Luthers Theologie in Ihren Grundzuegen holds a similar position. Justification, as the declaration and act of God, is the means by which God makes sinful man pure and righteous, and one may even say, pious. The "religious man" does not make himself what he is. Through the declaration of God, a new man is made.<sup>9</sup> Justification is not a one time act but a process of renewal.<sup>10</sup> Through faith one receives the righteousness of Christ who is indeed the sinner's righteousness. Faith makes this "alien righteousness" of Christ one's own righteousness so that the one who believes in Christ becomes one with him. Faith thus makes the Christian actually righteous so that the Christian has in reality a new righteousness.<sup>11</sup> Similarly, Julius Koestlin describes Luther's theology in terms of "inward transformation," "a making righteous," and a "process of becoming righteous."<sup>12</sup>

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<sup>9</sup>D. Erich Seeberg, Luthers Theologie in Ihren Grundzuegen, (Stuttgart, W. Kohlhammer Verlag, 1950), p. 117.

<sup>10</sup>Ibid., p. 121.

<sup>11</sup>Ibid., p. 123.

<sup>12</sup>Julius Koestlin, The Theology of Luther, 2 vols., trans. Charles E. Hay (Philadelphia: Lutheran Publication Society, 1897), 2: 439.

There is general agreement that such a description of justification is appropriate to the theology of the young Luther, who often expresses his theology of justification in the Augustinian sense of iustum facere, to make righteous. Regin Prenter and Uuras Saarnivaara, each of whom stresses the forensic nature of justification in the mature theology of Luther, also recognize that the younger Luther speaks in this effective way.<sup>13</sup> Ewald Plass notes the difference in definitions of justification given by Luther.

At first the term "to justify" (iustificare) appears in Luther's writings in a broader sense than the Pauline sense of simply pronouncing righteous. It includes the making personally righteous. This is the Augustinian (and essentially Catholic) view of justification. If Luther, even after he had come to recognize the sola fide, for a while occasionally uses the term in such a sense, this is not surprising. He then speaks of justification as a growth. But later the use of the term disappears and he tells us that the justification takes place, "at once, and does not come piecemeal."<sup>14</sup>

Scholarly criticism of Holl and others relates to their contention that Luther continued to maintain this Augustinian position throughout his life. Such an opinion, it is affirmed, is a distortion of Luther's theology. Saarnivaara describes Holl as maintaining that,

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<sup>13</sup>Uuras Saarnivaara, Luther Discovers the Gospel (St. Louis: Concordia Publishing House, 1951), pp. 9-18. Also: Regin Prenter, Spiritus Creator, trans. John M. Jensen (Philadelphia: Fortress Press, 1953), p. 70.

<sup>14</sup>Ewald M. Plass, What Luther Says, 3 vols. (St. Louis: Concordia Publishing House, 1959), 2: 701.

Justification means renewal and only after God has renewed man and made him righteous, he declares him righteous. The actual basis of the divine judgment which justifies is not the merit of Christ, but the renewal of man. . . . As we shall see, Holl is in the main right if we consider Luther's early teaching on justification. But he is wrong with regard to his final teaching. Holl's mistake was that he interpreted Luther in light of his early or pre-Reformation statements regarding justification.<sup>15</sup>

Prenter writes in similar vein in the classic, Spiritus Creator.

It is impossible to agree with Karl Holl and R. Seeberg in speaking of a gradual real Gerechtmachung (process of justification) as a content of Luther's doctrine of justification. The source of Holl's and Seeberg's presentation, as we shall see later, is the pietistic attitude which the positive theology of the nineteenth and twentieth centuries inherited partly from Schleiermacher and partly from the revivalistic pietism of the nineteenth century.<sup>16</sup>

Holl for his part maintains that the union of Christ with the believer is a union not only with the crucified Christ but the resurrected Christ, and that Luther is affirming the Pauline doctrine that one is buried with Christ and raised with Christ to newness of life. "Luther recovered the meaning of the Pauline unity of the death and resurrection of Christ; but his recovery was slow to bear fruit within Lutheranism."<sup>17</sup> Melancthon was unable to appreciate this insight and through his emphasis on justification as a forensic

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<sup>15</sup> Saarnavaara, pp. 13-14, footnote 38.

<sup>16</sup> Prenter, p. 69.

<sup>17</sup> Holl, p. 117.

declaration, Luther's peculiar insight was lost to later Lutheran orthodoxy as well.<sup>18</sup>

Michael Rogness concurs with Holl's judgment that Melanchthon's description became normative for Lutheran Confessional theology. Noting Melanchthon's emphasis on "forensic justification," Rogness concludes that Melanchthon did "determine the course of the doctrine [of justification] among succeeding Lutheran theologians." This emphasis gave,

his doctrine a distinctive flavor compared with Luther. By basing justification on a pronouncement from God about something outside of us, imputed to us, the whole process acquired a somewhat abstract coloring. In removing justification from any quality or work in us, it tended to become something apart from us altogether. This was certainly not the case with Luther. Justification for him was very concrete, a uniting of ourselves with Christ. Luther, of course, agreed in substance with the imputatio of Christ's righteousness, since it was really his righteousness which God counted as ours, but he never really uses the word much himself.<sup>19</sup>

To be sure, Rogness is correct in ascribing to Melanchthon a continuing emphasis on justification as a forensic activity of God. However, his description of forensic justification as "somewhat abstract," fails to give adequate attention to Melanchthon's emphasis that in justification the Holy Spirit is bestowed to the regenerate and that the Holy Spirit begins new spiritual

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<sup>18</sup> Ibid.

<sup>19</sup> Michael Rogness, Reformer Without Honor: Philip Melanchthon (Minneapolis: Augsburg Publishing House, 1969), pp. 112-113.

impulses in the justified. His analysis of Luther, that Luther "never really much used the word [imputatio] himself" is not born out in even a cursory reading of the Galatians Commentary or the Disputation on Justification. Here Luther repeatedly uses the verb "imputare" with reference to the non-imputation of sin and the imputation of the righteousness of Christ.

Bengt Haegglund concurs that it was Melanchthon who gave "precise formulation to the Reformation position, but in so doing he altered to some extent the basic ideas which we find in Luther."<sup>20</sup> Haegglund's point is that Melanchthon carefully distinguished between imputation of righteousness and regeneration. Haegglund describes Luther, on the other hand, as affirming that,

a man participates in the Spirit from the time he appropriates the merits of Christ to himself by faith. Faith signifies participation in Christ. Regeneration results, simultaneously, from imputation. For the latter (imputation) is not simply a legalistic act of judgment but also God's life giving Word which raises man up and gives him the new birth.<sup>21</sup>

Haegglund's distinction between Luther and Melanchthon is unclear. Melanchthon also asserts that man participates in the Holy Spirit from the time of his justification. Nor is imputation for Melanchthon "simply a legalistic act of judgment." Melanchthon could easily affirm the

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<sup>20</sup> Bengt Haegglund, History of Theology, trans. Gene J. Lund (St. Louis: Concordia Publishing House, 1968), p. 251.

<sup>21</sup> Ibid.

description of justification Haegglund here posits of Luther, except that Melanchthon would not describe faith as a "participation in Christ," but as a confident trust in the vicarious satisfaction of Christ. Haegglund admits that in Melanchthon's dispute with Osiander, "It then appeared as though Melanchthon's presentation of justification was a veritable defense of the essential reformation position," but he adds, "at the same time . . . something of the richness of Luther's point of view had been lost."<sup>22</sup>

It is a consistent opinion of those who describe Luther as maintaining an effective understanding of justification that his insight has been distorted or lost by the "forensic view" of justification held by Melanchthon and later Lutheran Confessional theology. The concern is that a purely forensic description of justification perpetuates a legal fiction with no basis in reality. This is, of course, the criticism the Roman Catholic tradition has always leveled at Lutheran theology. But the real problem is that it misrepresents what is meant by forensic justification in the theology of Melanchthon and in the theology of the Formula of Concord. Arthur Carl Piepkorn provides a helpful summation of what Lutherans understand by forensic

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<sup>22</sup> Ibid.

justification. Forensic terminology is not original with Lutheran theology, but is based on the scriptural witness of Saint Paul.

The appeal to or the rejection of "purely forensic" terminology in the doctrine of justification must be made carefully. On the one hand, the biblical language of Law and accusation and wrath and judgment seems to make the use of juridical terminology unavoidable. On the other hand, the mere continued use of forensic vocabulary will not guarantee that one is reproducing the substance of the New Testament teaching on justification. For one could, purely forensically, speak of God as simply declaring a sinner to be innocent and in that process "bury Christ" completely and do away with the whole teaching of faith, as the Apology puts it.

. . . . .  
Forensic justification does not exonerate man as sinner. God executes a just sentence, the sentence of guilty and deserving of death. . . . If the sinner gets justified, that means that he has that sentence executed. If the sinner nevertheless lives, then that does not mean a simple exoneration or even an instance of justice tempered by mercy. Rather, it produces the happy surprise reflected in St. Paul's exclamation, "Dying, and behold we live!"<sup>2 3</sup>

The wrath of God against sin has had its way. Jesus Christ died for sinners. "The death sentence on the guilty sinner has been executed on the righteous Son."<sup>2 4</sup>  
The non-imputation of sin and the imputation of the righteousness of Christ are essential if God is to pronounce the repentant sinner righteous. In order that God's "forensic declaration" is not merely an exoneration of the sinner's guilt, it is necessary that the penalty of

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<sup>2 3</sup>Arthur Carl Piepkorn, Profiles in Belief, 3 vols. (San Francisco: Harper and Row, 1978), 2: p. 62.

<sup>2 4</sup>Ibid.

sin has been paid. In order that the righteousness of God is not merely a legal fiction, it is necessary that the righteousness of another ("alien righteousness") be imputed to the sinner. The believer has died to sin and come alive through Christ. This is precisely Melanchthon's theology of forensic justification.

Does Luther then hold an understanding of justification that differs from Melanchthon's? Gerhard Ebeling provides a key to understanding Luther's theology of forensic justification in his recognition that, for Luther, grace does not alter man, but man's situation.<sup>25</sup> Thomas McDonough, a Dominican priest, makes a valient effort to understand how the imputation of the righteousness of Christ changes man's situation although leaving man himself unchanged, and concludes that "the believer's righteousness or justice is not intrinsic or ontological, but merely imputed or alien. . . . God no longer looks upon the believer's sins as meriting damnation; they are cloaked over by the infinite merits of Christ."<sup>26</sup> McDonough is half right. The believer's righteousness is not intrinsic or ontological, as it is in Thomas Aquinas. It is imputed. It is the righteousness

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<sup>25</sup>Gerhard Ebeling, Luther, trans. R. A. Wilson (Philadelphia: Fortress Press), p. 156.

<sup>26</sup>Thomas M. McDonough, O.P., The Law and Gospel in Luther (Oxford: Oxford University Press, 1963), p. 53.

of another. But God does not cease to look upon the believer's sins as meriting damnation. Sin damns. But when God looks at the believer's sin, he sees that the curse of sin has already been paid through the vicarious atonement of Christ. McDonough's conclusion recognizes this. Christ constitutes the totality of the Christian's goodness, even after justification.<sup>27</sup>

Regin Prenter analyses Luther in similar fashion.

Whether the struggle against sin takes place in us or not, is not determined by our own real qualification in general but our situation: whether we are under grace and therefore possess as the gift of God that faith in Christ Jesus which can struggle against sin, which under grace is regarded to be sin that is not imputed and not mastering, or whether we find ourselves under wrath and thereby the power of the Law in the conscience is robbed of every iota of real righteousness.<sup>28</sup>

Prenter's point is that it is not the regenerate piety of the transformed Christian which struggles against sin and gradually overcomes it; it is rather the "alien righteousness" of Christ which is a gift of God mediated through faith in Christ, which struggles against sin.<sup>29</sup> This alien righteousness is not merely a legal proclamation, it is the living Christ himself. "He it is

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<sup>27</sup>Ibid., pp. 53-56.

<sup>28</sup>Prenter, p. 73.

<sup>29</sup>Ibid., pp. 71-72.

who in a living and struggling presence overcomes sin. It is not something his presence has made to grow in us."<sup>30</sup>

Saarnivaara maintains that it was through this forensic understanding of justification that Luther made his break with Augustinian-catholic tradition and returned to the theology of Saint Paul. In this Luther recognized that "justification is not a gradual process but an instantaneous act of God whereby He pronounces the sinner free from his guilt."<sup>31</sup> The consequence is that the sinner is completely righteous, guiltless and blameless in the sight of God, claiming as his own the righteousness of Christ. Saarnivaara's analysis is helpful in understanding Luther, although as McDonough emphasizes, Luther is not providing a systematic schema but a biblical theology confirmed in the Christian's experience as sinner.

Melanchthon's theology is more simple because it is less existential. Melanchthon simply wants to reproduce the theology of Saint Paul by definition and epitomization so that the teaching of the church may be true to the Scriptures and the piety of the people might not be confused by philosophy or undermined by erring tradition. It has been noted (chapter III) that Luther's description of justification in forensic terms is

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<sup>30</sup> Ibid., pp. 73-74.

<sup>31</sup> Saarnivaara, p. 10.

paralleled by the antinomianism of Agricola and the need to define the roles of Law and Gospel in conversion and regeneration. It is also the case that the forensic vocabulary of justification becomes classically Lutheran at this time through the publication of the Augsburg Confession and its Apology. A third factor in Luther's development in affirming the forensic nature of justification might well have been Melanchthon's publication of the Romans Commentary in 1532. This careful exposition of Romans provided the exegetical basis for the Lutheran understanding of justification as confessed at Augsburg. In the Smalcald Articles Luther draws upon this understanding of Romans (Part II, Article I. Christ and Faith).<sup>32</sup> Certainly Melanchthon's Romans Commentary received his highest praise.<sup>33</sup>

Thus the evidence in the later writings of Luther (as seen in chapter III of this study) does allow one to affirm that the mature Luther did hold to a forensic view of justification. Melanchthon's theology, rather than a distortion of Luther, may have provided some of the stimuli for that mature position. This is not to imply that Luther was indifferent about the "making righteous" of the Christian, but that this "outward righteousness"

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<sup>32</sup>SA, II, I, 1-5.

<sup>33</sup>Martin Luther, D. Martin Luthers Werke, 94 vols. (Weimar: Herman Boehlaus Nachfolger, 1883-present), Tr., I: 130. Also Tr., II: 235.

is properly descriptive not of justification, but of sanctification. Haegglund offers a helpful analysis of what the imputation of righteousness meant to Luther.

But this so-called imputation concept must not be interpreted to mean that it refers only to an external form of judgment. For it was precisely in this context . . . that Luther spoke of an "inner righteousness." The verdict which exonerates, which makes a man just, is God's own living and creative Word, which gives the new life and changes man entirely. Therefore there is no contradiction (as some have wanted to maintain) between the concept of imputation as the basis of justification and the idea of faith as a living, active, power.<sup>34</sup>

Justification and sanctification must be distinguished, but never separated. "True faith is not idle. We can, therefore, ascertain and recognize those who have true faith from the effect or from what follows."<sup>35</sup>

Regin Prenter is correct when he describes sanctification for Luther as the condition of the Christian between baptism and resurrection, taking refuge in Christ's alien righteousness.<sup>36</sup> Hans Iwand,<sup>37</sup> Jan Siggins,<sup>38</sup> Lennart Pinomaa,<sup>39</sup> Philip Watson,<sup>40</sup> and

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<sup>34</sup>Haegglund, p. 228.      <sup>35</sup>AE, 34:183.

<sup>36</sup>Prenter, pp. 75-76.

<sup>37</sup>Hans Joachim Iwand, Rechtfertigungslehrer und Christusglaube (Mucich: Kaiser Verlag, 1961), p. 56.

<sup>38</sup>Jan D. Kingston Siggins, Martin Luther's Doctrine of Christ (New Haven: Yale University Press, 1970), p. 157.

<sup>39</sup>Lennart Pinomaa, Faith Victorious, trans. Walter J. Kukkonen (Philadelphia: Fortress Press, 1963), p. 64.

<sup>40</sup>P. S. Watson, "Luther and Sanctification," Concordia Theological Monthly, 30 (1965): 255.

William Landeen<sup>41</sup> all describe Luther's mature doctrine of justification as the non-imputation of sin and the imputation of the righteousness of Christ. Neither Luther nor Melanchthon would separate the imputation of righteousness from the effects of renewal. The separation of forensic justification from effective renewal is a distortion of Lutheran theology. Edmund Schlink writes, "If the sinner is declared righteous by God, he is no longer regarded as righteous; he is righteous."<sup>42</sup> In an accompanying footnote Schlink notes,

As a matter of fact, it must be said plainly as possible: to be declared righteous is the same as to be made righteous and vice versa. "Justum effici," "regenerari," "vivificari" are other terms for "justum reputari," "remissionem accipere," "Deo acceptum esse," but one and the same event takes place.<sup>43</sup>

Affirmation of a forensic view of justification need not imply an abstract meaning for justification. John Loeschen captures the dialectic of Luther's understanding of justification as both imputation and regeneration in his threefold analysis of the simul justus et peccator.

From one perspective Luther can say that the Christian is at the same time (simul) wholly (totus) sinner and wholly just. From another perspective he can say the

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<sup>41</sup>William Landeen, Martin Luther's Religious Thought (Mountain View: CA: Pacific Press Publishing Assoc., 1971), p. 153.

<sup>42</sup>Edmund Schlink, Theology of the Lutheran Confessions, trans. Paul F. Koehneke and Herbert J. A. Bouman, (Philadelphia: Fortress Press, 1961) p. 94.

<sup>43</sup>Ibid., p. 94, footnote 13.

Christian is at the same time (simul) partly (partim) sinner and partly just. Only by combining the two perspectives do we arrive at the complete formulation of his teaching: the Christian is at the same time (simul) wholly and partly sinner and justified. Three senses of simul.<sup>44</sup>

What Luther expresses with his simul dichotomy, Melanchthon expresses with his emphasis on forensic justification, regenerate free will, and the third use of the Law. The Christian is righteous by the imputation of the righteousness of Christ and the non-imputation of sin (totus iustus). With the bestowal of the Holy Spirit in the moment of justification, the Christian heart is renewed so that it begins to see the will of God revealed in his Law, although feebly and with recurrent sin (partim iustus, partim peccator). So for Melanchthon too, the Christian is one who is perfectly righteous having the righteousness of Christ in justification, and imperfectly righteous in the beginnings of new life in the Spirit of God.

The difference between Luther and Melanchthon, then, is not one of effective versus forensic justification. If forensic justification is understood as the imputation of the righteousness of Christ and the non-imputation of sin, then both Luther and Melanchthon clearly taught the doctrine of forensic justification. Neither did Luther or Melanchthon deny that the effects of

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<sup>44</sup> John R. Loeschen, Wrestling with Luther (St. Louis: Concordia Publishing House, 1976), p. 75.

justification must result in a life of renewal and sanctification. Nor did Luther or Melanchthon find the impetus for this new life in "the new Law of the Gospel" (Aquinas). For Luther, the power of Christian renewal was often expressed as the indwelling of the Spirit of Christ. For Melanchthon, the power of Christian renewal was found in the imparting of the Holy Spirit. What then is the difference? For Luther the indwelling of the Spirit of Christ accents the incarnate Word, the Christian's participation in Christ. For Melanchthon, the bestowal of the Holy Spirit emphasizes the means the Spirit uses to empower new life -- the written Word of the Scriptures and the promise of Christ in the sacraments. One notes with interest that in the Smalcald Articles, when Luther accents forensic justification, he also specifies the means by which God communicates his grace.

First, through the spoken word, by which the forgiveness of sin (the peculiar function of the Gospel) is preached to the whole world; second, through Baptism; third, through the holy Sacrament of the Altar; fourth, through the power of the keys; and finally, through the mutual conversation and consolation of brethren.<sup>45</sup>

The difference between Luther and Melanchthon is that Melanchthon emphasized the Word, not as preached, but as written. A small difference, perhaps, but a difference reflective of the men: Luther, the pastor, preacher of the Word; Melanchthon, the teacher, pedagogue of doctrine.

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<sup>45</sup>SA, III, IV.

One may say then, in this sense, that Melanchthon was more bound to the written Word as the instrument of the Spirit than was Luther, who rejoiced that the Word might come alive through preaching and the "mutual conversation and consolation of brethren." For Luther, the dynamics of the Word were fulfilled in the proclamation of the gospel. For Melanchthon, the power of the Word was to be found in its revelation of Law and Gospel so that men might be schooled in pure doctrine and true piety. It is not surprising, then, that Melanchthon emphasized the continuing necessity of the written Word as the revelation of God's will for Christians seeking to do those works that please God.

Melanchthon's understanding of libero arbitrio (free choice) cannot be correctly understood unless one carefully notes his distinction between the forensic nature of justification and the effective nature of sanctification. In justification man is entirely passive. In sanctification man must be actively seeking the will of God. For the regenerate Christian, good works are necessary for salvation. Thus the third use of the Law and the regenerate free will play prominent roles in Melanchthon's description of Christian renewal. Without the Holy Spirit, there could be no new obedience. Without free will in the Christian there could be no free choice and Christian responsibility. Without free choice, the

only function of the Law would be to accuse and condemn sin, also in the regenerate. But because the Holy Spirit has regenerated man's heart and his ability to choose God's will, the Christian can seek in the Law that which pleases God and is efficacious for Christian renewal. With that freedom to choose also comes responsibility. The Christian who uses his free choice to choose against God's revealed Law will suffer the same fate as did Saul. Therefore the Christian must "apply himself unto grace;" that is, hearing God's promise of grace, he is to cling to it and to abandon all sins against God's Law and his Christian conscience.

The human being is never merely a block of wood or a piece of stone or a statue in relation to God. Unregenerate man is totally and completely opposed to God in everything and is incapable of moving toward God. His sinful affections overwhelm him and he cannot conquer them. Regenerate man, on the other hand, has free will to choose to hear God's Word, to hear God's address of Law and Gospel, and through repentance, the Christian is able to seek the forgiveness of sin and the beneficia Christi. The Christian can and must choose to obey the Law of God in a life of "spiritual righteousness," giving to God the obedience he requires. The will of the non-Christian is captive. He cannot aspire to "spiritual righteousness" because natural man cannot overcome his spiritual

privation, the affections of sin. Those who have "spiritual righteousness" are those who are illuminated to spiritual impulses by the Holy Spirit and who fear, believe, and trust God. Human will in the regenerate is not always able to bring about the spiritual effects God demands. Sometimes Christians are unrepentant. They choose works of their own devising. But God is not to be sought apart from his Word. Therefore, there are always three causes of bonae actionis in the regenerate: the Word of God, the Holy Spirit, and the human will, "assenting to and not resisting the Word of God."<sup>46</sup>

When Luther wrote his De Servo Arbitrio, it was in the context of the conversion of the unregenerate. Can the will of natural man contribute anything to the restoration of the relationship between God and man? Luther's unequivocal reply was "no." In Melanchthon's discussion of libero arbitrio the context is not that of initial conversion (conversio prima) as was Luther's but the continuing conversion (conversio secunda, conversio continuata) endemic to the Christian life.<sup>47</sup> One who does not distinguish the difference in context and opponent in these writings is likely to misinterpret

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<sup>46</sup>Robert Stupperich, ed., Melanchthons Werke in Auswahl (Studienausgabe), 7 vols. (Guetersloh: Mohn and Co., 1953-present) 2, pt. I, p. 243. Hereafter this work will be cited as St.A.

<sup>47</sup>Ibid., pp. 243-244.

Melanchthon as a synergist. Only the Christian may freely choose to obey the Law in love and thus live a life pleasing to God and in conformity with the Law. But the obedience of the regenerate is always imperfect and it is not because of his obedience that he is termed "spiritually righteous" but because he has received by faith the beneficia Christi, the forgiveness of sin and the righteousness of Christ.

God alone converts man and only by grace, through faith, alone, is man's initial indifference to God replaced by fiducia and repentance, so that "one hears the promise and is able to assent and to give up sins against the conscience." The Christian life then centers in the renewing act of God, the continuing ministry of the Holy Spirit through Word and sacrament. As a Christian, regenerate man has the necessity to choose to do the will of God or to reject God's will. This is why Melanchthon affirms there are three causes of "good works": the Word, the Spirit, and the regenerate will.

If we speak of the total life of the pious, even if the weakness is great, nevertheless, there is still free will when, indeed, already in the Spirit, one is able to help and to do something in the external guarding from falling.<sup>48</sup>

In speaking of free will to choose or reject the Law and the promises, Melanchthon is speaking of the "life of the pious."

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<sup>48</sup> Ibid.

Melanchthon counters the arguments of the enthusiasts and of the Manicheans who suppose that men do not have free will. The enthusiasts err because they do not recognize that God is not to be sought apart from his Word. The Manicheans err because they deny the Christian man's ability to choose and make him merely a pawn for the forces of good and evil, powerless to seek the good or to repress the evil. In this Melanchthon is anticipating some of the concerns of the writers of the Formula of Concord.<sup>49</sup> While the unregenerate may have some freedom to choose to do the external works of the Law, only the Christian can truly love and trust God, which is the true, internal fulfillment of the Law. Melanchthon often quotes the words of Christ, "He gives the Holy Spirit to those who ask" (Luke 11:13). The Christian is constantly to petition God for the power of the Spirit who alone enables man to will and to do God's will.

Melanchthon's emphasis in the Loci on libero arbitrio does not concern how man comes to faith, but how man lives in the faith. His concern is that the sola fide may be misunderstood in an epicurean fashion; that is, that a man may feel that it does not matter how one lives, but only that one believes. Melanchthon reflects the epistles of Paul and the epistle of James in affirming

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<sup>49</sup>FC, SD, II, 74 and 80.

that one shows what one believes by how one lives. If a Christian does not push away spiritual indifference and other vices of the flesh, he cannot trust solely in God. One's faith must have an impact on one's life so that the believer is able to live with afflictions and troubles, even the pain of death, in conformity with God's good will. If the Christian gives in to affliction and trouble and fears death, then his will is not in conformity with God's will and the impediments of life have separated the believer from God. Even after regeneration man's nature remains corrupted, and the devil's horrible hatred of Christ implicates the Christian in many sins. The troubles and afflictions of this life bring uncertainty, darkness and perversity, but against these impediments the Christian will is helped and strengthened by the Holy Spirit and the regenerate will becomes a circumspect and constant agent against these impediments as it calls ardently upon God.

Because of Melanchthon's emphasis on the functional aspect of the regenerate will his locus de libero arbitrio continually speaks of the function of the Law as it impinges in the life of the regenerate. For natural man, the Law is a curse. For spiritual men who have received the promise, the beneficia Christi, the Law is the will of God to be sought out and performed in love. Even for the Christian, however, Melanchthon is

quick to affirm that righteousness rests not in the fulfillment of the Law, but in the benefits of Christ. In this position Melanchthon expressed precisely the doctrine of the Formula of Concord regarding the third use of the Law.<sup>50</sup> The bestowal of the Holy Spirit impels those forgiven and imputed righteous for Christ's sake to seek out the will of God in his Word and to live according to the Law of God in love. When the spiritual man fails to live according to God's Law, the Law accuses him and declares its wrath to him (second use). It is for this reason that Melanchthon reiterates that "the Law is impossible," for it is God's judgment on both outward sin (failure to love the neighbor) and internal sin (a lack of faith and trust in God). At the same time, Melanchthon constantly repeats that the Christian is not a man of the Law but of the promise. The benefits of Christ, which the Law is not able to take away, remain with the regenerate. This is why Christ is the mediator, because, for his sake, sinful man is declared righteous. By the Law is no one made righteous, for the purpose of the Law is to show sin.

Therefore God gives to us the Holy Spirit, so that in our infirmities, nonetheless, the obedience of the Law is begun and makes us somewhat wholesome, and the teaching of the devil is suppressed.<sup>51</sup>

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<sup>50</sup>FC. SD. VI.

<sup>51</sup>St.A., 2, pt. I, pp. 250-51.

In carrying through his dual emphasis on what Christ has done for man (forensic justification) and that man by the power of the Spirit must do (through libero arbitrio and tertio usus legis), Melanchthon speaks of the grace received by the Christian from two perspectives. First he speaks of imputed grace: grace received for the sake of Christ by which a man is declared just. Being justified, it is certain that a man pleases God just as if he had done the whole Law. Secondly, Melanchthon speaks of grace as the continuing activity of the Holy Spirit through Word and sacrament. It is this grace which sustains the Christian life.

Minds are incited to the true light and preserved in the Word of God. The movements of faith in the heart are excited; minds are moved so that they undertake what is beneficial for us and for others. . . . Always, therefore, we pray that we might do what pleases God and is useful for us and for the church. And neither way is one able to do anything unless God helps and guides us.<sup>52</sup>

This remains the primary focus of Melanchthon's later loci on libero arbitrio and the third use of the Law, the need for the forgiven sinner, having received the benefits of Christ and the gift of the Holy Spirit, to discipline his life according to the Law of God. This he cannot do on his own, for he is afflicted with the affections of sin. Only a new heart, made alive through the Word of promise by the Spirit of God, can bring about

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<sup>52</sup> Ibid., pp. 251-52.

renewal and the capacity for true piety and obedience. The freedom of the regenerate will and the third use of the Law complete each other in the psychology of Christian obedience. Christian renewal expressed in loving obedience is the fruit and effect of the imputed righteousness of Christ and the imparting of God the Holy Spirit.

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