

## *Two Kinds of Righteousness as a Framework for Law and Gospel in the Apology*

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IN THE APOLOGY OF THE AUGSBURG CONFESSION, Melancthon gave the Western church one of its most thorough and sustained treatises on the gospel to be found among all Reformation writings. This observation applies not only to Article IV on justification (even though it is nearly one half of the Apology). Each and every article of the Apology ultimately centers on the confession of the gospel. Equally important, this confession of the gospel arises within a specific matrix or framework for thinking about the gospel in a way that serves to preserve and promote it. Thus the Apology not only makes an important contribution to the articulation of the gospel itself, but it also provides Lutherans with an invaluable conceptual framework for thinking about the gospel in the twenty-first century by laying out the theological presuppositions necessary for its proclamation.

Most often, students of the Lutheran confessions have identified the Apology's theological framework as the distinction of law and gospel.<sup>1</sup> The distinction of law and gospel works especially well for Articles IV and XII of the Apology. And yet, when defined in terms of God's activity of killing and making alive, the distinction of law and gospel does not adequately take into account all of the articles, particularly, Articles XXII-XXVIII. Part of the reason that this distinction of law and gospel does not characterize the entire Apology is because the way in which law and gospel are often construed turns the distinction into an antithesis. At that point, the distinction between law and gospel turns into an opposition in which the gospel triumphs over the law itself, and not only the wrath of God. Any talk about good works is automatically understood to be talk about works righteousness. Furthermore, when this distinction is treated as a conceptual framework within which the coherence of the Christian faith is thought out, then whatever does not fit under the category of gospel is regarded as part of the

law. Even the doctrine of creation becomes law for no other reason than that it is not gospel. This does not allow the theological space needed to speak positively about the Christian life within a world where the Judeo-Christian ethic—that could once be taken for granted—is crumbling.

The distinction between two kinds of human righteousness provides a more comprehensive theological framework than the distinction between law and gospel for understanding the coherence of the Apology's confession of the gospel.<sup>2</sup> More specifically, it offers a more comprehensive framework to speak positively about life in this world while not undermining the doctrine of justification. It enables us to better appreciate the arguments in Articles XXII-XXVIII (articles that are often ignored). The distinction between two kinds of righteousness brings out the unity of faith and practice, thereby allowing us to distinguish between faith and works while affirming the value of each. It thus brings into clearer focus the claim of the *Augustana* as paraphrased by Wengert: "Our teaching is orthodox and catholic; we have changed some practices to match that teaching."<sup>3</sup>

### *The Apology's Theme and Central Framework*

Melanchthon's distinction between the two kinds of righteousness moves to the foreground as the conceptual framework of the Apology when one considers the rhetorical character of the entire Apology. The document falls squarely within the rhetorical form of discourse known as the *genus iudicale*, for it involves an ecclesiastical dispute. The purpose of the judicial genre is to plead a case in order to win a favorable judgment.<sup>4</sup> In the Apology Melanchthon appeals the emperor's decision to accept the Roman *Confutation* and refuse the Lutheran *apologia*.<sup>5</sup> Melanchthon must persuade the emperor not to follow through on his threatened use of force, which the papal legate Cardinal Cajetan had urged and which was implicit in the Recess of the Diet of Augsburg.<sup>6</sup> At the same time he must prepare the adherents of the Lutheran cause

for possible resistance and martyrdom should war ensue as a result of Lutheran non-compliance with the demand to accept the *Confutation*.<sup>7</sup>

Nothing is more important in the judicial genre than to identify the *status* of the case. The *status* deals with “the chief subject of inquiry, the proposition that contains the gist of the matter toward which all arguments are aimed, in other words, the main conclusion.”<sup>8</sup> Melanchthon used the *status* in order to bring coherence to the argument of individual articles in the Apology like Articles IV (Justification) and XII (Repentance).<sup>9</sup> But does it apply to the Apology as a whole with its many topics? When we compare the point at issue in the disputed articles between the *Confutation* and the Augsburg Confession, when we consider the rhetorical markers for the status such as *propositio* and *krinomenon*, and when we examine the transitional statements at turning points of Melanchthon’s arguments, a common *status* emerges that can be set forth in terms of the question: What constitutes our righteousness before God?<sup>10</sup>

An important clue is found in Apology VII:34, 37. There Melanchthon writes, “But we are not now discussing the question whether or not it is beneficial to observe them [human traditions] for the sake of tranquillity or bodily usefulness. Another issue is involved. The question is whether or not the observance of human traditions is necessary for righteousness before God. This is the point at issue.” Again, in paragraph 37 he states, “Moreover, the point to be decided in this controversy must be raised a little later below, namely, whether human traditions are necessary acts of worship for righteousness before God.” In both cases, he uses the technical rhetorical term *krinomenon*, which refers to the central question or issue in a dispute. In his *Elements of Rhetoric*, Melanchthon defines *krinomemon*: “Of these the one about which there is controversy and by which when confirmed the true conclusion is made evident, is called the *krinomemon*, the point to be decided upon.”<sup>11</sup>

The *status* can be addressed from two vantage points, which Melanchthon calls the two chief topics of Christian teaching (*loci praecipui*, Ap IV:5). The first deals with a righteousness of works

that we achieve based on reason's comprehension of the law. Melancthon variously describes this as the righteousness of reason (*iustitia rationis*),<sup>12</sup> the righteousness of the law (*iustitia legis*),<sup>13</sup> civil righteousness (*iustitia civilis*),<sup>14</sup> one's own righteousness (*iustitia propria*),<sup>15</sup> carnal righteousness (*iustitia carnis*),<sup>16</sup> righteousness of works (*iustitia operum*)<sup>17</sup> and philosophical righteousness. The second is a Christian righteousness that we receive by faith's apprehension of the promise of Christ. Melancthon variously expresses this as spiritual righteousness (*iustitia spiritualis*),<sup>18</sup> inner righteousness, eternal righteousness (*iustitia aeterna*),<sup>19</sup> the righteousness of faith (*iustitia fidei*),<sup>20</sup> the righteousness of the gospel (*iustitia evangelii*),<sup>21</sup> Christian righteousness (*iustitia christiana*),<sup>22</sup> righteousness of God (*iustitia Dei*),<sup>23</sup> and the righteousness of the heart (*iustitia cordis*).<sup>24</sup>

These two topics supply Melancthon with the material for formulating his chief propositions, both of which appear throughout the Apology in various forms. His first proposition charges that the opponents combine the two kinds of righteousness into a single righteousness by making the righteousness achieved in the eyes of the world to constitute our righteousness before God as well. The second and main proposition is that we must distinguish between the two kinds of righteousness so that before God we seek a different kind of righteousness than we seek in the eyes of society. It does not mean that the righteousness of works is not important or useful. To the contrary, by distinguishing them, both kinds of righteousness find their proper role and place within theology and life. In particular, it shows that the Lutherans have not abolished the importance of a righteousness of works.

### *The Two Dimensions of Human Life*

What is meant by two kinds of human righteousness? Theologically, to be righteous is to be human as God envisioned in creation, and again in redemption. One might modify the Athanasian *dictum* to say, "God became fully human that we might become fully human." The distinction between two *kinds* of righteousness rests upon the observation that there are two dimensions to being a

human creature. One dimension involves our life with God, especially in the matters of death and salvation. The other dimension involves our life with God's creatures and our activity in this world. In the former we receive righteousness before God through faith on account of Christ. In the latter, we achieve righteousness in the eyes of the world by works when we carry out our God-given responsibilities. Kolb has suggested that we refer to the former as the righteousness of identity; the latter as the righteousness of performance<sup>25</sup> or character.

We can compare the righteousness of works and the righteousness of faith as Melancthon develops them in the Apology by examining several characteristics of each. First, the righteousness of works is a righteousness that we achieve by human ability; the righteousness of faith is a righteousness that we receive from God. Second, the anthropology that underlies righteousness of works is the human as creature. The anthropology underlying righteousness of faith is the human as sinner. Third, the standard by which human righteousness is measured is the law in its various forms including the structure of life. The standard by which Christian righteousness is determined is the promise of Christ. Fourth, the purpose of a righteousness of works is the welfare of this world. The purpose of a righteousness of faith is restoration of our identity as children of God and thus a restoration of shalom with God.

As a rule, Melancthon identified a righteousness of reason or works with the principle expounded in Aristotle's *Nichomachean Ethics* that by doing virtuous things one becomes virtuous. Melancthon defines it this way: "Virtue is a habit of the will which inclines me to obey the judgment of right reason."<sup>26</sup> Three elements are involved in this definition. First, human excellence or righteousness is found in the right and able exercise of a person's rational powers. A person must choose certain actions that are deemed moral over actions that are not. This in turn requires instruction and information so that one knows what is moral. Second, it requires that one fulfill the chosen task in a superlative manner. For example, one becomes a shoemaker by practicing the craft of shoes *well*, that is, according to the highest standards of the craft. The aim of ethics, of human behavior, is to act in a way that

is judged to be moral or virtuous. Finally, Melanchthon's definition highlights the need for constant habit. To achieve this righteousness requires a lifetime. Excellence is not an act, but a habit. One act of bravery does not make a brave man. It is the entire life that is judged to be righteous or not.

Behind Melanchthon's definition with its reference to reasoned choice and willful obedience lies an anthropology that Melanchthon inherited from the early church and the Middle Ages. It distinguishes between the "higher powers" (intellect and will) and "lower powers" (sensual appetites and the emotions) of the human person. It is the higher powers or faculties that were seen to constitute the image of God and make us distinctively human. Working with these categories throughout the Apology (articles II, IV, XVI, XVIII), Melanchthon notes that for his opponents, "it is necessary for righteousness to reside in the will," (Ap IV:283 +)<sup>27</sup> since it is the will that elicits acts of righteousness.<sup>28</sup> Through the use of these creaturely powers human beings can strive to live on a high moral plane. Aristotle was looked upon as the philosopher who had come the furthest with respect to ethical questions (Ap IV:14).

Melanchthon himself expresses a high regard for human rational powers when it comes to life in this world. He affirms that much of this life comes under our rational control, or to use biblical language, under our dominion (Ap XVIII:4). In Apology XVIII Melanchthon shows what reason is capable of doing in terms of the Ten Commandments. "It can talk about God and offer God acts of worship with external works; it can obey rulers and parents. By choosing an external work it can keep back the hand from murder, adultery, and theft" (Ap XVIII:4).<sup>29</sup> In as much as these are external actions, we can accomplish these works apart from the Holy Spirit (Ap XVIII:4).

Human righteousness is pursued through the selection and development of certain habits in accord with an approved standard. Melanchthon observes, "Obedience to a superior, approved by that superior, is called righteousness" (Ap IV:283 +).<sup>30</sup> The righteousness of reason is achieved in accordance with obedience to the law (Ap IV:283 +).<sup>31</sup> Melanchthon most often ties this righteousness

to the requirements of the Decalogue, which in turn is tied back to natural law and the structures of creation. It reflects observations about how the world works. In that connection the law can be conceived “more like a general standard of measurement than a norm which predicts the will of God in all individual cases.”<sup>32</sup> This would include not only the Ten Commandments, but advice for daily living as found in the wisdom literature of Scripture, and humanly established standards found in various fields of endeavor.

This conception of the law as a “general standard of measurement” applies to a variety of spheres in life. In the case of civil righteousness, there may be different laws governing society from one country to the next, but one set of laws is not more “right” than the other. In whichever country one finds oneself one is bound to obey its laws as if given by God himself—whether they were formulated by pagans or Christians (Ap XVI:3). The same applies to vocations. Melanchthon distinguishes between personal callings (which are individual) and obedience (which is universal). People are called to different walks of life and therein each person is bound to obey God (Ap XXVII:49). Yet the precise character of that obedience will vary from vocation to vocation. It will mean one thing for a parent and another thing for a child. In the case of ceremonial righteousness, there may also be different ways of ordering the church, structuring its calendar, and conducting its liturgy. Celebrating Easter on one day or another is not more “correct” than the other although Christian love may oblige one to accept one day instead of the other (Ap XV:50).

So we are to help our neighbor within these different spheres of life, but how? When it comes to virtues and social ethics, Melanchthon suggests that we can turn to Aristotle, who, he praises, “has written so eruditely about social ethics that nothing further needs to be added” (Ap IV:14). Aristotle described the obedience that is virtuous as the mean or the middle (often referred to as the “golden mean”). Virtue as the mean is that which avoids excess and hence would be considered a vice. Thus when it comes to the emotions, which often impel us to action, Melanchthon cautions that “too much fear, and too much daring, too much anger, and too much joy etc. injure people.”<sup>33</sup>

Yet the “golden mean” is not the same for everyone. It is relative to a person’s character. Melanchthon concludes his 1531 “Disputation on Faith and Love,”<sup>34</sup> by stating, “Aristotle rightly and wisely said that moderation in virtue is to be determined geometrically, not arithmetically.” In practice this means that one cannot establish a fixed standard (one size fits all) of virtue for everyone. “Temperance is not the same mean in a strong man and a weak man.”<sup>35</sup> While we can highlight temperance as a mean, what constitutes temperance will differ from one person to another. With regard to liberality, we cannot establish a single sum that constitutes liberality for all people. It will be proportionate in such a way that when a prince gives liberally and a pauper gives liberally, it will constitute the same mean for both people.

Melanchthon stresses that this righteousness of works is highly praised by God who even honors it with material rewards (Ap IV:24).<sup>36</sup> Civil ordinances are good creations of God. They have his command and approval. In this connection Melanchthon approves Aristotle’s statement that “neither the evening star nor the morning star is more beautiful than righteousness” (Ap IV:24). The righteousness of works in all its forms contributes to the preservation and promotion of life in this world. Philosophical righteousness deals not only with the study of metaphysics, but with what today we call the liberal arts. Medicine serves health, meteorology serves navigation, civic virtues serve public tranquillity.<sup>37</sup> Ethics assists statecraft and the construction of laws.<sup>38</sup> Rhetoric assists writing and oratory. Civil righteousness serves the welfare of society (Ap IV:18) by enabling people to live together for the common good. Even the observance of ceremonial traditions (ceremonial righteousness) serve to discipline the body to bow the head or bend the knee. The saints used obedience, poverty, and celibacy as non-obligatory forms of discipline in order to have more leisure for teaching and other pious duties (Ap XXVII:21).

While righteousness in society is based upon the level of our performance, Melanchthon stresses that God considers us on a different basis than do human courts in at least two ways. First, God judges the believer according to mercy. “God does not regard a person as righteous in the way that a court or philosophy does (that

is, because of the righteousness of one's own works, which is rightly placed in the will). Instead, he regards a person as righteous through mercy because of Christ, when anyone clings to him by faith" (Ap IV:283 +).<sup>39</sup> Second, "In human courts and judgments, the law and what is owed are certain while mercy is uncertain. But before God it is a different matter. Here mercy has the clear mandate of God. For the gospel itself is the mandate that commands us to believe that God wants to forgive and save on account of Christ" (Ap IV:283 +).<sup>40</sup> In brief, the righteousness of faith is not a righteousness that we achieve; it is a righteousness that we receive.

For the sake of argument with his opponents (in the *confutatio* section of the Apology IV), Melanchthon willingly works with the same anthropology he had used in the discussion regarding the righteousness of works, namely, the distinction between a person's higher and lower powers. Thus as the righteousness of works was located in the obedience of the will to right reason (for purposes of comparison), so Melanchthon is willing to locate faith also in the will. "Faith resides in the will (since it is the desire for and the reception of the promise)" (Ap IV:283 +).<sup>41</sup> In part, this is to counter the objection raised by his opponents who conceived of faith merely as knowledge and thus located in the intellect.<sup>42</sup> "To avoid the suspicion that it is merely knowledge, we will add further that to have faith is to desire and to receive the offered promise of the forgiveness of sins and justification" (Ap IV:48). Yet in another sense, it really does not matter for Melanchthon where one locates faith within the human person. "Faith can be called righteousness because it is that which is reckoned as righteousness (as we say with Paul), regardless in which part of a person it may finally be located" (Ap IV:283 +).<sup>43</sup> From his standpoint, faith involves the whole person.<sup>44</sup>

Of greater importance for Melanchthon is the point that faith—as confidence in the divine mercy of God—lies far beyond the reach and power of the human person. While acknowledging that faith may be located in the will, Melanchthon insists that neither reason nor the will is capable of producing it. This is the point that he hammers home repeatedly in Article II (11–13, 26, 42), "On Original Sin." There he shows how sin affects the entire person

rather than simply creating an imbalance in the relationship of the various faculties within the human being. In this article he never tires of reiterating that the *higher affections* lie beyond the control of human beings. Affections like grief and despair simply lie beyond our ability and control. When they have us in their grip, a divine word of consolation is needed to overcome our despair. This requires the Holy Spirit working through the promise of the gospel.

Continuing to work with the definition that righteousness is obedience to an approved standard, Melanchthon argues that faith is in fact our righteousness before God in as much as it is obedience to the gospel. "Now faith is obedience to the gospel, therefore faith is rightly called righteousness" (Ap IV:283+).<sup>45</sup> How can Melanchthon regard faith as obedience to the gospel and thus as righteousness? By obedience he means that faith is the only right or proper response to the promise. One might say that faith "hearkens unto" the gospel. In other words, a promise cannot be received in any other way than by faith (Ap IV:252+).<sup>46</sup> This is the key argument in Ap IV:48–60. It is why the account of Abraham in Romans 4:3 is so important that Melanchthon inserts a lengthy paragraph about it into his revised Apology text (Ap IV:58+).<sup>47</sup> Abraham illustrates the point that faith honors God by taking him at his word.

The promise appropriates another's (or alien) righteousness (Ap XII), namely, the benefits of Christ. Melanchthon builds upon the ancient Christology by bringing out its ramifications so that the honor of Christ is directly related to the *beneficia Christi*.<sup>48</sup> To speak of Christ as our righteousness is to speak of Christ as our mediator and propitiator. The atoning work of Christ provides the content and foundation for the righteousness of faith. For that reason, Melanchthon most often refers to Christ as our mediator and atoning sacrifice. Christ's work has the approval of God (Ap XXI). The promise is free on account of Christ. This is another way of saying that the benefits conveyed in the promise are not owed to us.

The righteousness of faith brings about a state of peace between God and human creature, which the Hebrews called *shalom*. Here it should be noted that Melanchthon draws upon a rich variety of images in order to describe our life with God. Next to justification,

Melanchthon's most frequently used term is the forgiveness of sins. Beyond that, he uses reconciliation, conciliation, and peace with God.

### *Relating the Two Kinds of Righteousness*

Melanchthon's distinction between the righteousness of reason and the righteousness of faith does not pit the two against each other as opposing alternatives. Instead, it affirms both, but without confusion. In the Apology Melanchthon contends that Christians seek both kinds of righteousness, but for different reasons and for different purposes. They come into conflict only when a righteousness of works becomes the basis for our righteousness before God or when the righteousness of faith is used to eliminate the need for good works. Just because works do not justify before God does not mean that they are of no value here on earth. Kept in its proper place, human righteousness remains a very good thing for us and for the world. Similarly, just because faith does justify us before God does not excuse us from carrying out our God-given responsibilities here on earth.

Christ is the fulcrum on which the distinction of two kinds of human righteousness balances. A cursory glance at the frequent references to the glory of Christ and the comfort of sinners will bear this out. "In this controversy the main doctrine of Christianity is involved; when it is properly understood, it illumines and magnifies the honor of Christ and brings to pious consciences the abundant consolation that they need" (Ap IV:2-3, 21, 24, 157, 165, 213, 215, 257, 269, 285, 317; XX:4). While often used as a device to keep the attention of the reader (*attentio*), it must also be regarded as something of a *leitmotiv* for the entire Apology.<sup>49</sup> Conversely, Melanchthon will consistently charge that his opponents obscure the glory of Christ and rob Christians of their comfort because they combine the righteousness of works with the righteousness of faith into one kind of righteousness. Conversely, maintaining a proper distinction between the two kinds of righteousness restores the righteousness of reason to its proper place.

Throughout the Apology Melanchthon charged that the fundamental flaw in his opponent's position lay in their failure to distinguish between two kinds of human righteousness. Instead they championed only one kind of righteousness that availed both in the eyes of society and in the eyes of God. Put bluntly, they saw no difference between philosophical righteousness and Christian righteousness (Ap II:12, 43, and Ap IV:12–16, 43). According to Melanchthon's analysis, the fundamental principle by which his opponents operated had already been expounded by Aristotle in the *Nichomachean Ethics*. That is to say, a life-long practice of doing righteous works makes us righteous.<sup>50</sup> What we do determines who we are. Worthwhile activities makes our lives worthwhile. By practicing virtue, we become virtuous.

In Melanchthon's eyes the Christian theology of his day had constructed a Christian chassis for the Aristotelian engine that powered the system. It had taken over the Aristotelian pattern for obtaining righteousness, raised the bar, and incorporated Christ and the church's sacramental system into the process. Melanchthon felt that the opponents, by advocating one kind of righteousness, had come to view life as a single vertical continuum. His opponents thus conceived of life not in terms of two perpendicular axes (two different bases for two different kinds of righteousness), but as a single vertical continuum by which we ascend from this world to God. They had turned the horizontal axis onto its head and made it into a vertical ladder by which one ascended from earth to heaven. At the bottom of the continuum lay the profane or secular world. In this sphere human beings relate to other human beings and to the created world.<sup>51</sup> Toward the top of the continuum lay the world of the sacred. In this sphere the human relates directly to God and not to other humans.

This continuum of virtue thus erected a scale of value for our works and the walks of life within which we carry out those works. Where one located our various works on the continuum distinguished the works that brought one closer to God (and achieving righteousness before God) from those works that did not. Specific acts of piety toward God drew one close to God or appeased his wrath. A person's focus and energy became devoted to that which

is “holy” or “religious,” works of cult and ceremony (Ap IV:10). It resulted in a distinction that moves from faith to love, from the Ten Commandments to evangelical counsels, from commands rooted in creation to churchly established works, from everyday works to works of supererogation, from secular life to a religious life (*vita angelica*). Fasting for God was deemed holier than cooking for family. Forsaking family to dedicate one’s life to God as a monk was deemed holier than taking care of aged parents as a child. In the end this created a hierarchical distinction between ordinary Christians (*carnali*) and “super-Christians” (*perfecti*), who were regarded as closer to God.<sup>52</sup>

For Melanchthon, his opponents had also adopted the Aristotelian anthropology that accompanied a righteousness of reason in this world and utilized it in a Pelagian way so as to attain righteousness *coram deo*.<sup>53</sup> The body was subordinated to the soul, and the lower faculties (sensual appetites and emotions) to the higher faculties (reason and will). The higher faculties drew us toward God, the lower faculties drew us toward the world. In the state of perfection, reason guided the will to elicit acts of love toward God and to keep the lower faculties (which pulled us downward) under control. Both sin and virtue came to be defined in terms of acts elicited by the will (Ap II:43). Original sin resulted in a disordering of the parts of the soul (Ap II:27–30). Reason was darkened, the will weakened, and the ordering principle (*donum superadditum*) for the parts of the soul had been lost. As a result, human appetites and passions elicited acts from the will as much as did right reason.

In light of this anthropology and the church’s standards for achieving righteousness, salvation in Melanchthon’s eyes had come to be seen in terms of a two-stage process. The first stage involved the movement from a state of sin to a state of grace through the infusion of grace at baptism. This was variously called initial grace (*gratia prima*), or the disposition of grace (*habitus gratiae*), the disposition of love (*habitus dilectionis*), justifying grace or sanctifying grace. This initial grace constituted the act of justification. With its infusion the human person recovered the *donum superadditum* or ordering principle lost in the fall. The second stage involved the movement from a state of grace to the attainment of eternal life,

also referred to as final beatification or acceptance.<sup>54</sup> This movement was accomplished through the life-long practice and exercise of love.<sup>55</sup> At the end, God awarded a person condign merit (*meritum de condigno*) as a righteousness he was obligated to give (*iustitia debita*). In other words, this love was performed in a state of grace as God intended it. In this state of grace, acts of love were transformed from being good in and of themselves (*bonitas*) to being carried out according to God's intention (*dignitas*).

Melanchthon did not confine his critique to the authors of the *Confutation* of the Augsburg Confession. He diagnosed the same flaw in any number of theologians throughout the Middle Ages. In fact, he may seem unfair in the way that he lumped them all together and presented a composite picture of their theology. This is because regardless of their differences, the fundamental pattern established by Aristotle for how one became righteous remained the same for the *via antiqua*, the *via moderna*, and for that matter, even the humanism of Erasmus. The pattern was that one becomes righteous by doing righteous acts. All agreed that to be judged righteous one had to do one's best—and that required a lifetime of cultivating the habits of righteousness. In every case, the key came down to doing one's best. Their differences lay in questions of how Christ and grace assisted us in the development of that *habitus* leading to righteousness. The *via antiqua* insisted that the initial grace was given gratuitously. The *via moderna* stressed that we can even merit (*meritum de congruo*) that initial grace or *habitus* by doing the best we can (*facere quod in se est*).

The church's hierarchy and sacramental system assisted the Christian up the ladder, thereby creating a dependence upon both. The hierarchy established the acts of piety by which the believer could achieve righteousness (Ap XXVIII). When these were found to be too burdensome, they would mitigate them somewhat (Ap XI, XII). Of the sacraments, Melanchthon devotes more space to Penance (Ap XII) than any other (whereas in the Smalcald Articles II:ii Luther identified the mass as the brood of all vermin). For Melanchthon, *poenitentia* was the context and setting of justification. Here is where it occurred. It was also over this that the Reformation broke out in the first place.

In contrast to his opponents, Melanchthon affirmed that what made us genuinely human in God's sight had to be *distinguished* from what made us genuinely human in the eyes of the world. What constitutes righteousness in one realm does not constitute righteousness in the other.<sup>56</sup> The proper recognition of Christ required the distinction. One must "distinguish the promises from the law in order to recognize the benefits of Christ" (Ap IV:184). At the same time, Melanchthon had to address the legitimate concerns of his opponents. In doing so, he faced a twofold task of raising his objections to his opponents' position while addressing their concerns about his theology. On the one hand, it means that one must teach the righteousness of works without abolishing the righteousness of faith (Ap IV:188, 269). On the other hand, this means that we must teach the righteousness of faith so as not to abolish the righteousness of reason and good works (especially obedience of civil ordinances). Therein lies one of the most important contributions of the Lutheran Confessions.

Melanchthon accomplishes the task of teaching the righteousness of works without obscuring the righteousness of faith by stressing the purposes and limitations of law and works for the vertical dimension of life.

First, he stresses that just because something is commanded by God does not mean that it justifies. "Although medicine, ship navigation, and civil government were necessary and approved by God, taking medicine, studying storms, not bearing arms, or not wearing forbidden clothing, does not justify us—no more than God's command to eat justified us when we ate!"<sup>57</sup> He picks up the same line of argument in Ap XXIII:37–39 where he contends that virginity and marriage are not equal in value. "Just as one gift surpasses another, as prophecy surpasses eloquence, knowledge of military affairs surpasses agriculture, and eloquence surpasses architecture, so virginity is a more excellent gift than marriage." But he adds, "And yet, just as an orator is not more righteous before God on account of eloquence than an architect on account of building, so also a virgin does not merit justification by virginity any more than the married person merits it by conjugal duties. . . ." (Ap XXIII:38–39).

So when God commands something, it may have purposes other than justification, such as promoting life in this world—as Melancthon’s examples from medicine and meteorology show. Similarly, good works serve our neighbor in this life. At the same time, they may well provide the context and setting within which the Spirit can accomplish his work through the gospel. Developing the habit of going to church places one in a position where the Word can break through. Learning biblical languages prepares one for inner apprehension of the word. Cultivating a discipline of daily prayer likewise provides a way of keeping the heart turned to God throughout the day. Human traditions and ceremonies provide a structured order for the whole counsel of God to be proclaimed. And similarly, virginity is praised because it provides time for learning or teaching the gospel (Ap XXIII:40).

Perhaps most importantly, the righteousness of works and righteousness of reason provide the context for the righteousness of faith in a negative way, that is, by showing human beings the limitations of their human powers in this world and beyond. In other words, the law will inevitably accuse. Melancthon stresses this from the vantage points of our horizontal and vertical dimensions of life.

First, the pursuit of righteousness in the horizontal realm is difficult at best. External righteousness can be attained only in a limited way. In Apology XVIII Melancthon argues that even though the Ten Commandments can be kept to some extent without Christ and the Holy Spirit, we are shackled by concupiscence and the devil.<sup>58</sup> For these reasons, “even civil righteousness is rare among human beings.” Despite his praise for Aristotle, Melancthon notes that “not even the philosophers, who seemed to have aspired after this righteousness, attained it” (Ap XVIII:5). Second, while reason can achieve civil righteousness to some extent (Ap XVIII:7, 9), reason cannot grasp the real demands of the law, namely, the requirements of the First Commandment. Reason deals with the senses and external actions, not the inner heart (Ap IV:134).<sup>59</sup> “We concede to free will the freedom and power to perform external works of the law; nevertheless we do not ascribe to free will those spiritual capacities, namely, true fear of God, true

faith in God, the conviction and knowledge that God cares for us, hears us, and forgives us, etc.” These are works which “the human heart cannot produce without the Holy Spirit” (Ap XVIII:7). Finally, both of these are highlighted in the life of the Christian whose inchoate obedience is impure, scanty, and imperfect. “Although the renewal has begun, nevertheless the remnants of sin still cling to this nature and always accuse us unless by faith in Christ we take hold of the forgiveness of sins” (Ap IV:159+).<sup>60</sup>

Melanchthon’s analysis of his opponents’ position can be summed up in a simple rule that he introduces at the point he takes up their specific arguments. They quote passages about law but not about promise (which is why they speak of only one kind of righteousness). Thus, first, “To all their statements about the law we can give one reply: the law cannot be kept [*coram Deo*] without Christ and the Holy Spirit” (Ap IV:142). “And if any civil works are done without Christ, they do not conciliate God” (Ap IV:183). A little further, he continues, “The rule I have just stated interprets all the passages they quote on law and works” (Ap IV:185).<sup>61</sup> Second, “therefore when works are commended, we must add that faith is required—that they are commended on account of faith, because they are the fruits and testimonies of faith” (Ap IV:183).

### *The Righteousness of Faith Serves Good Works*

Having rejected the righteousness of reason (horizontal dimension) as a basis for the righteousness of faith (vertical dimension), Melanchthon seeks the latter’s proper place in the horizontal dimension of life. While stressing that righteousness of works cannot serve as a basis for righteousness before God, Melanchthon also addresses the issue whether or not the righteousness of faith absolves people from pursuing a righteousness of works. This is why Melanchthon fashions the important section of Apology IV, “Love and the Fulfilling of the Law (§121–183). Having argued for *sola fide* in the matter of justification, Melanchthon stresses that such faith does not abolish good works. To the contrary, he stresses that the Lutherans teach good works, show how they can be done, and why they are pleasing to God.

In an important way the distinction of two kinds of righteousness restores the law of God and the structures of life to their original place of importance. It may sound odd to say that the gospel resulted in a recovery of the law of God. But many humanly instituted laws had arisen in order to obtain righteousness before God and had obscured God's law by taking precedence over it. The recovery of the gospel within the context of two kinds of righteousness rendered these humanly achieved works as irrelevant and unnecessary for salvation. They were rendered further obsolete when compared to the Ten Commandments. Luther stresses this point very strongly in the Large Catechism. Hence one frequently finds the insistence to do such good works *as God has commanded* (see CA VI, XX:27). No such command can be found for humanly instituted works and traditions.

The demotion of humanly contrived works also led to a demotion of humanly established walks of life as spheres within which a person could pursue perfection. Neither justification nor sanctification is tied to the particular walk of life that one chooses (Ap XXVII:8). In the place of church vocations, the structures of life wherein people carry out our responsibilities reemerged as the places in which God has called them to serve and seek perfection or sanctification. And so Melancthon stresses that the life of a farmer or artisan "are states for acquiring perfection" (Ap XXVII:37), that is, growing "in the fear of God, in trust in the mercy promised in Christ, and in dedication to one's calling" (Ap XXVII:27).<sup>62</sup>

Melancthon pays special attention to the works required by civil authorities. In part this is because the Lutherans were accused of undermining civil authority by undermining ecclesiastical authority.<sup>63</sup> To the contrary, Melancthon argues that civil authorities have God's authority to construct binding laws upon their subjects. These laws, established *iure humano*, should be obeyed as if God himself had instituted them. Churchly established ceremonies, religious practices, and devotional disciplines, by contrast, are merely human traditions that lack the authority of God. They may be used for the purpose of bodily discipline. Ceremonies in worship—

lessons, chants, and the like—can be tolerated “if they were used as exercises, the way lessons are in school, that is, for the purpose of teaching the listeners and, in the process of teaching, to move some of them to fear or faith” (Ap XXVII:55).

Since faith sends the Christian back into the world and recovers the value of God’s law, it would suggest that some correspondence exists between the fruits of faith and creaturely virtues. For example, Melanchthon refers to the philosophical virtue of fairness on several occasions and connects it with 1 Peter 4:8 (love covers a multitude of sins), which Melanchthon sees taken from Proverbs 10:12. He comments that what the Apostle calls the responsibility of love the philosophers called “fairness” (*epieikeia* as used by Aristotle and some Stoic philosophers, Ap IV:243). Both mean that at times a person must overlook certain mistakes of friends. He cites the proverb, “know, but do not hate the conduct of a friend” and comments that this “virtue is necessary for preserving public harmony” (Ap IV:243). “Dissension,” he says, “grows by means of hatred, as we often see that the greatest tragedies arise from the most trifling offenses. Certain minor disagreements arose between Julius Caesar and Pompey, in which if one had yielded to the other just a little, civil war would not have broken out” (Ap IV:241). The same also happens in the church. Melanchthon describes this in AC XXVI:14 as the search for a “fair and gentle solution” so as not to entangle consciences in ceremonies.

Yet despite the similarities in externals, there were at least two significant differences. First, when it came to externals, a righteousness of works or virtuous habits could shape the conduct of a person, but not change the heart. Here Jeremiah 31 emerged as an important text for Melanchthon. There it was pointed out that people had kept the works externally but were unable to keep them according to the heart. Jeremiah looks forward to the day when people would be equipped to do so. It is a time when the Spirit, rather than Satan, stands in control and produces the new life. Second, while a righteousness of works can be achieved in the eyes of the world, these works please God only on account of faith. Faith must be regarded as the presupposition for good works.

When one deals with passages that speak of good works, one must remember that they require faith, as in the case of the woman whose love Christ praises after she touches him in faith (Luke 7:47; Ap IV:152).

### *Conclusion*

The distinction between two kinds of righteousness offers an important framework for reexamining and broadening our thinking regarding the distinction of law and gospel. First, it affirms that there are two kinds of righteousness and both are God-pleasing, but for different reasons and different purposes. Where the distinction between law and gospel runs the risk of affirming only a passive righteousness while ignoring our active righteousness, recognizing the two kinds of righteousness carves out more room to speak in a positive way about the law, orders, and structures of life, according to the first article of the creed. Second, recognizing the two kinds of righteousness enables us to see a true dialectical relationship between creaturely and Christian righteousness. On the one hand, while affirming the value of creaturely righteousness, it still lays the foundation for the law's accusation whenever creaturely righteousness becomes the basis for Christian righteousness. On the other hand, it enables us to see a Christian righteousness that contributes to our creaturely righteousness as our new identity leads to new ways of living.

### NOTES

1. Edmund Schlink and Holsten Fagerberg are two good examples of such an approach. Schlink devotes nearly one half of his book to an exposition of the distinction of law and gospel before proceeding to the other articles; see his *Theology of the Lutheran Confessions*, trans. Paul F. Koehneke and Herbert J. A. Bouman (Philadelphia: Muhlenberg, 1961). Fagerberg does a similar thing in *A New Look at the Lutheran Confessions (1529-1537)* (St. Louis: Concordia, 1972). There he treats the two kinds of righteousness as a subsection under treatment of law and gospel.

2. In some ways, they are treated as synonymous, especially when one finds the language, "righteousness of the law" and "righteousness of the gospel."

3. See Timothy J. Wengert, "Philip Melanchthon's Last Word to Cardinal Lorenzo Campeggio, Papal Legate at the 1530 Diet of Augsburg," *Dona Melanchthonia: Festgabe für Heinz Scheible* (Stuttgart-Bad Cannstatt: fromann-holzboog, 2001) p. 466. Wengert's wording economically summarizes the relationship between the two parts of the Augsburg Confession.

4. *Elementorum rhetorices libri duo* in *Corpus Reformatorum*. 28 vols. Eds. C. G. Bretschneider et al. (Brunsvigae and Halis Saxorum: C. A. Schwetschke et Filium, 1834-60), XIII:417458 [hereafter cited as CR]. For a translation, see, Sister Mary J. LaFontaine, *A Critical Translation of Philip Melanchthon's 'Elementorum Rhetorices Libri Duo,'* (Ph.D. dissertation, University of Michigan, 1968), 113 [hereafter cited as LaFontaine, *Critical Translation*].

5. See Christian Peters' work for an account of the various drafts of the Apology. *Apologia Confessionis Augustanae: Untersuchungen zur Textgeschichte emer lutherischen Bekenntnisschrift (1530-1584)* (Stuttgart: Calwer Verlag, 1997).

6. Melanchthon alludes to this threatened use of force in Ap XXI:44; Ap XII:122-129; and especially in Ap XX:6, 9, where he notes, "we see that a horrible decree has been drawn up against us." See also Wengert's "Melanchthon's Last Word." All translations, unless otherwise noted, are taken from *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, ed. Robert Kolb and Timothy J. Wengert (Philadelphia: Fortress Press, 2000) [hereafter cited as BC]. This edition uses Melanchthon's revised Apology text, otherwise referred to as the octavo text, which adds significant material. See note 27 below for the particular form of citation used for the additional sections not in the Tappert edition.

7. Melanchthon urges his readers in Ap XX:9, "Therefore, the cause is a worthy one. Because of it we shrink from no danger. 'Do not yield to the wicked, but boldly go forward.'"

8. LaFontaine, *Critical Translation*, 115.

9. See Arand, "Melanchthon's Rhetorical Argument for *Sola Fide* in the Apology," *Lutheran Quarterly* 14 (2000): 281-308, and Wengert, "Melanchthon's Last Word."

10. For examples of where it appears in the various articles, see Ap XXIV:10; XXVII:9, 69; XXVIII:6; XVI:2; XVIII:8; II:12, 43; XI:8; IV:5-9, 39, 47, 121, 183; VII:43, 37; XII:85-86, 89, 120, 131; XV:22, 50.

11. LaFontaine, *Critical Translation*, 118; See Wengert, "Melanchthon's Last Word."

12. Ap IV:9, 22.

13. Ap IV:21, 39, 43, 47, 49, 106, p. 149, 238, 252; Ap VII:31, 21, 24.

14. Ap IV:34; Ap XII:142; Ap XVIII:4, 5, 9.

15. Ap IV:20, BC, 147-149, 165; Ap IV:283; Ap XII:79, 108; Ap XV:9; Ap XXIV:23.

16. Ap IV:179; Ap XVIII:4; Ap XXIII:4; cf. CR 15:453.

17. Ap XVIII:40.

18. Ap XVIII:2, 9; 7, 31.

19. Ap IV:132; Ap XVI:2, 8; Ap XVIII:10, 23.

20. CA XX:8; 27, 48; CA XXVIII:62; Ap IV:18, 20, 39, 43, 47, 155, 211, BC, 165; Ap IV:358, BC, 172-73; Ap VII:31, 45; Ap XII:10, 15, 16, 29; Ap XV:4, 10, 16, 22, 25, 32, 42, 43, 50; Ap XXIII:37; Ap XXIV:27, 43, 57, 60, 63, 77, 96, 97, 98; Ap XXVII:23, 54.

21. Ap IV:27, 47.

22. CA XX:8; 26, 29; Ap IV:12, 16.

23. CA XVIII:2; Ap IV:30, 32, 41.

24. Ap IV:92; Ap VII:13, 31, 32, 36.

25. Robert Kolb, "Luther on the Two Kinds of Righteousness: Reflections on His Two-Dimensional Definition of Humanity at the Heart of His Theology," *Lutheran Quarterly* 13 (1999): 453. See also Kolb, "God Calling, 'Take Care of My People'. Luther's Concept of Vocation in the Augsburg Confession and its Apology," *Concordia Journal* 8 (1982): 4-11.

26. LaFontaine, *Critical Translation*, 102.

27. The "+" indicates that this citation is from the second or octavo edition of the Apology and is found in an addition to the first edition in the text after the paragraph indicated in the first edition, here at p. 164 in *The Book of Concord*.

28. This will prove to be a most important distinction in as much as his opponents will locate faith only in the intellect (and hence cannot be righteousness) whereas Melanchthon will consistently place it also in the will (Ap IV:48; BC, 164-165). "Let us add the following scholastic argument: it is necessary for righteousness to reside in the will; therefore, since faith resides in the intellect, it does not justify" (Ap IV, 283 +, BC, 164). Note the citation there from Thomas Aquinas, n. 205: For intellect assents to those things, which are of the faith, by the command of the will." Melanchthon argues that faith resides not only in the intellect, but also in the will (since it is the desire for and the reception of the promise" (Ap IV:283 +, BC, 165).

29 It is interesting, however, that he does not speak of the ninth and tenth commandments which speak of coveting, a movement or impulse of the heart

30. BC, 164.

31. *Ibid.*, 165.

32. Fagerberg, *New Look*, 104.

33. Cf. CR 16:211.

34. This is an important source for Ap IV. See *Sources and Contexts of the Book of Concord* (Minneapolis: Fortress Press, 2001). Also see Peters, *Apologia*, 351-374.

35. CR 16:212.

36. Cf. CR 15:500.

37. Timothy J. Wengert, *Human Freedom, Christian Righteousness: Philip Melanchthon's Exegetical Dispute with Erasmus of Rotterdam*, (New York: Oxford University Press, 1998), 15 [hereafter cited as Wengert, *Human Freedom*].

38. *Ibid.*, 93.

39. BC, 165.

40. *Ibid.*, 167

41. *Ibid.*, 164.

42 This also explains why the discussion of faith's location within the human person occurs in the section where he responds to the concerns of the opponents.

43. *Ibid.*, 165.

44. Note Wengert's discussion on "though faith" and "by faith," "Reflections on Confessing the Faith in the New English Translation of *The Book of Concord*," *Lutheran Quarterly* 14 (2000): 3-4.

45. BC, 164.

46. *Ibid.*, 160.

47. *Ibid.*, 129.

48. Already in CA III Melanchthon used the very wording and framework of the Apostles' Creed and then brought out the soteriological ramifications of those statements with the words "in order to. ." In the Apology, a corollary of the glory of Christ centers

on the exclusivity of Christ's role as mediator (IV.157, 213, 317, 324; XXI:14-31). Other corollaries would include the *sola fide* emphasis found throughout (IV:1-3; 73-108; 287-300).

49. Cf. Arand, "The Apology as Polemical Commentary," in *Philip Melancthon (1497-1569) and the Commentary*, ed. Timothy J. Wengert and M. Patrick Graham (Sheffield: Sheffield Academic Press, 1997), 171-193.

50. "We acquire [virtues] by first having put them into action [. . .], becom[ing] builders by building houses, and harpists by playing the harp. Similarly, we become just by the practice of just actions [. . .]." *Nichomachean Ethics*, trans. Martin Ostwald (Indianapolis: Bobbs-Merrill, 1962), 34.

51. Robert Kolb, "God Calling," 4

52. We have the same problem today. Evangelicals often turn the Christian life into a two tiered existence when they stress, "now that you have accepted Jesus as your savior, make him the Lord of your life." Pentecostals work with a similar view with their distinction between water baptism for justification and Spirit baptism for sanctification.

53. See Steven Ozment's analysis of Luther's Disputation against the Scholastics in *The Age of Reform, 1250-1550: An Intellectual and Religious History of Late Medieval and Reformation Europe* (New Haven: Yale University Press, 1980), 235-236.

54. Ap IV:17: "They first urge us to earn this disposition [*habitus*] though preceding merits; then they urge us to earn an increase of this disposition [*habitus*] and eternal life by the works of the law." This two-stage process is evident in Roman Catholic literature throughout the sixteenth century.

55. Steven Ozment (*The Age of Reform*, p. 32; see note 53 above) uses the analogy of a tennis player to illustrate this process. While all people can play tennis, not all are tennis players. Two things are needed to become a tennis player. First, an infusion of instruction. Second, the practice of playing tennis in order to develop the muscle memory that results in one becoming a tennis player. The infusion of grace represents the first part, the exercise of love the second part.

56. "Whereas Erasmus was ever the moral philosopher who, with his *philosophia Christi* and his love for good Latin, sought ethical and philological standards and held to a fundamental continuity in God's work, Melancthon demanded a theological core that put language and morals in one distinct, God-given sphere and the gospel in another." Wengert, *Human Freedom*, 110.

57. *Ibid.*, 86.

58. "This also may be seen in the philosophers, who, though they tried to live honestly, were still not able to do so but were defiled by many obvious crimes. Such is the weakness of human beings when they govern themselves by human powers alone without faith or the Holy Spirit" (CA XX: 33-34).

59. Here one might postulate that when Melancthon refers to the righteousness of the law throughout the Apology, he uses it as shorthand to mean the righteousness of reason, that is, reason's apprehension or understanding of the law.

60. BC, 145.

61. A little later on he enunciates the principle, "wherever good works are praised and the law preached," we must hold fast to the principle, "that the law is not kept without Christ—as he himself has said, "Apart from me you can do nothing" (Ap IV:269).

62. Note Melancthon's use of Rom 14:7 and especially 2 Cor 3:18.

63. See Wengert, *Human Freedom*, 140.



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