

# *Sin, Between Law and Gospel*

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A fundamental question motivates these historically grounded reflections on sin: How can we talk about sin today? With a view to illuminating the answer, the following will reflect on certain conceptual dilemmas that came to define sixteenth-century Lutheran reflection on sin, and have punctuated it ever since. Our point of departure will be the Reformation's radicalization of sin and its conceptual implications. In this light, we shall then consider how sin is disclosed. This will show the overarching dilemma in the relationship between law and gospel. When seen through the lens of sin, this relationship, I shall argue, appears to be more complex than the customary linear sequence in which the comfort of the gospel follows the accusation of the law and the conviction of sin. In fact, precisely this view leads to the loss of sin's radical character, so crucial to Luther's protest. The argument advanced here will be that, *unless the gospel is related to the disclosure of sin, the Reformation's insight about sin's radicalness will be compromised, in the end minimizing not only sin but also grace*. In the final section the essay addresses this very process by considering the impact which post-Reformation tensions, related to the nature of sin, exerted on the rise of autonomous human agency and being.

## *In Search of a Category*

Philip Melancthon's charge in the *Apology of the Augsburg Confession* (1531) is that "the scholastic teachers . . . trivialize original sin."<sup>1</sup> This should give us pause. For it is hard to overlook the proliferation, in the late Middle Ages, of confessional manuals notorious for giving detailed instructions to priests on how to tease out admission of guilt from unwilling penitents.<sup>2</sup> Nevertheless, as early as Luther's *Heidelberg Disputation* (1518), there is a clear sense that there is *more* to sin. Sin is *not just* a transgression of the law, or a failure to keep it. Nobody in his right mind, including both Luther

and his opponents, was interested in debating whether a crime was sinful. But Luther was vitally interested in debating whether, in addition to crimes, also those “works of man [which] always seem attractive and good . . . are nevertheless likely to be mortal sins.”<sup>3</sup> Luther readily admitted that the works he had in mind were “not mortal sins . . . as though they were crimes [*crimina*].” But he still concluded that the good, attractive, even law-abiding works that humans perform could, in fact, be sins meriting eternal damnation.

Seen from this angle, the Reformation began as a controversy over sin and good works, provoked by Luther’s indictment of good works, regardless of whether they were self-devised or perfectly consonant with the law. This is how Luther’s first opponents saw it, forcing him to clarify that he was not, in fact, against doing good works but against the self-righteousness and self-congratulation—in short, against sinful pride—that naturally attend good works.<sup>4</sup> Already in the *Ninety-five Theses* (1517) Luther drew attention to the necessity and importance of doing good works, such as providing for one’s family.<sup>5</sup> This did not prevent Luther’s colleague, Nicholas von Amsdorf, from later making the notorious claim that good works were detrimental to salvation. Von Amsdorf’s view is certainly extreme, though not without precedent in Luther’s writings.<sup>6</sup>

By contrast, today one rarely, if ever, hears Lutheran pastors speak to the good works of their congregants as likewise not immune to the danger of condemnation, perhaps even more in danger of it. After all, nobody wants to own their failures, but everyone wants to claim their successes. Today preaching sin seems to be confined largely to the law’s *transgression*. This brings us to the Reformation’s fundamental conceptual insight which, I think, ought to inform our consideration of sin today. It will not do simply to equate sins and crimes, sin and lawlessness, hamartiology and morality. But if we are not simply to equate them, how are we to relate them? Here two alternatives present themselves. The first option would be to regard crimes (*crimina*), as Luther understands them, merely as a subset of sin. Sin is simply a broader category: all crimes are sins, but not all sins are crimes. The larger set would then include also good works—those good works that are somehow deficient. With recourse to Kant, for example, we might blame this deficiency on the works

being done only in accordance with duty, but not really out of duty.<sup>7</sup> In that case, the opposite of sin would be virtue, wholehearted obedience to the law, which results not only in apparently or externally good works but in *intentionally* good works.

The alternative is sharply to distinguish sin and *all* works, including crimes, as belonging to entirely different categories. Distinction does not, of course, mean separation. To quote Eberhard Jüngel, “the necessity of distinguishing as sharply as possible emerges at the very point at which the things to be distinguished are bound together as tightly as possible.”<sup>8</sup> But the relation is more complicated than that of larger sets to their subsets. The categorical distinction is, actually, the path taken by Luther and, albeit inconsistently, as we shall see, in the Lutheran Confessions. When one speaks of sin, it is certainly not enough to juxtapose evil deeds and good works—the goodness of good works is not determined *ex opere operato*, it is not automatic. But neither is it sufficient to place, on one side, evil deeds and only externally good works, and then juxtapose them with works that are truly intentionally law-abiding.<sup>9</sup> Luther insists we must get at the root of the problem, “the inherited sin (*Erbsünde*), or the chief sin.”<sup>10</sup> This, for Luther, is unbelief. Although never quite transcending the category of human action and responsibility, unbelief belongs to a different category. Unbelief, the Reformer writes in his *Preface to Romans* (1522/1546), is “the root and source of all sin . . . unbelief alone commits sin . . . unbelief [is, in fact,] the only sin!”<sup>11</sup> As early as *The Babylonian Captivity* (1520), we find Luther insisting that “no sin can condemn . . . save unbelief alone.”<sup>12</sup>

One profound implication of this categorical shift, as Kierkegaard perceptively noted against the pious moralism of his own day, is that “the opposite of sin is by no means virtue.” “In part,” writes Kierkegaard, “this is a pagan view, which is satisfied with a merely human criterion and simply does not know what sin is, [namely,] that all sin is before God. No, *the opposite of sin is faith*, as it says in Romans 14:23: ‘whatever does not proceed from faith is sin.’ And this is one of the most decisive definitions for all of Christianity.”<sup>13</sup> In this respect, Kierkegaard may be seen as a good student of Luther, who likewise draws attention to the same juxtaposition. In his *Sermons on the Gospel of John* (1537), Luther contrasts sin and faith by noting that

unbelief retains all sin and cannot obtain forgiveness, just as faith delivers from all sin. Hence without this faith everything, including even the best works and life of which man is capable, is and remains sinful and damnable. Good works may be praiseworthy in themselves and commanded by God; but they are vitiated by unbelief and for this reason cannot please God just as all the works and life which spring from the faith of a Christian are pleasing to God. In brief, without Christ all is damned and lost; in Christ all is good and blessed.<sup>14</sup>

### *Revealing Sin*

Locating sin beyond ethical categories raises some dilemmas, two of which I discuss in what follows. In this section we ask whether a rational case can be made for sin. In the ensuing sections we consider sin's relation to our humanity. To consider whether a rational case can be made for sin, we must begin with the question of how sin is disclosed. The Lutheran commitment to preaching the law rests on the assumption that sin can be rationally brought to light—even if the *Formula of Concord* adds the caveat that without the Holy Spirit's alien, convicting work the chances are rather slim!<sup>15</sup> However, in light of what has been said, it is not unreasonable to ask whether preaching the law can get at sin at all, with or without the Holy Spirit. But then why specifically preach *the law*? Can a jump be made from the knowledge of oneself as an occasional, or even habitual, law-breaker and impurely-motivated doer of the good to the knowledge of sin? Can a jump be made from an empirically established “tendency of man's heart and nature,” as Jonathan Edwards would have it, to the knowledge of oneself as a sinner?<sup>16</sup> It seems the only way this can be done is by invoking some Anselmian assumption of debt that becomes infinite on account of the offended party: then a single offense, however slight in itself, makes one inescapably into a sinner. But even if we were to follow this route, is it at all commensurate with the insight that sin is, fundamentally, unbelief? In short then, what is it that we do when we preach the law? And in what sense does the illumination of legal failure prepare one for the gospel? Does the gospel play any role beyond being that for which the law prepares the way? These are some questions that, I believe, deserve more reflection than they customarily receive

(Article V of the *Formula of Concord* notwithstanding). The “Lutheran” answers, it seems to me, cannot simply be taken for granted.

Let me point to some considerations that, I believe, have a bearing on the question of making a natural, rational case for sin. In his Genesis lectures, Luther contends that among the consequences of the fall is humanity’s loss of the knowledge of sin.<sup>17</sup> A loss obviously calls for a restoration of this knowledge. But Luther also insists, in *The Smalcald Articles*, for example, that reason does not comprehend inherited sin.<sup>18</sup> Now, to admit incomprehension is not yet to impinge on the possibility of rationally demonstrating original sin. We may recall Augustine’s later perplexity at the theft of pears in which he had participated. The act, Augustine muses, proceeded from no particular defensible need but rather from a mystifying thrill.<sup>19</sup> What is important in Augustine’s treatment is that the irrationality of the urge does not disqualify it from rational investigation and is itself deduced through rational self-reflection. Or we may take the Pauline “The good I want to do I do not do” (Rom 7), which, though irrational as a posture, can, as a phenomenon, be rationally accessed and queried. In other words, to say that the knowledge of sin has been lost and that reason does not comprehend sin as such *may* imply nothing more than a Freudian admission of the impenetrable recesses of the self, of which the ego catches a glimpse but which never come to light. But Luther, it appears, goes further: because sin “has caused such a deep, evil corruption of nature,” he says, “it must be believed on the basis of the revelation in the Scriptures.”<sup>20</sup> Sin is deeper than the self’s inability to comprehend itself.

What then do the Scriptures reveal about sin? Luther cites the standard classical *loci*, such as Psalm 51, Romans 5, Exodus 33, and Genesis 3, which assert sin’s reality. But theologically and exegetically, things appear far more interesting. *The Augsburg Confession* (1530) states succinctly that to be “born with sin” is to be “without fear of God, without trust in God, and with concupiscence.”<sup>21</sup> This statement is undoubtedly an echo of Luther’s explanation of the Decalogue in *The Small Catechism* (1529). With the Decalogue as seemingly the broader context, one could easily take the *Augustana*’s description to mean that sin is simply law-breaking, a failure to keep the commandment. But it seems to me that, even within the

theological architectonic of *The Small Catechism*, this would be a misreading. To understand what, according to Luther, the Scriptures reveal about original sin, I turn briefly to the Reformer's lectures on the third chapter of Genesis (1535-36).

In the Genesis lectures one encounters a curious dialectic of fear that prevents an overly simplistic, law-focused construal of sin, which *The Small Catechism* might be taken to suggest. On the one hand, Luther says that, "just as it is the nature of the eye to see, so it was the nature of reason and will in Adam to know God, to trust God, and to fear God."<sup>22</sup> On the other hand, fear is said to characterize human post-lapsarian existence. Luther speaks of a "prodigious fear which followed sin."<sup>23</sup> He explains: "By nature we have become so thoroughly frightened that we fear even the things that are safe." This post-lapsarian fear is crystalized, first and foremost, in humans' fear of God: "Adam and Eve lose their confidence [*fiducia*] in God and are so filled with fear and terror that . . . they immediately think God is approaching to punish them." God now appears to Adam and Eve as an oppressive taskmaster whose command they have transgressed, a powerful deceiver whose sole goal is to keep the man and the woman ignorant and submissive. Therefore, God's question "Where are you?" is heard by them as nothing but words of the law.<sup>24</sup> But this appearance of God is, in part at least, a false god, a god of Satan's devising. To be sure, God is now judge over the sin of the humans who have given ear to the Satanic lie, but it is not the case, as the serpent made it out to be, that "God's will toward man is not good."<sup>25</sup> Rather, it is "our will [that] makes a devil out of God and shudders at the mention of His name, especially when it is troubled by God's judgment."<sup>26</sup> But Adam and Eve do not know that—for "[s]in itself is the real withdrawal from God," and, in light of the false divine image that stands at its center, it can only be followed by flight.<sup>27</sup> "[T]his is the nature of sin—that the farther man withdraws from God, the farther he still desires to withdraw."<sup>28</sup> The post-lapsarian "fear is really an avoidance and hatred of God,"<sup>29</sup> as "man not only does not love God any longer but flees from Him, hates Him, and desires to be and live without Him."<sup>30</sup>

In this light, sin must be seen as a loss of the knowledge of God and thus also trust in God. To be more specific, sin is a loss of the

vital sense of *divine goodness*. Luther could hardly be more emphatic: “the serpent directs its attack at God’s good will.”<sup>31</sup> Before the fall, notes Luther, Adam and Eve “felt safe in God’s goodness.”<sup>32</sup> Their natural fear of God was related to this fundamental trust. One could say that they feared God because he was the one through whom they did not need to fear anything—a friend, yet an astonishingly formidable friend. In Luther’s words, “in man there was the most admirable confidence [*fiducia*] in God, and man could not have been afraid even if he had seen the heavens collapse.”<sup>33</sup> For this reason, the command not to eat of the tree of the knowledge of good and evil was, according to Luther, “Gospel and Law [sic]; it was [Adam’s] worship; it was his service and the obedience he could offer God in [the] state of innocence.”<sup>34</sup> It was an expression of Adam’s trust and faith and ultimate rest in God as a personal source of all that is good. It was Adam’s self-expression as a creature of God.

Luther’s exposition, I believe, leads to the following conclusion. To see God as trustworthy, to see God’s law as expressive of worship, one must again “taste and see that the Lord is good” (Ps. 34). As long as the sinner knows only the false god—the judge as well as the dishonest taskmaster (Descartes’ omnipotent deceiver comes to mind, as well<sup>35</sup>), the sinner remains justified in his or her flight (though also “without excuse” [ἀναπολογήτος, Rom. 1:20], but only in the sense that a weaker party is without excuse in face of an overwhelming force). As long as the sinner knows only the false god, the sinner remains a tragic figure, valiantly fighting a losing battle. But that sinner is not really a sinner, not yet at any rate. Knowledge of sin can only be revealed knowledge in the strict sense: it can proceed only from God’s self-disclosure in his goodness, from God’s reaffirmation of his goodwill. For sin is, at bottom, not so much a transgression of the law as a *denial of the gospel*. It is not against the law, be it God’s law or natural law; sin is against God’s goodness.<sup>36</sup> It takes place not in the context of an ethical framework but flies in the face of the self-giving God. To repeat, this time from an exegetical angle, the conclusion of the preceding section: sin is unbelief. It is both militant ignorance of God’s benevolence (though not necessarily of God’s power and law-giving character) and the resultant inability to put one’s confidence in God.

Thus, if we pursue Luther's admonition that original sin "must be believed on the basis of the revelation in the Scriptures,"<sup>37</sup> and further if we allow this admonition to be informed by Luther's reading of Genesis 3, we are compelled to complicate the relationship of the law and the gospel. It appears different from what Lutherans are accustomed to, namely, the law's incessant accusation and the gospel's comfort to a frightened conscience. On the one hand, the accusation of the law, when it comes to disclosing sin, appears misdirected and inadequate. On the other hand, the gospel is that which decisively brings sin into full view. The gospel does this, in part, because in its light, in light of God's self-giving, the command loses its tyrannical aspect: it no longer is the command of a false god, but becomes further confirmation of God's goodness. The sinner's flight loses its justification. It *becomes* what it has been *all along*—sin. When we view the gospel in this way, Kierkegaard's words must strike us as quite apropos: "What a strange problem! . . . [T]his strange outcome emerges, this strange conclusion that sin is not to be found at all in paganism but only in Judaism and Christianity, and there again very seldom."<sup>38</sup>

What about the law then? By denying that a rational case can be made for sin, by asserting the law's misdirectedness and inadequacy in disclosing sin—have we not opened the door to the worst kind of antinomianism? Have we not neutered the law and made of it at best a "form of the gospel" (Barth),<sup>39</sup> a mere testimony to God's benevolence? This is perhaps a justified fear, especially today, in a culture widely perceived as permissive, lawless, and even immoral. In response, many conservative Christians and churches have taken it upon themselves to defend and proclaim God's law, so much so that the law has become a veritable ecumenical platform even among churches that hardly see eye to eye where the gospel is concerned. But this preoccupation with the law may perhaps have blinded us to the fact that it is the gospel, still the gospel, that needs defending and proclaiming—even in an antinomian culture. For what has been surrendered in some quarters is not just the law. Legalisms, after all, abound everywhere. What has been lost sight of is precisely the gospel. Unbeknownst to some, the gospel has been swapped for "some other gospel"—a gospel, to quote Richard Niebuhr's phrase,

of “the love of love.”<sup>40</sup> Yet, as heart-warming as it might be, that gospel lacks a revelatory dimension: it lacks both the cruciform specificity and the vital relation to human sin, which characterize the gospel of Jesus Christ.

What about the law then? Are we to proclaim it? Are we still to deploy it before the gospel is preached? For what purpose? Let me get my bearings from Luther again. In his piece *Against the Antinomians* (1539), we find the Reformer explicitly affirming the sin-disclosive aspect of the gospel. This is in keeping with our argument above. Luther writes: “To be sure, I did teach, and still teach, that sinners shall be stirred to repentance through the preaching or the contemplation of the passion of Christ, so that they might see the enormity of God’s wrath over sin, and learn that there is no other remedy for this than the death of God’s Son. This doctrine is not mine, but St. Bernard’s . . . It is the message of all of Christendom, of all the prophets and apostles.”<sup>41</sup> Yet having said this, Luther is quick to warn that it is illegitimate to deduce from this that the law must be cast aside. Why? Because, as he puts it in the spirit of St. Paul, “where there is no law, there is no sin. And if there is no sin, then Christ is nothing”!

What are we to make of this? I think we would do well to come back to Jüngel’s warning about the nature of distinction: we distinguish to show that “the things to be distinguished are bound together as tightly as possible.” Luther’s goal was definitely to magnify sin for the sake of divine grace. “The more you minimize sin, the more will grace decline in value,” he warns his students.<sup>42</sup> The gospel, when proclaimed in its purity, actually represents the ultimate maximization of sin: it took the death of God himself to effect reconciliation between the creator and his estranged creatures. The gospel represents this maximization not through aggregation, or some Anselmian notion of divine infinity, but through a categorical transfer. But in itself the maximization can have unwanted negative effects when it ceases to be a corrective to human self-justification, self-valorizing optimism, and delusions of grandeur. Its sin talk can become monotone. The consequences of the separation of the Lutheran corrective from that which it sought to correct have been captured well by Gilbert Meilaender: “If I am an inattentive, thoughtless, or even abusive

husband and father—and my neighbor is just the opposite, an exemplary husband and father—what Lutheranism too often has to say to us is exactly the same: that before God we are sinners in need of justifying grace. And if I want help to become more like my exemplary neighbor, the message is likely to be precisely the same: that I am a sinner in need of grace.”<sup>43</sup> In addition to being monotone, such sin talk also runs the risk of being abstract.

It is to avoid this monotony and abstraction that the law is preached. Not in order to make a rational or conclusive case for sin, but to display the convulsions of human being in the world: to highlight consequences, uncover hidden motivations, to bring to light patterns or inconsistencies, and to illuminate the ego’s dark recesses precisely in their darkness. The law is preached to disclose bondage where freedom is on parade, bondage to the worst possible tyrant: the self.<sup>44</sup> But in itself the accusatory voice of the law can only be a fragmented voice: its force is that of probability but not inevitability. The reactions the law elicits can, therefore, alternate between forgetting, gritting one’s teeth, self-congratulating, despairing over the world or oneself, or becoming defiant. The criterion of the law, just like the criterion of all virtue, is the self, and it is only to the self that one is constantly delivered up by the law.

The gospel, crucially, shows that all this posturing takes place in the face of Jesus’ cross. It shows that all the convulsions of the self are not simply aggregated into habits and patterns to be countermanded and overcome by other habits and patterns, even imitation of Christ. It shows rather that each movement is in itself an exacerbation of the previous one, that past actions are not reversed but persist in new actions, which spur one on to further actions. One withdraws on account of one’s withdrawal.<sup>45</sup> The gospel shows all this restlessness to be a fearful attempt to come to terms with the world and with oneself—where neither the world nor the self seems to offer the desired security. At bottom, the gospel shows one to be in flight when one has no reason to be. Restlessness does not bring about rest. Rather, rest is disclosed as a fact—and as a gift—in Jesus Christ. The gospel discloses the real extent of sin, its root, its delusion, and its foolishness. And as it does so, the gospel puts an end to all these by announcing the decisive act of divine faithfulness.<sup>46</sup>

To sum up, the relation of the law and the gospel is characterized by complex reciprocity. Importantly, however, this reciprocity is grounded in the primacy of grace, the primacy of the gospel. In the final section, I intend to illuminate both of these dimensions—law-gospel reciprocity and gospel primacy—by investigating the *Formula of Concord's* inconsistent treatment of sin.

### *Sin, the Law, and the Dulling of the Gospel*

As a conciliatory document, the *Formula of Concord* (1577) is characterized by urgency toward clarity and division of labor. For this reason, it locates sin purely within the perimeter of the law. However, this move ultimately minimizes sin, rather than maximizing it. Not unaware of this undesirable outcome, the *Formula* tries to prevent it. The resultant tension is evident both when it comes to human agency and the *Formula's* conception of human being. But the inevitable can hardly be forestalled: the diminishment of both the impact of, and the need for, grace in favor of human autonomy. Put differently, what the remainder of this article will demonstrate is that the Lutheran tradition involved itself in a contradiction by, on the one hand, affirming the radicalness of sin, while, on the other hand, assigning its disclosure to the law alone. This contradiction produced significant anthropological consequences which undermined the very insight which had spurred Luther's protest in the first place, namely, that without faith in God one is only a sinner, hopelessly entangled in one's own being, rather than a mere victim of one's actions.

Let us examine agency, first. The essence of sin, according to the *Formula*, is that “[h]uman beings have not kept the law of God but have transgressed it.”<sup>47</sup> This statement is surprising in view of what immediately precedes it. To be sure, “the law reproves unbelief,” the *Formula* admits. But it is the *gospel*, it goes on to add, that “teaches and commands faith” (§19). What, therefore, goes unrecognized is that far more is at stake in sin than violence done to God's law. Violence to God's law, transgression of the divine command, is in fact secondary, a manifestation of a deeper issue which centers on (the loss of) faith.

Given its view of sin, the *Formula* naturally identifies the *law* as that which ought to make sin visible. To do this, it must explain away the claim, made by some Lutheran theologians, that “the gospel is really not only the proclamation of grace but also at the same time a proclamation of repentance, which reproves the greatest sin, unbelief” (§2). As we have seen, Luther is to be numbered in this group. The *Formula* waters down this statement by appealing to the narrower and broader uses of the word “gospel,” the latter sense referring to the teaching of God’s counsel “apart from the proper distinction of law and gospel” (§5). The *Formula* then goes on to insist that “reproving sin and teaching good works remain the proper function of the law” (§18). “Everything that proclaims something about our sin and God’s wrath is the proclamation of the law, however and whenever it may take place” (§12).

But some lingering uneasiness remains. “[T]he proclamation of the law alone” is said either to drive “people into total despair,” which is the expected outcome, or (more likely perhaps) to make “presumptuous people, who believe that they can fulfill the law with their outward works.” Hence Christ, it is asserted further, has raised the bar and “interpreted the law spiritually” (§10). In the end, however, the *Formula* admits that it is “the gospel [that really] illustrates and explains the law and its teaching” (§18). It even asks rhetorically, “what could be a more sobering and terrifying demonstration and proclamation of the wrath of God against sin than the *suffering and death of Christ, his Son?*” (§12).<sup>48</sup> But without reflecting on this, the *Formula* views the Passion as merely intensified law preaching (should one wish to apply it this way). It does not view it as the threshold at which sin becomes both fully exposed and done away with—a threshold lying beyond the law’s reach.

In short, for all the terminological neatness, there is in the *Formula* some equivocation as to whether the law can, by itself, be trusted with exposing sin. But this tension between what the law is expected to do and the fear that it may not be quite up to the task, if sin is indeed as serious as we make it out to be, remains largely unaddressed. It is simply overridden by the explicit assignment of disclosing sin exclusively to the law. This move will have far-reaching implications as part of a broader intellectual trajectory that eventually leads to the

minimization of sin and with it to the dulling of the gospel. Steps toward such minimization of sin, despite attempts to prevent it, are already evident in the *Formula's* anthropology.

How is sin minimized? I suggested in the previous section that the law does its work *not merely for the sake* of the gospel, but *within* the work of the gospel, which interprets the law. Specifically, in light of the gospel, *simply* keeping the law, no less than transgressing it, is disclosed as restless withdrawal, as intensification of faithlessness, amounting to the claim that God cannot be trusted unless somehow placed under an obligation. But simultaneously, as disclosure of God's faithfulness, the gospel turns the law into the gospel's own affirmation: the gospel calls the believer to find in the law the believer's worshipful self-expression. In other words, the law is *never* independent. It succeeds in disclosing sin at sin's root only through the gospel's decisive demonstration of God's faithfulness. This is especially important considering the law's discontinuous and particular character. At the same time, as a call to faith, the gospel endows the law with a new and unexpected character. There never is meant to be the law as such.

Now, when the law is allowed the primary and even exclusive say in what sin is, that is, when sin is disclosed solely as transgressing or not living up to the law, the law gains unwarranted autonomy. The gospel is then reduced to an answer to what the law has independently established, instead of addressing a deeper issue which the gospel itself identifies even as it resolves it. This independence of the law has its corollary in human autonomy, or at least its possibility, for it speaks to humans as, first of all, doers. The reasoning implicit in the *Formula's* teaching comes very close to what the *Westminster Confession* (1646), for example, will state quite explicitly. The Westminster divines describe "the first covenant made [by God] with man [as] a covenant of works, wherein life was promised to Adam, and in him to his posterity, upon condition of perfect and personal obedience" (Art. VII). In other words, if only the first humans had kept the law, there would be no need for grace. From this view, in turn, it is but a short step to the sort of reasonable Christianity proposed by John Locke. Humans naturally fall short of being able *perfectly* to keep the law, and that despite the fact that they

know it, or at least could know it, by nature. A miracle-working, death-defying savior is thus necessary. But he is only a shorter and surer route to rectifying what humans could in principle do themselves, given the right kind of Archimedean resting place. The savior is simply more efficient, in that he comes with authority, is able supernaturally to authenticate his message, as well as providing a reliable incentive for compliance. Locke writes:

'tis at least a surer and shorter way, to the apprehensions of the vulgar, and mass of mankind, that one manifestly sent from God, and coming with visible authority from him, should, as a King and law-maker, tell them their duties, and require their obedience, than leave it to the long, and sometimes intricate deductions of reason, to be made out to them: such strains of reasonings the greatest part of mankind have neither leisure to weigh, nor, for want of education and use, skill to judge of. . . . If we do what we can, he will give us his Spirit to help us to do what, and how we should.<sup>49</sup>

What we, in fact, see in Locke is an inevitable legalization of the gospel in face of the autonomous law. The law belongs to one by nature; it is part of humanity's rational endowment. From this location the law issues demands, and it exclusively and without remainder determines the nature of transgression. This renders the gospel into an answer to one's inability perfectly to keep the law: the gospel supplies merely what one lacks as the law's transgressor. Interestingly, a part of this answer, on the gospel's part, is now simply an explicit and clear articulation of the law in addition to the supply of aid and provision of a boost.<sup>50</sup>

The exclusive assignment of sin's disclosure to the law, and with it the rise of the law's autonomy, received an impetus from ignoring the sin-disclosive dimension of the gospel. But why was this dimension ignored in the first place, beyond a mere desire for conceptual division of labor? It appears that the process was aided, in part at least, by the Protestant Reformation's appropriation of the long-standing distinction between the ceremonial laws of ancient Israel, on the one hand, and the moral law, on the other. For in consequence it was the law that came to define humanity at its core, making the gospel into a divine afterthought.<sup>51</sup> Hence an explicit articulation of the law suffices to demonstrate where one falls short.

To be sure, Luther, when condemning the semi-Pelagian scholastic theology of his day, resists this distinction as an attempt to valorize one's moral striving and downplay sin. No works of the law justify; that is to say, moral law is no closer to justifying one than ceremonial laws.<sup>52</sup> But Luther generally upholds the distinction when opposing the radical reformers' demand that Old Testament ceremonial laws be binding on Christians. The Mosaic Law was given exclusively to Israel, Luther observes. Consequently, only that portion of the Mosaic code can be said to be binding on Christians which reflects "natural law." For "what God has given the Jews from heaven, he has also written in the hearts of all men . . . . But the other commandments of Moses, which are not [implanted in all men] by nature, the Gentiles do not hold."<sup>53</sup>

Luther is right in pointing out the historical locatedness of the Mosaic Law. He is also right in insisting that the gospel is compromised when legal demands are indiscriminately added to it, especially as proof of one's Christianity, as if the gospel could not by itself be trusted to make Christians. But Luther fails to draw important implications from the distinction as he makes it. He fails, first and foremost, to realize that the ceremonial law, precisely on account of its very historicity, actually qualifies all the other law and casts light on its true character. The ceremonial law is law that can only be given. The *event of its giving* shows it to be part of God's gracious provision for his people. In this *event*, the law—all law—is revealed to be God's call to the people to express their identity through worshiping the God who made "you" into a people and "who brought you out of the land of Egypt, out of the house of slavery" (Ex 20:2). If one wishes to preserve the insight that all law is, in fact, oriented toward worship, then the ceremonial law—precisely in its being given in a historical event—is actually primary and determinative. The ceremonial law comes to define the character of all law as worship (rather than pedagogy, or some other way in which the self can get a grip on itself). Even when its call to worship comes to be obscured, when it appears arbitrary, the ceremonial law, unlike the moral law, still continues to pose the question—not just of the self brought face to face with itself by the law, but of the God who, in calling one to self-expression through this law, is to receive

honor and glory. It continues to pose the question of the self as existing in a fundamental self-constitutive relation beyond itself.

Unfortunately, despite his insight that God's command was Adam's worship, Luther did not make the same point when distinguishing between ceremonial law and moral law. He thus, on some occasions, inadvertently contributed to the primacy of the moral law, its independence and self-contained character, and reduced that which abides in the biblical law to an explicit articulation of that which humans already possess (as if the manner in which humans possess the law were not in itself rendered problematic through their withdrawn existence and their impugning of divine goodness).<sup>54</sup>

In the end, one must wonder whether the distinction between the time-bound ceremonial law and the enduring moral law is the best way to shore up Luther's dual concern that the law must not follow the gospel, as if the gospel were insufficient to *make* one into a Christian, and that it certainly must not follow the gospel in a way that "ensnare[s] the conscience with laws" that pertain to matters now neutral.<sup>55</sup> Luther, too, is capable of admitting that the distinction is "old and common, but it is not an intelligent one."<sup>56</sup> Fortunately, there seems to be another way whereby one can put to rest laws that "create sins and problems of conscience where none exist, and murder souls without necessity."<sup>57</sup> Luther hints at this way when he suggests that even the Decalogue contains not only moral but also ceremonial and judicial law, and it takes a theological sensibility to tell them apart.<sup>58</sup> What is required is a sense of God's gracious activity through which God brings things to a "fullness of time" (Gal 4:4). The good news that God became human in order to bear away the sin of the world renders some law obsolete: it historicizes it and relegates it to the past. Thus, instead of appealing to the independent natural/moral law as that which humans possess by nature and which sanctions external laws, one could actually begin with the understanding of all law as worship. Modes of worshipping God change in relation to God's work of grace culminating in the gospel of Jesus Christ. Importantly, for the law to be qualified as worship and subjected to this correction of grace, the law must be seen as secondary to, and functioning within, the gospel. Grace, one's vital relation to God's faithfulness and self-giving, must be seen as determinative of humanity.<sup>59</sup>

Neither Luther nor the authors of the *Formula* could, of course, have foreseen the course of the law toward increasing autonomy and immanence, and together with it the minimization of sin and grace in Western Christian thought. Nor could they have foreseen their own place in this trajectory. But the *Formula's* underlying uneasiness with whether the law is sufficient to diagnose sin—an uneasiness all too easily put to rest in the name of an all-too-neat division of labor—ought perhaps to have given its authors pause.<sup>60</sup>

### *Sin and human being*

The failure of the *Formula's* authors to recognize the complexity of the law-gospel relationship, in particular the anthropological primacy of grace, exerts an impact beyond the actions of the person, who now as a sinner is fundamentally only a transgressor of the law. The failure results, beyond the person's doing, in a tension evident also in the person's being. The *Formula's* attempted resolution of this tension does little but shore up further human autonomy over against God and God's grace. Briefly put, the tension consists in the *Formula's* desire to magnify sin's impact on human nature and in its inability ultimately to do just that for fear of annihilating the human nature of the (moral) doer altogether. As a result, it is just not clear what the corruption of human nature is and whether one can bear responsibility for it.

In Article I, one finds a clear desire to demonstrate the seriousness and pervasiveness of sin. The authors insist that "original sin has contaminated and corrupted all of human nature like a spiritual poison and leprosy . . . so that in our corrupted nature no one can show or prove what is unmistakably human nature and what is original sin" (§33).<sup>61</sup> Things actually go deeper than a mere perceptual difficulty. Compared to Adam's created nature, humans now exhibit a "complete lack [or loss] of all good in spiritual, divine matters" (§II; cf. 23). This is due to the "lack of original righteousness" (§10; cf. *Ap* II.15), which originally was an essential part of Adam's nature, and was not just a supernatural endowment.<sup>62</sup>

Now, the loss of a natural component suggests an essential alteration. The person, as a sinner, appears to be less than human! But the *Formula* recoils from this conclusion. It rejects the view of Matthias Flacius that

“after the fall, because nature has been corrupted by sin, [there is] absolutely no difference at all between human nature or the human essence and original sin” (§1). There must be a humanity in which original sin can inhere and which it can corrupt! Therefore, as the *Formula* insists, “human nature is not completely eradicated or transformed into another substance that is essentially not the same as our nature and thus is not to be regarded as of the same essence as we are” (§30). This, again, requires that some of Luther’s statements be explained away, such as “Your birth, your nature, and your entire essence is sin, that is, sinful and impure” (§52).

Although the authors are at pains to underscore just how far-reaching the corruption of human nature is, their claim that the nature *becomes less* in consequence of the fall sits rather uneasily with their insistence that human nature *remains essentially* what it was. As a solution, the *Formula* posits a human nature which is not itself, that is, essentially, but only accidentally, sinful. Before we critique the *Formula*’s proposal, it is important to take note of Edmund Schlink’s warning that “by designating the corruption as ‘*accidens*’, original sin is by no means ‘minimized’.” Schlink argues: “When the Formula of Concord . . . designated creatureliness as *substantia* and original sin as *accidens*, it gave these terms a meaning completely different from that used in Aristotelian scholastic language; the theme of the theological statement has transcended and reshaped the philosophical concepts.”<sup>63</sup> According to Schlink’s interpretation, the *Formula* demands simply that creatureliness and sin be discussed on two different levels, as two entirely overlapping and dialectically related realities.<sup>64</sup>

This is all well and good. But if that is the case, then one wonders, first, whether the *Formula*’s solution is really a solution, or whether it merely skirts around the issue. More than that, is it perhaps a non-solution that produces its own undesired consequences? It seems to me that the authors of the *Formula* make a categorical mistake when considering the impact of sin on human-being. The mistake is to collapse *human-being* into one’s *creaturely make-up*, as if these were simply the same. The product of this confusion is creaturely autonomy. Second, while the *Formula* seeks to transcend the Aristotelian schema of the essential substance and the non-essential accident, it is questionable whether it succeeds. The failure, as I will

show, is evident particularly in the way it construes sin's corruption within this adopted framework. What results, again, is both a minimization of sin and its abstraction—in marked contradistinction to Luther's account. Let me consider these two aspects in turn.

As already indicated in the discussion of human action above, the *Formula* fails to recognize the primacy of the gospel and, through it, the *essential relation* of the human person to God. With the meaning of humanity at stake, this failure takes the form of a categorical shift in how the human person comes to be conceptualized, first, as righteous and, then, as a sinner, and it allows this categorical shift to remain undetected. Compare the following. The *Formula*'s understanding of righteousness centers on “ability or competence in anything that relates to God.”<sup>65</sup> This is understood, however vaguely, not in the sense of choice but in the sense of having a self whose entire being is lovingly oriented toward God. In other words, the being of the righteous person is considered from the perspective of what later philosophy will term *Dasein*: a being for whom its own being remains an issue. As Rudolf Bultmann has aptly captured it, the being of the human person is such that “in the concrete situations of life,” whether one wants it or not, “man does not choose *something for himself*, but [is constantly confronted with and] chooses *himself* as his *possibility*.”<sup>66</sup> To apply this to the *Formula*, righteousness is an act of being whereby one is in no position to effect righteousness for oneself but is rather confronted with, and affirms oneself in, the unceasing gift of being; one recognizes oneself-in-Christ as one's ownmost potentiality. This enactment of being given to oneself corresponds closely to what Luther understands as worship.

By contrast, when the *Formula* proceeds to speak of the sinner, its conception of the human person, in the backdrop of this discussion, is now no different from how things are conceptualized, namely, as a substance which happens to possess certain corporeal and spiritual endowments. As such, human nature possesses a degree of autonomy and neutrality. It is, to be sure, created by God, for “even after the fall God is the creator of human beings and fashions the human body and soul”;<sup>67</sup> but, crucially, it can be considered in itself, apart from God. It can and must, likewise, be considered apart from sin, which only corrupts it, but does not replace it.<sup>68</sup>

This unrecognized categorical shift from relational person- to non-relational substance-ontology is precipitated, most immediately, by the *Formula's* desire to rebut Flacius' position. It is important to note that Flacius' pronouncements on original sin already, unfortunately, relied on the metaphysics of substance.<sup>69</sup> Since the *Formula's* authors did not regard grace as primary and fundamental but only as a response to law-breaking, they uncritically accepted Flacius' terms and parameters for the discussion. Within those, Flacius' position must have appeared to them to be over-determined and incoherent. It obviously cannot be the case that sin is a substance, for then a fall into sin would mean the replacement of our humanity with another substance, that of sin, while humans obviously continue to possess both bodies and souls. The *Formula's* solution is thus to make of sin an accident, however serious and pervasive, that merely inheres in the substance of our humanity. Significantly, while the *Formula* thus comes to reject Flacius' position, it does so with polemical immediacy but without broader criticism.

Several implications follow. The *Formula's* anthropological account is inconsistent, ultimately failing to consider and do justice to *human* being in its specifically human, *being-in-act* dimension. Further, by making the illicit jump from *Dasein* to the physical discreteness of the substance and by attempting to resolve the problem of sin at the level of the latter, the *Formula* shores up the impression of human autonomy: it now construes the person's humanity in itself, apart from God and apart from sin. One's being as sinner is now dialectically related to one's being simply a creature of God (*simul peccator et creatus*). In other words, the *Formula* endows creature-being with a sort of residual and immanent righteousness. Most importantly, it also renders sin inessential and abstract, and evacuates it of personal responsibility. It is all very well to say, within this framework, that original sin is "a deep-seated, evil, horrible, bottomless, unfathomable, and indescribable corruption of the entire human nature and of all its powers."<sup>70</sup> But original sin's indescribability, coupled with the essentially intact humanity of the sinner, will only confirm the law's exclusive jurisdiction over sin, construed as transgression, and reduce the gospel to a quick fix.

The most problematic is the *Formula's* attempt to overcome the apophatic nature of original sin emerging from its account.<sup>71</sup> The

*Formula* genuinely wrestles to bring together God's creation and sin's corruption, that is, to articulate the contingent yet serious character of original sin. But within the substance-metaphysical framework to which it has confined itself, the best it can do is to locate sin in the defectiveness of the material from which God creates human body-soul aggregates: "this creature and handiwork of God is tragically corrupted by sin, since the *massa* [lump] from which God forms and makes the human being is corrupted and perverted in Adam and is bequeathed to us."<sup>72</sup> Two things must be noted in response. For all its desire to reject the Manichaeic error, it is difficult to see how the *Formula's* account manages to avoid it, with its postulate of material or stuff, alien to one's humanity, but dispersed throughout one's human being. Moreover, it is difficult to see how original sin is really my own responsibility. When all is said and done, what is thus reinforced is the notion of an autonomous human, imperfect and even tragically flawed, struggling against overwhelming odds—a human being desperate for a gospel-fix. But it is doubtful whether this tragic being is really a sinner—at least in the way Luther understands the sinner.

Luther, as we have seen, posits the primacy of divine grace in the constitution of the person as a *human* being. This is correlated with the primacy of the gospel as conclusively disclosive of sin, in that sin is ultimately always against God's grace. For Luther, the human person, as originally created, exists in a vital relationship with God. This relationship is not added, or accidental, to a prior human substance but constitutes the human existence of *Dasein*. We were made *essentially* to fear and trust God, that is, by nature not to be autonomous but to rest in God's goodness and to derive our whole being from the act of worshipping him. This is how Luther views original righteousness. To be righteous (*iustus*) is simply to be human.<sup>73</sup>

From this perspective, the sinner has indeed lost his humanity and has become essentially a *peccator*. The sinner's *Dasein*, that is the entire act of the sinner's being, is characterized by withdrawal, which the sinner constantly affirms through his or her flight and self-securing in face of the world, God, and the sinner's own self. In his or her own self, the sinner has forfeited and constantly forfeits his own being. In that sense his mere creatureliness is sin itself; it instantiates

what Barth often called “the possible impossibility.”<sup>74</sup> Luther’s view of sin is both relational and dynamic: the entire person, when separated from God, embodies and enacts sin.

Of course, Luther also speaks of humans on the level of substance, as beings endowed with bodily and spiritual faculties, differentiated from other beings and things only by virtue of their specific endowments. The Reformer’s explanation of the first article of the Creed in *The Small Catechism* is perhaps the most famous case in point. Luther writes: “God has created me together with *all that exists*.<sup>75</sup> However, all the natural faculties and temporal blessings constitute our humanity only in a secondary—biological and more broadly physical—sense. It is rather the act in which the person exists, the manner in which the person deploys his or her faculties, that constitutes the person’s uniquely human being. An analogy can be found in Kant’s distinction between the human as only an *animal rationabile* (“an animal endowed with the *capacity of reason*”) and the human who then, through an act of the will guided by pure reason, achieves the status of an *animal rationale* (a rational animal, properly speaking).<sup>76</sup> Only the latter, according to Kant, attains to “the worth of the person.”<sup>77</sup> For Kant, one becomes a human worth the name in the specific use, rather than abuse, of one’s endowments. We must, of course, demur at Kant’s construal of the act that makes us properly human: from a theological standpoint it is rather fear of and trust in God. However, the distinction as such stands. Its import is that there is no comparable middle ground between one’s being righteous and a sinner: one is a righteous sinner, or just a sinner. One’s physical and spiritual make-up forms only the non-essential background to one’s being in one of these acts.<sup>78</sup>

The clarity thus gained by distinguishing, on the one hand, between *Dasein* and the substantive make-up of a person over against, on the other hand, viewing the person only in terms of substantive composition and accidental properties, has further implications. First of all, sin, while still conclusively revealed by the gospel, is demystified. Gone is the notion, according to which humans are created by God out of faulty material, as if God simply had to make do with inferior stuff. Rather, the relation is reversed. God makes things good; the biological-physical make-up of the

human is God's creation. It is we who pervert this creation in a way that is uniquely human, though our *Dasein*, our *being-in-act*. Only humans can sin—through the act of the person in withdrawal from God. Therefore, what the distinction between *Dasein* and the person's substantive make-up emphasizes is, first, the person's active embodiment of sin and with it the person's responsibility for his or her being-in-sin. Second, the whole *Dasein*, as a fundamental and enacted orientation of human being, can be described as sin. The person's *Dasein*, as sinner, is truly and nothing other than sin. What this means is that on the level of *Dasein*, on the level of that which makes one uniquely human, the question of a neutral or autonomous humanity never comes into consideration: we either rest in God and enact a relationship of fear and trust which is our essential, truly human righteousness, or we do not. There is no categorical shift, no categorical evasion.

In this light, God's abiding faithfulness is the fundamental reason why the sinner is, and indeed must be, acknowledged as human, that is, not on account some remaining physical endowments but categorically on account of the fact that the sinner's humanity is upheld unilaterally and externally by God's creative and redemptive act. Unbeknownst to the sinner, this sinner's humanity rests in God because God has become human and died as human for the sinner's sake. God has, once again, constituted the possibility of the sinner's genuine human being.

Karl Barth, arguably more so than the *Formula of Concord*, has captured the thrust of Luther's anthropology. In his commentary on the Epistle to the Romans, Barth describes the primal union of humans with God, in which God was the "presupposition" of our humanity.<sup>79</sup> On account of this "unity of life", our humanity was true humanity. As created by God, humans, explains Barth, "ought not to know that they are merely—[humans]. God knows this, but in His mercy He has concealed it from them."<sup>80</sup> In other words, our humanity is to be concealed from us, in that we were never destined by our creator to be just human, that is, independently, neutrally, biologically, or physically—in ourselves. Rather, our destiny has always been to rest in God's goodness. It is when we try "to be independently what we are in dependence upon God," when we try

to be human by ourselves, it is then that we become less—sinners! “Only when the creature stands over against the Creator may it be defined as sinful,” writes Barth.<sup>81</sup> But that is because our humanity is never our own. It rests in God, in God’s creative and redemptive act, and “those who do not surrender and lie in the pure goodness and grace of God are all *impii*, ‘ungodly,’” as Luther puts it.<sup>82</sup> Excluded here is any notion that the primary relationship (covenant) with God was ever one of law. The thought that one can stand as a doer over against God already belongs to sin, to flight from God, to the conscious and deliberate enactment of withdrawal—both from God and from oneself. The primary relation always was and remains one of grace. The gospel is a conclusive reiteration of this fact.

### *Conclusion*

Through the foregoing analysis of sin, I have made a plea for complexifying the relation of the law and the gospel. I demonstrated, first of all, that for Luther God’s goodness—his grace and his gospel—is what the sinner assaults, both in ignorance and willfulness. I argued, further, that if sin is to be magnified, and with it also grace, then the gospel must be allowed a say in what sin is. Sin becomes sin conclusively only in the face of God’s goodness. To be sure, the gospel is never isolated from the law. But it must comprehend the law, both when the gospel issues a diagnosis of sin and also when it offers a solution to it. What is thus reasserted is the essential primacy of grace over all human doing and human being. I argued, finally, that if the law and the gospel are seen as linearly (even if quite logically) arranged and separate in their respective domains, then sin will inevitably be minimized and with it the gospel. The gospel will only be an answer to human doing, and it will never quite comprehend human being—in each case allowing the human undue neutrality over against God. The *Formula’s* treatment of human agency and being already shows this to be the case.

Let me come back to the question behind this paper: How can we talk about sin today? The answer I wish to suggest is suspiciously, although deceptively, simple: by remaining faithful, first and foremost, to the gospel, by not underestimating the gospel.<sup>83</sup>

## NOTES

1. *Ap II.7: The Book of Concord: The Confessions of the Evangelical Lutheran Church*, ed. Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress, 2000), 113 (hereafter, *BC*); *Die Bekenntnisschriften der evangelisch-lutherischen Kirche* (11th ed., Göttingen: Vandenhoeck & Ruprecht, 1992), 148 (hereafter, *BSLK*).

2. To this end, some of the manuals contained elaborate hierarchies, for example, of sexual sins; see Thomas N. Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton, NJ: Princeton University Press, 1977), 91, 141-2. For Luther's reaction against excessive sexualization of sin, which obscures its true character, see his *Lectures on Genesis* (1535-45); in *Luther's Works*, American Edition, 82 vols. (Philadelphia: Fortress and St. Louis: Concordia, 1955ff), 1:114 (hereafter, *LW*); *D. Martin Luthers Werke*, Kritische Gesamtausgabe, ed. J. F. K. Knaake et al., 57 vols. (Weimar: Böhlau, 1883ff), 42:86 (hereafter, *WA*).

3. *LW* 31:39; *WA* 1:353.

4. Luther writes in *The Freedom of a Christian* (1520): "Our faith in Christ does not free us from works but from false opinions concerning works, that is, from the foolish presumption that justification is acquired by works" (*LW* 31:372-3; *WA* 7:70).

5. Theses 41-46 (*LW* 31:12; *WA* 1:235).

6. See the editorial footnote appended by the Kolb/Wengert edition of *The Book of Concord* to Art. IV of the *Formula of Concord*, Solid Declaration: *BC* 574, n. 139.

7. Immanuel Kant, *Groundwork of the Metaphysics of Morals*, ed. Mary Gregor et al., rev. ed. (Cambridge: Cambridge University Press, 2012), 13.

8. Eberhard Jüngel, "On Becoming Truly Human," *Theological Essays II*, ed. J. B. Webster (Edinburgh: T&T Clark, 1994), 218.

9. Rejected are also other views which tend to minimize the seriousness of sin, such as Peter Lombard's teaching that "original sin is merely a *reatus* (obligation resulting from a debt incurred by someone else) without any corruption of our nature" (*FC*, Solid Declaration, I.17; *BC* 534-5; *BSLK* 850).

10. *Smalc. Art.*, III.1.1 (*BC* 310; *BSLK* 433).

11. *LW* 35:369; *WA* DB 7:7-8.

12. *LW* 36:60; *WA* 6:529.

13. Søren Kierkegaard, *The Sickness unto Death*, ed. H. V. Hong and E. H. Hong (Princeton, NJ: Princeton University Press, 1980), 82 (emphasis added).

14. *LW* 24:344; *WA* 46:42.

15. *FC*, Solid Declaration, V.11 (*BC* 583; *BSLK* 955).

16. *The Great Christian Doctrine of Original Sin Defended* (1758; London: Johnson and Keith, 1766), 32 [Part I, Chapt. I, Sect. III].

17. "we have no knowledge about what God is, what grace is, what righteousness is, and finally what sin itself is" (*LW* 1:141; *WA* 42:106).

18. *Smalc. Art.*, III.1.3 (*BC* 311; *BSLK* 434).

19. Augustine, *Confessions*, II.vi-x.

20. *Smalc. Art.*, III.1.3 (*BC* 311; *BSLK* 434).

21. *AC*, Art. II, Latin text (*BC* 37-8; *BSLK* 53).

22. *LW* 1:165; *WA* 42:124.

23. *LW* 1:170; *WA* 42:127.

24. *LW* 1:173; *WA* 42:129.

25. *LW* 1:146; *WA* 42:110.

26. *LW* 1:142; *WA* 42:106.
27. *LW* 1:172–3; *WA* 42:129.
28. *LW* 1:173; *WA* 42:129.
29. *LW* 1:171; *WA* 42:128.
30. *LW* 1:165; *WA* 42:124.
31. *LW* 1:146; *WA* 42:110.
32. *LW* 1:143; *WA* 42:107.
33. *LW* 1:171; *WA* 42:128.
34. *LW* 1:146; *WA* 42:110.
35. René Descartes, *Meditations on First Philosophy* (1642), Meditation Three.
36. The general idea is, of course, Augustinian: “in consequence of an immoderate urge towards those things which are at the bottom end of the scale of good, we abandon the higher and supreme goods, that is you, Lord God, and your truth and your law.” Augustine, *Confessions*, trans. Henry Chadwick (Oxford: Oxford University Press, 1991), 30 [II.v].
37. *Smalc. Art.*, III.1.3 (*BC* 311; *BSLK* 434).
38. Kierkegaard, *The Sickness unto Death*, 101.
39. Karl Barth, *Church Dogmatics* II/2, trans. G. W. Bromiley et al. (Edinburgh: T&T Clark, 1957), 509 [§36 *et passim*]. Barth’s claim that the law is *the* form of the gospel is quite different from the relationship of law and gospel I am about to articulate. For Barth, God’s judgment is grace *simpliciter*. It “shows the extent of God’s concern for [humans],” his “very severity is simply the measure of His love and faithfulness, His grace and heartfelt compassion” (736). By contrast, my own focus will be on the way in which the gospel dynamically comes to comprehend God’s judgment, both heightening its penetrating force and simultaneously overcoming it.
40. H. Richard Niebuhr, *Christ and Culture*, expanded ed. (New York: Harper Collins, 2001), 16.
41. *LW* 47:110; *WA* 50:471.
42. *LW* 1:142; *WA* 42:107.
43. Gilbert Meilaender, “The Catholic I Am,” *First Things* 210 (February 2011), 29.
44. See Eberhard Jüngel’s remark that “Of all the tyrants, our own ego is the strongest and the most cunning.” *Anfänger: Herkunft und Zukunft christlicher Existenz* (Stuttgart: Radius, 2003), 26.
45. See Kierkegaard’s comment: “Every state of sin is a new sin... ‘Whatever does not proceed from faith is sin’; every unrepented sin is a new sin and every moment that it remains unrepented is also new sin” (*Sickness unto Death*, 105).
46. It should be pointed out that, *in general*, Luther tasks the law with the identification of sin and assigns the comfort of conscience to the gospel. He does this, in particular, where the right *teaching* of doctrine is at stake; see, e.g., his early sermon on Matthew 11 for the Third Sunday in Advent (1522) in *LW* 75:143–6; *WA* 10<sup>1/2</sup>:156–9. But Luther remains quite aware that the law can work not only despair but also overconfidence. More than that, in line with this essay’s argument, Luther recognizes that even despair over one’s inability to keep the law is not enough. What one despairs over, in light of the law, is at best the impurity of one’s motivation, namely, “that [one] is doing everything with aversion and under compulsion, that [one] fears hell or seeks heaven, if [one] does not seek much less, namely, honor, property, health, and fear of disgrace, hurt, or affiliations.” In short, one “despairs that one does not act purely for the sake of the Law”—a Kantian sort of despair, to put it anachronistically. Now, in this particular sermon,

Luther does not reflect much on the gospel's being a promise of the forgiveness of sin. However, in the Christmas day sermon on Titus 2, the picture is more nuanced, as Luther addresses himself to "a faithless heart," which often attends even the best of works. "The coarse, external sinners are certainly stuck deeply in this sin," Luther comments, "but much more deeply [stuck] are the wise, holy, learned spiritual people who are godly before the world and themselves, based on their own works." Importantly, they are stuck in sin not because of an impure motivation at work in their good works but because "they do not surrender and live in the pure goodness and grace of God." Luther calls those "graceless or faithless people" (*LW* 75:189; *WA* 10<sup>11</sup>:24). He comments further that "[t]his godless, graceless life is such a very great, extensive, yet subtle evil that those who live in it can never recognize or believe it, even if someone told them." Still, they must believe it! Toward this end, "God has his grace proclaimed to all people—that they should renounce godless living." God has "His grace proclaimed to stop this" (190; 25–6). This is a new revelation: "here we see that the grace of God reveals that all people are stuck full of worldly passions" (192; 29).

47. *FC*, Solid Declaration, V.20 (*BC* 585; *BSLK* 958)

48. Emphasis added.

49. John Locke, *The Reasonableness of Christianity* (1695), §§241.2 and 246.5.

50. Locke, *The Reasonableness of Christianity*, §222.

51. Surely this, rather than mere pragmatic concerns, as Gerald Strauss has argued, led to a heavy emphasis on moral reform in Reformation preaching and catechetical instruction; see his *Luther's House of Learning: Indoctrination of the Young in the German Reformation* (Baltimore: Johns Hopkins, 1978).

52. In his 1535 *Lectures on Galatians*, Luther warns: "one should not make a distinction between the Decalog and ceremonial laws. Now if the work of the Decalog does not justify, much less will circumcision, which is a work of the Ceremonial Law. When Paul says . . . that a man is not justified by the Law or by the works of the Law . . . he is speaking in general about the entire Law; he is contrasting the righteousness of faith with the righteousness of the entire Law, with everything that can be done on the basis of the Law, whether by divine power or by human." (*LW* 26:122; *WA* 40<sup>1</sup>:218).

53. *How Christians Should Regard Moses* (1525); *LW* 35:168; *WA* 16:380d. In *Against the Heavenly Prophets*, published in the same year, Luther comments: "Where then the Mosaic law and the natural law are one, there the law remains and is not abrogated externally, but only through faith spiritually, which is nothing else than the fulfilling of the law" (*LW* 40:97; *WA* 18:81).

54. Significantly, by the time Locke receives this distinction, the ceremonial law will no longer simply be the changeable, time-bound part of the law but that which actually stands in the way of true religion, the province of priestly manipulation; see *The Reasonableness of Christianity*, §238.

55. *LW* 40:91; *WA* 18:73.

56. *LW* 40:93; *WA* 18:76.

57. *LW* 40:90; *WA* 18:73.

58. "out of the Ten Commandments flow and depend all the other commandments and the whole of Moses. . . . it is not true that there is no ceremonial or judicial law in the Ten Commandments. Such laws are in the decalogue, depend on it, and belong there. And to indicate this God himself has expressly introduced two ceremonial laws, namely, concerning images and the sabbath" (*LW* 40:93; *WA* 18:76–7).

59. It is possible to make a distinction, as does Johannes Heckel, between *divine* natural law and *secular* natural law in Luther's theology, and thus to render more complex the very category of natural law. Divine natural law is unlike all earthly law: it is "personalistic, formal, and procedural," that is, "person, form, procedure, and content cannot be separated" within it. Consequently, this natural law both is identical with divine love and, on the believer's part, denotes participation in it; it is the law of love (*lex charitatis*). This distinguishes divine natural law from its secular counterpart epitomized in the Golden Rule, which belongs to the fallen world and lacks an organic relational and participatory dimension. See Johannes Heckel, *Lex Charitatis: A Juristic Disquisition on Law in the Theology of Martin Luther*, trans. G. G. Krodel (1973; Grand Rapids: Eerdmans, 2010), esp. 43–53. In light of the argument advanced here, it is important to note that, even though Heckel expresses the divine–human relation by means of law, what he calls the divine natural law does not imply that human nature can be captured, immanently and without remainder, by a legal, morality oriented definition. On the contrary, divine natural law only expresses the reality of faith, by drawing attention to the fact that, as an orientation toward divine goodness and grace, faith bestows a mode of being, i.e., love of God and love of neighbor, on the believer. Divine natural law thus captures the convergence of faith and love, while emphasizing the primacy and organic indispensability of divine grace. Grace shapes the believer as agent. Now, when Luther draws a distinction between ceremonial and natural law (such as the distinction discussed above), natural law here is what Heckel refers to as secular natural law: law as immanently possessed. Our criticism of Luther, therefore, stands, despite the complexity of Luther's thought on natural law. *As so drawn*, the distinction only serves to obscure the worship–ful fulfillment of all law: the fact that law is oriented toward relation and participation rather than autonomy and immanence, toward being before doing, that it necessarily presupposes grace and its divine confirmation in the gospel, and hence faith.

60. The *Apology* already evidences an ambiguity (II.33; *BC* 117; *BSLK* 153): "Knowledge of original sin is a necessity," Melancthon insists. But how does one gain this knowledge? Melancthon's answer is that "we cannot know the magnitude of Christ's grace unless we first recognize our malady." Implied here is the self's becoming the measure of its own malady. What might have prevented this turn to the self is the statement that follows: "The entire righteousness of the human creature is sheer hypocrisy before God unless we admit that by nature that heart is lacking love, fear, and trust in God." However, Melancthon does not draw any implications from this statement, either for the proclamation of the gospel as such, or for the necessity of a gospel-centered knowledge of God.

61. *BC* 537; *BSLK* 854.

62. That original righteousness belonged to Adam's natural make-up is a point that Luther emphasizes repeatedly. He writes, for example, "righteousness was not a gift which came from without, separate from man's nature but . . . it was truly part of his nature, so that it was Adam's nature to love God, to believe God, to know God, etc. These things were just as natural for Adam as it is natural for the eyes to receive light" (*LW* 1:165; *WA* 42:124).

63. Edmund Schlink, *Theology of the Lutheran Confessions*, trans. P. F. Koehneke and H. J. A. Bouman (Philadelphia: Muhlenberg, 1961), 46–47.

64. Friedrich Mildenberger views the *Formula* as, in effect, retracting the scholastic terminology it employs but, in the end, not proposing any other framework for considering original sin. Neither does Mildenberger, apart from suggesting that one should observe a difference between the language of the church's preaching" and the technical theological language; see his *Theology of the Lutheran Confessions*, trans. E. L. Lueker (Philadelphia: Fortress, 1986), 154–157.

65. FC, Solid Declaration, I.10 (BC 533; BSLK 848).

66. Rudolf Bultmann, "The Significance of 'Dialectical Theology' for the scientific study of the New Testament" (1928), *Faith and Understanding*, trans. L. P. Smith (Philadelphia: Fortress, 1987), 149. See Martin Heidegger's definition: "[*Dasein* is t]hat entity which in its Being has this very Being as an issue, comports itself towards its Being as its ownmost possibility." *Being and Time* (1927), trans. J. Macquarrie & E. Robinson (New York: Harper & Row, 1962), 68.

67. FC, Solid Declaration, I.38 (BC 538; BSLK 856).

68. In this way the *Formula* anticipates what Jüngel has called "the basic theological aporia of the modern age," namely, that "in our experience ... man can be human without God." Eberhard Jüngel, *God as the Mystery of the World: On the Foundation of the Theology of the Crucified One in the Dispute between Theism and Atheism*, trans. D. L. Guder (Grand Rapids: Eerdmans, 1983), 16.

69. For the different ways in which Flacius and his opponents understood the concept of accident, and more generally for an account of Flacius' teaching on original sin and the development of the controversy, see Friederike Nüssel, *Allein aus Glauben: Zur Entwicklung der Rechtfertigungslehre in der konkordistischen und frühen nachkonkordistischen Theologie* (Göttingen: Vandenhoeck & Ruprecht, 2000), 92–105.

70. FC, Solid Declaration, I.11 (BC 534; BSLK 848).

71. In light of this attempt, Gunther Wenz's argument, in his *Theologie der Bekenntnisschriften der evangelisch-lutherischen Kirche*, vol. 2 (Berlin: de Gruyter, 1998), 557–8, fails to convince. Wenz argues that the *Formula* only creates the *impression* of an autonomous human between sin and salvation because, as Wenz explains, it does also assert that in reality none but God alone can tell apart the creaturely being of a person and the non-being of sin (FC, Epitome, Art. I, §10). This may be true existentially, of course (though whether this is true for Luther is debatable, once the gospel comes into the picture). But conceptually Wenz's claim would mean for the *Formula* to surrender the very task that drives the argument of Article I. And here the adopted substance-framework minimizes sin, as we have seen: by positing it as an accident, it may do justice to its non-being, but it does not quite do justice to sin's privative aspect if human nature remains essentially intact. Likewise, as we are about to see, when the *Formula* attempts to make theological sense of the substance-framework (and thus not only adopt but adapt it), it again minimizes sin by making it so serious that it becomes an other within one's essentially intact humanity.

72. FC, Solid Declaration, I.38 (BC 538; BSLK 856).

73. As opposed to being merely created as indicative of one's humanity. In his 1536 *Disputation concerning Man* (LW 34:133ff; WA 39<sup>1</sup>:175), Luther locates the definition of humanity in being justified by faith apart from works (Thesis 32). He contrasts this theological definition of "the whole man" with philosophy's definition of humanity expressed through the enumeration of physical and rational endowments (Theses 1–9). Luther finds this latter "definition and knowledge of man ... fragmentary, fleeting, and exceedingly material" (Thesis 19). It is so because philosophy does not know humanity's efficient and final cause, namely, God (Thesis 13); it is unaware of humanity's essential relation to God.

74. Karl Barth, *Church Dogmatics*, IV/1, 463 *et passim*.

75. BC 354; BSLK 510–1 (emphasis added).

76. Immanuel Kant *Anthropology from a Pragmatic Point of View*, ed. R. B. Louden (1798; Cambridge: Cambridge University Press, 2006), 226.

77. Immanuel Kant, *Critique of Practical Reason* (1788); in *Practical Philosophy*, trans. and ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 258.

78. This is not to suggest that one's physical constitution remains unaffected by sin. But even death, as a biological fact beyond dispute, finds its primary meaning in the destruction of humanity's vital relation to God. Death is not simply an immanent, biological phenomenon; it is the wages of sin (Rom 6:23). Dying is, first and foremost, relationlessness—relationlessness which we actively perpetuate and which in death finds its complete and seemingly irrevocable completion. See Eberhard Jüngel, "Hoffen, Handeln—und Leiden. Zum christlichen Verständnis des Menschen aus theologischer Sicht," *Beziehungsreich* (Stuttgart: Radius, 2002), 21. This primacy of the existential reflects also Luther's understanding when he asserts, following a medieval chorale, "if you listen to the Law, it will tell you: In the midst of life we are in death [*Media vita in morte sumus*]" (*Lectures on Genesis*; *LW* 4:116; *WA* 43:218–9).

79. Karl Barth, *The Epistle to the Romans*, trans. Edwyn C. Hoskyns (Oxford: Oxford University Press, 1933), 250.

80. Barth, *Romans*, 247.

81. Barth, *Romans*, 249.

82. *LW* 75:189; *WA* 10<sup>1/1</sup>:24.

83. An earlier version of this article was presented at the Young Lutheran Theologians' Colloquium in Pittsburgh on August 4, 2013, organized under the joint auspices of the North American Lutheran Church and the Lutheran Coalition for Renewal. I wish gratefully to acknowledge the NALC's support in making the Colloquium, and my participation in it, possible.