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Help for Moral Good
The Spirit, the Law, and Human Agency in Martin Luther’s Antinomian Disputations (1537-40)

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Abstract

“Help for Moral Good

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(1537-40).”

An important question in religious and theological ethics concerns the human capacity for moral action, but contemporary Christian theological anthropologies largely theorize the human person in terms of the *imago Dei*, not moral subjectivity. The following study contributes to this challenge an investigation of human moral agency in the theological anthropology of the sixteenth-century Protestant Reformer Martin Luther. Luther is known for rejecting human agency in justification. However, this dissertation argues that Luther narrated a new theological anthropology as part of his defense of the law during his *Antinomian Disputations* (1537-1540). This new anthropology saw the recreation of human moral agency to result from an altered relation to the Holy Spirit and to the law after justification in Christ. While Luther problematized human agency in justification itself, he worked to restore human agency for moral action on the law after justification by theorizing about the Spirit’s effect in elevating the human soul’s moral powers through penitential acts and prayer. In this way, this dissertation contributes the study of a historically-contextualized theological anthropology out of which the human person as a moral subject in relation to God emerges.

The argument presented here requires investigation of three questions that plumb the human relation to the Spirit and the law in Luther’s thought. The first two questions ask, how does Luther see the gift of the Holy Spirit in justification to alter the human relation to the law? And how does this change make possible a new approach to human law fulfillment in Luther’s...
thought? Chapters two to four answer these questions by reconstructing a particular order of salvation that plots the changing human relation to the law and the Spirit in light of human sin. Particular attention is given to the way Luther inflected the function of law before and after justification by linking the law to a divine cause in the Spirit. By connecting the law to its divine cause in the Spirit and then the Spirit to the human soul as divine gift, Luther clarified new functions for the law in the Christian life after justification for the purgation of sin.

These claims assume the human person possesses moral capacities for good works, however. Therefore, a third question must be resolved, which is how does Luther develop his theological anthropology to make this new human relation to law after justification possible? Chapter five explores this question by more carefully analyzing the Spirit’s effect on intellectual and volitional processes in the human soul after justification. Finally, chapter six suggests ways Luther’s anthropological insights about human moral agency in light of a robust pneumatology might contribute to Reformation research and the contemporary investigations of personhood in theological anthropology that ground theological ethics.
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Dedication

In memory of my grandmothers, June and LaVinna, who paved their own paths
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Introduction:

Rethinking Human Moral Agency in Martin Luther’s Theology:

New Pneumatological and Anthropological Resources

1.1 Martin Luther’s theological challenge to human moral agency

An important question for modern ethics concerns the human capacity, or agency, for moral action. Modern philosophers discuss human agency in terms of human subjectivity, which involves the human person’s will and reason working together to motivate and drive an individual’s action. Theologians also contribute to this discussion, although differently. They consider the human subject in view of the human’s relation to God. The sixteenth century is a crucial period in the history of thinking about human moral agency because major shifts between medieval and modern notions of the human moral subject occurred during this time.

In 1517, the German Protestant reformer Martin Luther (1483-1546) caused a rift in thinking about the human moral subject with his new concept of justification by faith alone. Luther rejected medieval theological discussions from the twelfth to the fifteenth centuries that posited a divine-human relationship on the basis of human merit.¹ Luther agreed with the

medievals: God places a moral demand on human persons in the law to love God for God’s own sake. However, because of human sin, Luther deemed the human person capable only of self-love, doing away with law obedience for human merit and endangering the God-human relation. Instead, Luther established more certain grounds for justification on the basis of divine activity alone. He determined the law functions to accuse the human person’s sin and to drive her to Christ, who fulfills the law on the human person’s behalf. The “justifying God” does all of the action in the God-human relationship; the human is purely passive.

Luther’s theological focus on divine agency appears incompatible with modern ethical and philosophical notions of human agency and subjectivity for another reason. By maximizing God as agent, Luther also annihilated the anthropological features that make moral action in social relationships philosophically possible, namely, human reason and will. The basis for Luther’s rejection of human merit in the God-human relation was the ravaging effect of original sin on the human powers of moral reasoning. Reason was completely blinded by sin such that it could never deduce a moral precept from God’s law or judge God as the most loveable of all objects. Even if reason could, the human will was completely enslaved to its own pleasures and could only ever choose evil.

This castigation of human moral powers created a problem for ethical action in social relationships because Luther gutted the soul’s powers to move the body in morally good action. To compensate, Luther decided that any good works after justification were the result of Christ’s

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2 WA 1:364.4-16, 365.2-20.
3 Luther typically uses male pronouns to discuss the human person or the Christian. I maintain Luther’s use of male pronouns within direct quotations. However, I utilize gender inclusive language, such as “she” and “her,” to refer to the human person and the Christian outside of direct quotes.
5 WA 1:224.15-19, 225.37.
love springing spontaneously from the soul. Even the human body could not be moved by the person’s own agency, but it required Christ to move it in good action. Therefore, it seems to be the case that Luther’s theological focus on God in Christ usurps any ethical and philosophical questions related to human agency. This conclusion was the majority scholarly consensus throughout much of the twentieth century.

Recent scholarship on Luther’s indebtedness to the Renaissance, medieval philosophy, and mysticism has raised doubts about this previous consensus and created space for new questions about the possibility of conceiving human moral agency in Luther’s thought. Specifically, the Antinomian Disputations from 1537, a text regarded as an anomaly in Luther’s works, reveal a Luther who is specifically concerned with the question of the ongoing utility of the law for the Christian life, meaning the significance of human agency after justification. In this dissertation, I investigate these disputations in order to examine how Luther understands human subjectivity and moral agency in relation to his doctrine of justification.

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6 WA 7:60.28.
The *Antinomian Disputations* reflects a Luther who is revisiting the question of law in light of a controversy with his former student Johann Agricola (1494-1566) over the question of *poenitentia* (penitence). Penitence refers to a human act of sorrow for sin and a good intention not to sin in the future. Not only does Luther correct Agricola’s rejection of law in justification, but he also uses the opportunity to discuss human motivation for moral behavior *after* justification in relation to law. Luther theorizes the significance of law in guiding the Christian’s moral life. Furthermore, the notion of human subjectivity that Luther utilizes in order to make his case against Agricola involves revisiting moral and anthropological resources in medieval philosophical theologies. These earlier discussions had to do with philosophical-theological questions about human agency, specifically the notion of how the human will and reason are habituated to the moral life and to God.

Luther's new appropriation of medieval ideas takes place in view of a new emphasis in his theology during the 1530s: the role of the Holy Spirit in stimulating the Christian’s moral life, i.e. sanctification.⁹ Pneumatology helps Luther to carve out new space for human agency between the anthropological and moral philosophical extremes of the medieval Scholastics, who he thinks give too much moral credit to the human subject *before* justification, and the Antinomians, who give so little moral credit to the human *after* justification as to cast doubt on the effect of justification at all. By increasing the connections between his pneumatology, concept of law, and the human subject, Luther finds a new foundation for talking about the temporal effects of the God-human relationship in justification for reviving the human person’s moral subjectivity.

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Luther’s defense of law contra Agricola hints at the importance of the Holy Spirit for the creation of human moral capacity in relation to the law. In the chapters that follow, I explore the relationship between law, the Holy Spirit, and the human person in Luther’s theology. In particular, I examine Luther’s specification of the Holy Spirit as the divine agent of both the law and of human vivification and sanctification in the *Antinomian Disputations*. The dual pneumatological function presented in these texts offers possibilities for pulling together law and human agency for action on the law in Luther’s late theology.

This requires the investigation of three interrelated questions. First, how does Luther separate law from gospel contra Agricola while aligning the law to the Spirit and the human person? Luther is particularly interested in how the Christian relates to the law after justification. Therefore, answering this question will include the reconstruction of the changing human relationship with and experience of law vis-à-vis the Spirit across distinct moments within Luther’s doctrine of justification. The second question moves out of Luther’s interest in the human relation to law after gospel: how does Luther conceptualize human action on the law after justification in relation to the Spirit? To answer this question, it will be necessary to develop a more nuanced perspective of Luther’s understanding of human sin and righteousness on the one hand, and, on the other, how the law supports particular processes for eradicating sin and developing righteousness in the human person. The change from sin to righteousness suggests a notion of moral progress or improvement in the human person after justification in relation to the Spirit. Therefore, the third question asks how Luther develops his theological anthropology to account for the Spirit’s vivifying and sanctifying effects on the human soul in support of the Christian’s changing moral situation before the law? This inquiry will see us to more closely examine the intellectual and volitional moral processes in the human soul itself in relation to the
indwelling Spirit after justification. By answering these questions, this dissertation will contribute to scholarly conversations in Luther research and religious studies about the human subject in religious experience and moral action.

1.2 Questions and stakes in modern Luther scholarship

My question about the relation between human agency, the Spirit, and the law and my approach to this question in Luther’s late theology is rooted in a century-long problem in Luther research introduced by Karl Holl at the start of the Lutherrenaisance. I participate in recent methodological and interpretive endeavors to move past this problem by drawing on theoretical perspectives from the field of religious studies. In 1917 Holl applied the historical–critical method to Luther’s theological development and discovered a new perspective on Luther’s contribution to Christianity. Luther’s religion was a “religion of conscience” and this set Luther and Protestantism apart from medieval Catholicism’s “religion of blessedness.” For Holl, Luther’s radical discontinuity from the middle ages was rooted in his rediscovery of the absolute divine command and human incapacity to fulfill it. This led Luther per Holl to theorize ways to re-establish the God-human relationship that circumvented the human incapacity to obey the divine command. By elevating the human’s consciousness of sin, Holl interpreted Luther to formulate the basis of the God-human relationship on God’s action towards the believer alone.

10 Holl, “Was Verstand Luther unter Religion?,” 1-3.
Holl’s groundbreaking introduction of a historical methodology into Luther research propelled the use of historical questions and Kantian interpretations in Luther scholarship during much of the twentieth century. The new methodological questions became “when did Luther make his Reformation discovery?” and “how do we identify it?” This was the defining approach of Gerhard Ebeling, whose meticulous four-volume tome, *Lutherstudien*, lifts the conversation about Luther’s theological anthropology and the law today. Ebeling sought a hermeneutical framework for understanding Luther and found an isolation of scriptural principles in Luther’s biblical exegesis in the early lectures on the Psalms (1513-1515). This discovery elevated not only Luther’s *theological* insights over his philosophical questions, but also the *early* Luther as the interpretive paradigm for all of Luther’s theology.

Ebeling transmitted into contemporary scholarship on law an interpretive paradigm known as law/gospel established by Werner Elert after the Second World War. Werner Elert, responding to Karl Barth, surmised that before a person can understand the gospel, she must know about law as an operative reality permeating all of human life. In this reality, she stands condemned. This self-knowledge as condemned sinner before the law creates the preconditions necessary for a person to know and accept divine grace offered in the gospel. Elert parted ways with Barth and determined that life after the gospel is free from law as a life of spontaneity and freedom. The result was an interpretive ethos in modern scholarship that construes law as

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2. Ibid, I:3.
nothing more than divine accusation and a repudiation of good works that isolates faith in the gospel as the only viable anthropological category.⁴⁴

In the middle of the twentieth century, Elert and Ebeling debated the question of the third use of the law for good works in the Christian life in the Antinomian Disputations in response to Barth’s dialectical interpretation of Luther’s theology.⁴⁵ At question were a number of sentences at the end of the second disputation in which Luther appears to define three uses of law. Noting these sentences represented a textual anomaly present in only two of the nine manuscripts of the disputations, Elert declared these sentences to be a later editorial addition by one of Melanchthon’s students extracted from Melanchthon’s 1535 Loci, a forgery.⁴⁶ Without analyzing the conceptual content of the Antinomian Disputations any farther, Elert went on to reapply his law/gospel dialectic to affirm that even after justification, law functions only to accuse the Christian’s remaining sin and to drive her back to faith in the gospel.

When Ebeling sought Luther’s hermeneutical principle for the concept of law, he discovered it in Luther’s 1522 Church Postilles, a series of sample sermons Luther wrote for Protestant ministers to emulate in their preaching. Ebeling found only two uses of law in this source and applied this hermeneutical principle to this question of a third use of law in the Antinomian Disputations. He affirmed Elert’s conclusion. In spite of Melanchthon’s conceptual

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⁴⁴ For example, Oswald Bayer wrote that “the pinnacle anthropological definition [is]: “Humans are consequently human in that they need justification by faith.” Faith is not something in the human in addition to it but rather is its being itself.” Oswald Bayer, “Being in the Image of God,” Lutheran Quarterly 27 (2013): 77.


⁴⁶ Elert, “Gesetz und Evangelium,” 132ff. I agree with Elert’s diagnosis of the later addition at the end of the second disputation; they are textually unreliable. I do not use these sentences to support my argument. There is sufficient material of undisputed authenticity throughout the disputations to make the case for a use of law after gospel contra Elert without appeal to this particular passage.
contribution of a third use of the law in 1535 two years prior to Luther’s controversy with Agricola, Ebeling explained away similarities to the third use in Luther’s formulation of the law in the Antinomian Disputations because this concept was not present when Luther discussed the civil and accusing functions of the law in his 1522 Church Postilles.\textsuperscript{17} In the 1990s, Timothy Wengert uncritically repeated Elert and Ebeling’s diagnosis that Luther had no third use of the law in the Antinomian Disputations.\textsuperscript{18} This Elert-Ebeling-Wengert trajectory represents the current scholarly diagnosis on the role of law in the Antinomian Disputations.

Ebeling’s historical search for the hermeneutical principle in Luther’s early biblical exegesis led him to overlook the possibility for Luther’s intellectual and conceptual development resulting from the Reformer’s collegial interactions with Melanchthon, ongoing theological reflection, and developments produced by the Reformer’s ongoing controversies. For Ebeling, if it was not conceptually present in the early Luther, it did not fit within Luther’s conceptual framework. Holl’s lasting methodological contribution, extended through Ebeling and later Wengert, meant that the early Luther interprets the mature Luther and the early Luther appeared to reject law after gospel for anything other than the ongoing accusation of sin.\textsuperscript{19}

Holl’s contributions in 1917 were also consequential for interpretations of human agency and works in Luther’s theological anthropology in the twentieth century because Holl elevated

the notion of the human conscience in Luther’s theology as a point of contrast to medieval theology and philosophy. After the Second World War, Paul Althaus connected Holl’s conscience-motif to the question of faith and works.\textsuperscript{20} He made faith given in the gospel to mean the passive recognition of God in the conscience. And because faith occurred only passively and only in the mind, he denied any causal relation between divine grace and the substantial requirements in human nature for works in the Christian after justification. In doing so, Althaus extended an ethic of self-awareness: the Christian’s only “work” is to know herself as sinner and to drive out the sinful self, returning to Christ for consolation.

Ebeling’s analysis in his \textit{Lutherstudien} solidified Holl’s and Althaus’ conclusions in what is taken to be the defining research of Luther’s theological anthropology in Luther’s \textit{Disputatio de homine} (1536). Working from the interpretive finality of Luther’s early theological insights, Ebeling determined Luther’s anthropology was predicated upon a dichotomy between theology and philosophy. This dichotomy translated anthropologically into “\textit{coram relations}.”\textsuperscript{21} The human’s passive relation to God “\textit{coram Deo}” as theologically-determined \textit{a priori} by scripture usurped the human’s relation to the world “\textit{coram mundo}” as philosophically-determined \textit{a posteriori} by human reason.\textsuperscript{22} Ebeling interpreted Luther to cast aside the question of agency on theological grounds. Luther per Ebeling problematized theology’s capacity to speak about human action in terms of the operations of will and intellect. These were philosophical categories—evidence of the Aristotelian corruption of theology—and pertained only to the human person’s temporal existence. Instead, Ebeling hypothesized that theology spoke only of the human’s

\begin{flushright}
\textsuperscript{20} Althaus, \textit{Gebot und Gesetz}, 32. \\
\textsuperscript{21} Ebeling, \textit{Lutherstudien}, II/2:265f. Ebeling adopted this terminology from Joest, \textit{Ontologie der Person bei Luther}, 273. \\
\textsuperscript{22} Ibid., II/1:34.
\end{flushright}
temporal existence *coram mundo* as sinner. Furthermore, philosophy’s contribution was delegitimized because of its dependence on reason and inability to transcend human insight.

On ontological questions, Ebeling grabbed onto Elert’s dialectic between law and gospel to construe a radical dichotomy between the human person’s temporal and eschatological being. When Luther spoke of an exchange of natures in justification, Ebeling denied this to be an exchange of substance on the basis of Luther’s rejection of Aristotle’s philosophical terms. Instead, the exchange had to do with a change in relations such that God came to relate to the human person as though she were righteous. Any real effects of the new relation were eschatological. Divine grace was said to have no real ontological effect on the human person in her temporal existence *coram mundo*. Rather, grace established what Ebeling called a “relational ontology,” an eschatologically-realized ontology premised on the altered God-human relation in Christ. 23 In Ebeling’s relational ontology, theological pronouncements about the passive human *coram Deo* won out as the final and true determination of the human being in Luther. Ebeling’s analysis sidelined the question of sanctification, or works after justification, in Luther because the only aspect of the human that mattered was the human’s eschatological relation to God. Not only was this eschatological relation without temporal effect, but vis-à-vis God, the human was purely passive.

Current scholarly discussions of which this dissertation is a part aim at moving past these historical, methodological, and interpretive problems created by Holl, Althaus, and Ebeling. My analysis of Luther’s theological anthropology in the *Antinomian Disputations* contributes another

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23 Gerhard Ebeling, “Luthers Wirklichkeitsverständnis,” *Zeitschrift für Theologie und Kirche* 90 (1993), 409-424. Theodor Dieter has criticized Ebeling’s focus on the relation without investigating the relation as relation. As Dieter has shown, Ebeling’s understanding of “relational ontology” is in fact premised upon a negation of substance and is, as such, lacking in ontology. See Theodor Dieter, *Der junge Luther und Aristoteles*, 635.
source of insight for resolving these issues. The *Antinomian Disputations* are crucial for this conversation in several ways. First, examination of these disputations helps to resolve the problematic methodological emphasis on the young Luther and its corresponding interpretive difficulties for the mature Luther. These three disputations represent a four-year span in Luther’s late theology, which recent publications have shown to be a period of significant development in other areas of Luther’s thought. The span of time over which the *Antinomian Disputations* occurred provides a long-range view of conceptual consistency in Luther’s late developments on the concept of law in relation to the human person. Additionally this view is located after Luther’s major theological shift towards the Spirit in 1529-30.

Second, these disputations contribute to current efforts to resolve or circumvent the interpretive difficulties in Ebeling’s analysis of human agency in Luther’s anthropology because in these disputations Luther thematizes the Holy Spirit, who is traditionally associated with human sanctification or works after justification. The last decade has seen new efforts to more carefully attend to Luther’s trinitarian theology of the Holy Spirit. Leading the way is Pekka Kärkkäinen, who shows how Luther developed a picture of the Spirit using trinitarian themes developed out of late-medieval thought. In the outer Trinity, Kärkkäinen stresses the Spirit’s indwelling presence as a gift of love, pointing to a regenerated human capacity to love that is spurred by the divine person of the Spirit. Theodor Dieter explores a similar late-medieval background of the Spirit as divine love based on Luther’s marginalia on Lombard’s *Sentences*. Dieter raises questions about the need for “something created” (*etwas Geschaffenes*) in the soul.

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that permits the Spirit to come to the human person as love. In the *Antinomian Disputations*, Luther carefully details the Spirit’s relation to the human soul both prior to and after justification in the *Antinomian Disputations* and does so using the additional resources of medieval mysticism. Therefore, these texts offer a new way of understanding the Spirit’s indwelling relation to the human soul and the Spirit’s ontological effects on the soul after justification and offer insights into the “something created,” the anthropological seat of the Spirit-human relation.

In addition to this new emphasis on the Spirit, Volker Leppin, Gustaf Wingren, Kirsi Stjerna and Deanna Thompson have also taken up the problem of Ebeling’s legacy for human agency by attempting to locate agency in other areas such as human experience in mystical union, in political/social relationships through vocation, and as a development of Augustine’s definition of the self. Bo Kristian Holm’s research in particular has sought out agency in Luther’s Renaissance conceptualization of gift and reciprocity. Holm locates human agency in a socially-articulated reciprocity by which the human gives God honor. His approach is particularly relevant to the current study because in the *Antinomian Disputations* Luther envisions the Christian's moral action in precisely the type of social relationships Holm envisions in re-gifting as reciprocity.

Third, Luther’s adoption of medieval theological metaphors and philosophical anthropological concepts in the *Antinomian Disputations* helps to resolve the legacy of Holl’s historical assumption that Luther’s theology was in sharp discontinuity with the middle ages. In

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28 Bo Holm, *Gabe und Geben bei Luther*, 238.
order to explain the Spirit’s presence in and relation to the human soul after justification, Luther adopted and revised medieval philosophical concepts of will, intellect, and their powers, which were used to construct Nominalist conceptualizations of the moral life. Careful examination of the ways Luther re-deployed these metaphors and philosophical concepts in his late theology can place Luther back in continuity with medieval theology so that his life-long dependence on and retention of medieval ways of thinking about the human subject can be more easily distinguished from his contributions towards modern subjectivities. This adds an anthropological angle to the efforts of Volker Leppin, Risto Saarinen, and Theodor Dieter who have also been working to show Luther’s continuity with late-medieval theology in the areas of mysticism, philosophical anthropology, and Aristotelian philosophy.  

Luther’s formulation of the Spirit in relation to the law in the *Antinomian Disputations* contributes to this endeavor because the Spirit grants anthropological efficacy to the law and did so within the temporal realm—the very realm Ebeling discounted in his *coram* relations when he reduced the Christian’s moral determination to either sin or perfection. Furthermore, the genre of disputation means that Luther employed philosophy, specifically Aristotelian causality, in order to articulate and develop his theological understanding of the Spirit’s relation to the human soul. This is significant because of the way Ebeling interpreted theology to usurp the anthropological understanding of philosophy using causal categories. The *Antinomian Disputations* sees Luther to bring these regions of human inquiry into conversation.

Religious studies and philosophy offer critical theoretical resources for approaching this problem of human agency in Luther’s theology in light of Luther’s theological-philosophical

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position in late-medieval Nominalism and the *via Moderna*. Martha Nussbaum and John Corrigan have shown that the emotions play a vital role in motivating moral action and religious experience.³⁰ Birgit Stolt has applied emotions research to her linguistic analysis of Luther and shown that affective language is a significant force in Luther’s theological thought.³¹ This study draws from these theoretical perspectives to determine how Luther’s theological-philosophical thinking on the human affect can be seen to spur human activity by connecting human emotions to Luther’s concept of law and the Spirit.

1.3 Methodology

An ideal method for correcting the underestimations or misunderstandings of human moral agency in Luther’s thought would be to analyze the dimensions of human agency from Luther’s theology as a whole through a comprehensive study. The reality of Luther research is that such a methodology has been the downfall of more than a few scholarly investigations. The reasons have to do with the seemingly boundless amount of primary and secondary literature. Luther was one of the most prolific theologians in Western history and left behind somewhere between 60,000-80,000 pages of text.³² A comprehensive and accurate theological study of such copious

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³² Based on estimates for the critical edition of Luther’s work known as the *Weimar Ausgabe*, which comes in at 121 volumes with most volumes exceeding 500 pages and many with well over 600 pages.
material is simply not possible in a single lifetime. The primary material must be limited in some way. A second factor is that Luther utilized a variety of literary forms in his writings that ranged from the pastoral (sermons, catechisms, prayer books), to academic (lectures, commentaries, treatises, disputation), to personal (letters, table talks). Each of these genres necessitates unique methodological considerations and questions.

Complicating matters, Luther is one of the most widely researched figures in Western history. The secondary literature is expansive and much of it is deeply flawed. For example, the topic of law/gospel, which is relevant to this project, is well-worn terrain that scholars continue to cover without many new insights. For these reasons, I chose to limit both primary and secondary sources to only the most important texts. The secondary sources I have chosen to include in my footnotes are the paradigmatic texts, typically German, that set the overall conversation and more recent sources who have new or important insights for my topic. In the latter group, I seek to give voice to a more international and diverse, gender-inclusive class of scholars. A more expansive bibliography is included at the end of this dissertation.

I have chosen to focus my investigation of Luther’s notion of human agency in Luther’s *Antinomian Disputations* from 1537-1540 as the primary text of analysis. This text is important for this topic because Luther revisits the topic of penitence as human action on the law—the very topics he used to problematize human agency in his early polemics against Scholastic theology in the 1510s. However, he now does so with new theological resources, namely a robust pneumatology, that allow him to approach the subject in new ways. I connect these disputations, however, to several of Luther’s other writings to contextualize, clarify, and substantiate my arguments in each chapter. When the *Antinomian Disputations* are connected to other texts from the 1530s and many from Luther’s early “Reformation” period in the 1510s, the shifts and
developments in Luther’s thinking about the human person and moral action after justification emerge out of Luther’s historical circumstances. Although Luther insists on good works in the Christian life in multiple texts after 1530, the Antinomian Disputations occurred over a four year period, meaning these texts offer the most sustained and expansive development of this topic in Luther’s late theology.

Moreover, Luther develops his arguments about human moral action in proximity to the topic of law. This means that the Antinomian Disputations reflect a situation in which Luther revisits one of the most important topics from his early controversies with Rome. Between 1515 and 1520, Luther used the topic of human moral action on the law to critique and then differentiate himself from medieval Catholic theology and piety. When Luther returns to this topic in the Antinomian Disputations, he does so with a more robust doctrine of the Holy Spirit, which allows him to resolve in new ways those earlier points of critique. Thus, the Antinomian Disputations offer insights to the underlying systematic logic available in Luther’s theology for constructing a notion of human moral agency after justification and does so in light of Luther’s relation to Catholicism.

This dissertation also makes reference to a number of Luther’s other texts to provide both historical and conceptual context. The two most critical texts for positioning the Antinomian Disputations historically are Luther’s Lectures on Galatians (1531/35) and Luther’s expositions for his Sermons on John (1537). The Lectures on Galatians are considered the locus classicus for Luther’s law/gospel paradigm and set the conceptual stage for drawing out the elements in Luther’s own theology that influenced Agricola’s antinomianism. These Lectures also inflect the developments in Luther’s thinking on the topic of human agency in relation to law and gospel. The scriptural expositions Luther prepared for his Sermons on John are pivotal for inquiring into
the historical context of Luther’s position on law and the Spirit in the *Antinomian Disputations*. Though Luther began emphasizing the role of the Spirit after the 1527 Church Visitations and his 1530 sermon strike for moral laxity amongst his parishioners, these 1537 sermon expositions during the liturgical season of Pentecost reveal new developments in Luther’s understanding of the Spirit’s connection to the law on the basis of scripture. These connections both exacerbate Agricola’s antinomianism and provide the key to Luther’s new anthropological insights in the disputations.

Several texts from Luther’s early controversies are equally as important for supplying embryonic contexts for the anthropological concepts Luther will use in 1537. The *Disputation against Scholastic Theology* (1517) and the *Bondage of the Will* (1525) are two paradigmatic texts in which Luther critiqued and distinguished himself from the medieval Catholic position on the human person’s moral powers. These texts expose Luther’s concerns about the human capacity to both correctly perceive and then choose what is morally good. Yet, both of these texts contain critical seeds for the possibility of good works as a result of justification if Luther could only find the right theological tools to make those seeds sprout and bear fruit. In 1517 and 1525, Luther did not yet have a robust doctrine of the Holy Spirit to help make sense of good works after justification. In 1537, when Luther begins to expand his thinking about the Holy Spirit, he also returns to another set of moral determinations he had utilized in the 1510s and then largely abandoned by the 1520s, original and actual sin along with alien and proper (formal) righteousness. The “Sermon on Two Kinds of Righteousness” (1519) lays out these categories

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33 Cf. Martin Brecht, *Martin Luther: Shaping and Defining the Reformation 1521-1533*, trans. James Schaaf, vol. 2 (Minneapolis: Fortress, 1994), 259-272; 288-292. The 1530 sermon strike initiated a period in Luther’s pastoral development in which he began to seriously reflect on the role and importance of moral improvement in the Christian life. The *Antinomian Disputations* should be seen within this trajectory.
for inflecting types of sin and righteousness to Christ and the life after Christ. Luther will reintroduce these determinations alongside of anthropological categories in 1537 to clarify new processes by which the Christian gains agency for good works after justification.

An important dimension to Luther’s life and thought was his pastoral activities and concerns. This pastoral dimension emerges clearly in the *Antinomian Disputations* when Luther expresses his concern that audience members, pastors in training,34 learn how to lead their parishioners in thinking about good works. To do this, Luther couples his theological, theoretical insights with practical, pastoral topics like prayer. To help highlight this pastoral nuance, I also reference some of Luther’s pastoral writings from the 1530s in which he more thoroughly develops the practical theology he assumes in the disputations themselves. These texts include Luther’s *Small* and *Large Catechisms* (1529) and his “A Brief Instruction on How to Pray for Peter Barber” (1535).

By combining the *Antinomian Disputations* with earlier texts and the historical *Sitz im Leben*, I adopt a dynamic historical and systematic approach to Luther’s thought on the topic of human agency vis-à-vis law and the Spirit. As Bernhard Lohse pointed out, there are two primary methodological approaches to Luther. The historical-genetic approach views Luther within the context of his time and debates, granting precise contours to the historical starting points of Luther’s thinking. By contrast, a systematic-structural approach looks to reconstruct the links between various doctrines and the inner systematic dynamic of Luther’s theology.35 While

34 On the format and protocol of medieval academic disputations, see Graham White, *Luther as Nominalist: A Study of the Logical Methods Used in Martin Luther’s Disputations in Light of Their Medieval Background* (Helsinki: Luther-Agricola-Society, 1994), 21-23. On the relationship between human reason and theology in Luther’s use of disputation, see Helmer, *The Trinity and Martin Luther*, 42, 92.
the quest for a systematic logic to Luther’s thinking is necessary, to do so abstracted from the
driving tensions of his historical, sometimes literally life-threatening, circumstances is to miss
the vibrancy and compelling nature of Luther’s thought.

I work to blend these approaches in this dissertation. I see Luther as a figure who had
mastered the classical moves of medieval Scholastic theology and who was thrust into
unexpected and convulsive circumstances for which there was no precedent. Though he
maintained a certain baseline, systematic theological structure, as can be seen, for example, in his
doctrine of justification, he also pulled dynamically from his theological mastery to address
emerging problems or to revise past positions. For this reason, the core approach in this study is
to determine the problem or question Luther himself sought to resolve in light of historical
circumstances and, then, to isolate systematic concepts Luther used to resolve his question or
problem. When I examine the conceptual resources Luther draws together, I work to clarify the
inner logic of those concepts in connection with Luther’s previous uses and the medieval
discussions that birthed these resources.

1.4 Argument and chapter summaries

In this dissertation, I argue that Luther narrates a new theological anthropology in the
Antinomian Disputations that sees the recreation of human moral agency to result from the
benefits of justification, namely, a new relation to the Holy Spirit and to the law. Whereas
Luther’s doctrine of justification required total human passivity and total divine agency in order
to guarantee the God-human relationship, Luther now works to revive and renew human agency for moral action after justification by maximizing another dimension of divine agency that is more compatible with human agency. The Spirit’s maximized agency actually creates and sustains human moral agency after justification by elevating the person’s moral powers. In presenting human agency in this way, Luther shows that divine grace has a real, temporal effect on the human person and her moral capacity. God does everything in justification, but God and the human person work together for moral action in sanctification as a result.

The general arrangement of the following chapters in this dissertation develop this argument by examining Luther’s notion of the human person in relation to the Spirit and the law. Chapter two begins with a short historical meditation on the medieval roots of Luther’s anthropological problem with good works and the law in the 1510s. The chapter then presents the re-emergence of this problem in the Antinomian controversy with Agricola in 1537. Following this sketch, each successive chapter narrows the focus towards the human agent by honing in on and more carefully nuancing one particular category from the previous chapter.

Chapter three begins this task by mapping a human experiential dimension in Luther’s law/gospel schema. At the outset, the chapter dwells on the historical backdrop of Luther’s controversy with Agricola as this debate emerged out of Luther’s teaching on the law in his *Lectures on Galatians* (1531) and expository comments on the Spirit in preparation for his *Sermons on John* (1537). Having established an interpretive framework for law/gospel and new developments in Luther’s pneumatology, the marrow of Luther’s problem with Agricola crystalizes. He must keep the Spirit connected to the gospel while simultaneously clarifying the Spirit’s connection to the law in a way that does not conflate law into gospel.
This problem leads Luther to clarify the Spirit’s relation to law and a corresponding change in the human person’s affective relation to the Spirit and law in parallel to law/gospel. As a result of Luther’s increased pneumatology, he comes to identify the Spirit as the “Author of the law.” This insight percolates a perspective that the Spirit animates the law’s accusing power prior to the gospel. Because he maintains the Spirit’s position under gospel as a gift of justification, Luther creates a new function of law called the “salutary use.” When the Spirit as Author of the law gets mediated through Christ in the gospel, the Spirit speaks the law to the Christian in a salutary way in order to admonish to the good. The chapter then explores how Luther plots the persons’ evolving affective response to law in light of these changes using penitential language. I isolate and then expand on an order Luther introduces to describe the human experience of law “before Christ” (law), “under Christ” (gospel), and “in the Spirit” (after justification). At each of these stages, the Spirit enlivens the law to elicit the appropriate human emotional response in terms of sorrow for sin and a good intention for future action.

Chapter four builds on chapter three by focusing on the human relation to law and the Spirit in the final stage of the order pinpointed in chapter three, “in the Spirit” or the stage after justification in Christ. The primary focus is how this stage, “in the Spirit,” opens up the Christian life for good behavior in relation to the salutary law. To accomplish this, the chapter first draws attention to Luther’s reintroduction of hamartiological categories he utilized and then abandoned in the 1510s, namely a moral distinction between original and actual sin. Luther reinvigorates these categories in order to isolate two distinct ways that law exposes moral problems in the human condition. Accusing law exposes original sin and its effects; salutary law sheds light on ongoing actual sin resulting from original sin. Luther then aligns these problems with an ensuing process to resolve the problem and a moral result. The process of imputation hides sin from the
accusing law by attributing the moral result of “relative righteousness”—a justice conferred by a relation to Christ—to the human person. However, relative righteousness does not actually change the individual human person in her temporal life; she commits “actual sin” after justification.

Luther then works to resolve these “actual sins” in the stage “in the Spirit.” The Spirit brings the salutary law to the Christian to help remove her actual sins in a process called “purgation.” The result is that the Christian begins to fulfill the law with the Spirit’s help and Luther claims she begins to become righteous in herself, “formally righteous.” The chapter connects this language of “form” with the Aristotelian causal language Luther used to describe the human soul as the person’s formal cause in his *Disputation on Man*. Luther builds his polemical position against Agricola by showing the law’s ongoing utility for transforming the form or shape of the soul from sin to righteousness.

At this point things become interesting for the question of moral agency because Luther sets purgation into the terms of practical theology. He shows the Christian to do something for restraining sin and developing righteousness. Chapter four, therefore, turns to examine how the human person purges her sin through an encounter with the Holy Spirit and the salutary law in prayer. Reference to Luther’s pastoral writings on the topic of prayer in the 1530s reveals Luther’s reliance on medieval mysticism as he depicts meditative prayer centered on the Lord’s Prayer, the Ten Commandments, and the Creed to reiterate law as a moral directive to the individual. But these prayers also concentrate an intensified encounter with the Holy Spirit who, Luther says, takes over the person’s thoughts in prayer in order to elucidate the law in the Christian’s mind. These elucidations specify the law to a particular temptation the Christian is facing. The effects of this intensified pneumatological relationship affects more than just the
mind’s understanding of the law. In prayer, the Spirit also elevates the Christian’s willpower to resist a sinful affection by loving God and obeying God’s will specified in the law and the Christian’s own thoughts. The Christian’s choice to run to the Spirit in prayer is at the heart of her capacity to purge sin and become formally righteous.

Chapter five delves deeper into the Christian’s formal righteousness to give prominence to Luther’s anthropological language for moral progress. This chapter takes to task scholarly emphases on a dialectical anthropological construct Luther uses to describe the condition of the justified Christian, *simul iustus et peccator* (simultaneously righteous and sinner). Although the construct appears in the *Antinomian Disputations*, Luther does not accentuate the righteous dimension of the person in relation to God as scholars assume. Rather, Luther magnifies the sinful, *peccator* dimension in conjunction with the formal causal language he introduced in relation to purging sin in the Christian’s temporal life. As it turns out, Luther connects the Christian’s righteous, *iustus* condition to relative righteousness and her sinful, *peccator* dimension to formal righteousness. By linking Luther back to his Nominalist background, we discover that there is a medieval precedent for using the language of formal cause in relation to the soul’s moral powers of intellect and will. The form of the *peccator* pertains to her moral capacities. Because Luther established early on that sin blinds the intellect and binds the will, he reintroduces the Spirit and the salutary law in relation to the anthropological forms to reestablish and elevate the soul’s moral powers. With the law guiding the intellect and the Spirit boosting the will’s love of God and God’s law, Luther shows the *peccator* to march slowly, but progressively towards the shape of righteousness in her soul, her formal cause.

This chapter then puts forward a new anthropological construct that Luther uses to describe the *peccator* as an agent in her quest for formal righteousness, the militant Christian.
Drawing on Crusader imagery and his earlier debates with Erasmus of Rotterdam, Luther depicts the relative righteousness imputed to the Christian in justification to push her into a spiritual battle against sin and evil. Protected by Christ, she incites and arms herself for this spiritual battle using the law and the Spirit as her battle cry and weapons. Though a view of her internal moral processes sees her subjectivity blurred with the Spirit, this outward perspective construes the Christian as an uncompromising agent in her moral battles. She takes sin captive by judging her affections with the law, cutting away sinful inclinations, and choosing to obey God so that she becomes more and more righteous in herself every day.

The conclusion of this dissertation recapitulates the major arguments of each chapter. It also contains my reflections on Luther’s use of moral categories in this theological anthropology and on the question of the third use of the law, which is relevant for discerning Luther’s contributions to modern discussions of human moral agency and subjectivity in theology and religious studies.
Chapter Two
Support for Law After Gospel in Historical Context:
Setting up Luther's Problem

Luther’s controversy with Agricola in 1537 centers on the question of human action in relation to the law. However, this was not the first time Luther discussed this topic. In the early years between 1515 and 1525, Luther took up the topic of human action and the law in response to medieval Scholastic and Nominalist conversations about human merit. Luther problematized the medieval reliance on human merit for grounding the human relationship with God. In light of human sin, Luther asked how we are to trust that we have merited divine grace. In 1517, Luther resolved this question by developing a notion of human passivity in the God-human relationship. These early resolutions re-emerged in 1537 during his controversy with Agricola. Therefore, we must begin by asking what is driving Luther’s human agency problem and his solutions to this problem? To answer this question in the context of the Antinomian Disputations in 1537, we must first clarify the major concerns in Luther’s early polemics against Scholasticism in and around the year 1517. In doing so, Luther’s ongoing problems, questions, and resources for resolving the situation with Agricola will become clear.

To understand Luther’s early challenge to human agency, we must begin by sketching the medieval problem for human agency and divine grace that Luther inherited through his early theological education in Erfurt. In the twelfth century, Peter Lombard (1100-1160 CE) laid the
groundwork for this complex picture when he investigated the effect of original sin on human moral powers in book II, distinction 24 of his Sentences. Lombard first defined human powers “by nature” as “free choice.” Free choice is “a faculty of reason and will by which the good is chosen with the assistance of grace, or evil without its assistance.” The freedom aspect required that the human will possess the capacity to turn itself to either the good or evil. Choice likewise denoted a power of human reason or the intellect to discern between good and evil and thereby to judge the moral goodness of possible actions. The goal of free choice was to judge God as the highest good in the human intellect and then to turn the will towards love of God. However, Lombard maintained that sin had caused troubles for the will, which “is not able to raise itself to will the good efficaciously or to fulfill it in deed unless it is freed and aided by grace: freed in order to will, and aided in order to achieve.” He determined that “operating grace” helps the human will the good—to free the will by making it good. “Co-operating grace” aids the will to achieve it’s volition in deed—to help the will along its way. At the start of this medieval conversation that so important for Luther’s theological problems, human agency through reason and will required the help of divine grace.

A little over a century later, John Duns Scotus (1265/66-1308 CE) and William of Ockham (1285-1347 CE) escalated the voluntarist dimension of Lombard’s moral picture in a way that eroded the possibility of moral agency for Luther. Scotus, responding to Thomas Aquinas, determined the freedom of the human will required contingency. Because the human

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37 Luther wrote marginalia on Lombard’s Sentences in 1509 as part of his theological education. On this particular passage about turning from evil, he commented that: “that is in a privitive sense, but only as a contrary” (sicilicet privative, sed tantum contrarie), WA 9:70.5.
38 Lombard, Sentences, II.d. XXV, c.9.
39 Lombard, Sentences, II.d. XXVI, c.1, 1-3.
will possessed affections for both justice and pleasure, which sometimes conflicted. Therefore, Scotus posited that the will must be able to will for or against reason’s judgments. Ockham picked up Scotus’ idea as the “liberty of indifference” and applied it to both the human will and to God.\textsuperscript{40} The liberty of indifference permitted that the human will could will for or against any possible actions determined by reason. This indifference introduced the possibility of dysfunction into the will’s correspondence with human reason.

Ockham also applied the liberty of indifference to God. In an effort to maximize divine omnipotence, he determined that an object becomes morally good because God declares it as such, not because of an inherent value in the object itself. This meant that God could command either love of God or hatred of God as the highest good.\textsuperscript{41} The goodness lies in God’s command, not in the act itself. On these terms, hatred of God would be good simply because God declared it as such. Although Ockham maintained God would not command hatred of God, for Luther, Ockham had already corroded the reliability of the human will and the possibility of determining the highest good using human reason.

Ockham’s interpreter, Pierre d’Ailly (1350-1420 CE) further complicated the aims of moral action for Luther by undermining the moral normativity of the law. Luther understood “law” theologically to refer specifically to the demands of the moral law in the Decalogue—not ceremonial or civil law. However, d’Ailly’s Nominalist notions of the divine command destabilized the moral reliability of this particular notion of law because he sifted the divine liberty of indifference according to divine power in creation and eternity.\textsuperscript{42} In creation, God

\begin{itemize}
\item\textsuperscript{41} Ibid., 266f.
\item\textsuperscript{42} Pierre d’Ailly, Quaestiones super libros Sententiarum, I. q.9, a.2
\end{itemize}
limited God’s own power (*potentia Dei ordinata*) through the conditions of creation itself. These conditions supplied evidence to human reason about the way God wills things to be done, i.e. natural law.\(^{43}\) Furthermore, God ordains certain things be done through precepts and prohibitions revealed in the Decalogue and Christ’s double love command, i.e. positive law.\(^{44}\) In eternity, however, God’s power is absolute (*potentia Dei absoluta*) and is restrained only by the law of non-contradiction. D’Ailly applied Ockham’s divine liberty of indifference to God’s absolute power and determined that God could will something new at any moment or decide not to accept obedience to what God had previously willed. God was capricious. God could change God’s mind. Because these changes occurred in eternity, human beings had no access to God’s changing will. Not only were human faculties of reason and will suspicious, but now Luther had to contend with the possibility that a person could produce all kinds of meritorious works just for God to will the opposite. How was one to know and satisfy God’s will?

This was the question Luther’s fellow Erfurt Augustinian Gabriel Biel (1420-1495 CE) tried to answer in the generation prior to Luther. Biel decided that the answer to this troubling picture was divine acceptance of human effort. For Biel, all of the available evidence suggested the requirement for the infusion of justifying divine grace was love of God for God’s own sake.\(^{45}\) To journey towards love of God as a pilgrim (*viator*), the human person had to “do what is in one” (*facere quod in se est*)—to pull all of the available moral resources together to try one’s best to love God for God’s own sake.\(^{46}\) Though the person may initially turn towards God out of fear of punishment—a product of selfish love—eventually the evidence of God’s goodness in

\(^{43}\) D’Ailly, *Sent.*, I, pro. 3, 4.

\(^{44}\) D’Ailly, *Sent.*, I, q. 14 b.

\(^{45}\) Gabriel Biel, *Collectorium circa quattuor libros Sententiarum*, II, d.35, q. 1, a.1 D-E.

\(^{46}\) Biel, *Sent.*, II, d.27, q.1, a.3, DUB 5.
scripture or the church would lead the Christian pilgrim to transcend fear of punishment to love God for God’s own sake. If the Christian did her best to love God, Biel posited, God would accept the effort and by grace transform the person’s imperfect love into perfect meritorious love; God and the person would become friends. The only problem was mortal sin. If the Christian fell back into mortal sin, doing one’s best became infinitely harder to do the next time. Human effort supplied risky prospects for assuring divine grace through human merit.

This Nominalist backdrop created an agency problem for Luther in light of justification. How do you know if your effort to love God and obey God’s commands are enough when you cannot know God’s will for sure? And what if you will against your knowledge of God’s will? Luther needed something other than human agency to guarantee the divine-human relationship.

As a result of this unreliable picture of human moral capacity and uncertainty about the divine will, during the early years of the Reformation Luther sharpened human incapacity to merit the divine-human relationship. He also maximized the divine agency needed to guarantee the relationship. God’s will could not be known for sure by human reason and the human will could will against the judgments of human reason anyways. When Luther, now a professor of theology at the university in Wittenberg, lectured on the biblical books of Romans and the Psalms in 1515 and 1516, he realized that human sin in fact assures the failure of human merit. By 1517, Luther railed against the Scholastics that human reason can never infer correctly about the divine will. Similarly, the human will can only ever will against loving God and in favor of evil and love of the self. Every intellectual and volitional act that a person does without divine

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47 Biel, Sent., III, d.26, q.1, a.3, DUB 3
48 Biel, Sent., II, d. 27, q.1, a.2, concl. 4.
49 WA 56:171.26-173.18.
50 WA 1:224.15-17, 30.
grace is an act against God. To become God’s friend, contra Biel, God must do all the work. The human can do nothing good using her reason or will; God alone is able to guarantee the relationship with the human person.

The way Luther formulated divine agency in justification in this early period further exacerbated the troubles for human agency apart from the God-human relationship. Luther rejected Biel’s idea that God accepts human effort as though it were perfect and infuses divine grace to elevate human effort to perfection. Instead, Luther determined that God’s demands must be met and be met fully. Therefore, Luther looked to divine agency in Christ to satisfy God’s demands in the law. In his 1520 treatise The Freedom of a Christian (De libertate christianana), Luther used medieval bridal mysticism to explain how Christ’s righteousness is communicated to the human person. A “happy exchange” (fröhliche Wechseln) of personal attributes occurs between Christ the bridegroom and the human person his bride. Through the relational seal of faith that God works in the human soul, Christ gives his righteousness to the person and takes on himself the human person’s sin.

When Luther described the effect of this happy exchange, he did not talk about renewal of the human’s intellect and will through Christ’s attributes. Instead, he compared the benefit of Christ’s righteousness to a mother hen, who hides and protects her chicks under her wings. God assures the God-human relationship by applying grace to cover and protect the Christian, not to change her. Unlike the medieval pictures of grace in which divine grace elevated human powers, in Luther’s construction of justification divine grace remains outside the human self and appears

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51 WA 1:225, 9f.
53 WA 8:124.20f.
to do nothing to alter or improve the human person’s moral powers. Human agency for moral actions after justification are problematic because divine grace does not alter or improve the person herself. Christ must always be the moral subject.

Instead of a person’s journey or ascent to God à la Biel, Luther articulated a theory of divine action in moving the human person to God. He called this theory law and gospel.\(^\text{54}\) Luther’s new notion of law retained the flavor of divine commands as moral precepts and prohibitions in natural and positive law as these commands communicated human moral obligations to God. But rather than guiding the human person’s moral action for merit, these divine commands in law functioned to expose the human incapacity to meet the demands. The more a person tried to fulfill the law through her own works or efforts, the more the law accused and condemned her and her pride. Law, therefore, only accused the human as a sinner and drove her to recognize her need for God’s help. Luther understood gospel to come to the person as a consoling divine word of promise about the gift of Christ’s righteousness in faith.\(^\text{55}\) Gospel announces that Christ has satisfied the law’s demands on the person’s behalf. She need not fear or despair, God counts her as righteous on account of Christ. Luther upended the medieval view that law directs moral activity for meritorious works. Instead, law functions theologically to reveal God’s wrath against sin and to accuse the human conscience. Gospel works faith and guarantees the God-human relationship through God’s own agency. Human moral agency is excluded from this early picture.

Approximately twenty years later in 1537, Luther had largely put these early controversies behind him. Now, Luther was focused on building the new Reformation church

\(^{54}\) WA 40/I.2:207.3f.
\(^{55}\) Cf. Oswald Bayer, Promissio (Göttingen: Vandenhoeck & Ruprecht, 1971).
and on political developments in Lutheran lands. However, the summer of 1537 proved to be a watershed moment in the development and resolution of human moral agency after justification in Luther’s thought. The more mature Luther, battle-scarred by the Peasants’ War and his battles with the Protestants over the real presence, entered into a new discussion about human agency that differed from his previous engagements with the topic. Here, he was provoked by Johann Agricola to revisit the question of law in relation to moral agency after justification. When Agricola suspended the function of the law in the church for either justification or to orient the Christian’s moral behavior, Luther thundered with vitriol. He insisted that law was not only necessary for bringing the sinner to Christ in justification, but also relevant to the Christian life. But on what terms? On the terms of his earlier theology that had negated the use of the law for moral agency? Or on new terms?

The rise of antinomianism in Wittenberg challenged Luther’s theological order of law, then gospel. In February and March of 1537 Luther was away from Wittenberg for a meeting with the Lutheran princes of the Schmalkaldic League. One of Luther’s former students, Johann Agricola, took on Luther’s preaching obligations in Wittenberg’s Castle Church while the Reformer was away. From Luther's pulpit, Agricola preached that the gospel, not the law, revealed God’s wrath against sin in the suffering and death of the crucified Christ. Law did not offer anything to aid its fulfillment, therefore it functioned only to condemn. On this basis, he formulated an antinomian argument: the law and its demands were completely nullified for the Christian life. The gospel alone remained valid to convert, justify, and to instruct. Therefore, the

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law need not be preached. The gospel both convicted of sin and proclaimed the good news of justification in Christ. In July, three of Agricola’s antinomian sermons were published.

Around the same time a set of anonymous antinomian theses were brought to Luther’s attention. Agricola’s published sermons facilitated the quick attribution of the theses to Agricola. After several months of heated interactions between Luther and Agricola, on September 30, 1537 Luther publically responded to Agricola’s antinomianism in a sermon, aptly titled “Evangelium” ("Gospel"). In this sermon, Luther reaffirmed the necessary distinction between law and gospel. By November, virulence had taken root between the two friends. Luther published the antinomian theses under Agricola’ name and included a set of his own “Theses contra the Antinomians” for public dispute.

The anonymous theses circulated in the summer months of 1537 quoted Luther’s early Reformation-era writings to support the abrogation of the law. Among the these early sources were Luther’s “Sermon on the Suffering of Christ” (Sermon vom Leiden Christi; 1519), Luther’s early Prefaces to the Bible (1522), and additionally Melanchthon’s Commentary on Paul’s Epistle to the Romans (Commentarii in epist. Pauli ad Romanos; 1532). The antinomian theses asserted the following premises:

1) “Penitence is not taught by the Decalogue or the law of Moses, but by the suffering of the Son in the gospel;”
2) “It was necessary for Christ to die and in this way to enter his glory, so that in his name penitence and remission of sins would both be preached;”

57 WA 39/I:334.
59 WA 45:145-156.
60 Melanchthon had endured his own Antinomian controversy with Agricola ten years earlier in 1527. In response, Melanchthon developed his notion of the “third use of the law” (tertius usus legis) to clarify the law’s function in guiding the Christian’s conscience towards good works after justification. See, Timothy Wengert, Law and Gospel.
61 WA 39/I:342.9f: “Poenitentia docenda est non ex Decalogo, aut ulla lege Mosi, sed ex violatione filii per Evangelium.”
3) “For law accuses of sin and this without the Holy Spirit, therefore it accuses unto damnation;”

4) “For Christ’s gospel teaches the wrath of God from heaven, and at the same time God’s justice (Rom. 1). Therefore, it is preaching penitence in conjunction with the promise, which reason does not deduce from nature, but by divine revelation.”

On these bases, the theses concluded that:

5) “the law of Moses need not be taught as the beginning, middle, or end of justification.”

Rather, the law had only a civil function to control the sins of unbelievers. Agricola’s antinomianism conflated Luther’s essential theological dialectic between law and gospel. Gospel does not just console the conscience, but also prepares the human for Christ by exposing God’s wrath against sin. Law, lacking the attachment to the consoling promise, only condemns. Per Agricola, the law has no role in the church leading up to or after justification.

Agricola did not just problematize law and gospel, however, he included a misappropriation of Luther’s pneumatology. After Luther returned from Schmalkald in the spring of 1537, the reformer began preparing for sermons on John 14-16, which documents Christ’s final days with his disciples, by writing scriptural expositions on the biblical passages. Luther drew the themes for his sermons from the liturgical calendar. It was the season of Pentecost, so he theorized about the Holy Spirit. In the middle ages, theologians typically thought of the Holy Spirit as the gift of divine love infused into the soul, a love by which the

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63 WA 39/I:343.16f: “Lex tantum arguit peccat, et quidem sine Spiritu sancto, ergo arguit ad damnationem. ”
64 WA 39/I:343.21-23: “Nam Evangelium Christi docet iram Dei et coelo, et simul iustiquiam Dei, Rom. 1. Est enim praedicatio poententiae, coniuncta promissioni, quam ratio non tenet naturaliter, sed per revelationem divinam. ”
65 WA 39/I:342.29f: “Ergo lex Mosi non est necessaria ut doceatur, neque pro principio, neque medio, neque fine justificationis. “
Christian becomes able to love God and neighbor. This was a view Luther shared. When Luther came to John 16:8, however, he encountered a different perspective on the Holy Spirit in Christ’s words. Christ said, “the Holy Spirit will convict the world of sin and of righteousness.” If the Spirit convicts the world of sins, it must have another function alongside of the gift of infused divine love. Luther began to theorize the Holy Spirit in connection with the accusing law.

Agricola used this connection between the Spirit and the law to further legitimize his antinomianism. In thesis three, he recited the Spirit’s conviction of sins in John 16:8. Then, he posited that the gospel must both convict of sins and console with the promise about Christ’s righteousness because the Holy Spirit who convicts of sins is only given in the gospel, not by the law. Luther’s new insight about the Spirit’s connection to law only exacerbated Agricola’s erring understanding of law and gospel.

Luther needed to find a way to keep the Spirit connected to the conviction of sins, a function of law, while also keeping the Spirit under gospel as a gift of justification. Luther could have simply reiterated his early formulations of law and gospel as a corrective to Agricola’s antinomianism. However, the addition of the Holy Spirit and the Spirit’s conviction of sins complicated matters because the conviction of sins is also the function of law. He had to connect the Spirit to both law and gospel. The problem was, for the Spirit to convict the world of sins, the

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68 Cf. Pekka Kärkkäinen, *Luthers trinitarische Theologie des Heiligen Geistes* and Theodor Dieter, “‘Du mußt den Geist haben!’”


70 WA 39/I:342.27f: “At datus olim, et datur perpetuo Spiritus sanctus, et iustificantur homines sine lege, per solum Evangelium de Christo.”
Spirit had to be the divine agent of law. But how could the Spirit be the agent of law and also comfort the soul under gospel as the infused gift of divine love? The Spirit’s connection to the conviction of sins in Agricola’s antinomianism required Luther to revisit law and gospel.

However, to keep the Spirit connected to gospel, Luther had to find a new way to bring law as a function of the Spirit back into the Christian life after justification. This required that he revise his earlier formulation of “law then gospel” as “law, then gospel, then law under gospel.”

However, Luther’s passive anthropology from the 1510s and 1520s did not support such a formulation. He would also have to revisit and expand his anthropology in relation to the Spirit to make room for the moral agency that he had thrown out in 1517.

1537 was a different time, a different place, and a different interlocutor than 1517. The controversy with Agricola forced Luther to reflect on the role of the law in the Christian life. On Luther’s own terms the gospel did not simply abrogate the law. Luther’s challenge was to devise a use of the law after gospel without problematically implying that obedience to the law before the gospel somehow justifies. Furthermore, the historical context shows new innovations among the Reformers on the question of human agency. In 1527, Luther’s colleague and friend, Philipp Melanchthon had his own Antinomian controversy with Agricola in Eisleben, Germany. In response, Melanchthon introduced a concept of the third use of the law (tertius usus legis) into the discussion in his 1534 Scholia on Paul’s letter to the Colossians. He suggested that what actually happens when God declares the human sinner as righteous on account of Christ in justification is that the person is liberated from the law’s accusations. The law does not cease in justification, only its accusations. The justified person becomes free to obey the moral law, to

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71 Timothy Wengert develops the theological outcomes, including Melanchthon’s third use of the law, in detail in Law and Gospel, esp. 179-200. He shows Melanchthon’s concept of the a third use was fully developed by 1534, but Melanchthon did not use the terminology of tertius usus legis until 1535. Cf. Ebeling, Wort und Glaube, 1:58.
drive out her remnant of sin, and to develop a second kind of righteousness in her conscience. Thus, the law gains a new function to guide the Christian away from sin and towards good and righteous works. The passive justification in Christ opens up both the law and human agency for good works after justification while excluding good works before justification. Therefore, Luther’s *Antinomian Disputations* historically contextualize an emerging problem on the topic of law with new innovations, and provide a new text to consider in the question of human agency in Luther’s thought that show a function of the law beyond simply its first and second uses (theological and civil).\(^\text{72}\)

Luther's solution to Agricola's antinomianism was the "salutary use"\(^\text{73}\) of the law as a sort of intellectual directive for the Christian’s moral judgments after justification. The problem was, though, Luther's weak anthropology was incompatible with a salutary use of the law because the human in his view could only produce evil acts. This means that Luther's defense of the law after gospel contains the seeds for articulating a robust concept of human subjectivity because Luther's new view of the law necessitated revisions to his earlier anthropology. What Luther needed was a view of the person with powers of the soul to act well *after* justification.

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\(^\text{72}\) Luther never used the terminology of the “*tertius usus legis*,” but his defense of the law in the Christian life in the *Antinomian Disputations* challenged mid-century scholars to reconcile this conceptually with Luther’s earlier conclusions about the accusing function of the law. Ultimately, the consensus became that the *Antinomian Disputations* were an anomaly and Luther’s law/gospel dichotomy prevailed. Cf. Althaus, *Gebot und Gesetz*; Werner Elert, “Gesetz und Evangelium,” 132-169; Wilfried Joest, *Gesetz und Freiheit*; Gerhard Ebeling, *Wort und Glaube*.

Law is said to have three uses. The first use is the theological, accusing function. The second use is the civil, government function. The third use is a uniquely Christian use for guiding the moral conscience of the believer.

\(^\text{73}\) WA 39/I:445.21-446.3: “Sed deinde venit Evangelium et aufert cuspidem legi et facit ex ea paedagogum. Atque ita debet lex per Evangelium interpretari et reduci per impossibile et ad salutarem usum.” Although Melanchthon introduced the concept of the third use of the law in 1534, he did not coin this terminology until his *Loci* of 1535. In similar fashion, Luther reflects conceptual developments on the law akin to Melanchthon's "third use" in the *Antinomian Disputation* without ever utilizing this precise terminology.
Luther's challenge was to construct an anthropology open to the possibility of human moral agency \textit{after} justification, but without any possibility for a human contribution to meritorious action \textit{prior} to justification. In other words, Luther needed to deflate Agricola's antinomianism without succumbing to the reliance on human moral efforts that he had refuted in Nominalist theology in 1517. To do this, Luther looked to the Holy Spirit in conjunction with the medieval anthropological categories that he had supposedly thrown out. A robust pneumatology became the theological resource for a more dynamic moral picture of the justified person. In the next chapter, we will begin to excavate the way Luther newly brings the Spirit, law, and human person together in the \textit{Antinomian Disputations} in relation to the law/gospel paradigm Luther first developed during the early polemics against Scholasticism.
Chapter Three

Defending the Law and the Spirit:

Foundations for the “Salutary Use” of Law in the Christian Life after Gospel

3.1 Introduction: reconciling the Antinomian Disputations with Luther’s law/gospel paradigm

Luther scholars for much of the twentieth century have understood Luther’s law/gospel paradigm to define the two primary aspects of Luther’s understanding of the God-human relationship. Scholars agree, Luther thinks “law” is God’s moral demand to the human person, which functions to reveal the human’s failures to meet God’s demands and to accuse her as a sinner. Scholars see Luther to use “gospel” as the divine foil to the law’s accusations because gospel has to do with Christ and the righteousness that Christ gives to the human to save her from the law’s condemnation.\(^7^4\) Christ fulfills the law and God makes Christ’s law fulfillment available to the human person in faith. This scholarly perspective on Luther’s law/gospel principle is articulated

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\(^7^4\) Werner Elert elevated the law/gospel principle as a key interpretive paradigm for Luther’s theology in his famous response to Karl Barth’s dialectical theology, *Zwischen Gnade und Ungnade*. Law/gospel has since become the great “dialectic” of Lutheran theology in the twentieth century, connoting the radical mismatch between human sin and divine grace. Contemporary German Luther research has been deeply influenced by this dialectic, which faces few challenges from the scholarly community. Gerhard Ebeling applied this dialectical paradigm to Luther’s theological anthropology in his comprehensive volumes, *Lutherstudien*, vol.II/1-3. The law/gospel dialectic helped Ebeling to isolate a “relational ontology” to the God-human relationship. “Before God” (*coram Deo*), the human is just and redeemed, but “before the world” (*coram mundo*), the human remains irreducibly sinner.
in the “Gesetz und Evangelium” entry of the recent encyclopedic publication to Luther and Luther’s works, *Das Luther-Lexikon* (2014):

Moving out of the medieval meaning, Luther defined…the law as God’s expectations or demands for the human’s disposition and actions and the gospel as God’s own agency in Jesus Christ to save the sinner through Christ and in which the Holy Spirit through his Word in oral, written, or sacramental form moves the human to faith in God. Every pronouncement that accuses or humbles the human functions as law and every pronouncement that causes comfort and trust on the basis of Christ’s death and resurrection functions as gospel.\(^75\)

If the human person, moved by the Spirit, believes God’s promise in the gospel that Christ offers his righteousness to the human on the human’s behalf, then God counts the human as righteous before God’s demands in the law.

This scholarly understanding of Luther’s law/gospel principle raises a question: what is the human dimension of the God-human relationship articulated in the law/gospel principle? Due to scholarly efforts to recognize and honor the way Luther distinguished himself from his medieval theological predecessors, this question has gone unanswered.\(^{76}\) Troubled by the lack of assurance in medieval discussions of human merit, Luther maximized divine grace rather than


\(^{76}\)Bo K. Holm and Risto Saarinen have recently worked to open up interpretive room for discussing the human dimension of the God-human relationship. Instead of working to add complexity to the law/gospel paradigm, they isolated additional paradigms in Luther’s theology that see human action as response to God, notably models of gift and reciprocity between God and the human person. While I rely heavily on Holm’s insights about Luther’s understanding of the divine gift, I seek to modify and expand the governing law/gospel paradigm rather than move past it altogether. See Bo. K. Holm, *Gabe und Geben bei Luther*; Risto Saarinen, “Gunst und Gabe: Melanchthon, Luther und die existentielle Anwendung von Senecas “Über die Wohltaten,” in: “Kein Anlass zur Verwerfung”: *Studien zur Hermeneutik des ökumenischen Gesprächs: Festschrift für Otto Hermann Pesch*, eds. Johannes Brosseder and Markus Wriedt (Frankfurt a.M: Verlag Otto Lembeck, 2007), 184-197.
human agency in the way he understood human salvation. Scholars have focused on Luther’s emphasis on divine agency to the detriment of our scholarly understanding of Luther’s continuity with and reliance on medieval theology. The scholarly emphasis on divine agency in Luther’s law/gospel principle has also resulted in a largely flat understanding of human agency in Luther’s theology. Luther’s escalation of divine agency is thought to reinforce total human passivity. The underlying assumption is rather dichotomous: if Luther thinks that God does everything to save the human sinner, then he must also think that the human sinner does nothing.

This assumption has led to scholarly befuddlement about Luther’s *Antinomian Disputations* (1537-40; *Antinomer Disputationen*) because Luther discussed human agency for the law in these disputations as a way of refuting the antinomianism espoused by some of his followers. The conclusion has been that the *Antinomian Disputationes* are an “anomaly” in Luther’s theology. However, scholarly efforts to make sense of these disputations have been somewhat like attempts to shove a foot into a shoe that is three sizes too small and meant for the other foot. Scholars have tried to force an interpretation onto the disputations, taken from Luther’s early theology, that does not fit the reformer’s historical context and theological concerns in the late 1530s. Therefore, the goal of this chapter is twofold: first, to make sense of

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77 By far the best historical account of Agricola’s relation to Luther is found in Stefan Kjeldgaard-Pedersen, *Gesetz, Evangelium, und Busse: Theologiegeschichtliche Studien zum Verhältnis zwischen dem jungen Johann Agricola (Eisleben) und Martin Luther* (Leiden: Brill, 1983). Kjeldgaard-Pedersen traces Agricola’s relationship with Luther and to Luther’s early theology leading up to Agricola’s first Antinomian controversy with Melanchthon in 1527. However, he does not analyze the *Antinomian Disputationes* themselves.

77 The debate has to do with Luther’s positive orientation to the law in the *Antinomian Disputationes* despite the fact that he never used the particular terminology of the “third use” of the law, which requires some kind of human agency to obey the law’s commands for holiness. The striking change in Luther’s orientation to law challenged mid-century scholars to reconcile this conceptually with Luther’s earlier conclusions about the accusing function of the law. Ultimately, the consensus became that the *Antinomian Disputationes* were an anomaly and Luther’s law/gospel dichotomy prevailed. Cf. Althaus, *Gebot und Gesetz*; Elert, “Gesetz und Evangelium”; Joest, *Gesetz und Freiheit*; Ebeling, *Wort und Glaube*; Bornkamm, *Luthers Auslegungen des Galaterbriefs von 1519 und 1531: ein Vergleich* (Berlin: De Gruyter, 1963). This dissertation aims to show that the *Antinomian Disputation* actually fit within Luther’s core theological paradigms when contextualized both historically and intellectually.
the Antinomian Disputations within Luther’s historical and theological context of the 1530s; and, in doing so, to explore how Luther understands the human dimension of the God-human relationship that is articulated in the law/gospel paradigm.

This chapter examines the way Luther articulates a more nuanced notion of the human person in relation to law but from the perspective of the human under gospel. The first step in this study is to work out the particular theological challenges Luther faced in his controversy with the Antinomians. These challenges emerge as a new theological question, namely, how to connect the Spirit and law to the human person. Then, I turn to examine the ways Luther resolves this question by introducing, first, medieval penitential language to articulate human experience under law and gospel, and, second, a particular theological ordering of the temporal human life in relation to law and gospel. As a result, Luther can be seen to develop an increased role of the Spirit in relation to law and gospel in the Antinomian Disputations that clarifies the human’s own changing relation to law while also maintaining Christ’s divine agency in regard to justification.

3.2 Historical-theological context: the Antinomian challenge to the law and the Spirit in the Christian life

Luther articulated his theology in specific situations. His theological insights emerged in response to pastoral problems, preparation for sermons, responses to letters, controversies—the list could go on. Because of the situational nature of Luther’s theology, the historical context underlying his theological claims are important for understanding Luther’s intentions and the factors he was reacting to in his responses. In the middle of the twentieth century when much of
the existing research on the *Antinomian Disputations* was done, the immediate historical context of the Antinomian controversy was left unexplored. Instead, scholars sought to explain Luther’s comments in the disputations by placing his thoughts within a hermeneutical principle derived from Luther’s theology in 1522.\(^78\) This approach helped to explain away any change or innovation in Luther’s thought about the human person’s relation to law during the Antinomian controversy because it did not fit into the 1522 framework. The historical events and theological innovations of the 1530s were not considered as contextual or explanatory resources. Therefore, this section seeks to contextualize Luther’s understanding of law and gospel alongside Luther’s academic and pastoral activities from the 1530s. In particular, Luther’s *Lectures on Galatians* (*1531/35*) and his sermon preparations in the spring of 1537 less than six months before the first *Antinomian Disputation* shed light on important developments in Luther’s theology and Agricola’s antinomianism. These developments underlie questions that Luther aimed to resolve in the disputations.

3.2.1 Luther’s law/gospel paradigm in the Lectures on Galatians (*1531/35*)

Luther developed law/gospel as his core hermeneutical principle while he lectured on the Psalms, Romans, and Galatians as a young professor and monk in Wittenberg, sometime between 1510 and 1520.\(^79\) In 1531, Luther delivered a second set of lectures on Galatians, which were sent to

\(^{78}\) Cf. Gerhard Ebeling, *Wort und Glaube*, I:53. Ebeling maintained that because Luther only had two uses of law in 1522, he only ever had two uses.

\(^{79}\) “Gesetz und Evangelium,” *Das Luther-Lexikon*, 252.
press in 1535. Contemporary Luther scholarship views these 1531/1535 Lectures on Galatians (Galaterbriefvorlesungen) as the locus classicus for Luther’s articulation of the law/gospel paradigm.\textsuperscript{80}

In the Lectures on Galatians, law functions as part of Luther’s law/gospel paradigm to make demands and to expose one’s failure to meet those demands. Luther wrote, “Law wants something to be done, [it] wants something to be done an account of God.”\textsuperscript{81} Going all the way back to the 1517 Disputation against Scholastic Theology and the 1518 Heidelberg Disputation, Luther had thought the law’s primary demand to be love of God above all else.\textsuperscript{82} He recognized the problem that no one is able to fulfill this demand because no one is able to conform her will to love God. Instead, the soul is guilty of hatred of God. These insights led Luther to ask in the Lectures on Galatians, “who is without sin?” He concluded that “there is no one who loves God with his whole heart.”\textsuperscript{83} To be under the law, Luther then said, is to be “under a curse.”\textsuperscript{84} Luther saw the law as a curse because the law does not give what is needed to obey. The law does not give the Holy Spirit.\textsuperscript{85} Instead, the law is an “exactor, demanding what we owe.”\textsuperscript{86} Therefore,

\textsuperscript{80} See, for example, Karin Bornkamm’s Luthers Auslegungen des Galaterbriefs von 1519 und 1531. Bornkamm construes both lectures against the law/gospel principle. A sign of hope that Luther research is moving past this kind of interpretation can be found in Sun-young Kim, Luther on Faith and Love: Christ and the Law in the 1535 Galatians Commentary (Minneapolis: Fortress Press, 2014). Kim works to identify a new kind of law under gospel, which she names “Christ’s law of love.” Christ’s law restructures the law for “works” of faith and love, 158-176. In doing so, Kim indicates that Luther was already thinking through this problem of law after gospel well before the Antinomian controversy with Agricola in 1537, contra Elert and Ebeling.

\textsuperscript{81} WA 40/I:425.12: “lex wil gethau sein, wil etwas gethau sein gegen Gott.”

\textsuperscript{82} Theodor Dieter contrasts divine and human love in thesis 28 of the Heidelberg Disputation. Divine love is able to satisfy the law’s love demand because it creates goodness in its object, but human love is acquisitive. The human will is only activated by objects it seeks to acquire for self-enhancement. See Theodor Dieter, Der junge Luther und Aristoteles, 136-142.

\textsuperscript{83} WA 40/I:2:428.2f: “qui sine peccato est…Nemo est, qui dilligit deum ex toto corde.”

\textsuperscript{84} WA 40/I:2:428.3: “Ergo facere legem est manere sub maledicto.” Kim adds an important distinction to our understanding of the accusing law in the Lectures on Galatians, noting that Luther only opposes law when it is used to usurp Christ’s righteousness. She indicates that in 1531 Luther was already adding more nuance to his notion of accusing law, making the shifts present in his 1537 understanding more plausible. See Sun-young Kim, Luther on Faith and Love, 232.

\textsuperscript{85} WA 40/I:2:336.8f: “doctrinam legis quae nunquam affert spiritum sanctum; ergo non iustificat.”

\textsuperscript{86} WA 40/I:2:337.1: “Lex est exactor, postulans, ut demus.”
Luther determined that the law works to “demand something of us” and to “reveal sin and kill” when we fail to fulfill it.\(^\text{87}\) Law reveals sin and accuses the guilty conscience.

Luther saw gospel to foil law because in the gospel Christ gives his own righteousness and the Holy Spirit to the human being. As a result, Christ consoles the terrified conscience and removes sin. Luther defined gospel as “a gift and offers a gift.”\(^\text{88}\) He then identified the two gifts given in the gospel as Christ and the Holy Spirit. He stated, “We are justified solely by faith in Christ, without works, and the Holy Spirit is granted solely by hearing the message of the gospel with faith.”\(^\text{89}\) One gift the gospel gives is Christ’s righteousness. In this way, the human’s sins are remitted and the person is given what Luther called the “righteousness of faith” (\textit{iustitia fidei}).\(^\text{90}\) Luther deemed the righteousness of faith a “passive righteousness” because, unlike the other types of righteousness he identifies (ceremonial, political, or righteousness of the law), the righteousness of faith does not require human action. Instead “nothing is worked by us, but we are born by the works of another, [which] God certainly permits in us.”\(^\text{91}\) Gospel foils law because gospel removes sin when God attributes Christ’s righteousness to the human being.

Gospel also negates law because the Holy Spirit is the second gift given in the gospel. Luther said that the proclamation of faith spoken by Christ justifies because “it brings with it the Holy Spirit.”\(^\text{92}\) The law can not justify because it does not give the Spirit either by its message or its effect.\(^\text{93}\) The law “never brings the Holy Spirit, therefore it does not justify.”\(^\text{94}\) The Spirit is

\(^{87}\) WA 40/I.2:337.2: “\textit{lex…vult accipere;” }428:15f: “\textit{Legis enim est non justificare et vivificare, sed ostendere peccatum et occidere.”}

\(^{88}\) WA 40/I.2:337.5: “\textit{Euangelium est donum et affert donum.”}

\(^{89}\) WA 40/I.2:336f.

\(^{90}\) WA 40/I.2:64.4.

\(^{91}\) WA 40/I.2:41.4f: “\textit{ubi nihil operamur sed patimur alium operari in nobis scilicet deum.”}

\(^{92}\) WA 40/I.2:336.7f: “\textit{audire vocem fidei, sermonem de fide in Christum, is adducit secum spiritum sanctum; is justificat.”}

\(^{93}\) WA 40/I.2:336.5.

\(^{94}\) WA 40/I.2:336.8f: “\textit{doctrinam legis quae nunquam affert spiritum sanctum; ergo non justificat.”}
necessary for justification, Luther thought, because “Christ rules with his Holy Spirit, who now sees, hears, speaks, works, endures, and does everything in me.” The gospel foils the law because the gospel brings with it the Spirit, who as God works all human operations on the human’s behalf in faith. The law prescribes these works, but only the gospel gives what is necessary to accomplish them.

Luther separated law and gospel as two functions of God’s word. Both law and gospel teach something, but only gospel gives or creates something to justify the sinner. The law teaches what we ought to do because law is a word of demand. Gospel teaches what we ought to receive, namely, Christ’s righteousness and the Holy Spirit. Gospel, however, is a promise spoken by Christ about Christ, not a demand. Discussing Christ’s relation to law and gospel, Luther depicted Christ to announce: “The law is horrible and wrathful, but be not terrified nor

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95 WA 40/I.2:290.10f: “regnat Christus cum suo spiritu sancto qui iam videt, audit, loquitur, patitur et Omnia facit in me.”
96 Theodor Dieter explains that the Spirit works the human’s operations in faith through an “ontological relation” (Ontologie der Relationen). The Spirit is effective in the person for subsequent operations because faith is a “pure experience of the word of God,” which makes it possible, Dieter claims, for Luther to say that “the new person works or faith works, or Christ or the Spirit work.” While Dieter works to rehabilitate the philosophical underpinnings of this relational ontology from Ebeling, I am working to add more theological nuance to the human activity in this relation. While the Christ-soul relation in faith establishes an ontology of relation, I show that Luther opens up this “relational ontology” to real effects through the gift of the Holy Spirit. See Theodor Dieter, “Du mußt den Geist haben!,” 88.
97 WA 40/I:337.1f. The German theologian, Oswald Bayer, is largely responsible for the understanding of law and gospel as functions of divine words. Bayer argues that ‘law’ is an “ineffective” word because it does not create what it demands, while gospel is an “effective” word because it declares the sinner to be just and, thus, it becomes so. See Oswald Bayer, Promissio. While Bayer correctly distinguishes between effective and ineffective divine words in Luther’s theology, the consequences of his interpretation have further engrained the law/gospel dialectic in Luther research. While law itself remains ineffective, closer examination of the divine agent behind the law, namely, the Holy Spirit, can open up the law category as an effective divine word. In his recent study of Luther’s concept of law in the Antinomian Disputations, Christian Schulkin used Bayer’s word theology to distinguish between the law as indicative and imperative divine words. Schulkin admits an “effective” use of the law in the Disputations, however, he construes this across the law/gospel schema such that the effective nature of law has to do with accusing the conscience. See Schulkin, Lex efficax: Studien zur Sprachwerdung des Gesetzes bei Luther im Anschluß an die Disputationen gegen die Antinomer (Tübingen: Mohr Siebeck, 2005), 134-136, 392.
98 WA 40/I.2:336.2f.
99 WA 40/I.2:45.7f.
flee, but remain. I myself fulfill what you owe and satisfy the law on your behalf.”

Because Christ fulfills the law on behalf of the sinner, Luther determined that the gospel is an effective word of promise that actually does something to justify the sinner while the law remains an ineffective word that demands without giving anything to fulfill those demands. The contrast between the law’s demanding/accusing words and the gospel’s promising/giving words led Luther to fully separate law from gospel. He said law and gospel are “separated as opposites.”

As contradictions, law and gospel cannot coexist as functions of God’s word. That is why gospel overtakes law, so that God’s promise in Christ speaks the final word in opposition to the law’s accusations.

In the Lectures on Galatians, Luther determined the function of law to be “theological” because it works to prepare the human for the gospel. That is, the law “illuminates the conscience to sin, death, judgment, hatred and wrath of God.” The theological purpose of the law is to bring about self-recognition; to reveal to one’s own conscience that she hates God and is God’s enemy. This purpose is “theological” because Luther saw this self-recognition to ultimately drive the human to Christ in the gospel. Law makes one desperate for grace; it “makes the troubled heart thirst for Christ.”

Therefore, Luther concluded that the principle purpose of law is to reveal sin and “when the law drives one to this extent to recognize his malice and to confess his sin from his spirit [animo], [then the law] has done its office and its time is complete.”

The theological function of law in the law/gospel paradigm is to prepare the sinner for gospel. When

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100 WA 40/1.2:503.22-24: “Lex quidem horribilis et irata est, sed noli perterrefieri et fugere, imo consiste. Ego suppleo vices tuas et pro te legi satisfacio.”
101 WA 40/1.2:337.3: “differunt per contrarium.”
102 WA 40/1.2:506.20f: “Lex...illuminat conscientiam ad peccatum, mortem, iudicium, odium et iram Dei.”
103 WA 40/1.2:509.24: “sic Lex perturbata corda facit sitire Christum.”
104 WA 40/1.2:509.12-14: “Lex ergo cum cogit hoc modo agnoscre malitiam et ex animo peccatum confiteri, suum officium fecit et tempus eius completum est.”
law has successfully terrified the conscience and the gospel promise is announced, the accusing law is terminated.

3.2.2 Summer of 1537: Luther’s discovery of the Spirit’s “punitive office”

Six years later, between Easter and Pentecost of 1537 (roughly March to June), Luther was preparing sermons on Jesus’ final speech to his disciples before the crucifixion. Luther’s exegetical emphases aligned with the liturgical themes; he highlighted the shift from the end of Jesus’ earthly life to the coming of the Spirit and the Spirit’s work. Therefore, Luther theorized about the office and work of the Spirit throughout these expositions. He identified the Spirit’s office in his commentary on John 15:26. The Spirit’s office is “to bear witness to Christ.”

Luther pointedly observed that “the Holy Spirit’s sermon” is not to preach the law, but rather to make Christians into witnesses and confessors of Christ. At the end of John 15, Luther clearly separated the Spirit’s office from law by connecting it exclusively to gospel. The Spirit prompted human agents to announce the gospel promise of Christ.

When Luther came to John 16:8-11, however, he was surprised to discover that Christ identifies a second office for the Spirit. Luther’s astonishment is reflected in his observation that

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105 “When the Advocate comes, whom I will send to you from the Father—the Spirit of truth who goes out from the Father—he will testify about me.”
106 WA 45:730.3-11: “Denn er sol zeugen (spricht er) nichts anders denn von Mir, Das sol die predigt sein, die da heisset des heiligen Geists predigt, Daruemb wird er nicht sein ein Mose oder Gesetzs Prediger, wie jr bisher und noch habt, Sondern ich wil jm ein andere hohere predigt jnn den mund geben, denn Moses euch gegeben, welcher hat allein das Gesetz oder Zehen gebot geleret, so er doch auch von Gott empfangen hat, nemlich, was jr thun und lassen solt. Dieser aber sol solche Prediger und Bekenner aus euch machen, die nicht von jrem thun und leben, sondern von mir sagen und zeugen. Das ist des heiligen Geists eigentlich ampt.”
Christ “clearly defines the Spirit’s office and work” to be “to convict the world of sins.”

Luther characterized the Spirit’s office to convict the world of sins as an accusing office; he renamed it the “punitive office” (das Straf Ampt) while calling the Spirit the “eternal judge.”

The Spirit’s punitive office involves “attacking all of [the world’s] deeds and being, and to tell [everyone in the world] that, as they are found, they are entirely guilty and unjust before God and must believe this word about Christ or be eternally damned and lost.”

The Spirit in its punitive office accuses the human being of sin. Adding to this, Luther stated that the Spirit “pronounces judgment” that sinners, those without belief in Christ, “are and must remain under God’s wrath and damnation.” Like the accusing law, the Spirit exposes sin and condemns the sinner.

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107 WA 46:34.21-23: “Darauff antwortet er hiemit und gibet jm deutlich das ampt und werck, das er sol die welt straffen und solch straffen durch der Apostel wort uben uber die gantze welt.”

108 WA 46:47.2. The most comprehensive study of Luther’s pneumatology since Regin Prenter’s 1953 book, *Spiritus Creator*, trans. John Jensen (Eugene, OR: Wipf and Stock Publishers, 1953), is Pekka Kärkkäinen’s book, *Luthers trinitarische Theologie des Heiligen Geistes*. Kärkkäinen has shown Luther’s deep indebtedness to medieval pneumatologies after Lombard in which the Holy Spirit was understood as the divine caritas that is given to the Christian in infused grace for love of God and neighbor. This objective leads Kärkkäinen to identify the Spirit’s “Eigentumlichkeit” as the Liebe Gottes, 50-52, 57. Nowhere does Kärkkäinen discuss the Spirit’s Straf Amt that Luther concocts in his preparations for the Sermons on John. While Kärkkäinen later connects the Spirit to the giving of the law, he does so only when the Spirit is in its divine nature in the Trinity. This precludes any movement outside of the inner Trinity in which the Spirit works to terrify and accuse the human conscience by empowering the law, 136. Instead, Kärkkäinen identifies the Spirit with the “spiritual law” and the “end of the written law,” 145. See also Dieter, “Du mußt den Geist haben!,” 66-69 for an analysis of Luther’s marginalia on distinction 17 of book 1 of Lombard’s *Sentences*. Dieter shows Luther to “follow the medieval consensus” that “the Holy Spirit is love, through which itself works together with the human will as an act of love,” 66. However, Dieter contends that Luther decides against the notion that the Spirit is a habitus of love, preferring instead the idea that the Spirit itself works in the will without any kind of mediation, 67.

109 WA 46:34.31-34: “Und nennets deutlich ein solch ampt, das da heist Die welt straffen, das ist: alle ir thun und wesen angreiffen und jnen sagen, das sie alle zumal, wie sie gefunden warden, fuer Gott streflich und unrecht sind und musten jrer predigt von Christo gehorchen oder eviglich verdampt und verloren sein.”

110 Sun-young Kim suggests a punitive and salutary function of the “righteousness of God” in Luther’s *Lectures on Galatians*. The salutary function of divine righteousness communicates that God wants to bless, not sentence sinners with death as the punitive function suggests. Kim places this into the law/gospel paradigm: “Insofar as human beings acknowledge themselves as sinners, they respond correctly to God’s initial outreach towards them…[this true knowledge of God] rests on a hope firmly rooted in God’s promise,” 124. Luther again pairs the punitive and salutary functions in the *Antinomian Disputations*, but in connection to a changing relation to the Spirit, not the righteousness of God.

111 WA 46:38.24: “das sie unter Gottes zorn und verdamnis sind und bleiben mussen.” For Kärkkäinen, the accusation of sin can only be an effect of law. Therefore, accusation of sin is only to be attributed to the Spirit in a
Luther also understood the Spirit to have a consoling function, like the gospel. The Spirit announces the solution to God’s wrath in connection to the Spirit’s first office, the Spirit’s “sermons” to announce Christ. The Spirit tells people “that they must either obey the message about Christ or be eternally damned”\textsuperscript{112} and that Christ is the only deliverance from God’s wrath.\textsuperscript{113} Luther observed that the Spirit’s message has two accomplishments: first, the Spirit tells people they are under God’s wrath and requires acknowledgement of this condition; and second, the Spirit shows how to be delivered from this condition by faith in Christ.\textsuperscript{114} The Spirit’s two offices that Luther found in John have a remarkable similarity to his law/gospel paradigm. The Spirit’s punitive office has an accusing function while the Spirit’s office to bear witness to Christ announces the solution to God’s wrath through faith in the gospel.

Interestingly, although the way Luther discussed the Spirit’s offices aligned with law and gospel in his scriptural expositions on John 14-16, he never overtly made the connection between the Spirit’s punitive office with the accusing function of law. What is clear is that Luther’s sermon preparations on John 14-16 in the summer of 1537 led him to think about the person and work of the Spirit in new ways. These new ideas about the Spirit laid the groundwork for connecting the Spirit’s punitive office to the office of the law in the \textit{Antinomian Disputations}. The Spirit is not just the comforter or advocate sent by Christ as traditional paracletic imagery inferred, but the Spirit also speaks divine judgment over sin just like the law.

\textsuperscript{112} WA 46:34.34: “muessen jrer predigt von Christo gehorchen oder ewiglich verdampt und verloren sein.”

\textsuperscript{113} WA 46:38.25: “Und jnen nicht kan davon geholfen werden, es sey denn, das sie an Christum glawben.”

\textsuperscript{114} WA 46:40.28-33: “Also thuet diese predigt zweyerley, Zum ersten helt sie aller welt fur, das sie alle zumal unter der Suende und dem zorn sind, durch das Gesetz verdampt, und fordert, das wir solchs erkennen, Zum andern zeigt sie, wie wir muegen erloesung von dem selben und gnade bey Gott erlangen, nemlich durch dieses einige mittel, das wir Christum mit dem glawben ergreiffen.”
3.3 Fall of 1537: Agricola’s escalation of the Galatians law/gospel schema

In the late winter and early spring of 1537, Johann Agricola was filling in for Luther’s preaching duties while Luther was away for a meeting of the Schmalkaldic League.115 Agricola and Luther were close friends. During the early days of the Reformation, Luther had been Agricola’s professor and pastor (Seelsorger).116 Agricola had been Luther’s closest student, his disciple in promulgating the new Reformation theology.117 Martin Brecht has suggested that Agricola’s antinomian orientation stemmed from a static interpretation of Luther’s ideas during this early period. Agricola “believed the law’s demands belonged in the past; a believer is converted, justified, and instructed through the proclamation of the gospel in Christ. The continuing divine demand of the law...was no longer of interest in this context.”118 As Brecht suggests, Agricola often cited Luther’s early sermons and his antinomianism had caused previous problems with Melanchthon.119 Melanchthon addressed Agricola’s antinomian tendency in 1527 during a supervisory visitation to Eisleben, then Agricola’s teaching post. Melanchthon noticed an

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115 The Schmalkaldic League (Schmalkaldischer Bund) was a political alliance between Lutheran princes within the Holy Roman Empire during the 1530s and 40s. The alliance was meant to guard against the Holy Roman Emperor Charles V’s attempts to extinguish the Reformation movement. As such, participating princes agreed to ascribe to the Augsburg Confession and to share military power. Cf. “Schmalkaldischer Bund,” Das Luther-Lexikon, 621f.
116 Kjeldgaard-Pedersen reports that, not only was Luther Agricola’s Seelsorger, but Agricola also held a position of trust in the most tumultuous period of Luther’s professional and personal life. Agricola was Luther’s secretary at the Leipzig Disputation (1519) and the notary for Luther’s appeal for a general council in November of 1520. When Luther infamously had Leo X’s papal bull, Exsurge domini, burnt at the Elster Gate in Wittenberg, Agricola was charged with burning the bull and all of the papal books in Wittenberg. Kjeldgaard-Pedersen, Gesetz, Evangelium und Busse, esp. 9-12.
117 Martin Brecht, Martin Luther, 3:157.
omission in Agricola’s preaching of law and quickly demanded an increase in its teaching in Eisleben. A heated controversy developed and inspired Melanchthon to actually rethink the role of law in the Christian life.

By 1537 Agricola had relocated to Wittenberg and was assisting with Luther’s preaching duties. Luther’s exposition of John 16:8 gave food to Agricola’s antinomian fodder; a series of anonymous theses began circulating around Wittenberg in the summer of 1537. These theses were quickly attributed to and later claimed by Agricola. Echoing Luther’s recent reflections on the Spirit’s punitive office in John 16:8, Agricola composed a thesis that asserted: “Christ says in John (16:8) that the Spirit will convict the world of sin, not the law.” John 16:8 seemed to support Agricola’s deterrence from the law by providing an alternative source for revealing sin. Agricola concluded the law is unnecessary because the Spirit itself convicts of sins—not the law, and the Spirit is given in the gospel alone.

Luther’s emphatic location of the Holy Spirit under the auspice of the gospel in the Lectures on Galatians compounded Agricola’s conclusion that the law is altogether useless in relation to God because the Spirit convicts of sins under the auspice of gospel. Echoing Luther’s Lectures on Galatians, Agricola’s eighth thesis proposed: “However, the Spirit was given

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120 On the Church Visitations, see Martin Brecht, Martin Luther, 2:259-279.
121 Wengert reports that by 1534 Melanchthon’s controversy with Agricola had actually led him to the law to the Christian life on the basis of a forensic notion of justification. This idea will become an important influence for Luther and our discussion in chapter three. Wengert ascribes to the traditional view in Luther research that “Luther never expanded beyond two uses of law.” While I concede that Luther never utilizes the language of “tertius usus legis,” in this chapter I show greater complexity to Luther’s understanding of law than previously permitted. See Wengert, Law and Gospel, 179-191, esp. 191.
122 WA 39/I:342.14f: “Et Christus apud Ioannem ait, Spiritum arguer mundum de peccato, non legem.”
123 Wengert notes Agricola’s rejection of any positive function of law—not even for driving the sinner to Christ. This “theological use” was embedded within the gospel, which functioned to “condemn whatever is exalted and stands against the worship and faith in God,” see Wengert, Law and Gospel, 29. Kjeldgaard-Pedersen clarifies Wengert’s claim, suggesting that Agricola actually misunderstood Luther’s law/gospel principle as a denigration of the Old Testament in favor of the New. Because the Spirit comes to the Church at Pentecost, my interpretation of Agricola’s pneumatological confusion aligns with Kjeldgaard-Pedersen’s opinion, see Kjeldgaard-Pedersen, Gesetz, Evangelium und Busse, 380.
formerly, and is given continually, and men are justified, without law, solely by the gospel about Christ.”\(^{124}\) Luther and Agricola agreed; the Spirit is given in the gospel, not through the law. This view combined with Agricola’s new understanding of the Spirit’s punitive office as stated in John 16:8 to create a new source for the conviction of sin: the Spirit in the gospel.

The Spirit’s punitive office under gospel bolstered Agricola’s conclusion that one teaching, the gospel, must include both the conviction and the remission of sins.\(^{125}\) He wrote, “Yet [a] doctrine is necessary that with great efficaciousness not only condemns, but also saves at the same time. This is, however, the gospel that simultaneously teaches repentance and the remission of sins.”\(^{126}\) The gospel works both conviction and remission of sins because these are the works of the Spirit, who is given solely in the gospel. This realization then led Agricola to a new definition of gospel. “Gospel” had to do with “God’s wrath from heaven and, at the same time, God’s righteousness,” both of which Agricola saw in Christ’s suffering on the cross.\(^{127}\)

Agricola conflated the accusing law, as Luther understood it, into gospel because he took seriously Luther’s association of the Spirit with the gospel in the Lectures on Galatians in combination with Luther’s new insights about the Spirit’s punitive office to convict of sins in his John sermons.

Agricola disassociated law from the accusing function within Luther’s law/gospel paradigm. Instead, Agricola relocated the accusing function to the Spirit as the Spirit is given by

\(^{124}\) WA 39/1:342.27f: “At datus olim, et datur perpetuo Spiritus sanctus, et iustificantur homines sine lege, per solum Evangelium de Christo.”

\(^{125}\) Wengert shows this was Agricola’s position by 1525, Law and Gospel, 27-29; Kjeldgaard-Pedersen suggests this was a “peculiarity” of Agricola’s “Wittenberg theology” from the beginning (1516 onwards), Gesetz, Evangelium und Busse, 379.

\(^{126}\) WA 39/1:343.18-20: “Opus est autem doctrina, quae magna efficacia non tantum damnat, sed et salvat simul. Ea autem est Evangelium, quae coniunctim docet poenitentiam et remissionem peccatorum.”

\(^{127}\) WA 39/1:343.21-23: “Nam Evangelium Christi docet iram Dei et coelo, et simul iustitiam Dei, Rom. 1. Est enim praedicatio poenitentiae, coniuncta promissioni quam ratio non tenet naturaliter, sed per revelationem divinam.”
Christ in the gospel. He concluded on this basis that law is nullified for the Christian in relation to God because law only led to condemnation. “The law only convicts of sin and is certainly without the Holy Spirit; therefore it convicts to damnation.”\textsuperscript{128} Agricola reaffirmed the law’s capacity to accuse of sin, but he rejected the law’s capacity to accuse of sin in any way that led to justification in Christ.\textsuperscript{129} The law leads to condemnation for anyone who encounters it because it reveals sin without absolution in Christ. Agricola understood John 16:8 to support his position that the Spirit alone convicts of sin in combination with sins’ remission in the gospel. Thus, he asserted that “By whatever the Holy Spirit is not given, and by whatever men are not justified, this need not be taught, neither as the beginning, nor the middle, nor the end of justification.”\textsuperscript{130} Agricola removed law in the way Luther understood it as an independent precursor to gospel.\textsuperscript{131} Instead, Agricola moved the accusing function typically associated with law to the Spirit in light of the Spirit’s punitive office. He also understood this accusing Spirit to be given over through the gospel as Luther’s \textit{Lectures on Galatians} had also suggested.

Agricola challenged Luther to clarify his law/gospel paradigm in relation to the work of a particular trinitarian person.\textsuperscript{132} Luther’s law/gospel scheme as he developed it in the \textit{Lectures on Galatians} hinged entirely on the person of Christ. Christ answered the law’s accusations with the imputation of his law obedience to the human in gospel. Luther presented the law/gospel

\textsuperscript{128} WA 39/1:343.16f: “Lex tantum aruit peccata, et quidem sine Spiritu sancto, ergo arguit ad damnationem.”
\textsuperscript{129} Cf. Wengert, \textit{Law and Gospel}, 28f.
\textsuperscript{130} WA 39/1:342.24f: “Sine quacumque re datur Spiritus sanctus, et homines justificantur, ea res non est necessaria, ut doceantur, neque pro principio, neque medio, neque fine justificationis.”
\textsuperscript{131} This conclusion aligns with Kjeldgaard-Pedersen’s opinion that Agricola fundamentally misunderstood the theological shape of Luther’s law/gospel principle, confusing “law” and “gospel” with scriptural determinations in the Old and New Testament. See Kjeldgaard-Pedersen, \textit{Gesetz, Evangelium und Busse}, 379f.
\textsuperscript{132} Kjeldgaard-Pedersen’s work investigates the theological history leading up to Luther and Agricola’s Antinomian controversy in the 1530s, focusing on Agricola’s developing misunderstanding of \textit{poenitentia} in the period up to 1527. He does not discuss the \textit{Antinomian Disputations} in the late-1530s when the Holy Spirit emerges as a major undercurrent in the debate. Instead, he helps to clarify that Agricola’s misunderstanding had to do in part with Agricola’s faulty conflation between “law and gospel” and the “Old and New Testaments.” Kjeldgaard-Pedersen, \textit{Gesetz, Evangelium und Busse}. 
paradigm in this way without ever clearly specifying the trinitarian person associated with law. Agricola’s separation of the law from gospel and conflation of the law’s accusing function with the Spirit under gospel pushed Luther to clearly rearticulate the law/gospel paradigm by incorporating his new intuitions about the Spirit’s punitive office with law from John 16:8.

3.3.1 Luther’s new challenge: relating law to the Spirit and the human person apart from gospel

Agricola’s antinomianism challenged Luther to lucidly reconcile the law/gospel paradigm he set up in the Lectures on Galatians with the new Spirit-law association he discovered in John 16:8. Luther also needed to address the specific problem he deemed Agricola to pose, namely, that by removing the law from the church, Agricola had also removed the Spirit. Luther saw Agricola’s removal of the law and the Spirit to eradicate any way of defining sin and, therefore, antinomianism created a larger theological challenge for the recognition of sin needed to bring the person to Christ. Thus, Luther saw Agricola’s antinomianism to actually undermine the God-human relationship altogether because it removed any way to reveal sin or to announce Christ. Luther’s question became how to preserve the Spirit in relation to law through the Spirit’s punitive office without compromising the Spirit’s association to gospel as Christ’s gift. Agricola challenged Luther to rethink these connections while also holding onto the role of law in the Christian life after the gospel.
Luther tackled the latter problem first, namely how to preserve the law in the Christian life after gospel. To do this, Luther introduced the concept of penitence (poenitentia) as two moments of human affective experience correlated to law and gospel. Luther defined penitence in his first thesis, stating: “According to the testimony of all, and in fact, penitence is sorrow because of sin with the added intention of a better life.” Penitence names two human affective experiences, sorrow and a good intention.

133 Wengert points to Luther’s concern to correctly define penitence as contrition (sorrow and the good intention) and to situate penitence across the law/gospel complex. Wengert highlights that Agricola rejected the claim that penitence pertained to a function of law because only the promise of the gospel could bring about death and resurrection in the Christian life. Agricola maintained that contrition, as a function of law, had to do with fear of punishment, what was traditionally understood as attrition. This view led Agricola to reject any association between penitence and contrition and to view penitence strictly in terms of the grasp of faith on the word of God, cf. Wengert, Law and Gospel, 30, 36, 45. In light of Wengert’s clarification, it comes as no surprise that Luther works diligently to correctly define contrition as sorrow and the good intention and, then, penitence as contrition, not attrition. Although Kjeldgaard-Pedersen aims to develop a comparative theological history between Agricola and Luther, it is surprising that he never addresses Agricola’s understanding of penitence (or contrition) in relation to Luther in the Antinomian Disputations. He does, however, examine Luther’s own understanding of penitence (Buße), but looks only to the Leipzig Disputation (1519), not developments in the Antinomian controversy itself, cf. Kjeldgaard-Pedersen, Gesetz, Evangelium und Busse, 281-331.

134 Scholarly interpretations of Luther’s understanding of penitence in the past three decades have been dramatically impacted by Oswald Bayer’s “word theology.” Bayer defines law and gospel as two forms of divine words—one ineffective and one effective because it creates what it requires. By approaching the law/gospel paradigm in this way, Bayer has helped to elevate the role of faith to a place of prominence in the interpretive frameworks as the product of God’s effective word in the Gospel. The result has been a tendency to abstract Luther’s understanding of penitence away from its medieval sacramental context as, instead, a confession of faith. Penitence is reduced from a sacramental activity aimed at moral improvement to a psychological awareness of the self as sinner that constantly renews the individual’s confession of faith. While I seek to maintain the opinion that Luther demurs from the traditional definition of sacramental practice by including a psychological component in penitence, I aim to show that he does not abstract the concept from its orientation towards moral improvement. In fact, Luther actively seeks to theologically locate penitence in the Christian life in order to bolster its moral efficacy; he does so by connecting the practice to his pneumatology. For a typical understanding of penitence in Luther research, see “Buße,” Das Luther-Lexikon, 132-134.

WA 39/I:345.16f: “Poenitentia omnium testimonio et vero est dolor de peccato cum adiuncto proposito melioris vitae.”
In the medieval theology of Luther’s day, penitence referred to three interrelated sacramental activities—contrition, confession, and satisfaction. It was thought that these three activities were necessary for the absolution of sin, which was spoken by a priest in the words “te absolvo,” I absolve you. The medieval discussions of penitence familiar to Luther saw heightened interest in one of these activities in particular, contrition, which was understood as an inner affective process occurring in the human conscience. Eleventh-century Gregorian reforms instigated interest in contrition by stressing the role of the conscience in questions of virtue. Peter Lombard transmitted this interest in contrition into the Middle Ages in book IV of his Sentences, which Luther commented on in 1509. Quoting Ambrose the bishop of Milan (fourth century), Lombard noted the historical understanding that “penance is to decry past evils, and not to commit again things which are to be decried.” In his own definition, Lombard highlighted the emotional and volitional orientation of penance: penance is a virtue by which we bewail and hate evils we have committed. This disposition, however, is forward looking in its intention. Sorrow and hatred of sin has the “purpose of amendment” so “we will not commit again the things we have bewailed.” Lombard then determined that this inner contrition is accompanied by penitential acts at two other anthropological sites. Confession is penitence in speech. Satisfaction is penitence through deeds of the physical body. Luther, we will see, largely takes over this

135 Andreas Stegmann shows how by 1519, Luther was already working within the structures of high medieval sacramental practice of penitence by shifting the gift of divine grace prior to satisfaction and priestly absolution. The result was that absolution became a distinct outward communication of the grace already internally received while satisfaction was relocated to the day-to-day activity of the Christian life after the justification experience, in: Stegmann, Luthers Auffassung vom christlichen Leben, Beiträge zur historischen Theologie 175 (Tübingen: Mohr Siebeck, 2014), 249.
137 Lombard, Sentences, IV. d.14, c.3. Interestingly, Lombard and Luther both cite the same command from Christ to legitimize the good intention, Luke 10:37, cf. WA 39/I:465.1.
138 Lombard, Sentences, IV. d.16, c.1. Lombard divided penitence into three “performances” acted out at various anthropological sites: contrition is penance in the heart, confession is penance in words, and satisfaction is penance in actions.
understanding of penitence as inner contrition, but as the following chapters will show, he also maintains important roles for speech and the body in the performance of life-long penitence.

In the latter half of the fifteenth century, the Augustinian cloister in Erfurt, where Luther would take his own monastic vows some decades later, became home to complex discussions about the nature of contrition. Of interest was the relation of human and divine action in contrition and how contrition relates to the infusion of justifying divine grace. Gabriel Biel (d. ca. 1495 CE) understood contrition via the principle of doing one’s best (*facere quod in se est*). He thought God rewarded human effort in attrition (self-love in fear of punishment) by transforming one’s fear of punishment into contrition out of true love of God for God’s own sake. Sorrow for sin, then, resulted from a desire to please and be united with God as the good intention. In Biel’s formulation, both divine and human agents had a hand in forming contrition in the human affect.

Biel’s interlocutor and colleague in Erfurt, Johannes von Dorsten (d. ca. 1481 CE) parsed contrition somewhat differently. He distinguished what he called “true contrition” (*vera contritio*) as contrition by grace (*contritio per gratiam*) from contrition by penalty (*contritio per poena*), which he saw to result in sorrow for sin out of fear of punishment, i.e. attrition. Dorsten thought that the love upon which sorrow for sin and the good intention occurred in true contrition required a divine cause. Thus, Dorsten advocated a divine cause of inner contrition that preceded outer penitential acts in confession or satisfaction. Though Luther’s familiarity with

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Dorsten is not known for sure, Luther will take a position on contrition very much in line with Dorsten, even evoking the language of “true contrition.”  

In 1517, Luther infamously nailed this medieval discussion to the Castle Church doors in Wittenberg. But what he said was not necessarily new. Inner contrition, he said in his theses against indulgences, wins the Christian remission of guilt and penalty, absolution, apart from confession and satisfaction. Inner contrition brings justifying divine grace apart from further action. But in 1537, Luther picks back up what we thought he left on the Castle Church door, saying, penitence is the “entire life” of the Christian. Luther returns to penitence for resources to describe the human dimension of law and gospel. What he finds is a conceptual resource for articulating human affective responses to law and gospel.

3.4.1 Sorrow is emotional suffering under the law

First, Luther introduces sorrow. Sorrow (dolor) is the inner response to the accusing law. For example, Luther writes, “The first part of penitence, sorrow, is caused solely by the law…” The law causes sorrow by working specifically in the human’s affective center,

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141 Cf. WA 39/I:569.5.
142 WA 1:233.12-14, 235.3-8. Stegmann deploys the traditional classification of Luther’s understanding of penance as an “evangelical penitence,” Stegmann, Luthers Auffassung, 251.
143 WA 39/I:350:20f. We will see Luther to formulate penitence across the entire life of the Christian as both a move from law to gospel and a duplication of sorrow and the good intention in relation to the Spirit. This position actually helps Luther to counter Agricola’s claim that penitence occurs only within the Christian life as an increase in one’s relation to the word and self-knowledge. On this point, see Wengert, Law and Gospel, 36.
144 WA 39/I:345.22f. “Poenitentiae prior pars, scilicet dolor, est ex lege tantum.” Wengert shows Agricola to separate sorrow from contrition in his Annotations on 2 Corinthians. Highlighting the need Luther will encounter for
the heart. To this, Luther suggests that: “Properly speaking, sorrow is nothing else—and cannot be anything else—than the touch or feeling of the law in the heart or the conscience.” Law produces a particular feeling in the heart; that feeling is sorrow.

As the anthropological effect of law, sorrow specifies a negative emotional experience. As the “proper effect” of law, Luther claims that sorrow is “to suffer,” to be “shook,” and to be “stung in the heart.” Law therefore produces the emotional response of sorrow because law shows all of the person’s flaws—her sin and disobedience. Law, as Luther explains, “makes known and reveals true sin and, in this exposure, reduces man to nothing and condemns and impels [him] to seek help from Christ.” Law then escalates this inner suffering by making demands that cannot be met: “the law requires its fulfillment, which no one at any time surpasses or will surpass.” Sorrow is inner emotional suffering in response to the law’s impossible demands and one’s own failure to meet them.

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defending the emotive response in contrition, Wengert writes that “Agricola could not bring himself to mention this kind of feeling (after all Judas had felt bad, too)…” Wengert, Law and Gospel, 42.

Birgit Stolt has convincingly shown through linguistic analysis that Luther’s use of the term “heart” encompasses the faculties of the rational soul: intellect, will, and affect. For example, when Luther discusses Psalm 51:12, Stolt shows him to use the language of animam, intellectum, voluntatem, and affectum to parse the meaning of the phrase “Create in me a clean heart, O God.” See Stolt, “Herzlich lieb habe ich dich, Herr, meine Stärke” (Ps. 18,2), in: Caritas Dei: Beiträge zum Verständnis Luthers und der gegenwärtigen Ökumene, eds. Oswald Bayer, Robert Jenson, and Simo Knuuttila (Helsinki: Luther-Agricola-Society, 1997), 407f. Moving forward, Stolt’s argument will be critical for understanding the way Luther uses anthropological language in relation to “heart.”

WA 39/I:345.18f: “Hic dolor proprié aliud nihil est, nec esse potent, quam ipse tactus seu sensus legis in corde seu conscientia.”

WA 39/I:415.17; cf. 445.5.

WA 39/I:346.9f: “Cum dolor is sit passio seu affection, quam conscientia velit nolit, pati cogitetur, lege tangent seu torquente;” 408.9f: “efficit lex, si quando concutit et pungit corda nostra.” Wengert shows Melanchthon, like Luther, to defend the necessity of contrition prior to grace contra Agricola, Wengert, Law and Gospel, 144f.

WA 39/I:371.14-16: “lex...quod arguit et ostendit verum peccatum et hac ostensione redigit in nihilum hominem et condemnat et impellit quaerere auxilium apud Christum.”

WA 39/I:393.5f: “Ostendit ergo, quid lex requirat, nempe impletionem sui, quam nemo unquam praestet aut praestiterit.”
Second, Luther defines the good intention using similarly affective terms. He assert, “to hate sin out of love of God truly is a good intention.” Like sorrow, the good intention has to do with the heart’s affective disposition towards God. Love of God correlates inversely to hatred of what is offensive to God. Luther formulates the good intention according to faith. He writes, “faith is the first good intention.” But, from faith, further good intentions flow. The believer “intends to want to believe in God, to love and magnify his word. Then, [the believer] also intends not to want to commit adultery, to associate with harlots, to covet, etc.” The good intention is shaped as a particular emotional response, not to law, but to God. The good intention, then, is love of God extending out of faith that moves the person away from sinful acts.

Unlike sorrow, which operates strictly on a negative emotional register, the good intention has both negative and positive affective dimensions. The Christian loves God and all that pleases God, and accordingly, hates all that offends God. Paradoxically, the good intention implicitly renews the need for the law because the law defines what offends God and, on this
basis, what is to be hated.\textsuperscript{154} But, because the law, as Luther traditionally understood it, only functions to identify sin, Luther must find a new way to connect law to the good intention.\textsuperscript{155}

Therefore, Luther connects the good intention to the law through the gospel: “the gospel, which gives peace and elevates the terrified conscience is added to the law so that [the conscience] might intend the good.”\textsuperscript{156} Luther does not do away with the law, but adds the gospel to it in order to elevate the human conscience to the good intention.

\textbf{3.4.3 Christ as gift and example reinstates law under gospel for the good intention}

Despite Luther’s new emphasis on the human dimension of law/gospel in penitence, there is another significant dimension to the good intention that sees Luther classically resume his emphasis on Christ as the agent of justification. In justification, Christ elevates the human conscience to the good intention under gospel by liberating the conscience from the law’s accusations and by reintroducing law under gospel to guide the good intention in the liberated

\textsuperscript{154} Here, Luther echoes Melanchthon’s position in the 1535 \textit{Loci Communes} where, as Wengert describes, Melanchthon reinstitutes the law \textit{after} forensic justification as a guide and measure of the Christian conscience. See Wengert, \textit{Law and Gospel}, 185.

\textsuperscript{155} WA 39/I:345.24f: “\textit{Non enim potest homo territus a facie peccati bonum proponere suis viribus;}” WA 39/I:348.3f: “\textit{Ita lex non est lata, ut per eam iusti fieremus, cum neque iustitiam neque vitiam praestare possit;}” WA 39/I:345.24-27: “\textit{Non enim potest homo territus a facie peccati bonum proponere suis viribus, cum nec quietus et secures id possit. Sed vi peccati confuses et obrutus cadit in desperationem et odium Dei, seu descendit ad inferos, ut scriptura loquitur.}” “For a man terrified by the appearance of sin is not able to intend good by his own powers, since not even the one in peace or in security can do this. But confused and engulfed by the power of sin he falls into despair and hatred of God, or descends to hell, as Scripture says.”

\textsuperscript{156} WA 39/I:345.28f: “\textit{Ideo addenda est legi promissio seu Evangelion, quae conscientiam territam pacet et erigat, ut bonum proponat;}”
conscience. Luther articulates these two effects of Christ on the human person using an
Augustinian trope: Christ as gift and example (donum et exemplum Christi). As gift, Christ
liberates from the law. As example, Christ models obedience to the law.

The first way Christ elevates the conscience to the good intention is by liberating
the sorrowful soul from the terrors of the law. Luther understanding Christ as “gift or a sacrament”
because Christ gives remission of sins to the soul. This requires that Christ take the law’s
punishments for sin upon himself even though Christ stands innocent before the law. Luther
says, “When [Christ] is present, the law loses its power. It cannot administer wrath because
Christ has freed us from it.” Christ as gift ameliorates the law’s wrath on behalf of the human
person. Christ also imputes his righteousness before the law to the human person in faith, such
that the human is marked as righteous, negating the law’s accusing capacity. On this, Luther
notes, “Whoever lays hold of this benefit of Christ by faith has by way of imputation fulfilled the

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157 In his 1534 Scholia, Philip Melanchthon argued that forensic justification, the declaration of the Christian as
righteous on account of Christ, actually made the human conscience good. As a result, he also saw the law to be
reinstated in the Christian life after its accusing function had ceased as a guide for the justified conscience to please
God. Wengert casts off these similarities in the Antinomian Disputations suggesting Luther was merely defending
his friend’s position. The way Luther connects law to both Christ’s example and the Spirit suggest a stage of
development in Luther’s notion of law that goes beyond Melanchthon’s position. See Wengert, Law and Gospel,

158 Augustine used the trope, sacramentum et exemplum Christi, to relate Christ’s death on the cross and resurrection
to the soul in faith. Christ’s death functioned as the gift, while his resurrection set an example to dispel believers’
anxiety of death. See Augustine, De trinitate, IV:3-6. Luther knew the trope from his theological studies at Erfurt,
where he wrote marginalia on Augustine’s De Trinitate in 1509. Luther’s extensive use and alterations to the
metaphor can be seen in Bo K. Holm, Gabe und Geben bei Luther, 193.

159 WA 39/1:462.16-22: “Petrus facit, primo quod Christus sit pro nobis mortuus et redemerit nos suo sanguine, ut
mundaret sibi populum sanctum. Atque ita primum proponitur nobis Christus ut donum seu sacramentum.”

160 WA 39/1:372.20-373.1: “Christus autem est impleto legis, illo praesente lex amittit vires suas, non potest
exercere iram quia Christus ab ea nos liberavit.”

161 Kim also opens up this category in her treatment of Christ’s twofold function. She notes that “Christ the example
has nothing to do with the justification of sinners; human beings can but passively receive as gift the blessing and
redeeming Christ who is given for justification,” Kim, Luther on Faith and Love, 94. Kim indicates a more wide-
spread basis throughout the 1530s for Luther’s connection between Christ’s example and a reinstatement of law in
the Christian life. This goes against the classic law/gospel interpretations of those following Elert and Ebeling,
which lack the theological dynamism that permits the ethical relevance of the exemplum Christi.
law.”

Christ as a gift elevates the sorrowful soul to the good intention by alleviating the terror and accusation the soul feels before the law’s accusations. The accusing law stands fulfilled.

Next, Luther does something unusual. Expanding on the Augustinian trope, Luther shows the liberty given through Christ as gift to open up Christian obedience to Christ as example because Christ as example reinstates the law under gospel. Luther understands Christ as gift and example to spur imitation of Christ. “Christ is presented to us as gift or sacrament and example so that we might follow his footsteps,” he writes. But Christ as gift “gives liberation from the terrors of the law, from sin and death,” which the Christian’s own “righteousness is unable to do.”

Luther concludes that “we cannot follow Christ as gift” because human righteousness does not liberate the conscience from the law. Christ’s example is another story. Here, Luther determines that “As example, we are able to follow and imitate [Christ]” and “to become imitators of good works.” Christ as gift liberates the conscience to the good intention and Christ as example supplies a model to imitate.

Christ as example reinstates the law after gospel to guide to good intention. For Luther, Christ as example has to do with the way Christ interprets the law in his teachings and modeled

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162 WA 39/I:388.4f: “Quicumque igitur hoc beneficium Christi fide apprehendit, ille imputative legem implevit.”
163 WA 39/I:465.7-9: “Ita Christus proponitur nobis aut donum seu sacramentum et exemplum, ut sequamur vestigia eius, quoad exemplum quidem sequi et imitari eum possimus.” Wengert wrongly insists this theme appears only in Melanchthon, not Luther, Wengert, Law and Gospel, 191.
164 WA 39/I:465.12-15: “Nam ipse non tantum implevit legem, sed pro nobis implevit. Christus est mihi sacramentum, quia redemit me a peccato, morte et diabolo, id quod non potest mea iustitia, neque id potest apprehendi operibus, sed fide tantum.”
165 WA 39/I:465.9: “quoad exemplum quidem sequi et imitari eum possimus.” Luther emphasizes the good intention as itself a form of law obedience, although he wants to show that action itself is possible and warranted. In doing so, he reflects the shift from act to intention as the locus for sin and righteousness in medieval theology after Abelard. Cf. Abelard, Scito te ipsum, 12-16, 45-57.
obedience to the law in his actions. Christ interprets the law as “teacher of the law.” The title, teacher, does not mean that Christ is a lawgiver, but that Christ “interprets the law…so that we might understand what kind of work or fulfillment it is that the law requires of us.” The primary source for Jesus’ interpretation of the law comes from the Sermon on the Mount. Here, Luther sees Christ to emphasize correspondence between the inner, affective disposition and outer action. Christ teaches that “God requires a pure heart, perfect obedience, perfect fear and love of God.” When Luther himself interprets the meaning of Christ’s teaching, he finds ramifications for both affect and action: “you shall not kill” is coupled with “whoever is angry with his brother is liable to judgment.”

Kim interprets the exemplum Christi as a “paradigm” of Christian love. “The prototype for imitation is found in how God handles human beings in and through Jesus Christ. That is, what is revealed in the vertical relation, which is actively initiated by God and passively responded to by human beings through faith in Christ, becomes the paradigm for Christians in their horizontal acts of love,” Kim, Luther on Faith and Love, 190f. What Kim overlooks, however, is precisely what emerges in the Antinomian Disputations, namely, Christ’s example is in itself a formulation of law accompanied by an image and example of what it actually means to obey that law. Johann Anselm Steiger points towards this clarifying function of the exemplum in Luther’s thought and roots this function in Luther’s reliance on Renaissance thought. In the foreground here is Marcus Terentius Varro (116-27 BCE), “daß Exempel nützlich sind, weil sie der Claritas der Rede zugute kommen, die Verständlichkeit derselben steigern—also der Demonstratio dienen.” However, Steiger does not link the exemplum specifically to law. See Johann Anselm Steiger, Fünf Zentralthemen der Theologie Luthers und Seiner Erben: Communicatio-Imago-Figura-Maria-Exempla (Brill: Leiden, 2002), 257.

In his study of Luther’s notion of law in the Antinomian Disputations, Christian Schulkin examines Luther’s claims that Christ is a giver and interpreter of the law, but he does so through the law/gospel model. Christ interprets the law as the speaker of gospel. Christ announces to the guilty conscience that the law is fulfilled. He does not comment on the way Luther connects Christ as interpreter of the law to this exemplum theme which requires imitation. See Christian Schulkin, Lex efficax, 147ff.

George Lindbeck wrote a fascinating article on Luther’s relation to Judaism taking the “rabbinic mind” as his starting point. He found a rabbinic mode of thinking in Luther’s Catechisms, in which Luther devotes over half of the writings to the Decalogue as instruction or teaching (doctrina), a guide to the Christian life. Curiously, Lindbeck does not address the rabbinic nature of Christ himself as teacher of the law. See George Lindbeck, “Martin Luther and the Rabbinic Mind,” in: Understanding the Rabbinic Mind: Essays on the Hermeneutic of Max Kadushin, ed. Peter Ochs (Atlanta: Scholars Press, 1990), 151f.

Kim argues on this point that “those who consider themselves followers of Christ should not fail to keep the Christ-given law of love,” a reinstatiation of the Decalogue that guides Christians in exercising their faith. She notes a specifically “horizontal” focus to this activity. Kim, Luther on Faith and Love, 56.

WA 39/1:387.8-10: “Definit autem Matthaei 5, doctrinam esse, cui non externa aliqua observatione satisfiat, sed quae cor mundum requirit, obedientiam perfectam, perfectum timorem et dilectionem Dei postulat.”

WA 39/1:461, 5: “Nam hi ‘non occidas’ ... Qui irascitur fratri suo, reus erit iudicio.”
commandment to mean that “not only outwardly shall you not be murderers, but now too [you ought] to have a heart pure from all anger and envy.”

Christ interprets the law to require correspondence between inner affect and outer action—both a good intention to love God and action on that intention are required by the law.

Christ as example, then, demonstrates the coherence between the good intention in the heart and action in the way Christ models law obedience. Because Christ redeemed the sinner “from all impiety and death, so we preach and glorify him by imitating good works.” Christ’s own fulfillment of the law opens the Christian up to living out the good intention in deed: “Christ fulfilled the law, and now it is certainly appropriate that we follow his footsteps by living piously and saintly, that you not be an adulterer, a thief, a robber.” Having modeled this kind of law obedience, Christ then commands the Pharisees to “Go! And do likewise!” Luther shows Christ’s example to be a re-instantiation of law after gospel, which he contextualizes within the three social spheres of human life—the church, politics, and the household. Christ as example shows “how to live in obedience to God, parents, and superiors and to be a follower of all good works and virtues.” As such, the law of Christ’s example elevates the conscience to the good intention by modeling and exemplifying the good intention—and action on that intention—in distinct spheres of social life.

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173 WA 39/I:387.12f: “Hoc est, non solum externe non debetis esse homicidae, sed etiam cor habere purum ab omni iracundia, invidia.”


In summary, to counter Agricola, Luther clarifies the anthropological dimension of his law/gospel paradigm. He introduces a human affective dimension into his law/gospel principle that pertains to the human experience of law by reintroducing the medieval notion of penitence (poenitentia) to his discussion of law and gospel. The human person responds to law in the heart with sorrow for sin. But being liberated from the law’s accusations by Christ as gift, the human then responds with a new understanding of the law’s requirements for the good intention to love God and neighbor. This new understanding extends from Christ as example. When Luther considers the divine dimension of law/gospel, he sees Christ as the agent of salvation because Christ’s righteous activity fulfills the law and gives this law fulfillment over to the Christian in the gospel. But it is the introduction of the human dimension to the law/gospel principle that allows Luther to identify two distinct instantiations of law. The accusing law evokes sorrow for sin in the human heart prior to gospel. The law reinstated by Christ’s example works the good intention in the heart and action under gospel. Thus, “law” corresponds to two experiences the human undergoes in relation to law and gospel. The experiences of sorrow and the good intention in penitence reveal the human dimension of law and gospel.

3.5 Before Christ, Under Christ, and In the Spirit: categories for human experience under law/gospel

In the previous section, we established that Luther preserved the ongoing role of the law in the Christian life against Agricola’s challenge by using penitential language to sketch the human affective responses to law under the rubric of both law and gospel. Luther demonstrated that
Christ does not actually do away with law in justification. Rather, Christ alters law by removing its accusing function. This stance paved the way for Luther to preserve the law after justification in relation to the human’s good intention. However, the function of law after justification cannot be to accuse the sinner because Christ removed the accusing function through the remission of sins. Luther needed to devise a new function of law after justification in Christ in order to maintain his position regarding the law’s consistent presence in the Christian life. But Luther also wanted to bring law/gospel and the human experience of it together with the divine agents of law and gospel against Agricola’s challenge. Therefore, Luther charted specific moments of justification correlated to law and gospel, Christ and the Spirit, and the new anthropological dimension of sorrow and the good intention in order to glean a new function of law after justification.

Luther did not see justification as a flat, nebulous event or condition, but he was very interested in distinguishing distinct moments in human experience through the trajectory of law and gospel. In order to parse these distinct moments, Luther investigates what he calls the “order of the thing” (ordo res) as this order is expressed in his law/gospel principle. Since Augustine, theologians have tracked changes in the human condition and standing before God in what is often called an “order of salvation” (ordo salutis). Luther picks up this idea and adapts the ordo to his own law/gospel paradigm. Luther asserts that “the order of the thing itself is that death and sin are in nature before life and righteousness.” At an anthropological level, the order of justification begins theologically with death and sin and leads to life and righteousness. Luther aligns this order with his law/gospel principle, saying:

For we know, deeply feel, sin is present, that death utterly terrifies us, etc. This first thing is taught by the law…so that we do not despair, that other doctrine is

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177 WA 39/I:347.1f: “Ordo rei est, quod mors et peccatum est in natura ante vitam et iustitiam.”
being preserved in the church, which teaches consolation against the accusation and terrors of the law, grace against God’s wrath, remission of sins and righteousness against sin, life against death. That doctrine is the gospel.  

The order of law to gospel parallels an anthropological shift from sin to righteousness.

This same movement is described in three categories that Luther introduces to describe the changing relation of the law and the human person as these changes correlate to particular divine persons, namely Christ and the Spirit. Luther introduces these categories in one of the theses he wrote for the second disputation. He posits that: “As the law was before Christ, it accused us. But under Christ, [law] is placated by the remission of sins. Then, [law] is to be fulfilled in the Spirit.”

The three sequential categories are “before Christ” (ante Christo), “under Christ” (sub Christo), and “in the Spirit” (deinceps Spiritus).

What we see in the moments of this order is unprecedented; Luther uses particular categories to sequence moments in the law-human relation that keep the law and the Spirit together in relation to the human. Before Christ, the law identifies the human sinful condition and accuses it. Under Christ, Christ’s righteousness is imputed to the human, placating the law. Thus, “before” and “under Christ” indicate a change in the human-law relation that sees the dissolution of the law’s accusations on account of the human’s imputed righteousness. Then, “in the Spirit,” law fulfillment is worked in the human herself, but only in relation to the third person of the Trinity, the Spirit. By breaking the law/gospel order down into this particular sequence,

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178 WA 39/I:361.14-16, 362.5-9: “Scimus enim, imo sentimus, peccatum adesse, mortem perterrefacere nos etc. Illa res prior docetur per legem...ne desperemus, servanda est altera quoque doctrina in Ecclesia, quae doceat consolationem contra accusationem et terrores legis, gratiam contra iram Dei, remissionem peccatorum et iustitiam contra peccatum, vitam contra mortem. Ea autem doctrina est Evangelii.”

179 WA 39/I:349.39f: “Lex enim ut fuit ante Christum, nos quidem accusans, sub Christo autem per remissionem peccatorum placate, et deinceps spiritu implenda.”
Luther keeps law/gospel together with Christ and the Spirit and, remarkably, does so with the additional perspective of anthropological experience.

These categories have antecedents in the medievals. For example, Peter Lombard borrowed an Augustinian picture of the human relative to grace from the perspective of salvation history, the *ordo salutis*. He sequenced the order of the human’s progression through this history in terms of 1) the original condition, 2) after the fall/before regeneration, 3) after regeneration/before eternal consummation, 4) in eternal life.\(^{180}\) Stage two in Lombard’s picture describes the human sinner before justification. But in the move from stage two to stage three, Lombard shows the addition of divine grace to justify the human person in the temporal life before death.

Luther’s categories align with Lombard’s order, but with an addition that allows Luther to keep law under gospel contra Agricola. Luther’s category “before Christ” aligns with Lombard’s stage two. Both categories describe the human person after the fall, but apart from grace as sinner. Luther’s category “under Christ” aligns with stage three of Lombard’s *ordo* to denote the human in a justified state *after* the addition of divine grace in the cradle-to-grave life. However, Luther’s addition “in the Spirit” finds no parallels in Lombard’s system. “In the Spirit” is an auxiliary stage that Luther adds to the sequence in order to carve out space for discussing

\(^{180}\) Lombard, *Sentences*, II. d.25, c.6 and 9; d. 26, c.7. Lombard took his picture from Augustine, who defined the stages as 1) pre-sin (*ante peccatum*), 2) post-sin, pre-restoration by grace (*post peccatum ante reparationem gratiae*), 3) post-restoration by grace, pre-eternal life (*post repartitionem ante confirmationem*), and 4) perfected in eternal life (*post confirmationem in gloria*). See Augustine, *De Correptione et Gratia*, PL 44:936ff; Augustine, *The City of God*, trans. Markus Dods (New York: Penguin Books, 1950), XXII.30. The only careful study of Luther’s use of Lombard is Josef Wieneke, *Luther und Petrus Lombardus: Martin Luthers Notizen anlässlich seine Vorlesung über die Sentenzen des Petrus Lombardus, Erfurt 1509/11*, Theologische Reihe 71 (St. Ottilien: EOS Verlag, 1994). However, Wieneke focuses almost exclusively on Lombard’s and Luther’s doctrines of God and does not comment on Luther’s use or revision of the *ordo*. 
the temporal effects of justification in Christ on the human through the gift of the Spirit. Like Lombard, Luther is very interested in plotting the sequential moments of justification using his analytical categories “before Christ” (ante Christus), “under Christ” (sub Christo), and “in the Spirit” (deinceps Spiritus) for this purpose. But, Luther adds to this sequence to keep law in relation to the Spirit under gospel.

The transition from stage two to stage three—the transition from “before Christ” to “under Christ” in Luther’s terminology—is of particular significance for Luther, but he has medieval precedence for debating this movement as well. The medieval debate centered on the human’s capability to perform meritorious works in the movement from stage two to three without the help of divine grace, or, if divine grace did lend a hand, what kind of grace this was and what kind of/how much assistance did it lend. While theologians across the gamut, from Lombard to Ockham, took a position in the debate by deciding primarily in favor of the role of divine grace, Luther took Gabriel Biel’s solution to task with sharp criticism. Biel decided that the human by nature, without grace in stage two is able to merit divine grace for stage three by obeying God’s law to love God above all else. But, he thought, the human achieves this, not by grace, but by hearing about God’s goodness in Scripture and the church. This sort of “faith by hearing,” Biel surmised, led the sinner from love of self and fear of punishment to eventual love of God for God’s own sake. When Luther divides the human relation to the law in terms of

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181 Though Lombard does not use this category in his ordo, he may still be the source of such a concept. As Theodor Dieter points out, Luther saw himself to side with Lombard over the later-medievals on the nature of the Spirit’s infusion as divine caritas into the soul. This could be a possible source for the way Luther presents this stage in terms of the Spirit as Christ’s gift. As Dieter formulates it, the question is not if Luther understood the Spirit to work through the mediation of something created in the soul, but what that created thing might be. In this section, we begin to formulate an answer to that question by probing the Spirit’s creative activity in the human will. See Dieter, “Du mußt den Geist haben!,” 72.

182 Biel, II Sent. d. 23, q. 2, a. 2; III Sent., d. 27, q. 1, art. 2, con. 4. Bayer emphasizes the important link between hearing the gospel pronouncement and faith—faith comes by hearing. Luther borrows this notion from Biel. Cf. Bayer, Promissio.
before Christ, under Christ, and in the Spirit, he both borrowed categories from this medieval discussion and positioned himself within the debate. Luther’s stance was that Christ alone acts to move the human from “before Christ” (stage two) to “under Christ” (stage three). However, human action becomes a possibility “in the Spirit,” the auxiliary stage Luther creates after justification in Christ because the work of justification is complete.

To reiterate, Luther identified the sequence as “before Christ,” “under Christ,” and “in the Spirit.” For the remainder of this section, I will examine each of these stages in sequential order to show how Luther parsed the specific functions of law in relation to Christ and the Spirit and human penitential responses.

3.5.1 Before Christ, law accused us

The first stage of Luther’s sequence is “before Christ,” which describes the human as sinner under the accusing law. The important point here is that we are looking at distinct moments in the transition from law to gospel and correlating these moments with Christ and the Holy Spirit. Luther insists on the ongoing role of law because of Agricola’s antinomianism and, here in the stage “before Christ,” he clarifies law in relation to the Spirit and picks up the anthropological experience of sorrow. Thus, “before Christ” has to do with law and sorrow correlated to the Spirit. Luther aims to explain what causes the (accusing) law to evoke sorrow and his answer will be the Spirit as efficient cause.
Before Christ, the law is necessary to reveal the human’s sinful condition to herself because the human condition before Christ cannot be understood without the law. This has to do with what Luther calls the “natural person” (*homo animalis*). He derives his understanding of the natural human from 1 Corinthians 2:14, which said humans cannot understand the things of God without the Spirit. Luther takes this to mean that the human person does not know her guilt before God unless it is revealed to her. “Nature by itself,” he says, “is not concerned with sin and does not believe that God is angry on account of sin.” Therefore, “God instituted the ministry of the law in order to reveal and expose sin.” The office of the law resolves human self-ignorance by exposing sin.

Human sorrow is the proper effect of the law. Any effect, however, requires a cause.

When Luther inquires as to the law’s necessity for justification, he responds with causal language and shies away from the conclusion that law itself causes sorrow for justification even

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183 1 Corinthians 2:14: “The natural man receives not the things of the Spirit of God.” Luther’s *Lectures on Galatians* (1531) and *Lectures on Genesis* (1535-45) reveal Luther to sift this biblical notion of human nature through Aristotelian models of the rational soul in order to isolate the human intellect as a particular locus in need of divine assistance. He correlates the “natural person” to the intellect by using verbs oriented towards the understanding; for example, he explores how the natural person can discern (*discernere*), know (*agnoscere*), understand (*intelligere*), and perceive (*percipere*) spiritual things. See WA 42:72.22; 271.10f; WA 40/I.2:173.18f, 290.22-30; cf. WA 39/II:325.26f.

184 Gerhard Ebeling discusses the person’s self-knowledge of guilt in Luther’s *Disputatio de homine*, thesis 10. He infers that knowledge of guilt requires a distinction between the human conscience and a more general, factual kind of knowledge (*conscientia, scientia*). However, he then takes this distinction to justify what he sees as a pejorative detraction of human knowledge in philosophy and an escalation of the value of theology. An alternative explanation exists, which is very simply, that Luther employs here a distinction between two valid, but distinct ways of understanding the human person, theologically and philosophically. In this reading, the theological understanding does not usurp the philosophical; it further inflects human moral capacities. The problem with Ebeling’s stark distinction between philosophy and theology, conscience and factual knowledge, is he uses this to diminish the utility of philosophical notions of the temporal person in Luther’s theological explanation of the person. The philosophical, temporal has nothing to do with the theological, eschatological. See Gerhard Ebeling, *Lutherstudien* II/2, 330.

185 WA 39/I:397.24f: “Deinde non curat peccatum, non credit, Deum tam sero irasci peccato.”

186 WA 39/I:404.18f: “In hoc enim instituit Deus legis ministerium, ut revelet et ostendat peccatum.”
if sorrow is the law’s effect.\(^{187}\) Law does not give anything to aid its fulfillment.\(^{188}\) Instead, Luther zeroes in on the trinitarian person associated with law: the Spirit is the efficient cause of law because the Spirit is “Author of the law” (\textit{auctor legis}).\(^{189}\) In the \textit{Disputation on Man} (1536; \textit{Disputatio de homine}), Luther named the act of creation as the standard for efficient causality.\(^{190}\) Here, he uses a similar strategy and suggests the Spirit’s efficient causality of law through the Spirit’s role in creation. He states, “the Spirit is God, the creator of all things.”\(^{191}\) Then, he specifies the law as one of the things the Spirit creates in line with the Spirit’s punitive office Luther discovered in John 16:8. The Spirit “wrote the law on tablets of stone with his finger.”\(^{192}\) The Spirit’s authorship of law then allows Luther to make the link to causality. He says:

\begin{quote}
we are not speaking about the material, but about the efficient cause [of justification]. Can the law work justification? No….if I am to be made a righteous person out of someone who is mortified and thoroughly terrified, then it is
\end{quote}

\(^{187}\) Using linguistic analysis, Birgit Stolt established that \textit{Angst/Furcht} (angst, fear) and \textit{Liebe/Freude} (love/joy) are the foundational feelings in Luther’s religious experience. However, her isolation of these foundation feelings follows the law/gospel paradigm that permeates so much of Luther research. Given the important role of \textit{poenitentia} in both Luther’s early and late theology as an emotional response to law, it is surprising that sorrow plays no part in her analysis. As it were, sorrow seems to be an emotional response that intersects both \textit{Angst/Furcht} and \textit{Liebe/Freude}. Sorrow could be seen as a fear transformed by the Spirit in preparation for the consolation of the gospel or as a dimension of love when the sorrow is a loving response to wrongdoing after justification. See, Birgit Stolt, “\textit{Laßt uns fröhlich springen!},” 53-107.

\(^{188}\) WA 39/I:445.5-11.

\(^{189}\) WA 39/I:391.18. Schulkin links the accusing law to the hidden and bare God (\textit{nudus Deus}) while Kärkkäinen connects the Spirit to the bare God in the inner Trinity and to the inscription of the “spiritual law” on the heart after justification, but neither make the connection between the person of the Spirit and the law in terms of divine agency or causality. This is a critical connection, however, because the specification the Spirit as the divine agent of law allows the Spirit to communicate law to the human soul in two distinct ways—as accusation before justification and as admonishment or salutation after justification when the Spirit has been mediated through Christ. This missed connection is particularly relevant in Kärkkäinen’s treatment of the Spirit and the law. It leads him to distinguish between the written and spiritual law as two types of law, but then to see the Spirit as the end of the written law, not its author. This interpretation is at odds with Luther’s view of the Spirit as the giver of law at Mount Sinai in the \textit{Antinomian Disputations}. See Schulkin, \textit{Lex efficax}, 114-126; Kärkkäinen, \textit{Luthers trinitarische Theologie des Heiligen Geistes}, 134-140, 145-150.

\(^{190}\) WA 39/I:175.28-31: “\textit{Nam Philosophia efficientem certe non novit, similiter nec finalem. Quia finalem nullam ponit aliam, quam pacem huius vitae, et efficientem nescit esse creatorem Deum.}” Ebeling sees God’s efficient causality in Luther’s use of the four-cause scheme to wholly separate the vertical-eschatological-theological axis of efficient and final (divine) causality from the horizontal-temporal-philosophical axis of formal and material (human) causality. He reads a dualism into this that causes him to assume that Luther is simply casting off and discrediting the philosophical determination of the temporal person. See Ebeling, \textit{Lutherstudien} II/2, 392.

\(^{191}\) WA 39/I:370.10: “\textit{Spiritu sancto, qui est Deus creator omnium.}”

\(^{192}\) WA 39/I:370.11: “\textit{Spiritu sancto...legem suo digito scripsit in tabulas lapideas, ut Exodo legitur.}”
necessary that the ministry of the Holy Spirit be added...[because] matter is not an efficacious thing. Nor does it help in its own formation, but it undergoes being formed by a maker or an efficient cause.\textsuperscript{193}

Here, Luther rejects the notion that law is the efficient cause of justification. Rather, he links the Spirit to efficient causality of justification through the proximate relation to the law. The Spirit is the efficient cause of the law and, by proxy of the law, the Spirit moves the human person to the sorrowful response required for justification.

The Spirit’s efficient causality of law then shows the Spirit as the efficient cause of sorrow by means of the law. He says, “when the Spirit is God in his nature, he is Author of the law without whom the law does not convict of sins.”\textsuperscript{194} The extension of causality from the Spirit to the law and the law to sorrow allows Luther to identify the Spirit as the cause of sorrow.\textsuperscript{195} He says, “The Spirit convicts the world of sins”\textsuperscript{196} and “Contrition ... is attributed to the Spirit as Author of the law.”\textsuperscript{197} The Spirit causes sorrow as an effect of the law by causing the law itself.

\textsuperscript{193} WA 39/1:447.3-7, 9f: “Nos autem loquimur non de materia, sed de cause efficiente. Utrum lex possit efficere iustificationem?...Sed si debeo ex mortificato et perterrefacto fieri iustus, oportet, ut accedat ministerium Spiritus...sed materia non est res efficax neque adiuvat aliquid ad sui formationem, sed patitur se formari a factore seu cause efficiente.”

\textsuperscript{194} WA 39/1:391.18f: “cum Spiritus sanctus est Deus in sua natura, est autor legis, sine quo lex non arguit peccata.”

\textsuperscript{195} Kärkkäinen interprets Luther’s understanding of the Holy Spirit ad extra, outside the Trinity, through the medieval lens of the Spirit as infused charity. While Kärkkäinen makes a methodological contribution to study of Luther’s pneumatology by locating it within its medieval context, this methodology also limits in some ways Kärkkäinen’s ability to identify some of the more unique develops in Luther’s pneumatology, such as this efficient causality theme vis-à-vis law. See Kärkkäinen, Luthers trinitarische Theologie des Heiligen Geistes, 107.

\textsuperscript{196} WA 39/1:347.19f: “Sic et Spiritus primo arguit mundum de peccato, ut fidem doceat in Christum, id est, remissionem peccatorum.”

\textsuperscript{197} WA 39/1:389.7-9: “Non tribuimus igitur ei contritionem, ut dono, consolatori et spiritui veritatis, sed ut Deo autori legis, qui eam spripsit in lapideis tabulis. ” This description of the Spirit’s “eternal and inscrutable majesty” has to do with Luther’s notion of the “hidden God” (\textit{deus absconditus}), which he derived from Moses’ unsuccessful attempt in Exodus 33 to see God’s glory by seeing God’s face. Moses’ failure to see God’s face suggested to Luther that the divine majesty is incomprehensible, or hidden, as it appears in creation and must, therefore, be mediated through Christ’s suffering on the cross; See Luther’s Heidelberg Disputation, WA 1:362.1-19. Luther makes this connection to the Spirit when he claims that it “is dangerous to want to explore and comprehend the [Spirit’s] bare divinity by means of human reason without Christ the mediator;” WA 39/1:389.10-12: “Periculosum est, sine Christo mediatore nudam divinitatem velle humana ratione scrutari et apprehendere.”
Knowing Luther, he uses a variety of methods to say the same thing. Here, he also uses more affective language to articulate the Spirit’s relation to sorrow via law. He states that to feel the law is to be “touched by its power in the heart.” He specifies that the law’s touch or feeling “is divine.” The divinity behind the law, Luther contends, is the Spirit. He says, “Therefore, the law does not convict of sin without the Holy Spirit.” This leads Luther to the conclusion, in agreement with his exposition on John 16:8, that “the Spirit in his majesty…convicts of sins and terrifies hearts” because the Spirit is “Giver of the law” and the law is “the word of the eternal and almighty God, who is fire for consciences.” In theological terms, the Spirit works human sorrow because the Spirit empowers law to accuse of sin and this accusation terrifies and afflicts the human heart.

In summary, Luther confronts Agricola’s antinomian challenge by developing an increased relation between the Spirit and the law in relation to human sorrow “before Christ.” He sees the law to evoke human sorrow precisely because the Spirit is the efficient cause of the law. In answering Agricola’s challenge in this way, Luther shows an inseparable causal connection between the law’s effect and the law’s cause. Apart from the Spirit as efficient cause of the law, the law is powerless to evoke sorrow. With this, Luther also adds clarity to the new view of the Spirit’s “punitive office” that he discovered in John 16:8. The Spirit occupies the “punitive office,” here called the “Author of the law,” when the Spirit causes the law and empowers it to accuse the human soul in the stage “before Christ.” “Before Christ” leads into the stage Luther called “under Christ,” which is together with “in the Spirit” (see section 3.5.3) under the gospel. We turn now to the stage “under Christ.”

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198 This coincides with Stolt’s interpretation of “Furcht,” Stolt, ”Laßt uns fröhlich springen!,” 88.
199 WA 39/I:389.4f: “lex sine Spiritu sancto non arguere peccata.”
200 WA 39/I:370.22-371.1: “lex non est donum, sed Dei aeterni et omnipotentis verbum, qui est ignis conscientiis.”
3.5.2 Under Christ, law is placated by the remission of sins

“Under Christ” designates Luther’s sequential category describing the Christian’s relation to law after justification. As such, “under Christ” turns us to gospel. Here, Luther maintains that Christ alone justifies the human person. However, contra the Antinomians, Luther shows Christ to keep the law by transforming it.\(^{201}\) As a consequence, Luther keeps the Spirit in relation to the law and the sorrow-producing emotion. Of interest here is Christ’s relation to the law in two ways: 1) Christ fulfills the law on behalf of the human person and 2) Christ keeps, but transforms the law.

First, Christ fulfills the law and placates its punishments in the human’s stead. We see here Luther’s classic presentation of justification. Luther claims that Christ fulfills the law and does the will of God.\(^ {202}\) Although Christ is innocent before the law, Luther sees Christ to suffer the law’s punishments nevertheless: “the law condemned [Christ] as an innocent.”\(^ {203}\) Thus, Christ both satisfies the law’s demands and assuages the law’s wrath and punishments. It is this relation to the law that Luther sees Christ to give over to the Christian as the “remission of sins.”\(^ {204}\) He says, “whoever lays hold of this benefit of Christ by faith has by way of imputation fulfilled the law.”\(^ {205}\) And he adds, “[Christ] died for us, bore the curses and punishments of the

\(^{201}\) Kim also identifies a transformed law, which she calls the “Christ-given law of love,” Kim, Luther on Faith and Love, 158ff.
\(^{202}\) WA 39/I:388.3: “Christum, qui solus fecit voluntatem Dei et legem eius implevit.”
\(^{203}\) WA 39/I:380.1: “lex eum innocentem condemnavit.”
\(^{204}\) WA 39/I:393.19ff: “Proprium Christi officium est, annunciare gratiam et remissionem peccatorum.”
\(^{205}\) WA 39/I:388.3-5, 15-17: “Christum, qui solus fecit voluntatem Dei et legem eius implevit…Quicumque igitur hoc beneficium Christi fide apprehendit, ille imputative legem implevit…Christus non venit, ut exigeret a nobis eam obedientiam, quam lex requisit, sed venit, ut, cum eam praestare non possemus, nobis donaret.”
law, and gave us his innocent righteousness." Therefore, we have here classic trope in Luther’s thought: Christ justifies the human by fulfilling the law and suffering its punishments on her behalf and then by imputing this righteousness to her.

What is striking, however, is that Luther does not say that Christ abrogates the law. Rather, he shows Christ to transform the law’s relation to the human. Luther claims that Christ’s office is to “render the law undefiled.” Christ restores the law’s honor. To explain how Christ fulfills this office, Luther states that “when Christ appeared in the flesh and submitted himself to the law, he took away [the law’s] right and restrained its sentence so that it may not drive into despair and condemn.” Christ removes the law’s power to inflict punishment. When Luther connects Christ to the human person in faith, he adds that “when Christ is present, the law loses its power. It cannot administer wrath because Christ freed us from it.” Luther does not suggest that Christ removes or does away with the law, only its accusing power.

Instead, Christ transforms the law by altering the human’s standing before the law as sinner. Luther says, “by Christ, who was made a sacrifice for sin and, by this, put down sin, we die to sin so that [sin] is not able to greatly dominate us.” Christ nullifies sin in the human.

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206 WA 39/I:375.6f: “quod fecit, cum pro nobis mortuus est et legis maledictions et poenas pertulit ac suam innocentiam iustitiam nobis donavit.”
207 WA 39/I:373.6f: “Ergo reddere legem...immaculatem est officium Christi.”
208 Sasja Mathiasen Stopa shows honor to play an important role in Luther’s relational anthropology. She notes that in the Lectures on Galatians, the only demand Luther sees God to place on the human person is to ascribe honor and divinity to God. Here, in that sense, Christ’s activity to restore the law’s honor could be seen as a means of restoring the human relation to law as a divine Word. It is no longer to be feared and instead to be honored and obeyed. See Sasja Emilie Mathiasen Stopa, “Soli Deo honor et gloria— the Concepts of Honour and Glory in the Theology of the Young Martin Luther,” in: Anthropological Reformations-Anthropology in the Era of Reformation, eds. Anne Eusterschulte and Hannah Wälzholz (Göttingen: Vandenhoeck & Ruprecht, 2015), 229, 231.
209 WA 39/I:374.6-8: “quo scilicet Christus in carne apparuit et sese legi subiecit, is ademit ei ius et compescuit eius sententiam, ne posset in desperationem adigere, et condemnare.”
210 WA 39/I:372.20-373.1: “Christus autem est impleto legis, illo praesente lex amittit vires suas, non potest exercere iram quia Christus ab ea nos liberavit.”
211 WA 39/I:392.2-7, 11-13: “per gratiam, quam Christus affert et largitur, morimur legi accusanti et condemnanti nos. Ita per Christum, qui factus est hostia pro peccato ac per hoc occidit peccatum, morimur peccato, ne nobis amplius dominari possit. Quatenus igitur mortui sumus legi et peccato per fidem in Christum et una cum eo sepulti
This allows Luther to say that “we die to the law [that is] accusing and condemning us” and “through Christ, the fulfiller of the law, believers are not driven to despair by the accusing and terrifying law, but are lifted up by [Christ’s] word.” Christ keeps and transforms the law by removing the human’s sinful standing before the law and, thus, Christ retains the law in a satisfied and pacified sense. The result is that the law continues “under Christ,” but the law does not drive the human to despair or condemn her. The law’s emotional effect on the human gets transformed.

The stage “under Christ” corresponds to the turn from law to gospel in Luther’s traditional terminology. What is key is that Luther shows the law to keep going “under Christ.” He sustains this position by specifying the accusing function of law to be removed from the human-law relation through faith in Christ because the human is no longer constituted as sinner before the law. In doing so, Luther leaves open the Spirit’s relation to law under gospel and, also, the Spirit’s emotion-evoking effects in penitence while also maintaining his classic emphasis on divine agency alone for justification. Law continues “under Christ,” but in a mollified manner.

3.5.3 Under Christ, law is to be fulfilled in the Spirit

sumus, aetunus nobis mortua sunt peccata...propter Christum legis impletorem credentes non adiguntur in desperationem accusatione et terrore legis, sed verbo ipsius rursus eriguntur."
In the stage “under Christ,” Christ transforms the law and opens it up to the Spirit in a new register, which Luther calls the “salutary use” of law.\(^{212}\) Luther locates the Spirit’s new relation to law under gospel in an auxiliary stage after justification through faith (i.e. “under Christ”) called “in the Spirit.” In the auxiliary stage “in the Spirit” that Luther adds to “under Christ,” the salutary law guides the good intention.

Faith opens up the possibility of the auxiliary stage, “in the Spirit,” added to “under Christ” under the rubric of gospel. This secondary stage extends from two distinct “benefits of faith” that Luther identifies. Luther explains that, “Christ alone has done the will of God and fulfilled the law and received the Holy Spirit. Whoever lays hold of this benefit of Christ has fulfilled the law by way of imputation and receives the Holy Spirit.”\(^{213}\) He restates this sentiment according to faith: “faith alone (for it alone can lay hold of Christ) gives to me Christ who is the fulfillment and the end of the law.” The first benefit of faith is the fulfillment and end of the accusing law in Christ. Then, Luther continues, “What else does faith give? It requests and brings with it the Holy Spirit.”\(^{214}\) The second benefit is the Holy Spirit. Luther recognizes that the Spirit relates to the human differently as a benefit of faith than as Author of the law “before Christ.” Therefore, he calls the Spirit “Christ’s gift” as a benefit of faith.\(^{215}\) The two benefits of faith make room for Luther’s distinction between “under Christ” and “in the Spirit.”

\(^{212}\) WA 39/I:446.3. Christian Schulkin also identified this new, more positive function of law in the *Antinomian Disputations*. Although Luther does not use his terminology, Schulkin coined the phrase, “lex efficax,” because the Christian already fulfills this law in her heart through faith. Thus, it effects what it demands. Like Wengert, Schulkin does analyze the law’s formulation in proximity to the Spirit. See, Schulkin, *Lex efficax*, 371ff.

\(^{213}\) WA 39/I:388.2-5: “sed per Christum, qui solus fecit voluntatem Dei et legem eius implevit et accepit Spiritum sanctum. Quicumque igitur hoc beneficium Christi fide apprehendit, ille imputative legem implevit et accipit Spiritum.”

\(^{214}\) WA 39/I:482.14-16, 17-483.1: “sola fides hac enim sola Christus apprehendi potest donat mihi Christum, qui est impleto et finis legis...Quid praeterea fides det? Imperat et afferet secum Spiritum sanctum.”

\(^{215}\) WA 39/I:391.18-20: “Summa, cum Spiritus sanctus est Deus in sua natura, est autor legis, sine quo lex non arguit peccata; cum autem est donum per Christum, est vivificator et sanctificator noster.”
Christ” has to do with remission of sin and imputation of Christ’s righteousness. “In the Spirit” is an auxiliary stage under gospel that is contingent on the stage under Christ, but that brings with it a distinct set of properties unique to the office of the Spirit.

The Spirit’s office as “Author of the law” sees the Spirit as the cause and agent of the law, thus opening law up to a new function when the Spirit is given as a gift under Christ. Luther holds onto the Spirit’s causal association with law in light of John 16:8, “the Spirit convicts the world of sin and righteousness” (italics mine).” But because the Spirit as gift is mediated through Christ, Luther works out that the Spirit makes law to evoke righteousness in the Christian, not to accuse of sin. He says, “Christ earned the Spirit for those believing in him by willingly submitting himself to the law and enduring all of its curses” and “Christ earns the Spirit for believers in order that they begin to fulfill the law.” Christ gave over the Spirit, who is agent of the law, so that the Spirit can use the law to work law fulfillment in the Christian.

Luther calls this new function of law “in the Spirit” the “salutary use” (usus salutaris). He says, “the gospel comes [as a promise about Christ] and removes the sting of the law and makes out of it an instructor. The law ought to be interpreted in this way by the gospel and be reduced by the impossible to a salutary use.” The new salutary function of law sees the law’s accusatory function removed so that the law exhorts to the good.

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216 Cf. WA 46.34.13ff.
217 WA 39/I:365.2f: “Christus tamen per hoc, quod legi sua sponte se subiecit et omnes eius maledictiones pertulit, emeruit credentibus in se Spiritum.”
218 WA 39/I:365.3f: “Christus...emeruit credentibus in se Spiritum, quo impellente incipient etiam in hac vita legem implore.” Kärkkäinen sees this as fulfilling the spiritual law. Because the Spirit is a gift of love, the Christian has the required love of God already in the heart. However, I find it noteworthy that Luther refers to the Decalogue and to the Spirit’s office to convict of sins and righteousness, suggesting another possibility, which is that the Christian is going to fulfill in some way the moral law. See Kärkkäinen, Luthers trinitarische Theologie des Heiligen Geistes, 155.
219 WA 39/I:445.21-446.3: “Sed deinde venit Evangelium et auferit cuspidem legi et facit ex ea paedagogum. Atque ita debet lex per Evangelium interpretari et reduce per impossibile et ad salutarem usum.”
220 Kim also sees Christ to transform the law into an instructor in the Lectures on Galatians, but she continues to see a role for the accusing law for the ongoing sins, Kim, Luther on Faith and Love, 232, 251. I am suggesting the
by Christ’s example, which gives a “double testimony” of what God wills the Christian to do. Thus, Luther distinguishes the salutary use of law as the law “in a state of being done” from the accusing law as “having been done” because he sees the salutary use of law as a type of law fulfillment which God continues to call Christians to do. The Spirit is given for precisely this purpose, “so that the law’s righteousness might be fulfilled in us.” The salutary use of law admonishes Christians to law fulfillment in conjunction with the Spirit who is agent of the law.

The way the salutary law admonishes the Christian to law fulfillment is by directing the Christian’s good intention. Luther sees the salutary law to admonish love of God and hatred of sin. This admonishment is given concrete form through Christ’s example, which Luther says “firmly establishes the law.” Christ’s example shows “how to live in obedience to God, parents, and superiors through good works and virtues.” Luther connected both of these inner and outer forms to the Christian’s own good intention, saying that the Christian “intends to want to believe in God, to love God’s word and the Christian “intends not to want to commit adultery, fornication, covet, etc.” The salutary law teaches the Christian to love God and hate sin, which is the good intention.

accusing function is altogether removed under Christ. The salutary law, like the accusing law, reveals sin, but without condemnation. The salutary law shows sin in order to remove it. The Spirit is given for precisely this purpose, “so that the law’s righteousness might be fulfilled in us.” The salutary use of law admonishes Christians to law fulfillment in conjunction with the Spirit who is agent of the law.

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221 WA 39/1:464.3-5: “Imo eo magis est docenda, quia cum idem doceat, quod exemplum Christi, moveor duorum testimonio, ut propensius ac liberius obediam.”

222 WA 39/1:374: “Sub Christo igitur lex est in fieri esse, non in facto esse.” In 1535, Philip Melanchthon introduced a third use of the law (triplex usus legis) in his revised Loci Communes (CR 21:716–719). As Melanchthon explained it, the third use of the law was a use specific to Christians for the development of holiness.

223 WA 39/1:346.28f: “sic ex amore Dei peccatum odisse, id quod est vere propositum bonum.”

224 WA 39/1:367.10f: “Christo…spiritum sanctum nobis donavit, ut iustificatio legis in nobis impleatur.”

225 WA 39/1:367.10f: “Christo…spiritum sanctum nobis donavit, ut iustificatio legis in nobis impleatur.”

226 WA 39/1:472.11-13: “propono, velle Deo credere, eius verbum amare et magnificare. Postea etiam propono, me nolle moechari, scortari, crapulari, etc.” Here, it becomes possible to identify a distinction from Kim’s “Christ-given law of love.” The inner, spiritual command of love is specified according to the second table of the Decalogue when the love command is translated into its social ramifications; cf. Kim, Luther on Faith and Love. In a similar way, although Kärkkäinen recognizes that the spiritual law is a type of natural law in Luther, he actually separates
Although the human person herself cannot assent to the good intention apart from grace, as we saw in section 3.4.3, the benefits of faith elevate the human to the good intention by liberating her from sin and directing her towards love of God. Luther asserted in his theses that the human person is unable to formulate the good intention unless she is “elevated” by the gospel. Then, Luther shows this elevation to come by the benefits of faith. The first benefit, the remission of sins through Christ, liberates the human for the good intention by removing the accusation and fear of the law. Luther says, “because of Christ…Christians are not driven to despair by the accusation and terror of the law, but are lifted up by his word.” The Christian’s liberation from the accusing law’s terror means that the Christian’s good intention occurs “in such a way that faith and the knowledge of Christ conquer the terrors [of the law] so that the fear [of offending God] is filial, not servile.” The first benefit of faith elevates the Christian to love of God for God’s own sake because the terror of the law is resolved.

Luther credits the second benefit of faith—the gift of the Spirit—with elevating the human to the good intention. He says, “[God] gives the Spirit (spiritum) to those who believe in order that, from the soul (ex animo), they might begin to hate sin…and to love, worship, and to

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spiritual (i.e. natural) law from the Decalogue as “written” law, Kärkkäinen, Luthers trinitarische Theologie des Heiligen Geistes, 155.

227 WA 39/I:345.28f: “Ideo addenda est legi promissio seu Euangelion, quae conscientiam territam pacet et erigat, ut bonum proponat.”

228 Stolt shows that Freude and Liebe are oppositional emotional responses to Furcht that are elicited by the divine gift of a fröhliches Herz through the gospel. See Stolt, “Laßt uns fröhlich springen!,” 94.

229 WA 39/I:392.11-13: “propter Christum legis impletorem credentes non adjiguntur in desperationem accusation et terrore legis, sed verbo ipsius versus eriguntur.”

230 WA 39/I:395.18f: “poenitentiam piorum esse perpetuam, sic tamen, ut fides et cognition Christi vincat terrors, ut filialis, non servilis timor sit.” Thomas Aquinas formulated a similar notion of the good intention vis-à-vis filial and servile love when he expanded Lombard’s volitional orientation to contrition by overlaying Lombard’s view of contrition with Augustinian notions of servile and filial love. Thomas determined that contrition must result from filial love of God for God’s own sake, not fear of punishment or servile love. Filial love for God could only be elicited in the human through divine grace; cf. Aquinas, ST, III, q.90, a.2; XP, q.3, a.3.
call on God.” The Spirit is given as a gift in faith in order to stimulate the good intention in the Christian. While the remission of sins opens the human up to the good intention by liberating her from fear, the Spirit actually works the good intention in the human in the Spirit’s office as gift.

The Spirit works the good intention in the human by elevating human capacity for the good intention. Luther says the Spirit as gift is “our vivifier and sanctifier.” The Spirit as vivifier addresses an anthropological problem in the will, which Luther sees as the cause of sin (along with the devil!) because the will is unresponsive to and disobeys the law. Therefore, he shows the Spirit to supply the solution to this anthropological problem by actually recreating the human soul: “[Christ] brings the Holy Spirit into those who believe in order that they might have delight in the law of the Lord…and in this manner, their souls are recreated according to [the law] and this Spirit gives to them the will that they might do it.” The Spirit gives to Christians the will required to do the law by recreating the soul. This leads Luther to conclude that, “It is true, we are not able to intend the good, but the Spirit who is given to believers readies it.”

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234 WA 39/I:373.1-4: “Deinde affert Spiritum sanctum credentibus in se, ut voluptatem habeant in lege domini, iuxta psalmum primum, atque ita recreantur per eam animae ipsorum, datque voluntatem, ut faciant eam, hic spiritus.”
235 Kärkkäinen rightly acknowledges that Luther associates the Spirit as the specific trinitarian Person associated with law fulfillment—even between the divine Persons in the Trinity. As such, Kärkkäinen notes that the Spirit’s work is “Heiligung.” However, he does not discuss in particular the Spirit’s effect on the human will or the Spirit’s association with law fulfillment as result of the Spirit’s relation to law. See Kärkkäinen, Luthers trinitarische Theologie des Heiligen Geistes, 156ff. The Spirit’s recreation of the human will here is an intriguing development in light of Dieter’s observation in Luther’s marginalia to Lombard’s Sentences that the indwelling Spirit as caritas works “durch etwas Geschaffenes im Menschen.” Here, we see the human will as a possibility for that “something created in the human.” See Dieter, “Du mußt den Geist haben!,” 69.
236 WA 39/I:378.8f: “Verum est, non possumus bonum proponere, sed Spiritus, qui datur credentibus, id praestat.”
one of the benefits of faith, the Spirit supplies the good intention in relation to the salutary law by recreating the human will.

The Spirit then orients the new will to the law so that the will produces the good intention. Luther states, “By faith, we receive the Holy Spirit, who produces new motions and fills the will so that it begins to truly love God and hate sin.”\(^{237}\) As the “sanctifier,” the Spirit moves the will to the good intention to love God and hate sin. The Spirit accomplishes this orientation of the will to the law by speaking the law in the soul. Luther affirms that the Spirit “causes remarkable and indescribable cries against sin in your heart” and that the Spirit gives a “certain testimony in our hearts” against sin.\(^ {238}\) The result is that the salutary law’s requirement for perfect obedience, fear, and love of God becomes “enjoyable and easy.”\(^ {239}\) Now Luther can root the good intention in the human will itself via the Spirit such that “After receiving the Spirit, I begin to hate from the soul everything that offends [God’s] name and I am made a doer of good works”\(^ {240}\) and giving into sin actually occurs “against my will.”\(^ {241}\) The recreated human will produces the good intention because the Spirit as agent of the law speaks the law in the soul itself.

The result of the connection between the good intention to the salutary law and the Spirit is that the Christian begins to fulfill the salutary law “in the Spirit.” Luther maintains that the law

\(^ {237}\) WA 39/1:395.22f: “Deinde concipimus per fidem Spiritum sanctum, qui novos motus parit et voluntatem imbuit, ut vere incipiat Deum amare et peccatum detestari.”
\(^ {238}\) WA 39/1:526.5f: “addam tibi Spiritum meum sanctum, qui faciet te militem, etiam in corde tuo ingentes et inerrabiles clamores ciet adversus peccatum, ut sic tandem fias, quod cupias.”
\(^ {239}\) WA 39/1:388.5f, 11f: “accipit Spiritum, qui legem aliqui carni odiosam et molestam iucundam et suavem facit…eam sumam et perfectam esse obedientiam, timorem, fidem etc. erga Deum; ” in reference to the law as it is defined by Christ, 387.10: “Definit autem Mathaei 5, doctrinam esse….cor requirit, obedientiam perfectam, perfectum timorem et dilectionem Dei postulat.”
\(^ {240}\) WA 39/1:434.8-10: “cum datur mihi Spiritus sanctus, quo receptor incipio ex animo odisse omne, quod offendit eius nomen, et fio spectator honorum operum.”
\(^ {241}\) WA 39/1:514.6f: “et saepe rapior ad pessima quaeque etiam invitus.”
continues after justification to require love of God and hatred of sin. He says, “[the law] is to be fulfilled by the pious also” because it is God’s will “that we begin to fulfill the law here.”

However, the law fulfillment does not occur through the human’s natural powers, but through the help of the Spirit, who is agent of the law, in faith. Luther says that the Spirit “drives [believers] to begin to fulfill the law in this life.” By connecting law to the Spirit in the auxiliary stage under Christ, Luther is then able to say that the Christian “firmly obeys the word and law of God, which says “you shall not covet,” and the Holy Spirit admonishes him concerning this will of God and he does not succumb [to sin].” “In the Spirit,” the Christian fulfills the new salutary function of law opened up in relation to the Spirit “under Christ” because the gift of the Spirit recreates and orients the will to the law by speaking the law in the soul.

“In the Spirit” refers to an auxiliary stage under the rubric of gospel subsequent to justification in faith “under Christ.” Luther opens up this stage by connecting the Spirit to the gifts of faith in justification, which sees the Spirit given over to the Christian as Christ’s gift. But because the Spirit is agent of the law, Christ’s gift of the Spirit hands over the Spirit as cause of the law to the soul itself. In doing so, Luther develops a new function of law under Christ that sees the Spirit to speak the law to the soul in a salutary function calling for the good intention to love God and hate sin. The gift of the Spirit simultaneously elevates the soul to produce the good intention by recreating the human will and orienting it to the law. Now, contra Agricola, Luther could maintain the ongoing place of the law in the Christian life because he was able to contend

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242 WA 39/I:381.3-8: “Cum igitur officium illius sit terrere et condemnare, removendum est iugum eius a cervicibus credentium, tam gentium, quam Iudaeorum, et imponendum illis iugum Christi, ut sub eo in pace vivant, qui praestitit obedientiamdebitam et requisitiam a lege et eam donat credentibus in se. Et tamen piis praestandum est.”


244 WA 39/I:501.9-11: “Sed tamen stat firmus obedientis verbo et legi Dei, quae dicit: Non concupisces, et Spiritui sancto admonenti eum de hac voluntate Dei et non succumbit.”
that the law is fulfilled in the Christian herself. By this, he refers to the salutary law and the
Spirit’s evocation of the good intention in the justified, vivified, and sanctified will.

3.5.4 Section conclusions

In this section I have shown that Luther introduces the stages of “before Christ,” “under Christ,”
and “in the Spirit” to discuss stages of human penitential experience in relation to law and
gospel. Before Christ, the law functioned to accuse the human and to elicit the human experience
of sorrow, driving the person to Christ. Under Christ, the law is placated by the remission of sins
by means of Christ as the divine agent of justification. In the Spirit, the law takes on a new
salutary function in relation to the Spirit as gift in order to instruct the believer to form the good
intention to love God and hate sin by means of the recreated will. Luther uses “before Christ’ and
“under Christ” to discuss the person before and after justification, but the stage “in the Spirit”
allows Luther to nuance the Christian life after justification by focusing on the works of
particular trinitarian persons—especially, the Spirit as Christ’s gift.

Although Luther does not call the Spirit the efficient cause of human penitence, it is
possible to see Luther’s increased insistence on the important role of the Spirit in this way.
Luther’s introduction of the Spirit’s office as “Author of the law” presents the Spirit as the
source of law, as its efficient cause. As such, the Spirit causes human sorrow by means of a
mediate cause, the law. Similarly, Luther shows the Spirit in its office as gift to recreate and
orient the human will to the law in part through the Spirit’s other office as the law’s author. He
makes the Spirit the speaker of the law to the soul. Because the Spirit is mediated through Christ as gift, the Spirit does not speak the law to accuse, but to elicit the good intention from the recreated will. By giving the human a new will and filling that will with the proper content of the law, Luther shows the Spirit to work the good intention in the Christian. Thus, it is possible to view the Spirit as the efficient cause of both the good intention and sorrow. When Luther reconnects the law to the Spirit in relation to human penitence to address the way Agricola’s antinomianism challenged the law/gospel principle, Luther expands his doctrine of the Spirit to see the Spirit as the efficient cause of law fulfillment in the human herself.

3.6 Chapter conclusions

In the summer of 1537, Luther made a significant pneumatological discovery while he prepared sermons on the Gospel of John. Christ identified the Spirit as the cause and agent of the law in John 16:8. This revelation presented Luther with a troubling pneumatological picture to resolve: the Spirit, whom Scripture calls the paraclete and comforter, is also the divine cause of the law’s accusations leading to despair and death. Around the same time, Agricola publicly espoused the antinomian view that the law ceased in the Christian life after the human person received the promise of the gospel in faith, a position similar to what Luther himself had articulated in his 1531 Lectures on Galatians. From the perspective of Luther’s John 16:8 connection between the law and the Spirit, Luther now saw Agricola’s antinomianism to challenge the role and efficacy of the Spirit in the Christian life as much as it challenged the ongoing role of law. Luther needed
to determine how the Spirit could be the agent of law and also of consolation in the gospel in order to refute Agricola’s antinomianism.

This chapter has shown that Luther reconciled the Spirit and law with the gospel by articulating a more nuanced notion of the human in relation to law from the perspective of the human under gospel. Luther introduced medieval penitential language of sorrow and the good intention to describe human responses to law under both law and gospel. He showed the human to respond to the accusing law through sorrow for sin under his analytical category “law.” With the move to “gospel,” I showed Luther to maintain the ongoing role of law contra Agricola by identifying a transformed and mollified law to instruct the justified human for the production of the good intention. Luther called this form of law after gospel the “salutary use” of law.

After examining Luther’s preservation of law under gospel, I then showed Luther to turn to resolve the Spirit’s connection to law in John 16:8 with the Spirit’s paracetical activity in eliciting faith in the believer under gospel. This goal saw a further investigation of the human under law and gospel through Luther’s introduction of analytical categories for the human person under law and gospel. These categories bore certain likenesses to the medieval precedent set by Lombard. I identified the categories “before Christ,” “under Christ,” and “in the Spirit” to investigate the Spirit as efficient cause of law in terms of law’s changing relation to the human. Luther determined that “before Christ” the Spirit in its office as Author of the law caused the law to accuse of sin, which I showed to be consistent with Luther’s paradigm of “law.” “Under Christ” saw Christ as the divine agent of justification to foil law consistent with Luther’s classic paradigm of “gospel.” Thus, I showed Luther to maintain the classic position that the accusing law and its cause in the Spirit were satisfied through Christ’s righteousness, which was given over to the human in faith. But because Luther understood the gift of the Spirit to be one of the
benefits of faith, I demonstrated that Luther devised an auxiliary stage under the rubric of gospel called “in the Spirit.” In the Spirit, Luther made sense of the Spirit’s connection to law by showing the Spirit to speak the salutary law to the justified soul in order to elicit the good intention to love God and hate sin. By connecting the Spirit and law to the human through penitential language and anthropological categories mapped according to law and gospel, I have suggested that Luther successfully preserved the role of law in the Christian life against Agricola while also making sense of the befuddling pneumatological picture he found in John 16:8.

The connection between the Spirit, the law, and human penitence examined in this chapter evidence increasing anthropological and trinitarian depth to Luther’s law/gospel paradigm. The John 16:8 discovery prompted Luther to more specifically articulate the divine dimension of law and gospel. While he maintained his classic position that sees Christ as the divine agent of justification, he newly emphasized the Spirit’s relation to law as the law’s cause and to gospel as gift. The Spirit’s capacity to be given as gift in the gospel hangs on the Incarnation and the gift of the Spirit specifies the indwelling, specifically, of the divine cause of the law in the Christian soul.

This pneumatological insight opens up new anthropological dimensions to law/gospel. Justification can no longer be seen as simply a notion of imputation of Christ’s righteousness, but Luther maintained that a certain kind of law fulfillment occurs in the human herself on the basis of imputation. The static notion of the passive human in faith vis-à-vis Christ is thereby opened up to a more dynamic notion of the human in relation to the Spirit. This dynamic anthropological picture imagines changes to human volition resulting from the gift of the Spirit as agent of the law not accounted for in the static picture that scholars typically attribute to Luther.
These anthropological and trinitarian insights clarify the relation between law and gospel in Luther’s paradigm. Luther’s classic ideas about the accusing function of law are maintained and clarified through the identification of the law’s efficient cause in the Spirit. But Luther’s notion of law is made more dynamic through Luther’s association of law with Christ’s example, which led him to name the salutary use of law. The accusing and salutary laws’ connection with the Spirit as cause evidence Luther’s development of a third use of the law, a view typically rejected in Luther scholarship. Whereas the civil use of the law was the only use that Agricola permitted, Luther carved out a third use in which the Spirit causes the law to instruct the Christian’s conscience for the production of the good intention.

Thus to counter Agricola, Luther introduced language of medieval penance to demonstrate the role of law after gospel for formulating the good intention. And Luther tied the law to the Spirit as author and gift in order to grant divine causality to law in its functions before and after gospel. But by doing so, Luther made it necessary that he develop and clarify Christian obedience to the salutary law and revise his classic anthropological concept of “simultaneously just and sinner” (*simul iustus et peccator*) in order to represent the human as some kind of agent before the law. These are the topics of chapters four and five respectively.
4.1 *Introduction*

Human fulfillment of the law is a problematic thesis for Luther. Remember, Luther thinks justification occurs by divine agency without any human merit acquired through law obedience. Yet we have shown in the previous chapter that the Spirit has a specific function in the justified person of presenting the law to the soul in such a way as to make the justified person want to obey the law. Thus as we have seen Luther does subscribe to a specific notion of law fulfillment, namely fulfillment of the salutary law after justification. This is not the accusing law, but rather the law that inspires good works after justification and in relation to the Spirit.

For Luther, the law is connected to sin. The more a person tries to obey the law herself, the more the law exposes her sin. This epitomizes the law’s accusing function. The only solution is Christ’s righteousness applied from outside the sinner. Luther appears to change his tune, however, on the topic of the salutary law. He separates salutary law fulfillment out as a distinct process from justification and claims that “it is necessary that both justification and law
fulfillment take place in us.” To this, he adds that “the Spirit is given to us in order that the law’s righteousness might be fulfilled in us.” So the question we have now is how does the salutary law relate to sin? We know that the accusing function of the law accuses of sin, but how does the salutary law function such that it can be fulfilled in the Christian herself as a distinct process from justification?

I will show that for Luther the salutary law functions as a guide to sin and righteousness in the Christian life. It helps the Christian to recognize her ongoing sinful inclinations after justification and guides her to resist those inclinations in favor of good works. In sections two and three, I will look at the way Luther uses the accusing and salutary functions of law to address two distinct aspects of sin, original sin in human nature and actual sin acted out by individuals. Luther is interested in how sin is resolved. Therefore, we will examine the way he introduces a medical metaphor known as “Christ the Physician” into his discussion of sin and law to show how Christ healed sin in human nature diagnosed by the accusing law, but is healing the sin in individuals through the Spirit and the salutary law. This means we will look at the role of the salutary law in the healing process.

Finally, sections four and five will look more carefully at the justified person’s experience of the healing process in relation to the salutary law. I will address the steps Luther takes to show how the remaining symptoms of sin, namely actual sins, are treated in the Christian by means of the salutary law as the disease of sin continues to heal in her. Because Luther is interested in the experiential aspect, we will look at the way he narrates the temporal

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245 WA 39/I:443.14: “necesse est, utrumque in nobis fieri, et iustificationem et impletionem.” Cf.374.11f: “Sub Christo igitur lex est in fieri esse, non in facto esse. Hinc opus habent credentes, ut lege admonantur;” “Under Christ, law is in a state of being done, not of having been done. Here believers need to be admonished by the law.”

246 WA 39/I:367.11: “spiritum sanctum nobis donavit, ut iustificatio legis in nobis impletur” (italics mine).
process of treating actual sin through the salutary law in very practical terms through an anecdote about a Christian youth struggling with lust. Then, we will turn to look at prayer as the key practice the Christian must engage to overcome sin and to produce good works as righteousness.

4.2 The soteriological solution to sin and law

The aim of this chapter is to clarify how Luther opens up the Christian life “in the Spirit” to good behavior in relation to the salutary law. This requires that we determine the anthropological object of the salutary law and the means and mechanisms of the human response. In order to position ourselves to begin working out this anthropological dimension of law fulfillment, we must first investigate Luther’s understanding of the soteriological resolution for law vis-à-vis human sin. With a clearer conception of the relation between law and sin, we will be in a position to see how Luther uses the law to encode good behavior in the Christian life “in the Spirit.”

When Luther discusses law, he posits law as a divine word in relation to certain anthropological conditions. These conditions see change and alteration as the Christian progresses through the stages of the ordo res, what we have identified as “before Christ,” “under Christ,” and “in the Spirit.” To define these anthropological conditions, Luther looks to concepts from medieval doctrines of sin, namely the distinction between original and actual sin (peccatum originalis et actualibus). Luther introduces original and actual sin in the Antinomian

247 On law and gospel as divine words, see Oswald Bayer, Promissio.
Disputations to distinguish himself from medieval Nominalists like Gabriel Biel. While Biel and others deal only with actual sin, or so Luther claims, he is interested in how the human relation to God resolves “sin in its entirety, original and actual.” Luther will correlate these hamartiological categories to the accusing and salutary law in order to make room for good behavior as law fulfillment “in the Spirit.”

Original and actual sin, as Luther understands these terms, have to do with human nature as a universal category and with particular persons as instantiations of this universal. Luther

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248 The rejection of good behavior after justification that characterizes German Luther scholarship moves out of a fundamental misunderstanding of Luther’s harmartiology, premised on Luther’s radical discontinuity with medieval Scholasticism writ large. One strand of this misunderstanding most likely begins with Gerhard Ebeling, who does not cite any secondary sources to trace this misunderstanding farther. He claims that Luther rejected the Augustinian picture of original sin as an “alien culpability” insofar as medieval “Ockhamists” (he does not specify which Ockhamist!) separated culpability from potentiality. Luther per Ebeling reestablished original sin as an essence. The new notion of sin as an essence hindered potentiality, which led Luther, again per Ebeling, to collapse actual sin into original sin such that all sin had to do with the sinful essence without further specification. This is a surprising conclusion because in the very citations Ebeling includes, Luther separates out original and actual sin. Ebeling, Lutherstudien, II/3:115-118. Ebeling’s misunderstanding gets picked up in Tom Kleffman’s analysis of original sin when he claims that contra Augustine, Luther reduced sin to a solitary essence such that “Erbsünde als Personensünde (peccatum personale) ist eine Verkehrung von natur und personlich weisen.” Tom Kleffmann, Die Erbsündenlehre in sprachtheologischem Horizont: Eine Interpretation Augustins, Luthers und Hamanns (Tübingen: Mohr Siebeck, 1994), 107-109. A similar position appears in Bernhard Lohse, Martin Luther’s Theology, 250 and “Sünde,” in: Das Luther-Lexikon. Oswald Bayer represents another route towards this conflation between original and actual sin claiming that sin is not related to individual actions (actual sin), but rather is a fundamental attitude of “refused communication” with God. Actual sins by the individual become concretions of refusing communication. Oswald Bayer, “Being in the Image of God,” 85f. It seems these authors are able to make their claim of radical discontinuity by generalizing Luther’s correction to the medievals or Ockhamists as a whole. Luther’s correction had to do with Biel’s discussion of original and actual sin, which did de-emphasize the pervasive effect of original sin on moral power revealed by actual sins. Luther did sharpen the devastating effects of original sin as the cause and source of actual sin, but this was not a new idea with him—it was present in Anselm of Canterbury and Lombard, whom he read. Moreover, Luther worked to show the essential concurrence between original and actual sin, not to conflate them into a solitary category.


249 Contra Ebeling et. al., Jared Wicks offers a more nuanced interpretation of Luther’s understanding of original and actual sin by positioning Luther’s developing notion of sin in relation to Romans 4:7. He claims that Luther understood actual sins via Paul as sins in thought, word, and deed that are forgiven by God, but nevertheless rooted in sinful passions and concupiscence inherent in nature because of original sin. It is these ongoing concupiscent inclinations after justification that produce sins in particular human choices and actions. In my own reading of Luther, Wicks’ interpretation of the link between original and actual sin is the more accurate interpretation. Jared
defines original sin as “corruption of the entire [human] nature.” The original sin was concupiscence, or a sinful affection in the human will for an object other than God, namely the self. Original sin generates a corresponding “inclination” (*prono*) to sin. This sinful inclination is a predisposition to love God and other objects only on the basis of the pleasure these objects offer to the self. Because Luther thinks that human reason is also blinded by original sin, reason offers no check on the will’s sinful affections. The result is what Luther calls “actual sin,” which he defines as “sin of a temporal nature” that is expressed in corporeal actions such as murder, theft, and adultery. While original sin affects human nature universally, actual sin pertains to particular, individual persons as they consent to and act upon the inclination generated by original sin.

This way of defining original and actual sin has important antecedents in medieval Scholasticism, which Luther inherited through his study of Lombard’s *Sentences* and Gabriel Biel’s *Commentary on the Sentences*. The distinction between original and actual sin began with Anselm of Canterbury, who in the eleventh century differentiated between sin in universal human nature and sins of particular persons. Lombard picked up this distinction and supplied the terminology of original and actual sin (*peccatum originalis et actualibus*) used by Luther and

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251 WA 39/I:397.23f: “*Natura vitio originalis culpae corrupta et perdita per se plus aequo prona est ad peccandum.*” Lohse suggests that Luther redefined concupiscence away from its Augustinian legacy as “selfish love” to mean sin against the Holy Spirit or disbelief. While disbelief is certainly a consequence of concupiscence for Luther, as we will see in the *Antinomian Disputations*, Luther does utilize the notion of love directed either towards the self (concupiscence) or towards God (righteousness/justice) in the form of *amor Dei* and *odium peccatum*. He applies this language both to spiritual sins, such as despair, *odium Dei*, and disbelief, and to the sensory appetites for things such as sexual desire, lust, adultery, greed. Lohse, *Martin Luther’s Theology*, 55.

252 WA 18:675.22-34.

253 WA 39/I:395.13f, 396.1-4: “*de actualibus peccatis, qualia sunt caedes, furtum, adulterium etc….De hac poenititia Iudaei, papistae, Mohometistae nihil noverunt, sed tantum suspiciunt pro aliquibus peccatis actualibus poenitentiam, non totius vitae, sed temporalem.*”

his medieval teachers. Lombard defined original sin as a “weakness” in human nature. This weakness is transmitted, like a disease, to all individual persons through propagation. Each person is born with damage to their human nature, passed on by his/her parents. This damage is called the *fomes peccati*, the “tinder of sin” or sinful inclinations in the human will. Through the *fomes*, Lombard saw original sin to incentivize the “actual sin” of individuals, which he defined as “an [disobedient] act or movement of soul or body.” Luther picks up this distinction between original and actual sin, distinguished as both a universal and particular and as a quality of nature and act, in order to nuance the soteriological and anthropological dimensions of law fulfillment. The main challenge he will face is that the sinful inclination, what medievals called the flames of sin, is not extinguished, but continues to burn after justification as an “ember” (*carbo*) of sin that is inflamed by desires.

### 4.2.1 Hiding original and actual sin from the accusing law “under Christ”

First, Luther describes the soteriological dimension of law fulfillment “under Christ.” Under Christ, law no longer accuses because Christ hides original and actual sin. To arrive at the

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257 Lohse adds to this the helpful insight that Luther gleaned his understanding of the nature of sin from early exegetical work on the Psalms and Romans with an obvious sharpening between his 1509 marginalia notes on Lombard’s *Sentences* and his 1513 *Lectures on the Psalms*. Lohse, *Martin Luther’s Theology*, 53-55, 249.

conclusion that original and actual sin are covered under Christ, Luther looks to cultural history combined with a theological trope called “Christ the Physician” (*Christus medicus*). The *Christus medicus* trope dates to the era of the Apostolic Fathers when Ignatius of Antioch coined the phrase. Throughout much of the early church, the trope was used to discuss miraculous physical healings, medicine, and Christ’s work in justification. In the fourth century, Latin Fathers such as Tertullian and Augustine applied the trope to theological anthropology to discuss the anthropological effects of justification in the soul.\(^{259}\) Luther picks up the trope and uses it in this final sense. As the Good Physician, Christ heals original sin and all actual sins that grow out of the sinful inclination left by original sin.

The *Christus medicus* trope had real significance in the late fifteenth and early sixteenth centuries as the black plague finished another death march through western Europe. By all accounts the suffering—and the fear—were great. Symptoms of the plague purportedly began with the appearance of buboes, blister-like abscesses the size of eggs or larger filled with puss and blood that appeared in the groin, neck, and armpits. Then came the fever, vomiting of blood, and death. Medical treatments were paltry. Some tried bloodletting. Others looked to theriac or electuary, “medicinal” pastes made of snakeskin, stag bones, precious metals and gems, or rare plant extracts which were thought to neutralize poison in the body.\(^{260}\) With ineffective and even

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harmful medical treatments, death tolls of the plague between the fourteenth and sixteenth centuries are thought to be as high as 60% of the population, killing more than 100 million people over the course of 150 years. 261 Though in Germany the death rate was somewhat lower at approximately 20%, it was still a significant social crisis. In this unsettling environment, physical and spiritual healing from Christ the Good Physician seemed the only hope.

Luther inscribes his analysis of original and actual sin into this cultural history when he equates original sin with the plague, what Luther incorrectly calls “black cholera.” 262 Original sin is “cholera,” “a grave illness,” the “original disease,” and the “disease and sin of nature.” 263 This plague of sin corrupts and perverts “human nature itself.” 264 While just over half of the population would get the black plague, all people suffer from this disease of sin. 265 Like the plague’s buboes, original sin presented with particular symptoms. The main symptom was “an inclination to sinning” that spurred sin in each individual’s actions. 266 The black plague and its buboes were terrifying, but it had nothing on the disease of original sin.

Reflecting both the fears and the hopes of his day, Luther then links the disease of original sin to the Christus medicus trope. Christ is the Good Doctor who treats and heals the disease of original sin. But first he must diagnose it and convince the sick patient of her disease. 267 Luther explains that “First, [the doctor] diligently enquires about the disease and the

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262 WA 39/I:427.2: “choleram nigrum;” Luther uses the term “cholera” for the black plague. However, cholera as understood by modern epidemiological criteria was not present in Europe until the nineteenth century, when it was transmitted from India through trade routes. See Aberth, Plagues in World History, 101ff.
264 WA 39/I:397.23f: “Natura viti originalis culpae corrupta et perdita per se.”
265 WA 39/I:350.14f: “Coguntur ita sentire, qui peccatum originale prorsus non intelligent corruptionem et perditionem esse totius naturae.”
266 WA 39/I:397.24: “...plus aequo prona est ad peccandum.”
267 WA 39/I:425.13-430.11.
cause of the disease. Later, he reveals these causes to the ferocious sick person and persuades him that he is infested with a very grave disease.” To do this, Christ the Good Doctor “preaches and expounds the law or wrath.” Christ uses the law because “the disease is shown in order to heal it.” The law is useful here because the law diagnoses “the damage into which we have fallen since the beginning.” Therefore, Christ uses the law to show the human person the “black cholera that torments” her with the aim that she will accept his treatment. The accusing law supplies the diagnostic criteria necessary to diagnose and convince the person of her diseased nature.

Once the patient is thoroughly convinced that she needs medicine to heal her diseased nature, Christ the Physician prescribes his healing medicine. Christ points to the gospel, which declares to the worried patient “Behold, you are saddened, you are afflicted, you have been led into hell by the law and the black cholera that torments you. Do not despair; a good rhubarb is at hand and it is the best by far—that you might know Christ, receive him, and live.” Here Christ

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268 WA 39/1:424.10-12: “primum diligentissime inquirere de morbo et de causis morbi, quas causas postquam ostendit fieroci aegroto et persuasit eum gravissimo morbo infestari et.”

269 WA 39/1:425.1f: “Christus…praedicat et interpretatur legem sive iram.” Surprisingly, Christian Schulkin devotes an entire monograph to the law in Luther’s Antinomian Disputations without ever mentioning or analyzing Luther’s notion of sin in this text. See Schulkin, Lex efficax.

270 WA 39/1:424.18f: “Morbus ostenditur, ut postea possit sanari.”

271 WA 39/1:424.4-9: “Proprium Evangelii officium est, docere, praedicare Christum et illustrare eius beneficia. Sed evangelistam agere nemo potest sine lege. Quomodo enim illustrare et amplificare Christi beneficia possit, nisi primum ponantur in omnium conspectus nostrae miseriae et calamitates, in quas per peccatum contra legem iam inde usque ab initio incidimus?”


functions as both physician and healing agent; he prescribes himself as the best the medicine, for the disease of original sin. But Luther does not see Christ as just the medicine but as the cure for the disease: “Christ is given so that this disease might be healed…so that he might restore corrupt nature to its integrity.”\textsuperscript{274} Christ the Physician prescribes himself as the theriac to cure original sin, to heal human nature, and return it to good health.

The sick patient ascertains Christ as the medicinal rhubarb by means of faith and is then deemed to be healed. For the Christian, Luther says the diseased nature and its sin is “hidden in Christ.”\textsuperscript{275} This means that, under Christ, “sin is dead…in an imputative manner, when I by means of faith in Christ accept the remission of sins and am utterly liberated from sin.”\textsuperscript{276} Because the sick patient has received the medicine that will restore her, she is deemed healthy on

\textsuperscript{274} WA 39/I:386.9-11: “ubi Christus donator, ut isti morbo medatur, hoc est, ut, quod est perditum, quaerat et corruptam naturam suae integritati restituat.” Steiger points out an important feature of Luther’s medical theology, the distinction between Christ and his word as “Arzt und Arznei”—physician and remedy. Steiger continues: “Da der Sohn Gottes jedoch das ewige Wort des Vaters ist (Joh 1,1ff), ist er nicht nur “medicus,” der heilt, indem er das Evangelium predigt und Sündenvergebung zuspricht, sondern zudem “medicamentum” in Personalunion, da er das Wort, das er spricht, selbst ist.” The christological office (Amt) is to protect and to heal. Steiger, \textit{Medizinische Theologie}, 28f.

\textsuperscript{275} WA 39/I:551.15: “Est enim abscondita in Christo.”

\textsuperscript{276} WA 39/I:431.9, 10-12: “cessavit iam officium legis, quatenus peccatum fuerit mortuum...Primo modo imputative, Cum ego propter fidem in Christum accipio remissionem peccatorum, et prorsus liberor a peccato.” The specific way that Christ heals human nature concerns the role of the incarnation in Luther’s Christology. Luther, like Anselm and Aquinas, thought that original sin comes to particular human persons through the sin of the one man in whom all of humanity in that moment was contained, i.e. Adam. Thus, original sin is spread through propagation. Imputation of Christ’s righteousness functions similarly through a propagation model; Christ contains all of human nature within himself. Thus, when Christ perfectly fulfills the law, that righteous attribute of Christ’s human nature can extend by propagation to all of Christ’s heirs through faith.

On this point, Luther further echoes the medievals who were concerned about liability for original sin. Anselm, Lombard, Aquinas, and Biel all agreed that original sin was absolved in Christ’s remission of sins given in the sacrament of baptism. Cf. Anselm, “On the Virgin Conception and Original Sin,” c.22, 29; Lombard, \textit{Sentences}, II. d. 32, c.3; Aquinas, \textit{ST} I-II, q. 81; Gabriel Biel, \textit{Canonis Misse Expositio}, III, lectio 72, M-N. To this, Thomas added that, just as original sin was spread through propagation, so also remission of sins was spread through propagation of Christ’s heirs (Aquinas, \textit{ST} I-II q. 81). Luther adopts this perspective in his 1519 “Sermon on Two Kinds of Righteousness,” noting that just as we inherit culpability of Adam’s original, actual sin, so also Christ grants an alien righteousness that removes culpability through an alien process. In doing so, Luther shows the problem of original sin and the human person’s standing before the accusing function of law to be resolved in Christ. In justification “under Christ,” the person is bound up with Christ and is, therefore, righteous. Cf. WA 2:145.9-25.
account of Christ and, despite her remaining symptoms, no longer fits the law’s diagnostic criteria. 277

Christ’s medicine ought to bring signs of new health. Luther reflects this expectation when he says, “You are sprinkled and washed by the blood of Christ. Therefore, offer your bodies to obey justice … Be imitators of the justice of good works … you have Christ.” 278 When the Christian receives Christ as the best rhubarb to heal human nature, the law deems her to be healthy and she should have new signs of health in just actions. The problem is, the effects of the medicine are not instantaneous, but require time to fully heal the disease. Luther notes that “in faith, we are not yet perfectly healthy, but healing… the disease is not yet totally healed.” 279 The symptoms of the disease persist for the duration of the healing process. While Christ’s medicine takes effect, the sinful inclination remains in the human will and intellect to spur actual sin. To get rid of the sinful inclination and actual sin, something else is needed to help guide and support the human will and intellect.

To summarize, under the soteriological dimension of law fulfillment, Luther uses the Christus medicus trope to separate original and actual sin from the accusing law. Under Christ, original and actual sin are as though they are nothing. Christ the Physician heals human nature from original sin. Particular individuals participate in Christ’s just human nature by faith. This means that actual sins are also justified in Christ because Christ covers the guilt for the sinful inclination and all actual sin stemming from it.

277 WA 39/1:436.1f, 6: “Non sumus sub lege, id est accusante nos…quia est iam impleta aliene iustitia, id est Christi.”
278 WA 39/1:475.1-6: “Vos aliquando fuistis gentes, nunc autem asperse et abluti sanguine Christi. Itaque praebete nunc corpora vestra obedire iustitiae, … Sitis aemulatores iustitiae bonorum operum…habetis Christum.”
279 WA 39/1:376.6-8: “Sed fide nondum perfecte sumus sani, sed sanand…ideoque morbus nondum est plane sanatus.”
The problem is that Luther’s account of law fulfillment under the soteriological dimension does not ensure the good works that are supposed to result from faith. The “ember” of sin, the sinful inclination, persists in individuals. Here, Luther’s distinction between “healed” as a completed act and “healing” as an ongoing process opens up the lingering “symptoms” of sin, actual sin born out of the sinful inclination, to a temporal dimension in which good works can result from the healing process. But something is required to guide the human will and reason to choose God and the good behaviors over the sinful inclination during the healing process. By further probing the temporal dimension of the sinful inclination and actual sin, we can begin to see how Luther carves out an anthropological dimension of law fulfillment in the temporal realm that attends to the good behaviors that should exhibit from faith.

4.3 Actual sin and the salutary law

In the previous section, we clarified Luther’s view that original and actual sin are hidden from the accusing law under Christ. The anthropological problem with which Luther must now contend is that the Christian maintains the inclination to sin under Christ because she is not fully healed, she is “healing.” Objects of desire continue to activate the inclination to sin, which is inborn in her, driving her to further sinful acts known as actual sin. Now we see Luther make sense of good behaviors in the Christian as a practical, anthropological dimension of law fulfillment by focusing on affections generated by the ember of sin. This section investigates how Luther understands the Christian to control her affective responses to the sinful inclination.
in order to diminish actual sin and to exhibit good works after justification. To answer this question, we must examine the way Luther increases the anthropological language of the emotions in relation to the salutary law while drawing in the Holy Spirit.

First, I want to introduce a fantastic story Luther tells about a “Christian youth” dealing with the ongoing experience of the ember of sin. I introduce this narrative here at the beginning of this section because it will be structurally important for the remainder of the chapter. Luther recounts the story in this way:

If I, a Christian, still strong in my youth, were to fall in love with a beautiful girl or woman, unless I were a total tree trunk, I could not [help] but feel affection for her and desire to attain her, even if I were baptized and justified, were it only permitted by disgrace or another punishment that I fear. Yet, nevertheless, if I am a Christian, the heart and the Spirit in the heart right away exclaim: “Get behind me, Satan! Do not speak! No, do not rule, flesh! Be completely silent! You should not persuade me or incite me to fornication, adultery, passion, or to do any other shameful acts against my God in this way. Instead, I will wait until God will give a woman to me whom I love! I will make an end with her! I will leave her [i.e. the desired girl/woman] to her bridegroom and family.” These and such words are not man’s, but Christ’s and the Holy Spirit’s, who says in the heart: “Let the girl in peace. I will give you another in due time, whom you will easily love.” This Christian, even if he is affected by sexual desire, nevertheless obeys the Spirit, averts by prayer the evil he feels, and prays that he might not enter into temptation.

Therefore, this already is what it means to overcome sin, even if it cannot be done without trouble and much difficulty…The Christian stands firm and obeys God’s word and law which says: “You shall not covet,” and with the Holy Spirit admonishing him concerning this will of God, he will not give in.\(^{280}\)

\(^{280}\) WA 39/I:500.16-501.6, 501.9-11: “Si ego christianus adhuc robustus adolescens inciderem in aliquam formosam puellam aut mulierem, hic nisi plane tuncus sum, non possun non affici erga illam, etiamsi baptizatus sum et iustificatus, ita ut cuperem eam attingere, si modo per infamiam aut aliam poenam, quam timeo, liceret. Sed tamen, si sum christianus, statim reclamat cor et Spiritus sanctus intus in corde: Abi post me, sathana, nihil dicas, non, non domina caro, tace, obmutesce, non sic me debes impellere aut sollicitare ad stuprum, adulterium, libidinem aut si qua sunt alia flagitia contra Deum meum, ut agam, sed expectabo donec Deus dederit aliquam, quam amabo. In qua etiam finem faciam, sinam hanc suo sponso suisque. Hae et eius modi voces non sunt hominis, sed Christi et Spiritus sancti, qui dicit in corde: Laß daß medlein mit friden, dabo tibi aliquam suo tempore, quam facile amabis. Hic christianus, etsi afficitur sexu, tamen obedit Spiritui, deprecans hoc malum, quod sentit, orans, ne intret in tentationem. Hoc iam itaque vere est peccatum captivare, etsi hoc non fit sine molestia et difficultatibus plurimis…Sed tamen stat firmus obediens verbo et legi Dei, quae dicit: Non concupisces, et Spiritui sancti admonenti eum de hac voluntate Dei et non succumbit.”
Here Luther rehearses the temporal experience of the sinful inclination in the Christian life after justification vis-à-vis the law, Christ, and the Holy Spirit. Much of what Luther says about the changing human relation to law contra Agricola throughout the *Antinomian Disputations* coalesces in this narrative. Throughout the remainder of the chapter, we will examine this narrative from multiple angles as we discuss the anthropological dimension of law fulfillment.

The “Christian youth” narrative begins with a young man experiencing sexual desire for a pretty girl. In medieval moral theologies and theological anthropologies, these feelings of desire had to do with “affections” in the human will. Affections were understood as an inclination or leaning towards a particular object that moved the lover towards or away from a virtuous end. Just affections inclined the will towards love of God, but sinful affections inclined the will towards vice on the basis of selfish love. It was thought that when desirable objects were presented to the human will, these affections were activated, prompting the human will to choose to attain the object or not. Human reason, or the intellect, was charged with judging the loveability of a desired object on the basis of an object’s proximity to God, and thus to guide the will in choosing, or not, to act on an affection. In Luther’s early *Disputation against Scholastic Theology* and his controversy with Erasmus over the freedom of the will, Luther infamously rejected this structure for moral reasoning in relation to the doctrine of justification. He saw original sin to completely ruin both human reason and volition. Humans were incapable of knowing or willing the good of love of God. But now we see Luther reposition this language of medieval moral reasoning to discuss the anthropological dimension of law fulfillment after justification in relation to the sanctifying Spirit.
Luther introduces the salutary law as a vital tool for the Christian to deal with the enduring sinful inclination. We know we are dealing with the salutary law, not the accusing law because we are discussing the Christian as she is positioned after justification. Under Christ, the terminology connoting the Christian position after justification, the accusing function of law is removed because the Christian’s original and actual sin are hidden under Christ. Now Luther positions the Christian in proximity to Christ’s gift, the Holy Spirit, who newly speaks the law to the Christian as it is transformed by gospel to admonish to good. For this reason, this transformed law is “highly commended” to the Christian to help her contend with her ongoing inclination to sin after justification.

The salutary law helps the Christian by identifying and redirecting the sinful affections created by her ongoing inclination to sin. Luther thinks that Christians need the law to “reveal sins” after faith to direct her away from the remaining inclinations to sin generated by the emb. At the same time, the law is also needed to “admonish to good.” The law functions as a bi-directional guide to the Christian’s affections. In the “Christian youth” narrative introduced at the beginning of this section, we see that when the Christian experiences sexual desire for the pretty girl, the commandment against adultery, “you shall not covet,” appears in his thoughts to judge against the desire as sin. As a result, the Christian recognizes the desire as part

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281 WA 39/I:474.21f: “Sed non sic docenda est lex piis, ut arguat, damnet, sed ut hortetur ad bonum.”

282 WA 39/I:444.9f: “In sanctis autem maxime commendatur;” cf.455.8-13. Luther’s presentation of the salutary law echoes Philipp Melanchthon’s notion of the “third use” of the law (tertius usus legis), to guide the Christian conscience in good works after justification. Melanchthon developed the third use of law after his own antinomian battle with Johann Agricola in 1527. Melanchthon understood the third use of the law to rely on a forensic notion of justification. When God pronounces the sinner just in Christ, the law loses its accusing power. Nevertheless, law remains “under grace” to direct the Christian conscience, which is still plagued by a remnant of sin, to good behavior as righteousness and sanctification. In its function for the Christian life after justification, Melanchthon understood the law to reveal both the Christian’s remnant of sin and the divine will to help shape and contour her life of Christian obedience. See Timothy J. Wengert, Law and Gospel, 185, 189.

283 WA 39/I:474.17f: “etiam sancti habent reliquium pecatum in carne, quod lege purgandum est, donec expurgatum fuerit totum.”

284 WA 39/I:474.21f: “Sed non sic docenda est lex piis, ut arguat damnet, sed ut hortetur ad bonum.”
of the remaining sinful flesh. Interestingly, the law does not rebuke the desire itself, but the direction of the desire towards the wrong object; the Christian desires a pretty girl, not the wife God has for him as his “good end.” The command against adultery then redirects the Christian’s sexual desire, not away from the sexual desire itself, but towards desire for his future wife. The salutary law helps the Christian to recognize and judge against sinful affections created by the remaining inclination to sin, redirecting these affections towards a good end.

At the anthropological level, the salutary law’s judgments against sinful affections help the Christian to respond with a new set of negative and positive emotions in the will. Luther brings back the penitential responses of sorrow and the good intention in relation to the sinful affections. When the salutary law judges against the sinful affection, the Christian responds with “a hatred of sin remaining in the flesh.” Similarly, the law’s redirection of the affection toward a good end coincides with a good intention against sin as love of God. Luther brings these two emotional responses together as a corollary to the salutary law’s judgment against and redirection of the affection: “I hate everything that offends God’s name and I become a pursuer of good works.” When the law identifies and redirects the Christian’s sinful affections, she generates new hatred of sin and good intentions against sinful inclination in the will.

Critical at this anthropological level is the issue of volitional consent. Consent has to do, not with feeling an affection or desire, but with following or choosing to act on that affection in the will. Luther’s medieval predecessors like William of Ockham and Duns Scotus recognized

286 WA 39/1:394.14f: “Nam tota vita fidelium exercitium est et odium quoddam contra reliquias peccati in carne.”
288 WA 39/1:434.9ff: “incipio ex animo odisse omne, quod offendit eius nomen, et fio spectator bonorum operum.”
two alternatives here: one could consent to the affection and, thus, will to sin; or one could 
consent not to sin and, thus, will against (nill) the wrong affection. The medieval opinion was 
that sin resided in one’s response to a desire, not necessarily in the desire itself, which could be 
natural. Here, Luther agrees: though the Christian may feel a sinful affection because of the 
sinful inclination, she has an option—she can “not consent to sin, but drive it back.” The 
Christian may feel the affection, but she may also will against, or nill, the affection with the help 
of the salutary law.

This notion of consent plays out in the “Christian youth” narrative. The Christian youth 
feels sexual desire for the pretty girl and this desire is identified by the commandment against 
adultery. At this point in the narrative, consent becomes a main theme. The Christian cries out 
against the affection, declaring that he will not be incited to fornication; he will not sin against 
God. The Christian youth, hating what is offensive to God, does not consent to sin. Instead, the 
Christian decides, he will wait on the wife God will give him as an end and leave the pretty girl 
for her future husband. This good intention then gets formulated as consent to a good. The 
Christian youth will act on the affection as it is redirected by the salutary law towards God and 
the wife God has for him.

At this point, Luther has brought together the salutary law with the Christian’s sinful 
affections. The salutary law judges against and redirects the Christian’s sinful affections that are 
generated by the lingering sinful inclination and activated by objects of desire. Luther also has 
the Christian controlling these affections as they are revealed by the salutary law through new 
emotional responses having to do with volitional consent. But, the human will is corrupted by

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290 WA 39/I:436.10f.
sin. Therefore, the will requires assistance in order to not consent to sin in accord with the salutary law. Now Luther incorporates the Holy Spirit into this activity, not only as the divine agent of the law as we saw in chapter three, but also to prop up the human will to resist to—not consent—to the sinful affection.

The Holy Spirit supports the Christian’s volitional activity to resist the sinful inclination by recreating the will and filling it with new affections aligned to the law. Referring to the Antinomian controversy in his 1539 treatise, *On Councils and the Church*, Luther asserts that “Christ did not earn only *gratia* for us, but also *donum*, “the gift of the Holy Spirit,” so that we might not only have forgiveness, but also cessation of sin.” Christ gives the gift of the Holy Spirit specifically to help the Christian deal with the sinful inclination. In order to aide the cessation of sin, Luther suggests in the *Antinomian Disputations* that the Spirit recreates the will in accord with the law. Within this new will, “the Spirit elicits new motions and fills the will so that it truly loves God and hates remaining sin in the flesh.” Luther adopts the medieval view that the affections move the human will. When he shows the Spirit to fill the will with new motions, these motions are new affections that move the Christian away from sin and towards God in the act of consent. The Spirit supports the Christian’s volitional activity to resist, to not consent to, her sinful affections by recreating the will and filling it with new movers, new affections.

291 WA 50:599.32-34: “Denn Christus hat uns nicht allein gratiam, di gnade, sondern auch donum, die gabe des Heiligen geists, verdient, das wir nicht alleing vergebung der sunden, sondern auch aufhören von den sunden hetten.”
292 WA 39/1:373.2f. See section 3.5.3
293 WA 39/1:395.22-24: “Deinde concipimus per fidem Spiritum sanctum, qui novos motus parit et voluntatem imbuit, ut vere incipiat Deum amare et peccatum detestari in carne reliquam.”
The Spirit’s work to recreate and sustain the will’s new movements actually results in a new subjective experience for the Christian. It is not the Spirit, but the Christian herself who can now say “After receiving [the Spirit], I begin to hate wholeheartedly everything that offends God’s name.” The Spirit is not the subject of the “I” in this statement. Rather, the “I” is the Christian herself, even as the Spirit is the source of the new will and the affections.

This perplexing blurring of volitional subjects is another element that appears in the “Christian youth” narrative. When the Christian does not consent to sin and cries out against his sinful desire for the pretty girl, Luther states that it is “the heart and the Spirit in the heart” crying out against the affection. The Christian himself, but somehow together with the Spirit, does not consent to the sin and does consent to obey the law. In the end, Luther actually attributes the action finally to the Christian himself: “the Christian stands firm and obeys,” the Christian “averts the sin he feels.” But, the Spirit is still in the midst of the Christian’s volitional activity, guiding the Christian regarding the will of God and judging against the sinful affection.

294 WA 39/I:436.9f: “Recepto enim Spiritu sancto incipimus detestari peccatum et odisse.”
295 Saarinen claims that Christ is the subject of good works in the human person via the fides Christo formata, the faith in Christ in the form of the Christian’s soul. Risto Saarinen, “Einige Themen der spätmittelalterlichen Ethik bei Luther,” Kerygma und Dogma 30 (1985): 295. However, Theodor Dieter points out, however, that in Luther’s discussions of the will and affect, the will and affect are not the Spirit’s will and affect, but the person’s. He raises the question, “Wie also kann das Wirken des Hl. Geistes im Menschen so gedacht werden, daß es zugleich das Wirken des Menschen ist, der darin “Ich” sagen kann? Und wie kann umgekehrt das Wirken des Menschen in der Gemeinschaft mit Christus und dem Hl. Geist so verstanden werden, daß es nicht als verdienstliches aufgefaßt werden muß?” Theodor Dieter, “Du mußt den Geist haben!,” 71f. Dieter’s question points towards the very difficulty we are trying to work out in this chapter—how good works are possible as human action with the Spirit without those actions being meritorious.
296 WA 39/I:500. 21: “reclamat cor et Spiritus in corde.” Saarinen claims that Luther rejects a “two subjects” covenantal theology in his doctrine of justification, but views it more positively in the context of non-soteriological ethics of state and household, even if he maintains God as efficient cause of such acts. However, Saarinen argues that in the third “estate” of human relations, the church, Luther excludes two subjects, which would appear as a type of cooperatio. While I agree with Saarinen’s observation about Luther’s rejection of two subjects in soteriological matters, the kind of sanctifying activity that is occurring here appears as inherently spiritual and in speaking about Christ’s example, Luther notes that it applies to all three estates. Risto Saarinen, “Ethics in Luther's Theology: The Three Orders,” in Moral Philosophy on the Threshold of Modernity, ed. Jill Kraye and Risto Saarinen, Texts and Studies in the History of Philosophy 57 (Dortrecht: Springer, 2005), 2002.
In summary, we see Luther introduce the salutary law and the Spirit in relation to the anthropological language of the emotions in order to clarify how, in the stage marked as “in the Spirit,” the Christian controls her sinful affective inclinations. Human intellectual and volitional capacities, annihilated by original sin, are no longer able to judge and will rightly without the help of divine grace. Luther shows that when the will’s affections are activated by objects of desire, the Spirit speaks the salutary law to compensate for blind human reason by judging the sinful affections. The salutary law both instills a negative judgment against a sinful affection and redirects this affection towards a good, namely God. Similarly, Luther introduces the Spirit in conjunction with increased emotional language in order to show how the Spirit props up human volitional capacities to not consent to a sinful affection and, instead, to consent to a good affection. Unlike the intellectual function of the salutary law, Luther blurs the volitional subjectivity between the Christian and the Spirit. We will return to this blurring of volitional subjects in section 4.5 on prayer below.

With the salutary law and the Spirit in place as mechanisms to prop up human reason and will, Luther must now clarify how these moral reasoning processes, used to control the sinful affections, emerge in the anthropological dimension as good behavior that fulfills the law.

4.4 Purgation of sin and formal righteousness “in the Spirit”: the anthropological dimension of law fulfillment

To review, we have been tracking the way Luther opens up the anthropological dimension of law/gospel to good behavior as fulfillment of the salutary law in the stage “in the Spirit.” We
have seen that Luther utilizes a robust medieval notion of human sin. Rather than a nebulous concept of sin that encompasses all spiritual and physical incursions against God, Luther actually separates sin into two distinct categories, original sin that mars human nature universally and actual sin particular to individuals. While Christ hides both kinds of sin from the accusing law in justification and heals human nature in the soteriological dimension of law fulfillment, the sinful inclination continues to undermine the Christian’s good behavior in the temporal life, spurring her to further actual sins despite her justification under Christ.

In the previous section we began to examine the anthropological dimension of law fulfillment by investigating the inner moral processes to resist the ongoing inclination to sin. Of special interest was the way the Holy Spirit and the salutary law prop up human reason and will for judgments against and volitional non-consent to the sinful affections created by the lingering ember of sin. The current section inquires into how these inner moral processes lead to good behavior as fulfillment of the salutary law in the Christian. Because Luther distinguished two kinds of sin, only one of which is healed in justification, we will now attend to a second process for removing sin from the Christian after justification in the stage “in the Spirit” and a second kind of righteous result. The second process is purgation, which results in “formal righteousness.”

4.4.1 Purification as a second process for removing sin
Luther introduces purgation (*purgatio*) as the process for “routing out” and “driving out” remaining sin after justification. Purgation is a medieval concept that Luther would have frequently encountered in two of his medieval sources, Gabriel Biel and Johannes Tauler. The fifteenth-century Augustinian Scholastic Gabriel Biel was one of Luther’s favorite foes. In his *Canonis Misse Expositio*, Gabriel Biel posited purgation as the process of overcoming one’s actual sin in ascent to love of God. Biel thought that purgation occurred *prior to* the justifying infusion of divine grace into the soul as a means of preparing the soul for God. Luther critiques Biel in the *Antinomian Disputations* because his system does not account for the ongoing experience of the sinful inclination.

Contra Biel, Luther looks to the fourteenth-century Dominican mystic, Johannes Tauler. Tauler understood purgation as an effect or consequence of the divine-human relationship. In his *Predigten* (Sermons), Tauler taught that the gift of the Holy Spirit leads to transformation of vice and inclination for vice into virtue through purgation. By slowly extinguishing the inclination, the *fomes peccati*, in the soul, purgation elevates the soul to God such that God further enlightens...

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298 See, for example, Luther’s *Disputation Against Scholastic Theology*, WA 1:221-228, esp. 224.18 & 29, 225.20 & 23.

299 Biel, *Canonis Misse Expositio*, III, lectio 72, M-N.

300 In the prefaces to the second and third disputations, Luther identifies the Nominalist theologians, Ockham and Biel, as Pelagians, suggesting that like the Nominalists, Johann Agricola posited Christians are able to formally remove sin themselves without the aid of divine grace. Luther’s reference to the Christian “traveler” (*peregrinus*) in the preface is a thinly veiled reference to Biel’s Christian “pilgrim” (*viator*), who Biel posited as striving against actual sin in the ascent to love of God. Cf. WA 39/I:419-422, 489-496, esp. 490.9.

and works in the soul. Per Tauler, purgation is a process after the infusion of justifying grace that escalates the real effects of that grace in the soul. Contra Biel, Luther essentially coopts Tauler’s understanding of purgation, replacing the language of virtue and vice with righteousness and sin.

Echoing Tauler, Luther brings in purgation as a secondary process for removing ongoing sin after justification. Just as he coupled original and actual sin, Luther now brings together imputation and purgation. The first way that sin is removed is “by reputation or imputation, which means the mercy and grace of God has removed sin.”

Imputation suggests “God does not impute sin”; God does not attribute sin to the Christian. Luther introduces purgation as a process after justifying imputation. He remarks, “All good works done after justification are…the good intention against sin. For nothing else happens than that the sin, which is shown by the law and forgiven in Christ, is purged.” Purgation is a process that involves driving out the sin remaining in the Christian after justification even though this sin is hidden from the accusing law by imputation of Christ’s righteousness.

The salutary law spoken by the Spirit is operative in purgation. In imputation, the accusing law functioned to reveal sin and drive the sinner to Christ. Now, in purgation Luther says that “the remaining sin in the flesh…is being purged by the law.” The law supports purgation because the law “exposes” the remaining sin to be driven out. Luther is careful to

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302 WA 39/I:491.24f: “peccatum…sed reputative seu imputative, hoc est, misericordia et gratia Dei sustulit peccatum.”
305 WA 39/I:350.26: “peccatum per legem ostensum....expurgetur.” Jared Wicks has shown that in Luther’s 1517 Tractatus de indulgentiis, the reformer claimed that post-justification penitence must accompany God’s inner healing and renewing influences through gratia sanans. As we saw in chapter three, the changing functions of law support and duplicate penitence after justification. Wicks, “Catholic Encounters with Luther,” in: Luther Refracted: The Reformer’s Ecumenical Legacy, eds., Piotr J. Malysz and Derek R. Nelson (Minneapolis: Fortress Press, 2015), 3.
say, however, that this is not the accusing law exposing ongoing sin. He insists that “we are not under the law that accuses us. For we have received the Holy Spirit in whom we begin to detest and hate sin, and we purge it.”

As we saw in chapter three, the Spirit is the divine agent of the salutary law. Therefore, both the Spirit and the salutary law are operating in purgation to reveal the Christian’s ongoing sin—the sinful inclination and resulting actual sin—so that it may be driven out.

Like imputation, purgation has to do with removing human sin before the law. Luther uses a number of names for this: the “remaining sin that adheres in the flesh”; the “old leaven”; the “Old Adam.” All of these are Luther’s terms for the ongoing remnant of sin that is left after justification, the ember of sin. Purgation sees the slow, progressive diminishment of this remaining inclination to sin. To make this clear, Luther links purgation to the Pauline notion of “dying to sin.” He says, “To be dead and to die to sin is [sic] a Pauline phrase for battling against sin and not allowing it to rule in us.”

Dying to sin is purgation. “The pious die in this life to sin, that is, to the world with all of its concupiscent desires.” Purgation is dying to the remnant of sin, driving out that remnant and its sinful affections. While imputation removes the guilt for original and actual sin from the accusing law, the second process of purgation sees the Christian,

\[306\] WA 39/I:436.9-10: “Non sumus sub lege accusante nos. Recepto enim Spiritu sancto incipimus detestari peccatum et odisse, expurgamusque hoc.”


\[308\] WA 39/I:551.2-4: “mortuum esse et mori peccato est Paulina phrasis pro eo, quod est pugnare cum peccatis et non sinere, ut in nobis dominetur.” It is important to note here that it is the sinful inclination, not the self, that is dying and being mortified here.

\[309\] WA 39/I:551.11f: “pius autem moritur etiam in hac vita peccatis, id est, mundo cum omnibus suis concupiscentiis.”
by means of the Spirit and the law, to actually work against the inclination to sin in the particular person herself.

Finally, just as imputation was correlated to Christ, purgation occurs in relation to the Spirit. Luther remarks that the law is fulfilled “imputatively” in Christ. Then, the law is also fulfilled “in a purging manner because the Holy Spirit is given me...what is left in me of sin, this I purge until I become totally pure, and this in the same Spirit who is given on Christ’s account.”\(^{310}\) The Christian does not purge sin on her own, by her own powers apart from divine aid, but rather the Holy Spirit is the divine person operative in sustaining her activity. One way the Spirit supports purgation is through the law. As we saw in the “Christian youth” narrative, the Spirit “admonishes” the Christian youth about the commandment against adultery, which enables the Christian to resist the sinful inclination. The Spirit also supports purgation by guiding and sustaining the Christian’s volitional responses. Luther reports that “After receiving the Spirit, I begin to hate from my whole heart everything that offends his name.”\(^{311}\) Thus, purgation is a secondary process to imputation for removing remaining sin. Just as imputation was correlated to Christ, so purgation is associated with the Spirit, who supports and guides the activity.

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\(^{310}\) WA 39/I:434.4-12: “primo imputative, cum mihi non imputantur peccata contra legem et condonantur propter preciosissum sanguinem immaculata agni Iesu Christi domini mei, deinde expurative, cum datur mihi Spiritus sanctus, quo receptor incipio ex animo odisse omne, quod offendit eius nomen, et fio spectator bonorum operum. Et si quid reliqui est in me peccati, id expurgo, donec totus mundus fiam, atque hoc in eodem spiritu, qui datus est propter Christum.” Oswald Bayer claims that there is no metaphysical progress in the moral improvement of sanctification, only ethical progress. Oswald Bayer, Living by Faith: Justification and Sanctification (Grand Rapids: Eerdmans, 2003), 64f. However, Bayer’s anti-metaphysical claim is inconsistent with the theological reasoning Luther uses, which sees the gift of the Spirit to support the purgation of the sinful inclination. The ethical progress Bayer permits requires nothing more than an increasingly voluntary adherence to the civil law, not the Spirit. Wicks points to a more metaphysical explanation here when he shows that around 1518 Luther replaced the medieval language of gratia sanans (healing grace) with the language of gratia and dona. The dona, gifts, in particular come to fill the position of gratia sanans in the moral change the Christian ought to experience after justification. Luther includes the Spirit in the dona in the Antinomian Disputations. Wicks, “Catholic Encounters,” 5.

\(^{311}\) WA 39/I:434.4-12.
4.4.2 Formal righteousness as a secondary result of removing sin

The result of purgation “in the Spirit” is “formal righteousness” (iustitia formaliter). As I mentioned in the previous section, Luther took over Tauler’s understanding of purgation, but abandoned the language of virtue and vice. In Luther’s terminology, “formal righteousness” replaced “virtue.” Therefore, “virtue” lies in the background of Luther’s notion of formal righteousness. Luther’s understanding of virtue came from Aristotle by way of William of Ockham and other medievals. In the Nicomachean Ethics, Aristotle defined virtue as “moral excellence” that is formed as a state in the soul by exercising virtuous habits across the span of an entire life. Aristotle understood the virtuous disposition in the soul to be formed by virtuous actions. As virtue in the soul increased, virtuous actions became an outgrowth of the virtuous disposition; virtuous disposition and virtuous actions were mutually-reinforcing. Luther rather famously had strong objections to the use of Aristotle’s ethics in theology. The core of Luther’s objection had to do with Aristotle’s denial of God as the prime mover. Thus, Luther saw the use of Aristotle in medieval theological discussions of virtue to be a form of Pelagianism.

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312 In the 1519 “Sermon on Two Kinds of Righteousness,” Luther specifically developed the notion of two kinds of righteousness, alien and proper (formal), corresponding to two kinds of sin, original and actual. He explained that the alien righteousness given to the believer through imputation leads to proper righteousness in a life spent profitably in good works and “slaughtering the flesh,” what Luther calls purgation in the Antinomian Disputations. Cf. WA 2:145-152.
313 Aristotle, Nicomachean Ethics, II.1, 1103a-b.
314 Aristotle, Nicomachean Ethics, II.2, 1104b.
315 For example, in the Disputation against Scholastic Theology, Luther claimed that Aristotle’s Ethics were the “worst enemy of grace,” cf. WA 1:226.10.
Luther prefers the biblical language of “sin” and “righteousness” instead. However, he utilizes this biblical language of righteousness along with a philosophical distinction between relative and formal relations. In the context of a prolonged discussion differentiating imputation and purgation, Luther states that, “we are pure and holy, but first by way of imputation, because sin is not imputed to us. Second, we are also formally righteous as soon as I, by virtue of these first fruits and the Holy Spirit given to me from heaven, begin in faith to struggle and battle sin.”

The reference to holiness from imputation in this quote has to do with what Luther calls the “relative” removal of sin, the removal of sin by means of “reputation,” “because of Christ,” and “in the reckoning and forgiveness of the pitying God.” Relative has to do with a particular relation; in this case, the justifying relation between Christ and the soul in faith that hides, but does not remove, sin.

\[316\] WA 39/I:493.25–494.3: “nos etiam sumus puri et sancti, sed primo per imputationem, quia non imputatur nobis peccatum. Secundo sumus etiam formaliter iusti, ut quando per istas primitias et Spiritum sanctum mihi datum de coelo per fidem incipio luctare et pugnare cum peccato (italics mine).”

\[317\] WA 39/I:491.24: “reputative seu imputative, hoc est, misericordia et gratia Dei sustulit peccatum;” 356.33: “propter Christum;” 356.29f: “peccatum...solum reputatione et ignoscentia Dei miserentis esse sublatum.” This final quote reflects the distinction between Luther’s theses, reflected here, and his development and debate of those theses in the disputations themselves, reflected in the long quote comparing formal and imputed righteousness. While Luther maintains that sin is “only” removed relatively by reputation in the theses, when Luther expands his discussion of this thesis in the disputation argument, he uses the thesis to contrast relative and formal righteousness for justification. Relative righteousness, by reputation, alone suffices to justify. However, Luther makes clear in his development that relative righteousness does not preclude, but actually leads to formal righteousness.

This is an important point given the canonical status granted to Luther’s theses for the Disputatio de homine for discussions of Luther’s theological anthropology. The theses see Luther to posit a stark dialectic between the human person “before the world” (the temporal, social/political self developed through philosophy) and “before God” (the eschatological, spiritual self analyzed by theology). Gerhard Ebeling latched onto this dialectic to underscore his argument of a “relational ontology” that disallowed any kind of moral improvement or moral value to the human person “before the world,” which, he argued, ultimately passes away and has no bearing on the person’s eschatological life with God. One methodological problem with Ebeling’s argument is its reliance on Luther’s theses alone, apart from the development of those theses in the disputation arguments. These arguments have been lost for Luther’s Disputatio de homine. As we see here in the Antinomian Disputations, Luther uses the arguments to draw out careful nuances to his theses that are not immediately apparent from the theses alone. See Gerhard Ebeling, Lutherstudien, II/1-3. On the contrast between theses and arguments in the late-medieval academic genre of disputatio, see Graham White, Luther as Nominalist.
By contrast, “formal” has to do with an Aristotelian notion, namely, the formal cause of a thing. Using the example of a bronze sphere, Aristotle explained that form is “whatever we ought to call the shape of the sensible thing,” for example, the spherical shape of the bronze. Form has to do with a thing’s accidental properties, not the substance or essence—the stuff that makes a thing what it is, like human nature. Therefore, when Luther says the Christian becomes formally righteous by battling or purging sin and through “first fruits” of good works, he is staking a claim about the shape that the Christian subject, her “human stuff,” takes on. In this case, the shape of the Christian subject is being transformed from a sinful shape to a righteous shape. Through purgation, the accidental properties of the Christian, her form, become righteous.

The transformation of sin into righteousness that occurs in purgation is not an instantaneous change, as was the transformation from sin to righteousness in imputation. Rather, formal righteousness overtakes sin in the flesh across the duration of a lifetime. To this point, Luther suggests that:

sin is removed in a formal and purging manner because here day by day and more and more, I purge and mortify sin that yet adheres in my flesh, until finally everything that is the old person is elevated and consumed and a pure and clarified person emerges without any pollution or stain.\(^{319}\)

\(^{318}\)Aristotle, \textit{Metaphysics}, VII.8, 1033b. According to Mannermaa, \textit{forma} in Luther’s medieval parlance refers to “actual reality,” such that \textit{forma iustitia} must mean real righteousness. However, Mannermaa only associates formal justice with Christ himself, which per Mannermaa even when it is present in the Christian, remains distinct with reference to essence. The \textit{iustitia Christi} must ever remain \textit{extra nos}. He adds to this the view that alien righteousness is alien, but “in faith this alien reality \textit{really} determines the believer’s being.” Mannermaa, \textit{Christ Present in Faith: Luther’s View of Justification}, trans. Kirsi Stjerna (Minneapolis: Fortress Press, 2005), 24-26. It is hard to imagine what the metaphysical picture of the Christian’s being would look like given Mannermaa’s description. For instance, if the form is “reality” and Christ is the just form present in the Christian, but still outside of her, are there two forms? Are the human intellectual and volitional attributes that would typically supply the formal cause displaced? If so, where? By contrast, Lohse simply rejects a notion of \textit{forma} by which one’s natural, sinful condition is to be improved by grace in Luther. He grounds this claim on Luther’s rejection of the \textit{habitus} concept, which Luther rejected as part of his larger polemic against human merit saying nothing of habits after justification. Lohse, \textit{Martin Luther’s Theology}, 70.

\(^{319}\)WA 39/1:432.7-11: “\textit{formaliter et expurgative tollitur peccatum, quia hic de die in diem magis ac magis expurgo et mortifico peccatum adhuc haerens in carne mea, donec hoc tandem totum, quod est veteris hominis, tollatur et consumatur et evadat purus et clarificatus homo absque omnia macula ac labe}.”
As the Christian daily engages the activity of purgation, remaining sin is slowly and progressively transformed into the form of righteousness. Though, Luther concedes that this process is never fully completed in the temporal life and is only done with extreme difficulty. Nevertheless, he makes space for the inclination to sin to decrease and righteousness to increase in the Christian life after justification.

Formal righteousness displays itself as good behaviors, or good fruits, and resisting sin. In Matthew 7:17, Jesus states that “every good tree yields good fruit.” This theme gets picked up by Paul in Galatians 5 as the fruits of the Spirit. Luther uses this biblical imagery to talk about formal righteousness as good behavior. He says that battling sin and “the first fruits of the Spirit” constitute formal righteousness. Like Christ, Luther clarifies the good fruits as “good works and virtues.” On the flip side of these good works is also the active resistance of sin. Speaking in the voice of the Christian, Luther states that “even though I have the occasion, place, and time to fornicate, commit adultery, steal, etc. without any disgrace or punishment, still I do not do it. Here I experience truly and in myself that the Spirit dwells in my heart and is efficacious.”

Luther is describing the freedom to sin without divine punishment because the Christian’s sins are hidden under Christ. Yet, he chooses not to sin despite the guilt-free opportunity. To resist

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320 WA 39/I:501.6. Mannermaa distinguishes between human and divine perceptions of the Christian’s moral progress on the basis of Christ. While progress seems like a crawl to the human, God views it as “successful running” on account of Christ present as the forma fidei. Mannermaa, Christ Present in Faith, 65. Saarinen suggests that Luther understands the difficulty as an involuntary act of peccatum regnans, ruling sin. Saarinen, Weakness of Will, 123.

321 WA 39/I:494.1f: “sumus etiam formaliter iusti, ut quando per istas primitias...et pugnare cum peccato.”

322 WA 39/I:464.21f: “Christum proponere ut exemplum...quomodo sit vivendum in obedientia erga Deum et parentes et superiores sectatoremque esse omnium bonorum operum ac virtutum.” On the legal function of Christ as example, please see section 3.4.3. Luther orients good works and virtues here to the doctrine of the three estates, three categories Luther sees to structure social life. On the ethical dimensions of the three estates, see Saarinen, “Ethics in Luther’s Theology.”

323 WA 39/I:436.16f: “etiam licet sit mihi occasio, locus, tempus sine omnia infamia aut poena scortandi, moechandi, furandi etc., tamen id non facio.”
sin, we can infer, as a result of formal righteousness both reaffirms the indwelling presence of the Spirit and shows the Spirit to have a real effect on the Christian’s behavior.

Finally, Luther shows formal righteousness to be law fulfillment in the Spirit. Distinguishing between imputed and formal righteousness, Luther suggests that “Christ came and killed that sin by sin…so that the justice of the law may be fulfilled in us first by way of imputation, then also formally.”\(^{324}\) The formal fulfillment of the law’s justice sequentially follows the imputed justice and, as such, requires the Spirit’s help. The Spirit, who comes with the “first fruits,” then helps the Christian to begin obeying the law by means of the first fruits. To this, Luther states that “Under Christ, the law is in a state of being done, not in that of having been done….among those who are under Christ, [the law] begins to be done as something enjoyable, possible in the first fruits.”\(^{325}\) Because Christ gives the Spirit as a gift to the Christian—moving her from the stage “under Christ” to the stage “in the Spirit”—Luther says, the Christian “being driven by [the Spirit]…also in this life begins to fulfill the law.”\(^{326}\) Luther’s “Christian youth” narrative indicates the Christian begins to fulfill the law when he obeys the Spirit, who speaks the law, to resist sin and act well.\(^{327}\) As the result of purgation, formal righteousness begins to fulfill the salutary law “in the Spirit” through good behaviors.

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\(^{324}\) WA 39/1:383.7-13: “venit Christus occidens illud peccatum per peccatum….ut hoc modo impleretur iustitia legis in nobis primum imputative, deinde etiam formaliter, non tamen ex nobis, sed ex gratia Dei mittentis filium in carnem. Is credentibus haec donat spiritum, ut ex animo incipient odisse peccatum, agnoscer e hoc immensum, incomprensibile et ineffabile donum ac pro eo gratias agere Deo, diligere, colere, invocare Deum…”

\(^{325}\) WA 39/1:374.11f, 15f: “Sub Christo igitur lex est in fieri esse, non in facto esse….qui sub Christo sunt, incipit fieri iucunda, possibilis in primititis.”

\(^{326}\) WA 39/1:365.3f: “Christus…emeruit credentibus in se Spiritum, quo impellente incipient etiam in hac vita legem implere.”

\(^{327}\) WA 39/1:501.9-11: “Hic christianus, etsi afficiatur sexu, tamen obedit Spiritui, deprecans hoc malum….Sed tamen stat firmus obediens verbo et legi Dei, quae dicit: Non concupiscere, et Spiritui sancto admonenti eum de hac voluntate Dei et non succumbit.”
In conclusion, this section has shown Luther to connect the inner moral processes for the intellectual and volitional resistance of the sinful affections to good behavior through the concepts of purgation and formal righteousness. Luther identifies two types of sin, original and actual. He then deals with the two types of sin by identifying two corresponding processes for removing sin: imputation and purgation. Although Christ hides the guilt of all sin from the law, Christ only restores human nature as a universal from original sin. Therefore, the sinful inclination and actual sin were ongoing after justification. Purgation emerges as the process for removing actual sin by resisting the affections generated by the ember of sin after justification “in the Spirit.”

Similarly, we have seen Luther to identify two distinct outcomes of these sin-removal processes, relative righteousness and formal righteousness. Relative righteousness is the result of imputation of Christ’s righteousness. As such, relative righteousness is a righteousness by reputation alone. Formal righteousness is the result of purgation as the Christian’s form is transformed from sin to righteousness. Thus, we see a decrease in sin and an increase in formal righteousness as good behavior in the Christian life. Although Luther repudiated medieval Scholasticism’s adoption of Aristotelian virtue ethics in discussions of justification, here medieval concepts of virtue and the habituation of a virtuous disposition clearly inform Luther’s understanding of the way purgation leads from sin to formal righteousness—though, it should be repeated, that Luther probably adopted Tauler’s understanding of purgation and virtue rather than the Scholastic notion per se.

Purgation and formal righteousness in the Spirit are critical concepts for Luther’s claim that both justification and law fulfillment must take place in the Christian herself. By introducing processes and outcomes to the anthropological dimension that parallel the soteriological aspect,
Luther is able to retain both Christ’s agency in justification and to make room for good behavior in the Christian life as law fulfillment. To do this, he positions law fulfillment in relation to the Spirit and the soul’s volitional activities to resist sin and do good works. We have Christ inferring fulfillment of the accusing law in the soteriological dimension, which preserves divine agency in justification; and we have law fulfillment at the anthropological dimension sustained through shared activity between the Spirit and the soul. Up to this point, Luther’s discussion of law fulfillment in the anthropological dimension has remained highly theoretical. Now, we will turn to look at Luther’s more pastoral explanations for how the Spirit speaks the salutary law to the Christian to resist the sinful affections and to guide her good behaviors in particular experiential moments.

4.5 Prayer as the penitential tool for purgation and formal righteousness

To review, this chapter investigates Luther’s claim that law fulfillment must occur in the Christian herself as a secondary process to justification. Luther is interested to clarify, not just how a person is justified, but also how good works result from justification in her temporal life.  

This idea emerges in Luther’s third set of theses (WA 39/I:352-354), harkening back to Anselm’s inquiry into how human nature can actually be restored in On the Virgin Conception and Original Sin, 357-389.
law. Simultaneously, however, the Spirit speaks the salutary law to the justified soul, identifying and judging against the remaining inclination to sin with which the Christian must contend. Thus, law fulfillment in the Christian herself emerges as a work to purge actual sin in obedience to the salutary law in the stage “in the Spirit.” Purgation names a process of inversion in which the Christian’s inclination to sin is transformed into formal righteousness—a slowly, perhaps imperceptibly, acquired righteousness that is the person’s own.

Now we turn to examine the more practical realities of how purgation and law fulfillment actually work in the Christian’s daily experience. It is important to remember that Luther was first and foremost a pastor concerned with the spiritual wellbeing of his flock. Therefore, Luther often explored particular topics from several vantage points, through systematic as well as pastoral or practical theology. The topic of law fulfillment in the Christian life is no exception. Therefore, this section examines Luther’s practical theological approach to the topic of salutary law fulfillment at the anthropological level through two interrelated questions. First, exactly how does the Spirit speak the salutary law to the soul? Does the Spirit have a voice? Or is the law infused into the mind by some other means? Second, how does the Christian respond to the salutary law to purge ongoing sin and to develop formal righteousness? When does this activity occur? And, what tools are at the Christian’s disposal to support this activity? By attending to Luther’s practical theology, we will begin to see how Luther understands law fulfillment to actually occur in the daily life of the Christian.

Prayer (oratio) is Luther’s practical, pastoral response to these questions. By investigating how prayer cultivates a discursive, relational space between the Spirit and the soul that develops around particular experiential moments of temptation (Anfechtung, tentatio), it
becomes possible to pull out Luther’s pastoral explanations for how the Christian overcomes sin and obeys the law through good behavior in cooperation with the Spirit.

4.5.1 Prayer reiterates the law

Luther claims that prayer is the fundamental work of the Christian life.\(^{329}\) Therefore, it is striking that he links prayer in the Christian life under gospel to law. In one of a series of theses proposed for the *Antinomian Disputations*, Luther asserts that “The Lord’s Prayer …is full of the teaching of the law.”\(^{330}\) The Prayer makes the law known. In other writings, Luther suggests that the act of prayer actually originates from a divine command. “The first thing to know,” Luther writes, “is this: It is our duty to pray because of God’s command.”\(^{331}\) He shows prayer to extend from a positive restatement of the second commandment that is reinforced through the dominical injunction. “Do not take the Lord’s name in vain” implies a command to call on God in times of need.\(^{332}\) Christ doubles down on this command when he “urgently demands” prayer as the true worship and proper work of Christians. In the *Antinomian Disputations*, Luther does not so much present prayer as obedience to God’s command, but as the source and conduit of the command. The Lord’s Prayer, and in some cases prayer of the Ten Commandments, *communicates* law: the Lord’s Prayer is full of teaching of the law.

\(^{329}\) WA 51:455.  
\(^{330}\) WA 39/1:351.2: “*Oratio Dominica…plena doctrina legis.*”  
\(^{331}\) WA 46:81.30.  
\(^{332}\) WA 30/1:139.26f.
In the most practical sense, Luther understands the act of prayer to involve repetitive reiterations of the Lord’s Prayer, the Ten Commandments, the Psalms, the Creed, and even the example of Christ. Of these sources, Luther isolates the Lord’s Prayer as the best because “the real master [Christ] composed and taught it.” While Luther did not exclude improvised prayer, he certainly valued pre-formulated prayers more highly because God himself arranged the words of the prayer. No prayer could be better than the one taught by Christ himself! Thus, Luther is interested to show in his Antinomian Disputations how the Lord’s Prayer, as the very words of Christ himself, communicate law to the Christian after gospel.

The practice of prayer is also shaped by a fourfold meditative structure that expands the meaning of pre-formulated prayers. In 1535, Luther wrote an instructional booklet on prayer for his barber, Peter. In this booklet, Luther derives this fourfold structure from the Ten Commandments. The Christian can pray each of the Commandments, he suggests, as (1) instruction about God’s demand; (2) thanksgiving and praise; (3) confession of the failure to obey the command and of ingratitude for the divine goodness articulated in the command; and as (4) prayer and supplication for help in fulfilling the command. Each of the pre-formulated

333 Luther names these sources for prayer in a number of important texts from the late 1520s and 1530s, including The Large and Small Catechisms (kleine/große Katechismus; 1529, WA 30/I:57-122), “A Simple Way to Pray” (Wie man beten soll, für Meister Peter den Barbier; 1535, WA 38:358-375), and On Councils and Churches (Von Konziliis und Kirchen, 1539, WA 50:488-653).
334 WA 38:364.20, “es der rechte Meister gestellet und gelehert.” In the third set of theses, prayer refers exclusively to the Lord’s Prayer. In the arguments for the third disputation, however, Luther typically mentions prayer in relation to temptation (tentatio) and sanctification without specifying what the Christian should pray. I will discuss this problem in the following section.
335 WA 30/I:196.9f.
336 WA 38:365.1-4: “Ich nene ein jeglich Gebot an zum ersten als eine lere, wie es denn an jm selber ist, Und dencke, was unser Herr Gott darinn so ernstlich von mir fordert, Zum andern mache ich eine dancksagung draus, Zum dritten eine beicht, Zum vieren ein gebet, nemlich also oder mit der gleichen gedancken und worten.” Luther uses the example of the first commandment to have no other Gods. He places this command within the fourfold structure to show (1) the instructive component: God expects complete trust in his purpose as God; (2) the
prayers supplies the Christian with robust theological content when the Christian reflects on the pre-formulated words through the various lenses of instruction, praise, confession, and supplication. Luther applies this structure to the Lord’s Prayer in the Antinomian Disputations to show that the pre-formulated words of each petition communicates a divine command. Each petition of the Prayer communicates law when the Christian meditates on its instructive dimension. For example, the petition “thy will be done” includes within it, Luther says, a command that the Christian speaks to herself that God demands that God’s will be done. The same is true for every petition of the Prayer.

Therefore, prayer is one way that “the law is to be taught to the pious.” Prayer constitutes an iteration of law after gospel in both content and form. The pre-formulated words of the Lord’s Prayer, in particular, but also the Ten Commandments, Creed, the Psalms, and Christ’s example communicate what the Christian is to do: to hallow God’s name, to bring about God’s kingdom, to do God’s will, etc. As the next section will discuss, when the Christian repeats these commands to herself in prayer, she also praises God for the goodness of these commands, confesses her sorrow and failure to obey, and asks God to support her future efforts at obedience. Thus, prayer communicates law after gospel in a way that does not condemn, but...
actually guides and supports the Christian’s efforts to purge sin and become increasingly righteous. Prayer communicates the salutary law.

4.5.2 In prayer, the Spirit speaks the salutary law in the soul

Prayer communicates law to the Christian after gospel. But this locus, after gospel, suggests that the Spirit is operative in speaking the law through the pre-formulated words of prayer. Luther actually shows prayer to constitute a relational, discursive space in which the Spirit admonishes the Christian by speaking the law to her. Moreover, the way the Spirit speaks the law in prayer is specified to the Christian’s particular sinful affections. The Christian receives the Spirit’s admonitions through prayerful listening. This discursive exchange did not occur in just any kind of prayer, however. Luther thought that meditative prayer was required to open up the mind to the Spirit’s exhortations.

The medieval mystics, especially Johannes Tauler and Jean Gerson, were significant influences in the way Luther understood meditative prayer to stimulate the Spirit-human relationship. The fourteenth-century German mystic Johannes Tauler employed language
reminiscent of Luther’s when he claimed that prayer initiates “das heiße Liebesfeuer,” the hot fire of love, in the soul.³⁴² Tauler’s fire imagery represented the mystical union or the inward connection with God established in prayer.³⁴³ “True prayer,” which Tauler thought began with meditation on the Lord’s Prayer, facilitates the mystical union because true prayer consists of raising the mind to God in inner yearning and humble submission.³⁴⁴ Luther borrows Tauler’s fire imagery to explain how prayer, especially the Lord’s Prayer, opens up the mind to the Spirit’s admonitions.

Luther parts ways with Tauler, however, in the anthropological attribute involved in the Spirit-soul relation in prayer. Here, Luther took his cues from Jean Gerson, the fifteenth-century French mystic and Chancellor of the University of Paris. Tauler thought that the union took place specifically in the ground (der Grund) of the soul through the light of reason as the Spirit of God reforms and renews the ground of the soul in prayer.³⁴⁵ Gerson, on the other hand, thought that the affective powers of the soul were less effected by sin than the cognitive powers. Therefore, the affect was the seat of the mystical union and the vehicle for reforming the entire soul as intellectual content was interjected into the soul through the affect.³⁴⁶ In the union, Gerson

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³⁴² Tauler, Predigten, 166.
³⁴³ Tauler, Predigten, 101.
³⁴⁴ Tauler, Predigten, 101.
³⁴⁵ Tauler, Predigten, 101.
³⁴⁶ Steven Ozment, Homo Spiritualis: A Comparative Study of the Anthropology of Johannes Tauler, Jean Gerson, and Martin Luther (1509-16) in the Context of Their Theological Thought (Leiden: Brill, 1969), 70-73. More recently, Jeffrey Fisher has questioned Gerson’s confidence in the affect as the ground of knowledge of God in the mind, noting Gerson’s late “recognition of the relative inefficacy of both affect…and intellect in the journey of the mind toward God.” Luther’s reliance upon the Spirit’s creative activity to reconstitute the will as a locus of the divine-human relation may be seen as, in part, an awareness of and a correction for Gerson’s late rethinking of the affective capacities. See Jeffrey Fisher, “Gerson’s Mystical Theology,” in: A Companion to Jean Gerson, ed. Brian Patrick McGuire, Brill’s Companions to the Christian Tradition (Leiden: Brill, 2006), 214f. An important transmitter between Gerson and Luther was Gabriel Biel. Biel used Gerson’s concept of prayerful union in his Canonis misse expositio, which Luther is known to have studied at great lengths. Biel critiqued Gerson’s location of the mystical union in the affect or will, countering a more intellectual position. See Diana Stanciu, “Accomplishing One’s Essence: The Role of Meditation in the Theology of Gabriel Biel,” in: Meditatio: Refashioning the Self: Theory and
understood the Christian to be “made as if one” with God. This implied a spiritual union akin to Aristotle’s notion of friendship: there was a conformity of wills among friends.\textsuperscript{347} Union is in the alignment of the will and affect, not in the substance itself. Although Luther disagrees with Gerson’s assessment of the condition of the human will,\textsuperscript{348} Luther too makes the will the seat of the Spirit-human relation that is stimulated in prayer.

Although Luther did not hypothesize a mystical union in prayer per se, he reflected mystical influences when he showed prayer to create a relational, discursive space between the Spirit and the human soul in which the Spirit speaks to the Christian. In his \textit{Small Catechism}, Luther claims that the second petition of the Lord’s Prayer, “may your kingdom come,” means “that we ask in prayer that [God’s kingdom] come to us.” This occurs, he claims, “whenever our heavenly Father gives us his Holy Spirit.”\textsuperscript{349} Echoing Tauler’s mystical language, Luther also explained to Peter Barber that prayer “kindles a fire in the heart” and, in this fire, “the Spirit continually instructs us.”\textsuperscript{350} Prayer invites and creates space for the Spirit-human relation through which the Spirit speaks instructive content of the law to the soul.

The type of prayer that sustains this relational, discursive space is meditative prayer on, specifically, the Lord’s Prayer. Advising Peter Barber, Luther reveals again his debt to Tauler

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\textsuperscript{347} Ozment, \textit{Homo Spiritualis}, 74.
\textsuperscript{348} In the \textit{Disputation against Scholastic Theology}, Luther posits “An act of friendship is done, not according to nature, but according to prevenient grace. This in opposition to Gabriel,” WA 1.225.7f.
\textsuperscript{349} WA 30/I:302.21. It is noteworthy that Luther includes here a point that the Spirit is given in order that we live godly lives temporally. This should be read in congruence with the scope of this dissertation: that the Holy Spirit makes possible law fulfillment in the Christian by rehabilitating her will. Martin Brecht indicates that part of Luther’s critique of monastic prayer was the motivation to pray in angst. Luther corrected this by linking prayer to the Holy Spirit. Martin Brecht, “‘und willst das Beten von uns han’: Zum Gebet und seiner Praxis bei Martin Luther,” in: \textit{Die frühe Reformation in Deutschland als Umbruch: Wissenschaftliches Symposion des Vereins für Reformationsgeschichte 1996}, Bernd Moeller, ed., (Gütersloh: Gütersloher Verlagshaus, 1998), 272.
\textsuperscript{350} WA 38:372.31-373.1: “Ist gnug, wenn du ein stuck oder ein halbes kannst kriegen, daran du jnn deinem hertzen ein feurlin kannst auff schlachen. Nu das wird und mus der geist geben und weiter leren im hertzen.”
when he reports getting lost in prayer as he meditates on the petitions of the Lord’s Prayer. He says:

I stay, however, as nearly as I can with the same general thoughts and sense [of the petition]. Often it occurs that I get lost among so many ideas in one petition that I leave the other six. When so many rich, good thoughts come, one should let the other petitions go and give room to such thoughts and with quiet listening and with love, not hinder them. Because the Holy Spirit himself preaches here and one word of his sermon is far better than a thousand of our prayers.  

Prayer begins as pre-formulated speech to God as the Christian repeats the petitions of the Lord’s Prayer over and over again, reflecting on the petition as instruction, praise, confession, and supplication. But the repetitious contemplation of the Prayer opens the Christian up to the Spirit’s instruction as this instruction emerges in what appears to be the Christian’s own “good thoughts.” The Christian receives the Spirit’s admonishments by attending to those good thoughts.

Through the Christian’s thoughts in prayer, the Spirit speaks the law for the purpose of sanctification. In the letter to Peter Barber, Luther advises that “when the Spirit speaks in prayer, heed it and write it down [because you] receive a miraculous experience with the law of God.”

The Spirit brings the law to the Christian in prayer in a miraculous way, transformed from its

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351 WA 38:362.37-363.15: “Auch solt’ wissen, das ich nicht wil diese wort alle im gebet gesprochen haben, Denn da wuerde doch zu letzt ein gleepper und eitel legid gewesch aus, aus dem buch oder buchstaben daher gelesen wie die Rosen krentze bey den Leien und die gebet der Pfaffen und Moenche gewest sind, Sondern ich wil das hertz damit gereizt und unterricht haben, was es fUr gedancken im Vater unser fassen sol, solche gedancken aber kan das hertz (wenns recht erwarmet und zu beten luestig ist) wol mit viel andern worten, auch wol mit wenigen oder mehr worten ausprechen. Denn ich auch selber mich an solche wort und sillaben nicht binde, sondern heute so, morgen sonst die wort spreche, darnoch ich warm und luestig bin, Bleibe doch, so nahe ich jmer kan, gleich wol bey den selben gedancken und sinn. Kompt wol offt, das ich jn einem stuecke oder bitte jnn so reiche gedancken spacieren kome, das ich die andern Sechse lasse alle anstehen, Und wenn auch solche reiche gute gedancken komen, so sol man die andern gebete faren lassen und solchen gedancken raum geben und mit stille zuhoeren und bey leibe nicht hindern, Denn da predigt der Heilige geist selber, Und seiner predigt ein wort ist besser denn unser gebet tausent.”

352 WA 38:366.11-15: “ob der Heilige geist unter solchen gedancken keme und anfienge jnn dein hertz zu predigen mit reichen erleuchten gedancken, so thw jm die ehre, lase diese gefassete dancken faren, sey stille und hoere dem zu, ders besser kan denn du, Und was er predigt, das merck und schreibe es an, so wirstu wunder erfaren (wie David sagt) im Gesetze Gottes.” Zimmerling suggests that the heart and reason are stimulated by prayer, which seizes the affect in spiritual experience. Zimmerling, Wie man beten soll, 17.
accusing function, so that now the law is something to be noted and obeyed. Luther expresses a similar sentiment in *On Councils and Churches*. The Holy Spirit uses prayer for sanctification, thus, the Spirit teaches us by means of the Ten Commandments and the Creed to help us mend our ways. The utility of prayer for sanctification comes by means of the Spirit speaking and interjecting the salutary law to the Christian mind.

In the *Antinomian Disputations*, Luther repeats this idea that the Spirit speaks in the Christian’s own thoughts through prayer. In the “Christian youth” narrative, Luther presents a Christian confronted with the temptation of sexual lust, which he combats through prayer. In the face of the temptation, Luther reports that “right away, the heart and the Spirit in the heart” cry out against the temptation. At the same time as the Spirit and the heart reject the temptation, a thought emerges in the Christian’s mind as a kind of moral directive: “I will wait on the wife God will give me.” Here, the Christian and the Spirit share authorship of the Christian’s thought rejecting the temptation and determining a more obedient action. This allows Luther to conclude that the Christian obeys the Spirit and “averts by prayer” the temptation to sin. Prayer facilitates the shared divine and human authorship of the Christian’s moral judgments.

The “Christian youth” narrative also reveals that the Spirit gives meaning and specificity to the legal content embedded within the pre-formulated words of prayer. Luther analyzes the Christian’s thoughts twice more in his discussion of the narrative, relating the content of the thoughts back to the divine command and the Ten Commandments. In the first instance, Luther shifts the source of the content of the thoughts away from human authorship: “These and similar

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353 WA 50:641.20-34.
354 WA 39/1:500.21-24: “statim reclamat cor et Spiritus sanctus intus in corde: Abi post me, sathana, nihil dicas, non, non domina caro, tace, obmutesce, non sic me debes impellere aut sollicare ad struprum, adulterium, libidinem, aut si qua sunt alia flagitia contra Deum meum…sed expectabo, donec Deus dederit aliquam.”
words are not the person’s, but Christ’s and the Holy Spirit’s, who say: “Leave the girl in peace, I will give to you another, whom you will easily love, at the appropriate time.”\textsuperscript{355} The content of the Christian’s thoughts ultimately have divine authorship linked to the second and third Persons of the Trinity. These words represent the underlying content of the Christian’s thoughts and take the form of a command and a promise derived from the offices particular to these divine persons.\textsuperscript{356}

In the second instance of Luther’s analysis, he links these words to the Ten Commandments. After the Christian resists the temptation through prayer, Luther claims that the Christian stands firm in his resistance to the temptation and “obeys God’s word and law which says, “You shall not covet.” With the Spirit admonishing him about this will of God, [the Christian] will not give in.”\textsuperscript{357} At this deepest stage of analysis, the command in the prayer, reformulated as the Christian’s own thought, extends from the divine will expressed in the Decalogue. But it is the Spirit, in its punitive and sanctifying offices, that translates the command in the Decalogue, through the mediating figure of Christ, into an admonishment that is tailored to the particular temptation and sinful affection facing the Christian. In prayer, the Spirit specifies and clarifies the abstract legal content of the divine command to a particular moment of human experience in which the Christian can either follow or resist the sinful affection.


\textsuperscript{356} See section 3.3.1.

\textsuperscript{357} WA 39/I:501.9-11: “Sed tamen stat firmus obediens verbo et legi Dei, que dicit: Non concupisces, et Spiritui sancto admonenti eum de hac voluntate Dei et non succumbit.”
Because prayer constitutes a bilateral discursive space, the Christian also responds to the Spirit’s commands in prayer. Just as the Spirit speaks the law through the words of the Prayer and the Christian’s thoughts, so too the petitions of the Lord’s Prayer communicate the Christian’s penitential response to the law back to the Spirit in confession and supplication. As a conduit for the law, the Lord’s Prayer is operative in eliciting sorrow and confession of that sorrow. Luther stakes the claim that Christians are “often sad and grieving because of sins,” but this sadness (Luther uses the verb, tristor) exists because “the law of God drives them in this way.”\footnote{WA 39/1:350.34f: “sic exercente eos per legem Deo...”} The Lord’s Prayer, which is “full of the teaching of the law,” elicits this response.\footnote{WA 39/1:351.1f: “Oratio Dominica ab ipso Domino sanctis et fidelibus suis tradita, poenitentiae pars est et doctrina legis plena.”} Drawing on the fourfold structure of prayer, Luther links the first petition of the Lord’s Prayer to the law: “God’s law teaches that God’s name is to be hallowed.”\footnote{WA 39/1:351.11f: “At lex Dei est, quae docet, nomen Dei sanctificandum esse, quam legem orans testator se non implesse.”} When the Christian prays this petition, Luther claims that the Christian “confesses that the name of God has not yet been perfectly sanctified”\footnote{WA 39/1:351.5f: “Qui enim petit sanctificare nomen Dei, is fatetur nomen Dei nondum esse sanctificatum perfecte.”} and “praying, [she] bears witness that [she] has not fulfilled this law.” Thus, she “truly confesses with [her] own voice that [she] sins against the law and repents.”\footnote{WA 39/1:351.1-4: “Oratio Dominica ab ipso Domino sanctis et fidelibus suis tradita, poenitentiae pars est et doctrina legis plena;” “Quisquis enim hanc vere oraverit, is propria voce confitetur sese contra legem peccare et poenitere.”} Prayer supplies the means by which the Christian articulates her sorrow for disobeying the law; she confesses her sin and repents.

Prayer also supports the good intention in response to law. In the fourth moment of prayer, supplication, Luther claims that the Christian asks and expects in faith that God give her what is needed in order to obey: “who asks for something, first confesses herself not to have that
which she asks and expects to be given [to her].”

Through the confessional dimension of prayer, the Christian implicitly articulates a good intention. She asks God to give her what she lacks to obey. Prayer does not only teach the law, but prayer also allows the Christian to respond to the legal content of the prayer through sorrow and the good intention.

These penitential responses to the Spirit’s command in prayer are evident in the “Christian youth” narrative. When the Spirit cries out in and with the Christian’s heart, the Christian responds with a hatred of sin characteristic of sorrow: “Do not persuade me to fornicate, [etc.]…or other shameful sins against my God.”

The good intention appears in the Christian’s determination to wait on a wife. Both of these responses emerge within the Christian’s prayerful relation to the Spirit. To this, Luther decides that “by prayer” the Christian obeys the Spirit and does not give in. Prayer constitutes the Christian’s discursive response to the law articulated as sorrow and a good intention.

To summarize, a survey of Luther’s writings on prayer in and around the 1530s reveals Luther’s reliance on medieval mysticism in his approach to prayer. Because of this mystical influence, Luther sees prayer as a relational, discursive space in which the Spirit speaks to the Christian in and through the Christian’s own thoughts. The Christian receives the Spirit’s instruction through prayerful attention to those thoughts and a penitential response. In the Antinomian Disputations, Luther adds several clarifications to this more general approach to prayer. Of particular relevance to this discussion, Luther maintains that the content of what the Spirit speaks in prayer is a type of exposition and admonishment of the law, also known as the salutary law. Additionally, he shows that the Spirit’s admonishments in prayer are specified to

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363 WA 39/I:351.23f: “Qui enim petit aliquid, prius fatetur sese non habere quod petit et expectat donandum.”
365 WA 39/I:501.4f.
affections that the Christian experiences in a particular moment. The following section will more closely examine the distinction between meditative prayer on the petitions of the Lord’s Prayer, Creed, and other sources and the prayerful appeal specifically in the moment of temptation.

4.5.3 Prayer as a defense against temptation

The previous section examined Luther’s teachings on prayer in various texts from 1529-1539. This examination clarifies Luther’s assumptions about prayer in the Antinomian Disputations. Both sets of texts underscore Luther’s mystical presupposition that prayer establishes a relational space between the Spirit and the soul that is marked by a discursive quality. By means of the pre-formulated words of the Lord’s Prayer and other texts from the Catechism, the Spirit speaks the salutary law as an exposition and specific application of the law to the human soul in the form of the Christian’s own thoughts. The way the Spirit expounds on the law within the Christian’s thoughts is particularized to the Christian’s own situation. The content of the thoughts judge and re-orient the Christian’s sinful affections.

Luther makes an important addition to his appeal to prayer in the Antinomian Disputations, however. He uses prayer in the Disputations as a recourse and defense against temptation (tentatio, Anfechtung) and ongoing sin. He says, Christians pray fervently “that they might be able to live as holily and piously as they desire.” He later adds, “we ought to pray,

366 WA 39/I:512.16f: “qui perpetuis et assiduis precibus idem flagitent et precentur a Deo, ut ita sancta et pie possent, quam vellent, vivere.”
lest we fall into temptation.”367 The earlier texts assume a type of meditative prayer set apart from the activities of daily life. For example, Luther designates the quiet hours of the morning and evening for prayer in his instruction to Peter Barber.368 While meditative prayer in the morning or evening orients the Christian’s daily life to God through the law, prayer in temptation delivers the Christian from the flesh, world, and devil by establishing the discursive space of prayer in a critical experiential moment. In this way, prayer becomes the Christian’s tool for overcoming and purging actual sin.369

Luther adopts the link between prayer and temptation from Johannes Tauler. In his Sermons, Tauler taught that prayer is the best reaction to temptations (Anfechtung) because prayer places “fiery bonds” on the devil.370 Tauler defined prayer as an “inward connection” to God.371 As such, he reasoned that prayer is well-suited as a tool in temptation because prayer constitutes a glance towards the divine. Specifically, prayer brings the Christian to the exemplum Christi, showing her what she is to do to resist the devil.372 This glance aids in temptation because it produces divine things in the Christian. What are these divine things? Tauler seems to think that these noble things have to do with virtue. He suggests that temptation itself becomes a noble deed with God373 and that virtue is obtained and perfected in temptation as one sinks further into God.374 Thus, the utility of prayer in the midst of temptation for Tauler extends from

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367 WA 39/I:527.12: “Hic, quando soli sumus, orandum censeo, ne in tentationem incidamus.”
368 WA 38:359.4-5: “Darumb ists gut, das man frue morgens lasse das gebet erste und des abends das letzte werck sein.” Luther also distinguishes a second categorical time for prayer, namely, in “Not” or emergency, see WA 38:359.11. Cf. Peter Zimmerling, Wie man beten soll, 28-30.
369 Wicks suggests that the believer’s prayer is for the Spirit to purge out ruled sin (peccatum regnatum) so it cannot rise back up and destroy her. Wicks, “Living and Praying as Simul,” 543.
370 Tauler, Predigten, 425.
371 Tauler, Predigten, 101.
372 Tauler, Predigten, 208.
373 Tauler, Predigten, 189.
374 Tauler, Predigten, 404.
the bidirectional effect of prayer; it both binds the devil and connects the soul to God for the 
production of virtue and virtuous deeds. Luther adopts Tauler’s elevation of prayer in the 
moment of temptation with a similar bidirectional effect: prayer helps to restrain, or purge, sin 
and to develop formal righteousness instead.

In the Antinomian Disputations, Luther presents temptation as an opportunity to sin that 
works on the sinful inclinations of the human soul making righteous action difficult. Temptation 
comes from both within and without. Luther claims that the devil, the world, and the flesh 
present many labors, difficulties, and annoyances that snare and overthrow the Christian’s 
aspirations for righteousness. The “Christian youth” narrative demonstrates that temptation 
has to do with concupiscence, the sinful affection generated by the ember of sin. In this 
scenario, the pretty girl plays to the Christian youth’s inborn sexual desires. While these desires 
are justified in Christ, they are not removed from the Christian’s temporal experience. 
Temptation presents the Christian with the opportunity to act on the concupiscent desire. The 
Christian may either succumb to actual sin or resist the sinful desire and the temptation and 
thereby to enact formal righteousness.

Luther’s concern about temptation derives from the insidious effects of temptation on the 
Christian. Luther does not approach temptation itself as sin, but temptation results from sinful 
inclinations and leads to further sin. One reason temptation is dangerous is because it can lead

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376 Birgit Stolt depicts temptation in terms of the human moral powers. She suggests that the “heart,” which stands 
for the intellect, will, and affect, is like a ship that is tossed to and fro by its moral faculties. These “Stürmwinde” are 
emptied with the honest confession and open heart created in fervent prayer. Stolt, “Herzlich lieb habe ich dich,” 
408. 
378 Temptation plays to the remaining “flesh,” the dimension of the human person that remains susceptible to desire. Although Luther understands the flesh to be sinful insofar as the flesh is the locus of ongoing sin, the experience of 
temptation, which presents a desirable object to the soul for moral deliberation, does not become sin until the person
to sins of doubt or complacency. Doubt and its kind—unbelief, despair, and hatred of God—are the “gravest temptations for true saints.”\(^{379}\) Doubt undermines faith by questioning the efficacy of justification under Christ. In doing so, the Christian sins because she doubts the fundamental trust of the faith relation, threatening the soul’s relation to Christ.

Inversely, an over emphasis on the inner, spiritual relation to Christ diminishes the importance of outer righteousness, leading to complacency.\(^{380}\) As the temptation Luther most associates with the Antinomians,\(^{381}\) complacency conflates imputed with formal righteousness—the righteousness credited to the Christian on Christ’s behalf in justification versus the Christian’s own righteousness.\(^{382}\) In the categories identified in this dissertation, imputed righteousness occurs in the stage “under Christ” while formal righteousness is worked out over time in response to the salutary law “in the Spirit.” Thus, the complacent Christian assumes a false security about her own moral condition such that she abandons the sorrow and good intention of penitence.\(^{383}\) Her perceived need for Christ is diminished by her overinflated sense of her own righteousness and, Luther concludes, the sanctifying work of the Holy Spirit is not in

\(^{379}\) WA 39/I:501.20-22. Bayer claims that prayer in affliction concentrates the Christian’s mind on the promise dispensed in the law. This grants courage to stand on the word and to honor it. Bayer, \textit{Martin Luthers Theologie}, 320f. Bayer’s description reduces prayer to a re-instantiation of faith, but the larger problem is with his claim that the promise is dispensed in the law, a claim problematic in light of Luther’s law/gospel paradigm.

\(^{380}\) WA 39/I:489.20-490.5.

\(^{381}\) WA 39/I:491.13; 527.14-528.2.

\(^{382}\) WA 39/I:356.31f; 491.23-492.4: “Alterum vero est, quod inde sequitur, peccatum non esse ita formaliter sublatum, ut isti insani homines sentient, sed reputative seu imputative, hoc est, misericordia et gratia Dei sustulit peccatum ut dicitur Rom. 4....Ita sumus reputative iusti, sed ita tamen, ut constituamur in alienis et pugnandum nobis est contra reliqum peccatum in carne haerens.”

\(^{383}\) WA 39/I:352.20f, 28f: “Hac ratione non docentur impenitentes et secure ad incipiendam poenitentiam...Impoenitentia secorum est contemptus Dei, impoenitentia finalis est blasphemia in Spiritum sanctum.”
her. The real danger of temptation therefore lies not in the ongoing experience of sensual desire, but in the spiritual effect of action upon tempting desires, namely despair or complacency.  

Temptation also presents an opportunity to purge sin and to enact formal righteousness. Temptation, Luther says, must “heal from within, from the heart” with the help of the sanctifying work of the Spirit. The gift of the Spirit is effectual in initiating the purgation process. Luther claims that the Christian “begins to detest sin, to hate it, and to purge it with the help of the Holy Spirit [by] not consenting to it, but driving it back.” Temptation presents the Christian with the opportunity to purge sin by not consenting to the sinful inclination expressed in response to temptation. Through cooperative activity with the Spirit, Luther claims that “even though I have the occasion, place, and time to fornicate, commit adultery, steal, etc. without disgrace or punishment, I do not do it.” Together with the Spirit, the Christian resists temptation. This insight leads Luther to the conclusion that “here I experience truly and in myself that the Holy Spirit is in my heart and is efficacious.” By resisting temptation, the Christian has an opportunity to purge actual sin and to develop formal righteousness. In doing so, the Christian’s fortitude to resist temptation confirms the Spirit’s indwelling presence in the soul.

Echoing Tauler, Luther posits prayer as the effective means for resisting temptation and overcoming sin. “Even if [the Christian] is affected by sexual desire,” Luther claims, “nevertheless…he averts by prayer the evil he feels and prays that he might not enter into

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384 Here, we see Luther link spiritual and corporeal human existence through the effects of temptation. By combining the spiritual and corporeal, the inner and outer, in Luther’s parlance, he opens his discussion of prayer and temptation up to the topic of purgation and formal righteousness. The temporal activity of purging sin and enacting formal righteousness has spiritual effect for driving out doubt and complacency. Cf. WA 39/I:436.13-437.3.

385 WA 39/I:526.13f: “impiae non currant ab extra, sed oportet, ut ab intus ex corde.”

386 WA 39/I:436:9-11: “Recepto enim Spiritu sancto incipimus detestari peccatum et odisse, expurgamusque hoc ipsum adiuvante Spiritu sancto, non consentientes peccato, sed repugnantes.”

387 This is contra Bayer, who claims that prayerful opposition to Angst, Not, and Anfechtung is the work of God, not the human. Bayer, Martin Luthers Theologie, 322.
temptation. This, therefore, is what it means to overcome sin.”

Prayer helps the Christian to resist sensual desire in temptation by redirecting the sinful inclination away from the object of desire. By resisting the opportunity to follow a sinful affection, the Christian does not succumb to sin, but actually overcomes it.

One way prayer enables the Christian to resist sin is by elevating the mind to Christ. Speaking of the constant bombardment of temptation in the temporal life, Luther notes that:

neither the devil, the world, nor our flesh will cease [sending labors, difficulties, and annoyances]. Unless we watch extremely carefully in prayer, they will build for us as many snares as possible until they finally overthrow us…but this is the remedy: that we have our eyes and mind focused on Christ himself.\textsuperscript{389}

Prayer is watchful preparation for the temptations thrown at the Christian from the devil, the world, and the flesh. In prayer, the Christian “considers the sin in his flesh against which he battles day and night.”\textsuperscript{390} Prayer has a dual function. Prayer both facilitates a meditative introspection on the reality of the person’s ongoing sin and it directs the mind to the exemplum Christi. In the face of temptation, the Christian “immediately runs to the word, according to Christ’s example…”\textsuperscript{391} The exemplum Christi functions to reassure the Christian against doubt. Christ’s example communicates forgiveness of sins by saying, “Do not fear little flock, because the Father is pleased to give you the kingdom.” The exemplum Christi also demonstrates what the Christian is to do. As Luther notes, Christ tells his followers to “Go, and do likewise!”\textsuperscript{392}
While prayer facilitates the Christian’s reflection on her ongoing, actual sin, prayer also elevates the mind to Christ, connecting the mind to the grace of the gospel and an example of righteous action.

Prayer also connects the Christian to the sanctifying work of the Holy Spirit. Luther asserts that in the face of temptation, the Christian must “learn to pray for sanctification and not to be secure as the Antinomians are.” The reason for this prayerful appeal for sanctification is that “impious things,” the inclinations to sin susceptible to temptation, “do not heal from the outside, but it is necessary that [they heal] from inside, from the heart.” With this statement, Luther moves against both the Antinomians and the Moderns, like Biel. He means that impiety and temptation cannot be resisted by human efforts alone apart from divine grace. Rather, the inclination to sin must first be remedied within the soul in the will’s affections before outer actions can freely follow. This change occurs through the sanctifying work of the Holy Spirit. Prayer connects the Christian to sanctification in the Spirit because the Christian invites the Spirit to elevate her volitional capacity to resist the temptation. This coincides with Luther’s more sweeping statement linking prayer and temptation a few moments prior:

Christ fulfilled the law, but it must be added: “Later see to it that you lead a holy, pious, and irreproachable life, as is fitting for a Christian…I will give you my Holy Spirit, who makes you a soldier; he will even produce mighty and unspeakable cries against sin in your heart, so that you finally do what you wish.” But am I not unable? “Pray that I may hear you, and I will make you able.”

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393 WA 39/1:527.7f: “ut sic discas orare pro santificatione et non secures esse, ut Antinomi faciunt.”
394 WA 39/1:526.13f: “impiae non currant ab extra, sed oportet, ut ab intus ex corde.”
395 WA 39/1:526.2-8: “Christus implevit legem. Sed additum est: Dernach fac, ut sancta, pie et integer vivas, ut decet christiacum. ...addam tibi Spiritum meum sanctum, qui faciet te militem, etiam in corde tuo ingentes et inarrabiles clamores ciet adversus peccatum, ut sic tandem fias, quod cupias. At non possum? Ora, ut adiam te, et faciam, ut possis.”
Here, Luther reiterates the necessary result of justification in Christ, namely that the Christian live a holy life. The Spirit is credited with creating the Christian’s capacity to perform this activity, but not without human participation. In prayer, the Christian appeals for the Spirit’s help in elevating her volitional capacities to resist temptation.

By means of prayer, the Spirit creates the human capacity for a holy life by orienting the human will and intellect to the salutary law. The Spirit orients the will’s affections to the law in prayer.396 Part of the Spirit’s office that Luther identifies is to vivify the will, recreating it according to the law.397 Temptation threatens to violate this new will. Luther notes that “often I am seized by bad things which are against my will. Even saints bewail this. But, this is your remedy: that you pray.”398 Temptation lures the Christian to go against her own will as it is recreated by the Spirit.

Luther’s “Christian youth” narrative helps to clarify how prayer aids the Christian to resist temptation because the Spirit bolsters the will in prayer. As has been recounted numerous times, the Christian youth is tempted by a pretty girl. Thus, he experiences a “natural” desire for her that is rooted in human sensory experience. However, Luther also tells us that the Christian “averts this temptation by prayer.”399 As the Christian works to resist the temptation, Luther shows the Spirit to redirect the Christian’s affections towards the law. The Christian first feels the concupiscent desire for the pretty girl. Then, the Spirit and the Christian’s heart together decry the temptation coming from Satan and the flesh. Finally, the Spirit and the Christian’s heart together determine that “I will wait until God gives me a woman whom I will easily love!

396 See section 3.5.3.
397 Cf. WA 39/I:373.3f.
399 WA 39/I:501.4f.
With her, I will make an end.”

Luther then concludes that “This Christian, even though he is affected by sexual desire, nevertheless obeys the Spirit, averting by prayer this evil he feels and praying not to enter into temptation.” By speaking within the Christian’s own thoughts in prayer, the Spirit redirects the Christian’s affections away from the concupiscent desire for the pretty girl and towards the wife that God has in store for him. But when Luther turns to explain the content of the Spirit’s instruction within the Christian’s thoughts, he re-examines the Spirit’s words as a reiteration of law and specification of the Tenth Commandment, “you shall not covet.” In this way the Spirit redirects the Christian’s affections towards an object that accords with the divine will specified by the law. Through prayer in this experiential moment, Luther sees the Spirit to redirect disordered human affections in line with the divine will in the law, thus creating a type of “conformity of wills” reminiscent of Gerson’s solution.

The Spirit’s movement of the will coincides with an infusion of intellectual content about the law in prayer. As discussed above, Luther asserts that “the Lord’s Prayer…is full of the teaching of the law.” This parallels Luther’s position that the law must be taught to admonish and exhort in the moment of temptation such that in that moment, the Christian knows the law and is able to combat the temptation in her flesh. Thus, prayer teaches the law so that in temptation the Christian resists. In the “Christian youth” narrative, this legal content emerges in the Christian’s own thoughts as judgments against a desire. Luther attributes these thoughts to

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400 WA 39/1:500.20-25: “si sum christianus, statim reclamat cor et Spiritus sanctus intus in corde: Abe post me, satana, nihil dicas, non, non domina caro…sed expectabo, donec Deus dederit aliquam, quam amabo.”
401 WA 39/1:501.3-5: “Hic christanus, etsi afficiatur sexu, tamen obedit Spiritui, deprecans hoc malum, quod sentit, orans, ne intret in tentationem.”
402 WA 39/1:501.10.
403 WA 39/1:351.1f: “Oratio Dominica…est et doctrina legis plena.”
404 WA 39/1:513.5-7: “piis est etiam docenda lex monendi et cohortandi causa, ut in pugna et concertatione permaneant, nec patiantur se vinciri oblatratu et insullationibus carnis suae;” 501.15-18: “Christianus si tentatur avaritia, et possit circumvenire alios et fallere data summa opportunitate et occasione, tamen non fallit, quia novit legem et intelligit peccatum in carne sua, contra quod pugnat dies et noctes.”
both “the heart” and “the Spirit in the heart,” indicating, as we saw in Luther’s advice to Peter Barber, that the Spirit speaks in prayer in thoughts that arise within the Christian’s own mind.\textsuperscript{405} When Luther re-examines the Christian’s and the Spirit’s shared judgments against the desire for the pretty girl, Luther reframes these judgments as a declaration and specification of the Tenth Commandment. These specifications come to the Christian in the moment of temptation precisely because he prays.\textsuperscript{406} Prayer sustains the discursive space within the experiential moment of temptation in which the Spirit both speaks the law to the Christian in and through the Christian’s own intellectual content and conforms the Christian’s affections and volitional movements to that legal content.

To overcome sin and obey the law through prayer, the Christian formulates a good intention and acts on this intention. In Luther’s third set of theses against the Antinomians, he posits that “all works done after justification is nothing else than repentance or the good intention against sin. For nothing else happens that the sin that is shown by the law and forgiven in Christ is purged.”\textsuperscript{407} After justification, in the stage identified here as “in the Spirit,” the Christian’s good works constitute good intentions against the sins shown by the law. By means of the good intention, these sins are purged from the Christian life. The “Christian youth” narrative reflects the movement from good intention to purgation in prayer. In conjunction with the Spirit, the Christian formulates a good intention against the temptation of the pretty girl. The Christian youth declares, “I will wait until God gives a woman to me whom I will love! With her I will

\textsuperscript{405} WA 39/1:500.21. In the letter to Peter Barber, Luther exhorts Peter to “heed and write down” these thoughts in prayer because “the Spirit speaks here” and “here, you receive a miraculous experience with the law of God.” Cf. WA 38:366.11-1.

\textsuperscript{406} WA 39/1:501.5, 10.

\textsuperscript{407} WA 39/1:350.24-27: “Quare omnia opera post iustificationem sunt aliud nihil quam poenitentia seu bonum propositum contra peccatum. Nihil aliud enim agitur, quam ut peccatum per legem ostensum et in Christo remissum expurgitur.”
make an end!" By waiting for the wife God has in store for him, the Christian youth intends
not to succumb to the sinful desire he feels in violation of God, but to follow God’s will. Then
Luther shows the Christian youth to act on this intention. Even though the Christian is affected
by sexual desire, he obeys the Spirit and averts the evil he feels by prayer. The Christian acts
on his good intention by resisting the temptation of the pretty girl and waiting on his wife.

Luther uses this insight to link prayer to purgation and salutary law fulfillment. He
concludes that “this is what it means to take sin captive,” that this Christian “obeys the
Spirit…and God’s word and law…with the Holy Spirit admonishing him about this will of
God.” The Christian in Luther’s narrative takes an actual sin captive; he purges the
concupiscent desire for the pretty girl. Because this sin was first revealed by the Spirit
speaking the law to the Christian’s own thoughts in prayer, Luther shows the Christian to also
obey the salutary law when the Christian follows his good intention to wait on the wife. Prayer in
temptation connects the Christian to the Spirit and the law in a way that opens up possibilities for
law fulfillment in the Christian herself when she resists the temptation with the Spirit.

4.5.4 Section Conclusions

408 WA 39/I:500.24f.
409 WA 39/I:501.3-5.
410 WA 39/I:501.4-5, 10: “Hic christianus…tamen obedit Spiritui…Hoc iam itaque vere est peccatum
captivare….Sed tamen stat firmus obiediens verbo et legi Dei, quae dicit: Non concupisces, et Spiritui sancto
admonentii eum de hac voluntate Dei et non succumbit.”
411 Risto Saarinen positions human agency in relation to the three estates—household, political, and the church—in
Luther’s more social, political theology. He claims that Luther permits agency in the political and household, but not
in the church because the church is marked by the spiritual. However, here we see an example in which Luther is
depicting agency in a spiritual matter. Lust for the pretty girl is depicted as a spiritual transgression, not as a
violation of political or economic (household) relations. Saarinen, “Ethics in Luther’s Theology,” 195.
This section has shown that the Christian fulfills the salutary law through prayer. Prayer creates a discursive space in which the Spirit speaks the salutary law to the soul. By exploring Luther’s broader discussion of meditative prayer in the 1530s alongside of the *Antinomian Disputations*, it becomes clear that Luther isolates the pre-formulated words of the Lord’s Prayer, the Ten Commandments, the Creed, and the Psalms as a source of law for the Christian after justification in Christ. Through meditative prayer in the morning and evening, Luther shows the Spirit to elucidate the law—to explain the law as it pertains to the Christian’s particular circumstances—through the Christian’s own thoughts. Luther claims that the “little thoughts” arising in the mind during meditative prayer are the Spirit’s teaching on the law. Luther calls this a “miraculous experience with the law,” which infuses intellectual content of the divine command into the Christian’s mind through prayer. In prayer, the Spirit communicates the salutary law to the Christian’s mind through the Christian’s own thoughts.

This section has also isolated temptation (*tentatio, Anfechtung*) as the experiential moment in which prayer becomes the Christian’s tool for overcoming sin in obedience to the Spirit and the salutary law. By isolating a second moment for prayer—in temptation as opposed to the regimented practice of meditative prayer—this section shows Luther to identify prayer as the locus in which the Spirit speaks the salutary law *specific to a particular sinful affection* the Christian feels as a result of the lingering inclination to sin. These remaining sinful affections in the flesh are the site of ongoing, or actual, sin. Temptation opens the Christian up to a moment in which a remaining sinful affection can be resisted and redirected towards God as formal righteousness. The redirection of the affection comes via the relation to the Spirit which is grounded in prayer. Here, the Spirit elevates the intellect and will to oppose the affection through
the good intention. Luther depicts the Christian to overcome actual sin and to obey the law through good behavior when the Christian resists particular desires in the good intention and resulting action in prayer. Thus, prayer in temptation becomes the tool and experiential moment in which the Christian—together with the Spirit—purges actual sin and fulfills the salutary law in herself.

4.6 Chapter conclusions

Luther’s surprising discovery of the Spirit’s connection to law in the summer of 1537 led him to startling new claims. He asserted that not only is law fulfillment incomplete as a distinct process from justification, but also that the Christian must fulfill the law in herself. This is a bold claim considering Luther’s typical emphasis on human moral passivity. Luther needed to make this claim because Agricola’s castigation of law equated to a denigration of the role and efficacy of the Holy Spirit in the Christian life. Law fulfillment “in the Spirit” proved the Spirit’s indwelling presence and effect in the soul. But given Luther’s previous emphasis on human passivity, the reformer needed to clarify Christ’s and the Spirit’s effect on human sin for good behavior in the Christian life.

This chapter has examined the way Luther opened up the anthropological dimension of law/gospel to good behavior by formulating a new anthropological framework for sin and law fulfillment parallel to a soteriological framework. Both frames employ the categories of sin, identify a process for removing sin, and a new moral condition that results. At the soteriological
dimension, we saw Luther formulate this framework as original sin; original sin is removed by
imputation of Christ’s righteousness; imputation results in relative righteousness. The problem
was this soteriological framework failed to account for the ongoing presence of the sinful
inclination after justification because the result of imputation was righteousness by reputation
alone. Imputation conferred no ontological change in the human person herself.

To resolve this problem, Luther introduced an anthropological framework for sin and law
fulfillment rooted in the temporal life. This framework was actual sin; actual sin is removed by
purgation of the sinful inclination in the Spirit; the result of purgation is the transformation of the
Christian’s form of sin into the form of righteousness or formal righteousness. This framework
saw an escalation of anthropological language having to do with the emotions, moral reasoning,
and moral action. As the Christian works to resist her inclination to sinful affections in the will,
the Spirit and the salutary law come in to support moral reasoning in the human intellect and will
in resistance to the sinful affections. The result of these renewed inner moral reasoning capacities
is “good fruits” or good behaviors in three distinct loci of human social relations, namely, in
family relations, political relations, and spiritual (ecclesiastical) relations. Unlike imputation
which sees only divine agency in Christ, purgation in the temporal realm opens up law
fulfillment to shared moral agency between the human person and the third person of the Trinity,
the Holy Spirit.

When Luther turned to discuss this new framework for overcoming sin and fulfilling the
law in pastoral or practical terms, prayer and temptation emerged as key human experiences in
which the Spirit-human relation is strengthened and made efficacious. Noteworthy developments
in Luther’s pastoral discussion had to do with the Spirit-law connection and the Spirit-soul
connection. In order for law fulfillment to occur at the anthropological level, Luther showed the
Spirit to speak the law as commands specified to the Christian’s particular affections in the moment of temptation, not as abstract moral injunctions. Thus, the injunction “do not commit adultery” in the “Christian youth” narrative was particularized as “leave this girl in peace, wait on your wife.” This more specific promulgation of the divine command actually decreased the intellectual requirements for judging the moral value of an affection. The Spirit formulated the salutary law as a judgment against an affection for the Christian and placed these judgments within the Christian’s own thoughts. Echoing an Aristotelian notion of “likeness of wills between friends,” Luther shows the Spirit-soul connection that is established in prayer to align the soul’s affections to the divine will in the person of the Spirit. The result, of course, is that the Spirit and the Christian share volitional subjectivity in resisting the sinful affections and pursuing good works as law fulfillment instead.

Now that we have more carefully examined the anthropological dimension of law fulfillment “in the Spirit,” we will turn in the next chapter to discuss modifications to Luther’s key formula for articulating the human condition after justification, the *simul iustus et peccator* (simultaneously just and sinner). The reason is that imputation of Christ’s righteousness did not change the human person herself in any ontological way. Therefore, Luther must now find a way to talk about the human being after justification that permits temporal effects of divine grace. This will be the topic of the next chapter.
Chapter Five

The Militant Christian:
Battling Against Sin in the Noetic Form of the Christian Soul

5.1 Introduction

The previous chapters have shown that Luther connected the Holy Spirit to the divine word of law before and after justification in the Antinomian Disputations. To describe the human person’s changing relation to the law and the Spirit, Luther devised a new order of the Christian life that runs parallel to law/gospel. Luther’s sequential categories—“before Christ,” “under Christ,” and “in the Spirit”—see the Spirit to give the law to the Christian either to accuse and elicit sorrow or to admonish and guide her to the good through the good intention. This final stage of the sequence, “in the Spirit,” is especially important to the current discussion because it opens up a new possibility for human righteousness after justification, what Luther calls “formal righteousness.” In chapter four, we saw that formal righteousness has to do with the transformation of the Christian’s “form,” the formal cause or shape of her soul, from the form of sin to the form of righteousness. Luther is painting a picture of the temporal anthropological effects of divine grace through the Spirit.
The problem is that scholarly interpretations of Luther’s anthropology exclude these temporal effects of divine grace on the human person. Gerhard Ebeling’s analysis of Luther’s theological anthropology orients this conversation by elevating an anthropological dialectic in Luther’s theology, *simul iustus et peccator*—simultaneously just and sinner.\(^{412}\) Ebeling roots the *simul* formula in a forensic understanding of Luther’s doctrine of justification. In justification, the human person is deemed to be righteous through a divine pronouncement of justice. This pronouncement does not actually change anything having to do with the Christian herself—her human nature, substance, or any of the *stuff* that constitutes her as her. Rather, the divine pronouncement establishes a relation to God through faith in Christ. The result is what Ebeling calls a “relational ontology.”\(^{413}\) The Christian in herself remains sinner, *peccator*. The new relation to Christ infers justice to her, but this justice is restricted to God’s declaration, not to anything having to do with her herself.\(^{414}\) God declares the Christian as just via the relation to

\(^{412}\) Two texts deemed paradigmatic for Luther’s theological anthropology are his 1520 treatise *The Freedom of a Christian* and his 1536 theses for the *Disputation on Man*. I am choosing to de-emphasize these texts in this chapter for several reasons. First, *The Freedom of a Christian* centers on anthropological distinctions between the “inner and outer person” and the person as “spirit and flesh.” These categories are not directly in view here. Second, because only the theses prepared for the *Disputation on Man* (*Disputatio de homine*) survive, we do not have access to the way Luther developed and nuanced the theses in the argumentation process of the disputation itself. Moreover, the attention Gerhard Ebeling’s three volume *Lutherstudien* paid to this text has led to its overemphasis as determinative for Luther’s mature anthropology.

\(^{413}\) Gerhard Ebeling, “Luthers Wirklichkeitsverständnis,” 423. Theodor Dieter criticizes Ebeling’s ontology as actually an ontological negation. He proposes instead to move past Ebeling by searching for an ontology of relation as relation. Dieter, *Der junge Luther und Aristoteles*, 635. This chapter builds on Dieter’s work by exploring the anthropological effects of the relation to the Spirit rather than Christ.

\(^{414}\) As the relational ontology seeks to clarify, the Christian in the temporal life is and remains a sinner; eschatologically, she is just or righteous. When Ebeling diagrams this relational ontology according to Aristotelian causes taken from Luther’s 1536 *Disputation on Man*, the Christian “herself” as temporal sinner is placed onto the horizontal axis. The Christian “herself” represents the formal and material causes through her soul and body. The Christian’s eschatological “just” determination is placed onto the vertical axis, which then sees God as the Christian’s efficient cause in creation and her final cause in eternal life. God is the mover, the agent, of the Christian’s ontological being, while the Christian only supplies temporal ontological components that, seemingly unaffected by the vertical axis in justification, pass away. This relational ontological picture of the Christian person does not allow for the kind of formal righteousness in the Spirit that Luther describes in the *Antinomian Disputations* because the Christian is substantially unaffected by the relation. Ebeling, *Lutherstudien*, II/2:334-338, 354.
Christ without her ever really becoming temporally so. Per Ebeling, the *simul* is the anthropological result of this relational ontology and affirms his view that the real effects of divine grace are limited to the atemporal, the eschatological. In light of the anthropological effects of Luther’s robust pneumatology in the *Antinomian Disputations*, Ebeling’s thesis about the *simul* comes up short.

Therefore, this chapter analyzes how Luther develops a more complex anthropological picture in view of the temporal effects of divine grace in relation to the person of the Spirit. By answering this question, we will be in a better position to understand how justification affects the Christian’s temporal moral agency than what the current ontological picture permits. The first step to resolving this question is to clarify how Luther reconciles the *simul* construct with the two kinds of righteousness, relative and formal, discussed in the *Antinomian Disputations* (section 2). Then, we will zoom in on the temporal dimension of the *peccator* to try to ascertain how the sinner can become righteous in her form, the soul (section 3). Having cleared up these questions about the *peccator’s* righteousness, we will then look at another anthropological construct that Luther uses to describe the Christian person in the temporal life after justification: “the militant

One problem in scholarly treatment of this causal picture is the over-emphasis on the “just” dimension. This is a result of Ebeling’s dualism that emphasizes the eschatological over the fleeting temporal. Cf. Ebeling, “Luthers Wirklichkeitsverständnis,” 417. Ebeling’s approach is pervasive in Luther research today, but it challenges any attempt to approach the Christian’s temporal experience. For instance, Anna Vind assumes Ebeling’s matrix of the four-causal schema in Luther anthropology. However, she notes that the way faith and reason (as temporal experience) exist in opposition in the *simul* formula challenges questions about the experiential dimensions of the Christian life. See Vind, “The Human Being According to Luther,” 72, 77f.
Christian.” This construct may offer more robust possibilities for articulating human agency and moral progress in the Christian life than what scholars currently see in the simul construct (section 4).

5.2 The peccator dimension of the simul formula

In order to account for human agency and moral progress in Luther’s theological anthropology, we must first reconcile an apparent contradiction between the simul construct and the two kinds of righteousness. The simul construct implies that “we are certainly righteous, pure, and holy and that we are unrighteous, sinners, and condemned.”\footnote{WA 39/I:492.19f: “Verum vos scitis nos esse quidem iustos, puros, sanctos, esse etiam peccatores, inustos et damnatos.” Ebeling determined that these two paradoxical dimensions are established solely by divine pronouncements of righteousness or unrighteousness. The pronouncement of righteousness is eschatological and exists in total opposition to the unrighteous determination of the earthly existence, laying weight on the eschatological. See Ebeling, “Luthers Wirklichkeitsverständnis,” 417. Wilhelm Christe reinvigorates this eschatological focus, reapplying Ebeling’s “coram relations” (relation before God or before the world) to the simul. He claims that the simul has to do primarily with confession and prayer—that the Christian is just through the confession of faith and prays as peccator for the coming of righteousness. In a surprising move, however, he spends only one page discussing this primary focus and the remainder of his article fleshing out the “secondary” dimension of the simul as ontology. See Christe, “Gerecht und Sünder zugleich,” 66f, 83ff.

A question in scholarship on Luther’s simul construct concerns the distinction between Luther’s use of partim iustus, partim peccator and totus iustus, totus peccator. Though I do not focus on the partim, partim language, Luther’s interest in the peccator has to do with the change in degrees between the just part and the sinful part. He will describe the militant Christian as partim triumphans, partim militans. Cf. WA 39/I:504.24f; 542.6, 18f. The}
against sin in the Spirit. The contradiction appears at the temporal level of the peccator: the sinner is somehow becoming just in the temporal life. The question is, how? This section examines the way Luther brings the simul together with the two kinds of righteousness in the Antinomian Disputations so that we can begin to answer this question.

Neither the simul construct nor the two kinds of righteousness are new developments in the Antinomian Disputations. Luther first introduced his simul formula to define the anthropological condition of the Christian person in his Lectures on Romans chapter seven in 1515/16. Luther used the simul construct to rail against medieval Scholastic and Nominalist theological anthropologies, which he saw to grant too much credit to human action in justification. One of Luther’s main adversaries on this topic was the fifteenth-century Nominalist, Gabriel Biel, whose commentaries on Lombard’s Sentences served as one of the key theological textbooks in Luther’s day. Biel’s doctrine of justification rested on a notion of “doing one’s best” (facere quod in se est). The penitent sinner could ascend to a justifying love of God for God’s own sake “by doing what was in her,” by trying her best. Biel relied on human intellectual and volitional capacities to both determine God’s lovability on the basis of divine goodness and to then actually love God for God’s own sake rather than out of love for the self. To Luther, Biel’s notion of doing one’s best was Pelagianism. Therefore, Luther escalated human passivity and moral incapacity in the peccator to emphasize divine action in justifying the sinner.

partim, partim distinction is taken up in Mannermaa, Christ Present in Faith, 58; Christe, “Gerecht und Sünder zugleich,” 78f; and Dieter, Der junge Luther und Aristotles, 330ff.


Luther refers to the Nominalists as Pelagians in the Antinomian Disputations, WA 39/I:419.18.
Luther problematized the notion of doing one’s best on an anthropological basis. Biel was one of many Scholastic theologians who agreed that the anthropological condition after the Fall and before justification was characterized by the effects of original sin. The residue of original sin, what medievals called the “tinder of sin” (fomes peccati), hampered human intellectual and volitional powers for morally good action. Original sin “darkened” rational powers.\footnote{Cf. Heiko Oberman, \textit{Harvest of Medieval Theology}, 131.} In the will, the flames of sin expressed itself as wrong affections or desires, known as “concupiscence” (\textit{concupiscentia}).\footnote{Oberman, \textit{Harvest of Medieval Theology}, 122-128.} Luther quibbled with Biel’s doctrine of justification precisely because of the ongoing residue of original sin, what Luther called the ember (\textit{carbo}) of sin. Intensifying the rational and volitional effects of the ember, Luther decided that, under no circumstances, was the human person capable of ascending to love of God apart from divine grace. “Doing one’s best” could only ever result in loving one’s self.

Luther saw Augustine’s controversy with Pelagius to mirror his own struggles with Scholastic theology. When Luther read Augustine’s anti-Pelagian writing \textit{On the Spirit and the Letter}, Luther saw Augustine describe a similar experience to Paul’s struggle between spirit and flesh in Romans 7. Here, Luther identified the basic contours of his \textit{simul} formula, which he then reworked to fit his critique of Biel and the Nominalists. Just as we have seen Luther do, Augustine depicted the Christian life through a healing metaphor to describe the reconciliation between two contrary dimensions of the Christian after justification, the “spirit” and the “flesh.” Augustine said, “while the flesh so lusts against the spirit, and the spirit against the flesh, that we do not the things we would; whilst also another law in our members wars against the law in our mind.”\footnote{Augustine, \textit{Spirit and the Letter}, 59.} Augustine saw the Christian’s “diseased old nature,” the flesh, to be at war with the
Christian’s new, just nature, the spirit. The Christian life is the experience of these warring inner factions. When Luther invokes his *simul* formula, he typically does so using this Augustinian language—just and sinner correlated to a (righteous) spirit and (sinful) flesh—as two dialectical anthropological and moral determinations associated with the Christian person.

Luther had also developed a notion of two distinct kinds of righteousness in his early theology independent of the *simul* construct. His 1519 sermon “On Two Kinds of Righteousness” (*De duplicii iustitia*) is the paradigmatic text for this idea. In the sermon, Luther posits two kinds of righteousness as moral correctives to the two kinds of sin, original and actual. “Alien righteousness” is given over to the Christian from Christ through no merit of her own to rectify original sin, a sin also given over to her through no fault of her own.⁴²² Proper righteousness, what Luther also calls formal righteousness, is a righteousness worked “with that first and alien righteousness” in a life spent overcoming sin through good works.⁴²³ Formal righteousness is the product, the fruit and consequence, of alien righteousness. It actually completes alien righteousness according to Luther by purging actual sin. These are themes we already saw in chapter four. Now, Luther is going to bring the *simul* construct from Paul and Augustine together with the two kinds of righteousness to develop an anthropology constitutive of moral action and progress.

⁴²² WA 2:146.16-19.
⁴²³ WA 2:146.34-37, 147.7-11. Though Christe does not discuss this text, he argues that the *simul* construct represents two structural “moments” of justification. The first is positive imputation of Christ’s righteousness and non-imputation of sin to the human. He describes the second moment as the fruit of the renewed life of the “*homo christianus.*” Christe, “Gerecht und Sünder zugleich,” 72f. In a similar way, Mannermaa describes faith as the beginning of “real righteousness,” Mannermaa, *Christ Present in Faith,* 56.
5.2.1 The simul formula in Luther’s Lectures on Galatians (1531/35)

In order to clarify how the relative and formal moral determinations align to the anthropological dialectic between *iustus* and *peccator*, we must first dive further into what Luther actually means when he describes the Christian as *simul iustus et peccator*. One of the mainstays for scholarly understanding of Luther’s *simul* construct is Luther’s 1531 *Lectures on Galatians*, the same text where Luther elaborated his law/gospel paradigm as discussed in chapter three. The *Lectures on Galatians* are important for Luther’s anthropology of the justified Christian because in Galatians 5 the Apostle Paul writes about the Christian’s struggle between “spirit” and “flesh.”

In the *Lectures on Galatians*, Luther defines the Christian person as “righteous and sinner at the same time.”[^424] The *simul* refers to an anthropological condition based on the Christian’s position under law/gospel. Gospel comes as a justifying divine word that deems the Christian as righteous on account of Christ but without effecting her herself as sinner. The resulting anthropological condition is that the Christian is both “holy” and “profane.” She is just and sinful. This condition pertains to the Christian’s relation to God. She is both a “child of God” and “God’s enemy.” The *simul* refers to the Christian’s paradoxical condition and relation to God after justification.

The *simul* formula in the *Lectures on Galatians* grows out of Luther’s understanding of sin and righteousness in his doctrine of justification. For justification, the Christian must overcome sin with “perfect Christian righteousness.”[^425] Luther broadly defines the sin of human

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[^424]: WA 40/I.2:368.9.  
[^425]: WA 40/I.2:366.10.
nature in an Augustinian way according to a notion of concupiscence. The sin inborn in the Christian by human nature, the flesh, is wrong desire.\textsuperscript{426} This overarching category of wrong desire, or concupiscence, incurs a host of other sins: sexual sins, pride, anger, despair, impatience, and unbelief. Here, Luther plainly comments on human incapacity to overcome this condition; Paul’s words in Galatians 5:17, “to prevent you from doing what you want,” mean incapacity—“you are unable to do what you want.”\textsuperscript{427} Because of human sin, the person is unable to attain perfect Christian righteousness.

In order to get to “perfect Christian righteousness” from human incapacity, Luther looks to Christ. “Perfect Christian righteousness” consists of two components: faith and imputation.\textsuperscript{428} To align these two components of righteousness with the Christian actually involves three steps. The Christian first requires faith in the heart—“trust in the Son of God or trust of the heart in God through Christ.”\textsuperscript{429} This faith, Luther decides, is a divinely granted gift. Next, faith is imputed to the Christian as righteousness for Christ’s sake. God “reckons” the Christian’s imperfect faith as perfect righteousness because the Christian’s faith believes in Christ, who suffered and died for the sins of the world.\textsuperscript{430} Finally, on account of faith, the Christian’s own sin is not imputed to her. Instead, the Christian’s sins remain proper to her and are covered by Christ as a hen protects her chicks with her wings.\textsuperscript{431} Because God can no longer see the Christian’s sin, her sin becomes “as if” it is not sin. God reckons her imperfect righteousness as perfect righteousness, her sin as not sin. Thus, to create perfect Christian righteousness out of human

\textsuperscript{426} WA 40/II.2:87.13ff.
\textsuperscript{427} WA 40/II.2:88.3f.
\textsuperscript{428} WA 40/I.2:367.6.
\textsuperscript{429} WA 40/I.2:366.6.
\textsuperscript{430} WA 40/I.2:366.9f.
\textsuperscript{431} On Luther’s broad use of this imagery, see Bo K. Holm, \textit{Gabe und Geben bei Luther}, 159ff.
incapacity requires God to work faith in the person. God must see something that is not there, namely Christ’s righteousness, and not see something that is there, namely the Christian’s sin.

The anthropological result of this understanding of justification is further specification of the Christian’s simul condition. “Simul iustus et peccator” means the Christian is now simultaneously “flesh,” which is the concupiscent, sinful human nature, and “spirit,” the dimension of the Christian deemed righteous by God through faith. As scholars typically interpret this construct, the human in the temporal life remains perpetually sinner, “flesh,” in her nature because the “just” dimension is merely attributed to her from the outside—from God on account of Christ. The Christian is never actually made just in any real or ontological way in herself during the temporal life. The Christian life is then marked by battle and struggle between the spirit and the flesh. The flesh rises up against the spirit because of its ongoing concupiscent desires. The Christian’s task is to struggle against the flesh. But, Luther presents this struggle as futile. Human incapacity emerges again to assure the Christian’s failure and to drive her back to Christ where she again finds Christ’s “perfect righteousness,” comfort, and consolation. In the simul formula presented in the Lectures on Galatians, the peccator dimension of the Christian person speaks only to the moral incapacity of the sinful flesh.

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432 WA 40/II.2:88.9. This represents the totus, totus perspective of the simul that is premised on imputation. See Mannermaa, Christ Present in Faith, 60.

433 This has to do with a distinction between divine and human substances. The divine substance cannot be intermingled with the human substance without compromising the divine substance; God would cease to be God were God to share substances with humans. Mannermaa explains that Luther’s critique of Scholastic doctrines of justification was the determination of divine grace as an accidental property applied to the human substance. In Mannermaa’s words, “Grace is not—as one could say in this context—an ‘accident,’ but its nature is precisely that of a ‘substance’.” To rephrase, grace is God in Christ. This reality has its being in itself—not in or from something else…the formalis iustitia is Christ himself, and even when this righteousness is present in a human being, it remains what it is with respect to essence—namely, it remains God’s own righteousness, of which the human being cannot boast.” Mannermaa, Christ Present in Faith, 25. While Mannermaa’s explanation holds for the imputation of Christ’s righteousness, this view does not work for the formal righteousness that Luther develops in relation to human person herself.

434 WA 40/II.2:89.7.
5.2.2 *The form of the peccator in the Antinomian Disputations*

Much like he did in 1515, Luther brings in the *simul* concept in the *Antinomian Disputations* to position his anthropology between two extreme positions on moral agency before the law, between the Nominalists, who he saw as semi-Pelagians, and the Antinomians. At first glance, Agricola’s antinomianism and the Nominalist positions seem to be contraries. The Nominalists grant too much moral agency to the human person and, in doing so, escalate the law to the detriment of consolation.\(^{435}\) By contrast, Agricola gives too little credit to the person for moral agency and rejects the law, thereby risking moral laxity and spiritual pride.

Luther sees a common problem here: both positions err in their treatment of formal righteousness. They both see sin to be formally removed from the Christian life.\(^ {436}\) According to Luther, the Nominalists see sin to be formally removed in the ascent *up to* the infusion of justifying grace. In this picture, the human reckons with sin before justification can occur through merit. Agricola, on the other hand, sees sin to be formally removed by Christ in justification. Thus, Christ reckons with sin once and for all in justification itself and after justification the Christian need no longer concern herself with it. Luther sees Agricola and the Nominalists as two errant ends of a spectrum having to do with the law and human capacity for good works. Luther will work to carve out a new anthropological space between the Nominalists


\(^{436}\) WA 39/I:490.6-13.
and Agricola to correct the faulty conclusion that sin is formally removed all at once and once for all. To do this, Luther returns to the simul formula and more carefully discusses the peccator dimension of this formula in relation to the law and the Spirit to clarify how and when sin is formally removed and righteousness developed.

Consistent with his earlier positions, Luther uses the simul formula in the Antinomian Disputations to diagnose an anthropological paradox in the Christian. He says, “two contraries are in one and the same subject.” He clarifies this to mean that “we are certainly righteous, pure, and holy and that we are unrighteous, sinners, and condemned.” The subject is “the pious,” Luther’s term for the Christian. The pious, Luther says, are “righteous ones who live in the flesh.” As he did in the Lectures on Galatians, Luther labels the contraries as “spirit” and “flesh.” The “spirit” is the dimension of the person made just in Christ; “spirit” aligns with the anthropological condition of iustus. The “flesh” refers to human nature, namely, the temporal parts of the person still marred by the ember of original sin. While flesh is not the body, flesh is still somehow bound to the body through the temporal life; the pious “live in the flesh” “insofar as they are not yet dead.” The anthropological paradox of the temporal human

437 WA 39/I:515.6f: “duo contraria esse in uno eodemque subiecto.”
438 WA 39/I:492.19f: “Verum vos scitis nos esse quidem iustos, puros, sanctos, esse etiam peccatores, iniustos et damnatos.”
439 WA 39/I:356.1f: “Sunt enim in hoc seculo semper tum iusti in carne viventes, tum etiam mali maiori numero illis permixti.”
440 Please note that “spirit” with a lowercase ‘s’ will refer to an anthropological label. “Spirit” with a capital ‘S’ will refer to the divine person, the Holy Spirit.
442 WA 39/I:492.4: “reliquum peccatum in carne haerens.”
443 WA 39/I:356.5f: “Ita piis eadem est posita, quatenus nondum mortui sunt et in carne adhuc vivunt.” Vind rejects the possibility that the simul construct refers the Christian’s condition before and after justification because she maintains that peccator is a theological determination of the human person and must, therefore, be separated from the philosophical person, which has to do with human nature in the temporal realm. This position derives from Ebeling’s assertion that theology takes the future, eschatological form of the human person as its object and, therefore, is muted and only able to speak of the human in this life as sinner. Because theology derives its pronouncements from God, the theological determination of the person is always separate from and usurps what philosophy has to say about the person. See Vind, “The Human Being According to Luther,” 76; Ebeling,
person after justification is that one Christian subject is both righteous as spirit and sinner as flesh simultaneously. We seem to have an anthropological picture akin to the *Lectures on Galatians*.

Despite initial similarities, Luther now actually maps the just/sinner paradox according to the two moral determinations discussed in chapter four: relative and formal righteousness. In the *Lectures on Galatians*, any movement towards human righteousness failed and led back to Christ. In the *Antinomian Disputations*, only the *iustus* anthropological dimension is linked to relative righteousness: “we are righteous [*iustus*]…by the reputation or mercy of God promised in Christ, that is, according to Christ in whom we believe.” This reputation grounds what Luther calls “relative righteousness.” Relative righteousness is handed over, attributed, to the Christian through faith in Christ. When the Christian is deemed to be just, her justice is derived from and measured according to Christ alone. The just dimension of the spirit in the *simul* formula extends from the relation to Christ in faith.

The *peccator*, the sinful anthropological dimension, is specified to the Christian’s formal righteousness, which has to do with the Christian’s formal cause, the soul. According to the “form and substance, according to us ourselves, we are sinners.” Luther does not view the human person “by nature” very favorably because human nature remains tainted by the ember of

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*Lutherstudien*, II/1:37. This chapter moves against those assumptions by linking the Holy Spirit to *peccator* in such a way that the Spirit actually has a bearing on the anthropological features of the temporal person for the production of formal righteousness.

444 WA 39/I:492.19-23: “*Verum vos scitis nos esse quidem iustos, puros, sanctos, esse etiam peccatores, injustos et damnatos. Sed diverso respect sumus enim iusti, quod ad reputationem seu misericordiam Dei in Christo promissam, hoc est propter Christum, in quem credimus, et qui in hunc credit, non peccat, imo non potest peccare;*” 491.23 *“peccatum non esse ita formaliter sublatum,…sed reputative seu imputative.”*

445 WA 39/I:356.31-34.

446 Mannermaa emphasizes the *forma fides*, which he claims begins in the human and is then perfected through imputation of Christ’s righteousness when Christ is given to the believer as a gift. In this way, Mannermaa actually problematically excludes the Holy Spirit in his treatment; he allocates sanctification, perfection of the *forma* to Christ as gift. Mannermaa, *Christ Present in Faith*, 56f.

447 WA 39/I:492.24: “*sed secundum formam aut substantiam, seu secundum nos, sumus peccatores.*”
sin, an inherent inclination to sin. As you may recall from the discussion in chapter four, the ember of sin is understood to be concupiscence or selfish affections. Concupiscence is created by original sin and passed onto each individual person from her parents through propagation. Individual persons participate in the concupiscence through actual sin. Even after justification when the iustus dimension is added to the Christian, the ember is not extinguished but continues to burn in the soul as an inclination that gets enflamed by desirable objects. The peccator has to do with the Christian’s formal cause, the shape of the nature in her soul, in which she is inclined to sin. Thus, we see a picture of the Christian with two centers of moral determination as it were—one is found in relation to Christ and the other is in herself.

Luther now does something incredibly surprising with the peccator anthropological dimension. He admits a degree of moral flexibility in the Christian’s form as peccator. He says, “here sin is removed in a formal and purging manner because day by day, more and more I purge and mortify the sin that remains in my flesh.” He later adds, “we are formally righteous when by these first fruits and the Holy Spirit given to me from heaven by faith, I begin to fight and wrestle with sin.”

The formal cause seems to permit a decrease in sin, or flesh, and an increase in righteousness, or spirit. The Christian as peccator seems capable of moving between the form of sin and the form of righteousness in the soul.

Whereas in the Lectures on Galatians, Luther saw the peccator’s sin to lead infinitely back to Christ, he now shows the moral flexibility in the peccator’s form to extend from the just

449 WA 39/I:494.1-3: “sumus etiam formaliter iusti, ut quando per istas primitias et Spiritum sanctum mihi datum de coelo per fidem incipio luctare et pugnare cum peccato.”
450 Mannermaa tries to make room for Christ’s sanctification of the human person by linking sanctification to Luther’s description of Christ as leavening, which slowly suffuses the entire believer until she becomes pure at death. Mannermaa, Christ Present in Faith, 60. Though Luther uses imagery of slowly rising in the Antinomian Disputations, he does so in relation to the Spirit, not Christ.
anthropological dimension established in relation to Christ. “Grace and forgiveness of sin do not make us such who are secure in relation to sin…but rather such who are diligent and scrupulous that we might overcome [sin].”\(^{451}\) The Spirit is given for this purpose.\(^{452}\) The forgiveness of sins and relative righteousness conferred through the Christian’s relation to Christ actually incites the Christian as *peccator* to overcome sin in her form in the Spirit.

The problem is that the Christian cannot escape the sinful impulses created by the ember of sin in her form. Luther describes this inevitability in the “Christian youth” narrative discussed in chapter four. The Christian “cannot not” feel desire for the pretty girl even though he is justified.\(^{453}\) The concupiscent affections remain after relative righteousness is conferred in justification, but the *iustus* dimension created by Christ’s righteousness also comes with new affective impulses to love God and hate sin.\(^{454}\) The result, Luther says, is “our flesh…strives against the spirit, its adversary.”\(^{455}\) The paradoxical condition of *iustus* and *peccator* actually sets the Christian at war with herself. Something is needed to restrain the sinful inclination and direct her towards good works.

\(^{451}\) WA 39/I:353.33-36: “Non facit gratia et remissio peccatorum securos de peccato…sed multi magis diligentes et sollicitos, morte ac lege, quasi amplius sint nihil.” Vind uses Ebeling’s anthropological matrix of the temporal vs. eschatological, but nevertheless wants to permit some kind of moral change or progress on the horizontal, temporal axis. The problem is that in utilizing Ebeling’s matrix, she has excluded any temporal effect of the vertical axis on the horizontal. Vind, “Human Being According to Luther,” 77f.

\(^{452}\) WA 39/I:472.13f: “Nam posita fide datur Spiritus sanctus, quo accepto sequuntur omnis generi boni fructus, tamqueam verae bonae arboris.” As an alternative to Vind, Jared Wicks approaches Luther from a Catholic perspective and notes that Luther’s emphasis on *gratia sanans*, healing grace, suggests the *simul* condition was never intended as a static condition to be endured. Instead, the Christian is to struggle against sinful inclinations using the *gratia sanans* to support denial of the sinful self. Wicks’ account is largely consistent with what I am advocating. Though I do not isolate *gratia sanans*, Luther’s use of the *Christus medicus* trope to discuss healing the soul fits broadly within Wicks’ argument. Jared Wicks, “Catholic Encounters,” 5. Cf. WA 39/I:423-430.

\(^{453}\) WA 39/I:500.16-19: “si ego christianus adhuc robustus adolescens inciderem in aliquam formosam puellam aut mulierem, hic nisi plane truncus sum, non possum non affici erga illam, etiamsi baptizatus sum et iustificatus, ita ut cuperem eam attingere.”

\(^{454}\) WA 39/I:450.2-4. Wicks shows that Luther’s early treatises reflect a view that Christian preaching was to promote penitential purgation of the Christian’s concupiscent affections. Through penitence, the sinful drives were to be slowly replaced by longing for God influenced by infused grace. Wicks, “Catholic Encounters,” 4.

\(^{455}\) WA 39/I:350.22f: “Toto enim tempore vitae durat peccatum in carne nostra, et adversatur spiritui sibi adversario.”
In summary, this section has shown how Luther reintroduces the *simul* construct to position his theological anthropology between the Nominalists and the Antinomians. Luther rejects any notion of human moral agency for her “just” condition. This is established only through the relative righteousness received from Christ in faith. The moral agency in the *peccator* dimension is more perplexing. Luther wants to grant the Christian after justification some moral agency on account of the gift of the Spirit but not too much. While the Christian as *peccator* is unable to defeat the sinful inclinations in the form of the soul, Luther permits a degree of moral flexibility. The soul can move from the form of sin to the form of righteousness. Now, we must determine how Luther increases the “formal” language of the *peccator* as a strategy to diminish the sinful impulses and move the Christian towards formal righteousness.

5.3 *The noetic form of the peccator*

The previous section examined how Luther correlates the *simul* construct to the Christian’s relative and formal righteousness. We discovered that Luther introduces moral flexibility into the *peccator* dimension of the *simul* on the basis of the *iustus* dimension. Luther permits movement in the *peccator* between forms of sin and righteousness. However, the Christian struggles to overcome the sinful inclinations, challenging any progress. Therefore, we must now more closely examine this *peccator* dimension in relation to the formal cause so that we can determine how Luther understands the just dimension to effect the form of the soul in such a way that the *peccator’s* moral determination is elevated.
When Luther connects the Christian as *peccator* to the form of the soul,\(^{456}\) he draws on the Nominalist theological anthropologies he learned as a student at Erfurt. A common feature of these Nominalist anthropologies was a specification of the human’s “formal cause” with reference to what is known as the noetic triad. The noetic triad refers to the Platonic tradition of dividing the human soul into memory, intellect, and will (*memoria*—*intelligentia*—*voluntas*).\(^{457}\) Augustine introduced the noetic triad into Christianity in his treatise *De trinitate* when he syncretized Plotinus’ idea (the One, the Intellect, the Soul) with the doctrine of the Trinity (Nous, Word, Love) to clarify the ways in which human persons bore the *imago trinitatis*.\(^{458}\) After Aristotle’s reintroduction into the Latin West during the twelfth and thirteenth centuries, these discussions of the *imago trinitatis* were combined with Aristotelian notions of the intellectual appetites of the rational soul—intellection and volition—and the soul’s acts—cognition and desire.

The most influential figure for Luther’s understanding of the form of the soul was the early fourteenth-century Nominalist theologian and philosopher, William of Ockham. Ockham used Aristotelian metaphysical language to define the human as a rational animal consisting of a body/soul composite as matter and form.\(^{459}\) The intellectual form as will defines the human as a rational being by means of free voluntary acts.\(^{460}\) Ockham thought that these free voluntary acts

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\(^{456}\) According to Ebeling’s matrix, this places us squarely on the horizontal axis usually seen as unaffected by the vertical axis—the formal/material causes understood as soul and body.

\(^{457}\) Stolt shows that Luther uses the term “heart” to refer to the intellectual, volitional, and affective dimensions of the Aristotelian rational soul. See Stolt, “Herzlich lieb habe ich dich,” 407f.

\(^{458}\) Augustine, *De trinitate*, 10, 11.

\(^{459}\) Ockham understood the body to be the result of the corporeal form working on and perfecting prime matter. The human soul consists of the sensory and intellectual forms that inhere in the body through the corporeal form and prime matter. The sensory form is important in Ockham’s picture as the life principle of the body and the naturally-acting subject of the human’s animality in cognitive, appetitive, and vegetative acts and habits. The sensory form becomes the conduit by which the intellectual form moves the corporeal form in action. See Vesa Hirvonen, “William Ockham on Human Being,” *Studia Theologica* 53 (1999): 40-43; Marilyn McCord Adams, “Will, Nature, and Morality,” 247.

\(^{460}\) Hirvonen, “Ockham on Human Being,” 44.
required both cognition and affection (desire). When Ockham linked the will as cognition (right reason) and affection (love, desire) to the human person’s moral life, cognition came to determine the scope of the will. No one is able to will what she is not able to think. Thus, Ockham decided that right reason was morally normative. Cognition works alongside of affection in Ockham’s anthropological picture to judge a desirable object as worthy of love and then to love it in the will. Ockham focused on the will as the constitutive power of the form of the soul because the will moved the body (the material cause) by either willing or nilling (consenting, not consenting) to its cognitive and appetitive acts.

As Pekka Kärkkäinen has shown, Ockham’s interpreters Pierre d’Ailly and Gregory of Remini reapplied Augustine’s noetic terminology to Ockham’s anthropological picture. Luther’s Erfurt teacher Jodocus Truttfetter introduced Luther to Ockham’s theological anthropology through d’Ailly and Remini. Ockham’s notion of the intellectual form of the will as consisting of two corresponding acts, cognition and affection, were recast as one soul with two powers to act, intellection and volition. Luther takes up this specification of the formal cause, the soul, with the noetic triad as powers of intellection and volition. As a brief note on

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462 McCord Adams, “Will, Nature, and Morality,” 255. McCord Adams shows that Ockham understood the task of cognition to be to rightly infer from the divine command, giving right reason its moral normativity. This point distinguished Ockham from Aquinas, who was less optimistic about reason’s capacity to judge rightly. See, McCord Adams, 259.
464 Pekka Kärkkäinen, “Interpretations of the Psychological Analogy from Aquinas to Biel,” in: Trinitarian Theology in the Medieval West, ed. Pekka Kärkkäinen, Schriften der Luther-Agricola-Gesellschaft 61 (Helsinki: Luther-Agricola-Society, 2007), 256-279. Risto Saarinen has shown that the large role played by the affections in Luther’s notion of the soul is the influence of the via Moderna, transmitted by Luther’s Erfurt teachers von Usingen and Truttfetter, on Luther’s ethical thought. See Saarinen, “Einige Themen der spätmittelalterlichen Ethik bei Luther,” 293.
465 In Ebeling’s analysis, the human intellect and volition belong to the philosophical determination of the person, the temporal dimension he interpreted Luther to denigrate. Ebeling, Lutherstudien, II/1:33f. Anna Vind attempts to map Luther’s discussion of the spirit, soul, and body onto Ebeling’s matrix, but this challenges her ability to understand the relationship between the philosophical (temporal, human nature) and theological (eschatological, forensically just) determinations in the Christian life. She determines that the philosophical determination of the
language, an important question in the debate between d’Ailly and Remini was whether the intellect and will are particular faculties distinguishable within the soul in which distinct acts of cognition and volition occur or whether “intellecting” and “willing” are two distinct acts that occur within the one soul. Luther maintains the unity of the soul with intellectual, volitional, and affective acts. This means that in the Antinomian Disputations, he combines nouns and verbs to discuss the moral functions of the soul, what he often calls the heart. Though Luther almost never uses the noun “the intellect,” he does speak about “the will” (voluntas) and intellectual and volitional actions, using verbs such as “to perceive” (intellego) or “to consent” (consentio).

When I use the terminology of “noetic forms,” the “intellectual form,” “volitional form,” or the like, I am not referring to distinct faculties per se, but to the powers and actions that constitute the soul as formal cause in Luther.

In two of Luther’s most widely-discussed writings, the Disputation against Scholastic Theology (1517) and The Bondage of the Will (1525), Luther used the language of these noetic forms in the soul while casting doubt on their utility for good works. In thesis 34 of the Disputation against Scholastic Theology, Luther rejected Ockham’s conclusions about right reason and the will: “In brief, a person by nature has neither correct precept nor good will.”

The human person may have intellectual and volitional forms, but Luther dismissed the virtuous person—the person as mind, intellect, and reason—must be swallowed up into the theological person. Vind, “The Human Being According to Luther,” 73-76.

466 Risto Saarinen, Weakness of Will, 117.

467 Stolt, “Herlich lieb habe ich dich.”

468 WA 1:225.37: “Breviter, Nec rectum dictamen habet natura nec bonam voluntatem.” Mannermaa clarifies that Luther inverted the way medieval theologies mapped the formal and material causes. Medieval theologians made human love in the will to be the formal cause while understanding faith as an intellectual act in the material cause. The problem with this understanding for Luther per Mannermaa was that human love was made to form and shape faith, not faith forming human love. As a result, the infusion of grace became an accidental property, while human love remained the substance of faith. Luther sought to correct this by inverting the causal position of love and faith—faith becomes the formal cause. Mannermaa, Christ Present in Faith, 24f.
power of these forms. Although the “correct precept” suggests Luther was interested in the intellectual form in this early text, his focus was largely on volition. Theses 1-19 focus on the will’s capacity to choose the good. After thesis 20, Luther shifts to discussions of human merit in relation to divine grace,\textsuperscript{469} transitioning from the will to human action without a single proposition related to the intellectual power to determine a right precept. The closest Luther comes to clarifying the soul’s intellectual capacities is thesis 14 where he posits, “the will can conform to erroneous and not to correct precept.”\textsuperscript{470} Again, the will is the focus while permitting faulty reason.

In the \textit{Bondage of the Will}, “blind reason” plays a larger role. Luther suggests that in even the greatest persons, free will cannot do anything and does not even know what is just in the eyes of God. The law comes in to reveal one’s impotence, which “blinded reason” is not able to recognize without God’s admonitions.\textsuperscript{471} In these somewhat early texts, Luther uses the noetic forms of the soul to move against the Nominalists by pointing out the incapacity of the intellect

\textsuperscript{469} Jared Wicks shows that healing and elevating grace (\textit{gratia sanans, elevans}) were key concepts on Luther’s early \textit{Treatise on Indulgences} and \textit{Disputation Against Scholastic Theology}. When Luther leaves open the possibility for good works in thesis 40 of the \textit{Disputation Against Scholastic Theology}, he is making room for the effects of healing grace on human action. This is an area for further research in the \textit{Antinomian Disputations}. Luther speaks of the Spirit as the elevating force of the will. Thus, it is possible that he is assigning \textit{gratia elevans} to a particular divine person in this text. See Wicks, “Catholic Encounters,” 7.

\textsuperscript{470} WA 1:224.30f: “Nec est mirum, quod potest se conformare dictamini erroneo et non recto.”

\textsuperscript{471} Cf. WA 18:675.22-34: “Non enim admittenda est illa sequella: Si volueris, ergo poteris, sed sic intelligetur, eo verbo et similibus moneri hominem suae impotentiae, quam ignarus et superbus sine istis monitionibus divinis non agnosceret nec sentiret. Loquimur autem hic non de homine primo solum, sed de quolibet, quamvis parum referat de primo vel alii quibuslibet intelligas. Nam et si primus homo non erat impotens assistente gratia, tamen in hoc praecepo satis ostendit ei Deus, quam esset impotens absente gratia. Quod si is homo, cum adesset spiritus, nova voluntate non potuit velle bonum de novo propositum, id est obedientiam, quia spiritus illam non addebat, quid nos sine spiritu possemus in bono amisso? Ostensum est ergo in isto homine terribili exemplo pro nostra superbia conterenda, quid possit liberum arbitrium nostrum sibi relictum ac non continuo magis ac magis actum et auctum spiritu Dei.” WA 18:758.24-27: “manifestum est, liberum arbitrium etiam in summis hominibus non solum non haberet vel posse aliquid, sed ne nosse quidem, quid sit iustum coram Deo, nisi forte iustitia Dei non revelatur summis illis hominibus.”
to judge well about the good and the will’s incapacity to will in accord with right reason. Instead, the will is only able to consent to the intellect’s judgments when the intellect errs.

5.3.1 Measuring the moral function of the human intellect and will in the peccator

In the *Antinomian Disputations*, Luther is interested in clarifying how righteousness is inculcated in the form of the *peccator* to support his picture of moral progress after justification. To do this, Luther must show how the noetic form is elevated to the moral task of resisting sin and choosing justly after justification, not once and for all, but over time. Luther is interested in the Christian “according to herself,” which he specifies as “human nature” and “form and substance,” not the “relative” condition according to Christ. Luther examines the intellectual and volitional form of the Christian’s human nature after justification as the Spirit works to renew and elevate these forms.

The *peccator*’s intellectual form after justification remains diminished by sin and susceptible to forgetting God. Luther repeats his earlier critique of Ockham and the Nominalists, who argued that human reason without the Holy Spirit is able to love God as the highest good. Instead, Luther reiterates his earlier claim that the human intellectual form alone has no unaided knowledge of God’s will or even her self. However, Luther also escalates his original position.

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474 WA 39/I:507.7f: “Unde igitur scis illa in te esse peccata et Deo displicere? Ex lege;” “531.18f: “lege, sed tantum ostendente, te debere sperare in eum, diligere Deum, quid quia sentis, te non facere nec posse.” Cf. WA
Although he permits that the Christian has the “spiritual law” written on the heart, he maintains that the justified Christian’s intellectual form is so weak that it is not even able to infer correctly from the spiritual law. He argues, “we are so corrupted by original sin that we are not able to perceive the magnitude of sin. For our flesh, the devil, and the world are at hand who persuade [us] to other things and darken the law of God written in our minds.”

The intellectual form of the peccator suffers under the effects of original sin such that “the flesh breaks in” and draws the mind away from the right precepts of the spiritual law. Thus, the Christian according to herself as peccator, not Christ, is prone to erroneously infer about good precepts even though the spiritual law is written on the mind as a moral guide.

The volitional form of the peccator’s soul, the will according to the Christian herself, is also weak and susceptible to the concupiscent affections generated by the ember of sin. Here, Luther again critiques the Nominalists: “even when the law was being taught, nevertheless it was presented to us as if it demanded nothing beyond our powers and was of such a kind that it could be done by human powers and a free will, which they affirmed to remain intact.”

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39/I:175.22-25: “Tamen talem sese Maiestatem esse, nec ea ipsa ratio novit a priore, sed tantum a posteriore. Ideo si compararetur Philosophia seu ratio ipsa ad Theologiam, apparebit nos de homine paene nihil scire.”

475 WA 39/I:549.13-16: “Ita enim corrupti sumus per peccatum originis, ut non possimus cernere magnitudinem peccati. Adest enim nostra caro, diabolus et mundus, qui diversum suadent et legem Dei in mentibus scriptam obscurant.”

Kärkkäinen interprets the Holy Spirit itself as the spiritual law, so that with the gift of the Spirit as love, “the true inner essence of the outer written law is fulfilled.” However, Kärkkäinen’s interpretation of the Spirit’s relation to law is slightly off. Luther does not conflate the Spirit and the spiritual law, but makes the Spirit to be the cause, the speaker of the law. This means that the Spirit as gift locates the speaker of the law directly in the soul itself, but not an automatic fulfillment of the spiritual law as Kärkkäinen suggests. See, Kärkkäinen, Luther’s trinitarische Theologie des Heiligen Geistes, 146f.

476 WA 39/I:512.11f: “quam saepe interpellat nos hic nostra caro? Quam saepe animus noster diverse trahitur et raptur eo, quo nolit?”

477 Saarinen links this to a distinction between “ruled sin” (peccatum regnatum) vs. “ruling sin” (peccatum regnans). The latter, ruling sin, is the experience of the sinful inclination. Saarinen, Weakness of Will, 124.

478 WA 39/I:419.11-14: “Nam eti aliquidus, id quod rario fiebat, docenda erat lex, ita eam nobis proponebant, acsi nihil supra vires nostras exigeret, atque talem faciebant, cui virtus humanis seu libero arbitrio, ut quas integras adhuc esse affirmabant.”
molest the Christian through sinful affections, robbing the will of freedom to consent to the good precept, were it to exist. Referring to the ember of sin, Luther claims that “the flesh that is in nature infected by the venom of Satan in Paradise shows itself and agitates the poor Christian to lust, to avarice, to despair, or to hatred of God.” The inclination to sin that inheres in human nature spurs the Christian to sins of concupiscence against the neighbor. These sins then feed into spiritual sins against God: doubt, despair and hatred of God. The peccator’s volitional form lacks freedom, Luther thinks, because the Christian cannot help that these sinful affections rise up in her.

In the “Christian youth” narrative, Luther suggests this inevitability of the sinful affections. He states that when the Christian youth sees the pretty girl “he cannot not feel affection for her.” Even though the Christian is baptized and justified, he “cannot not”—he is not able to not—feel the sinful affection of lust for the girl. Luther does admit one exception, however. If the Christian were “a total tree trunk,” he might be able to not feel affection for the girl. But, this would require that the Christian have the substance of a non-rational soul, that of a plant, which lacks the rational appetites to move it towards or away from its sensitive appetites.

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479 WA 39/I:505-3-6: “seu carnalis illa natura infecta veneno sathanae in paradiso sese ostendit et sollicitat miserum christianum vel ad libidinem vel ad avaratiam vel ad desperationem aut odium Dei.” Luther is interested in moral progress as evidence that the Spirit is present in the soul. Moral progress creates certainty. Cf. WA 39/I:436.9-16: “Non sumus sub lege accusante nos. Recepto enim Spiritu sancto incipimus detestari peccatum et odisse, expurgamusque hoc ipsum adiuvante Spiritu sancto, non consentientes peccato, sed repugnantes. Cum autem habeamus eiusmodi peccatum, non quod dominatur, sed quod cogitur mihi servire in bonum, quid est, quod timeamus aut doleamus? Habemus enim certum testimonium Spiritus sancti in cordibus nostris, quod propter Christum certo sint nobis condonata peccata, ut qui dedit mihi suam impetionem, et deinde, quod etiam licet sit mihi occasio, locus, tempus sine omni infamia.”

480 WA 39/I:500.17f: “ego christianus adhuc robustus adolescens incidierem in aliquam formosam puella aut mulierem, hic nisi plane trancus sum, non possum non affici erga iliam, etiamsi baptizatus sum et iustificatus.”

481 Cf. Aristotle, De anima, II.1, 2 (413a20-35).
Unfortunately, the Christian does not have the substance of a plant, but the substance of human nature. This means that, despite her justice in relation to Christ, the flesh is going to break in on her volitional form sometimes and she will be “reluctantly carried off to sin.” This occurs reluctantly because the Christian has new affections for God from the Spirit; she does not want to consent to the sin even though she does consent to it. The Christian’s volitional form as peccator is bound by the inevitability of experiencing concupiscent affections presented by the ember of sin. Interestingly, Luther also softens his earlier insistence on the bondage of the will—the Christian is bound to feel the affections, but she is now able, albeit weakly, to not fully consent to the sins.

Luther revisits the intellectual and volitional capacities of the form of the Christian’s soul and finds slight modifications to the Christian “according to herself,” or formally, after justification. The intellectual form remains severely impaired, though not fully blind, as Luther suggested in the Bondage of the Will. The spiritual law is written on the heart to supply a moral directive, but the intellect’s capacity to deduce correct precepts from it are sometimes obscured by inclination to sin. Similarly, the Christian’s volitional form is renewed by the Spirit, but again the will’s resistance of the concupiscent desires remains weak. It is sometimes overcome by the desires of the flesh, though not always. Though the moral picture remains bleak, Luther seems somewhat more optimistic about the Christian’s moral capacities after justification. He admits some new, though slight, improvements in the moral capacities of the noetic forms, but the sinful inclination still sometimes hinders it.

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482 WA 39/I:514.6f: “et saepe rapior ad pessima quaeque etiam invitus.” This is an example of the quasi-akratic will discussed in Saarinen, Weakness of Will, 122-125.
483 Christe calls this a “willenstärker Mensch;” the evil will is still present, but the Christian is able, with difficulty, to resist it. Cf. Christe, “Gerecht und Sünder zugleich,” 76.
5.3.2 Elevating the intellect and will in the peccator dimension

Now that Luther has reevaluated the moral functioning of the Christian’s noetic forms as *peccator*, he takes advantage of an opening for moral action by the human person that he created back in 1517. In thesis 40 of the *Disputation against Scholastic Theology*, Luther posited that “we do not become righteous by doing righteous deeds but, having been made righteous, we do righteous deeds.”\(^{484}\) In his controversy with Agricola in 1537, Luther connects these noetic forms in the *peccator* to the Spirit and the salutary law after justification in order to spell out how being made righteous leads to good works as formal righteousness.

As we have seen at various points throughout this dissertation, Luther escalates his pneumatological language in relation to the human soul after justification for the purpose of vivifying and sanctifying the soul.\(^ {485}\) Luther now brings in the Spirit again to buttress the moral powers of the soul, the “form” of the Christian. Christ does not just want to rule the “inner, spiritual man,”\(^{486}\) Luther explains, but the entire person. Christ gives the Holy Spirit as a gift in

\(^{484}\) WA 1:226.8: *“Non efficitur iusti iusta operando, sed iusti facti operamur iusta.”* Cf. Wicks on infused healing grace in “Catholic Encounters,” 7.

\(^{485}\) Ebeling denies that righteousness has a moral determination in the soul itself; righteousness can only be a divine pronouncement. Contra Ebeling, I am showing that Luther construes righteousness in a more complex manner when he assigns the Spirit a sanctifying function in the soul. The law becomes both the guide and the measure of the developing righteousness. The development of righteousness vis-à-vis the Spirit aligns with what Christe refers to as a “second structural moment” in justification that sees the vertical relation to God produce an effect on the horizonal, temporal person. However, the Spirit sees very little role in Christe’s account of the second moment of justification. He only mentions the Spirit in a footnote in relation to purgation, but determines that purgation is only “as if” sin is purged; it is not real. He provides no evidence to support his claim that purgation is only forensic. See Ebeling, “Luthers Wirklichkeitsverständnis,” 414; Christe, “Gerecht und Sünder zugleich,” 73, esp. n.16.

\(^{486}\) In his 1520 treatise, *The Freedom of a Christian*, Luther distinguishes the inner, spiritual person from the outer, carnal person. This binary is often used to legitimize Ebeling’s dichotomy. However, the inner/outer distinction does
justification for this purpose. The Holy Spirit admonishes the flesh in the Christian, bringing it under Christ’s reign.  

Luther adds to this that, because “there is a certain innate inclination in us; in order to elevate and repress it, we need the work of the law.” Luther is reintroducing the Spirit and the law after justification (i.e., the salutary law) in order to lift up the peccator dimension of the Christian and elevate it away from the sinful inclination of the flesh.

Luther first shows the Spirit to elevate the intellectual form to the correct precept by speaking the salutary law against the inclinations of the flesh. Quoting John 16:8, “the Spirit convicts the world of sin and righteousness,” Luther claims that “for this purpose, the Holy Spirit is sent…and thereby, sin is made known more and more.” The Spirit shows the Christian her sin. The Spirit accomplishes this by announcing and expounding on the law in the Christian’s mind, in her thoughts. For example, in the “Christian youth” narrative, the Spirit declares the moral command, “You shall not covet!,” specified to the particular temptation of lust for the pretty girl. Then, Luther notes that the Christian “knows the law and perceives sin in his flesh, against which he fights day and night.” Luther’s use of the verb “to perceive” (intellego) is striking in this passage because this suggests an intellectual use of the law to recognize the sin in the flesh prior to action upon it. Then, Luther shows the Christian to judge against the sin and

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488 WA 39/1:422.11f: “quia nobis est innata naturalis quaedam praesumptio, ad quam tollendam et retundendam opus est lege.”
489 WA 39/1:415.3f: “Ideoque etiam mittitur Spiritus sanctus, qui ubi occupaverit totum hominem, subinde magis ac magis innotescunt peccata….Et haec est ratio, cur idem Spiritus sanctus arguit mundum de peccato, iustitia etc.”
490 See section 4.5.2.
491 WA 39/1:501.10, 17: “Non concupisces…Christianus…quia novit legem et intelligit peccatum in carne sua.”
492 According to Ebeling, this is a spiritually-given intellect, not the natural intellect of philosophy. Alternatively, I am suggesting this is a Spirit-informed intellect, but nevertheless the “natural” intellect of philosophy. Ebeling, “Luthers Wirklichkeitsverständnis,” 413.
to declare, “do not rule flesh!” The salutary law spoken by the Spirit elevates the peccator’s intellectual form to negative judgments against sinful inclinations before sin is committed.

An intellectual judgment against a sinful inclination is not enough in the kinds of medieval moral theologies Luther knew. The intellect must also be able to judge for a worthy and lovable act. Here, the positive dimension of John 16:8 comes into view: the Spirit convicts the world of righteousness through the law. The law exhorts the Christian that “Once you were Gentiles, now you are sprinkled by Christ’s blood…offer your bodies to righteousness, put away desires of the flesh, and be imitators of the righteousness of good works!” The Spirit speaks the law to the Christian after justification to assist the intellectual form in judging what is good, righteous, and virtuous to do.

The intellectual judgment comes about in two ways. First, the Spirit speaks the salutary law in the heart, as we have seen. Then, the Spirit also directs the Christian towards Christ’s example (Christus exemplum) as an image of righteous action on the law. Christ does not nullify the law, Luther says, but reestablishes it through his example of love of the neighbor, a love that culminates ultimately with giving of himself for the neighbor, the sinner. Luther explains that Christ’s example teaches the Christian “how to be obedient to God, parents, and authorities” and “how to have good works and virtues.” The Spirit speaks the salutary law to

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493 Saarinen suggests that Luther permits right reason as a functioning power, but that the will always chooses against reason in sin. See Saarinen, “Einige Themen der spätmittelalterlichen Ethik,” 294.
494 WA 39/I:475.1-6: “Itaque lex illis mollienda est et quasi exhortationis loco docenda: Vos aliquando fuisitis gentes, nunc autem aspersi et abluti sanguine Christi. Itaque praebete nunc corpora vestra obedire iustitiae, deponentes desideria carnis, ne efficiamini similes huic mundo. Sitis aemulatores iustitiae bonorum operum et non vos estis iniust. ”
495 See section 4.5.3 on prayer and temptation.
496 See section 3.4.3.
the soul in such a way that the law and Christ’s example compensate for the intellectual form’s blurry vision. The law directs the soul towards positive judgments for good acts, which are clearly depicted in Christ’s example.

Next, Luther repositions the volitional form in relation to the Spirit to revive volitional consent to the intellect’s directives. As was discussed in detail in chapter three, Luther understands the Spirit to recreate the Christian’s soul, her form. One thing that comes with the recreated soul is a new will with new affections. The new will “begins to truly love God and hate sin remaining in the flesh.”

By faith and with the Spirit, the new will is moved by love of God and hatred against sin. But, something even more interesting occurs when this new will refers back to the intellectual judgments now supplied in the form of the soul by the salutary law and Christ’s example. Luther now maintains that the will “delights” in the law, “enjoys” the law, and “loves” the law. The peccator’s will is now going to conform itself to the good precept supplied by the law because its new affections coincide with the law’s determinations of goodness. Because of the way salutary law functions in the intellectual form vis-à-vis Christ’s example, Luther magnifies the intellectual form’s strength for guiding the will’s desires. The will is “moved by two testimonies in order that it might be well-disposed and more freely obey.”

Gone is the bondage of the will. Instead, with the Spirit and the law guiding the soul’s

499 WA 39/I:373.2-4: “Deinde affert Spiritum sanctum credentibus in se, ut voluptatem habeant in lege domini...atque ita recreantur per eam animae ipsorum, datque voluntatem, ut faciant eam, hic spiritus.” Building on his claim that Luther inverts the love and faith in the formal and material positions, Mannermaa sees Christ as the form in the forma fidei, not the soul. He takes this to mean that Christ is the subject of the Christian’s actions, not the Christian herself. Mannermaa, Christ Present in Faith, 24-26.


501 WA 39/I:373.2, 10: “voluptatem habeant in lege domini...Quantum igitur spiritus est in nobis, tantum etiam delectationis est in lege;” 374.10, 15: “Sub Christo igitur lex est...qui sub Christo sunt, incipit fieri iucunda.”

502 WA 39/I:464.2-5: “Imo eo magis est docenda, quia cum idem doceat, quod exemplum Christi, moveor duorum testimonio, ut propensius ac liberius obediam.”
intellectual judgments and moving the soul’s volitions, the *peccator* gains a new sense of volitional freedom to obey the law.

The new intellectual capacity for moral judgment comes together with the new volitional freedom to produce a new kind of moral action. Luther no longer says that “the will can only consent to erroneous precept,” as he did in the *Disputation against Scholastic Theology*. Now, he says the Christian “takes sin captive” and overcomes the sinful inclinations in the flesh that are generated by the ember of sin. Instead of giving in to the inclination, the *peccator* “obeys God’s word and law.” The Christian as *peccator* “even though [she] has opportunity, place, and time to fornicate, commit adultery, steal without disgrace or punishment, still does not do it.” The Christian does not produce sinful acts, but rather “good works.” Luther lays out these features of good action, which allows him to claim that there are temporal beginnings of law fulfillment in the Spirit. When the Spirit and the law elevate the intellectual and volitional forms of the *peccator*’s soul, she produces law-fulfilling actions, not sin.

503 WA 39/1:501.5f: “peccatum captivare.”
504 WA 39/1:501.5-10: “Hoc iam itaque vere est peccatum captivare, etsi hoc non fit sine molestia et difficultatibus plurimis. Adest enim ardur libidinis maximus, et in illa acate uritur vehementer caro florida, et firma, insuper etiam diabolus, qui potest etiam mortuos carbones inflare, ut aliquando vidimus in senibus amatoribus. Sed tamen stat firmus obediens verbo et legi Dei, quae dicit: Non concupisces.” Saarinen argues that the individual can cooperate with God in the “lower things” in every day life. However, here, Luther is claiming the Christian, acting with the Spirit, obeys the law and God’s will. He is not suggesting this is law fulfillment for self-justification, but on the basis of Christ’s justification for formal righteousness. Saarinen, *Weakness of Will*, 130.
505 WA 39/1:436.16-437.3: “etiam licet sit mihi occasio, locus, tempus sine omni infamia aut poena scortandi, moechandi, furandi etc., tamen id non facio. Hic reipsa et in me ipso experior Spiritum sanctum habitare in corde meo et efficacem esse.” Luther’s statement invokes experiential categories as evidence of the indwelling Spirit. This goes against Vind’s claim that Luther separates human epistemic and experiential capacities from faith. She goes further to claim that the “theological human being” has no sensory experience and comprehends without seeing, feeling, or hearing. Vind, “The Human Being According to Luther,” 75.
506 WA 39/1:434.8-10: “cum datur mihi Spiritus sanctus, quo recepto incipio ex animo odisse omne, quod offendit eius nomen, et fio sectator bonorum operum.”
To summarize, this chapter investigates how Luther enlarges his theological anthropology in order to accommodate the new formal righteousness and moral activity he has assigned to the Christian life in relation to the Spirit and the salutary law. After seeing how Luther correlates his anthropological construct, *simul iustus et peccator* to relative and formal righteousness, this section analyzed how Luther assigns the *peccator* as “form” to the anthropological language of the noetic triad (*anima, intellectus, voluntatem*). Luther combines the noetic forms of the intellect and volition with the Spirit and the law in order to clarify how particular benefits of faith given to the Christian through Christ, namely the Spirit, actually function to elevate the natural form of the soul up and away from the sinful inclination.

Luther brings the Spirit and the salutary law together with the noetic forms of the soul to rehabilitate and support their moral functioning. The law helps the intellectual form compensate for the *peccator’s* “blind reason.” The law, spoken by the Spirit, guides the intellectual form in judgments against the sinful inclinations of the flesh and for love of God. In a similar way, Luther makes the Spirit work on the *peccator’s* weak will by recreating the soul with new affections for the law in the will. The result is a new capacity to *will against*—to “nill” in Ockham’s terminology—sinful affections and to *will for* the moral directives supplied to the intellect by the salutary law. Because Luther has found a way to calibrate volitional consent with “right reason,” he makes room for a new kind of free will in the *peccator’s* soul. However, this will is only “well-disposed” and freely obedient when it is saturated and moved by the Spirit. Consequently, the Spirit’s help in moral action actually leads to a problematic blurring of moral subjects. The Christian and the Spirit are both actors when the Spirit comes in and boosts capacity in the Christian’s noetic form. The Christian is not passive in moral action after justification, but is working with the Spirit’s help.
At this juncture, we encounter a challenge to the relational ontological diagram set forth by Ebeling. Divine agency on the vertical axis (efficient-final causality) comes to bear on the human agency represented by the horizontal axis (formal-material causality). Not only do we then see currents across the axis contra Ebeling, but the moral determination of the horizontal axis is being moved closer to the final cause of righteousness in eternal life as the peccator slowly becomes formally righteous with the Spirit’s help. Although the Christian actually remains simul iustus et peccator because this moral progress is only eschatologically completed, we now need a new anthropological construct in Luther’s theology that permits human agency and moral progress after justification with divine help. It is to that new construct that we now turn.

5.4 The peccator as militant Christian battling sin

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508 This could be better represented by a triangular causal diagram. The benefit of a triangular diagram is that the divine efficient causality can be better represented as moving the formal and material causes towards the final cause or end. This would more accurately represent the way Luther talks about the Spirit as an efficient cause traditionally on the vertical axis to effect the horizontal causes (formal and material) representing human nature itself. Such a diagram could look like this:
In this chapter, we are exploring the ways Luther expands his anthropology to support his claims against Agricola that “in the Spirit” the Christian begins to fulfill the law and begins to become formally righteous. As we have seen, the picture of moral agency and progress depicted in these claims does not fit with the way scholars currently understand Luther’s theological anthropology, which is based primarily on a radical dialectic in Luther’s simul construct. In this final section, we are going to examine another anthropological construct that Luther uses in addition to the simul to describe the Christian as she works to reign in her sin and obey the law in the Spirit. That construct is the triumphant-militant Christian (christianus triumphans-militans).

Luther says the Christian is the “soldier of Christ” (miles Christi), a militant Christian (christianus militans).509 The militant Christian is the dimension of the Christian after justification that remains in the flesh where she battles ongoing sinful inclinations.510 Upon recognizing a sinful inclination, Luther says that the militant Christian stirs herself up like a soldier, fights the inclination, and instead does what is just. In doing so, the militant Christian “makes a great massacre of the devil’s army.”511 The militant Christian “battles against sin, concupiscence, and the sinful inclination.”512 The militant Christian is an active anthropological dimension in which the Christian acts against her sinful inclination and for righteous and just action.

509 WA 39/I:495.21, 503.20.
511 WA 39/I:505.15: “qui magnam stragem fecit in exercitu diaboli.”
This disturbing anthropological picture of the militant Christian has a biblical basis on Paul’s “Letter to the Ephesians.” In Ephesians 6:10-20, Paul encourages the Christians at Ephesus to put on the “armor of God” in the fight against evil and spiritual forces of darkness. \(^{513}\) Luckily, God has supplied full armament to equip the Christian with this fight: the breastplate of righteousness, the shield of faith to deflect the enemy’s flaming arrows, the helmet of salvation, and the sword of the Spirit, the word of God. Luther picks up Paul’s militaristic language almost verbatim, listing the breastplate, the shield to protect from the devil’s darts, and the all-important helmet. \(^{514}\) The militant Christian places herself in the midst of the enemy, using the sword of the Spirit to arm herself. \(^{515}\) Using Paul’s imagery, Luther shows the Christian in the temporal life to employ spiritual weaponry to fight against sin and for righteousness.

The Pauline imagery is, perhaps, not an unexpected source for Luther’s notion of the militant Christian. However, there is also a darker history behind Luther’s terminology that plays a role in his understanding of the militant Christian: the Crusades. Though the Crusades are often associated more with earlier centuries, in 1518, Pope Leo X called for a crusade against the Ottoman Empire to begin in 1523. \(^{516}\) In Luther’s day, the Ottoman Turks posed a serious military, political, and cultural threat to Europe. In 1453, Constantinople had fallen to the Ottomans, paving the way for the movement of the Turks into Europe. In 1526, the Ottomans


\(^{514}\) WA 39/1:492.7-11: “Militia est vita hominis super terram. Aliquoties etiam Paulus vult nos accipere arma lucis. Scitis enim, depingit et armat suum militem christianum ad Ephes.6, primum, ut ad pugnam promptus et expeditus sit et cinctum lumbis eum quasi in acie collocat, indutum lorica dat scutum et galeam et gladium firmum ac robustum.”

\(^{515}\) WA 39/1:502.11: “gladium spiritus, quod est verbum Dei.”

\(^{516}\) Thomas Madden, The New Concise History of the Crusades (Lanham, MD: Rowman and Littlefield, 2006), 204-211.
defeated the Hungarians at the Battle of Mohács and advanced as far as the Danube River in Vienna. This history is reflected in Luther’s famous treatise on Islam, *On War Against the Turks* (1529). In this text, Luther called on the Holy Roman Emperor, Charles V, to resist an Ottoman invasion, thus rejecting a straightforward notion of holy war or Crusade by delegating the military jurisdiction to political authority. However, Luther also called on Christians to fight the Ottomans’ power, the devil, through repentance and prayer. The Christian soldier was in fact in a holy war, but this war was spiritual, not political.

The tradition of linking the Christian’s spiritual battle to the Crusades had a precedent in Bernard of Clairvaux. Bernard was a twelfth-century Cisterian monk and mystic from whom Luther had previously borrowed metaphors to articulate his doctrine of justification. Bernard is one of only a few theologians Luther actually mentions by name in the *Antinomian Disputations*. In Bernard’s letters and writings on the monastic life, he developed the theme of obedience to the divine will and spiritual warfare as works that extend out of conversion. Bernard used phrases for the Christian soldier in his letters that are echoed in Luther. Bernard wrote to the Abbott of St. Denis that he was a “resolute soldier” in reforming his way of life, a phrase that occurs repeatedly in Luther. In another letter, he asked, “where is your shield of

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518 WA 30/II:121.
519 Cf. WA 39/I:400.21.
520 Bernard of Clairvaux, Letter 78, 1. LTR VII. 201.15-18, cited in: G.R. Evans, *The Mind of St. Bernard of Clairvaux* (Oxford: Clarendon Press, 1983), 24. It should be noted that Erasmus of Rotterdam, Luther’s adversary in 1525 over the freedom of the will, also wrote a book of morality titled *Enchiridion militis christiani* (1501). Erasmus was motivated “to counteract the error of those who make religion in general consist in rituals and observances of an almost more than Jewish formality, but who are astonishingly indifferent to matters that have to do with true goodness;” Ep 181:53-9, cited in Erika Rummel, ed., *The Erasmus Reader* (Toronto: University of Toronto Press, 2014), 138. Although Luther likely knew of Erasmus’ text, I am of the opinion that Erasmus’ text was not a direct influence here. Erasmus’ titled was derived, in part, from his audience, a military officer, rather than the Pauline imagery. Moreover, Erasmus more philosophical and Platonic language in his moral directives than does Luther.
faith, your helmet of salvation, your corset of patience?,” naming the same Pauline armament we
find in Luther. Luther often calls for the Christian to “stir himself up” against sin.\textsuperscript{521} Similarly,
Bernard calls on the solder of Christ to “arise.”\textsuperscript{522} Bernard’s militaristic imagery came from the
Knights of Templar. G.R. Evans reports that Bernard saw the Knights of Templar as “soldier-
monks of the Holy Land, perpetually engaged in that holy war... acting out in the external world
of the spiritual warfare in every Christian soul.”\textsuperscript{523} The Knights of Templar reflected the spiritual
battle between good and evil and virtue and vice in which every Christian was called to engage.
Luther follows Bernard in the \textit{Antinomian Disputations} by layering that Crusader history with
biblical language onto the Christian’s task of overcoming sin and evil. The Ottoman threat was
God’s call to every Christian to live a moral life.

Against the backdrop of this history of the Crusades, Luther develops the militant
Christian theme in the \textit{Antinomian Disputations} as an active anthropological construct to
describe the Christian battling and overcoming sin in the temporal life.\textsuperscript{524} He accomplishes this
by layering this new anthropological construct, the triumphant and militant Christian (\textit{christianus
triumphans et militans}), onto the \textit{simul} formula and the relative/formal distinction.

Luther aligned the triumphant part of the Christian with the Christian’s just dimension.
He tied them together through the relative righteousness received from Christ. Discussing the
ongoing relevance of law in the Christian life, Luther observes that law belongs to the militant

\textsuperscript{521} Letter 2, 12. LTR VII. 22., cited in Evans, \textit{Bernard of Clairvaux}, 24.
\textsuperscript{523} Evans, \textit{Bernard of Clairvaux}, 25. Saarinen shows that Luther used another medieval metaphor for discussing the
fight against sin, \textit{virtus herioca}. In the medievals, the \textit{virtus herioca} was the highest form of virtue, something
Luther and the medievals alike conceded only few people could achieve. This links Luther to another dark period of
history, to the racial policies of the National Socialists in 1930s Germany, who (mis)translated Luther’s \textit{virtus
\textsuperscript{524} Vind points towards the importance of practical theology for Luther’s theological anthropology. In both the
militant Christian image and in his discussion of prayer and temptation (see section 4.5), Vind’s observation holds
true in the \textit{Antinomian Disputations}. Vind, “The Human Being According to Luther,” 84.
part, not the triumphant part.\textsuperscript{525} The reason is that the triumphant part “dwells under the shadow of the wings of his lord.”\textsuperscript{526} One of Luther’s favorite metaphors for describing imputed righteousness posits Christ as the protective hen covering the sinner with his (her) wings.\textsuperscript{527} This phrase, “the shadow of the wings,” means that the Christian’s sins are not imputed to her, not counted against her. Christ protects her from the law’s accusations. Before the accusing law, the Christian is “just by a just reputation,” which is made available by faith in Christ.\textsuperscript{528} The triumphant part of the Christian has triumphed over sin by means of a relative righteousness given to her by faith and by which she is deemed to be—but is not really in herself—just.

The militant part of the Christian has to do with the Christian as sinner, the dimension of her being in which she must work to become formally righteous. While the triumphant Christian is free from law, law remains for the militant part of the Christian because “in this life” she “still dwells in the flesh.”\textsuperscript{529} Like Paul’s struggle in Romans 7, the “carnal flesh infected by Satan’s venom,” the ember of sin, “displays itself and agitates the poor Christian either to lust, or to greed, or to despair or hatred of God.”\textsuperscript{530} However, the militant Christian does not consent to these sinful affections, but battles them, scorns them, and massacres them. Instead, the militant

\textsuperscript{525} WA 39/I:503.19-504.1: “christiano non dominatur lex, scilicet in quantum eiusmodi. Neque enim christianus triumphans, sed militans adhuc in carne est onerandus legibus.”
\textsuperscript{526} WA 39/I:504.6f: “videlicet christianus militans et triumphans, in quantum triumphans est, et versatur sub umbra alarum domini sui.”
\textsuperscript{527} WA 8:142.9.
\textsuperscript{528} WA 39/I:504.16-18: “Non enim possunt simul stare accusari seu argui et iustum esse seu reputari iustum. Sed christianus per fidem in Christum iustus est.”
\textsuperscript{529} WA 39/I:496.16: “Ecclesia versans in hac vita dicitur militans, non triumphans;” 504.21f: “christianum militantem, et adhuc versantem in carnet, et vinio ad me et ad meam personam. “Luther also describes the church to be militant (drawing on the Crusader history) because the church consists of militant Christians. Mannermaa rightly positions the battle against sin in relation to the partim-partim simul construct. Mannermaa, Christ Present in Faith, 58.
\textsuperscript{530} WA 39/I:505.4-6: “seu carnalis illa natura infecta veneno sathanae in paradiso sese ostendit et sollicitat miserum christianum vel ad libidinem vel ad avaritiam vel ad desperationem aut odium Dei.”
Christian acts justly against this vicious will and “wins gloriously.” Luther links this battle against sin to formal righteousness: when the Christian begins to battle sin by means of the Holy Spirit, she is formally just. This militant Christian is the *peccator* fighting for formal righteousness in this life. The triumphant Christian parallels the *iustus* dimension that is relatively righteous and the militant Christian parallels the *peccator* dimension working towards formal righteousness.

Now, Luther is going to defy scholarly emphases on the just-triumphant part of the Christian by focusing on and expanding the militant part. This focus will allow him to clarify how the Christian reigns in her sin and works to obey the law in herself, her formal dimension. To justify this emphasis, Luther claims that the triumphant-just part actually sends the Christian into military battle against sin. He says:

Nevertheless on account of [remission of sins], you are not to be secure and deafly asleep. But this divine reputation, by which your sins are freely remitted on account of Christ, sends you as if into military service and into battles in order that you fight and combat sin the world, the devil, and your flesh without ceasing for the entire life. The Christian’s righteous reputation actually incites her militant part to battle sin for the duration of her temporal life. The goal of this battle is to fight night and day “to purge sin in the

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531 WA 39/1:505.9-16: “Non sic, non sic erit. Ego servabo meam virginem et faciam, quod aequum est vel te invito, et quo plus me crucias vel ad struprum, libidinem desperationem invitas ac sollicitas, eo magis te ridebo et magno ac fortis animo fretus auxilio Christi mei te contemnam et caput tibi conteram…nunc miles sum…Hic est ille gloriosus miles et fortis Georgius, qui magnam stragem fecit in exercitu diaboli et gloriose vincit." The “glorious soldier and strong George” reference here can be seen to have a double referent: St. George, the patron saint of soldiers and slayer of the devil became popular during the Crusades; and Luther himself who, dressed as Knight George, “slayed” the Pope, the Antichrist.

532 WA 39/1:494.1-3: “sumus etiam formaliter iusti, ut quando per istas primitias et Spiritum sanctum mihi datum de coelo per fedem incipio lectare et pugnare cum peccato.”

533 WA 39/1:494.5-9: “Neque tamen ideo hoc, ut tu iam securus in utramvis aurem dormias. Sed hac ipsa reputatione divina, quod gratis tibi propter Christum remittuntur peccata tua, militaris quasi in militia et in aciem, ut pugnes et confligas per omnem usque vitam cum peccato, mundo, diabo et tua ipsius carne.”
flesh…until it will be finally totally purged out,” to “purge what is left of sin until I become totally pure.” By purging sin, the militant Christian aims to laugh and scorn sin and, instead, to do what is just. The fight against sin in the militant part emerges as an important factor in the Christian’s temporal life precisely because of the triumphant part in Christ.

When Luther turns to describe how the militant Christian wins this battle to take sin captive, he shows the militant Christian to arm herself for battle with spiritual weapons. Luther tells us that her loins are girded. She has protected herself with her breastplate of righteousness, the shield of faith, and the helmet of salvation. She holds in her hand a firm and powerful sword, ready for the attack. The militant Christian’s protective armament comes from Christ—righteousness, faith, salvation. Christ is the help in the battle to scorn and crush the enemy’s head, protecting the militant Christian under his wings like a hen, assuring she will not be taken captive. The sword that the Christian uses on offense for the attack, however, is the law, which is sharpened and given over by the Spirit. Luther also says that the Spirit is the spear and sword, the word of God that the Christian uses to fight. The militant Christian arms herself for

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534 WA 39/1:474.20, 18: “Pugnant hic dies ac noctes,” “quia etiam sancti habent reliquum peccatum in carne, quod lege purgandum est, donec expurgatum fuerit totum.”
535 WA 39/1:434.10f: “Et si quid reliqui est in me peccati, id expurgo, donec totus mundus fiam, atque hoc in eodem spiritu, qui datus est propter Christum.”
537 WA 39/1:492.9-11: “ad pugnam promptus et expeditus sit et cinctum lumbis eum quasi in acie collocat, indutum lorica dat scutum et galeam et gladium firmum ac robustum.”
538 WA 39/1:505.12f: “fretus auxilio christi mei te contemnam et caput tibi conteram;” 506.6: “Nam christianus sub alis gallinae suae commorans liber est.” The first reference is a clear allusion to protoevangelium in Genesis 3:15, showing the battle to already be won. The hen allusion in the second quote is also noteworthy for Luther’s use of the term “gallina,” which in Latin can mean both hen and gladiator. The Christian is protected by a more powerful fighter than herself, Christ.
539 WA 39/1:498.10f, 20f: “Quare lex debet manere et diligenter acui in parte militante, hoc est, quatenus hic in carnem et hic inter homines vivimus et agimus…in pugnam ferre potest, at conscientiam ipse consolari vult, dato ad hoc Spiritu sancto, qui satis armat suos.”
540 WA 39/1:502.11: “hastam et gladium spiritus, quod est verbum Dei, et pungandum.”
protection in justification through Christ, but the armament she uses to attack come from the Spirit in the form of the law.

Then the Christian places herself in enemy territory and incites herself for battle using the law. Luther repeatedly states that the militant Christian “stirs herself up for battle.”541 The law is the mechanism she uses to rouse herself: the law remains in the church “so that the pious, who continue to have remaining sin in the flesh, can be admonished and convicted so that they do not become secure and asleep, but so that they are called out as if into a fight and battle against remaining sin and temptation.”542 The law functions to excite the militant Christian in two ways. First, Luther sees law to warn the Christian of the dangers in which she lives, including threats from “fanatics” like the Antinomians and sin, which constantly pesters her.543 Second, the law arms the Christian to purge sin in the flesh, to fight sin, and to exhort the Christian to the good.544

The use of law, therefore, has to do with the militant Christian’s moral functions. The militant Christian “knows the law and considers the sin in the flesh, against which she fights day and night.”545 Because she knows the law’s moral directives and uses it to recognize sin in her flesh, she then also becomes able to will against the sin using the recreated and redirected will from the Spirit, crushing sin’s head.546 Law is the Christian’s battle cry that arouses her

541 WA 39/I:505.6, 495.21.
542 WA 39/I:500.10-13: “Ecclesia opus habet lege…ut pii, qui adhuc habent peccatum reliquum in carne, possint moneri et argui, ne fiant securi et stertentes, ut excitentur, quasi in pugnam et militiam adversus reliquias peccatorum et temptationem.”
543 WA 39/I:496.1, 7.
544 WA 39/I:474.16-22: “Sed tamen ideo non est tollenda lex ex templis et non docenda, quia etiam sancti habent reliquum peccatum in carne, quod lege purgandum est, donec expurgatum fuerit totum….Pugnant hic dies ac noctes, donec tandem vincant per Christum…Sed non sic docenda est lex piis, ut arguat, damnet, sed ut hortetur ad bonum.”
545 WA 39/I:501.17: “quia novit legem et intelligit peccatum in carne sua, contra quod pugnat dies et noctes.”
aggression against sin, arming her with the intellectual powers to see sin as her mortal enemy and the volitional direction to slash it with the Spirit.

The result of the militant Christian’s battle is that she takes sin captive (*peccatum captivare*). The Christian wills against or does not consent to the sinful inclination spurred by the ember of sin.\(^{547}\) Instead, she “drives sin back,” “purges it with the help of the Holy Spirit,” and obeys the Spirit and the law.\(^ {548}\) The result, Luther says, is that sin begins to be formally removed from the Christian herself.\(^ {549}\) Then, the militant Christian becomes what Luther calls “formally righteous as soon as [she] begins to battle sin with the help of the Holy Spirit.”\(^ {550}\) This change from the form of sin to the form of righteousness displays itself in the militant Christian’s actions: “even though I have the occasion, place and time to fornicate, commit adultery, steal, etc. without any disgrace or punishment [because of Christ’s righteousness], still I do not do it. Here, I experience truly and in myself that the Holy Spirit dwells in my heart and is efficacious.”\(^ {551}\) With the help of the Spirit, the militant Christian takes sin captive in her soul and resists sinful temptations in her bodily actions. This, in turn, actually reconfirms that the Spirit, her firm steady sword, is in her, helping her on the attack.

\(^{547}\) WA 39/I:500.21-501.1, .4f; 436.11.
\(^{548}\) WA 39/I:436.10f: “expurgamus hoc ipsum adiuvante Spiritu sancto, non consentientes peccato, sed repugnantes;” 501.9-11: “Sed tamen stat firmus obediens verbo et legi Dei, quae dicit: Non concupisces, et Spiritui sancto admonenti eum de hac voluntate Dei et non succumbit.”
\(^{549}\) WA 39/I:432.7f: “formaliter et expurgative tollitur peccatum."
\(^{550}\) WA 39/I:494.1-3: "sumus etiam formaliter iusti, ut quando per istas primitias et Spiritum sanctum mihi datum de coelo per fidem incipio luctare et pugnare cum peccato."
\(^{551}\) WA 39/I:436.16-437.3: "etiam licet sit mihi occasio, locus, tempus sine omni infamia aut poena scortandi, moechandi, furandi etc., tamen id non facto. Hic reipsa et in me ipso experior Spiritum sanctum habitare in corde meo et efficacem esse." Luther is developing a notion of good works as confirmation to the self of the presence and effect of the indwelling Spirit. This goes against the psychological interpretation in Luther scholarship that sees the accusing law as an ongoing part of the Christian life to continually accuse the person of sin, reminding her that she is sinner, and driving her repeatedly to Christ in faith. Vind articulates this psychological assumption when she claims that the *peccator* dimension is the Christian’s self-understanding that “in his own eyes” he is a sinner. Vind, “The Human Being According to Luther,” 84.
However, Luther adds an important temporal caveat to these righteous results of the militant Christian’s battle. She must fight “day by day,” “day and night” until her “old person,” her carnal flesh, is completely removed and her “new person,” her just person, emerges. Luther is clear: this battle is won “more and more” every day as the Christian purges sin in her flesh. However, Luther concedes that this war is never fully won in this life. Thus, the militant Christian fights to take sin captive and increasingly wins the battle, but she must continue fighting to her last day.

In conclusion, this section has examined Luther’s militant Christian motif as a new anthropological possibility for understanding the Christian’s agency and action vis-à-vis the law after justification in the Spirit. Luther layers the triumphant-militant active construct onto the simul iustus et peccator construct. These two constructs are then aligned with the moral dimension of relative and formal righteousness. The result is that the Christian’s iustus dimension is the triumphant Christian through relative righteousness. The Christian’s peccator dimension is the militant Christian who continues to work towards formal righteousness in herself. The emphasis Luther places on the militant Christian reflects his interest in further nuancing the peccator dimension of the Christian person. While he discusses the triumphant-just dimension of the Christian, he does so only to show how justification should instigate moral improvement in the temporal Christian herself as militant peccator.

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552 WA 39/I:432.7-11: “formaliter et expurgative tollitur peccatum, quia hic de die in diem magis ac magis expurgo et mortifico peccatum adhuc haerens in carne mea, donec hoc tandem totum, quod est veteris hominis, tollatur et consumatur et evadat purus et clarificatus homo absque omnia macula ac labe.”
553 Ibid.
554 WA 39/I:510.3f: “Hic quidem incipimus mori, sed tantum in sepulchro perficitur, neque sine naturali morte cessat peccatum.”
When Luther attends to the *peccator* as the militant Christian, he depicts the Christian as she makes use of the Spirit and the law in her pursuit of formal righteousness. Because the Christian must first fight against her sinful inclinations, she protects herself using the benefits of faith that she received from Christ. Though she may stumble in battle and give in to sin, she is protected by Christ’s righteousness, by salvation, and by faith. She will not die. The Christian arms herself for the attack and assault on the sinful inclinations with the Spirit who gives her the law as her sword. The Christian uses the law to stir herself up, to excite herself to battle sin. Law helps her to know and recognize sinful inclinations so that she is always prepared to attack it and, instead, do what is right and just. The result of the Christian’s battle is that she begins to overcome her sinful inclinations by using these spiritual weapons and she begins to become righteous in herself in the form of her soul. She increasing develops formal righteousness in this life until the process is completed at her death.

Luther’s militant Christian construct allows us to attend more carefully to the way Luther nuances the moral agency and moral progress of the Christian as *peccator*. The Christian as sinner is not simply a static moral condition nor is the Christian as *peccator* morally passive, as Luther scholars have supposed. Rather, the Christian as *peccator* is morally engaged and active. She is militant and on the attack against sin. As she uses her spiritual weapons, she makes moral progress even if this is not complete until her death.

Another benefit of Luther’s militant Christian anthropological construct is that it provides us with a new angle from which to view the Christian’s moral functioning. When we examined the Christian’s intellectual and volitional capacities as *peccator*, we saw these noetic forms to remain hindered by sin and then to be elevated to new moral strength by the Spirit and the law. The result was a blurred subjectivity in which the Christian and the Spirit were mutual actors.
The militant Christian, however, reflects more of the Christian’s own intellectual and volitional acts as she puts these forms to use in moral action. Gone is the problem of blurred subjectivity. Now, we see the Christian as the active agent. She uses the law, given by the Spirit, as a spiritual weapon or tool in her fight against sin and pursuit of formal righteousness. Though we know from the “internal” examination of the Christian’s form that the Spirit is indwelling the Christian to make possible her use of these renewed moral forms, the militant Christian presents a kind of external perspective. The militant Christian presents an image of the Christian as a moral agent resulting from the Spirit’s regenerative and sanctifying activity.

5.5 Chapter conclusions

This chapter has examined how Luther develops his theological anthropology of the Christian person to support his picture of moral progress in the temporal life in the Spirit. This investigation counters the way Luther scholars interpret Luther’s theological anthropology to undermine human moral agency and moral progress. The dominant scholarly focus is on Luther’s anthropological construct, *simul iustus et peccator*. Scholars interpret this formula to mean that the person is just eschatologically, but remains unchanged as sinner in the temporal life. Because the effects of justification are only eschatological, human reason remains blind and the will is totally bound. Possibilities for moral agency in this picture are bleak.

However, in this chapter, we have found that Luther is actually very interested in human moral reasoning in the anthropological dimension of the *peccator*. He correlates the two parts of
the *simul* formula, *iustus* and *peccator*, to a two-part moral determination, relative and formal righteousness. Then, he adds a third layer onto this to describe human action, the triumphant-militant Christian. Because formal righteousness has to do with the person’s formal cause, the shape of the soul, we saw Luther to actually specify particular noetic forms required for moral reasoning and moral agency to the *peccator* dimension. The Christian as *peccator* has intellection and volition for moral action. The challenge was that the moral determination Luther overlaid onto the *peccator* dimension was formal righteousness or righteousness as the shape of the *peccator*’s soul. This righteous condition is clearly paradoxical to the *peccator* and not yet realized.

In order to reconcile the *peccator* dimension with the moral determination of formal righteousness, Luther introduces the Spirit and the law into his anthropology. Because the human form itself has sinful affections leftover from the ember of sin, the Spirit and the law elevate the moral processes that control action on or resistance of a particular affection. The Spirit and law must recover human intellection and volition for moral action. Therefore, Luther shows the Spirit to give the law in order to compensate for intellectual deficiencies in the *peccator*. The law supplies intellectual judgments about the moral goodness of a particular affection or inclination. When this judgment moves on to volitional acts of consent or non-consent to an affection, the Spirit elevates the volitional capacities to will/not will in accord with the intellectual judgment. In this way, Luther carves out a new space for freedom of the will in the *peccator* using a more robust pneumatology. Freedom of the will requires that the intellect and will work together for moral action. While Luther’s early writings permitted neither good precept in the intellect nor the volitional capacities to consent to a good precept, now Luther shows how the Spirit and the law reinstate this freedom in the soul.
The consequence of this new mode of moral reasoning in the *peccator*, however, is that Luther blurs the subjective boundaries between the Spirit and the human person. While he attributes the actions themselves to the human person, he also shows how the Spirit takes over the human’s intellectual and volitional movements. While he never fully resolves this issue, the more “external” perspective of moral activity offered by the militant Christian construct supplies a view of the Christian as an active agent through her reliance of the Spirit and law as weapons in her battle against sin and pursuit of formal righteousness. Were one to open up the militant Christian and peek inside her soul, one would see the law and the Spirit compensating for her intellectual and volitional deficiencies. However, the image of the militant Christian itself is an image of the Christian as the agent of the moral activity. The Christian uses the law to incite herself to moral improvement. She uses it to recognize her sin and to guide her action with the result that she makes a degree of moral progress towards formal righteousness in her temporal life. This progress is itself proof that the Spirit indwells the soul and is efficacious in vivifying and sanctifying her soul, her formal cause as *peccator*.

If we place the militant Christian back onto the Aristotelian causal diagram used in Luther scholarship to outline Luther’s theological anthropology, we see that the vertical axis representing the eschatological person affects the horizontal axis representing the temporal person. The Spirit properly belongs to the vertical axis representing divine efficient causality of the eschatological person. However, the Spirit works on and elevates the formal cause, the soul, that sits on the horizontal axis of the temporal person. When the Spirit elevates the temporal person’s formal cause, the entire horizontal axis—form and matter, soul and body—are moved closer to the final end of righteousness in eternal life. The movement of the horizontal axis is measured according to the moral determination that Luther associated with the *peccator* on the
horizontal axis, namely formal righteousness. Contra Ebeling, this suggests that the vertical axis—divine agency in making the eschatological person just—actually impacts and alters the horizontal axis—the temporal human person in herself as sinner. Because of Christ’s gift of the Spirit in justification and the Spirit’s regenerative and sanctifying activities, the Christian becomes less and less peccator and more and more iustus in her formal and material causes in the temporal life. The increase in Luther’s pneumatology that we saw in chapters three and four now involves a real anthropological effect that creates human moral agency and stimulates temporal moral progress.
Conclusions:

Human Agency in the Spirit!

Pneumatological Resources for Theological Anthropology and Ethics

Theological anthropology considers human personhood in light of the human relation to God. This involves a set of evolving criteria. The human person is created, fallen, and redeemed by God. The questions of contemporary theological anthropologies tend to center on the effect of sin and redemption on the created person as the *imago Dei*. These questions then move towards a christological focus in the restoration of human nature in the true Image of God, Christ. The human subject and experience gets lost amidst the theoretical questions of soteriology. Theological ethics and philosophical ethics more broadly contemplate personhood more in terms of subjective perspectives by asking questions about the anthropological features required for choice and action in social and political relationships. As Michael Welker points out, these anthropological conversations are often so trapped in the polarization between mind and body that they fail to do justice to the complexity of human personhood in both spheres.

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He contends that multidisciplinary dialogue is necessary to probe the depths of human personhood. Is it possible to grasp both the cognitive, emotional, and voluntative features of human persons as persons while doing justice to the person’s changing relation to God within one unified approach? Welker seems skeptical. However, the theological anthropology Martin Luther developed in relation to the Holy Spirit suggests a single approach can attend to the transformative experiences of divine grace on the person as person, on a person’s experiences, emotions, intellect, and will.

This dissertation has sought to show the complex anthropological picture Luther painted when he expanded his discussion of personhood beyond Christ and came to explore the person in relation to the Holy Spirit. I have argued that the controversy with Agricola over law and gospel led Luther to narrate a new theological anthropology in the *Antinomian Disputations* that saw the recreation of human moral agency to result from the new relation to the Holy Spirit and the law after justification. Luther’s doctrine of justification, established in Luther’s early polemics against Scholastic theology, required total human passivity and total divine agency in order to guarantee the God-human relationship. However, in 1537 Luther worked to revive and renew human agency for moral action after justification by maximizing another divine agent whose work did not compete with but actually bolstered human agency. The vivifying and sanctifying Holy Spirit creates and sustains human moral agency after justification by elevating the person’s moral powers in the soul. Most interestingly, what sustains the Spirit’s activity to elevate the Christian’s moral powers comes through the way Luther depicts the Spirit’s new connection to law. In presenting human agency in this way, Luther shows that divine grace has a real, temporal effect on the human person, her moral capacity, and her earthly life and experiences. God does
everything in justification, but God and the human person work together for moral action as a result.

I have shown that Luther’s new insights about human moral agency after justification emerged contextually out of his Antinomian controversy with Johann Agricola in 1537-1540. As I discussed in chapters two and three, Agricola distorted Luther’s law/gospel principle on the basis of a problematic pneumatology. He linked the Spirit to the accusing function of law while maintaining the classic opinion that the Spirit is God’s gift in justification. From this, he concluded that the gospel must both convict of sins and announce remission of sins in Christ. Luther’s quandry with Agricola’s connection between law and the Spirit was, this was Luther’s own insight from his sermonic expositions on John 16:8! Luther discovered that Christ assigns to operations to the Spirit to convict of sins—a function of law—and to convict of righteousness—a function of gospel. Luther’s contextual problem came into view in chapter three as a need to separate law from gospel while also working out the Spirit’s dual connection to law and gospel.

Luther’s solution to this challenge required developments to his pneumatology, conception of law, and theological anthropology. Luther’s first task was to resolve his pneumatological problem. How could the Spirit both convict of sins and righteousness? Relate to both law and gospel? Luther decided the Spirit must be the divine agent of the law, the “Author of the law.” This pneumatological development increased the Spirit’s relation to the accusing law prior to justification. It also meant the law had a role, a function or use, after justification when the Spirit was given to the Christian as Christ’s gift. After justification, Luther determined that the Spirit speaks the law to the Christian to admonish and guide her away from sin and towards the good. This was a “salutary use” of law after gospel.
The Spirit’s new relation to law helped Luther to develop a more robust view of human experience under the law/gospel paradigm. His first insight had to do with human affective experience. The way the Spirit speaks the law to accuse or admonish elicits two different emotional responses, which he cloaked in medieval penitential language. Sorrow is the human response to the Spirit’s accusing use of law to convict of sins. A good intention is the human response to the Spirit’s salutary, admonishing use of law to convict of righteousness. However, for the human person to have any capacity to stand before the law without accusation and condemnation, Luther had to position these new relations to law in relation to justification.

The new law relation required that Luther plot particular moments in the changing human relation to the Spirit and the law in parallel to law/gospel. Luther articulated this order using three categories: before Christ, under Christ, and in the Spirit. Before Christ and under Christ expressed the human dimension of law/gospel. The law accuses before Christ, but the law’s accusing power is removed through the remission of sins and imputation of Christ’s righteousness under Christ. The third category, in the Spirit, opened the Christian up to the salutary use of law because Christ had removed the accusing power of the law and given over the Spirit—the divine agent of law—as a gift. The Christian’s new relation to the Spirit made possible the new relation to law: in the Spirit, Luther claimed, the Christian begins to fulfill the law.

Luther made a shocking claim when he said that the Christian begins to fulfill the law in the Spirit because Luther supposedly problematized human law fulfillment on the basis of human sin. Chapter four saw Luther to more clearly parse the way law relates to human sin alongside of distinct processes in which sin is separated from the human person in relation to law and divine persons. Luther reintroduced medieval hamartiological categories of original and actual sin that
distinguished sin in human nature universally from the participatory, actual sin of individuals. Before Christ, law accused original sin and all resulting sin, but Christ redeemed and covered all sins spurred by the sinful nature. In the process of imputation, guilt for original sin was forgiven in Christ and the Christian was imputed with Christ’s relative righteousness. The problem was, under Christ individual persons were substantially unaffected by Christ’s imputed righteousness. They remained subject to sinful inclinations leading to ongoing, actual sin. Here, Luther looked to the Spirit and the salutary law. Salutary law reveals the Christian’s ongoing sin, but without accusation. Instead, with the Spirit’s help, the salutary law guides the Christian through the process of purgation—of purging her actual sin and developing formal righteousness in herself.

Purgation has to do with the Christian’s real, temporal life, with becoming righteous herself from justification-to-grave. To articulate the Spirit’s role in aiding purgation, Luther turned to practical theology. He wanted to clarify in experiential terms how the Christian goes about purging sin: prayer and temptation. Prayer concentrates the Christian’s experience of and relation to the Spirit and the salutary law. Through the meditative prayer practices birthed in medieval mysticism, Luther maintained that the Christian reiterates the law to herself in an admonishing way by repeating the petitions of the Lord’s Prayer.

These prayerful reiterations of law also connected the Christian to the law’s divine agent, the Spirit. The Christian’s repetitive petitions in prayer bring about a mystical moment in which the Spirit takes over the Christian’s own thoughts and exposit, clarifies, specifies the law’s admonishments to the Christian’s own situation. In particular, Luther shows the Spirit to take over the Christian’s own thoughts in order to apply the law to a particular temptation the Christian is facing. In an act of shared intellectual agency, the Spirit clarifies to the Christian lusting after a pretty girl (or boy!) to leave the girl in peace—a negative judgment—and instead
to wait on a wife—a positive directive. Luther depicted these shared judgments as an expansion on the command, “thou shall not covet.” With the Spirit speaking in the Christian’s thoughts, the Christian moves to a volitional act to love God’s law and hate the temptation. Even this volitional act is elevated by the Spirit. The Spirit recreates the will and aligns it to the law’s admonitions. She decides to obey the law. Luther concluded that prayer in temptation leads to the ability to resist sinful urges, to purge sinful inclinations. This is how the Christian overcomes sin, obeys the law, and begins to become formally righteous in herself.

According to Luther scholars like Gerhard Ebeling, formal righteousness or human righteousness in the human person herself is not something Luther permitted on theological grounds. Luther per his interpreters holds that the human soul is irreparably marred by sin. The only way human sin can be overcome is through divine agency in Christ. The anthropological result of divine agency in justification is said to be the dialectical construct in Luther’s formula, *simul iustus et peccator*. Because Luther’s doctrine of justification was forensic, the just dimension of the human does not really pertain to her as her, but is forward looking and eschatological.

Chapter five took this myopic vision of the human person after justification to task by showing Luther’s great interest in examining how justification comes to bear in philosophical terms on the human as human. Luther rehearsed Ockham’s specification of the formal cause of the human’s being in terms of the moral powers of the soul: intellection, volition, and affection. Here, Luther looked beyond Christ’s agency in justification to see how the effect of another divine person on the Christian’s temporal being. What Luther discovered was the gift of the Spirit, not Christ, works specifically on the formal cause of the Christian’s being in order to elevate her intellectual and volitional powers to righteousness. The Spirit speaks the law in the
mind to improve the soul’s intellectual capacities to judge rightly about the divine will and to perceive sinful inclinations presented to the human will as sinful. The Spirit also affects human volition because the Spirit recreates and orients the human will to the law by filling the will with new affections for God. Luther admitted, however, the Christian’s new moral powers do not always function perfectly. Sometimes sins break in and the person becomes weak-willed, but no matter—she is justified, she need only stir herself up anew for the next battle.

So, how does the person resist sin in the Spirit sometimes and not others? Here, Luther’s anthropological construct of the triumphant and militant Christian lends insight. Luther layered this construct on top of the simul formula and the moral determinations of relative and formal righteousness developed in chapters four and five. The triumphant Christian is the just, relatively righteous dimension of the person that sees eschatological realization. The militant Christian is the sinner, who is fighting to become formally righteous in her temporal life with the help of the Spirit. When the Christian is militant against sin, she stirs herself up for the battle against sin by the law and the Spirit. Then, she is able to resist. What is key is, she must be mindful and alert, prepared for the fight. When she lets her guard down and becomes complacent, as Luther feared would be the case without the law, sin creeps in and overtakes the Christian’s elevated moral functions.

6.1 Increasing human agency and law in Luther research
Luther’s escalation of moral agency in his theological anthropology resulted from his need to separate law from gospel contra Agricola while also upholding his exegetical insight that linked the Spirit to the law. The sustained development of the three interrelated dogmatic positions across the four year span of the disputations casts serious doubt on Elert, Ebeling, and Wengert’s dismissals of a “third use of the law” in Luther’s Antinomian Disputations as a mere anomaly or a forgery. While they correctly shed light on the editorial addition at the end of the second disputation, the present study’s further investigation into the historical context and theological and philosophical developments across the entirety of the disputations reveals that Luther was actually working out the systematic ramifications of the new pneumatological insights from his study of John’s gospel in other dogmatic regions. The Spirit was the key that he was missing in 1517’s Disputation against Scholastic Theology or the 1522 Church Postilles (à la Ebeling) to unlock human moral action on the law. Because the Spirit is given over to the Christian after justification, Luther found a way in 1537 to include law fulfillment in the Christian life as moral improvement after justification. Christ’s agency in justification was maintained while making new space for a type of “shared agency,” to use Marilyn Adam’s terminology, with the Spirit for action on a kind of “third use” of law after justification.

This dissertation makes a strong set of claims in light of the emphasis in Luther research on a forensic notion of justification and the eschatological fulfillment of justification anthropologically. These assumptions drive Anna Vind’s question in her recent article, “The Human Being According to Luther,” when she asks what is the relation between the epistemic/experiential, i.e. the temporal/sensory, dimension of human personhood and faith in

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Luther’s theological anthropology.\textsuperscript{560} Her question rests on the assumption that faith is the only viable anthropological category in the God-human relationship in Luther’s theology. However, this dissertation brings to the fore Luther’s abiding interest in the temporal effect of justification on the person’s sensory and cognitive experience. Without attention to Luther’s pneumatological impulses in his late anthropological writings (of which the \textit{Antinomian Disputations} are rarely considered a part!), it is not possible to resolve Vind’s question. Attention to the Holy Spirit brings to light the way Luther integrated theological concepts like justification with the so-called philosophical anthropological categories like human reason and volition he supposedly denigrated. The way Luther pulled the Spirit together with the “philosophical determination” of the human person gives voice to the epistemic and experiential dimensions of the person in view of faith.

In light of the Spirit’s temporal effects, the boldest claim made in this study is that Luther was not simply interested in how God compensates for human moral ineptitude, but Luther wanted to clarify how the God-human relationship actually creates and sustains human moral agency. This argument maintains the majority position in Luther scholarship that divine and human agency are in inverse linear proportion in Luther’s doctrine of justification. But this majority position highlights the agency of only one divine person in the economic Trinity, Christ. I am adding to this the claim that Luther also explored the agency of another divine person implicated in the economic Trinity, the Spirit, in relation to human agency. What he found was that the Holy Spirit is not in competition with human agency as was the case for justification. Rather, the Spirit creates human agency by elevating the human actor to moral action and progress. This is what systematic theologians might more properly call sanctification.

\textsuperscript{560} Vind, “The Human Being According to Luther,” 77.
Sanctification is the theological space in which the Spirit makes possible human agency for good works after justification.

6.2 Luther’s contributions to broader theological anthropology and theological ethics

Luther sustained his claims about the Spirit’s temporal effects on the human person after justification by looking to experiential categories in practical theology and philosophical anthropology pertaining to the emotions or affect. It is here where Luther’s contribution to contemporary theological anthropology and ethics most clearly emerges. Yet, these experiential categories are all too often missing from contemporary anthropologies, which are focused more on aligning human personhood to trinitarian persons on the basis of the imago Dei. Of interest is how created, but fallen human beings are moved towards eschatological consummation. Just as has been the case in Luther scholarship, such discussions often get stuck on Christ. And for good reason. Christ is the Image of God who redeems and restores the human person’s march towards the eschatological relation with God. But such a focus places the stress on theoretical themes like the imago Dei, original sin, and redemption from original sin. In other words, theological anthropology gets hung up on soteriology.

This tendency is reflected in what is perhaps the most important systematic work in theological anthropology in the last decade, David Kelsey’s two-volume work, Ecclectic
Kelsey, like many before him who are influenced by Barth, maps his anthropology according to the perichoretic relations between the divine persons, Father, Son, and Spirit. These inner trinitarian relations establish three successive ways in which God relates to human persons. Kelsey isolates these relations as God (1) creates human beings, (2) draws them to eschatological consummation, and (3) reconciles them when alienated from God. Each of these relations presupposes the successive, unfolding nature of God’s salvation of human beings by relying on the previous relation. Kelsey ends his work with a meditation on Christ as the Image of God and Christians as images of the Image of God. The christological priority of his anthropology is further revealed by the titles of the two sections devoted to eschatological consummation and reconciliation: “Consummated: Living on Borrowed Time” and “Reconciled: Living by Another’s Death.” Human beings are narrowed to a christological paradigm and the trinitarian focus hovers on the second person of the Trinity.

Kelsey’s important treatment of the human condition vis-à-vis the Trinity leaves certain anthropological questions unanswered. How do individual persons relate back to God and experience that relational reciprocation? How are we to account for an individual’s daily experience of being human when this threefold relational structure is not an experiential part of normal daily life with joys, fears, and struggles? By attending solely to these theoretical structures extracted from the Trinity to diagnose the human condition and to articulate the arc of human reconciliation to God, modern anthropologies leave behind real human experience of being human and of God.

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Here, Luther beckons theologians back to persons as persons and their subjective capacities that both make them in the image of God and make the relationship with God anthropologically possible. Luther’s use of philosophical anthropological categories indicates the necessity and possibility for probing how the all-encompassing scope of economic trinitarian activity meets individual experience of God and the self—how human persons think and feel in relation to God, how persons see themselves to change over time in response to God, and activities human persons initiate to invoke religious experiences of God. Luther reminds theologians that human self experience changes as a result of justification: the Christian gains moral strength, sees moral progress in herself, and finds assurance that the Spirit is in her. Luther also points to possibilities for better articulating the person as an ethical agent by employing philosophical categories like intellection, volition, and affection and identifies human activities that foster and heighten the God-human relationship, such as prayer, temptation, and emotional responses to God. The legacy of Luther’s *Antinomian Disputations* is his call to more robustly explore the dual aspects of theological anthropology: the theological, the dimension having to do with the *entire* economic Godhead in relation to persons; and the anthropological, the aspect of personhood that centers on the person as person, her ontology, her experience, her actions. To attend to the former at the expense of the latter is to miss what makes the human relation to God human and the human ethical relation to the world theological.
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