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Spirit, Righteousness, Typology, and Creation

This issue contains a wide range of articles on themes that recur in theology. In our lead article, John Kleinig probes the importance of the Spirit's work through the word of God in the seminary curriculum. Seminary students and pastors can easily slip into understanding their use of God's word as "professional activity." Kleinig stresses the value of helping future pastors approach their life-long study of God's word in a devotional manner that sees it as the means by which the Spirit shapes and refreshes them for service in Christ's church.

Luther's teaching about "two kinds of righteousness" has been receiving more attention in recent years. Detlev Schulz's article examines this theme in both Luther and Melanchthon. He demonstrates the unanimity that existed in their understanding of the first kind of righteousness (passive) but contrasts their respective understandings of the second kind of righteousness (active). Schulz stresses the kind of influence that moral philosophy had on the understanding of civil righteousness in both reformers, especially on Melanchthon's teaching of ethics as a rational pursuit of individual precepts.

When we hear talk of "biblical typology," we typically think of its horizontal dimension (e.g., creation to new creation). Horace Hummel contributes an article on vertical typology, namely the patterning that exists in biblical texts between heavenly reality ("up there") and earthly reality ("down here"). He focuses especially on the vertical typology evident in Old Testament texts about worship and then applies what is learned to understanding Christian worship.

Although Paul Zimmerman is known in our circles primarily for his service as the president of our colleges in Seward, Ann Arbor, and River Forest, he is also respected for his long-standing defense of the Genesis account of creation. In light of the publicity that Charles Darwin's 200th birthday will generate, Zimmerman has used his training in both theology and biology to challenge the theory of evolution once again. Not only does his article revisit Darwin and evolution, but it also engages the most recent research on intelligent design. These subjects resurface in Adam Francisco's discussion of the movie *Expelled* in the Theological Observer section.

Readers will notice a new section in this issue of *CTQ* entitled **Research Notes** (pp. 76-80). These and future contributions will be brief summaries of recent research that may be of interest to our readers. We hope these notes enrich your continued study of theology.

The Editors

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Two Kinds of Righteousness and Moral Philosophy: *Confessio Augustana* XVIII, Philipp Melanchthon, and Martin Luther

Klaus Detlev Schulz

The two kinds of righteousness is an important feature of Lutheran theology. It correctly explains not only our salvation but also the role that Christians play in this world. "It is our theology," Martin Luther pointed out in his *Lectures on Galatians* (1535).[1] "We teach," he continued, "a precise distinction between these two kinds of righteousness, the active and the passive, so that morality and faith, works and grace, secular society and religion may not be confused. Both are necessary, but both must be kept within their limits."[2] Philipp Melanchthon underscored Luther's approach in his short commentary on Romans, the *Dispositio*, by using the doctrine of the twofold righteousness as the key hermeneutical principle for Scripture, in particular for his interpretation of Romans: "It is very important to note in the study of all of Scripture that there are two kinds of righteousness."[3]

What makes the two kinds of righteousness theologically challenging is that it draws in other Christian doctrines such as law and gospel, justification and sanctification, and the two kingdoms. Moreover, as Luther stated, the two kinds of righteousness help to clarify the difference

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[1] Martin Luther, *Luther's Works*, American Edition, 55 vols., ed. Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann (Philadelphia: Fortress Press; St. Louis: Concordia Publishing House, 1955–1986), 26:7 [henceforth *LW*].

[2] *LW* 26:7.

[3] Melanchthon's *Dispositio orationis in Epistola Pauli ad Romanos* was published as a complete work in February, 1530. See Karl Gottlieb Bretschneider and Heinrich Ernst Bindseil, eds., *Corpus Reformatorum, Philip Melanchthonis opera quae supersunt omnia*, 28 vols. (Halle, later Braunschweig, 1834–1860), 15:443–491 [henceforth *CR*], quote found on 445. See Wilhelm Maurer, *Historical Commentary on the Augsburg Confession*, trans. H. George Anderson (Philadelphia: Fortress, 1986), 99, 125.

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between faith, morality, vocation,[4] natural theology, and philosophy. Thus, the second righteousness, the active one, carried out before humans and the world (*coram hominibus* or *mundo*), invites a review of social ethics and theological anthropology in connection to natural theology and moral philosophy. For natural theology and moral philosophy immediately surface as one contemplates the Christian's role in public life as he or she debates together with non-Christians the *res publicae*, the public concerns, as the ancient Romans called it. Isolationism, as proposed by Roman monasticism or the Anabaptists, was no option for Luther or Melanchthon. When Christians engage in matters of the *res publicae*, however, they must anticipate that others contribute toward society's welfare with the use of their free will (*liberum arbitrium*) dictated by natural reason (*ratio*).

Augustana XVIII on the "free will" anticipates that discussion.[5] This article, I believe, is the seat of the twofold righteousness in the Lutheran Confessions.[6] *Augustana* XVIII, however, leaves a lot unsaid and thus begs for further comments from Melanchthon's and Luther's writings on theological anthropology, particularly with respect to natural theology and moral philosophy. One important point is that, as we debate the second kind of righteousness *coram mundo*, we should take into consideration the nuances made by both reformers.

I. *Augustana* XVIII

In Article XVIII of the Augsburg Confession and Apology, "Concerning Free Will," we have the locus for an articulated description of the twofold righteousness. There we read:

> Concerning free will they teach that the human will has some freedom for producing civil righteousness and for choosing things subject to reason.

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[4] In *Whether Soldiers, Too, Can Be Saved* (1526), Luther debates the two kinds of righteousness in the context of the two kingdoms and the pursuit of one's vocation; see *LW* 46:100.

[5] Particularly because Melanchthon's Commentary on Books 1 and 3 of Aristotle's Nicomachean Ethics appeared in 1529. We will examine the 1546 edition of Melanchthon's commentary.

[6] See Maurer, *Historical Commentary*, 89–101, and Günther Wenz, *Theologie der Bekenntnisschriften der evangelisch-lutherischen Kirche*, 2 vols. (Berlin and New York: Walter de Gruyter, 1996), 2:457, 463. The topic as found in the Apology is discussed by Charles P. Arand, "Two Kinds of Righteousness as a Framework for Law and Gospel in the Apology," *Lutheran Quarterly* 15 (2001): 420–421. Explicit reference to the two kinds of righteousness is made in SD III, 32, in *The Book of Concord*, ed. Robert Kolb and Timothy Wengert (Minneapolis: Fortress, 2000), 567; for related comments to *Augustana* XVIII, see Ap IV, 22 (*Book of Concord*, 124); LC I, 26 (*Book of Concord*, 389); LC I, 150 (*Book of Concord*, 407); LC II, 13–16 (*Book of Concord*, 432); and LC II, 67 (*Book of Concord*, 440).

> However, it does not have the power to produce the righteousness of God or spiritual righteousness without the Holy Spirit, because "those who are natural do not receive the gifts of God's Holy Spirit" [1 Cor. 2:14]. But this righteousness is worked in the heart when the Holy Spirit is received through the Word. . . .
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> They condemn the Pelagians and others who teach that without the Holy Spirit by the powers of nature alone, we are able to love God above all things and can also keep the commandments of God "according to the substance of the acts." Although nature can in some measure produce external works—for it can keep the hands from committing theft or murder—nevertheless it cannot produce internal movements, such as fear of God, trust in God, patience, etc.[7]

This article makes the important distinction of the two kinds of righteousness. The first righteousness comes through the Holy Spirit and the word. It is called the passive righteousness, the spiritual righteousness, or the righteousness of God (*iustitia Dei*). It is associated with internal movements, such as the fear of God, trust in God, and patience, which natural man cannot produce on his own. The other righteousness is that which humans create actively in the civil realm among one another by use of their free will and reason,[8] and through the outward performance of "good deeds." With the help of his pseudo-Augustine source,[9] Melanchthon listed a number of specific "good works" by which all humans contribute to the welfare of society. He wrote:

> In Book III of *Hypognosticon* Augustine says this in just so many words: "We confess that all human beings have a free will that possesses the judgment of reason. It does not enable them, without God, to begin—much less complete—anything that pertains to God, but only to perform the good or evil deeds of this life. By 'good deeds' I mean those that arise from the good in nature, that is, the will to labor in the field, to eat and drink, to have a friend, to wear clothes, to build a house, to marry, to raise cattle, to learn various useful skills, or to do whatever good pertains to this life. None of these exists without divine direction; indeed, from him

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[7] *CA* XVIII, 1–3, 8–9; *Book of Concord*, 51, 53.

[8] Often "will" is mentioned alone; in such cases "reason" is implied, e.g., *CA* II, 3 (*Book of Concord*, 39).

[9] Augustine is frequently quoted to defend righteousness of faith and grace from the merit of works, *CA* XX, 13 (*Book of Concord*, 55). In Ap IV, 29–33 (*Book of Concord*, 125), references are made to his books *On Nature and Grace* (*De natura et gratia*) and *On Grace and the Free Will* (*De gratia et libero arbitrio*) to reject the Pelagian position on reason and will in the first kind of righteousness.

> and through him they have come into being and exist. However, by 'evil deeds' I mean the will to worship an idol, to commit murder, etc."[10]

The concession to natural man's contribution raises this question: How positive and optimistic may one be to the actual reality of non-Christians promoting civil righteousness? In answering this, the context of *Augustana* XVIII is significant. Though it may be argued that Article XVIII belongs with Articles XVI and XXVIII and sheds light on the proper relation of the civil to the spiritual realm—which it does—it is more closely tied to Articles II and XIX.[11] Thus, the connection between Articles XVIII, II, and XIX is that all three together define sin in terms of its nature, origin, and consequences particularly in reference to God. The overwhelming point of these three articles is to deny natural, post-lapsarian man any ability to establish a relationship with God. The first kind of righteousness is one freely bestowed by God. Therein Melanchthon dismissed the use of the free will and reason.

With regard to the second righteousness, Melanchthon also factored in the reality of sin and its destructive powers, though not as harshly as in the first kind of righteousness. In Apology XVIII, he observed that "it is false to say that people do not sin when they do the works prescribed by the law outside of grace."[12] Prior to this he stated: "[P]eople more often obey their evil impulses than sound judgment. . . . For these reasons even civil righteousness is rare among human beings. We see that not even philosophers, who seemed to have aspired after this righteousness, attained it."[13] Later in the article Melanchthon cautiously conceded a practical reality of the free will in the second righteousness: "[A]ll people alike ought to know that God requires civil righteousness and that to some extent we are able to achieve it."[14]

Melanchthon's cautious concession "to some extent" was consistent throughout his study of moral philosophy. In his commentary on the Lutheran Confessions, Gunther Wenz ponders the actual probability of a free execution of the will *coram mundo* in view of man's sin. Does the sinful

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[10] *CA* XVIII, 4–7; *Book of Concord*, 51, 53. Similar comments are made in Ap XVIII, 4 (*Book of Concord*, 234).

[11] Wenz, *Theologie*, 2:89. Though Maurer frequently ties *CA* XVIII to *CA* XVI and XXVIII, his commentary gravitates towards the connection of *CA* XVIII to *CA* II and XIX; see Maurer, *Historical Commentary*, 271–283.

[12] Ap XVIII, 5; *Book of Concord*, 234.

[13] Ap XVIII, 5; *Book of Concord*, 234.

[14] Ap XVIII, 9; *Book of Concord*, 234. See also Ap IV, 23 (*Book of Concord*, 124), and Ap IV, 130 (*Book of Concord*, 141): "[O]utward works of the law can be carried out to some extent without Christ and the Holy Spirit."

corruption of the will of man, which constantly is curved away from and against God, not also negatively impact the second righteousness and relation to the world (*coram mundo*)?[15] Melanchthon's answer was, as we saw, that the use of reason and will *coram mundo* can operate "to some extent." There is a freedom of choice—a freedom that is always tied to God in the sense that humans cannot pursue just any action as they please. But the reality of freedom and choice between two things is important since Melanchthon did not want his entire ethical project to topple. *All* humans are attuned to the divine law and are thus held accountable for their actions.

Why was there this preponderance for Melanchthon to contemplate the will *coram mundo* and *coram Deo*? In an important study entitled *Der befreite Mensch: die Willenslehre in der Theologie Philipp Melanchthons,*"[16] Wolfgang Matz traces the idea of the will *coram mundo* in Melanchthon's theological and philosophical writings. For Melanchthon, the will played an important role in the lives of Christians and non-Christians not only because of his social ethics but also because he never abandoned psychology. As a result, he demanded an explanation of what happens to the reason and will as humans respond to natural law inscribed in their hearts and to Christians as they were transformed by the word and the Holy Spirit.[17] Melanchthon pointed to the will either being the third or the fourth criterion in the line of one's conversion, with the word and Spirit being the first and second causes.[18] By contemplating the role of the free will at various levels of human anthropology, Melanchthon created a great controversy in Lutheranism, which was finally resolved in Article II of the Formula of Concord. Indeed, the Formula of Concord acknowledges a "*capacitas passiva*" for natural man and dismisses will as the third cause of one's conversion. In terms of the will in reborn man, the Formula of Concord concedes a "*cooperatio,*" though in the relationship to the Spirit a Christian's will does not cooperate equally alongside it like two horses pulling a cart parallel to one another.[19]

In his study, Wolfgang Matz repatriates Melanchthon into mainstream Lutheranism by arguing that Melanchthon never intended to compromise

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[15] Wenz, *Theologie*, 2:89.

[16] Wolfgang Matz, *Der befreite Mensch: die Willenslehre in der Theologie Philipp Melanchthons* (Göttingen: Vandenhoek & Ruprecht, 2001).

[17] Philipp Melanchthon, *Loci Communes, 1543*, trans. J. A. O. Preus (St. Louis: Concordia Publishing House, 1992), 96, 104.

[18] "Reason" was often listed as the third cause.

[19] FC SD II, 66, 90; *Book of Concord*, 556–557, 561–562.

the word and Spirit as the primary source (*prima causa*). He would not posit the will even as a secondary cause (*causa secunda efficiens*) for one's salvation. It is the passive will without power (*kraftlos*) that is awakened and then led to perform good works in sanctification. Thus it is important to note the context of Melanchthon's argument. He was speaking of the will active through the Spirit in reborn man after his conversion, not in that of natural man nor during his conversion.[20] Friedrich Bente, in his scathing critique of Melanchthon, did not engage this point.[21]

The liberty that Melanchthon seemed to grant all humans *coram mundo* is limited to a good measure not only by the reality of sin but also for another reason. This reason is the issue of divine guidance, better known as determinism. A careful reader will note that in *Augustana* XVIII Melanchthon followed his appraisal of natural man's good works with the inserted phrase that "none of these [good works] exists without divine direction."[22] What he stated here is that God actually remains in control as he guides and moves natural man according to his created abilities. One should observe that Melanchthon also invited, though only implicitly, the relationship of contingency and causality. Natural man exercises his freedom of the will in these external matters contingent on the use of his reason and surrounding circumstances. Nowhere did he feel God's absolute will compelling or coercing him to act; he perceives it as freedom. Nonetheless, the act ensues by necessity of the consequence (*necessitas consequentiae*) of God allowing him to practice it.[23] However, positing God as being active "behind the scenes," so to speak, does not make him the

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[20] Matz, *Der befreite Mensch*, 185, 251. The Formula of Concord makes the following "dangerous" statement that would also be underwritten by Melanchthon without either party intending to destroy the word and Spirit as the proper causes or insinuating that the natural will can do something prior to the work of the Spirit: "For conversion is such a change in the human mind, will, and heart affected by the Holy Spirit that the human being, through his activity of the Holy Spirit, can accept the grace offered"; see FC SD II, 83; *Book of Concord*, 560.

[21] Friedrich Bente contended that Melanchthon was "the father of synergism" among Lutherans, pointing to controversial statements such as the one Melanchthon made in his *Explanation of the Epistle to the Romans* (1532) on Romans 9:6 that "divine compassion is truly the cause of election, but . . . there is also some cause in him who accepts, namely, in as far as he does not repudiate the grace offered"; see Bente, *Historical Introductions to the Book of Concord* (St. Louis: Concordia Publishing House, 1965), 197. The controversial statement—"cause in him who accepts"—was omitted from his 1540 edition of the *Explanation of the Epistle to the Romans*; see Philipp Melanchthon, *Commentary on Romans*, trans. Fred Kramer (St. Louis: Concordia Publishing House, 1992), 8, 189.

[22] CA XVIII, 6; *Book of Concord*, 51.

[23] Matz, *Der befreite Mensch*, 16.

cause of man's wrongdoing and of evil, as Erasmus of Rotterdam accused Lutherans. To evade that predicament, Melanchthon wrote in his *Scholia* only of an "*actio Dei generalis*," a general guidance of creation through which God keeps all things flowing without robbing man of his freedom *coram mundo*.[24] As a result, *Augustana* XIX can dismiss the thought of making God responsible for sin; sin comes about because of "*the will of those who are evil, that is, of the devil and the ungodly.*"[25]

Melanchthon asserted a relative freedom in the realm of the second kind of righteousness for his social ethics and, in this way, justified his investigation into pagan moral philosophy. He contemplated what benefit great philosophers have made towards the establishment of a righteous society, the *iustitia civilis*, through the use of reason. By claiming a freedom for man, Melanchthon held to a moral accountability and civil obedience for all people on the basis of the imputed natural law in their hearts (Rom 2:15). That would in turn warrant society's pursuit and punishment of wrongdoers who do not fulfill the *usus civilis*. With his moral philosophy Melanchthon proved that civil authorities had to be obeyed and that those who disturbed the peace of society had to be punished. Melanchthon's point was extremely important in the context of the peasant riots of 1525: by taking up arms against civil authorities, they had defied the laws of nature. With the use of pagan philosophy he made the point that it was necessary for all people to obey civil authorities.[26]

Scholars point out that the reason why Melanchthon inserted this passage on the *liberum abitrium* in *Augustana* XVIII is that it offers both the traditional rebuttal of Pelagianism, as it pertains to an ability of the will in spiritual matters, but then also a correction of a philosophical prejudice against Lutheranism as a teaching that supposedly promotes anthropological determinism *coram mundo*.[27] John Eck's criticism that Lutherans taught a bondage of the will in every area of life that bordered on fatalism or anthropological-determinism was addressed in *Augustana* XVIII, and it did the trick. It actually assuaged Eck and Roman Catholic

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[24] Matz, *Der befreite Mensch*, 101.

[25] *CA* XIX; *Book of Concord*, 53 (emphasis added). In Ap XIX (*Book of Concord*, 235), Melanchthon omitted the phrase "*non adiuvante Deo*" (apart from the assistance by God) lest readers conclude that God is the author of sin.

[26] Sachiko Kusukawa, *The Transformation of Natural Philosophy: The Case of Philipp Melanchthon* (Cambridge: Cambridge University Press, 1995), 71, and Matz, *Der befreite Mensch*, 106.

[27] For Melanchthon's rejection of determinism in his study of classical social ethics, see thesis 22 of his *Summary of Ethics* (1532), in Philipp Melanchthon, *A Melanchthon Reader*, trans. Robert Keen (New York: Peter Lang, 1988), 214.

representatives at Augsburg who operated with their own understanding of moral philosophy in the tradition of Aristotle and Thomas Aquinas.[28]

From what has been stated above, it is apparent that an interplay of important issues emerges as we contemplate the second kind of righteousness: the use of reason and free will, divine law and natural law, the reality of sin, and God's guidance that is deterministic though not perceived as such by humans. We can see the interplay of some of these aspects also in Luther's *On the Bondage of the Will*.

II. Luther's *On the Bondage of the Will*

The complex history leading to *Augustana* XVIII is highlighted most notably by Wilhelm Maurer in his *Historical Commentary on the Augsburg Confession*[29] and Gerhard Forde's recent commentary on *The Captivation of the Will*.[30] Briefly we should note that in his "404 Articles" John Eck listed some of the heresies of the Reformers, which included also an attack on Thesis 13 of Luther's "Heidelberg Disputation" (1518). Luther stated in this thesis that the "free will, after the fall, exists in name only, and as long as it does what it is able to do, it commits a mortal sin."[31] Pope Leo X called upon Luther to retract this thesis in the bull of June 15, 1520. Luther repeatedly defended his position—such as with his "assertions"[32] of November 29, 1520—which prompted also Erasmus of Rotterdam to enter the debate with his *A Diatribe or Discourse concerning Free Choice* (*De libero arbitrio diatribe sive collatio*). Luther then responded with his famous tract *On the Bondage of the Will* (*De servo arbitrio*) in 1525.[33]

In this treatise, Luther argued that if freedom of the will is equal to the power (*Macht*) of making choices, then it must be rejected totally. In terms of the two kinds of righteousness, one would have to say that Luther vehemently protected any intrusions on the first kind of righteousness. If man has the ability to earn grace, then that would be equal to works righteousness. Therefore, every human being must undergo a fundamental change, but man cannot bring about that change himself. God alone does it

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[28] *Sources and Contexts of the Book of Concord*, ed. Robert Kolb and James A. Nestingen (Minneapolis: Fortress, 2001), 116, and Wenz, *Theologie*, 2:89–90, 92.

[29] Maurer, *Historical Commentary*, 271–283.

[30] Gerhard O. Forde, *The Captivation of the Will: Luther vs. Erasmus on Freedom and Bondage*, ed. Steven Paulson (Grand Rapids: Eerdmans, 2005), especially 47–59.

[31] *LW* 31:73.

[32] Martin Luther, "Assertio omnium articulorum M. Lutheri per Bullam Leonis X. novissimam damnatorum," in *Luthers Werke: Kritische Gesamtausgabe* [*Schriften*], 65 vols. (Weimar: H. Böhlau, 1883–1993), 7:94–152 [henceforth WA].

[33] *LW* 33:3–294.

by bringing someone to faith. Luther is intentionally radical in setting forth as passionately as possible the spontaneity of the relation between God, the Spirit, and the redeemed. He wrote: "The entry of the Spirit into one's life is not a polite choice but a radical change, something more like an invasion."[34] Already before the switch to faith has occurred, Luther dismissed the thought of freedom. The will is bound to willing itself in one direction only. Thus, apart from God, man cannot "will anything but what he wills."[35] When man is without God and the Spirit, he is not free but thrown under the power of Satan. To make the point, Luther used the famous illustration of man as a beast of burden that is ridden either by God or Satan.[36] In other words, through God we become free, but without God we remain captive to the devil and sin.

Theologically speaking, Luther allowed natural man no freedom of the will. The will turns in one direction only, and that is decided for him either by the devil or by God.[37] Thus with the reference point being God, grace, and salvation, Luther considered the talk of a free will a contradiction. Even to those matters pertaining to "below," where humans arrange life with one another according to the use of reason and the will, Luther considered the will ultimately captive also.[38] It may seem that we are free, but that freedom is deceptive. God allows us to act in freedom, yet he remains in control.[39] Determinism was part of Luther's natural theology, his understanding of history, and his view of who God is. God is almighty and responsible for all things that happen (*Allwirksamkeit*). Here Luther raised the issue of contingency and necessity. For what may seem man's own decision and contribution is in fact willed by God.[40] Though Luther

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[34] Forde, *Captivation of the Will*, 59.

[35] *LW* 33:65.

[36] *LW* 33:65.

[37] Svend Andersen, *Einführung in die Ethik* (Berlin and New York: Walter de Gruyter, 2000), 113.

[38] See *LW* 33:69 (emphasis added): "Free choice is allowed to man only with respect to what is beneath him and not what is above him. That is to say, a man should know that with regard to his faculties and possessions he has the right to use, to do, or to leave undone, according to his own free choice, *though even this* is controlled by the free choice of God alone, who acts in whatever way he pleases."

[39] *LW* 33:139.

[40] See *LW* 33:37–38 (emphasis original): "From this it follows irrefutably that everything we do, everything that happens, even if it seems to us to happen mutably and contingently, happens in fact nonetheless necessarily and immutably, if you have regard to the will of God. For the will of God is effectual and cannot be hindered, since it is the power of the divine nature itself; moreover it is wise, so that it cannot be deceived. . . . Moreover, a work can only be called contingent when *from our point of view* it is done contingently and, as it were, by chance and without our expecting it, because

conceded man a freedom in things "below," that freedom need not be exaggerated, and it should not compromise the underlying determinism in Luther's theology and concession that God is almighty. Though the individual seems to regulate his life on the basis of his own choices and is unaware of God in his life, God is in control, right down to all things "beneath."[41] In this way Luther left nothing to fate or to causality, in other words, that all things run along their own laws (*Gesetzlichkeit*) and are explicable to reason. One can see here how theodicy and predestination turn out to be important aspects of Luther's theology and worldview. Ultimately, however, Luther found great consolation for all Christians who are troubled over the course of matters in this world in the fact that all things are taken care of by God's almighty will.[42]

As Gerhard Forde points out, readers generally find Luther's use of the image of the beast of burden objectionable because of a general antipathy towards any idea of bondage.[43] Liberty and free choice are greatly treasured by any civilized society. Yet Luther opened his treatise *On the Bondage of the Will* with the caveat that the proper Christian way would be to drop the term "free will" or free choice from the vocabulary altogether.[44] With that being said, however, Luther still entertained a positive use of the *ratio* and philosophy in the earthly realm, as he contemplated the second kind of righteousness in the context of natural law and the Decalogue. First, though, we begin with Melanchthon's view of this matter.

III. Comparing Natural Law and the Decalogue

When it comes to the second kind of righteousness in *Augustana* XVIII, Melanchthon's contemplations on moral philosophy and natural theology served as an important backbone. In the following section we will consider a few readings that seem pertinent to the subject, namely, Melanchthon's commentary on Aristotle's *Nicomachean Ethics* (1546), his *Summary of Ethics* (1532), and both editions of his *Loci Communes* (1521/1543).

Melanchthon's discussion of natural law is found in his *Loci Communes* of 1521 and 1543. His *Loci Communes* found great approval from Luther as

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our will or hand seizes on it as something presented to us by chance, when we have thought or willed nothing about it previously."

[41] *LW* 33:36-44, and Gerhard Rost, *Der Prädeistinationsgedanke in der Theologie Martin Luthers* (Berlin: Evangelische Verlagsanstalt, 1966), 61–62.

[42] *LW* 33:42.

[43] Forde, *Captivation of the Will*, 48–49.

[44] *LW* 33:37.

the book every student should read next to the Bible.[45] In another place he suggested that it deserved not only to be immortalized but canonized.[46] In his 1521 edition, Melanchthon offered his definition of natural law as follows: "A natural law is a common judgment to which all men alike assent, and therefore one which God has inscribed upon the soul of each man, adopted to form and shape character."[47] This law of nature is common knowledge to *all* humans and has as its goal that all derive their morality from it. The knowledge of natural law and the ability to distinguish between good and evil is more than a mere biological endowment (*habitus*) or certain impulses that humans have in common with the "brute beasts" such as the "preservation and production of life."[48] Natural laws and the knowledge of them are imprinted on human minds because they were created in the image of God. Even if that knowledge were corrupted by the fall and did not shine forth as clearly among people as it originally did, it is not entirely extinct. Humans have a practical reason that can identify the principles or individual laws (*capita*) for conduct just as one uses numbers and does additions. Those rules should be deduced from common principles and human reasoning through syllogisms.[49] In addition, there should be wise men, philosophers, and teachers in every society who know of them and promote them through proper education. In his 1521 *Loci Communes*, Melanchthon summarized the natural laws as follows:

> I. Love God.[50]
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> II. Because we are born unto a kind of common society, injure no man but assist whomever you may with kindness.
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> III. If it cannot be that no man is injured, let this be done in order that the smallest amount of people be injured by the removal of those who disturb the public peace. For this duty let magistrates be appointed, and punishments for the guilty be instituted.

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[45] *LW* 54:440, and Heinz Scheible, "Philipp Melanchthon," in *The Reformation Theologians: An Introduction to Theology in the Early Modern Period*, ed. Carter Lindberg (Oxford, UK, and Malden, MA: Blackwell Publishing, 2002), 71.

[46] *LW* 33:42.

[47] Philipp Melanchthon, *The Loci Communes of Philipp Melanchthon* [1521], trans. Charles Leander Hill (Boston: The Meador Press, 1944), 112. In his 1543 edition, Melanchthon defined natural law as follows: "The law of nature is the knowledge of the divine law which has been grafted into the nature of man"; see *Loci Communes* (1543), 70.

[48] Melanchthon, *Loci Communes* (1521), 113.

[49] Melanchthon, *Loci Communes* (1521), 111; *Loci Communes* (1543), 70.

[50] It is difficult to imagine that Melanchthon would accept an ability in natural man to love God when he underscores elsewhere that this act is not possible without the righteousness of faith; see Ap IV, 18; *Book of Concord*,18.

> IV. Divide property for the safety of public peace. As to the rest, let some alleviate the wants of others through contracts.[51]

In his *Loci Communes* of 1543, Melanchthon outlined the individual laws of nature by comparing them to the Decalogue. For him natural law finds its truest expression in the Decalogue:

> Thus the first law of nature itself acknowledges that there is one God, who is eternal, wise, just, good, the Creator of things, kind toward the righteous and punitive toward the unrighteous, by whom there has been ingrafted into us the understanding of the difference between good and evil, and that our obedience is based on this distinction; that this God is to be invoked and that good things are to be expected from Him.[52]

According to Melanchthon, this law was argued against atheists by Xenophon, Cicero, and other men like them. Even the second and third commandments of the first table were defended in ancient Rome and Athens. The God invoked is to be honored and worshipped and his name may not be taken in vain since perjury will lead to punishment. In fact, the virtues known to man, such as righteousness, chastity, truthfulness, moderation, and kindness, should not only promote a lawful and just society but should also be kept for the sake of worshipping God.[53]

The laws of the second table of the Decalogue also find their evidence in natural law. Human reason recognizes that in society there is a need for order and direction. That sense of direction and order is first imprinted upon humans through the authority of parents and then later added to rulers who govern and defend entire society.[54] The fifth commandment prohibits all evil violence which harms anyone. The sense for justice has been divinely instilled in men from the beginning of humanity, as the story of Cain and Abel shows. Murder is forbidden and must be punished by the magistrate. In regard to the sixth commandment, reason shapes life for humans in a way that beasts do not share. Human reason supports marriage and therefore disapproves of adultery and "moving from one bed to another."[55] In terms of the seventh commandment, human reason is aware that the distinction of ownership applies to man's very nature and must be protected through legal methods. This has been identified in the past by philosophers who have called for the distinction of ownership and right of property. In regard to the eighth commandment, it has been

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[51] Melanchthon, *Loci Communes* (1521), 116.
[52] Melanchthon, *Loci Communes* (1543), 71.
[53] Melanchthon, *Loci Communes* (1543), 71.
[54] Melanchthon, *Loci Communes* (1543), 71.
[55] Melanchthon, *Loci Communes* (1543), 71.

grafted into human reason that we should love and maintain the truth and avoid lying. That principle is followed strongly by the courts, which seek to establish and preserve the truth.

Melanchthon specifically chose to compare the Decalogue to natural law in order to prove that their substance is essentially the same. The laws of nature are just like those of the Decalogue: they are divinely instituted and promoted for good order in societies through their proper authorities.[56] Melanchthon's high regard for the Decalogue was based on the fact that it was specially proclaimed from heaven "so that God might testify that He is the author of this natural knowledge," and that he wants obedience in accordance with the natural knowledge of these laws.[57] Finally, human reason has been weakened and, to a degree, misled by sin; thus, needs further enlightenment from the Decalogue.[58]

Melanchthon approved of the Decalogue so highly that one is inclined to ask, "Why does Melanchthon not demand that the government, as custodian of both tables, explicitly promote the Decalogue itself?" Nevertheless, Melanchthon abstained from imposing a theocratic system on society based on the Decalogue. It seems that Melanchthon stopped himself from going so far, not because of the distinction of both kingdoms, but rather because his survey of classical society built on the Roman law (*römisches Recht*) revealed it to be enough of a promotion of natural law, the *ius gentium*. Roman law clearly is the highest product of human reason and of true moral philosophy. In fact, Melanchthon expressed his personal wish that the innate ideas that underlie the Roman jurist tradition would remain in the political philosophy of rulers at his time.[59]

IV. Moral Philosophy

The basis for Melanchthon's above comments and observations is the argument that the divine law exists as natural law and can be promoted in society through those who are wise enough to pursue moral philosophy. In his *Summary of Ethics*, he defined moral philosophy as "the complete awareness of the precepts of the duties of all the virtues, which reason understands agree with man's nature and which are necessary for the conduct for this civil life."[60] Philosophy, he stated, is the study and

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[56] *CA* XVI; *Book of Concord*, 49.

[57] Melanchthon, *Loci Communes* (1543), 72.

[58] Melanchthon, *Loci Communes* (1543), 72.

[59] Kusakawa, *The Transformation of Natural Philosophy*, 70, and Werner Elert, *Morphologie des Luthertums*, 2 vols. (Munich: C. H. Beck'sche Verlagsbuchhandlung, 1953), 2:348.

[60] Melanchthon, *A Melanchthon Reader*, 203, and Elert, *Morphologie*, 2:334–350.

promotion of the laws of nature itself that have been written by God in men's minds. In other words, for Melanchthon there was a congruency between the *lex naturalis* and the *mens divina*. Natural law is God's law, used by him to order civil life. Philosophy is thus an explanation of the laws of God, as far as reason understands law, particularly the second table of the divine law.[61] Christians do well to study philosophy since it is "called part of the divine law and the explanation of the law of nature."[62] Christians should know, however, that they are justified freely through Christ and not through law or philosophy.[63] Melanchthon also approved of moral philosophy's investigation of man's end or goal of life through reason and the promotion of virtues. According to Aristotle, the end or goal must be defined as happiness guided by the virtue of moderation through the will.[64] But the pursuit of happiness plays a role only *coram mundo*, namely within the laws of outer and civil life. For, theologically speaking and according to the gospel, man's end is to "recognize and accept the mercy offered through Christ, and in turn to be grateful for that gift and obey God."[65]

Though every human is endowed with reason, the ability to connect the correct virtue or habit to a law resides especially with the wise and learned.[66] As he did in his *Loci*, Melanchthon applied philosophy and the study of virtues to the two tables of the Decalogue. Even if philosophy has shortcomings, particularly about God since faith and love are lacking, it counts the fear of God and a certain amount of external reverence for God among the virtues. In regard to the second table of the law, Melanchthon praised important virtues that have positive effects on civil life and preserve society. Cicero and Aristotle also recognized these within their categories of virtues: the first category of the second table revolves around human order, which calls for the virtues of obedience, piety, and justice. The second precept teaches about physical soundness; thus, "do not kill" calls for gentleness. The third precept deals with marriage, thus continence applies. The fourth concerns property; here generosity applies. The fifth, concerning truth, calls for all virtues.[67]

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[61] Melanchthon, *A Melanchthon Reader*, 204, Thesis 2.

[62] Melanchthon, *A Melanchthon Reader*, 204, Thesis 3.

[63] Melanchthon, *A Melanchthon Reader*, 204, Thesis 3.

[64] Melanchthon, *A Melanchthon Reader*, 205, Thesis 6.

[65] Melanchthon, *A Melanchthon Reader*, 205, Thesis 6.

[66] Melanchthon, *A Melanchthon Reader*, 210, Thesis 14.

[67] Melanchthon, *A Melanchthon Reader*, 209, Thesis 13, and B. A. Gerrish, *Grace and Reason: A Study in the Theology of Luther* (Eugene, OR: Wipf and Stock, 1962), 35.

It is important to note that Melanchthon's appraisal of antiquity builds on the use of the judgment of the mind and free will *coram mundo.* Melanchthon contemplated moral philosophy with the idea of a *societas.* Man is not created as an individual alone but for society. Every human needs to be engaged in mutual communication of affairs with others so that from it emerge justice and honesty. Here Melanchthon, and Luther also, praised the Aristotelian *aequitas* or ἐπιείκεια that enforces the laws equitably and reasonably and serves society best. For example, in the context of the peasant revolution in the 1520s, *aequitas* would distinguish between the instigators and those who were forced to join. In all areas where laws are applied, the will must make proper choices based on the judgment of reason.[68]

Melanchthon rejected determinism and the divine governance theory that diminish the dual liberty of the will. Liberty is not removed with the argument or reference to sin, even if sin causes man to struggle against so many bad emotions.[69] However, though Melanchthon applauded Cicero and Aristotle for having made correct advances in the area *coram mundo,* there is an inexplicable factor in their moral philosophy. Philosophy cannot explain the cause of human failure and the weakness of nature or why faulty emotions come in and impede a good act. Philosophy's perplexity is real because of a denial of the reality of original sin.[70] Melanchthon was aware that the metaphysical constructs of philosophy are inadequate in explaining the phenomenon called sin and why the virtue or goal of happiness, as Aristotle upholds, is so often missing among people. In the eleventh chapter of his commentary on Aristotle's *Nicomachean Ethics,* Melanchthon did not leave the explanation of unhappiness as a cause of circumstance and misfortune but frames it within law and gospel.[71]

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[68] Melanchthon, *A Melanchthon Reader,* 210, Thesis 13, and Elert, *Morphologie des Luthertums,* 2:341–350.

[69] Melanchthon, *A Melanchthon Reader,* 214 and 215, Thesis 22: "[N]evertheless we are able to control and do our honest outer deeds by ourselves. . . . Thus some liberty still remains in men for choosing honest external acts, even if it is not without difficulty that natural weakness is conquered . . . and these outward good deeds are called civil or moral virtues."

[70] Melanchthon, *A Melanchthon Reader,* 214, Thesis 22.

[71] "Philosophy cannot adequately explain this question, since good fortune is supposed to reward virtue. The reason that does not happen is unknown to philosophy, since human nature is oppressed by sin, and for that reason is subjected to huge tribulations; but the gospel teaches us that they are happy in this life who have the beginning of light and justice and the first fruits of eternal life, and the guidance and protection of God. Meanwhile they bear the harshest struggles and calamities. Later when sin and death are truly abolished they will have absolute peace. But the gospel

Thus, for Melanchthon, the gospel is the answer to all those stricken by sad things. For those in a state of unhappiness, such as having experienced the loss of a child, happiness can still be found in the gospel. It is evident that Melanchthon did not follow the same purpose as Aristotle in his commentary on the *Nicomachean Ethics* and in his *Summary of Ethics*. As he confined moral philosophy to *coram mundo*, he repeatedly brought in his theological and Christian point of view.[72] Elert claims that Melanchthon entertained an idealism and utopianism of a just and perfect society built on classical moral philosophy.[73] His theological bearing, however, came across strong in the area of harmatology that denied him utopianism. In other words, though Melanchthon saw the *usus politicus legis* at times fulfilled by non-Christians, he proceeded to compare their laws and behavior to the *usus in renatis* and revealed some outstanding issues among non-Christians. At the same time, we notice—as we did in *Augustana* XVIII already—that Melanchthon never went so far as to disqualify the works of natural man *coram mundo* as useless and bad works. As a result, after the publication of his *Scholia* on Colossians in 1527, Melanchthon confidently made philosophy productive for, and servant to, theology in the context of civil justice and morality.[74]

V. Luther and Natural Law

Both Melanchthon's and Luther's presentation of moral philosophy and natural law have the distinct feature of drawing a comparison between natural law and the Decalogue. A noticeable aspect of that comparison is how Melanchthon itemized the law both for non-Christians and Christians. The Decalogue was reflected in the specific laws of pagan moral philosophy. Though Luther acknowledged the identification of the Decalogue and natural law, he went further and summarized or condensed all natural laws and the Decalogue into one law, the law of love.

Luther came to that conclusion by comparing the relationship between the laws of nature, the Decalogue, and the New Testament. This reasoning is most lucidly discussed in his tract *How Christians Should Regard Moses*.[75] To Luther, the Ten Commandments agreed with natural law and are a

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says that it is not in the human power in this life, which is subject to death and the stings of the devil, to pursue the sure conjunction of virtue and good fortune"; see Melanchthon, *A Melanchthon Reader*, 198, Chapter 11.

[72] Matz, *Der befreite Mensch*, 200.

[73] Elert, *Morphologie des Luthertums*, 2:31.

[74] Matz, *Der befreite Mensch*, 100 and 238.

[75] *LW* 35:159–174.

good summary of it. Both the Ten Commandments and natural law, however, agreed with the dual commandment of love in the New Testament.[76] He thus asked: "Why does one then keep and teach the Ten Commandments? Answer: Because the natural laws were never so orderly and well written as by Moses. Therefore it is reasonable to follow the example of Moses."[77] The commandments of Moses, however, derive their validity only because they are in agreement with the laws of nature and the New Testament: "Thus I keep the commandments which Moses has given, not because Moses gave the commandment, but because they are implanted in me by nature, and Moses agrees exactly with nature."[78] Elsewhere he wrote: "We will regard Moses as a teacher, but we will not regard him as a lawgiver—unless he agrees with both the New Testament and the natural law."[79]

Luther placed the laws of the Decalogue in relation to natural law and the law of loving your neighbor. He found in the Golden Rule and the dual commandment of love a good summary of the laws of nature and the Decalogue. Thus, the prescriptions of the Old Testament have lost their special status. All prescriptions that exist in the Old Testament were understood as the laws of the Jews, as their "*Sachsenspiegel.*" Just as little as the Saxon laws (*Sachsenspiegel*) apply to the French, so too the Old Testament laws cannot be binding for Christians.[80] What is binding in the

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[76] When in the Sermon on the Mount Jesus summarizes the Old Testament laws in the Golden Rule, it is indicative of the law of Moses being an expression of the natural law: "Thus, 'Thou shalt not kill, commit adultery, steal, etc.,' are not Mosaic laws only, but also natural law written in each man's heart, as St. Paul teaches (Rom. 2 [:15]) Also Christ himself (Matt. 7 [:12]) includes all the law and the prophets in this natural law, 'So whatever you wish that men would do to you, do so to them; for this is the law and the prophets.' Paul does the same thing in Rom. 13 [:9], where he sums up all the commandments of Moses in the love which also the natural law teaches in the words, 'Love your neighbor as yourself'"; see *Against the Heavenly Prophets*, in *LW* 40:97.

[77] *Against the Heavenly Prophets*, in *LW* 40:98.

[78] *How Christians Should Regard Moses*, in *LW* 35:168.

[79] *LW* 35:165.

[80] *How Christians Should Regard Moses*, in *LW* 35:167. Luther made similar statements on the Sachsenspiegel in *Against Heavenly Prophets in the Matter of Images and Sacraments*, e.g., in LW 40:97: "Therefore Moses' legislation about images and the sabbath, and what else goes beyond the natural law, since it is not supported by the natural law, is free, null and void, and is specifically given to the Jewish people alone. It is as when an emperor or a king makes special laws and ordinances in his territory, as the *Sachsenspiegel* in Saxony. . . . Therefore one is to let Moses be the *Sachsenspiegel* of the Jews and not to confuse us gentiles with it, just as the *Sachsenspiegel* is not observed in France, though the natural law there is in agreement with it." See also Andersen, *Einführung in die Ethik*, 108–110.

Old Testament for the Christian are those laws contained in the Decalogue, but they are meaningful for Christians insofar as they explicate the law of love.

These insights are an important commentary to the few positive statements Luther made on reason and its use in the context of worldly affairs, insofar as it does not interfere with the first kind of righteousness. On these occasions when reason pertains to spiritual matters and true knowledge of God, Luther made derogatory statements calling reason both blind and the devil's maid.[81] Sadly, humans always tend to bring their contributions to the second kind of righteousness into the spiritual realm. Luther saw much of that interference occurring precisely in the philosophy of Aristotle, particularly in the theological discourses of Scholasticism. This is evident in the use of the term *syntheresis* by Scholastic theologians, who claim that natural reason apart from faith can attain true knowledge of God.[82]

Luther, however, conceded to reason (*ratio*) a relationship with God via natural law. The preaching of the fully revealed law of God does not strike onto a barren field. As Luther stated: "If the Natural Law had not been inscribed and placed by God into the heart, one would have to preach a long time before the consciences are touched."[83] It further presupposes that Luther often praised reason as the greatest gift given by God to mankind. That statement must be seen in the context of society and the first article on creation. In the worldly realm, reason is given supreme authority. It serves man to exercise his dominion over the world to plan, organize, and rule society. Even after the fall, reason has the ethical ability of recognizing what is required and what is good and bad. Reason informs every human that he may not steal, fornicate, or withhold property from others. In other words, reason must rule over the "spoiled flesh of man." In this way the pursuit of moral things (*moralia*) will lead to a *iustitia civilis*.[84] This applies also to the passing and enforcing of laws. The codification of laws is a reflection of the divine laws in man's heart. No special revelation is needed because God the Creator endowed rulers and magistrates with reason to apply the laws. Ultimately, therefore, lawgivers are accountable

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[81] Bernhard Lohse, *Ratio und Fides: Eine Untersuchung über die ratio in der Theologie Luthers* (Göttingen: Vandenhoek & Ruprecht, 1958), 72.

[82] Lohse, *Ratio und Fides*, 47.

[83] Martin Luther, *Dr. Martin Luthers Sämmtliche Schriften*, ed. Joh. Georg Walch (St. Louis: Concordia Publishing House, 1894), 3:1053. See also David J. Valleskey, *We Believe, Therefore We Speak: The Theology and Practice of Evangelism* (Milwaukee: Northwestern Publishing House, 2004), 24, and Lohse, *Ratio und Fides*, 83.

[84] Lohse, *Ratio und Fides*, 122–123.

to God, and in the end they do not create laws but receive them as God's gift (*accepi* not *feci*).[85] Thus Luther did not come up with a formal-biblicist understanding of suggesting which laws government should impose. This explains why heathens sometimes have better laws than the Jews.[86]

VI. Motivation and Christological Bases in Luther

In his seminal study *Ratio und Fides*, Bernhard Lohse shows that Luther distinguished the *ratio* of serving law in society and upholding the justice of society (*Rechtsordnung des Staates*) from the renewed *ratio* (*renovatio mentis*) of a Christian guided by the Christian understanding of love.[87] Even if the distinction between Christian and non-Christian exists, however, it does not make much of a difference in the promotion of worldly matters. Here Luther did not separate the *ratio* of a non-Christian and that of a Christian. Such an attempt would land one in enthusiasm. Like faith, a Christian's reborn reason is hidden and not visible. For Luther and Melanchthon, all ethical discussion oriented itself not so much toward the act itself, which both Christians and non-Christians share, but far more deeply toward the motivation (*Gesinnung*) behind it. What matters is the motivation of love through faith in Christ, which natural reason lacks.[88]

Thus as far as motivation goes, the two kinds of righteousness are not disconnected for Melanchthon or Luther. That connection lies in the inner motivation stemming from faith in Christ. Faith, as a gift of God, receives the righteousness of Christ and then brings forth good fruits in the civil realm. This implies that from a theological perspective one would expect Christians to contribute towards the second righteousness with the purest intentions, insofar as the motivation goes. Luther made this distinction in the preface to his commentary on St. Paul's Epistle to the Romans when he called human deeds lacking proper motivation, "human law," and those done from the bottom of the heart, "divine law."[89]

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[85] Maurer, *Historical Commentary*, 115–118.

[86] Lohse, *Ratio und Fides*, 131.

[87] Lohse, *Ratio und Fides*, 13.

[88] Lohse, *Ratio und Fides*, 132.

[89] "The little word 'law' you must here not take in human fashion as a teaching about what works are to be done or not done. That is the way with *human laws;* a law fulfilled by works, even though there is no heart in the doing of them. But God judges according to what is in the depths of the heart. For this reason, his law too makes its demands on the inmost heart; it cannot be satisfied with works, but rather punishes as hypocrisy and lies the works not done from the bottom of the heart. Hence all men are called liars. . . . For everyone finds in himself displeasure in what is good and pleasure in what is bad. If, now, there is no willing pleasure in the good, then the inmost heart is

In this point, Luther went further than Melanchthon by highlighting the christological basis for his ethics. It seems that the distinction between a Christian and non-Christian's reason motivated by love *coram mundo* was more pronounced in Luther than in Melanchthon. To be sure, Melanchthon also offered a decidedly Christian perspective by highlighting the Holy Spirit and faith as the basis for Christian action.[90] But he did not underscore the christologically based and motivated ethic as intentionally as Luther. In his treatise on the *Two Kinds of Righteousness* (1519), Luther made it abundantly clear that a Christian assumes a Christ-like unselfishness in practicing his love for the neighbor. Christians pursue the second kind of righteousness because faith becomes active through love. Although the second kind of righteousness cannot stand in front of God's throne, it matters a great deal for Christians as they engage with their neighbor.[91] For Christians, this second kind of righteousness becomes particularly meaningful in light of Philippians 2:5: "Let this mind be in you, which was also in Christ Jesus." What followed for Luther is what we may call a "putting-on-the-mind-of-Christ" in a self-effacing or kenotic way. The second kind of righteousness flows from the righteousness that Christ earned on the cross and leads a Christian to total dedication or surrender of service in the example of Christ. Luther explained this further with this statement in *Two Kinds of Righteousness*:

> This righteousness is the product of the righteousness of the first type, actually its fruit and consequence. . . . It hates itself and loves its neighbor; it does not seek its own good, but that of another, and in this its whole way of living consists. For in that it hates itself and does not seek its own, it crucifies the flesh. Because it seeks the good of another, it works love. Thus in each sphere it does God's will, living soberly with self, justly with neighbor, devoutly toward God. This righteousness follows the example of Christ in this respect [I Pet. 2:21] and is transformed into his likeness (II Cor. 3:18). It is precisely this that Christ requires. Just as he himself did all things for us, not seeking his own good but ours only—and in this he was most obedient to God the Father—so he desires that we also should set the same example for our neighbors.[92]

To a degree, Luther's strong christological perspective comes to bear in his *On Temporal Authority* (1523) where he optimistically embraced the idea that if society were comprised only of Christians there would be no need

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not set on the *law of God*. Then, too, there is surely sin, and God's wrath is deserved, even though outwardly there seem to be many good deeds and honorable life"; see *LW* 35:366.

[90] Matz, *Der befreite Mensch*, 204–205.

[91] FC SD III, 32; *Book of Concord*, 567.

[92] *LW* 31:299–300.

for the use of the law. For the law was placed by God to control and curb the sins and aggressions of non-Christians.[93] Here Luther offered his own utopianism of a Jesus-disciple society where Christians in complete freedom from the law follow the laws as if there are no laws. Christians respond to the *viva lex,* that leads them to act voluntarily and unselfishly, motivated by love for the neighbor.[94] Nevertheless, he realized for himself that a utopian society would and could never exist. Christians are spread too thin in society in the midst of evil and lawless people, and even Christian hypocrites find their home among sincere Christians. Thus, Christians should not seek isolation but rather endure and bear the cross for all the evil incurred on them. Christians live in that eschatological tension of enduring the present and waiting for what is still to come. In addition, the call to daily repentance would involve Christians also so that among them too the ideal is dampened by the reality of sin. As Elert points out, repentance and eschatology always accompany the Lutheran *ethos* as an important corrective.[95]

For Luther, both Christians and non-Christians share common social and ethical concerns, but they come to it from different angles. The contribution towards civil righteousness by a Christian is christologically motivated and a result of faith attributed to the Holy Spirit, whereas for non-Christians it is a response to the law of love as a summary of the natural law (*lex naturalis*).[96] This distinction would allow us to debate the particular aspects of a Christian's role as the righteous in society,[97] even if his sinfulness and shortcomings remain just as much an issue in the second kind of righteousness as it does with non-Christians.

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[93] "The law has been laid down for the lawless . . . so that those who are not Christians may through the law be restrained outwardly from evil deeds"; see *LW* 45:90.

[94] "Those who belong to the kingdom of God are all true believers who are in Christ and under Christ. . . . These people need no temporal law or sword. If all the world were composed of real Christians, that is, true believers, there would be no need for or benefits from prince, king, lord, sword, or law"; see *LW* 45:88–89.

[95] Elert, *Morphologie des Luthertums,* 2:23, and Wolfgang Trillhaas, *Ethik* (Berlin: Alfred Töpelmann, 1959), 23 and 29. The ethicist Paul Ramsey discusses the question: "How can there be a Christocentric vocation without withdrawing an individual quite completely from actual tasks in the world?"; see *Basic Christian Ethics* (New York: Charles Scribner's Sons, 1950), 153.

[96] In this refined way, Luther suggested early on in his career that we should distinguish between three kinds of righteousness, as he elicits in his *Sermon on Three Kinds of Righteousness* (1518), WA 2:44,32–38; see Robert Kolb, "Sermo de triplici iustitia," *Concordia Journal* 33 (2007): 171–172.

[97] Timothy Saleska, "The Two Kinds of Righteousness!: What's a Preacher to Do?" *Concordia Journal* 33 (2007): 141.

sinfulness and shortcomings remain just as much an issue in the second kind of righteousness as it does with non-Christians.

VII. Conclusion

Augustana XVIII broadens the theological scope by pairing a Christian's contribution to uphold the second kind of righteousness in society to that of non-Christian citizens. Melanchthon draws into that discussion his approval of moral and social philosophers from antiquity, such as Aristotle and Cicero. He views classical philosophy positively and as relevant to Christian thought but without compromising his Christian perspective. Though he is willing to entertain an ideal society based solely on natural law and moral philosophy, he also sees the shortcomings of pagan moral philosophy, in that it fails to take into account the reality of sin, and he concedes that the freedom endowed to natural man is due to God's providential care as limited and restricted.

Melanchthon's social project is interesting in that he does not consign the "remnant knowledge" of natural man after the fall to an indefinable mess. A reader notices how studiously Melanchthon went about to prove the point that the natural law in the life of all humans is encoded in specific laws. The revelation of law has occurred for all humans, for non-Christians and Christians. Moral philosophy itself is not a purely human study of that divine law; it actually operates with revelation. To Christians, revelation has come through the Decalogue. A comparative study of natural law and the Decalogue shows that there is a closeness between them. To be sure, the Decalogue was a clearer and more helpful addition in the context of the second kind of righteousness. That insight, however, did not diminish the commonality between both Christians and non-Christians. Both parties are in possession of the divine law and together assume civil and moral responsibility with the use of their reason. In fact, in the realm *coram mundo* it seems as if Melanchthon makes little difference between the reason of those who believe and of those who do not. In both cases, there is the responsibility for moral conduct on the basis of divine law.[98] Christians cannot automatically possess an additional sixth sense over non-Christians in their dealings within society.

A comparison of Melanchthon with Luther reveals that Melanchthon did not reduce the natural law and the Decalogue to an agape-motivated ethics based on the dual commandment of love as Luther did.[99] For

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[98] Melanchthon, *A Melanchthon Reader*, 29.

[99] For example, see B.A. Gerrish, *Grace and Reason: A Study in the Theology of Luther* (Oxford: Clarendon Press, 1962), 34.

Melanchthon, the law takes a central role for all of humanity, non-Christians and Christians alike: for non-Christians the divine law expresses itself in the natural law, and for Christians it is the divine law identified in its third use. A Christian continually struggles with sin. As a result, the divine law assists as a guide.[100] For this reason, Melanchthon would not push a freedom from the law in the radical sense as Luther did. Arguably, therefore, Melanchthon was closer to Calvinism on this matter than was Luther. For Luther, ethics is agape-motivated, while for Melanchthon it becomes a rational pursuit of individual precepts. What is missing in Melanchthon is Luther's emphasis on the freedom of the law and love as the summary of all law. For Melanchthon serving the neighbor is a rational and premeditated pursuit of individual codes, whereas for Luther it becomes a combination of love and circumstance. Luther would allow Christians to act with greater personal freedom depending on what love informs one to do in his vocation. Melanchthon, on the other hand, offers concrete and categorical advice, laying out a number of principles from natural knowledge.[101]

In terms of the first kind of righteousness, unanimity largely exists between Luther and Melanchthon. It is the second kind of righteousness that exhibits their nuances. When it comes to the second kind of righteousness, it is evident that Melanchthon was no Luther. Though Luther would praise Aristotle's natural or moral philosophy as valuable for establishing a just, earthly kingdom, he found it most dangerous when mixed up with theology of grace and salvation. Melanchthon agreed with Luther theologically, but he actively pursued classical moral philosophy, complimenting it as an ideal approach to society for all politicians to emulate. Melanchthon returned to the Greek teachers and classics for his information, and that recourse influenced his social ethics. Obedience to civil authorities could be made plausible also to those who were non-Christians, an important point of his argument as he encountered the civil disobedience of the Anabaptists. The difference between Luther and Melanchthon lies in their approach to the law and gospel structure. One scholar's observation summarizes it well:

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[100] Melanchthon, *Loci Communes* (1543), 74.

[101] Melanchthon's system has a contemporary ring in two ways. It would facilitate the discussion on establishing "common human rights" (*allgemeine Menschenrechte*) among all religions, as Hans Küng currently offers with his Global Ethos project, see Hans Küng, *Global Responsibility: In Search of New World Ethic*, trans. John Bowden (New York: Crossroad, 1991). Also, Melanchthon and Luther's approach to the world would underscore Paul Tillich's method of correlation; see Paul Tillich, *Systematic Theology*, vol. 1 (Chicago: The University of Chicago Press, 1951), 59–66.

Luther, the theologian, sought to establish the Gospel, Melanchthon, the Greek teacher, the Law: Luther attacked and endeavored to eliminate traditional philosophy, including natural philosophy, because it obstructed the true message of the Gospel; Melanchthon restored the teaching of classical moral philosophy as part of the Divine Law.[102]

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[102] Kusukawa, *The Transformation of Natural Philosophy*, 74; see also Gerrish, *Grace and Reason*, 34–35.