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Volume 73

DISPUTATIONS II

Edited by
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VOLUME INTRODUCTION

THIS volume presents most of Martin Luther’s activity as writer of theses and presider at academic disputations from December 1537 to his last disputation in July 1545. Luther’s whole corpus of theses and disputations from 1516 on are introduced together at the beginning of Luther’s Works volume 72. The purpose of this brief introduction, therefore, is simply to point out minor deviations from the chronological structure of the volume, to direct the reader to related materials found elsewhere in Luther’s Works, and to acknowledge those who have collaborated in the preparation of volume 73.

The earliest disputation contained in this volume is the First Disputation against the Antinomians, held on December 18, 1537. In order to keep the six sets of theses and four disputations against the Antinomians (the last of which was held in September 1540) together in volume 73, the Circular Disputation on the Right of Resistance to the Emperor (Matt. 19:21), held on May 9, 1539, has been moved from its chronological sequence in the midst of the Antinomian Disputations and is presented in volume 72. Luther’s undated theses Against Satan and His Synagogue, which appear in the 1545 first volume of Luther’s Latin works appended to the 1542 Promotion Disputation for Heinrich Schmedenstede, are also presented in volume 72. The Disputation on the Divinity and Humanity of Christ, held on February 28, 1540, is presented here after the group of Antinomian disputations, slightly out of its strict chronological sequence.

Two disputations from this period are to be found translated in earlier volumes of Luther’s Works. The January 11, 1539, Disputation concerning the Passage “The Word Was Made Flesh” (John 1:14) is translated in Luther’s Works, volume 38 (pp. 235–77); the July 7, 1542, Promotion Disputation for Heinrich Schmedenstede on Heb. 13:8 is translated in volume 34 (pp. 299–321).

For ease of use, the specified thesis has been reprinted at the head of each argument or at least once for each spread when multiple arguments engage the same thesis.

This volume of Luther’s Works reflects the contributions of many translators and scholarly collaborators. Research assistance for the volume was provided by Samuel Dubbleman, Sam (Jin Ri) Kim, Kourtini Brown, William N. Brown, and John Parker. Dawn Weinstock was responsible for copyediting and design of the volume. Mickey Mattox and Benjamin T. G. Mayes edited individual disputations, and Jeffrey Silcock edited the series of Antinomian disputations. For other annotations and introductions and for the final state of the translations in the volume, the undersigned, as general editor, bears responsibility.

C. B. B.
Introduction

A n Antinomian (a term coined by Martin Luther from the Greek *anti* [“against”] and *nomos* [“law”]) is one who rejects God’s Law in some way. In sixteenth-century Wittenberg, there were two groups of Antinomians claiming fidelity to Luther and two main controversies.¹ The first group, led by Johann Agricola during Luther’s lifetime, maintained that repentance [*poenitentia*] is brought about not by the Law, but by the preaching of the Gospel. In the decades after Luther’s death, a second group of Lutheran theologians criticized Philip Melanchthon’s definition of a third use of the Law [*tertius usus legis*] in its application to the Christian life.² That was the chief issue behind Article VI of the Formula of Concord,³ but—though touched upon—it is not the central topic of the disputations concerning Antinomianism in this volume.⁴

Luther’s theological disagreement with Agricola was, to some extent, a debate over words—but the theological terms at stake, such as “Law,” “Gospel,” and “repentance,” were some of the most fundamental in Evangelical theology. And although the debate was often conducted in the context of learned disputations at the university, the issues involved were at the center of preaching and pastoral care. Accordingly, the Antinomian Controversy, and the texts surrounding it, are deserving of careful attention and help to illuminate the center of Luther’s theology and its application.

Luther opposed the teaching of Agricola and his fellow Antinomians and gave his own account of the controversy in sermons and in treatises such as the 1539 *Against the Antinomians* and the posthumously published

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² On Melanchthon (1497–1560), Luther’s younger colleague at the University of Wittenberg and fellow reformer, see LW Bio:xxxix–xl.

³ The leaders of the Second Antinomian Controversy were Andreas Poach (1515–85), Anton Otto (1505–65), and Andreas Musculus (1514–81), who became one of the authors of the Formula Concord. See Charles P. Arand, James A. Nestingen, and Robert Kolb, *The Lutheran Confessions: History and Theology of the Book of Concord* (Minneapolis: Fortress, 2012), pp. 191–99; FC SD VI (Kolb-Wengert, pp. 587–91; *Concordia*, pp. 557–61).

⁴ On the question of the third use of the Law, see below, pp. 21–25.
Against Johann Agricola of Eisleben. Luther's most extensive interaction with Antinomian theology, however, was the series of Wittenberg disputations which are presented here. Agricola participated briefly in the second disputation, but expressed his theology in his preaching and exegetical works, as well as in covertly circulated theses. He constructed his own narrative of his controversy with Luther and the other Wittenberg theologians and collected manuscript sources to support his side of the story. Together, along with correspondence from Melanchthon and others, these sources form the basis for modern accounts of the Antinomian Controversy.

Luther’s Theology of Law and Gospel
Luther’s understanding of the distinction between Law and Gospel was rooted in Augustine’s (354–430) discussion of letter and spirit and Law and grace. Yet in Luther’s distinctive development of the principle, it became central to Luther’s mature theology and exegesis. By the distinction between Law and Gospel, Luther did not mean the difference between different parts of the biblical canon—as if the Old Testament were Law and the New Testament were Gospel. Instead, he meant the distinction between two different modes of divine speech, each of which can be found throughout the scriptural canon: the commandments and threats of the Law, which demand the performance of works, and the unconditional promises of the Gospel, which can only be trusted in faith. The preaching of the Law cannot save but only crushes the conscience and drives it to despair; the preaching of the Gospel then gives life and assurance of...

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7 See especially Jonas, Bugenhagen, Amsdorf, and Melanchthon to Elector John Frederick, April 5, 1540, in Förstemann, Neues Urkundenbuch, pp. 325–27 (cf. MBW T9:200–206, no. 2409).
9 See, e.g., First Lectures on the Psalms [Psalm 85] (1513–16/1743–1876), LW 11:160, where Luther distinguishes between the Law as “the Word of Moses [that comes up] to us (ad nos), while the Gospel is the Word of God [that comes] into us (in nos)”; cf. Luther’s preface to Augustine, On the Spirit and the Letter (1533/1556), LW 60:35–44.
salvation. Closely linked to Luther’s distinction between Law and Gospel was his emphasis on true repentance [poenitentia], central to the Ninety-Five Theses and frequently repeated thereafter.

Nevertheless, as Luther was well aware, the terms “Law” and “Gospel” and “repentance” were not always used in the same sense. The Latin word poenitentia could mean the sacrament of penance, the virtue of penitence, or the state of repentance. “Gospel” could refer to a biblical narrative of the life of Christ, the promise of forgiveness for Christ’s sake, or the totality of Christ’s teaching. Melanchthon thus sometimes used the term “Gospel” in a broader sense to include the preaching of repentance as well as forgiveness. Did repentance itself mean only the crushing awareness of sin, or did it include turning in faith toward Christ and the desire to forsake sin? Was repentance (in its various meanings) produced by the preaching of the Law, by the preaching of the Gospel, or by the successive combination of the two—and if so in what order? These questions received varying answers both in the preceding theological tradition and among Luther’s own associates.

**Johann Agricola’s Dispute with Melanchthon over Repentance and the Visitation Articles (1527–28)**

Johann Agricola (1494–1566, born with the German family name Schnitter) was, like Luther, a native of Eisleben in County Mansfeld. (Luther sometimes referred to Agricola simply as “Eisleben” or “the Eislebener,” though he also used the dismissive nickname “Grickel,” contracted from “Agricola.”) Agricola had studied in Leipzig and taught school in Braunschweig before matriculating at

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11 See, e.g., *Ninety-Five Theses* (1517), LW 31:17–33; *Sermon on Penance* (1518), WA 1:319–24 (LW 70).

12 See below, p. 50 nn. 3–4.


Wittenberg in 1516, where he became Luther’s devoted student and friend. He served as Luther’s secretary during the Leipzig disputation in 1519 and received his master of arts degree in the same year. Agricola then continued in Wittenberg with the study of theology, publishing a number of exegetical works in defense of the Wittenberg theology as well as hymns that became a standard part of early Lutheran hymnals. In 1525, at Luther’s recommendation, he was called to Eisleben to become a preacher and rector of the Latin school there. In that capacity, he composed one of the first Evangelical catechisms. Luther acknowledged Agricola’s skill with language, both in terse dialectical formulations and in more rhetorical exposition.

From his post in Eisleben, Agricola remained in close communication with Wittenberg. When Melanchthon, in the instructions for the Saxon visitations of 1527–28, insisted that the Law should be preached for repentance, in order to combat moral laxity, Agricola fervently protested, insisting that genuine repentance must be based on love of righteousness, produced by the Gospel. In Agricola’s mind, he was defending Luther’s teaching on Christian freedom against Melanchthon’s legalism. Luther, for his part, regarded the dispute as chiefly an argument over words. He tried to mediate between Melanchthon and Agricola and proposed a solution that grounded repentance in the proper distinction between Law and Gospel. The visitations continued under the guidance of Melanchthon and Luther, and relations between Luther and Agricola remained cordial. Nonetheless, other members of the Wittenberg faculty, including Justus Jonas, who had been friendly to Agricola before, began to be put on guard against him.

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17 On Agricola’s early exegetical work and publications, see Kjeldgaard-Pedersen, Gesetz, Evangelium und Busse, pp. 37–212. For Agricola’s hymns, see Wackernagel 3:351–55, nos. 74–79.
20 See Instructions for the Visitors (1528), LW 40:274–77; cf. the discussion of these issues in Melanchthon’s 1527 draft: Liber visitatorius, CR 26:9–10.
22 On this phase of the conflict, see Wengert, Law and Gospel; Brecht 2:264–66. Luther’s solution was incorporated in the revisions to the Instructions for the Visitors (1528), LW 40:274–75.
Challenges to Melanchthon’s teaching on the Law continued, however. The onset of the next phase of the Antinomian Controversy with Agricola was preceded in 1536 by a controversy between Conrad Cordatus and Caspar Cruciger (and behind Cruciger, Melanchthon) over the relationship between justification and good works. Cordatus (1480–1546) was an Austrian humanist and theologian who had first come to Wittenberg in 1524. He became pastor in nearby Niemegk, and in 1536 Cordatus accused Cruciger of teaching in his lectures that good works were necessary for salvation as a cause or condition *sine qua non*. Cruciger defended himself by appealing to Melanchthon as his source. The Wittenberg theologians tried to settle the matter and prevent any further estrangement. Their efforts resulted in a consensus, which was reflected in public disputations at the time: Justification is solely on account of God’s mercy, not our works. Hence works cannot be called a partial cause of justification but rather are the result of justification. Cruciger was happy that Luther had at least conceded that good works were a result of justification, though he did not agree with Luther that such a philosophical term as “necessary,” which invited misunderstanding, should be abandoned altogether.

**Agricola’s Return to Wittenberg, Summaries of the Gospels, and the Theses Circulated among the Brethren (1537)**

While Cordatus’ charges were still being resolved, Agricola left Mansfeld and returned to Wittenberg in December 1536, at Luther’s invitation, and lodged with his wife and children under Luther’s roof. While Luther was absent at the diet in Smalcald from the end of January until mid-March 1537, Agricola watched over Luther’s household and substituted for him in the pulpit and

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26 Cruciger (1504–48), who had heard Luther and Johann Eck (1486–1543) debate when he was a student in Leipzig, came to Wittenberg to complete his studies in 1521. After a period as rector of the Latin school in Magdeburg, Cruciger was called back in April 1528 to the Wittenberg faculty and as preacher at the Castle Church. He became one of Luther’s most trusted editors, working on the *Summer Postil* as well as collaborating on the first volumes of the Wittenberg edition of Luther’s works. On Cruciger, see the introduction by Benjamin T. G. Mayes, LW 77:xiii–xiv; Timothy J. Wengert, “Caspar Cruciger, 1504–1548: The Case of the Disappearing Reformer,” *SCJ* 20, no. 3 (Autumn 1989): 417–41.
lecture hall. Even complaints made by Count Albert of Mansfeld (1480–1560) to Luther and Elector John Frederick (1503–54) in late January denouncing the departing Agricola as quarrelsome, bibulous, and potentially subversive—“an[other] Münzer”—did not shake Luther’s confidence and friendship.  

The first inkling of further trouble came with Luther’s return to Wittenberg at the beginning of March, when he received complaints about Agricola’s preaching at the assembly of princes of the league in Zeitz after the Smalcald diet. Agricola was reported to have used “new terminology,” rejecting the preaching of the Law and teaching that the revelation of God’s wrath should be taught instead from the Gospel. Although Agricola’s sermon from Zeitz does not survive, he used similar language in his sermon of February 25, 1537, which was published in Wittenberg in June. Discussing Rom. 1:17–18, Agricola stated:

> For the Gospel, as St. Paul says, whenever and however it may be preached, is a double revelation. It reveals from heaven, in the first place, the righteousness of God—how a person becomes righteous before God—as well as how, with God’s help, one may overcome death and all misfortune, both physical and spiritual, and never turn away from God. . . . In the second place, it also reveals from heaven the wrath of God—the eternal curse upon all those who either scoff at and mock the first revelation, like those who are secure; or abuse it, as we, alas, are now doing; or else persecute it, as the Jews, the heathen, and all the world do.

Meanwhile, Agricola’s theological positions had also begun to circulate in Wittenberg in the form of manuscript theses, declaring that “repentance must be taught not from the Decalogue, nor from the Law of Moses in any

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28 The letter to Luther, Jonas, Bugenhagen, and Melanchthon does not survive, though it is discussed in the contemporaneous letter to Elector John Frederick: see Förstemann, Neues Urkundenbuch, pp. 291–96. Luther mentions Count Albert’s letter in Table Talk no. 3554 (1537), LW 54:233–34. On the seditious Thomas Münzer, see below, p. 92 n. 68.


30 See Luther, Table Talk no. 4043 (1538), WA TR 4:97: “Johann Agricola enjoyed great influence at the court and was practically a privy councillor, and yet quite apart from anything I did, he ruined his own reputation. When he preached at the assembly at Zeitz, he displeased everyone. That wretched man, puffed up with his arrogance, tricked himself with new terminology: ’It is the revelation of wrath that must be preached,’ he urged, ’not the Law’—whereas ’revelation of wrath’ and ’Law’ are the same thing and synonyms.”


32 According to Melanchthon, Jonas, et al., to Elector John Frederick, April 5, 1540, in Förstemann, Neues Urkundenbuch, p. 326 (cf. MBW T9:201, no. 2409), Agricola had composed and begun to circulate the theses some years previously.
part, but from the violation of the Son, through the Gospel.”

Cruciger wrote in a letter of June 27: “Up to this point, [Agricola] has been murmuring, but certain theses have been put in circulation (though among only a few). . . . Now at last he is beginning to show himself. . . . In these last days he has published a book of a few sermons in which he sufficiently exposes himself. . . . I do not know what words Luther has had with him.”

Melanchthon, though disagreeing with Agricola’s formulations, remained relatively conciliatory. Others in the Wittenberg faculty, however, began to distance themselves more sharply from Agricola; the Wittenberg pastor Johann Bugenhagen, departing to advise reforms in Denmark, warned against allowing Agricola to take his place in the Wittenberg pulpit.

Finally, Luther himself was drawn to speak publicly against “our Antinomians.” In a July sermon on Luke 5:1–11, later incorporated into the Church Postil, Luther addressed the question of the proclamation of Christ’s Passion and death as a preaching of repentance, framing the discussion in terms of the proper distinction between Law and Gospel. Luther here rejects the Antinomian opinion that Paul in Romans provides them with scriptural warrant for the inversion of Law and Gospel and for preaching repentance through the Gospel (or “from the violation of the Son”) instead of through the Law. In opposition to the Antinomian claim that one must first preach grace and comfort and only afterward terrify with wrath, Luther exclaims that the Antinomians understand neither wrath nor grace, neither repentance nor the comfort of the conscience. With a clarity that is hardly surpassed by any other statement in the following years, Luther formulates his own position in the following way: “Everything that preaches about our sins and God’s wrath is the Law’s preaching, no matter how or when it happens. On the other hand, the Gospel is the preaching that shows and gives nothing but grace and forgiveness in Christ.”

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33 See below, Antinomian Theses Circulated among the Brethren (1537), Thesis 1, p. 44.
34 Cruciger to Veit Dietrich, CR 3:386. Although CR gives the date as July 10, 1537, the body of the letter (CR 3:387) gives the date as “die septem dormientium” or the “Day of the Seven Sleepers” of Ephesus, June 27 (not the Feast of the Seven Holy Brothers honored on July 10): see Wander 4:555, “Siebenschläfer” nos. 2 and 7; cf. WA Br 8:122.
35 See in addition to the previous letter, Cruciger to Veit Dietrich, August 4, 1537, CR 3:397; Edwards, Luther and the False Brethren, p. 158. On Bugenhagen (1485–1558), who served as Luther’s pastor and as a colleague in the work of reform, see LW Bio:xxxvi–xxxvii.
36 Church Postil (1540–44), sermon for Trinity 5 on Luke 5:1–11, LW 78:204–21, here pp. 215–21. For reasons of content, it seems best to date the sermon July 1, 1537. This dating is supported by Kjeldgaard-Pedersen, Gesetz, Evangelium und Busse, pp. 256–62. However, it is challenged by Brecht (3:409–10 n. 4) for several reasons: (1) It is not in Georg Rörer’s (1492–1557) list. (2) On that day Luther preached in the afternoon on a different text, which would be very unusual. (3) Cruciger said on July 10 that Luther’s attitude toward Agricola was not yet entirely clear. Yet if the dating of Cruciger’s letter is corrected from July 10 to June 27 (see above, n. 34), then the last difficulty is removed, and the unusual double preaching could be justified by Luther’s sense of urgency in addressing the situation.
Although Luther does not mention Agricola by name in the sermon, it is clear he has Agricola in mind.38

Tension between the two principal protagonists continued to escalate, spurred by Luther’s criticism of—and, eventually, his intervention to prevent publication of—Agricola’s *Summaries of the Gospels*, which by the beginning of September had begun to be printed by the Wittenberg printer Hans Lufft (1495–1584).39 This short commentary on the assigned Gospel readings from Trinity Sunday to Advent incorporated Agricola’s “new terminology,” describing the Gospel as a revelation of God’s wrath as well as of God’s righteousness and urging the preaching of repentance not from the Law but from the “violation of the Son.” Agricola claimed to have shown the manuscript to Luther at Pentecost (May 20, 1537) and to have received his approval for it—a claim Luther emphatically denied.40

In a letter of September 2, Agricola complained that Luther had changed his mind about the work now on press.41 Agricola affirmed that the *Summaries* taught the same as all his works: that the preaching of Christ’s death (the preaching of repentance) terrifies the conscience while the preaching of Christ’s resurrection (the preaching of forgiveness) raises it up again. Agricola argued that this was the teaching of all the apostles and, in fact, Luther’s own doctrine as well.

For his part, Luther may not even have deigned to read the letter; he does not seem to have taken direct action to intervene in the publication of the *Summaries* until November, when the matter was brought to his attention by the electoral court. On Agricola’s part, his continued work on the project—his dedicatory preface to the *Summaries*, emphasizing his idiosyncratic understanding of the Gospel, is dated September 24, 1537—shows that he was willing to pursue the publication despite awareness that Luther disapproved, and even to sharpen its polemical force.42

Meanwhile, on September 30, Luther again engaged Antinomian claims from the Wittenberg pulpit, clearly setting forth his own teaching on the Law: The Law will always prick the conscience, for even Christians do not love God as they should. Christ did not dissolve the Law but came to fulfill it. Yet it is not enough that Christ fulfilled the Law; it must also be fulfilled in the

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41 WA Br 8:122.
42 This is the possibility that Edwards finds most likely. For his discussion, including the possibility that Agricola misdated his letter when publishing it or the dedication to the *Summaries*, see *Luther and the False Brethren*, pp. 158–60.
redeemed. Luther stressed, no doubt with Agricola in mind, the indissolubility of Law and Gospel. 43

By the second half of October 1537, the electoral court had become involved, seeking assurances from Agricola—and confirmation from Luther—that the Eisleben theologian was in fact teaching in harmony with the reformer. Agricola reported that there was substantial agreement between Luther and himself and that the problems had been the result of a misunderstanding. Elector John Frederick, anxious for doctrinal unity, advised Agricola not only to teach the substance of what Luther taught but to use his words as well. As an added precaution, Chancellor Gregor Brück was asked to check whether Luther had in fact approved the publication of Agricola's Summaries, which at that time had been printed through the Twenty-Second Sunday after Trinity. 45 When Luther found out about this, he ordered the printing stopped and had the manuscript and printed sheets—forty-eight pages—confiscated. He kept one copy for himself on which he wrote critical annotations. 46

Luther became convinced that, despite all Agricola's protestation, the difference between them was not one simply of words but of substance, and he prepared to publish the anonymous Theses Circulated among the Brethren along with his own public disavowal and denunciation. 47 Alerted of Luther's intentions by Melanchthon, Agricola scrambled to reconcile, beseeching Luther not to publish the theses, denying his authorship of them, and pledging fervently that he embraced Luther and his teaching. 48 Agricola drafted an outline of his theological ideas which he gave to Luther for review, insisting that he had always taught that the Law was necessary for "the righteousness of the flesh," threatening the ungodly with punishments, and also so that the justified might have "exercises of faith"—but that it should not be allowed to trouble the conscience. 49

However, Agricola followed this statement with a letter in which he defended his position by arguing that Luther himself in his books had taught about repentance and forgiveness (or justification) in two ways: one, through

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44 On Brück (ca. 1485–1557), a diplomatic force in the Reformation, see LW Bio:21 n. 79.

45 See the surviving correspondence: Elector John Frederick to Agricola, October 30, 1537; Elector John Frederick to Gregor Brück, October 30, 1537, in Förstemann, Neues Urkundenbuch, pp. 311–13.

46 For Luther's marginal comments on the Summaries, see WA 50:674–75. Cf. below, p. 46 n. 10.

47 See Cruciger to Veit Dietrich, November 24, 1537, CR 3:454.

48 Agricola to Luther, November 24, 1537, WA Br 8:158–59 (dated in the WA to before December 7, 1537; cf. Rogge, Agricolas Lutherverständnis, p. 166 and p. 280 n. 7).

49 This outline [rhapsodia indigesta] is probably to be identified in its content with the summary which was also sent to the elector: "loh. Agricola's Verzeichnis, was er bisher gelehrt habe. September 1537," in Kawerau, "Briefe," pp. 304–5; cf. Förstemann, Neues Urkundenbuch, p. 311 n. 2.
the Law and the Gospel; the other, through the Gospel alone.\footnote{Agricola to Luther, between November 24 and December 7, 1537, WA Br 8:279. In addition to Agricola's attempt to claim Luther as his model, the letter is of note because Agricola otherwise hardly ever mentions the doctrine of justification as such. The dating of this letter is problematic. The date given by the WA is August 1538, in the context of the fifth set of theses against the Antinomians (see below, pp. 26–28, 63–67). However, Heinrich Ebeling, "Der Streitpunkt zwischen Luther und Agricola: Zur Datierung eines Agrikola-Briefes und noch einige andere Datierungen," \textit{Zeitschrift für Kirchengeschichte} 56 (1937): 364–66, seeks to prove from Agricola's letter that it refers instead to Luther's publication of the anonymous \textit{Theses Circulated among the Brethren}. Ebeling (p. 362) proposes an early date for the letter (between November 24 and December 7, 1537) based on the fact that in the Second Set of Theses against the Antinomians and its associated disputation (January 12, 1538) Luther addresses precisely the question of \textit{sacramentum et exemplum} Christology and its relation to repentance and the Law (see below, Argument 15, pp. 146–48). Ebeling's revised dating is followed by Rogge, \textit{Agricolas Lutherverständnis}, pp. 165–68 (and p. 220 n. 20), and Edwards, \textit{Luther and the False Brethren}, pp. 162–63; see WA Br 13:265 on 8:279.} As evidence of the latter, Agricola pointed to Luther's 1519 \textit{Meditation on Christ's Passion}, which alluded to Augustine's description of Christ as both sacrament and example [\textit{sacramentum et exemplum}].\footnote{Luther, \textit{Meditation on Christ's Passion} (1519), LW 42:3–14, especially p. 13. Cf. below, \textit{Fifth Set of Theses against the Antinomians} (1538), Thesis 50, p. 65; \textit{Second Disputation against the Antinomians} (1538), Arguments 15 and 27, pp. 146–48, 159.} Agricola saw here his own doctrine of the double proclamation of the Gospel, proclaiming repentance on the basis of Christ's example, a hallmark of Antinomian theology. The implication was that Luther's own teaching of repentance was inconsistent, that it contained two irreconcilable lines of thought.

Agricola's view of Law and Gospel was different from Luther's, even though he was attempting to go as far as he could to accommodate his own doctrine to that of his teacher. The problem is that the doctrine he was trying to accommodate was Luther's early pre-Reformation view of Law and Gospel, which was still firmly grounded in the Augustinian tradition. On the one hand, Agricola can say that the ministry of the Law no longer has anything to do with the Law of Moses, which Luther would readily agree to (even though the Antinomians consistently associate the Law with Moses in order to justify their claim that it is abolished); on the other hand, Agricola says nothing about the fundamental task of the Law as accusation. Instead, Agricola equated the Gospel with the new Law. This is a basic tenet of Antinomian theology—and of medieval Scholasticism.\footnote{See, e.g., Agricola, \textit{In Lucae Evangelium Annotationes} (Nürnberg: Petreius, 1525) [VD16 A1001], fol. V5v; Johann Haner (ca. 1480–1549), \textit{Theses Ioannis Haneri Noribergensis de Poenitentia} (Leipzig: N. Wolrab, 1539) [VD16 H513], Thesis 60, fol. B4r; Thomas Aquinas (ca. 1225–74), \textit{ST}, 1–2 qq. 106–108 (Blackfriars 30:2–65); Rogge, \textit{Agricolas Lutherverständnis}, p. 170. Cf. Luther, \textit{Lectures on Galatians} (1531/1535), LW 26:177.}

Whatever Agricola's intentions, his letter proved highly provocative and set off such a reaction that Agricola noted in retrospect that it "set the Rhine ablaze."\footnote{This was Agricola's handwritten note on Luther's letter which he preserved: "This letter, which I wrote in all simplicity, set the Rhine ablaze." See WA Br 8:279. For the expression, see Wander 3:1666, "Rhein" nos. 28, 30, 38.}
Although Luther had largely held back to this point, Agricola’s letter was the last straw. Even though Luther’s colleagues encouraged him to try to reach agreement through discussion, he would no longer let himself be dissuaded from coming out against Agricola publicly. Agricola, for his part, still held that there was no serious theological difference between himself and Luther but simply personal ill will and misunderstanding. Although Luther did not allow his personal feelings to get in the way, he openly acknowledged the anguish of losing a dear friend.54

**Antinomian Theses Circulated among the Brethren (1537)**

At the beginning of December, therefore, Luther began his public campaign against the Antinomians in the Wittenberg press.55 First, he published the Antinomian theses which had been circulating in Wittenberg throughout the summer, preceded by his own critical *Response* and followed by additional Antinomian theses which Luther had collected on his own. Although Agricola’s patronage of the theses was an open secret, Luther chose to publish them as the work of “some unknown author.”56

The first part of the *Antinomian Theses Circulated among the Brethren* was a set of eighteen theses advancing Agricola’s Antinomian position. The next section presented five “sound” statements from Luther and Melanchthon which the Antinomians could affirm, followed by three “unsound” statements from the Wittenberg reformers. These seem to have constituted the theses distributed by Agricola and his circle.57 In Luther’s edition, this material was followed by “Other Articles” which Luther had apparently gathered from the writings and oral statements of Agricola and his followers and from other apparent Antinomians, including the Freiburg court preacher Jacob Schenk,58 whose opinions had come to the attention of the Wittenbergers.59

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54 See *Table Talk* no. 3650a (1537), LW 54:258.

55 Cruciger to Veit Dietrich, December 7, 1537, CR 3:459–60, reports that Luther had just published Agricola’s theses and was about to respond with his own.


57 See above, pp. 8–9.


59 See below, p. 48 n. 23.
Agricola sought to dissociate himself from the theses. Yet the candor of his protestations is thrown into question by the fact that even some of the theses whose authorship he specifically denied can be found verbatim in his published writings. Luther was, if anything, at first too ready to believe Agricola’s denials, as the marginal notes in Luther’s own surviving copy of the printed Antinomian Theses Circulated among the Brethren suggest.

After their initial 1537 printing in Wittenberg, the Response of Dr. Martin Luther to the Theses of Some Unknown Author and Antinomian Theses Circulated among the Brethren were incorporated into collections of Luther’s theses against the Antinomians and later collections of the Wittenberg disputation theses. They are translated here from the 1537 Wittenberg printing as edited in WA 39/1:342–45 with significant variants from later printings noted, and taking into account Rudolf Mau’s edition of the Theses Circulated among the Brethren in the StA. Luther’s manuscript annotations on the Theses Circulated among the Brethren are translated in the footnotes.

The First Set of Theses against the Antinomians and the First Disputation against the Antinomians

Luther’s Response prefixed to the Antinomian Theses Circulated among the Brethren promised that he would soon engage the theses in public disputations, and almost immediately thereafter Luther formulated and published his own series of thirty-nine theses “against certain Antinomians.”

Luther’s first set of theses against the Antinomians begins with a discussion of repentance [poenitentia] and its sources: sorrow (which must be produced by the Law) and a good intention (which cannot exist without the comfort of the Gospel). The theses condemn the scholastic theologians for exalting human
powers both to repent of sin and to form a good intention, even as they min-
imize original sin and emphasize human traditions—all because they do not un-
derstand what Law and Gospel are. But if the Scholastics have created despair by emphasisig the Law, other teachers (the Antinomians) have reacted by seeking to remove the Law from the Church altogether. Yet Scripture teaches and shows by example that “repentance must begin with the Law”, only after sin and death have been exposed and reproved by the Law can the Gospel be proclaimed to bring forgiveness and life.

These theses served as the basis of the First Disputation against the Antinomians, held in Wittenberg on December 18, 1537, before a large audi-
ence. It took the form of a regular academic disputation over which Luther presided. In his opening address, Luther stressed that sound doctrine could be preserved only by properly distinguishing the Law from the Gospel. The Law had to teach the knowledge of sin before the Gospel could forgive sin. He pointed out that this “method” not only had apostolic warrant but that it had also been used by Christ Himself. Whereas the Antinomians claimed that Christ had abolished the Law, Luther countered that Christ had not come to abolish the Law but to fulfill it (Matt. 5:17). Thus, Luther says, the Law is never removed, but remains: unfulfilled before Christ, fulfilled in Christ, and to be fulfilled in Christians imperfectly in this life and perfectly in the life to come. Meanwhile, the Law must accuse and kill, and the Gospel give life—together producing true repentance.

Since Agricola did not attend the disputation, and no one else from his circle was willing to step forward, other members of the university took turns representing the Antinomian side objecting to Luther’s theses. Luther presided and evidently served as the primary respondent, though sometimes other par-
ticipants seem to have made an initial response to objections which Luther then followed with a response of his own. In the manuscripts of the disputation, some responses are explicitly identified as Luther’s. Yet some others which are not explicitly attributed can be ascribed without reservation to Luther based on personal references made in their contents, and many others also seem fairly clearly to be in Luther’s voice. It seems reasonable, therefore, to ascribe the responses as a whole to Luther, either as having been made by him directly or

66 See below, First Set of Theses against the Antinomians (1537), Thesis 25, p. 52.
67 See Table Talk no. 3650c (1537), WA TR 3:483. Cf. WA 39/1:360.
68 See below, First Disputation against the Antinomians (1537), Arguments 2, 4, and 14, pp. 73–74, 76–77, 85–87. Cf. WA 39/1:365 n. 1, which remarks on the omission of the responses made by “students” in some manuscripts.
69 In addition to the arguments cited in the previous note, see below, First Disputation against the Antinomians (1537), Arguments 27–28 and 35, pp. 104–6, 112–13.
70 See below, First Disputation against the Antinomians (1537), Arguments 17 and 21, pp. 92, 96, 99.
as having been made under his presidency and amended or expanded by him as he saw fit.

Other than Luther, the only participants in the disputation whose names are specifically preserved in the record are Jonas, Cordatus, and Melanchthon. Jonas, who had been one of the first to become suspicious of Agricola, seems to be playing devil’s advocate in arguing against the need for the Law. Cordatus, who had opposed Melanchthon in the earlier controversy over the necessity of good works, seems to be advocating Antinomian theses, though he may also be doing so only for the purpose of argument.

Melanchthon’s role in the disputation is more complex. Although Melanchthon and Agricola were on opposite sides theologically concerning the doctrine of the Law, differences between Melanchthon and Luther on the necessity of good works for justification had also become apparent in the Cordatus Controversy of 1536. Yet in the conflict between Luther and Agricola between 1537 and 1540, Melanchthon consistently played a mediating role, trying to reconcile the antagonists. He was, moreover, an experienced pedagogue, familiar with the use of university disputations to test different theological understandings. It is thus perilous to assume too much about Melanchthon’s own theological position on the basis of his objections to Luther’s theses, though Luther himself eventually became publicly exasperated with Melanchthon’s willingness to advocate Antinomian positions for the sake of debate in the disputations. In the First Disputation against the Antinomians, Melanchthon’s objection in Argument 11 seems intended to press Luther to take a position similar to Melanchthon’s own published understanding of human cooperation with divine help.

In Luther’s defense of the theses against objections, he further explores the sense in which the Law is—and is not—impossible: impossible for fallen human beings; impossible as a means to justification; but not impossible without qualification since it will be fulfilled by believers in the life to come. Not only the ceremonial and judicial law but also the moral Law expressed in the Decalogue is abolished with the coming of Christ—not in the sense that it is no longer preached, but because Christ has fulfilled it, and it no longer has power to condemn those who have apprehended Christ’s perfect fulfillment by faith and imputation. In the life to come, the Law is abolished in that it is fulfilled by believers who no longer need reproof or condemnation, but it remains in its substance: “In the life to come, [the Law] will simply be what it used to demand

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72 See below, First Disputation against the Antinomians (1537), Arguments 27–28, pp. 104, 105.
73 See below, First Disputation against the Antinomians (1537), Argument 35, p. 112.
74 See below, First Disputation against the Antinomians (1537), Argument 11, pp. 82–83.
75 See above, p. 6.
76 See above, p. 7.
77 I.e., in the 1538 Fifth (Third) Disputation against the Antinomians: see in the introduction below, p. 33; Fifth (Third) Disputation against the Antinomians, Argument 40, pp. 213–14.
here”—but then it will be a nonaccusing Law. 78 In the present life, the Law is God’s instrument, even though it is not the Gospel. Luther even insists that the Holy Spirit makes use of the Law, distinguishing between the Holy Spirit as God in His divine majesty, who uses the Law to reprove sin, and the Holy Spirit as Gift, given to believers through the Gospel. 79 This distinction gives rise to an extended warning against the dangers of mystical theology and of the theology of [pseudo-]Dionysius the Areopagite in particular. 80

The manuscripts preserving notes on the First Disputation against the Antinomians fall into two main families, apparently reflecting different original eyewitnesses: Relation A, which is more extensive, 81 and the shorter Relation B. 82 A single manuscript which is related (in this disputation) to Relation B but often presents longer or alternative readings is cited here as Relation C. 83 Rudolf Mau provides a comprehensive stemmatic analysis of the manuscript tradition. 84 The translation here follows Relation A with additional material from Relations B and C added in angle brackets with a superscript letter following to indicate the source. Variants which seem to offer substantial alternatives to the main consensus of the other relations are indicated in the footnotes. The translation is based on the edition in WA 39/1:360–417, taking into account Mau’s edition in the StA. 85

**The Second, Third, and Fourth Set of Theses against the Antinomians and the Second Disputation against the Antinomians**

Luther was provoked by Agricola’s failure to appear for the first disputation, 86 and he proceeded to publish a second set of forty-eight theses against the Antinomians before the end of December 1537 (indeed, he seems to have at least drafted them at the time of the first disputation on December 18), 87 followed by the third and fourth sets of theses at the beginning of January.

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78 See below, *First Disputation against the Antinomians* (1537), Argument 34, p. 112.
79 See below, *First Disputation against the Antinomians* (1537), Argument 4, pp. 75–77.
80 See below, *First Disputation against the Antinomians* (1537), Argument 17, pp. 91–93.
83 Hamburg Cod. Uffenbach 44 (74) was, through an oversight, not included in the edition of most disputations in WA 39/1 (see WA 39/2:xxx; 48:714–17). Its readings were added as an appendix in WA 39/2:402–25. The portion relevant to the *First Disputation against the Antinomians* is found at WA 39/2:414–19.
84 StA 5:222–34.
85 Aland 27. StA 5:245–325. For the publication of the *First Set of Theses against the Antinomians* (1537), see above, p. 14 n. 65.
86 See *Table Talk* no. 3605a (1537), LW 54:248.
87 See below, *First Disputation against the Antinomians* (1537), Argument 14, p. 85.
Theses against the Antinomians

1537–40

[Theses for the] First\(^1\) Disputation of Dr. Martin Luther against Certain Antinomians, (on Repentance,)\(^2\) [December 18, 1537]

1. According to the testimony of all [teachers]—and in truth—repentance\(^3\) is sorrow for sin along with the intention to amend one's life.\(^4\)

2. This sorrow is, in fact, nothing else, nor can it be anything else, than the very touch or sensation of the Law in the heart or conscience.

3. For there are many who indeed hear the Law, but since they do not feel the effect or the power of the Law, they experience no sorrow and do not repent.

4. The first part of repentance—namely, sorrow—arises solely from the Law. The second part—the good intention—cannot arise from the Law.

5. For a human being who is terrified when confronted by his sin cannot form the intention to do good by his own powers since even someone who is at peace and secure is unable to do that.\(^5\)

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\(^1\) The 1538 and later editions add “First” to the title.

\(^2\) The first set of theses against the Antinomians was published at the beginning of December 1537 (see the introduction above, p. 15). For the proceedings of the disputation held on these theses on December 18, 1537, see below, First Disputation against the Antinomians (1537), pp. 69–114. The expanded title is found in Witt Lat 1 (1545), fol. 400v (not noted in the WA).

\(^3\) *poenitentia*, which can also mean “penitence” or “penance.”

\(^4\) See Peter Lombard (ca. 1095–1160), *Sentences* 4.14.2–3 (PL 192:869; Silano 4:70–72): “Penitence [or “repentance,” *poenitentia*] is the virtue or grace by which we lament and hate the evils we have committed, along with the intention of amendment; and the things we lament we do not want to commit any longer because true penitence means to feel sorrow in the heart [*in animo*] and to hate the vices.” Lombard bases this definition on similar statements from Ps.-Ambrose, *Sermo* 25 (PL 17:655; cited in Gratian [fl. 1140], *Decretum* 2, *de poenitentia* D. 3 c. 1 [Friedberg 1:1211]) and Gregory I [ca. 540–604], *Homiliae in Evangelia* 34.15 (PL 76:1256; cited in Gratian, *Decretum* 2, *de poenitentia* D. 3 c. 6 [Friedberg 1:1212]). See also Aquinas, *ST*, 3 q. 85 a. 1 (Blackfriars 60:49–51) and Gabriel Biel (ca. 1410–95), *Collectorium* 4 d. 14 q. 1 a. 1 n. 1 (Rückert 4/1:419–20). See StA 5:242 n. 67. For Lutheran use of a similar definition, relating contrition and the good intention to faith, see, e.g., Instructions for the Visitors (1528), LW 40:295–96.

\(^5\) “Secure” (Latin: *securus*; literally: “without care”) can have either a positive sense (someone who is “carefree,” having no cares because he is truly safe) or a negative one (someone who is “careless” and neglects the cares to which he ought to attend).
6. Rather, confounded and overwhelmed by the power of sin, he falls into despair and hatred of God, or descends into hell, as Scripture says [Ps. 88:4; cf. 1 Sam. 2:6].

7. Therefore, the promise (the Gospel) must be added to the Law to pacify and cheer the terrified conscience so that a person can intend to do good.

8. Repentance arising solely from the Law is half-repentance or the beginning of repentance, or repentance by synecdoche, for it does not include a good intention.

9. And if it remains thus, it becomes the repentance of Cain, Saul, Judas, and of all who doubt and despair of God's mercy; that is, it becomes the repentance of the lost [Gen. 4:13; 1 Sam. 26:21; Matt. 27:4–5].

10. The sophists held and taught a definition of repentance from the fathers, namely, that it is sorrow [over sin] and [good] intention.

11. But they did not understand the parts of the definition—sorrow, sin, and [good] intention—nor could they teach them.

12. They imagined that sorrow was an act elicited by the power of the free will which is able to hate sin or not hate sin as it pleases.

13. [But] because this sorrow involves suffering or affliction, the conscience is forced to suffer when confronted and tormented by the Law, whether it wills to do so or not.

14. They imagined sin as what was contrary to human traditions, but only seldom as what was contrary to the moral Law.

15. In fact, with regard to original sin, they considered that after Baptism it was not sin at all, especially not sin against the First Table [Exod. 20:3–8].

17. They thought that a good intention was a plan, made by human powers, to avoid sin in the future.\footnote{14}

18. Whereas, according to the Gospel, [a good intention] is an impulse of the Holy Spirit to hate sin henceforth out of love [for God], though meanwhile sin may still rebel powerfully in the flesh.

19. This ignorance of theirs is not surprising, for, since they have neglected Scripture, they are unable to understand what either Law or Gospel is.

20. For they have been so thoroughly immersed in human precepts and rules that they make judgments about things holy and divine only in light of their dreams [cf. Jer. 23:25–32].

21. In contrast to these useless teachers of despair, the Gospel begins by teaching that repentance should not consist of despair alone.

22. Rather, the penitent ought to conceive hope, and thus to hate sin out of love for God—which is truly a good intention.\footnote{15}

23. Some, who have not considered the reasons for speaking [this way] or the subject matter itself, think that this is spoken against the Law of God.

24. And they wickedly teach that the Law of God must be removed from the Church without any qualification,\footnote{16} which is blasphemy and sacrilege.

25. For the whole of Scripture teaches that repentance must begin with the Law; this is shown by the very order of [repentance],\footnote{17} as well as by experience.\footnote{18}

26. “All who forget God” (it says) “shall be turned back to hell”; and “Appoint a lawgiver over them, O Lord, so that they may know that they are but men” [Ps. 9:17, 20 Vg].

27. “Fill their faces with shame, and they will seek Your name, O Lord” [Ps. 83:16]. And: “The sinner has been caught in the work of his own hands” [Ps. 9:16].

\footnote{14} See, e.g., Aquinas, ST, 3 q. 85 a. 1 (Blackfriars 60:49–51). Cf. StA 5:243 n. 79.

\footnote{15} Cf. Explanations of the Ninety-Five Theses (1518), Thesis 1, p. 44, and “Other Articles” A1, p. 48.

\footnote{16} simpliciter. For the proposition, see above, Antinomian Theses Circulated among the Brethren (1537), Thesis 28, p. 53.

\footnote{18} See below, First Set of Theses against the Antinomians (1537), Thesis 32, p. 53.
28. The order of [repentance] is such that death and sin are present in [human] nature before life and righteousness.

29. For we who must be handed over to sin and death are not righteous and alive, but are now sinners, and dead through Adam, and are to be justified and made alive through Christ.

30. Therefore, Adam (that is, sin and death) must be taught first, for he is a picture of the coming Christ [1 Cor. 15:47], who must be taught afterward.

31. Sin and death must be exposed, not through the word of grace and comfort but through the Law.

32. We know from experience that Adam is first convicted as a transgressor of the Law and afterward is raised up, etc., by the promise of the Seed of the woman [Gen. 3:17, 15].

33. David is first killed by the Law through Nathan, who says, “You are the man,” etc., and afterward he is saved by the Gospel that says, “You shall not die,” etc. [2 Sam. 12:7, 13].

34. Paul is first laid low by the Law as he hears: “Why are you persecuting Me?” Afterward he is brought to life by the Gospel: “Rise,” etc. [Acts 9:4–6].

35. Christ Himself says in Mark 1 [:15]: “Repent and believe the Gospel, for the kingdom of God is at hand.”

36. Again, repentance and the forgiveness of sins were to be preached in His name [Luke 24:47].

37. So also the Spirit first reproves the world concerning sin in order that He may teach faith in Christ, that is, the forgiveness of sins [John 16:8].

38. Paul, in his Epistle to the Romans, follows this same method, first teaching that all are sinners and must be justified through Christ [Rom. 3:9–26].


[Theses for] the Second Disputation of Dr. Martin Luther against the Antinomians, (on the Law) [January 12, 1538]

1. Not only is the Law not necessary for justification, it is utterly useless and completely impossible.
MY excellent brethren and colleagues! You see that Satan never stops persecuting our Savior and Mediator, Jesus Christ. By means of the wicked teaching of heretics and the scandals and oppression of tyrants, he creates as much confusion as he can in order to prevent the saving doctrine of justification from remaining pure in the Church.

Since by the ineffable mercy of God it has been granted to us that our church and all who are in agreement with it in teaching have a pure and definite way of explaining and teaching Christian doctrine, it is incumbent on us to take the greatest care that it be preserved in its purity and that, as far as lies in our power, it be handed on to our descendants in the same purity. Let us not permit any new or strange way of teaching, especially concerning the article of justification, to be handed on while we are living, lest by our negligence we give Satan an opportunity again to burst into the Church and to create countless divisions and scandals. Not only should we be concerned for ourselves about how we are to be saved, but we should take special care that posterity may not receive lies and errors under the appearance of piety and truth. But cursed be those who are or shall be the authors of this horrendous evil!

You have now often heard that there is no better (and more comprehensive) way of teaching and preserving pure doctrine than that we follow this method: namely, that we divide Christian doctrine into two parts, Law and Gospel. So, likewise, there are two things that are set before us in God’s Word: God’s wrath or God’s grace, sin or righteousness, death or life, hell or heaven. These things are clear and certain. There is no Babylonian confusion of opinions and abominations as was the case in the papacy. The first thing—namely, sin, death, and God’s wrath—is inborn and known to us through our first parent.

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1 Luther’s prefatory address was excerpted in Palladius, Catalogus: see the introduction above, p. 42 and n. 252 there.
2 On the distinction between Law and Gospel that was central to Luther’s theology, see the introduction above, pp. 4–5 and n. 10 there.
The second—namely, grace, forgiveness of sins, righteousness, and life—has indeed begun in us through the good work\(^3\) of Christ, but is not completed. It will, however, be fully completed when we are raised from death on that day when our body will be utterly cleansed from all sins and made like the glorious body of Christ, our Head [cf. Phil. 3:21]. 

Therefore, if we abide in these two things we cannot go astray. For we know—and, indeed, feel for ourselves—that sin is present, that death utterly terrifies us, etc. This first thing is taught by the Law, the knowledge of which is especially necessary for the human race, not only because we are conceived and born in sin [Ps. 51:5] and live in it but also because the corruption and blindness of human nature is so great that it neither sees nor feels the magnitude of sin. All humans by nature have some knowledge of the Law, to be sure, but it is very feeble and obscured [cf. Rom. 2:15]. Therefore, it is and always has been necessary to convey this knowledge of the Law to human beings in order that they might recognize the magnitude of their sin and of God’s wrath, etc. It is impossible that God should assist in sin and crown it; at the same time, it is also necessary to teach that the wrath of God and death are the wages of sin [Rom. 6:23].

Human nature has been so corrupted and blinded by the devil’s venom in Paradise [Gen. 3:1–6] that it neither comprehends the magnitude of sin nor feels and dreads the punishment of sin, God’s wrath, and eternal death. Therefore, it is necessary that the doctrine that reveals and manifests these evils should be preserved in the Church. Now, this doctrine is the Law. On the other hand, when these same evils have been revealed and shown to us by the Law, it is likewise necessary, if we are not to fall into despair, that the other doctrine should be preserved in the Church as well—the one that teaches consolation in the face of the accusation and terrors of the Law, grace in the face of God’s wrath, forgiveness of sins and righteousness in the face of sin, and life in the face of death. This doctrine is the Gospel, which teaches that the reason why God through His Word has imprisoned all under sin is so that He may have mercy on all [Rom. 11:32; Gal. 3:22]. It teaches that God most certainly desires to forgive all people their sins, to liberate from death, and to give righteousness and life to all who feel their misery, unrighteousness, and perdition. And He desires to do this freely, without any merit on our part, namely, in such a way that these benefits are imparted to believers on account of Christ.

This is the method that Paul used in all his letters, especially in Romans. For in the first three chapters he does nothing else than drive home the point that all human beings are ungodly and unrighteous, that not only the Gentiles but also the Jews are under sin, because it is written [Rom. 3:10–12]: “None is righteous; no one understands; no one seeks God. . . . No one does good, not even one.” Nor does the Law serve to liberate the Jews from this divine judgment,
but rather it implicates them in it so that “every mouth may be stopped, and the whole world stand guilty before God” [Rom. 3:19]. As soon as he has driven this home with many very serious and pointed words, he follows it with the other part of Christian doctrine, namely, “that we are justified freely by God’s grace, through the redemption that is in Christ Jesus, whom God put forward as a propitiation through faith in His blood” [Rom. 3:24–25].

This same method was used by Christ Himself and by John the Baptist, the apostles, and the prophets. For Christ says in Matthew 5 [:17]: “I have not come to abolish the Law but to fulfill it,” showing that “My office is not to remove the Law but to fulfill it—and to fulfill it in such a way that those who believe that they have been redeemed from the curse of the Law through My fulfillment of the Law may also know that the Law is now going to be fulfilled by them, especially since they have now received the firstfruits of the Holy Spirit.” Thus Paul says in Romans 3 [:31]: “We do not overthrow the Law through faith but uphold it”; and [in Romans] 8 [:3–4]: “What was impossible for the Law,” etc., “in order that the righteousness required by the Law might be fulfilled in us.”

The Law, therefore, cannot be removed, but it remains—before Christ as unfulfilled and after Christ as to be fulfilled, although the Law is never kept perfectly in this life, even by the justified. For it demands that we love God with our whole heart and our neighbor as ourselves [Luke 10:27; Deut. 6:5; Lev. 19:18]. This will finally be done perfectly in the coming life.

Since, therefore, the prophets, Christ, and the apostles all used this method, we ought to follow them and to exhort all human beings, especially the callous and impenitent, that they may learn to recognize the magnitude of their sin, on account of which they deserve the wrath of God and eternal death. As soon as we have done this through the Law, we again have a divine commission that we should console the fearful through the Gospel in order to sustain and lift up those who are terrified by the Law and to encourage them. Thus the true and proper work of the Law is to accuse and to kill, whereas that of the Gospel is to give life.

Now, these disputations have been set up for your benefit, my brethren, in order that you may be confirmed in sound doctrine and may hold fast to the sure pattern of conveying it to others [cf. Titus 1:9]. It will not let you go astray or be deceived, especially if you attend to those two things: sin and righteousness, life and death—to which the whole human race is liable because of the fall of our first parents. This doctrine teaches the true repentance that continues throughout the whole of our lives.\(^4\)

This is what I wanted to say by way of preface. Those who would like to bring forward arguments are now free to do so.\(^6\)


\(^5\) Cf. Ninety-Five Theses (1517), Thesis 1, LW 31:25.

\(^6\) According to Table Talk no. 3650c (1537), WA TR 3:483, Luther called on Agricola by name to step forward as an “athlete into the arena,” but no one (apparently neither Agricola nor any of his confederates) was willing to put himself forward.
ARGUMENT 1

Against the Whole Disputation

No one is obligated to [do] what is impossible. The Law is impossible. Therefore, no one is obligated to the Law.

Response: It is an improper mode of speaking—that is, not strictly correct or apposite—to say that we are obligated by the Law to do what is impossible. When Adam was first created, the Law was for him not only possible but even [most] delightful. He rendered the obedience that the Law required with complete willingness and a joyful heart—and did so perfectly. That it is now impossible after the fall is not its fault (that is, it is not the fault of the Law), but our fault. It is not the fault of the one who obligates, but of the one who sins. (Yet there must be a return to the state in which the Law is made possible and delightful, and this happens through Christ our Savior.)

Therefore, the expression that the Law urges us to do what is impossible needs to be understood (prudently), in the appropriate sense, because if you want to preserve the strict sense of the words, it sounds as if God Himself is being accused of burdening us with an impossible Law. But (God is not unrighteous; He is not to be blamed;) it is sin and Satan who are to be blamed, for they have turned the Law from being possible and delightful into being impossible and terrifying. (For God gave [us] the possibility [of keeping the Law]; He gave us integrity of powers and perfect righteousness. Therefore, He justly demands what He has given; He does not obligate us to what is impossible but to the possibility and to the righteousness that He conferred, even though we have lost that righteousness by our own fault and the deceit of the devil.)

Christ, however, by willingly submitting Himself to the Law and enduring all its curses [cf. Gal. 3:13], obtained the Spirit for those who believe in Him. Impelled by [the Spirit], they begin to fulfill the Law even in this life; and in the life to come, their obedience to the Law will be perfect and delightful so that they will do it [not only] with the body [but] also with the mind, as the angels do now.

ARGUMENT 2

Against Thesis 248

24. And they wickedly teach that the Law of God must be removed from the Church without any qualification, which is blasphemy and sacrilege.

The Law is abolished. Therefore, it should not be taught. Whatever is abrogated is no longer valid, nor is it any longer in effect. The Law is abrogated.

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7 Cf. Justinian (r. 527–565), Digest 50.17.185 (Watson 4:482).
8 This section was excerpted in Palladius, Catalogus: see the introduction above, p. 42 and n. 252 there.
9 From this point to “Response of Dr. Martin Luther,” the responses (apparently made by students) are recorded only in Riga Cod. lat. 242 and omitted in the remaining manuscripts of Relation A. See WA 39/1:365 n. 1.
10 For the legal maxim Quidquid est abrogatum, non valet amplius nec est efficax, see Justinian, Digest 50.16.102 (Watson 4:456).
Therefore, it is no longer valid. The minor premise is proved: Because the Law and the prophets were until John [Luke 16:16]. (Therefore, it does not pertain to us.)

*I respond:* To the minor premise “The Law is abolished”: That means the curse of the Law. Since Christ came, it has no power to accuse us.

[Opponent:] Or: The Law has been abrogated; therefore, it should not be preached.

*I respond:* There is more in the conclusion than in the premise. The premise speaks only of the ceremonial [Law], not the moral [Law], which was from the beginning and is innate in us.

*Response of Dr. Martin Luther:* This is one of the foremost arguments, capable of moving even a person of good sense, (and it deserves to be considered). When Christ says, “The Law and the prophets were until John,” these words sound as if the Law is no longer to be taught after the appearance of Christ. But the meaning of these words is: If John, who points to the Lamb, had not come, human beings would be unable to do what the Law requires and the prophets promise. That is the true meaning of this passage. The Law demanded righteousness; it required perfect obedience. Then the prophets proclaimed that fulfillment, but as a future reality, and so in this way they confirmed the Law and its demands. Not even the prophets were able to render what the Law requires, much less could the Law itself [provide this]; but John who was to come [was able to do so]—(not that he rendered it, but he pointed to its fulfillment with his finger).

“If you want,” [John] says, “to see and to have what the Law requires and the prophets promise, behold, here is the Lamb of God” [cf. John 1:29]. Whoever does not receive this man who points to the Lamb and does not believe that Christ has come as the end of the Law [Rom. 10:4] will perish like the Jews, for whom John has still not come, and so they still remain under the Law. Or to put it this way: They had been unable to fulfill the Law until John came, and he himself was unable to fulfill or satisfy it. But he said, “Listen. The Law, which formerly required of us what is impossible, no longer has the right to demand ‘anything from us because we have Christ, the Lamb of God, who is now present and revealed, who takes away the sins of the world. He has more than fulfilled the requirements of the Law. Moreover, now that our sin has been removed, the Law has no right to accuse us so that He now ‘is the end of the Law for righteousness to everyone who believes’” [Rom. 10:4].

Therefore, it is impossible for human beings to do what the Law demands and what the prophets proclaim concerning the future fulfillment of the Law

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11 This appears to be a restatement of the argument by the opponent, though the manuscripts do not indicate a change of speaker.
12 On this fallacy, see Melanchthon, Erotemata dialectices 5 (CR 13:602–3).
13 On Luther’s distinction between ceremonial, judicial, and moral law, see below, p. 107 n. 115.
14 Apparently the responses to this point in Argument 2 are not by Luther.
unless they have Christ and apprehend Him by faith, etc. Those who believe, however, have what the Law demands and the prophets promise. It is, therefore, no longer necessary for the Law to demand its fulfillment and for the prophets to foretell about Christ, the future fulfiller of the Law, for He has appeared at the proper time and has been made a curse for us in order to free us from the curse of the Law [Gal. 3:13; 4:4–5]. He also gave us the Holy Spirit “that the righteousness required by the Law might be fulfilled in us” [Rom. 8:4].

For the ungodly, however, the demands of the Law remain; indeed, it accuses and terrifies the godly as well, but it cannot drive them to despair and condemn them. Therefore, the Law and the prophets ceased at the time of John because Christ appeared.

This is what happens with each human being individually. As long as a person does not believe the finger and the voice of John who bears witness that Christ, the Lamb of God, has fulfilled the Law, he serves under the power and tyranny of the Law. The Law says to this person: “Pay what you owe! [Matt. 18:28]. God has enacted the Law so that you might do it, but you have not done it. Therefore, you have an angry God and a stern Judge.” Meanwhile, the Law does not tell how or by whom that person can fulfill it. It is unable to reveal the one who fulfills it, until the Gospel comes and says that Christ has done this.

(The Law continually demands fulfillment and obedience from every human being until Christ comes to us, that is, until we know Christ or until we come to faith in Christ. Then for the first time the conscience rises up against the Law that demands and condemns. Now that it is at peace, it stands before Christ and says, “Law, stop demanding and accusing, for there is nothing more you can ask for. John has come, pointing to Christ, who has satisfied you for me; you have what you are asking for. Go, therefore, and do not be dishonorable; do not demand anything more, for my debt has been paid.” Since, therefore, we believe that the Law has been fulfilled for us by this Christ—for no [other] human being nor even the whole world is able to fulfill or give what | the Law requires or what the prophets proclaim—the Law ceases to exist; that is, it ceases to demand, accuse, and terrorize.)

ARGUMENT 3
AGAINST THESIS 4

4. The first part of repentance—namely, sorrow—arises solely from the Law. The second part—the good intention—cannot arise from the Law.

It is solely the grace of God that works repentance in us. Therefore, no part of repentance should be ascribed to the Law. I prove the antecedent premise from Jeremiah 31 [:18]: “Turn to me, O Lord, and I will be turned,” etc. Likewise, Psalm 51 [:10]: “Create in me a clean heart, O God.”
Response:15 We do not deny that it is God who works repentance in us. Our theses in fact confess this quite openly.16 But it is an improper mode of speaking to say that God’s grace produces repentance in us (because we must distinguish between Law and Gospel).8 For grace, properly speaking, is the fulfillment of the Law, the forgiveness of sins, righteousness and life in Christ. But that it is God who works repentance in us is attested by this: many hear the Law, and yet they are not moved by its threats and terrors because they do not feel the force of the Law. This is why I do not convert anyone by the power of my preaching, unless God is present and is also at work with His Spirit.

Does this mean that the Law is not to be preached because it is solely out of mercy that God moves and converts the heart? This conclusion is ridiculous! By the same reasoning I could say that the Gospel should not be preached because few people hear it and even fewer believe it. But it is God’s will that we should teach the Law. When we do this, He will see to who is converted by it. [But] certainly it is by means of the Law that He turns to repentance whom He wills, when He wills. This is also how we should preach the Gospel, which is a teaching common to all, though “not all have faith” [2 Thess. 3:2].

In the same way, the Law pertains to all, but not all have repentance. But those who have it receive it through the ministry of the Law. The prophet, however, is speaking of true repentance that lasts the entire life. (The saying of Jeremiah must be understood by antithesis.)C It is as if he were to say: “Humble me and lead me to true repentance that I may abhor perverted and ungodly teaching, even if it appears very holy among the hypocrites who do not understand the Law, to say nothing of being able to teach it properly to others, and yet are full of the righteousness of the Law and their own wisdom” [cf. Isa. 5:21]. Yet a disciple will not be better than his teacher [Matt. 10:24]. Therefore, they, too, convert their own disciples, but to idolatry and perdition.

All have the Gospel, but not all have faith. All have the Law, but not all know the force and experience of the Law. So I repent when God strikes me with the Law and with the Gospel. We cannot tell the time and the hour, but He knows when He wills to convert me. [The prophet] is speaking of the entirety [of human] life.

**Argument 4**

**Against Thesis 25**

25. *For the whole of Scripture teaches that repentance must begin with the Law; this is shown by the very order of [repentance], as well as by experience.*

The Holy Spirit had to be sent to accomplish what the Law was unable to do [cf. Rom. 8:3]. The Law was not sufficient to strike terror into the heart.17 Therefore, the Holy Spirit had to be sent for this purpose.

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15 Probably by Luther (see the start of the second sentence: “Our theses”).
16 See above, *First Set of Theses against the Antinomians* (1537), Theses 13, 31, 37, pp. 51, 53.
17 Instead of these five words, Relation B has: “work true repentance.”