

MELANCHTHON'S INNOVATIVE CONTRIBUTION
ON PENANCE IN 1527:
A CORRECTIVE ADDENDUM TO LUTHER?

HERMAN A. SPEELMAN

Was Melanchthon's innovative contribution in 1527 on the evangelical understanding of penitence a correction on Luther's view? With this question in mind, we look at Melanchthon's visitation documents, Luther's new view on the sacrament of penance, and the discussion about this with John Agricola.

Although there proved to be unmistakable differences between Luther and Melanchthon where penitence was concerned, and between the two of them and Agricola, when considered as a whole, the sixteenth-century Protestant Reformation, should, in the history of church and theology, mainly be viewed as a protest against the manner in which the medieval church had attempted to gain increasing control over the Christian life through the sacrament of penance. Luther freed up penitence and repentance from the sacramental isolation in which it had fallen, and restored its position at the center of everyday life.

A debate that caused much turmoil in the early church concerned the matter of “second penance.”¹ The question was whether or not sins of once-baptized Christians would still be eligible for forgiveness, and if so, which ones? There have always been strict factions in the church wishing either to exclude the possibility altogether or at least to subject it to maximal restrictions. Notwithstanding, this “second penance” became an increasingly accepted practice across the church, and an entire, extensive ecclesiastical institution of penance has grown from it over the course of the ages. In the early church this still took the form of a public display of penance in the presence of the bishop, while in the medieval era the secrecy of auricular confession

Herman A. Speelman is Postdoctoral Research Fellow in Early Modern Reformed Theology at the Theological University of Kampen, the Netherlands.

¹ A brief survey can be found in Henry Chadwick, *The Church in Ancient Society: From Galilee to Gregory the Great* (Oxford: Oxford University Press 2001), 688–93; and Arnold Angenendt, *Geschichte der Religiosität im Mittelalter*, 2nd ed. (Darmstadt: Wissenschaftliche Buchgesellschaft, 2005), 626–30. Heinrich Karpp, *Die Busse: Quellen zur Entstehung des altkirchlichen Busswesens* (Zurich: EVZ-Verlag, 1969), provides original texts from the first three centuries and an extensive bibliography.

made its entrance through the monasteries and became common practice in the Western church, until it was opposed and abandoned as a sacrament by the sixteenth-century Reformers.

However, an important point which should not be forgotten is that the meaning of penance plays a much more profound role in Christian faith and life and stretches out much further than would seem to be suggested by the specific discussion over the ecclesiastical practice of penance and discipline that continues up until the present day. One might even state that the primary significance of the sixteenth-century Reformation and, more specifically, also of Melanchthon's *Instruction for the Visitors*, lies in the very fact that the fundamental significance of penance was rediscovered in Christian doctrine as well as in the practice of the Christian life.

A question that comes to mind from Melanchthon's *Instruction for the Visitors* is whether Luther and Melanchthon, in their attention regarding a continuing penance, oppose the medieval penitential practice or rather seek to connect to the spirituality of the late Middle Ages, in which the awareness of sin and ensuing fear of judgment played an important role, as Wolfhart Pannenberg claimed in 1986. In other words, were the Reformers really innovative with their penitential spirituality?

Some wonder whether Melanchthon's *Instruction* also brought about a turn in Luther's doctrine of penance, in the sense that from then on he placed penance, which before he had considered to be the fruit of faith, before faith. Since Richard Albert Lipsius's 1892 dissertation on Luther's doctrine of penance (*Luthers Lehre von der Busse*), the general assumption has been that it would be incorrect to call it a turn and that at the very most we could speak of a difference in emphasis.² The main question is whether this is also the case for Melanchthon. Was his innovative contribution in 1527 on the evangelical understanding of penance a correction of Luther's view? With this question in mind, we look at Melanchthon's visitation documents, Luther's new view of the sacrament of penance, and the discussion about penance with John Agricola.

I. Melanchthon's Visitation Documents

The chaotic events of the Peasants' War and the many confusions of the Wittenberg Reformation, as they came to light in the visitations in Saxony, for instance, confirmed Luther in his pragmatism. Now not only critical outsiders like Erasmus judged that the reform movement had led in practice to civil strife and loose morals,³ Luther and Melanchthon too discovered that the movement

² Thus Reinhold Seeberg, *Lehrbuch der Dogmengeschichte*, 5 vols. including 2 half vols., 4th ed. (Leipzig: Deichert, 1930), 4/1:262–63; and Herman Bavinck *Reformed Dogmatics*, 4 vols. (Grand Rapids: Baker Academic, 2003–2008), 3:404.

³ See Erasmus's letter to Spalatin of 6 September 1524, in *Erasmii epistulae*, ed. P. S. Allen et al. (Oxford: Oxford University Press, 1910), vol. 2, no. 1497.

of reform would not last unless a forceful intervention took place. The elector of Saxony therefore decided to lead a series of church visitations and wrote an instruction manual in June 1527. Melanchthon, who was part of the first group of visitors, spent the summer compiling a textbook for preachers, in which he outlined his new perspective on the central role of penitence and on the preaching of the law in order to curb “evangelical freedom” (*evangelica libertas*), which had spun out of control. The conclusion Melanchthon reached after the first visitations in July 1527 was that people become “self-confident and fearless” when they believe they are forgiven by God even if there is no penitence. According to Melanchthon, this would be a greater sin than all the errors that have been discerned so far.⁴

Melanchthon describes faith without prior penitence, that is, “without the doctrine of the fear of God or the doctrine of the law,” as putting new wine in old skins. He argued that people would only grow used to a “carnal security” and become careless. The preaching of penitence was in his mind to include the law as well as the temporal and eternal punishments with which God threatens sinners. When God “so scares the heart and produces a fear of judgment,” the soil will be prepared for the comfort offered in the preaching of the gospel. Just like the preaching of the law precedes the preaching of the gospel, so penitence precedes faith.

In the 1520s and 1530s, the Protestant reorganization of society and church in many parts of Germany was to follow the same pattern: the government was in charge and had a church order drawn up on the basis of which it ordered visitations. Church officials were evaluated and instructed according to this standard, and all kinds of aspects of daily religious life, such as the liturgy, had to be reformed. In 1527 there still was considerable lack of clarity concerning many different things. A form of ecclesiastical anarchy ruled, in which everyone acted as they saw fit.⁵ Already during the first official church visitation in July

⁴ Philipp Melanchthon, *Unterricht der visitatoren an die pfarrherrn im kurfürstenthum zu Sachsen*, in *Corpus Reformatorum*, ed. Karl Gottlieb Bretschneider, vols. 1–28 (Brunswick: C. A. Schwetschke, 1834–1860), 26:415–62 (hereafter *UdV*). “Faith cannot settle except in a remorseful heart,” we read at the end of art. 1. This is why instruction in the law is necessary according to Rom 3:20, “to frighten the conscience” and “to thus call upon the people to repent and, through repentance, call them to faith and the Christian justification.” “Else an infinite number of annoyances will arise. The people will feel secure and imagine themselves to own the justification of faith, because they do not know that faith can only be in those who have remorseful hearts through the law” (Philipp Melanchthon, *Articuli visitationis*, in *Corpus Reformatorum*, vol. 26, art. 15 [hereafter *AV*]).

⁵ Some pastors assumed that their preaching was sufficiently reformatory when they proclaimed that the pope was the antichrist. During the visitations Melanchthon complained, “I am involved in a complicated matter and as far as I can see, without result. Everything is confused, partly due to ignorance, partly due to the immorality of the teachers. My heart bleeds. I often isolate myself and I let my tears flow freely when we have finished a visitation in one or other place. And who would not mourn when he sees how the talents of mankind are so terribly neglected and that his soul, which is capable of learning and understanding so much, is even ignorant of its Creator and Lord?” (quoted in W. J. Kooiman, *Philippus Melanchthon* [Amsterdam: Ten Have, 1963], 102). Cf. Philipp

1527, it became clear that hundreds of (ex-)priests were confused about what exactly the new doctrine of justification by faith alone implied and what the practical consequences were for the liturgy in the church and for the daily life of believers. It was concluded that first and foremost the preachers needed additional schooling. They had to learn how to interpret Christian freedom and how to proclaim it for the salvation of believers:

For the majority of the priests and clergy are of no use and incompetent; they do not instruct the people properly, but usually preached only one part of the gospel, that is, the forgiveness of sins, but without penance, so that the people's consciences are worse and more rebellious than before.⁶

This is why already during the first official church visitations in the summer of 1527, Melanchthon wrote a first confession to which a church order was appended, in which he demanded that more attention be given to penance and the preaching of the law. He emphasized this more than Luther had done. In his view, not only forgiveness, freedom, and mercy ought to be proclaimed from the pulpit but also repentance, conversion, and penance. Without real sorrow for one's sins, there is no room for the true comfort of the gospel, and without the fear of God, the proclamation of the certainty of eternal life remains vague. Soon criticism arose. From all sides Melanchthon was reproached for falling back into the old Roman Catholic traditions, a reproach which was also made to Calvin ten years later. But because he had been so shocked by the noncommittal manner in which the new doctrine was proclaimed and given shape, Melanchthon insisted that faith can only find a place in a penitent heart. This is why, according to Melanchthon, the preachers who neglect penance and the preaching of the law have to be admonished, refuted, and punished. After all, in doing so they detract from one of the principal issues in the gospel, since when they hold out a one-sided and cheap grace to the ordinary believers, these believers are put on the wrong track. They then erroneously think that their sins have been forgiven, and the consequence is a false sense of peace and security.

Melanchthon, *Melanchthons Werke in Auswahl*, ed. Robert von Stupperich, 7 vols. in 9 (Gutersloh: C. Bertelsmann, 1951–1975), 7/2:22–23, Letter 116, Melanchthon to Aquila in Saalfeld, shortly after 29 July 29 1527 (hereafter MW); Emil Sehling, ed., *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts* (Aalen: Scientia Verlag, 1902), 1:37–38 and 148–49; Wilhelm Maurer, *Der junge Melanchthon zwischen Humanismus und Reformation*, 2 vols. (Göttingen: Vandenhoeck & Ruprecht, 1969), 2:470–77. See also C. A. H. Burkhardt, *Geschichte der sächsischen Kirchen- und Schulvisitation von 1524 bis 1545* (Leipzig: Grunow, 1879), 18–19; and Rudolf Hermann, “Die Kirchensitationen im Ernestinischen Thüringen von 1528,” *Beiträge zur Thüringischen Kirchengeschichte* (1930): 167–229.

⁶ Philipp Melanchthon, *Melanchthons Briefwechsel: Kritische und kommentierte Gesamtausgabe*, ed. Richard Wetzel et al., 11 vols. (Stuttgart: Frommann, 2000), 3:131, no. 574, visitation report of 13 August 1527: “Den die priester und selsorger der mehren theil fast ubel und ungeschickt, das volck nicht gnugsam unterweisen, sonder alle gemeiniglich durchaus alleyn den eynen theil des ewangeliums, das ist *remissio peccatorum*, und nicht *penitenciam*, geprediget, dadurch das volck in yrem gewissen erger und roloser worden dan vor ie.”

Thus we see that Melanchthon makes a highly significant turn in his visitation articles of 1527, which seems even to boil down to a rehabilitation of first penance or conversion, which in the old church had always been the gate through which one entered the Christian faith from a pagan past. "As Christ preached penitence and forgiveness," he begins, "thus the shepherds of the soul have to pass it on to the churches. There may be a lot of prognostication concerning faith these days, but what faith is still cannot be understood without the preaching of penitence." Faith without preceding penitence, "without teaching the fear of God, without teaching the law," to Melanchthon's mind was like pouring new wine into old wineskins and makes the masses used to a "carnal security" and indifference (AV, art. 1).

Yet this "first penance" in Melanchthon hardly stands on its own. The reason is that also those who have responded to the preaching of the gospel must endure penance in the sense of the "killing of the flesh" and the "mortification of the old man." This is why the Ten Commandments must be impressed on the hearers time and time again. Also the cross, which Christians bear in their lives, serves to incite them to do penance, so that the oppression which they must suffer can count as "part of the instruction of the law" and as a punishment imposed upon them because of their sins (AV, art. 2). In addition, Melanchthon, despite the stress he places on the fear of divine judgment and punishment, does not teach the same attritionism as medieval theology. In the section on "the fear of God," he distinguishes between "servile fear" (*timor servilis*), which only shudders at the judgment but does not believe in forgiveness, and "filial fear" (*timor filialis*), in which the fear of God and faith in forgiveness again and again go hand in hand (AV, art. 6; cf. n. 30 below). This last issue, the dialectic of law and gospel, is therefore crucial, not only for the "first penance" which must prepare the outsider for the preaching of the gospel, but also for the "second penance" which permanently marks the Christian life from beginning to end.

In this study we will place our main focus on Melanchthon's doctrine of penance, which is the central subject matter of both his visitation documents. During the Saxon church visitations, Luther and Melanchthon were forced to realize that the new view of human and Christian identity was a lofty or unattainable ideal. For this reason, both the 1527 *Articuli visitationis* (*Visitation Articles*) and the 1528 *Unterricht der Visitatoren* (*Instruction for the Visitors*) heavily emphasized repentance and the preaching of the law. These practices ought to prepare one for faith and set the boundaries of "evangelical freedom."⁷

⁷ Heiko A. Oberman, "The Gospel of Social Unrest: 450 Years After the So-called 'German Peasants' War' of 1525," in *The Dawn of the Reformation: Essays in Late Medieval and Early Reformation Thought* (Edinburgh: T&T Clark, 1986), 155–78, 160–61 ("for over a century the '*libertas Christiana*' had been a current issue and a central question in pub and marketplace" [p. 161]). Furthermore, I mention here two studies on *Unterricht der Visitatoren* and a valuable resource edition about the church visitations in the Electorate of Saxony, which were recently published and came to my attention after the completion of this article: Joachim Bauer and Stefan Michel, eds., *Der "Unterricht*

II. Luther's Turn and the Sacrament of Penance from the Late 1510s Onward

Luther had for some time accorded central importance to the “spiritual man.” In his marginal comments on Tauler’s sermons (1516), in debate with both Gerson’s and Tauler’s anthropology, Luther construes the spiritual man in such a way as to exclude all varieties of “doing one’s best.” The spiritual man is he who strives not by the height of his mental powers, but “by faith; the Apostle calls this man spiritual [1 Cor 2:14–15], and true Christians are not unlike him.”⁸ In his commentary on this text, Heiko Oberman points out that Luther here laid “the anthropological foundations for the de-anthropologization of medieval soteriology. The believer is called away from himself, like Abraham from his kin; indeed, in the language of mysticism, ‘torn out of himself.’ Here we find an outline of Luther’s principle ‘outside ourselves’ (*extra nos*), according to which the true Christian does not rely on his spiritual foundation or on his conscience in whatever sublimated form it may take. Here is the indispensable root of the Reformation principle ‘Christ alone (*solus Christus*).’”⁹

Luther saw each and every believer as a clergyman, as if each person was his own priest and subject to the rule of monastic life; he even spoke about “the priesthood of all believers.” The writings of the young Luther show again and again that he interpreted the gospel as having high expectations for the demands that can be made of the true Christian. In his 1523 treatise *On Secular Government*, we learn that worldly government is superfluous for the Christian who, as a “spiritual person [*homo spiritualis*],” is fully led by the gospel. However, since such Christians are few and far between, in practice we cannot do without secular authorities.¹⁰

In 1517 Luther waged war on indulgences and opened his Ninety-Five Theses with the statement that our Lord and Master Jesus Christ, when he said “Repent! [*Thut busse*],” wished the entire life of his believers to be a matter of penance. With reference to Matt 4:17 and Mark 1:15 he advocated a continuing spiritual change (*transitus mentis*). This statement can be seen as an exponent of late medieval piety, which increasingly stressed the inner aspect of religious life as opposed to the church’s outward authority. According to Luther, people were misled by the Latin phrase *poenitentiam agere* and interpreted it as a call

der Visitatoren” und die Durchsetzung der Reformation in Kursachsen (Leipzig: Evangelische Verlagsanstalt, 2017); W. Pieters, *Zonder berouw geen vergeving: Melanchthons onderwijs voor prediking en pastoraat* (Apeldoorn: Labarum Academic, 2017); and Dagmar Blaha and Christopher Spehr, eds., *Reformation vor Ort: Zum Quellenwert von Visitationsprotokollen* (Leipzig: Evangelische Verlagsanstalt, 2016).

⁸ Martin Luther, *D. Martin Luthers Werke*, Kritische Gesamtausgabe, 73 vols. (Weimar: Böhlau, 1883–2009), 9:103–4 (hereafter WA).

⁹ Heiko A. Oberman, “Wittenberg’s War on Two Fronts: What Happened in 1518 and Why,” ch. 6 in *The Reformation: Roots and Ramifications*, by Oberman (Grand Rapids: Eerdmans, 1994), 117–48, 129, 127.

¹⁰ Martin Luther, *Luther Deutsch: Die Werke Martin Luthers*, ed. Kurt Aland, 2nd ed. (Göttingen: Vandenhoeck & Ruprecht, 1967), 7:13–16.

for outward *actio*, rather than a total change of mind (*mutatio affectus*). To John Staupitz (c. 1460–1524) he declared that this is what had made Tetzel's indulgence preaching, in which none of this is mentioned and in which good works are only referred to as satisfaction (*satisfactiones*) with a view to the absolution of guilt, truly intolerable for him and what had raised serious doubts in him about the entire sacrament of penance.¹¹

If we can here read in Luther's words a radicalization of a kind of late medieval piety, then this also applies when, in his Ninety-Five Theses, he connects his attack on indulgences and, indirectly, on the church's sacrament of penance to an explicit "theology of the cross (*theologia crucis*)."¹² According to Luther's ninety-fourth and ninety-fifth theses, this motive of hatred of the self is, as we saw, connected to the imitation of Christ: Christians must follow their Head "through penalties, death, and hell" and this is how they will "ascend to heaven through many tribulations."¹³

In 1518, Luther elaborated on several issues in his *Resolutiones*. Thomas Aquinas had already circumscribed inner penance as remorse (*dolor*) for a committed sin and Luther described a similar hatred of sin, though he added also "hatred of the self [*odium sui*]" and the cross which should be borne in imitation of Christ (AE 1:23–24 = WA 1:531). Luther thus closely ties the idea of a life-long "inner penance" or penance as "virtue [*virtus*]," as it was developed by scholastic theology, together with the "theology of the cross," which, in the late Middle Ages, had been cultivated in monastic circles in the wake of Bernard of Clairvaux. By doing so, he indeed relativized the importance of the sacrament of penance, and in fact more even than Wessel Gansfort had done, although in his Ninety-Five Theses he did not yet reject it.¹⁴

However, during the same years, Luther struck a completely different note when he commented on Staupitz's remark that "true penance starts with love for God and for justice."¹⁵ According to Luther, *contritio*, as it is traditionally

¹¹ In his Ninety-Five Theses, Luther attacked the indulgence preachers for claiming that the pope grants remission for all sins, since the pope can only grant remission of punishments that he has imposed according to canon law and thus not according to divine law/rights.

¹² Oberman, "Wittenberg's War on Two Fronts," 117–48.

¹³ Martin Luther, *Luther's Works*, American Edition, ed. Jaroslav Pelikan and Helmut T. Lehmann, 55 vols. (Philadelphia: Fortress and St. Louis: Concordia, 1955–1986), 4:87–88 (hereafter AE) = WA 30/1:220–21.

¹⁴ Between 1521 and 1523, more than 30 years after his death, the works of the Dutchman Wessel Gansfort were published, consecutively in Zwolle, Wittenberg, and Basel. As a recommendation for the publication of his work, Luther wrote: "If I had read this man earlier on, it could have appeared to my enemies that Luther drew everything from Wessel, this is how much we both breathe the same spirit." See Johannes Gansfort, *Wesseli Gansfortii Groningensis opera* (1614; Nieuwkoop: De Graaf, 1966), 854; Marijn de Kroon, "Wij geloven in God en in Christus. Niet in de kerk": *Wessel Gansfort (gest. 1489) en Martin Bucer (gest. 1551)* (Kampen: Kok, 2004), 65.

¹⁵ As he writes to his teacher John Staupitz (c. 1460–1524) in 1518, for Luther penance had become a wonderful and sweet reality: "While in the past almost the whole Scripture contained no more bitter word than *poenitentia*, now to me there is nothing that sounds sweeter and lovelier

described in this remark, no longer counts as the goal and climax of Christian piety. For this reason, in his sermon *On Penance* which was published in Latin probably in 1518, he refers to the thesis (which he claims to hear frequently) that penance born out of love in itself procures the absolution of sin. He calls this a dark statement, which he himself has never completely understood. According to Luther, one should not trust one's own remorseful life, but only the absolution granted to us by Christ, after which we finally learn that all are damned who do not believe that they have been freed from sin before they have assured themselves of having a sufficient degree of *contritio*. The result is that not *contritio*, but faith alone justifies us.¹⁶

Subsequently, from 1518 onwards, we see in Luther's writings an increasing emphasis on faith, a faith that unconditionally entrusts itself to the promise we find in the sacrament. In the sermon *On the Sacrament of Penance*, delivered in German in 1519, he even distinguishes between the actual sacrament of penance on the one hand, which is said to comprise the Word of God in the form of absolution, our faith in this absolution, and the forgiveness of sins, and, on the other hand, penance itself, for which he provides the traditional tripartite distinction of remorse, confession, and satisfaction.¹⁷ And, in his famous 1520 tract *On the Babylonian Exile of the Church*, promise and faith have become the one and all not only for the Lord's Supper and baptism, but also for penance. In this context, a contrast between law and gospel arises in Luther which will increasingly mark the whole of his theology.¹⁸

than *poenitentia*." Earlier on he wrote: "I remember, honorable father," how we have heard you say like a voice from heaven "that there is no true *poenitentia*, except for that which begins with love for justice and God. And that this is rather the beginning of *poenitentia*, while they consider it the end and completion" (*D. Martin Luthers Werke, Kritische Gesamtausgabe, Briefwechsel*, 18 vols. (Weimar: Böhlau, 1930–1985), 1:525–27, Luther to Von Staupitz, 30 May 1518 (hereafter WA BR)).

¹⁶ A recent edition of the *Sermo de poenitentia* can be found in Martin Luther, *Christusglaube und Rechtfertigung*, vol. 2 of *Lateinisch-Deutsche Studienausgabe*, ed. Johannes Schilling (Leipzig: Evangelische Verlagsanstalt, 2006): 35–51 = WA 1:319–24. For references to Augustine, see WA 1:321; for references to Bernard of Clairvaux, see WA 1:323. Both examples are also mentioned in AE 1 (Conclusio IV of the *Resolutiones*): 26–27 = WA 1:534. On p. 50 of the *Sermo* = WA 1:324, we read that faith alone justifies us: "Cum sola fides iustificet, et accedentem ad Deum oporteat credere."

¹⁷ AE 1:182 = WA 2:721. On the meaning of the three German sermons delivered in 1519 on penance, baptism, and the Lord's Supper, see Oswald Bayer, *Promissio: Geschichte der reformatorischen Wende in Luthers Theologie*, 2nd ed. (Darmstadt: Wissenschaftliche Buchgesellschaft, 1989), 162, 167, 202n27, 254. For the precise role of Luther's new view on the sacrament of penance in his "reformatory turn," see pp. 164–202. For the sermon on penance, see also Ronald K. Rittgers, *The Reformation of the Keys: Confession, Conscience, and Authority in Sixteenth-Century Germany* (Cambridge: Harvard University Press, 2004), 53–58. On p. 54, Rittgers states that Luther dismissed the traditional division of remorse, confession, and satisfaction, but this is not entirely true. This is indeed the case for the sacrament of penance, but not for penance itself.

¹⁸ For the significance of this topic in Luther's theology, see Gerhard Ebeling, *Luther: Einführung in sein Denken* (Tübingen: Mohr, 1964), 120–36. On p. 120, Ebeling mentions a gradual transition from one pair of concepts (letter and Spirit) to another (law and gospel), in which the latter became increasingly normative. But, according to him, this transition did not constitute a rupture, but "rather a ripening and consolidation, which had announced itself from the beginning." See also Bernhard

Again, Luther opposes those who are of the opinion that “in one moment of remorse” (i.e., the *contritio* brought about by the sacrament) “their lives have changed,” and insists that the main point should be the “killing of the flesh” in imitation of Christ. This is the same life-long penance from the first of the Ninety-Five Theses, but in the meantime another motive has become dominant in the context of the Christian life: that of the certainty of salvation which is enclosed in the divine promise and on which our faith can fall back under any circumstance.¹⁹ The actual sacrament which ensures us of the divine promise and the forgiveness and absolution that come with it is, for Luther, no longer that of penance, but of baptism, which must govern the Christian’s entire life and which retains its power also if he falls back into sin. Luther strongly opposes the use of terms that describe penance as “the second plank after shipwreck,” which in his mind wrongly implies that sin can destroy the operation of baptism. On the contrary, it is baptism which should keep inciting us to true evangelical penitence throughout our lives. From this moment onwards, the Christian life is for Luther fundamentally constituted by baptism, which from now on counts as the actual sacrament of penance.²⁰

Considered against the background of medieval theology and practice, this conviction, which is repeated again in the Large Catechism of 1529, contains a radically innovating element concerning the view of infant baptism as well as that of penitence and the Christian life as a whole. Furthermore, Luther restores to the *locus de poenitentia* the same place which it in fact had occupied since time immemorial, namely, in the framework of the problem of sins committed after baptism, in which penitence had always been closely connected to the fact of that baptism. Like Augustine, who could call penance a “daily baptism” in one of his sermons, Luther was also able to use the exact same words in his Large Catechism to describe the Christian life as a whole.²¹ According to Luther, one is not a true Christian by virtue of one’s birth and therefore also not by virtue of infant baptism as a sacramental action in itself, but because one consciously accepts the promise enclosed in this baptism and thus obeys the gospel.

Lohse, *Martin Luther: An Introduction to His Life and Work* (Edinburgh: T&T Clark, 1987), 284–87; and Oswald Bayer, *Martin Luthers Theologie*, 3rd ed. (Tübingen: Mohr Siebeck, 2007), 53–61.

¹⁹ In this regard, see Bayer, *Promissio*.

²⁰ The fact that baptism is the actual sacrament of penance and that the latter should not be seen as a “second plank” is argued by Luther in *De captivitate* at the beginning of his discussion of baptism. See Martin Luther, *Die Kirche und ihre Ämter*, vol. 3 of *Lateinisch-Deutsche Studienausgabe*, ed. Michael Beyer and Günther Wartenberg (Leipzig: Evangelische Verlagsanstalt, 2009), 252–62 = WA 6:526–30.

²¹ AE 4:87–88 = WA 30/1:220–21. Later on, the Heidelberg Catechism (Lords Day 33, q. 88) distinguished between the mortification of the old man and the coming to life of the new as the two most prominent elements of the Christian life, although the original German text speaks of “the true penance or conversion of man (*die wahrhaftige busz oder bekerung des menschen*).” For the distinction between *conversio actualis prima* and *conversio cotidiana*, see Bavinck, *Reformed Dogmatics*, 4:463.

III. *Melanchthon's Corrective Addendum to Luther*

The teaching of justification by faith alone turned out to be susceptible to misunderstandings, and not infrequently gave rise to an erroneous sense of carelessness and false security. At the beginning of the fourth section of the chapter on “justification and faith” in his *Loci communes* from 1521, Melanchthon points our attention to the feeling of trust in God’s mercy and promise, placing more stress now on the remorseful and agitated conscience which will allow us to receive peace and consolation through our faith in Christ.²²

In November 1527, Luther came up with a compromise for retaining unity among his followers. He revised a passage from the first article of Melanchthon’s *Instruction for the Visitors* by making a distinction between particular faith on the one hand, which justifies and through which forgiveness is obtained, and, on the other, general faith, also subsuming penance and law, which does not justify. Luther’s distinction between “faith that justifies” (*fides iustificans*) and “a general faith” (*fides generales*) did not fall from the sky, but was also discussed in the Leipzig disputation between Luther and Eck about penance (July 1519), when John Agricola was Luther’s secretary. In this way, Luther was able to create some room for those with a dissenting view on penance. From these discussions, the so-called First Antinomian Controversy would be prosecuted ten years later (1537–1540), which was in fact the largest conflict within the Protestant camp apart from the Lord’s Supper controversy.²³

For the development of the Protestant movement, Melanchthon’s handbook turned out to be of importance not only for the practical constitution of the church but also for its theological influence. Melanchthon stressed that the so-called *usus theologicus legis*, which is the function of the law that produces knowledge of sin, simply cannot be denied.

Melanchthon’s *Instruction* formed a basis for the new literary genre of Protestant confessional writings and for Protestant church orders. The central topics discussed in this sermon manual are: penance and confession, faith and good works, justification, baptism, Eucharist and the use of sacraments, government, freedom, and free will.²⁴ Almost every subject is discussed within the broader context of the search for alternatives to the existing penance and confession system of the established church, whose foundation was provided by canon 21 of the Fourth Lateran Council of 1215.

²² *UdV*, art. 2, 3, 7, 9. Cf. *AV*, art. 3; Carl Andresen, ed., *Handbuch der Dogmen- und Theologiegeschichte*, 3 vols. (Göttingen: Vandenhoeck & Ruprecht, 1980–1984), 2:39–43; Bernhard Lohse, *Luthers Theologie in ihrer historischen Entwicklung und in ihrem systematischen Zusammenhang* (Göttingen: Vandenhoeck & Ruprecht, 1995), 195–98.

²³ Gustav Hammann, *Nomismus und Antinomismus innerhalb der Wittenberger Theologie von 1524–1530* (Bonn: n.p., 1952), 57–109.

²⁴ The topics of prayer, trials, excommunication, the superintendent, the fight against the Turks, and marriage are discussed separately in the *Instruction*, but they pertain to doctrine more indirectly.

The Reformers sought to rid confession of its coercive element.²⁵ However, this at the same time implied for someone like Melanchthon the necessity of preaching penance and law seriously. This can be illustrated by the first article of his *Instruction*, on faith. For how can someone come to a true, living faith (that is, “how does the heart apprehend faith?”)—how else except through God, who “in his compassion instills awe into the heart and makes a person fear the judgment,” that is, in other words, through penance or remorse? Faith starts acting upon one’s heart once that person hears and accepts the gospel of the forgiveness of sins for the sake of Christ (*AV*, art.1). Melanchthon warned that many err when they think and say that they believe. Time and again, Melanchthon stressed that, due to the threatening attacks of Satan, the fear of God must first carefully descend into the heart and be instilled in it.²⁶ People only come to faith after they have “first believed that there is a God, who threatens, commands, and instills fear” (*UdV*, art. 1). For this, a true knowledge of God and ourselves is of prime importance. In this context, emphatic attention was to be placed on the law of God in order to replace, in a certain sense, the confessional books which had enabled medieval man to distinguish between good and evil and to recognize his sins. Much of Melanchthon’s article on prayer was devoted to impressing the Ten Commandments on the preachers. And, as many as four times we encounter a brief catalogue of virtues and sins.²⁷ Furthermore, Melanchthon remarked that the entire Decalogue had to be treated regularly from the pulpit. (*AV*, introduction and art. 4) This is how the consciences are called to repentance, and, through repentance, to faith and Christian righteousness. This was a necessary alternative to the penitential preaching and confession literature of the medieval period, since otherwise churchgoers would develop a wrong sense of security and erroneously presume that they “possessed the justification of faith, because they do not know that faith can only be present in those who have remorseful hearts because of the law” (*AV*, art. 15; cf. *UdV*, art. 12).

Apart from most theological issues, which contributed little to true piety, Melanchthon in his *Visitation Articles* focused on the most necessary matters that were to be taught in the church. In his most central thesis, which he subsequently elaborated on in the other articles, he pleaded movingly for the

²⁵ *Bekennnisschriften der evangelisch-lutherischen Kirche* (Göttingen: Vandenhoeck & Ruprecht, 1930), 725–26.

²⁶ *AV*, art. 1, 5, 6. Cf. *UdV*, art. 2. In his foreword to the Augsburg Confession from 1530, he repeatedly writes to the emperor that the question concerns the appropriation of salvation, “how one is to attain mercy and forgiveness of sins” (*Bekennnisschriften*, 38).

²⁷ *UdV*, art. 3. Cf. *UdV*, art. 6, 7, 10. Melanchthon had a broad understanding of the Decalogue. Later on Melanchthon would call the teaching of Moses another term for “the general law of nature” and “the eternal law [*lex aeterna*]” or “moral law [*lex moralis*]” (*Corpus Reformatorum [CR]* 23:85 [in 1554 in Latin]; *MW* 6:185 [in 1552 in German]). In the early modern era more emphasis was placed on the Decalogue as a replacement for the many medieval catalogues of virtues and sins. Luther, for example, deliberately placed his discussion of the law at the beginning of his catechism, which was different from what people were used to.

necessity of penance or penitence, which is inherently connected to faith and must in fact precede it.

What faith is cannot be understood without penitence having been preached. It is clear that those who pour new wine into old wineskins, who preach faith without penitence, without the teaching of God's fear, without the teaching of the law and in this way accustom the masses to a security that can be called 'carnal.' This security is worse than all the errors that occurred under the pope.²⁸

In this way, according to Melanchthon, a wrong sense of having arrived was encouraged among church goers.²⁹ In order to break through this, Melanchthon attempted to achieve a productive tension between faith and obedience, between a life lived out of justification in Christ and the pious Christian life. According to him, the core issues in preaching involved penance, the fear of God, faith, and good works. (*UdV*, art. 1 and 12).

Hence, in his *Articles* from 1527 and, shortly thereafter, in his *Instruction for the Visitors*, we see Melanchthon take a highly significant turn which seems even to boil down to the rehabilitation of "first penance." In the old church, this "first penance" had always been the gate through which one entered the Christian faith from a pagan past. For that reason, the law had to be placed in the foreground, as well as the temporal and eternal punishments with which God threatens sinners. When God thus "instills awe into the heart and makes a person fear the judgment," fertile soil is being prepared for the comfort which is then offered in the preaching of the gospel (*AV*, art. 1). Penance therefore precedes faith, just like the preaching of the law also precedes the preaching of the gospel.

Yet this "first penance" in Melanchthon hardly stands on its own. The reason is that those who have responded to the preaching of the gospel must also endure penance in the sense of "putting to death the flesh" and the "mortification of the old man." This is why the commandments must be impressed upon the hearers time and time again. The cross, which touches Christians in their lives, also serves to incite them to do penance, so that the oppression which they must suffer can count as "part of the instruction of the law" and as a punishment imposed upon them because of their sins (*AV*, art. 2). In addition, Melanchthon, despite the stress he places on the fear of divine judgment and punishment, does not teach the same attritionism as medieval theology. In the section on "the fear of God," he distinguishes between "servile fear [*timor servilis*]," which he finds in Jas 2:19 and which only shudders at the judgment but does not believe in

²⁸ *AV*, introduction; and *UdV*, art. 1. On the tensions surrounding the content of the new doctrine, see also Hans Georg Geyer, *Von der Geburt des wahren Menschen: Probleme aus den Anfängen der Theologie Melanchthons* (Neukirchen-Vluyn: Neukirchener Verlag, 1965).

²⁹ Compare this to Luther in his foreword to the Large Catechism of 1529, in which he warns against "the secret contagion with self-assurance and self-satisfaction," which causes many to believe that they know the Christian doctrine, when in fact they are "self-satisfied and audacious saints" (*Bekenntnisschriften*, 547 and 551).

forgiveness, and “filial fear” (*timor filialis*; Rom 8:15), in which the fear of God and faith in forgiveness again and again go hand in hand.³⁰ This last issue, the dialectic of law and gospel, is therefore crucial, not only for the “first penance” which must prepare the outsider for the preaching of the gospel, but also for the “second penance,” which places a permanent mark on the Christian life from beginning to end. But the church visitations led to large numbers of people, who had previously been counted as Christians, being addressed in the first instance as unbelievers and outsiders, who first had to be prepared for the preaching of the gospel through the preaching of the law and the call to repentance. This “penance preaching,” as Melanchthon had sketched it in his *Articles*, undeniably placed great emphasis on the fear of punishment.

Therefore, when Melanchthon's *Articles* and *Unterricht* became more widely known over the course of 1527, first in manuscript form and later also in their printed version, it is of no surprise that they evoked opposition in John Agricola (1494–1566), a theologian from Eisleben who had also become active as a preacher there and considered himself a loyal student of Luther. Having worked as a catechist in Wittenberg in 1521, in early 1525 he received the charge of compiling a catechism for young people, together with Justus Jonas. Nothing came of it. Only after he became pastor in Eisleben did he write both his catechisms, in 1526 and 1527.

A letter from Luther to Agricola, dated 31 August 1527, reveals that the latter had already complained to him that Melanchthon, in his position as church visitor as well as by the *Articles* he had composed, harmed “evangelical freedom,” or, as he called it, the “freedom of the consciences.” After all, Melanchthon had failed to urge caution upon those preachers who lashed out all too fiercely against the papacy, and it also seemed to Agricola that Melanchthon's emphasis on penance announced a return to the mother church of Rome. Luther diplomatically replied that “evangelical freedom” must indeed not be harmed, but that the work of visitation was too important to subject it to all kinds of criticism at this early stage.³¹

³⁰ AV, art. 6: *De timore Dei*. Cf. CR 21 (Loci 1535): 409–91; and *UdV*, art. 1 concerning Luther's distinction between a fear-based faith and justifying faith. Melanchthon does not mean a purely physical fear, but “a fear that God himself was working in us,” that is, “out of love for justice.” To receive the real *timor filialis* is usually a life-long process. Nevertheless, we may not conclude that the notion of penance as an internal act was abandoned altogether. When 12th-century scholastic theology focuses its reflection on the sacrament of penance above all in terms of the internal aspect of *intentio*, it actually draws on a theological trajectory that can be traced directly back to Augustine and Gregory the Great. This trajectory sets two kinds of fear over against each other. The first is the fear of punishment, which Augustine in his *Tractates on the Gospel of John* 43.7 calls a “servile fear” (*timor servilis*); over against it we find the “chaste fear” (*timor castus*), whose primary aim is to guard righteousness and therefore, as Augustine writes in the same context, comes from a “love for righteousness” such that it can be identified as the perfect love that casts out all fear (cf. 1 John 4:18).

³¹ AE 6:189–90 = WA BR 4:241–42, no. 1138, Luther to Agricola, 31 August 1527. It is interesting that Luther, similar to what we see in Erasmus more than once and what he himself argues in “On

Agricola, however, must have expressed his objections to a broader audience in a manuscript work,³² since in a letter to the Nuremberg rector Joachim Camerarius (1500–1574) from 23 October 1527, Melanchthon complains about the “tragedies” which his small booklet has brought about, as it was actually only meant to serve as a children’s catechism and had been printed without his prior knowledge.

IV. Agricola’s Response to Melanchthon’s Doctrine of Penance

It seems clear that Melanchthon in no way intended his *Visitation Articles*, published without his approval in the summer of 1527, and his *Instruction for the Visitors*, published nearly half a year later and which came about out of and with a view to the practice of the visitations of the preachers in Saxony, to oppose Agricola. The latter’s criticism was only received afterwards and it gravely affected him. He rather wished to avoid these kinds of theological disputes because he did not think they were of practical relevance.

In October 1527 Agricola must have addressed Melanchthon in person by letter, and his lost manuscripts, *Censura in articulos visitatorum*, circulated in those days.³³ Agricola also finished his second catechism in November of that same year.³⁴ In addition to Agricola and Caspar Aquila, Beate Kobler names Veit Amerbach and Elector John as critics from their circle of Melanchthon’s

Secular Authority,” is of the opinion, with reference to Paul, that the “spiritual man” is allowed to restrict his “evangelical freedom” in favor of the “weak,” but that one should not yield to tyranny (in this case, to papal tyranny). Apparently Melanchthon was suspected of having taken this too far. This suspicion is also reflected in a letter quoted by Hans Rückert, ed., AE 6:200n3, which Luther received from the elector on 30 September 1527. In his letter to Agricola, Luther concludes with the complaint that the insight “that Christ is our righteousness” apparently surpasses the apprehension of “the world and reason”: people thus continue to turn to “works.” This would be supported by his experiences during the church visitation.

³² In his letter to Justus Jonas from 20 December 1527, MW 7/2:38–45, 40, Letter 122, Melanchthon mentions a “scriptum.” Apparently this concerns the same criticism (*censura*) that had already been mentioned in his letter to Camerarius of 23 October (Letter 29) and that, in the meantime, was said to have been spread all over Germany by Agricola (Letter 39). It is unclear how Timothy J. Wengert, *Law and Gospel: Philipp Melanchthon’s Debate with John Agricola of Eisleben over “Poenitentia”* (Grand Rapids: Eerdmans, 1997), 116, can claim that this refers to Agricola’s catechism, published in 1527 (*130 Fragestücke*). Concerning the above mentioned correspondence with Caspar Aquila regarding the visitation articles (see n. 5 above), see Wengert, *Law and Gospel*, 104–10. In it also the “moderation [*moderatio*]” concerning the “evangelical freedom,” as proposed by Melanchthon, is discussed, as well as the suspicion of a return to Rome, which was raised by this moderation as well as by Melanchthon’s traditional tripartite division of *poenitentia* into remorse, confession, and satisfaction.

³³ *Melanchthons Briefwechsel*, 3:186 q. 26, 232 q. 13, 199 q. 1. Cf. Beate Kobler, *Die Entstehung des negativen Melanchthonbildes: Protestantische Melanchthonkritik bis 1560* (Tübingen: Mohr Siebeck, 2014), 56, 57.

³⁴ Kobler, *Die Entstehung des negativen Melanchthonbildes*, 71.

1527 work.³⁵ Agricola and Melanchthon were fellow students in Wittenberg, and the former had started there as a catechist, after which he drew up his first catechisms.³⁶ Ferdinand Cohrs assumes that Agricola had very surely (*Ganz gewiss*) a second agenda (*Nebenabsicht*) with the new publication of his catechism, which was to make his view on the law publicly known, because, according to him, the law no longer had a place in God's plan of salvation since the gospel had come. The fact that he discusses his view on the law three times (directly at the beginning in q. 13–16, as an appendix to faith in q. 58–70, and at the end in q. 114–30) shows how important the issue was to him. We can already find traces of this antinomian view in his *In evangelium Lucae annotationes*, which appeared earlier, and also in his *Kinderzucht* (Training a Child). His sharp defense of it in the *Hundertdreissig Fragstücken* (One Hundred Thirty Questions) was probably a result of Melanchthon's *Articles for the Visitors*, published in the summer of 1527,³⁷ which insistently called for a preaching of the law with a view to penance.³⁸ When Agricola noticed at the conference that Luther did not share his views as much as he had thought, he succeeded in weakening and obscuring his views on the law.³⁹ According to Cohrs, a few days after Agricola had signed the foreword to the *Hundertdreissig Fragstücken*, the conference of Torgau of 26–29 November

³⁵ Kobler not only offers a systematic insight into the criticism on Melanchthon's doctrine of penance but also elaborates somewhat on Agricola's criticism, to which she dedicates several pages (*ibid.*, 54–61, 69–72).

³⁶ John Agricola, *Elementa pietatis congesta* (translated version: *Christliche Kinderzucht in Gottes Wort und Lehre*), in Ferdinand Cohrs, *Die Evangelischen Katechismusversuche vor Luthers Enchiridion: Die evangelischen Katechismusversuche aus den Jahren 1527–1528*, 2 vols. (Berlin: Hofmann, 1907), 2:85–201, 266–331. The foreword is dated: "Eisleben am tage Martini M.D.XXVj. iar," Impressum Wittemberg, anno M.D.XXVII. Also: Haganoae, anno M.D.XXVII. The German editions as well: Wittemberg 1527, Zwickau 1527, Eisleben 1527, and later reprints. Its first paragraph reads: "On penance (De penitentia). 1. Qui poenitet, iam pene non peccavit. Est autem poenitentia transmentatio, cor novum, adeo ut cui placuit antea libidinosum esse, nunc placeat summe esse casto, Eph. V: Qui furabatur, iam non furetur, *Nymmer thun ist die hochste busse*. 2. Porro hanc transformationem neque opera, neque ieiunium, neque eleemosinae, neque satisfactiones, sed spiritus sanctus, partus Christi sanguine, suppeditat atque efficit."

³⁷ Kobler argues in her dissertation that, on the basis of Melanchthon's views as expressed in the *Articuli*, it could be argued that there were three fronts that had to be faced in July 1527: the Roman Catholics, the spiritualists, and the Lutherans (Kobler, *Die Entstehung des negativen Melanchthonbildes*, 41). Over against the Anabaptists, Melanchthon retained penance and its traditional tripartite division (remorse, confession, satisfaction), and at the same time he emphasized the differences vis-à-vis the Roman Catholic view. Penance was not to be viewed as a separate sacrament, but included in baptism and the Lord's Supper (*UdV*, art. 9). Furthermore, prior to the celebration of the Holy Supper, the communicants were to have an understanding of its true meaning, and experience sorrow over their sins but also believe that they were forgiven.

³⁸ Following *Hundertdreissig gemeine Fragstücke* of Johann Agricola: "One hundred and thirty common questions for young children in the German middle schools of Eisleben. On the Word of God, faith, prayer, the Holy Spirit, the cross, and love. Also an instruction on baptism / and the body and blood of Christ." This catechism was printed in Wittenberg and Nuremberg and probably in Zwickau as well. See Cohrs, *Die Evangelischen Katechismusversuche vor Luthers Enchiridion*, no. 21.

³⁹ Cohrs, *Die Evangelischen Katechismusversuche vor Luthers Enchiridion*, 2:262.

1527 took place, which was expected to end the doctrinal dispute that threatened to break out between Melanchthon and Agricola.

Comparable with Melanchthon's terminology in his comment to Agricola at the end of 1527, an earlier disputation about this subject in Leipzig on 12 July 1519 between Eck and Luther also focused on the interpretation of familiar terms like *timor penae*, *timor servilis*, *timor Dei*, *filialis timor*, and *amor dei et iustitiae* in texts of Augustine and the medieval ancestors.⁴⁰

Both Melanchthon and Agricola saw penitence as a lifelong "putting to death of" or struggle against the flesh. To Agricola, however, a legalist type of penance, remorse, and repentance did not do justice to the completeness of Christ's sacrifice. Man ought to gain an insight into the fact that he is justified by Christ alone. In his catechism, he teaches an almost absolute contradiction between law and grace, and between Moses and Christ, with reference to John 1:17 and Gal 3:13. The law coerces and threatens, whereas the gospel, by contrast, preaches grace and forgiveness and calls one to repent. For that, the law of Moses is not necessary.⁴¹

Luther, however, not yet having read Agricola's catechism, was convinced that the dispute concerning penance between the two was no more than a "battle of words" (WA BR 4:271–72, 27 October 1527). Timothy Wengert correctly opposes the idea that this would mean that Luther at that time did not yet understand the significance of the controversy with Agricola. Wengert believes that Luther merely meant to belittle Agricola, but this is unlikely. In reality, especially in Melanchthon, but also in Luther, the point is to keep a certain distance from such subtle scholastic distinctions. Luther knew both men well and he thought that in this case the views really were not all that different.⁴²

Melanchthon emphasized that the preaching of the law was imperative to lead people to knowledge and repentance of their sins, before they could, in faith, reach out for the comfort of the gospel of forgiveness. Agricola, on the other hand, was of the opinion that repentance should come forth from faith in the gospel of forgiveness, without use of the law. Luther himself offered the compromise of viewing faith in the gospel of forgiveness as the justifying faith, while the preceding repentance can arise from a general faith. "How

⁴⁰ Steffen Kjeldgaard-Pedersen, *Gesetz, Evangelium und Busse: Theologiegeschichtliche Studien zum Verhältnis zwischen dem jungen Johann Agricola (Eisleben) und Martin Luther* (Leiden: Brill, 1983), 312–31. In a letter of early November 1527 to Aquila, Melanchthon reminds him about how he had spoken with Agricola about the difference between the *timor servilis* and the *timor filialis* (MW 7/2:36–37, n. 11). For the dating of this letter, see Wengert, *Law and Gospel*, 105 and n. 8.

⁴¹ Cohrs, *Die Evangelischen Katechismusversuche vor Luthers Enchiridion*, no. 21, q. 13–17 (pp. 114–16, 130); cf. First Catechism, in *ibid.*, no. 16, q. 83.

⁴² In his letter to Camerarius from 23 October 1527, Melanchthon writes that "piety" has little to gain from these kinds of controversies (MW 7/2:31, Letter 119). On 17 October Luther describes it as a "battle over words" to Melanchthon, to which he attaches little value, especially for ordinary people (AE 6:204 = WA BR 4:271–72). On 10 December 1527 Luther writes to Justus Jonas that the entire difference of opinion discussed at Torgau "hardly meant anything" (AE 6: 227 = WA BR 4:295). See also Wengert, *Law and Gospel*, 116.

wonderful," he wrote to his colleague Jonas, "that agreement has been reached in Torgau. Thus ambition and distrust have been buried." Jonas's reaction was that this conclusion was sooner a wish than reality.⁴³ He was proved right. There was a difference of opinion between Agricola and Luther from the start, Kjeldgaard-Pedersen concludes. Luther, however remained consistent, from the very outset right up to his "Wider die Antinomer" in 1539.⁴⁴

V. Responses of Luther and Melanchthon to Agricola

In a letter to Justus Jonas (1493–1555) on 20 December 1527, Melanchthon reports on the Torgau conference of 26–27 November 1527, and specifically concerning his view on penitence and Christian freedom in *Instructions to Preachers* and Agricola's criticism on these issues, and he elaborates upon the reproach that he had not been anti-Roman Catholic enough. Melanchthon writes that he could not bear the one-sided criticisms of the monks. Furthermore, he only wished to advance peace, also with Agricola, who, however, refused to accept his outstretched hand. "This I have written to you frankly, with a view to reaching peace with him, more than I have ever spoken to any man." This last phrase reveals something of the importance of the letter (MW 7/2:44, Letter 122). In his conference report, Melanchthon also briefly referred to the *Articles* and his dispute with Agricola.

The book was read (aloud) and the first discussion concerned the issue of penance. While the others saw nothing wrong with it, Agricola claimed that my booklet was in conflict with Scripture and with Luther's theses. According to him, Luther taught that penitence must start with the love for justice. And also in Jonah it reads: "they believed and repented." And in the gospel: "Repent in my name," not in the name of Moses or an irate judge. This is what Agricola's argument came down to. I briefly answered that feelings of fear should govern the emotions prior to justification, and that in this fear it is difficult to distinguish between love for justice [*amor iustitiae*] and the fear of punishment [*timor poenarum*], especially since I had not spoken of a feigned penance, but of feelings of fear which arose by divine providence. Agricola agreed, but said that repentance should commence with faith in the (divine) threat. By making these precise distinctions, he thus discredited a friend and got him into trouble. I answered that feelings of fear could not be distinguished from faith in the (divine) threat, for indeed, what does the joining of faith with threat mean other than fear?⁴⁵

Melanchthon wrote to Agricola: "You surely agree with me that in the hearts, before the conversion or justification takes place, distress and fear and shame

⁴³ Hammann, *Nomismus und Antinomismus*, 112.

⁴⁴ In his balanced analysis (*Gesetz, Evangelium und Busse*), Kjeldgaard-Pedersen responds to many studies on this subject, inter alia, Oswald Bayer, Ernst Bizer, Gustav Hammann, Susi Hausammann, Wilhelm Herrmann, Gustav Kawerau, Matthias Kroeger, Albrecht Ritschl, Joachim Rogge.

⁴⁵ MW 7/2:41, Letter 122. Already on 10 December 1527, the day his eldest daughter was born, Luther had reported to Jonas on the events in Torgau from two weeks earlier, from 26 to 29 November (WA 4:294–97, no. 1180).

of conscience must precede.” But that was exactly the point of difference at the Torgau conference, where Johannes Bugenhagen, Caspar Güttel, and some other capable counselors of Elector Johan were also present. Agricola stated, referring to Jonah 3:5 and Luke 24:47, that Melanchthon’s articles were not in keeping with the Scriptures, nor with Luther’s doctrines. For Melanchthon, however, true penitence arises from the fear of God and the love for God’s justice, and had Luther not taught the same? Does Luther not teach that faith offers comfort only after feelings of fear? That the fear of God can hardly make a distinction between the love of justice and the fear of punishment? Before justification, the breast should harbor feelings of fear and penance. Therefore, the penitence can be taken as a form of general faith, which precedes the justification in faith. The meeting left it at that, that is to say, Luther ended the dispute, as Melanchthon remarks.

He [Luther] deemed it apt to give the name of faith to the faith that justifies and that comforts us in those feelings of fear, and to interpret penitence correctly as a general faith. Here you [Jonas] have the whole dispute recounted in its most elementary form. After this, he [Agricola] did not formulate any further reproaches regarding anything else from my book, although during breakfast he reproached me privately for proclaiming that the Decalogue should be taught, seeing that we have been liberated from the law and therefore no longer fall under the demands of the Decalogue, but under the prescriptions in the letters of Paul. But to this I answered that these prescriptions coincide exactly with the Decalogue and that in the practice of instruction they could easily be understood as the Decalogue, even more so because Christ explained and taught the Decalogue. But he disagreed that the example of Christ related to us, because it was the Jews Christ had been teaching. Oh, how clever can a person be!⁴⁶

It thus appears that Melanchthon knew of the existence of Agricola’s polemical pamphlet, but further on in the aforementioned letter to Jonas, he declares that he had not laid his eyes on it personally and that he was not very curious about it either. Nevertheless, it would seem that he had a good knowledge of its argument, because in several of his letters from this period (and among them the two mentioned above) he enters into the matter in detail. Time and again Agricola’s reproach returns that he, allegedly, had inflicted damage upon the “evangelical freedom” and that with his position as visitor and his booklet he had paved the way for a return to the Church of Rome. According to Agricola, Melanchthon had tainted the “purity of the evangelical doctrine.” For, whereas Melanchthon had penitence precede faith and arise from the fear of punishment, Luther had taught that penitence commences with “love for justice” and,

⁴⁶ MW 7/2:41–42. The correspondence concerning the dispute with Agricola is limited and one-sided. The only details we have of Agricola’s view in those days come from what others, and in particular Melanchthon, tell us about it. I refer to his letter to Spalatin from 21 October 1527, to Camerarius from 23 October 1527, to Agricola from the beginning of November, four letters to Aquila from November, and the letter to Jonas from 20 December 1527, which we have cited here. See CR 1, nos. 471, 486, 487, 478, 479; and CR 4, no. 480b, c, and d.

instead of preceding faith, penitence was for him rather the fruit of faith. And did the Scripture itself not state in Jonah 3:5: "They believed and did penance" (MW 7/2:41)? Agricola appears here to reproach his adversary for teaching a pure attritionism, in contrast to the contritionism that, especially after the aforementioned intervention of John Staupitz, had always been Luther's point of departure in his statements on penitence and confession.

And in the preaching of the law as well as in the proclamation of the gospel, it is, of course, God himself who addresses them. Indeed, as Melanchthon states, this concerns a fear that is inspired in the sinner by God himself, and not a pure "natural fear," which, in the end, concerns only man himself. But before a person is ready for the true *timor filialis*, that is to say, before he has learned to love God "for himself" and not "because of the punishment," this usually takes a lifetime and the issues in question usually simply surpass the understanding of ordinary people.⁴⁷ This is why, according to Melanchthon, without meaning to defend *attritio* explicitly in the sense of "servile fear," it is better to start by preaching God's judgment, also after "justification" or "vivification." That is to say, after one has received the consolation of the gospel, an entire life will be spent "putting to death the flesh" and the true renewal of life, in which one will love God only for himself. Compare this to the relationship between *fides* and *timor servillis* in Thomas Aquinas.⁴⁸

This is why it leaves Melanchthon unaffected that, as he writes to Camerarius, he had, according to Agricola, placed too much emphasis on the preaching of the law.⁴⁹ As we learn from a later letter, Agricola had wanted him to insist more on the "prescriptions of Paul," because the Decalogue, even though Christ had preached it himself, was in his view only intended for the Jews (MW 7/2:42). For Melanchthon, in contrast, there is no essential difference between the Decalogue and the prescriptions of Paul.

But, Melanchthon says in reply to Agricola, I never referred to a purely human fear, but rather intended a fear that is inspired in us by God and that strictly speaking indeed should ensue from the "love for justice."⁵⁰ Therefore,

⁴⁷ In almost exactly the same formulation we read in his letter to Agricola from the end of October 1527, as well as in his letter to Aquila from the beginning of November of the same year, that people are late to arrive (*sero eo pervenire*) at loving God for himself (MW 7/2:36 and n. 11). Karl Holl has drawn attention to a remarkable passage in Augustine's *De catechizandis rudibus* 27 (see Karl Holl, *Gesammelte Aufsätze zur Kirchengeschichte* [Tübingen: Mohr, 1932], 1205n1). Augustine writes that it is the advanced Christian who has learned to love God more than he fears hell ("qui etiam proficiendo perveniet ad talem animum, ut plus amet deum, quam timeat gehennam"). Holl's interpretation of Luther is rigorously Kantian, and in it any pursuit of happiness is regarded as absolutely inferior. This is possibly why Holl believes that Luther, when he says about those who love God out of their desire for heaven or fear of hell, that their love is actually not directed at God but at themselves, is actually attacking Augustine. Both Luther and Melanchthon, like many other medieval theologians, in fact made a gradual transition from the one to the other through Augustine.

⁴⁸ See Thomas Aquinas, *Summa theologica*, 3, q. 85, art. 5.

⁴⁹ MW 7/2:28–33, 30, Letter 119, Melanchthon to Camerarius, 23 October 1527.

⁵⁰ MW 7/2:36, Letter 121. According to one medieval perspective, the "servile fear" connected to *attritio* meant that man was concerned only with his own fate and not with God himself. In that

Melanchthon does in fact wish to hold onto *contritio*.⁵¹

Yet what is happening at the same time is that, within the framework of the new debate which had arisen from Luther's doctrine, these intricacies lose their actual relevance. The issue no longer concerns Christians who, in order to receive the sacrament, need to give evidence of perfect or imperfect remorse in the confessional seat, but rather it concerns outsiders, who need to be prepared for the comfort of the gospel by means of the preaching the law.

Time and time again Melanchthon emphasizes in his *Articles* as well as in the *Instruction* that faith without penitence only produces carelessness and a false sense of security. This is why, in the practice of the ecclesiastical life, the preaching of penitence and repentance must precede that of faith, wholly in the spirit of the order defended by Luther, in which the law first frightens the conscience and the gospel then offers consolation. When Agricola attacks this by referring to Luther's earlier use of the medieval definition of "perfect sorrow" (as he had appropriated it in the context of the debates over the sacrament of penance), which ensues from the "love for justice" and therefore presupposes faith, both Luther and Melanchthon consider this to be no more than an unfruitful scholastic battle over words, and, as Melanchthon writes to Justus Jonas in the aforementioned letter, Luther settled the debate with a compromise formula during the Torgau conference of November 1527. After the church visitation, Luther and Melanchthon were rather concerned to keep all emphasis on the familiar concepts of "penance," "commandments," the "law of God," and "God's fear," especially because of and for the ordinary people, who were simply unable to grasp Agricola's theological subtleties, so that, precisely against this background, they might form a clearer understanding of the "faith that justifies and takes away sin," compared to which "general faith" is just a flimsy shadow. From then on, the dialectic of law and gospel would provide the foundation for the whole of Lutheran theology. Due to the tension between the proclamation of the evangelical freedom and obedience to the law, it had become clear that it was not without danger to preach God's sweet mercy in Christ alone, without, in following the example of Christ, first preaching the law of the Old and New Testament and penitence.

instance, only a fear of punishment remains. It is also remarkable that Aquinas, *Summa*, 3, q. 85, art. 5, describes the origin of *poenitentia* in such a way that first of all there is an "effect of God that converts the heart." Then a "movement of faith [*motus fidei*]" follows from the side of man, and thereafter also a "movement of servile fear [*motus timoris servilis*]." The fifth is "the act of love [*motus charitatis*]," and then "filial fear [*motus timoris filialis*]" follows. Here too "servile fear," the fear of punishment (*timor suppliciorum*), is both the result of an operation of God and subordinate to "faith"!

⁵¹ What Melanchthon meant, however, was that this fear, which God himself ignites in us and which technically comes forth out of love, should be connected to the *contritio*, even when the latter concerns the believer's condition before "vivification" or "comfort," or, as he says elsewhere, before "justification." To Agricola, Melanchthon writes about the fear of the conscience and being upset before "vivification or comfort"; see MW 7/2:36, Letter 121, October 1527. To Justus Jonas he writes about comparable feelings "before justification"; see MW 7/2:41, Letter 122, 20 December 1527.

Conclusion

Looking back we can say that the Reformers introduced a new view of man's place in church life, in which Christian freedom and penitence played an important role. In this context, Wolfhart Pannenberg thought to discern a specifically Protestant "penance piety" (*Bussfrömmigkeit*). But, as we are arguing here, the typical element of this piety was not, as Pannenberg supposed, that the Protestants sought to follow the late medieval awareness of sin and fear of judgment.⁵² Instead, their very opposition to the medieval sacrament of penance was what moved them to give such a prominent place to sin and penitence in the Christian life, in which inner penitence and repentance were to occupy the center of the stage. As such, the medieval sacrament of penance remained, albeit in a radically transformed manifestation, the formal principle which continued to structure the Christian life in the Reformation. Influenced by humanism, the Reformers' doctrine of humanity was above all aimed at bringing about a personal faith and life renewal, inspired by the Holy Spirit.

Although there proved to be unmistakable differences between Luther and Melancthon where penitence was concerned, and between the two of them and Agricola, when considered as a whole, the sixteenth-century Protestant Reformation should, in the history of church and theology, mainly be viewed as a protest against the manner in which the medieval church had attempted to gain increasing control over the Christian life through the sacrament of penance. Luther freed up penitence from the sacramental isolation in which it had fallen, and restored its position at the center of everyday life. The Christian life was to be a life of constant repentance. Therefore, in relation to Christ, the old man must be put to death (*mortificatio*) and the new man must come to life (*vivificatio*).

What matters is that penitence now bears on the renewal of life, born from faith, and that it has definitely been released from the clutches of the medieval sacrament of penance. Instead, as had been the case in the early church, penitence was once again connected to baptism. Luther, ever since his work *On the Babylonian Exile* in 1520, marks baptism, in which we receive the promise and absolution of the gospel, as the actual sacrament of penance. Throughout his life, a Christian should revert to the forgiveness and renewal of life he received at baptism, even and precisely when he falls back into sin. In this view there is no longer room for a "second penance," or a "second plank after shipwreck," as medieval theologians had phrased it following Jerome. In fact, penitence for the Reformers became the name of the Christian life as it has already been constituted by baptism and faith. But it appears that what brought them to give such a prominent place to penitence in the Christian life was not their

⁵² Wolfgang Pannenberg, *Christliche Spiritualität* (Göttingen: Vandenhoeck & Ruprecht, 1986), ch. 1, "Protestantische Bussfrömmigkeit" (pp. 5-25).

attachment to the late medieval awareness of sin and the accompanying fear of judgment, but rather their battle against the medieval sacrament of penance.

Luther considered such a spiritual life necessary for every Christian, not just for monks and pastors. Melancthon departed from Luther somewhat in teaching that penitence ought to flow from the fear of God, and he also saw to it that penitence and preaching of the law prior to faith became a typically Lutheran doctrine. It was no more than an appendix to Luther's teaching of justification by faith alone and not in contradiction with it, so that Luther was able to agree heartily with this addendum.