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The Idea of Justice in Luther's First Publication

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The idea of justice or righteousness is at the very heart of the religion of Martin Luther. Everyone, friend and foe alike, agrees on *that* point. The special problem that has intrigued scholars for several decades now, ever since Luther's earliest Latin university lectures became available, is to determine as closely as possible the exact moment in Luther's development when a "new" conception of justice first dawned on him. On *this* point there is little agreement. Responsible scholarly opinion trying to fix this spiritual event, so crucial in the further religious history of the West, ranges all the way from as early as 1509 to as late as 1518. At the present time nothing like a final solution of this vexing problem appears in the offing. It is not impossible that the available sources, and especially the complicated and intricate state in which the relevant manuscripts happen to be, may never permit us to arrive at a generally accepted conclusion.

It seems to me that for all the energy and acumen expended for well over a quarter of a century on the baffling problem of the date of Luther's great experience, another simpler and more straightforward approach has been utterly overlooked. In our laudable but vain effort to locate the elusive first recording of the new idea we have somehow forgotten an equally valid question: When did Luther first see fit to release this idea to the general public in

a work intended for publication? How soon was he willing to publish, to have appear in irrevocable print, the new religious insights that had come to him?

In seeking an answer to this neglected question we must perforce exclude Luther's early university lectures, which have been the subject of so much scrutiny by so many of our ablest scholars. We must exclude these lectures because Luther himself never published them. We must place the stress for once not on Luther's first lectures but on his first actual publication.

That means we must turn from what he wrote in Latin for his university audience to what he wrote in German for the general reading public. With few exceptions, topflight theological scholarship on Luther has tended to assume that almost everything of importance that the young Luther wrote was in Latin. His early German works have been pushed into the background because it was taken for granted that Luther was not likely to bury any of his major ideas in a vernacular publication.

It is at this very point that the student of German literature can perhaps make a contribution to Luther scholarship. The simple fact is that Luther was quite ready to communicate to the man in the street at least something of what was, as he well knew by that time, a major departure from then prevailing views. By publishing his first book in German, Luther clearly indicated that he had decided to take the

common man into his confidence and to introduce him to his new, hard-won religious thought.

This does not mean at all that Luther was thereby eliminating the scholars who read Latin. Contrary to the opinion of some, these men were not above reading a startling book written in stirring German. Thus rather than *excluding* the learned from his audience, Luther *included* in it the vast non-Latin-reading public. In this way he assured himself of an immense readership from the very start of his astonishing publishing career. As it actually turned out, nearly everybody, scholar and nonscholar alike, appears to have got hold of the new book. It quickly became what we would call a best seller. By writing his first book in the vernacular the coming Reformer had thus reached the largest possible number of readers within Germany and German-speaking Europe.

This first published work of Luther's was an interpretation and translation of *The Seven Penitential Psalms*.¹ The book came out in the spring of 1517, six months before the epoch-making Ninety-five Theses. Luther had chosen a sufficiently traditional subject, to be sure. But for all its conventional garb, the work contained electrifying new ideas. Among its wealth of religious insights not the least significant is the idea of justice. This concept, so vital to Luther's thought, has been in the limelight in much of the scholarly work on the preceding and contemporaneous Latin lectures. But—I repeat—till now nobody has thought to look for it in a German book. Yet the idea of justice

appears fully developed in this, Luther's first published work, thus establishing the year 1517 as the earliest date at which this fundamental idea appeared in a work he himself saw through the press.

What does Luther say about justice in *The Seven Penitential Psalms*? He draws a clear line of demarcation between two radically different kinds of justice, sharply contrasting what he calls human justice ("menschen gerechtigkeit") and divine justice ("gottis gerechtigkeit").² In the divine-human encounter, young Luther's primary concern, only divine justice is regarded as valid, and human justice is completely rejected. Human justice is applicable only to man's relation to his fellowman, an area fully recognized by Luther but not particularly stressed in his first publication.

Let us examine more closely what Luther in his earliest published work means by "menschen gerechtigkeit." He speaks of it as man's earnest effort and sincere will to lead an upright life. It is the only kind of justice that natural man can devise and attain by himself. Luther is convinced that it is one of the highest achievements of moral man. He yields to no theologian or philosopher in his profound admiration of human justice in its proper place. If man were still living his life unilluminated by Christian revelation, human justice would unquestionably be his most precious possession. He would be a fool if not a downright criminal were he ever to surrender this virtue, which almost more than any other makes him man. Human justice is unreservedly applicable wherever man exists solely in the realm of law. Any infraction of it in pre-Christian and extra-

¹ Martin Luther, "Die Sieben Busspsalmen," *D. Martin Luthers Werke*, I (Weimar: Hermann Böhlau, 1883), 158—220.

² *Ibid.*, p. 219.

Christian societies has had and will have disastrous results and must ultimately destroy civilization.

Thus man-made justice is absolutely basic and indispensable to the development as well as to the preservation of purely human culture. As applied to God, however, it is essentially a pre-Christian and extra-Christian virtue. It is utterly out of place in the Christian's relation to *God*. Human justice has no validity whatever before the Christian God. While it was valid before the Incarnation, it became thoroughly antiquated with this most important of all events in history as seen from the Christian vantage point. The concept of human justice vis-à-vis God is no longer in force in the new realm of grace in which redeemed man lives. In his thoroughgoing effort to relegate, or rather re-relegate, human justice to a place outside the Christian dispensation Luther does not shrink from calling what was once man's highest claim to distinction a grievous sin against God and the most deplorable disobedience to God's manifest will.

Within the Christian sphere, human justice has been supplanted by divine justice. In contrast to *human* justice, which man can conceive of and attain to a greater or lesser degree, *divine* justice is completely revealed from above and utterly unattainable by man himself. It is God's chosen way of dealing with the human predicament.

Luther is convinced that God requires of man perfect justice—that is, a moral life free from all traces of egoism and personal interest. He states unequivocally that there would be no quarrel between God and man if man were really just. But Luther, in total agreement with Paul, is sure that man simply cannot achieve per-

fect justice, however sincerely he may try. The best of which he is capable will not do before God. That is where divine justice comes in.

Since the idea of divine justice is so supremely important in Luther's view of life, it is helpful to put together for once the epithets he applies to divine justice in his first publication. Painfully aware of the apparently widespread ignorance of divine justice among his contemporaries, Luther calls it first of all "unknown": "disse *unbekante* gerechtickeit." Contrasting it with human justice, which he has called "external" (*eusserlich*, "staying on the outside of things"), divine justice is "internal," penetrating to the core: "disse *ymmere* gerechtickeit."³ Going beyond these simple terms, Luther gives more explicit definitions of the righteousness of God. He is particularly fond of the verb "geben" and the noun "gabe": "darumb heysset es deyn [Gottes] gerechtickeit, das [du] sie uns gibest auss gnaden."⁴ Similarly: "Gott meyner gerechtickeit . . . das ist, der sie gibt."⁵ Once he speaks of "gegeben gerechtickeit."⁶ Divine justice is a gift from above: "gerechtickeit ist . . . ein gabe . . . gottis."⁷ An intensifying form of "geben" occurs in another exciting passage: ". . . gerechtickeit, die gott yn unss wircket."⁸ Looked at from man's point of view, divine justice which God gives him is *accepted* by man: "ich . . . nehme von dir . . . gerechtickeit."⁹

³ Ibid., p. 189.

⁴ Ibid., p. 192.

⁵ Ibid., p. 184.

⁶ Ibid., p. 218.

⁷ Ibid., p. 211.

⁸ Ibid., p. 215.

⁹ Ibid., p. 218.

Some of the most telling phrases in *The Seven Penitential Psalms* are those in which *divine justice* is equated with *divine grace*: "gerechtheit" and "gnad" are practically synonymous. Divine justice, properly understood, is even raised to the stature of salvation itself: "heyl."¹⁰ Redeemed man is walking on the path of grace and divine justice: "Weg der gnaden und deiner gerechtheit."¹¹ Luther makes his meaning crystal clear in the following definition: "dein gerechtheit . . . heyst . . . die gnad, da mit uns gott . . . gerecht macht durch Christum."¹²

The ultimate implication of this interpretation of divine justice is that man is expected to attribute his justification to God without any reservation whatever. God is seen in a double role. He is first of all the supreme authority that demands justice from man (*iustitia dei activa*), and secondly, He is the fulfiller of His own demand (*iustitia dei passiva*). He who *requires* perfect justice also *gives* it.

Luther is quick to grant that divine justice, thus conceived, runs wholly counter to human reason and to all human experience. True, the idea that God demands justice is a traditional one, with which reason had little difficulty in the Middle Ages and the 16th century. But reason balked when man was asked to accept the unheard-of idea that the same God who *made* the demand also *fulfilled* it. Luther, fully realizing what is at stake here, is compelled to admit that those willing to make this *sacrificium intellectus* are "fools" in every sense of the word. Judged by purely human standards, divine justice is

completely unintelligible, even meaningless. But that is exactly the point. Divine justice is divine just because it is utterly suprahuman. This wholly other kind of justice is meaningful *only* within the Christian scheme of things. At the same time it is the *only* kind of justice that is valid for Christians in their relationship to God. Any kind of justice that falls short of revealed justice is altogether inadequate in the Christian situation.

Before men are ready to come to terms with God's inscrutable scheme of salvation, they must have recognized their essential sinfulness. Luther insists that whoever is unwilling to *receive*, to accept, justice from God through Christ has not yet penetrated to the requisite thorough self-knowledge. It is only when man realizes that he stands in utter need of having justice *given* to him that he begins to comprehend the seriousness of his plight before God. If it was necessary on the part of God to *give* man justice, man must be incapable of attaining it, or any measure of it, by himself. This view of the human situation is the indispensable basis for Luther's fundamental assertion: All those not living fully in given or imputed justice have not duly recognized their unrelieved sinfulness, nor can they properly lament it.

Luther is fully aware that man's pride stands in the way of accepting God's gift of justice. It is infinitely hard to be humble enough to confess that one exists solely by divine justice. In fact, man alone cannot ever bring himself to accept this truth. Without the Holy Ghost, he cannot embrace such an ego-shattering view of life, because human reason can never hope to grasp it.

Why does Luther hold such an inhuman

¹⁰ Ibid., p. 210.

¹¹ Ibid., p. 192.

¹² Ibid., p. 212.

view, one that plays havoc with man's dignity so greatly desired not only by his philosophical but even by his theological contemporaries, all deeply impressed by the Renaissance concept of *dignitas hominis*? The answer is to be found in Luther's unconditional acceptance of all the implications of the fall of man. With the Fall, man lost the ability to attain the degree of justice that God requires. This fundamental fact of the human condition prompts Luther to such harsh statements as the following: "Nu sein wir got mehr schuldig dann wir haben."¹³ On the face of it this seems to create an impossible situation, but if we grant Luther's basic assumption of the fall of man and its lasting effects, we are prepared to understand Luther's reasoning. Given this austere frame of reference, one is compelled to accept his claim that all men are unjust before God. Only if we assume with Luther that our minds have lost their original integrity are we able to take him seriously when he insists that man is not righteous before God even though he may not be aware of sin. God regards everyone without exception as a sinner. Luther makes it abundantly plain that man must come to terms with this uncomfortable and upsetting but altogether inescapable fact. In the sight of God (*coram deo*) human justice breaks down completely. The imperfect justice that man can achieve can never take away sin. Whoever refuses to recognize that so-called good works are fundamentally sinful and unjust is not yet ready to face realities and is far from the kingdom of God.

Luther feels strongly that this is the special predicament of his own time, which,

he argues incessantly, is foolish and shameless enough to teach human justice in *all* areas of life, including the divine-human encounter. The men of Luther's generation no longer understand the true genius of Christianity. They have relapsed into pre- and extra-Christian ways of thinking in the fundamental matter of justice. It is painfully hard for Luther to come to the full realization that his age has roundly renounced its Christian birthright. He becomes almost frantic as he sees more and more that what he holds to be the essence of the Christian religion has been discarded.

Luther was shocked beyond measure as he came to realize ever more clearly that his contemporaries did not seem to understand the full significance of divine justice anymore. At any rate they were not behaving as if they knew what it was all about. Luther is far from denying that there still is a certain theoretical knowledge of it. If he ruled *that* out, he would be compelled to assume that the entire structure of Christian thought had collapsed. That he does not do. But he charges again and again that the contemporary world does not in fact practice what it asserts it still accepts in theory. Men appear to have reverted to a pre-Christian existence. They do not really seem to be aware that a new kind of justice was revealed when God became man. Luther set out to remind his generation, riding high on the crest of Humanism, of the full meaning of the Incarnation. He calls upon the men of his age to live up to sound Christian doctrine. By interfering with the free play of divine justice on the human sphere they are presuming to reduce the supreme authority of God,

¹³ *Ibid.*, p. 194.

who has chosen to reserve the dispensing of justice entirely to Himself. Whoever is unwilling to accept divine justice without any qualifications whatever openly rebels against the Christian God and His clearly announced scheme of salvation. Luther believes that, religiously speaking, the time is out of joint.

The whole depth and severity of Luther's criticism becomes still clearer when one reflects that only a relative minority of people are ever concerned with achieving any kind of justice at all and that it is these rare, high-minded individuals whom Luther is condemning. From the traditional point of view, there would seem to be something almost preposterous and irresponsible in Luther's apparent singling out for attack the few who endeavor to *do* justly before God. And yet the young Luther's intense moral fervor is nowhere more accurately and poignantly revealed than in his fearless arraignment of the ethically sensitive of the age. Why is Luther so hard on them?

The simple answer is that he believes all men are incapable of achieving true justice. In all man-initiated justice there resides a greater or lesser measure of man's ego. His sincerest effort to live justly is vitiated by this egocentricity, be it ever so subtle. Luther is convinced that men are deceiving themselves when they point, more often than not with real pride, to the record of their good lives, and he cannot recognize their vaunted righteousness as genuine righteousness. He feels keenly that even the best of men fall short of the extraordinary degree of righteousness they should possess in the sight of God. It is for this very reason that they should surrender *human* justice and gladly accept

divine justice in their relationship with God.

The more Luther realizes that the theological leadership of his day refuses to accept divine justice with all its far-reaching implications, the more he becomes aware that it is his mission to set the time right again in this all-important matter — to restrain human justice run amuck. He feels immeasurably strengthened in his struggle by his knowledge that the greatest of the apostles incessantly preached that man can never achieve justice before God. Luther was keenly aware by this time that the mantle of Paul had fallen upon him and that it was his bounden duty to resume the good fight that Paul waged. The work of Paul must be continued. It is more than threatened in the age of Luther: it is practically forgotten or at the very least ignored. In other words, Luther has become the champion of what he understands to be Christian orthodoxy. He is already implicitly, if not explicitly, hurling the charge of heresy against the church of his time.

Luther is deeply disturbed by a number of objections that have been raised against him ever since he started preaching and lecturing in the spirit of the "new" idea of divine justice. He was actually accused of fighting windmills. It was angrily pointed out to him that the Christian world of course lived and moved within its traditional frame of reference and that this included the view of justice that Luther was propounding so vigorously. His earliest opponents stated more or less emphatically that the accusation he brought against the age was fundamentally unfair. It was urged against him that everybody knew that justice is given through Christ.

In the face of these serious counter-charges Luther insists that he has nothing to take back and that his accusations are wholly and strictly applicable. He readily admits that the general framework of Christian theology is still intact and that the divine plan of salvation has not been openly or ostensibly discarded.

In view of his contemporaries' charge that his accusations were unjust, let us ask in conclusion once more exactly what it was that Luther did attack. It was two things primarily. First, he called attention to the deep-seated contradiction between what is tacitly assumed to be theoretically valid and what is the actual practice of the age. The age declares that it believes in divine justice but then proceeds to acquire its own justice before God. It claims to live by divine grace and to rule out human merit, but this claim remains on the level of mere theory; it is not implemented in the business of everyday existence. Luther is sure he has noticed a fatal rupture between saying and doing.

Beyond this actual state of affairs, and probably at the root of it, is the second thing that Luther feels is wrong in his time: No matter how much lip service may outwardly be paid to divine grace, its full implications have not been felt and experienced deeply enough, for if they had been, men could not possibly bring in the idea of human merit, which is by definition forever excluded from all-pervasive divine grace. Thus above and beyond the rift between theory and practice there is the still more basic issue of taking the Word of God more seriously and appropriating it more deeply than appears to be the tendency of his contemporaries.

Hence Luther raises a twofold charge

against his age: lack of logical consistency and lack of adequate spiritual experience. It is especially the latter that Luther misses in the world about him. He knows from his own inner struggles that true *Verstehen*, understanding, is impossible without deep *Erlebnis*, feeling and experience. Unless his age is willing to suffer a change of heart and approach the Word of God again with all due reverence, Luther is inclined to doubt that it will win through to the correct grasp of divine justice so indispensable for the salvation of man. Luther leaves his readers with the earnest admonition to take God and His Word more seriously than anything else in the world. What he really pleads for is a kind of existentialist approach to God and His revealed relation to man.

We can actually trace the spiritual path by which Luther came to this revolutionary view. In 1512 he had taken the oath to fulfill to the best of his ability the duties of a professor of theology. In the course of the next few years he discovered that something was radically wrong in the religious situation of the times. Late in 1516 or early in 1517 he must have decided to call public attention to what he felt to be a burning issue, the reemergence of human justice *coram deo*, vis-à-vis God. In his very first book he attacked this heresy as the ultimate cause of the ills of his age. *The Seven Penitential Psalms* is in essence Luther's early call to repentance, the earliest published expression of it. It is a powerful protest against the temper of the age, antedating by half a year the world-famous Ninety-five Theses. These, when seen in their proper perspective, are but a minor albeit sensational application of principles announced for the first time in

The Seven Penitential Psalms, for the theory from which Luther's practice was soon to spring was fully contained in his first publication. The principles on the strength of which Luther was to take issue with the ailing religious life of his times were first released in the memorable pages of *The Seven Penitential Psalms*. The burden of his mature message is already fully present in his earliest book: "gnaden, barmhertzigkeit, gerechtigkeit, warheit, weiszheit, stercke, trost und selickeit, uns von gott gegeben an allen vordienest."¹⁴ The many readers of this work with its insistence on repentance as a fundamental human attitude were quite prepared for the coming direct attack on the crying abuses of the church. In this great work he first presented the long-forgotten idea of a justice-giving God and justice-receiving man, which is after all the fundamental idea of the Reformation.

The effect of the Ninety-five Theses was instantaneous and European. Quite lit-

erally, they were a sensation of international scope. The effect of *The Seven Penitential Psalms* was also immediate but was restricted, because of the language primarily, to German-speaking lands. But what *The Seven Penitential Psalms* may have lacked in sensational appeal it made up in quiet depth and searching discussion of the basic principles underlying the action to come. We cannot record in detail the reception the little book was accorded among the people at large except to state that it was widely read, as it evidenced by the successive printings and editions it went through. We do know that a number of distinguished men including Staupitz himself were deeply impressed. Martin Luther the profound thinker as well as the peerless writer had definitely arrived. His first publication put him immediately on the map as the man of destiny. No voice like his had been heard in centuries. And this was but the beginning of an altogether breathtaking career.

New Haven, Conn.

¹⁴ *Ibid.*, p. 219.