

# Can This Bird Fly?

## *Repositioning the Genesis of the Reformation on Martin Luther's Early Polemic against Gabriel Biel's Covenantal, Voluntarist Doctrine of Justification*

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### **TURNING THE TURNING POINT**

History is a series of turning points that hinge on decisions inherently theological in nature. The publication and posting of the ninety-five theses by Martin Luther in 1517 is, in the opinion of many historians, that turning point on which the entire modern era depends. Historical inquiries into those theses naturally focus on Luther's growing discontent with the indulgence system. As Luther himself would increasingly discover, his own desire for reform would be pastorally motivated, troubled as he was by the way indulgences had swayed the average late medieval Christian to use what little money he had to secure the removal of temporal punishment for sins in purgatory. Tetzl's dramatic sermon pressuring the purchase of an indulgence only confirms that Luther's fears were warranted.<sup>1</sup>

Nevertheless, contemporary histories pay little tribute to the complicated

medieval soteriology behind Luther's early outrage over indulgences in 1516 and 1517. The shape of late medieval soteriology, especially as it relates to a covenantal, voluntarist framework, has taken a backseat to the more conspicuous political, social, and ecclesiastical circumstances that surround October 31, 1517. For those unacquainted with the vortex of medieval soteriology, Luther's earliest polemics, which are filled with reactions against certain late medieval schoolmen, leave one mystified. Unfamiliar with late medieval justification theories, interpreters of Luther may come dangerously close to misunderstanding the reformer's own reaction, which is no small danger considering the momentous weight Protestantism has placed on Luther's rediscovery of *sola fide* over against Rome.

What follows is a small contribution to remedy such an oversight and fill a historical lacuna. The purpose is methodologically motivated: we will aspire to shift the spotlight off the usual storyline and shine it instead on Luther's polemical reaction to Gabriel Biel's covenantal, voluntarist doctrine of justification. More importantly, however, the argument is theological: apart from understand *why* Luther reacted so negatively to Biel, one cannot, at least in full, do justice to Luther's own journey into an Augustinian justification theory and, eventually, beyond Augustinianism into a forensic view of justification, one that would characterize Protestantism for centuries to come.

What follows is not a claim to discover anything "new" so much as it is an attempt to move histories of the Reformation in a different direction, even relocate the genesis of the Reformation within the late medieval context that defined the young Luther, almost successfully driving him into religious and psychological insanity. Luther's early academic life will be instrumental, specifically his *Disputation Against Scholastic Theology*, for there we discover a budding Augustinian theologian trapped in the categories of the *via moderna* until he can break free by means of a paradigm that, ironically enough, took the name of his own monastery. Should the story of the Reformation begin within that context, it will become obvious why Luther's forensic doctrine of imputation is no mere modification of medieval soteriology but an entire paradigm shift, one that radically redefines covenantal, anthropological, and soteriological presuppositions.

## THE VIA MODERNA VERSUS THE SCHOLA AUGUSTINIANA MODERNA

Gabriel Biel (c. 1420-95), commonly recognized as the last of the scholastics, arrived just on the eve of the Reformation. Yet the issues he was addressing originate before his time with the collision of two medieval schools of thought. Although Biel develops his own justification synthesis, his covenantal and voluntarist preunderstanding is not necessarily novel but inherent in the *via moderna*. Over the span of multiple centuries, the *via moderna* took form in the thought of William of Ockham (c. 1285/88- c. 1348/49), Robert Holcot (c. 1290-1349), and Pierre d'Ailly (1350-1420), among others.<sup>2</sup>

Matriculating from universities such as Heidelberg, Biel was an engaged academic, yet his attention was particularly devoted to life in the church, being himself a priest and a known preacher. Such a pastoral emphasis stems from his background in the *Devotio Moderna*, the Brethren of the Common Life.<sup>3</sup> That fact is not irrelevant, for Biel's insistence upon man's ability, as captured in the slogan *facere quod in se est*, was pastorally motivated. Only if man possessed the spiritual ability to do his very best or that which lies within him could reconciliation with his Maker be attainable. "Biel's concern is to provide a way to justification within the reach of the average Christian."<sup>4</sup>

The *schola Augustiniana moderna*, on the other hand, perceived the *via moderna* as a return to Pelagianism. The modern Augustinian school consisted of theologians such as Thomas Bradwardine (c. 1290-1349), Gregory of Rimini (c. 1300-1358), and Hugolino of Orvieto. Bradwardine is especially fascinating for his own conversion out of Pelagianism. A student-turned-lecturer at Merton College, Oxford University, he would later be Chancellor of St. Paul's, London, and eventually Archbishop of Canterbury in Avignon. It was during his years at St. Paul's that he wrote *De causa Dei contra Pelagium* (*The Cause of God against Pelagius*) in 1344.<sup>5</sup> In that work, Bradwardine reflected on his own personal experience, having been absorbed by what he believed was Pelagianism at Oxford only to discover *sola gratia* through a text like Romans 9.<sup>6</sup> Bradwardine would be the formidable nemesis of Robert Holcot, whom the former encountered in Durham.<sup>7</sup>

Despite the force of Bradwardine, historians often point to another theologian from the Order of the Hermits of St. Augustine at the University of Paris, Gregory of Rimini, as the man responsible for a revival of Augustinianism.<sup>8</sup> Frank James III notes how it was Rimini who reintroduced Augustine's

predestinarianism, eventually influencing Peter Martyr Vermigli, the Italian reformer Thomas Cranmer recruited to come to England (Bradwardine's influence on other reformers, like Luther and Calvin, is contested).<sup>9</sup>

The influence of each school cannot be minimized. For instance, the *via moderna* was not only the position reformers like Luther and Calvin were taught to embrace, but representatives as late as Biel would leave a notable impression on sixteenth century Roman theologians and councils as well. For example, Biel's soteriology is inherent within the theology of Luther's arduous opponent Johannes von Eck, as well as the Council of Trent (1545-63).<sup>10</sup> Writing to Frederick the Wise, Luther said concerning his 1519 debate at Leipzig with Eck: "In debating with me he [Eck] rejected Gregory of Rimini as one who alone supported my opinion against all theologians."<sup>11</sup> Aligning himself with an Augustinian like Gregory in 1519 was but the outcome of Luther's stance two years earlier as he rigorously set his aim on Biel, who will serve as the appropriate foil to understanding Luther's departure from the *via moderna*.

### **BIEL'S COVENANTAL, VOLUNTARIST ACCOUNT OF JUSTIFICATION**

The starting point to comprehend properly Biel's doctrine of justification is the divine *pactum*. Such a starting point may not be, at first glance, immediately relevant. For instance, in his sermon, "Circumcision of the Lord," Biel spends most of his effort explaining infused grace and defining meritorious actions. Not until the end does he briefly introduce the "rule" or "covenant." Nevertheless, this covenant will be critical to Biel's *processus iustificationis*.

According to Biel, "God has established the rule [covenant] that whoever turns to Him and does what he can will receive forgiveness of sins from God. God infuses assisting grace into such a man, who is thus taken back into friendship."<sup>12</sup> The covenant established is voluntary on God's part and gracious in its inception. Recognizing man has lost his way, God deliberates, leading him to initiate an agreement in which the possibility of eternal life might become a reality. Yet the covenant is not only voluntary in the sense that God chose to institute a rule he did not have to establish, but it is voluntarist in nature as well. The covenant is God's way of accepting man's works, even if they be unworthy in and of themselves. Biel puts forward a parable to convey this point:

Let us say that there is a most lenient king who shows so much mercy to his people that he publishes a decree saying that he will embrace with his favor any of his enemies who desire his friendship, provided they mend their ways for the present and the future. Furthermore, the king orders that all who have been received in this fashion into his friendship will receive a golden ring to honor all who are dedicated to his regime, so that such a friend of the king may be known to all. *The king gives to such a man by way of delegation of his royal authority such a position that every work done to the honor of the king, regardless of where performed or how large or small it is, shall be rewarded by the king above and beyond its value. And to give him extra strength to perform this kind of meritorious work, precious and powerful stones are inserted in the ring to encourage him who wears it, so that his body does not fail him when he needs it but increases in ability to gain further rewards the more the body is exercised and accustomed to resist every adverse force.*<sup>13</sup>

That phrase, “lenient king,” is most telling. Leniency is the prime characteristic of the covenant God inaugurates. His enemies deserve not his friendship. Nevertheless, should they be determined to “mend their ways,” and should they perform works that honor the king to the best of their abilities, it matters not whether those works are inherently worthy, reaching the perfect standard of divine justice. The leniency of the king and his contract mean that he will accept such works regardless. Such works may even be rewarded above and beyond any inherent value they possess. The king has that right or authority by virtue of his royal office. With that scheme in mind, it is appropriate to label Biel’s covenantalism voluntarist in nature.

### **THE INTELLECTUALIST APPROACH: THOMAS AQUINAS**

The *via moderna* intentionally parts ways with the intellectualism of Thomas Aquinas (1226-1274) before him, in which the divine intellect held primacy over the divine will. For the medieval intellectualist, prioritizing the divine intellect meant the inherent value of man’s merits mattered. God did not necessarily reward *above and beyond* the inherent value but *according to* the inherent value of one’s works, otherwise his own justice could be thrown into question. Approaching justification through an intellectualist framework avoided the charge that God’s *liberum arbitrium* was arbitrary—a very dangerous charge in the Middle Ages.<sup>14</sup>

Distinguishable, as well, is the *iustificationis* embraced by an intellectualist. For Aquinas, justification was an ontological transformation, one that involved the habit of grace being infused into man’s soul, a habit necessary for man to be pleasing to God. With the habit of grace infused, man might cooperate (exercising his free will) in order to be made righteous.<sup>15</sup> As his nature is changed by habitual grace—a substance supernatural in orientation—man becomes more and more satisfactory in the eyes of God (i.e., *gratia gratis faciens*). Aquinas writes in his *Summa Theologiae*, “God infuses a habitual gift into the soul,” an infusion of “certain forms or supernatural qualities into those whom he moves to seek after supernatural and eternal good, that they may be thus moved by him to seek it sweetly and readily.” The “gift of grace,” he reasons, “is a certain quality.”<sup>16</sup> The ontological transformation habitual grace manufactures is the preliminary ground upon which God is then justified in his justification of the ungodly.

The main thrust of such a point can be simplistically pictured in diagram one, where such an infusion is presented as prevenient. Enabled by infused grace, man’s acquired merit is rewarded, complimented according to the measure of value it possesses. Justice is a priority in this schema; God is obligated to bestow the just reward every act of merit deserves.

**DIAGRAM 1: THE BASIC PROCESSUS IUSTIFICATIONIS ACCORDING TO THOMAS AQUINAS**



Aquinas did not always prioritize grace to man’s freedom. Earlier in his career, Thomas wrote a commentary on Lombard’s *Sentences* where he would (to be anachronistic) sound like Biel centuries later. Man was to do his best and his best would be rewarded by grace, a grace that would prepare

him for justification. Man's best did not meet God's perfect standard, but God would accept it anyway due to his sovereign generosity.<sup>17</sup> Later on, as his *Summa Theologiae* and *Summa contra Gentiles* evidence, Aquinas would reverse the order, claiming instead that grace must come first if works are to follow at all.<sup>18</sup> It is essential to observe at this point that the *iustificatio* involves an *ordo* in which infused grace holds primacy to the movement of the will, thereby excusing Aquinas not only of Pelagianism but Semi-Pelagianism as well.<sup>19</sup> As McGrath observes, *quod in se est* now takes on a different meaning: "doing what one is able to do when aroused and moved by grace."<sup>20</sup> Yet unlike the sixteenth century Reformers, justification remains a transformation, one in which the individual is made righteous in his inner nature, not a forensic declaration as the Reformers would argue at a much later date.<sup>21</sup>

#### **THE VOLUNTARIST APPROACH: SCOTUS, OCKHAM, AND BIEL**

By contrast, the voluntarist conception would differ completely. Duns Scotus (d. 1308) and English Franciscan William of Ockham believed Aquinas had demolished God's freedom. By restricting or obligating God to reward works inherently worthy, God's freedom to reward works above and beyond what they are worth is undermined. God can and does reward however he sees fit; as God he is free to do so. The freedom and sovereignty of the divine will entail that something is only good because God says it is good. If the liberality of God's choice is to be prioritized, then God is not to be held accountable to an external standard of justice but justice itself is to be defined according to whatever God chooses to accept as just.<sup>22</sup>

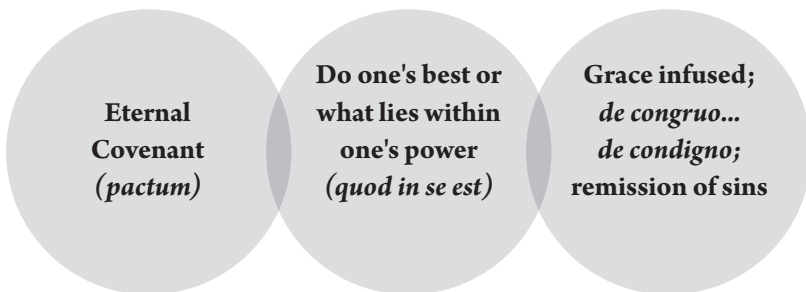
In that vein came the perceived genius of Biel's covenantal conception, though its covenantal flavor is not original to Biel but is present in *via moderna* representatives like Holcot. Through the establishment of a voluntary *pactum*, God obligates himself rather than being obligated by the inherent value of man's merit via habitual grace. That covenantal obligation preserves the freedom of his will, for he chooses if and how he will reward man's effort, and it need not be according to the weight of its value. In that sense, Biel believes his view to be *more* gracious than challenging views. If God is not bound to bestow the inherent value according to some external standard but is free to go above and beyond, then his reward for man's deeds can exceed

their worth. The worth or value of man's merits is assigned or ascribed, but cannot be inherent, innate, or inborn.

Furthermore, Pelagianism is avoided since man doing his best is not meant to merit God's grace *de condigno*, as his deeds are unworthy in and of themselves, but rather *de congruo*. It is not "that man's moral efforts unaided by grace are full meritorious of God's rewards (*de condigno*) but rather that they are graciously regarded by God as half merits or merits in a metaphorical sense (*de congruo*). The relationship between God's bestowal of grace and sinful man's best effort rests on 'contracted' rather than 'actual' worth and is a result of God's liberality in giving 'so much for so little.'"<sup>23</sup>

Nevertheless, there is a theological catch for Biel. The voluntarist nature of the covenant may mean God goes "above and beyond," but that is only true should one do his best. To be fair to Biel, the point is stated by him far more positively. All one must do is one's best to receive God's reward, even if one's best does not add up to God's perfect standard. Should he do his best, infused grace will subsequently matriculate. Hence we return to that previous statement from Biel: "God has established the rule [covenant] that whoever turns to Him and does what he can will receive forgiveness of sins from God. God infuses assisting grace into such a man, who is thus taken back into friendship."<sup>24</sup> A more sophisticated, detailed diagram will be offered later, but for now what's being outlined can be simplistically pictured as follows:

**DIAGRAM 2: THE BASIC PROCESSUS IUSTIFICATIONIS ACCORDING TO GABRIEL BIEL**



**Biel's anthropological assumption: *actum facientis quod in se est***



There is, however, one major assumption—and in the eyes of Biel’s nemeses, the Achilles heel of Biel’s position—namely, that one is able to do one’s best to begin with. Infused grace is a subsequent reality, conditioned upon one doing what lies within. There is a strong anthropological optimism in Biel, one that would be characteristic of adherents to the *via moderna* system overall. God may graciously establish a covenant whereby he accepts man’s best, however unqualified his best may be. Yet Biel assumes man has a “best” to offer. Consider the power he credits to man’s will in his work *In II Sententiarum*:

The soul, by removing an obstacle towards a good movement to God through the free will, is able to merit the first grace *de congruo*. This may be proved as follows: because God accepts the act of doing “what lies within its powers” [*actum facientis quod in se est*] as leading to the first grace, not on account of God’s generosity. The soul, by removing this obstacle, ceases from acts of sin and consent to sin, and thus elicits a good movement towards God as its principal end; and does “what lies within its powers” [*quod in se est*]. Therefore God accepts, out of his generosity [*ex sua liberalitate*], this act of removing an obstacle and a good movement towards God as the basis of the infusion of grace.<sup>25</sup>

Such phrases as *actum facientis quod in se est* and *quod in se est*—phrases that originate not with Biel but with his Franciscan master, Alexander of Hales—are revealing.<sup>26</sup> In man’s power is the ability to “merit the first grace *de congruo*,” a point we shall return to. Although the covenant may be prevenient, the first grace is subsequent to man’s merit. Man’s “good movement towards God” serves as the condition for future grace, the “basis of the infusion of grace.” Free will, then, is very much alive, so much so that one wonders to what extent, if any, it has been affected by the Fall.

To be accurate, however, Biel does believe man is a fallen creature, corrupt in his nature. Biel’s emphasis on man’s corruption is stronger than other medieval schoolmen. “More than Duns Scotus and Occam,” says Oberman, “Biel stresses that man’s original nature has been corrupted by original sin; man is not only *spoliatus a gratuitis* but also *vulneratus in naturalibus*.” Oberman elaborates, “Man’s miserable condition after the fall is not only due to a vertical imputation by God, but also to a horizontal continuation of infirmity, through an infection in which all mankind

partakes and through which the will is wounded, so that it is more inclined to evil than to good deeds.”<sup>27</sup>

Biel is, unfortunately, unclear as to the specifics. He “does not elucidate the exact relation of the potential disorder of man’s created nature before the fall to the corruption of that nature—the law of the flesh reigning over man—after the fall.”<sup>28</sup> What is clear is that the will is not so corrupted or wounded that it cannot perform meritorious acts. Man’s will may be wounded and in need of repair, but it is not so wounded that freedom has been lost, that is, a freedom to act righteously, even if imperfectly. Apart from such freedom, man cannot do his best or what lies within him, which is necessary if he is to be rewarded with infused grace and merit divine justification. Original sin’s grip, Oberman observes, is not ontological but psychological in its effect.

Though man may be said to be in a miserable position, enslaved by the law of the flesh which requires that there be a healing aspect to the process of justification, his will is nevertheless free, original sin being a certain outgrowth of natural difficulties which can therefore be healed with natural medicines. Original sin has primarily a psychological, not an ontological impact on the free will of man; it destroys the pleasure of eliciting a good act and causes unhappiness and fear, thus changing the direction of the will. This does not, however, interfere with the freedom of the will as such. This presentation prepares us for Biel’s psychological prescription for those who would like to reach the level of the *facere quod in se est* and thus dispose themselves for the infusion of grace.<sup>29</sup>

For that reason, Oberman seriously doubts Biel is “Thomistic or Augustinian,” a claim Oberman finds “groundless,” despite Biel’s own claims.<sup>30</sup>

#### **GRACE DEFINED: THE IMPEDIMENT TO FLIGHT HAD BEEN LESSENED**

Notwithstanding the heavy stress on the freedom of the will after the fall, Biel believes he is far from bordering Pelagianism. The grace God gives as a reward to those who do what lies within them does not originate from man but from God.

Having quoted Romans 11:6 in his sermon, “Circumcision of the Lord,” Biel then claims, “Because nature cannot make something out of nothing,

that which is created comes from God alone. If grace could come from the creature, a grace which would suffice unto salvation, then any creature would be able to save himself by his own natural powers, that is, do what only grace can do. That is the error of Pelagius.”<sup>31</sup> And again: “Now we must see just what this grace is by which the sinner is justified and what is actually accomplished in us. The grace of which we speak is a gift of God supernaturally infused into the soul. It makes the soul acceptable to God and sets it on the path to deeds of meritorious love.”<sup>32</sup> Biel then occupies the majority of his sermon under three headings:

1. “God makes acceptable for this reason alone, that it is present in and is part of that nature which can be beatified, that is, man.” Biel appeals to Scotus to explain how:

[G]race is an enrichment of nature that is pleasing to God’s will. Grace makes human nature acceptable to God by adorning it not with an ordinary acceptance but with that special acceptance by which man is according to God’s decision ordained toward life eternal. For to be acceptable, to be beloved by God and to be His friend, means to be in such a state that one will attain eternal life unless one loses this state through sin.<sup>33</sup>

2. “And because grace makes the sinner acceptable to God it follows that it also justifies him.” Biel then breaks justification down into two aspects: (a) “remission of guilt,” and (b) “acceptation to eternal life, since it is impossible for one who is going to be accepted to eternal life to be at the same time condemned to eternal punishment.” To be forgiven of one’s guilt is, for Biel, a requirement of entering paradise.<sup>34</sup>

Biel does seem to distinguish between an infused grace that invites justification (“remission of guilt” and “acceptation to eternal life”) and an infused grace that arrives after initial justification to continuously cultivate good works throughout the Christian life. Quoting Romans 3:24 to support his claim, Biel writes, “But if grace is infused into someone who is already justified, that which it accomplishes is not justification. An example would

be the grace once given to the holy angels and now daily given to those who are upright of heart, who through their good works earn an additional gift of grace above and beyond the grace already in them.”<sup>35</sup>

3. “Thus God makes these our works meritorious and acceptable for eternal reward, not actually all our works but only those which have been brought forth by the prompting of grace.”<sup>36</sup> If any act is to be ultimately meritorious, in Biel’s framework, it must be, he says, “brought forth by the prompting of grace.” Hence, not all acts qualify. But those acts prompted by grace should result in love for God above all else.<sup>37</sup>

Biel does follow in the footsteps of Lombard, listing two components of a meritorious act: *liberum arbitrium* and the grace of God.

There is no human merit that does not depend partly on free will. The principal cause of meritorious moral action, however, is attributed to grace. But grace does not determine the will. The will can ignore the prompting of grace and lose it by its own default. The prompting of grace is toward meritorious acts for the sake of God. Therefore, the act as such stems primarily from grace. This is the case because it is performed by someone who has grace in accordance with the prompting of grace.<sup>38</sup>

Indispensable to a meritorious act is *liberum arbitrium*. Biel does label grace essential, even the “principal cause of meritorious moral action.” Nevertheless, he qualifies, the will is never necessitated or determined by grace, but can resist and defeat grace. Subsequent grace, in the life of those who’ve done their best and been rewarded by infused grace, can even be lost altogether. Grace may prompt, but not efficaciously.<sup>39</sup>

Biel calls grace the principal cause, but what exactly is grace? When Biel uses the word “grace” he has in mind “love” or “infused love.” Love and grace, he says, “are exactly the same.”<sup>40</sup> (On this point he differs, by his own admission, from Scotus who distinguishes love from grace.) Furthermore, grace is a “habit, although it is not acquired but infused.” Biel explains,

Grace accomplishes in the soul something similar to the effects of a naturally acquired habit, although in a far more perfect fashion than an acquired

habit. The naturally acquired habit is a permanent quality in the power of the soul which stems from frequently repeated acts. This habit prompts and urges the man to repeat the same act. ...But grace elevates human power beyond itself, so that acts which had been turned by sin toward evil or inward toward one's self now can be meritoriously redirected against the law of the flesh and toward God. Grace leads, assists, and directs in order that man may be prompted in a way which corresponds with divine charity. And thus grace weakens the remaining power of sin, not—as many doctors say—because it forgives or wipes out sins, but because it strengthens human power.<sup>41</sup>

The preacher that he is, Biel uses the illustration of a bird trying to fly with a stone attached. He can “scarcely fly away” but “if this bird's wings were strengthened, then we would say that the impediment to flight had been lessened, although the weight of the stoned had not been lessened.”<sup>42</sup> Similarly, grace infused into man strengthens him to overcome sin which weighs him down. Biel stresses, quite strongly, that this infused grace is a gift from the triune God. “By this grace we are able to remain without difficulty in His friendship, and to grow continually through good works. On such a foundation we can easily overcome the onslaughts of the devil, the world, and flesh, and gain a great reward in store for us.”<sup>43</sup>

### **THE CONDITION OF THE COVENANT**

Despite Biel's toil to emphasize the indispensability of God's infused, assisting grace, he ends his sermon, as noted earlier, with a *major* theological qualifier, as brief as it may be: “Thus God has established the rule [covenant] that whoever turns to Him and does what he can will receive forgiveness of sins from God. God infuses assisting grace into such a man, who is thus taken back into friendship.”<sup>44</sup> For a sermon that so stresses the import of infused grace, this may appear to be a surprising way to end. Infused, assisting grace may be necessary for justification, but due to the covenantal arrangement, Biel views man doing what he can as a *preliminary step* toward the reception of such grace at all. If man “does what he can” then he “will receive forgiveness” and God will infuse “assisting grace” into him. That is the condition of the covenant, and the parable of the golden ring narrated already only seems to

confirm that covenantal condition.

As gracious as it may be for God to infuse grace into man (like a bird suddenly strengthened in its wings by a power outside itself), nevertheless, whether man receives the infused grace depends upon him doing his best. When Biel says meritorious acts rely on two factors— *liberum arbitrium* and grace—the latter, according to the nature of the covenant, is decisive for procuring the former. Not only can the Christian can lose grace after justification due to the stubborn disinclination of the will, but it would seem possible (likely?) that some may not receive infused grace at all should they not will to do their best in the first place, though Biel never says so in that many words. In short, as gracious as grace may be for Biel once the gift is given, whether the gift is given (and the covenant put into action) is an altogether different matter, one that depends entirely upon man turning to God at the start.

#### **FROM MERITUM DE CONGRUO TO MERITA DE CONDIGNO**

Heiko Oberman has been the leading medievalist historian to examine Biel's justification theory. In doing so, he has produced an elaborate chart that sets Biel's soteriology within an ecclesiastical framework.<sup>45</sup> For our purposes, it is the condition of the covenant (*facit quod in se est*) that is relevant, and has been stressed in bold.

[**OSBERMAN'S**] **SCHEMA I.**

**A Chart of the Interrelation of Justification and Predestination**

THE ELECT [PREDESTINATI]	FALL	SACRAMENT OF BAPTISM	THE SINNER'S DISPOSITION	THE SACRAMENT OF PENANCE	ETERNAL REWARD
Those foreknown to fulfill the requirements set in God's eternal decrees [iustitia dei]	Original sin  [spoliatus a gratuitis, vulneratus in naturalibus]	Habit of grace	<b>He Does His Very Best</b> [facit quod in se est]	The Decisive Transition	<b>Acceptation</b>
	State of mortal sin  The virgin Mary exempted	Infused and substituted for original righteousness  ↓	<b>Not necessarily aided by prevenient grace</b> [gratia gratis data]	Confrontation with the preached Word [lex nova]  ↓	Good works produced in state of grace are necessarily by God's commitment—second decree— <b>accepted as full merits [merita de condigno]</b>
		Usually a relapse into a state of mortal sin	<b>Ordinarily [regulariter] facere quod in se est is the basis [causa] for infusion</b>	Acquired faith [fides acquisita]  ↓	They determine man's status in purgatory or heaven
			The Virgin Mary, the Apostle Paul, and some others are exceptions to this rule	Supreme love for God [amor dei super omnia]  ↓	[N.B. The status in purgatory can also be influenced by indulgences acquired from the treasure of the Church and applied to members of the Church Militant which encompasses not only the living but also the dead who are not beati.]
			God's general assistance [influential generalis] is necessary for all acts, both good and evil	<b>God has committed himself—first decree—to reward those who are doing their best</b>  ↓	Immediately of eventually  ↓  gloria
				<b>Semi-merit [meritum de congruo]</b>  ↓	
				Restoration of the state of grace in anticipation of [in proposito] or at time of absolution [gratia gratum faciens] by infusion of faith, hope and love	

[OBERMAN’S] SCHEMA I. CONTINUED...THE REPROBATE

THE REPROBATE [PRESCITI]	FALL	SACRAMENT OF BAPTISM	THE SINNER'S DISPOSITION	THE SACRAMENT OF PENANCE	ETERNAL WORD
Those foreknown not to fulfill the requirements set in God's eternal decrees [iustitia dei]	Original Sin [spoliatus a gratuitis, vulneratus in naturalibus]	Habit of Grace	<b>He Does Not Do His Very Best</b> [non facit quod in se est]	demerita	Rejection
	State of mortal sin	Infused and substituted for original righteousness ↓	Remains in a state of mortal sin; or if temporarily in a state of grace, he is in a state of sin at the time of his death		Guilt is punished by eternal damnation [culpa ↓ pena damnationis]
		Usually a relapse into state of mortal sin	Guilt [culpa]		
			God's general assistance [influential generalis] is necessary for all acts, both good and evil		

Oberman’s visualization of Biel’s justification process is illuminating for a variety of reasons. First, Oberman reminds interpreters that for Biel there is, in the sacrament of baptism, a habit of grace that is “infused and substituted for original righteousness.” Tragically, man’s “relapse” into a “state of mortal sin” undermines such a habit of grace. After baptism grace is compromised and a further infusion is needed, though one that depends upon man doing his best according to the *pactum* arrangement.

Second, and perhaps most importantly, Oberman confirms that *facit quod in se est* is (ordinarily; *regulariter*) the *causa* or basis for infused grace in Biel’s mind. Grace “does not prepare the sinner for the reception of this justifying grace since *grace is not the root but the fruit of the preparatory good works*. . . . This *facere quod in se est* is the necessary disposition for the infusion of grace and implies a movement of the free will, which is at once aversion to sin and love for God according to Eph. 5:14.”<sup>46</sup> Within the context of the penance system, “God has committed himself—first decree—to reward those who are doing their very best.”

Such a “reward” produces *meritum de congruo* and the “state of grace” is recovered (when? before or during absolution “by infusion of faith, hope and love”). It is *meritum de congruo* that flowers into *merita de condigno*, as



agreed upon by God himself in his multi-layered *pactum* (multi-layered because *merita de condigno* is located in God's "second degree"). Therefore, the ordering of *meritum de congruo* and *merita de condigno* is critical, the former being conditioned upon man's best works but the latter being acquired as one does one's best within a state of infused grace. "Once this genuine love for God's sake is reached," writes Oberman, "the last obstacle is removed and the road to acceptance is paved by the eternal decrees of God according to which this *facere quod in se est* is first *de congruo* rewarded with the infusion of grace, while then, secondly, acts performed in state of grace are rewarded *de condigno* with acceptance by God."<sup>47</sup>

### PELAGIAN OR SEMI-PELAGIAN? BIEL'S INTERPRETERS

Since the covenantal condition (*actum facientis quod in se est*) results, if performed, in the gift of infused grace, some interpreters of Biel have labelled this grace a "reward" for prior merit. Though his focus is on Ockham (in contrast to Aquinas), what Steven Ozment writes in *The Age of Reform, 1250-1550* can be equally applied to Biel:

In opposition to [Aquinas and company] making salvation *conditional* upon the presence of a *supernatural habit of grace*, Ockham argued that one could perform works acceptable to God simply *by doing the best one could with one's natural moral ability*. Not only did Ockham believe it possible for those lacking such a habit to love God above all things and detest sin, but he argued further that God found it "fitting" to *reward with an infusion of grace* those who did so. Whereas Aquinas ... had required the presence of such grace *before* any positive relationship with God could exist, Ockham [and Biel] made the reception of grace a reward for *prior moral effort* ... Ockham appeared to free divine acceptance from absolute dependence on infused habits of grace only to make God's will dependent on the good works man could do in his natural moral state. Unassisted ethical cooperation now preceded, as a condition, the infusion of grace, which, with subsequent ethical cooperation, won man salvation. To the traditional mind such an argument was Pelagianism.<sup>48</sup>

Or consider Oberman, whose conclusion is just as affirmative but more nuanced along the way. Oberman concludes that for Biel, "sin has not made

it impossible for man to act without the aid of grace.”<sup>49</sup> Yet Biel “can speak in what appears to be such bold Pelagian language about the respective contributions of free will and grace as regards the moral quality of an act because he feels that he brings the full biblical doctrine of grace to bear on the relation of good deeds and meritorious deeds.”<sup>50</sup>

Additionally, the *pactum*, by design, is meant to be gracious. “The gratuitous character of God’s remuneration is therefore not based on the *activity* of the habit of grace or on the *presence* of the habit of grace, but on God’s decree according to which he has decided to accept every act which is performed in a state of grace as a *meritum de condigno*.”<sup>51</sup> As Biel reveals in his commentary on the Mass, “the infusion of grace is granted to the sinner when he does his very best, not on grounds of a previous pact, but on grounds of God’s generosity. Biel invites his auditors and readers to find God’s overriding love and sovereignty expressed in the most articulate way, not in the full merit of justice, but in the semi-merit of generosity.”<sup>52</sup>

Given the complexity of the *pactum*—a *pactum* initiated by God out of his generosity yet conditioned for its success upon man doing his best—Oberman believes he is warranted to conclude that Biel’s doctrine of justification is “at once *sola gratia* and *solis operibus!*”

*By grace alone*—because if God had not decided to adorn man’s good works with created and uncreated grace, man would never be saved. *By works alone*—because not only does man have to produce the framework or substance for this adornment, but God by the two laws of grace is committed, even obliged to add to this framework infused grace and final acceptance. Once man has done his very best, the other two parts follow automatically.

It is clear that the emphasis falls on “justification by works alone”; the concept of “justification by grace alone” is a rational outer structure dependent on the distinction between *potentia absoluta* and *potentia ordinata*.<sup>53</sup>

Oberman chides past historians (e.g., Vignaux, Weijnenborg) for allowing Biel’s “outer structure” (i.e., the *pactum*) to excuse the Pelagian feel of Biel’s inner structure (i.e., man doing his very best). “*It is therefore evident,*” Oberman says confidently, “*that Biel’s doctrine of justification is essentially Pelagian.*”<sup>54</sup>

McGrath, however, strongly disagrees with Oberman. To understand

why, it is necessary to regress briefly into McGrath's portrait of Biel. According to the McGrath, Biel's doctrine of *liberum arbitrium* can be summarized as follows:

1. The human free will may choose a morally good act *ex puris naturalibus*, without the need for grace.
2. Humans are able, by the use of their free will and other natural faculties, to implement the law by their own power, but are unable to fulfil the law in the precise manner which God intended (that is, *quoad substantiam actus*, but not *quoad intentionem praecipientis*).
3. *Ex puris naturalibus* the free will is able to avoid mortal sin.
4. *Ex puris naturalibus* the free will is able to love God above everything else.
5. *Ex suis naturalibus* the free will is able to dispose itself towards the reception of the gift of grace.<sup>55</sup>

In view of numbers one and five, why would McGrath disagree with Oberman? McGrath believes the *pactum* itself removes the Pelagian and Semi-Pelagian charge, for the existence of the *pactum* is proof that God has taken the first initiative. All that is required of man is a "minimum human response to the divine initiative" in this *pactum*.<sup>56</sup> If the charge of Pelagianism or Semi-Pelagianism means "that the *viator* can take the initiative in his own justification, the very existence of the *pactum* deflects the charge; God has taken the initiative away from humans, who are merely required to *respond* to that initiative by the proper exercise of their *liberum arbitrium*."<sup>57</sup>

Furthermore, the presence of the *pactum* itself in Biel's soteriology is absent in historic Pelagianism. Biel and Pelagius, therefore, cannot share a strict alignment. The Pelagian controversy did not have "so sophisticated a concept of causality as that employed by the theologians of the *via moderna*, expressed in the *pactum* theology, so that the applications of epithets such as 'Pelagian' to Biel's theology of justification must be regarded as historically unsound."<sup>58</sup>

Additionally, and perhaps most significantly for McGrath, the charge of Pelagianism is historically untenable since Biel himself was not under suspicion for heresy nor seen as contradicting prior councils. McGrath indirectly accuses Oberman of anachronism, judging him unfair to apply "one era's understanding of 'Pelagianism' to another."<sup>59</sup> What criteria would have been

used in Biel's day to judge whether he was Pelagian? "The sole legitimate criteria . . . are the canons of the Council of Carthage—the only criteria which medieval doctors then possessed."<sup>60</sup> Biel simply did not have knowledge of or access to Orange II. McGrath concludes that if "Biel's theology is to be stigmatized as 'Pelagian' or 'semi-Pelagian,' it must be appreciated that he suffered from a historical accident which affected the entire period up to the Council of Trent itself."<sup>61</sup>

What is to be made of the McGrath-Oberman debate? On the one hand, McGrath makes a fine point about the Council of Carthage, as well as Orange II. It would be unfair to hold an individual or movement accountable to documents not possessed. McGrath is also correct that Biel's introduction of the *pactum* defies a strict comparison between the *via moderna* and Pelagianism. The presence of a *pactum* does mean that God's initiation precedes man's, something which Pelagianism cannot say, at least not in the exact same way.

On the other hand, McGrath overlooks several factors and may be guilty of overreacting to Oberman. First, while McGrath accuses others of anachronism, McGrath himself does not entirely pay attention to the historical context and soil in which Biel's theology grew. If the *via moderna*, and with it the theology of the *pactum*, does not begin with Biel but can be traced back to Scotus, Ockham, and Holcot, then it is far too generous to conclude that the charge of Pelagianism crosses a line or would be foreign should it have been lobbed against Biel. One need only revisit the controversy between Holcot and Bradwardine to note the title of Bradwardine's polemic book of 1344: *De causa Dei contra Pelagium*. Even without access to Orange II, Bradwardine's work demonstrates that theologians in the fourteenth century (even before Biel) still assumed, and sometimes asserted outright, a certain criterion for whether one had crossed the heretical line. That is a reminder that even if confessional and conciliar documents are absent, the theological content of past theologians or movements is not necessarily lost but continues. Furthermore, simply because Biel was not charged with the Pelagian heresy in his day does not mean his view is innocent. If that were the criteria, then any figure in the history of church to escape public accusations must be considered orthodox.

Second, and perhaps most vitally, is how McGrath downplays the role of *liberum arbitrium* in Biel's *processus iustificationis*. To call *quod in se est* a "minimum human response to the divine initiative" as if mankind is "merely

required to *respond* to that initiative by the proper exercise of their *liberum arbitrium*,” is not only to overlay the power of the *pactum* prior to infused grace but is to underplay the magnitude of *liberum arbitrium*. McGrath believes that the positioning of the *pactum* at the start of the *processus iustificationis* eliminates Pelagian tendencies. Yet that is a failure to see how and when the *pactum* actually functions.

It is true that God has taken the initiative by establishing an agreement to reward man’s very best. However, that is all it is—an agreement, a promise, a pledge—until man does so. Stated otherwise, the *pactum*, as Oberman’s chart demonstrates, is never actualized if *non facit quod in se est* (he does not do his very best). This is the most common oversight in those who believe Biel has escaped Pelagian or Semi-Pelagian tendencies. It is the reason why Oberman admonished older historians. Seeing the “outer structure” (as Oberman calls it) of the *pactum*, they glossed over what we might label the “inner structure,” namely, man doing his very best. As generous as the *pactum* may be, it does not and cannot functionally be applied until man does what lies within his power. In that sense, at least according to the “inner structure,” it is man who is primary, not God, for God’s *pactum* is conditioned upon man’s best.

It follows that although the *pactum* may have chronological priority, man’s *liberum arbitrium* has causal priority, for whether God rewards man with infused grace entirely depends upon man’s undetermined choice. The *pactum* may issue a promise but whether it is fulfilled or finds its application in man rests upon *liberum arbitrium*, and not just any free act but man’s *best* free act. Ironically, Biel’s covenantal scheme may intend to protect a voluntarist conception of God, but in the end, it conditions divine sovereignty upon human choice.

For that reason, the charge of Pelagianism is not far off the mark, even if the specifics of its alignment be contested. Suppose one softens the label to Semi-Pelagianism due to the introduction of the *pactum*; it is still difficult to avoid just how conditioned that *pactum* is upon man’s best merits. Looking back on the *processus iustificationis* of the ungodly, one might conclude that only Semi-Pelagianism applies to Biel since the *pactum* took effect when man did his very best. However, when one reflects on the pilgrimage of the *unjustified*, one realizes that as promising as the *pactum* may have sounded in theory, in reality it meant little as man never did his very best. To play off Biel’s imagery, the bird never left the ground. Man’s *liberum arbitrium*

had the last word. Long before Biel, Aquinas identified the Pelagian heresy only to counter it by claiming that matter “does not move itself to its own perfection; therefore it must be moved by something else.”<sup>62</sup> It is difficult to see how Biel could agree when the *pactum* does not actually move anyone but only promises divine movement should man move himself to the best of his abilities.

### LUTHER’S REVOLT AGAINST BIEL AND THE VIA MODERNA

Martin Luther’s theological education was birthed out of the womb of the *via moderna*. While Luther was no doubt influenced by a variety of professors, one of them was John Nathin. Scott Hendrix believes Nathin was a student of Biel himself, or at least a student who encountered Biel’s teaching firsthand.<sup>63</sup> It was at Tübingen that Nathan completed his doctoral degree and it is most probable that Nathan listened to Biel’s lectures.

When Luther studied under Nathan, Nathan assigned to Luther Biel’s commentary on the canon of the mass.<sup>64</sup> Like his teacher, Luther absorbed Biel’s soteriology in the process. So influential was Biel via Nathan that when Luther started lecturing on the Psalms (1513-1515), it was Biel’s soteriological assumptions that rose to the surface. For instance, Luther writes, “The doctors rightly say that, when people do their best, God infallibly gives grace. This cannot be understood as meaning that this preparation for grace is *de condigno* [meritorious], as they are incomparable, but it can be regarded as *de congruo* on account of this promise of God and the covenant (*pactum*) of mercy.”<sup>65</sup> Yet Luther wraps *quod in se est* within the voluntarist framework as well: “Righteousness (*iustitia*) is thus said to be rendering to each what is due to them. Yet equity is prior to righteousness, and is its prerequisite. Equity identifies merit; righteousness renders rewards. Thus the Lord judged the world ‘in equity’ (that is, wishing all to be saved), and judges ‘in righteousness’ (because God renders to each their reward).”<sup>66</sup>

Progressively, sometimes slowly, Luther started to take issue with Biel, a turn that would occur as Luther transitioned from lecturing on the Psalms to lecturing on Romans (1515-1516), Galatians (1516-1517), and Hebrews (1517-1518).<sup>67</sup> His lectures at the University of Wittenberg on Romans are the first of the three to signal a shift. The *via moderna* is not spoken of as favorably as before as Luther sounds considerably more Augustinian. The

sinner is not active in the *via moderna* sense—doing his best or doing what lies within—but passive in the reception of divine grace.<sup>68</sup>

Any hostility to the *via moderna* that remained in seed form in the years 1515-1516 reached its full potential by 1517. Luther went from skeptical to critical, believing the *via moderna* soteriology he had been fed was not only incompatible with a Pauline anthropology and soteriology but the root cause of his frustrations with the late medieval system. Although Franz Günther was to defend a set of theses that year as a requirement to earning his bachelor degree, it was Luther who wrote the theses for public appearance at the University of Wittenberg. These theses, which now bear the title *Disputation Against Scholastic Theology*, were presented on September 4, 1517. Grimm observes that they must have “grew out of” Luther’s “commentary on the first book of Aristotle’s *Physics*,” which he wrote for the purpose of “dethroning the god of the scholastics.”<sup>69</sup>

### ***DISPUTATION AGAINST SCHOLASTIC THEOLOGY (1517)***

The *Disputation* begins with an outright contrast between Augustine and Pelagius, recognizing Pelagianism as heretical, a move that may strategically cast Biel in an unorthodox shadow. The *Disputation* resembles Luther’s future work, *The Bondage of the Will*, in countless ways, the first being Luther’s opening theological claim that man is a “bad tree” and on that basis he “can only will and do evil [Cf. Matt. 7:17-18].”<sup>70</sup> That Luther chose man’s corrupt identity, and with it his spiritual inability, as his point of departure, immediately situates him against the *via moderna*’s anthropological optimism. Luther has precluded any attempt to attribute to man the initiation or cooperation of his conversion.

Moreover, Luther not only asserts man “can only will and do evil” but that such a necessity of man’s inclination to evil is grounded in his nature. The image of a “bad tree”—Matthew 7:17-18—assumes the legitimacy of an Augustinian doctrine of original sin. The will’s spiritual ineptitude is not the result of wicked decisions but the will’s perverse acts are due to corruption inherent within (i.e., man’s nature). A “free” will is not, therefore, at all entertained by Luther, at least not in the sense it was by Biel. Captivity, on the other hand, is the choice word and concept: “It is false to state,” Luther warns, “that man’s inclination is free to choose between either of

two opposites. Indeed, the inclination is not free, but captive. This is said in opposition to common opinion.<sup>71</sup> Acts that proceed from the will, in other words, should not be defined as if a choice can be made between two egalitarian options: imaginatively, sin or righteousness, or in Luther's world, the devil and God. The inclination of man is captivated, no doubt by sin, the world, and Satan himself.

Any conception of an ability to do one's best by doing what lies within is non-sensical to Luther since what lies within is nothing but captivity to debauched inclinations. Luther says this much in his next thesis, not only naming Biel but Biel's forerunner, Scotus: "It is false to state that the will can by nature conform to the correct precept. This is said in opposition to Scotus and Gabriel."<sup>72</sup> Man cannot conform "by nature" to God's command since his nature is tainted by Adam's pollution to begin with, enslaving any inclination to righteousness. Grace, unlike Scotus and Biel, cannot merely be a reward for man doing his best, but is necessarily a liberating force that precedes any willful action; in a depraved nature only grace can turn man's passivity into activity. "As a matter of fact," Luther corrects Scotus and Biel, "without the grace of God the will produces an act that is perverse and evil."<sup>73</sup> To qualify, Luther does not mean that the will in itself is evil, as if God created mankind with a skewed will from the start. The will is not, Luther clarifies, "by nature evil," or "essentially evil," a view held by the Manichaeans.<sup>74</sup> Nevertheless, the will is "innately and inevitably evil and corrupt," and therefore "is not free to strive toward whatever is declared good," again a point that is "in opposition to Scotus and Gabriel."<sup>75</sup>

Do not the commands of God assume that one can do one's best or do that which lies within him? Prescription entails ability, does it not? To the contrary, says Luther, the will is not "able to will or not to will whatever is prescribed."<sup>76</sup> It is man's duty to love his Creator, but post-fall it is "absurd to conclude that erring man can love the creature above all things," despite what "Scotus and Biel" claim.<sup>77</sup> If Jesus is right that man is a "bad tree," then it is not "surprising that the will can conform to erroneous and not to correct precept."<sup>78</sup> One must conclude, Luther insists, that "since erring man is able to love the creature it is impossible for him to love God."<sup>79</sup> Luther could not state man's inability and captivity any stronger.

It may be tempting to think that Luther's concept of captivity eliminates the will altogether. That would be inaccurate. For Luther, the matter is



not whether the will exists or acts but what it is *capable* of acting for or against. Desire is the issue. Whether or not the will desires to love God is what is impossible after the fall. The problem concerns what man does and does not *want*. Or as Luther explains, “Man is by nature unable to want God to be God.”<sup>80</sup> Present in Luther’s argument is a two-fold emphasis: (1) Man does not desire or want to love God, but (2) the corruption of his nature means he is unable and incapable of wanting to want to love God. “To love God above all things by nature is a fictitious term, a chimera, as it were.”<sup>81</sup>

Biel utilized the concept of friendship to frame the covenant God conditioned upon his slogan: *actum facientis quod in se est*. Luther, however, is convinced Biel has misunderstood *why* such friendship is possible to begin with. It has nothing to do with the capabilities of man’s nature, but is entirely dependent upon divine grace. “An act of friendship is done, not according to nature, but according to prevenient grace. This in opposition to Gabriel.” Luther further stresses the relation between will and nature when he concludes, “No act is done according to nature that is not an act of concupiscence against God.”<sup>82</sup> For the unregenerate, will and nature work together in harmony prior to conversion, but such an agreement between the two is only in the direction of unrighteousness. Man’s nature sets his will and the acts that follow on a course to destruction. No harmony exists, not yet at least, between nature and will that would lead the ungodly down the road of eternal life. Only divine grace can shift man’s trajectory, for only grace can liberate man’s nature, and the will with it, from not wanting God to be God.

Luther names Biel eleven times in the *Disputation* (Scotus only four times). Biel is not named in thesis 26—the thesis that most directly attacks the scholastic’s soteriology. “An act of friendship is not the most perfect means for *accomplishing that which is in one*.” Luther nearly quotes Biel’s exact phraseology. Luther then writes, “Nor is it the most perfect means for obtaining the grace of God or turning toward and approaching God.”<sup>83</sup> Instead, “it is an act of conversion already perfected, following grace both in time and by nature.”<sup>84</sup>

Yet does not a legion of passages prioritize man’s effort—i.e., “accomplishing that which is in one”—to return, draw near, and seek as that which is prerequisite to God responding with grace (cf. Zech 1:3; Jas 4:8; Matt

7:7; Jer 29:13)? Luther warns that if such texts are interpreted in such a way then we differ not from the “Pelagians” and what they “have said.”<sup>85</sup> Rather than crediting man as he who does that “which is in” himself, clearly the motivating factor in God bestowing grace in Biel’s soteriology, Luther bypasses man’s will altogether and travels back in eternity to credit the electing grace of God instead. “The best and infallible preparation for grace and the sole disposition toward grace is the eternal election and predestination of God.”<sup>86</sup>

While Biel would point to man’s best as that which must precede the infusion of divine grace, Luther observes that if the spotlight is focused on man, all one will find is a will disinclined to God, inclined only to rebel against God. “On the part of man, however, nothing precedes grace except indisposition and even rebellion against grace.”<sup>87</sup> Indisposition, not disposition, is the reason why God’s predestining grace in eternity must be the cause of man’s reception of grace in time and space. Appeal to predestination is the only way forward. It is but a false hope to think “that doing all that one is able to do”—again, Luther quotes Biel precisely—“can remove the obstacles to grace.”<sup>88</sup> Despite what the “philosophers” imagine, we “are not masters of our actions, from beginning to end, but servants.”<sup>89</sup> Servitude is what defines the will, but it is a matter of which master the will must serve.

Luther does not directly address Biel’s covenantal conception. The closest he comes is thesis 55: “The grace of God is never present in such a way that it is inactive, but it is a living, active, and operative spirit; nor can it happen that through the absolute power of God an act of friendship may be present without the presence of the grace of God. This in opposition to Gabriel.”<sup>90</sup> Although Biel’s *pactum* remains unnamed, Luther’s language does seem to assume his knowledge of such a *pactum*. Identifying the “absolute power of God” (*potentia Dei absoluta*) is one indicator. When Luther denies that absolute power can put forward a friendship without grace being actually present, he seems to have in mind Biel’s *ordo*, in which God proposes a “friendship” via the establishment of a *pactum* but does not actually bestow infused grace until man does his best. “Inactive” grace and grace not “present” are Luther’s way of criticizing Biel’s belief that God can look gracious by presenting a *pactum* while withholding infused grace until man’s does his best.

Despite thesis 55, Luther mostly focuses on Biel's articulation of law and grace, which is unsurprising given how law and gospel would largely define Luther's hermeneutic. Luther is persuaded not merely that Biel has misunderstood the proper role of law and grace, but that Biel has turned grace into law, which is the same charge Augustine levelled against Pelagius and his disciples centuries earlier. In a series of theses, Luther explains his reasoning:

57. It is dangerous to say that the law commands that an act of obeying the commandment be done in the grace of God. This in opposition to the Cardinal and Gabriel.
58. From this it would follow that "to have the grace of God" is actually a new demand going beyond the law.
59. It would also follow that fulfilling the law can take place without the grace of God.
60. Likewise it follows that the grace of God would be more hateful than the law itself.
61. It does not follow that the law should be complied with and fulfilled in the grace of God. This in opposition to Gabriel.<sup>91</sup>

Thesis 59 is especially poignant for Luther. As much as God might establish a "friendship" by his absolute power, grace remains inactive and operationally absent, conditioned upon man doing his best in obedience to the law. Luther counters in the opposite direction, stressing not only the necessity of grace but its prevenient character as long as man's inclinations follow his corrupt nature:

68. Therefore, it is impossible to fulfil the law in any way without the grace of God.
69. As a matter of fact, it is more accurate to say that the law is destroyed by nature without the grace of God.<sup>92</sup>
70. A good law will of necessity be bad for the natural will.
71. Law and will are two implacable foes without the grace of God.
72. What the law wants, the will never wants, unless it pretends to want it out of fear or love.
73. The law, as taskmaster of the will, will not be overcome except by the

“child, who has been born to us” [Isa. 9:6].

74. The law makes sin about because it irritates and repels the will [Rom. 7:13].
75. The grace of God, however, makes justice abound through Jesus Christ because it causes one to be pleased with the law.
76. Every deed of the law without the grace of God appears good outwardly, but inwardly it is sin. This in opposition to the scholastics.
77. The will is always averse to, and the hands inclined toward, the law of the Lord without the grace of God.<sup>93</sup>

Then comes Luther’s most critical point:

79. Condemned are all those who do the works of the law.

Luther may not be articulating his mature understanding of law and gospel (a point we will return to shortly). Nevertheless, the seed has been planted in these theses, and it is Biel who has watered the soil.

For Luther, law and will are antithetical *as long as* the will is captivated to Adam’s nature. “Since the law is good,” Luther later explains, “the will, which is hostile to it, cannot be good. And from this it is clear that everyone’s natural will is iniquitous and bad.”<sup>94</sup> The will can only (and is only) reconciled with the law if grace itself mediates between the two.<sup>95</sup> Three theses in a row, Luther corrects Biel:

90. The grace of God is given for the purpose of directing the will, lest it err even in loving God. In opposition to Gabriel.
91. It is not given so that good deeds might be induced more frequently and readily, but because without it no act of love is performed. In opposition to Gabriel.
92. It cannot be denied that love is superfluous if man is by nature able to do an act of friendship. In opposition to Gabriel.<sup>96</sup>

Biel believes the will can act in love toward God but Luther, with the full captivity of the will in mind, counters that the will is completely misdirected and will only love God if grace intervenes at the start. Biel assumes the will can act, taking steps in a Godward direction, only for grace to then come

along and spur the will on to take further steps. To build off Biel's previous illustration, the bird does the best he can to start flying and if he does his best at flying God will reward such effort by infusing strength into that bird's wings so that he might fly better and more acceptably.

Luther never addresses the bird illustration but if he did, based on these theses, he might have colloquially quipped: "Biel, you make a moot point. This bird cannot fly. So damaged are its wings that this bird is grounded." Grace must be primary, prevenient, and, as Luther will later come to state in his *Bondage of the Will*, grace must be effectual. Otherwise, the will remains enslaved to its corrupt nature. Hence thesis 92: should man "by nature" be able to initiate friendship with God, then love itself is "superfluous."

***FACERE QUOD IN SE EST, THE CRISIS OF ASSURANCE OF SALVATION, AND THE NECESSITY OF AMOR DEI SUPER OMNIA***

Luther's *Disputation* rarely, if ever, explores how Biel's soteriology might influence, or be influenced by, the atonement. Luther's *theologia crucis* would be forcefully present, however, in his other treatises, but in this 1517 debate it was not at the forefront of Luther's argument.

Nevertheless, it is not unrelated, nor was it the case that Luther had not connected one *loci* to another. Prior to 1517, Luther was not only raised on the *via moderna* in the classroom, but he attempted to put it into practice in his own spiritual struggle to find a gracious God. Doing so, however, drove Luther to the edge of insanity. If the benefits of the cross—acceptance with God and infused grace—were withheld until one did one's best, then how was one to ever know if he had done his best? How would one know if *non facit quod in se est* was the real outcome of one's effort? That is a question Biel left unanswered, but one that drove Luther mad, unsure whether his assurance of salvation was justified or illegitimate. As Grimm clarifies,

Although Luther thought highly of Ockham and Biel, he could not accept their doctrines of freedom of the will, good works, and justification. Ockham and Biel believed that man by nature could will to love God above all things and prepare the way for God's saving grace. Since, according to them, Christ's work

of atonement became operative only after man had proven himself worthy of it, Luther could not be certain that he would be saved.<sup>97</sup>

One might be sure God would reward grace if one did one's best, but one could never be sure one had ever done one's best—i.e., whether one's "best" really was one's best—in order to qualify for such a reward. Such a crisis over assurance can be traced back to the type of love that must be present in the act of doing one's best, namely, *super omnia*. Oberman explains:

To desire God's help is doing one's very best, and those fallen Christians who in this way detest sin and adhere to God their creator may be certain that God will grant them grace, thus freeing them from the bonds of sin. But although a sinner may be certain of God's mercy in granting his grace to those who do their very best, he has no certainty that he has in fact done his very best. The standard required is a love of God for God's sake, that is, an undefiled love: *super omnia*. It is this last condition in particular which makes it practically impossible to know with certainty that one has really reached the stage of the *facere quod in se est*.<sup>98</sup>

Fast forward to Luther again: Luther's early struggle was one over *super omnia*. No matter how sincere his love for God or his repentance of sin, Luther never knew if his thoughts, words, and actions were truly conceived out of an "undefiled love." He could see a million ways, real and hypothetical, his love might be defiled by the remaining residue of his sinful nature. That was an existential problem inherent in Biel's *pactum*. Supreme love for God—*amor dei super omnia*—is essential, but Luther found it impossible to attain.

We might also add that Biel's voluntarist system only created further distress for those who so rigorously applied it to the Christian's trust in the character of a gracious God. Biel claimed that God was absolutely free (i.e., *potentia Dei absoluta*) to establish or not establish a covenant by which man might be accepted with God should he do his best. Nevertheless, once he entered into such a covenant, he was obligated to come through on the agreement of his *pactum* (ordinate power; *potentia Dei ordinata*).

Or was he? Could God even go back on his *pactum*? If God's will always has priority over his intellect, then what would stop God from prioritizing his absolute freedom rather than continuing with the *pactum* that binds

him to certain salvific benefits? Could God decide, according to *potentia Dei absoluta*, that he might remove justifying grace at some point? Oberman and McGrath, both examining Biel's *pactum*, think not, and they would be right.<sup>99</sup> However, at a popular level the application of the *via moderna* in late medieval Europe may not have been so careful when handling such nuances.

It is conceivable that for the average late medieval Christian, a voluntarist God would be difficult to reconcile with absolute assurance of salvation in the Christian life. Luther's existential crisis, he believed, was proof enough. And as he witnessed at the pastoral level, the combination of voluntarism and justification could potentially create untold angst in the those seriously committed to doing their best. Would a lifetime of striving to achieve one's best be undermined should God change his will on a whim? Technically, based on Scotus, Ockham, and Biel, the answer is "no." But pastorally, what was to keep the average medieval Christian from taking a voluntarist conception to its logical extreme, wondering (worrying) if God would, in the end, honor his *pactum*? These are the types of questions that rationally flowed out of a *via moderna* mentality, regardless of whether the *via moderna* believed in their validity. Lutheran theologian Korey Maas highlights just how problematic the situation had become:

Thus, at least in theory, God could justify sinners even without the bestowal of his grace and their subsequent cooperation. Further, and more worryingly, the opposite was also understood to be the case: being bound by no necessity, God might deny salvation even to those who cooperate with the grace he has provided. Ockham's reasoning, following that of his predecessor Duns Scotus, was that "nothing created must, for reasons intrinsic to it, be accepted by God." That is, neither grace nor one's cooperation with it are deserving of salvation in and of themselves; they are accepted and rewarded only because God has voluntarily agreed to do so. Ultimately, then, one's salvation was understood to be dependent not only upon divine grace together with human cooperation but also, and most fundamentally, upon God's keeping his promise to regard these as meriting eternal life.<sup>100</sup>

Only when Luther abandoned the anthropological and soteriological presuppositions of the *via moderna* altogether and discovered instead that one

is justified not by doing one's best but through faith alone, did Luther then possess assurance of his right standing with God. Or as Grimm says,

Such certainty came only with his discovery of justification by faith alone. This basic insight led him to repudiate scholasticism as a whole. Because he believed that it actually hindered God's work of saving man he vehemently attacked the schoolmen, Aristotle, and reason.<sup>101</sup>

One must forgive Luther if his rhetoric was aggressively anti-scholastic for he felt a heavy sense of disgust for the way its schoolmen and their heirs had led not only Luther but the church to hell (Luther was convinced that heaven and hell hung in the balance). Luther had imbibed its theology and his soul, by his own admission, was nearly damned in the process. Luther's breakthrough is often pictured in positive terms (he discovered *sola gratia* and *sola fide*), but it could equally be portrayed in negative terms (he discovered his reading of Paul had been skewed by the scholasticism others had taught him). While Luther's break with Biel may have had more to do with his understanding of law and gospel than a mature covenantalism, Luther had touched the raw nerve of the *via moderna*, exposing its instability.

In the variegated nexus of the Biel-Luther debate, that raw nerve and instability came down to one central issue: Biel assumed the power and freedom of the will. Lecturing on Romans, Luther not only came to a different conception of the righteousness of God but the unrighteousness of man as well. Consequently, Luther's greatest argument against Biel was the same argument he would put forward against Erasmus: the will is captive.<sup>102</sup> Biel's entire covenantal, voluntarist view of justification crumbled with that one, anthropological premise, a premise Luther was absolutely sure originated not merely from Augustine but from scripture itself. And scripture was, without a doubt, Luther's magisterial authority, as his turn to *sola scriptura* during those formative years manifests.<sup>103</sup>

### **EARLY LUTHER: AUGUSTINIAN, BUT NOT YET PAULINE**

We would be mistaken to conclude, however, that in his 1517 *Disputation* Luther had come to his mature understanding of forensic justification. Evidently Luther had converted to a different tribe, shifting away from the



*via moderna* to the *schola Augustiniana moderna* in some form. Doing so not only meant establishing the captivity of the will but recapturing the primacy, necessity, and sovereignty of grace.

Nevertheless, justification was still a *process* in which man was *made* righteous in his nature. That belief—which all medieval Christianity assumed—would quickly disintegrate the closer Luther approached excommunication from Rome. Even so, in his *Disputation* there are signs, though they be miniscule, that Luther has not yet reached his mature doctrine of justification. He writes:

40. We do not become righteous by doing righteous deeds but, having been made righteous, we do righteous deeds. This is opposition to the philosophers.<sup>104</sup>
54. For an act to be meritorious, either the presence of grace is sufficient, or its presence means nothing. This in opposition to Gabriel.<sup>105</sup>

One should not read too much into these theses since Luther's intent is more polemical than didactic. At the same time, they do serve as bench markers in Luther's journey to a forensic doctrine of justification, and it appears he has not yet arrived. Grace may be prevenient, primary, and even effectual in the Augustinian sense, but it does not exclude meritorious acts but enables them in the process of inner renewal. In a real sense, one must "become righteous."

Luther corrects Biel's *ordo*, crediting God, not man: "having been made righteous, we do righteous deeds." The righteousness of God, therefore, is a gift, a notion present one or two years earlier in Luther's lectures on Romans (1515-1516).<sup>106</sup> Still, justification, is an intrinsic transformation, an assumption Luther will eventually abandon when, through Paul, he comes to see that justification cannot be the renovation of one's nature. Instead, it is a change in one's status, a legal declaration that one is righteous on account of the righteousness of another, namely, Christ. If justification and sanctification were not always distinguished in medieval thought, the Reformers would refine the two, noting their distinction, though without sacrificing their inseparability. That starts with Luther.

Exactly when Luther arrived at his mature, forensic doctrine of justification and imputation is disputed. In a recent study, however, Korey Maas makes a strong case that it did not happen until 1518 or later. Maas supports his

claim by pointing to Luther's lectures on Hebrews which, like his lectures on Romans, still teach a "progressive and sanative scheme formulated by Augustine and embraced by virtually all medieval theologians."<sup>107</sup> As Luther says in those lectures, the ungodly are righteous "not because they are, but because they have begun to be and should become people of this kind by making constant progress."<sup>108</sup> By 1521, however, Luther switched his definition of grace from "an inherent quality or substance by which one is prepared to become righteous" to "favor of God," language present in Luther's work *Against Latomus*.<sup>109</sup>

What pushed Luther beyond such an Augustinian conception of the medieval era to an altogether different paradigm? Maas is persuaded it was the addition of Philipp Melancthon to the Wittenberg faculty, a claim that strikes against 20<sup>th</sup> century Luther scholarship that attempted to read discontinuity between the two reformers, but one consistent with older Luther scholarship that defended continuity.

The impetus for this sudden change almost certainly lay with the recently arrived Melancthon, who from at least 1520 was making the case for understanding grace as God's favor or good will. He did so perhaps most clearly in the same year that Luther first embraced this definition, in the first edition of his *Loci Communes*, where he wrote that "the word 'grace' does not mean some quality in us, but rather the very will of God, or the goodwill of God toward us." This articulation in Melancthon's *Loci* is significant not only because this work may justifiably be considered the first "systematic theology" of the Reformation but also because it profoundly influenced Luther, who regularly expressed his unreserved agreement with it, going so far as to assert hyperbolically that it deserved to be canonized.<sup>110</sup>

Maas goes on to give an extensive defense of this claim by appealing to Luther's dependence upon Melancthon for his interpretation of Hebrews 11, a chapter which would move Luther to rethink the biblical definition of *pistis*, faith.

As Luther progressively redefined grace and faith, as well as the righteousness of God, his doctrine of justification transitioned from a process to a declaration, from infusion to imputation, and from active to passive righteousness. Though ungodly, he who looks not to his own works but trusts (*sola fide*) in the perfect work of Christ alone (*solus Christus*) not

only has the total penalty of his sins forgiven but has imputed to him a new status, namely, the righteous status of the infallible Mediator. With imputation, justification now became instantaneous and forensic, rather than a gradual, metaphysical renewal. Luther writes in his 1535 *Lectures on Galatians*,

But [contrary to the scholastics] this most excellent righteousness, the righteousness of faith, which God imputes to us through Christ without works, is neither political nor ceremonial nor legal nor work-righteousness but is quite the opposite; it is a merely passive righteousness, while all the others, listed above, are active. For here we work nothing, render nothing to God; we only receive and permit someone else to work in us, namely, God. Therefore it is appropriate to call the righteousness of faith or Christian righteousness “passive.”<sup>111</sup>

A forensic notion of imputation was the key that opened heaven’s paradise because it provided Luther with the very thing he could not find no matter how many times he did his best, namely, Christian assurance.

Therefore the afflicted conscience has no remedy against despair and eternal death except to take hold of the promise of grace offered in Christ, that is, this righteousness of faith, this passive or Christian righteousness, which says with confidence: “I do not seek active righteousness. I ought to have and perform it; but I declare that even if I did have it and perform it, I cannot trust in it or stand up before the judgment of God on the basis of it. Thus I put myself beyond all active righteousness, all righteousness of my own or of the divine Law, and I embrace only that passive righteousness which is the righteousness of grace, mercy, and the forgiveness of sins.” In other words, this is the righteousness of Christ and of the Holy Spirit, which we do not perform but receive, which we do not have but accept, when God the Father grants it to us through Jesus Christ.<sup>112</sup>

After an early struggle attempting to apply Biel’s justification theology to the Christian life, only to lose Christian assurance in the process, Luther had found peace with God and it came outside of himself (that is, *extra nos*), though never outside of his Savior (*extra Christum*).

***FACIENTIBUS QUOD IN SE EST DEUS NON DENEGAT GRATIAM: GOOD NEWS?***

*Facientibus quod in se est Deus non denegat gratiam*—God does not withhold his grace from those who do their very best.<sup>113</sup> To Biel, that motto is good news. God will give grace; just do one's very best. For Luther, that motto is a death sentence, the worst news possible. Not only can one never know if he has done his best, but the scriptural witness is unambiguous: man has not the spiritual ability to do his best to begin with. The only possible outcome is damnation. Luther hated God because God hung grace out like the sweet nectar of a flower in front of a hummingbird, an illustration Biel cherished in preaching to his parishioners. Yet Luther knew from watching his parishioners run to the indulgence tables what a false hope that proved to be. As promising as the nectar may be, the bird cannot fly.

For the bird to fly, an alternative paradigm was necessary, and it would prove revolutionary for Luther and all Protestantism to follow. Biel was correct that a divine *pactum* was essential if justification was to be gracious. However, Biel fundamentally erred by concluding that the *pactum* must be contingent upon man doing his very best, an impossibility for an enslaved will. Rather, the success of the *pactum* depended entirely upon the best of another, one who could obey the law perfectly in the place of the ungodly. So worthy, so perfect, and so inherently valuable and sufficient are the works of this substitute that God need not turn a blind eye to justice or prioritize his will in order to accept that which is inherently unacceptable. The obedience of the Son is counted perfectly sufficient by the Father, enabling him, as Paul says, to be both “just and the justifier of the one who has faith in Jesus” (Rom 3:26). Justification, in the end, was based on works, but, contrary to Biel, Luther discovered it was not the works of man but the works of the God-man, the sinless high priest, the Lord Jesus Christ. In Christ alone was the gospel to be found. Should that good news be weighed down, even in the slightest way, by the works of man, it will cease to be good news at all.

There is a clear and present danger that the devil may take away from us the pure doctrine of faith and may substitute for it the doctrines of works and of human traditions. It is very necessary, therefore, that this doctrine of faith be continually read and heard in public ... this doctrine can never be discussed and taught enough. If it is lost and perishes, the whole knowledge of truth, life, and

salvation is lost and perishes at the same time. But if it flourishes, everything good flourishes—religion, true worship, the glory of God, and the right knowledge of all things and of all social conditions.<sup>114</sup>

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- <sup>1</sup> E.g., “Summary Instruction for Indulgence Preachers,” and “John Tetzel: A Sermon [1517],” in Hans J. Hillerbrand, ed., *The Protestant Reformation* (rev. ed., New York: Harper Perennial, 2009), 14-18, 19-21.
- <sup>2</sup> For example, consult Robert Holcot, “Lectures on the Wisdom of Solomon,” in *Forerunners of the Reformation: The Shape of Late Medieval Thought Illustrated by Key Documents* (ed. Heiko Oberman; Philadelphia: Fortress Press, 1981), 142-150.
- <sup>3</sup> Oberman, *Forerunners*, 137.
- <sup>4</sup> Heiko Oberman, *The Harvest of Medieval Theology: Gabriel Biel and Late Medieval Nominalism* (Grand Rapids: Eerdmans, 1962), 157.
- <sup>5</sup> See Thomas Bradwardine, *De Causa Dei*, ed. Henry Savile (Frankfurt: Gruyter, 1964), 1.42. One of the best studies is Gordon Leff, *Bradwardine and the Pelagians: A Study of His “De Causa Dei” and Its Opponents* (Cambridge: Cambridge University Press, 1957), 69. Heiko A. Oberman, *Masters of the Reformation: The Emergence of a New Intellectual Climate in Europe* (Cambridge: Cambridge University Press, 1981), 64-112.
- <sup>6</sup> “Idle and a fool in God’s wisdom, I was misled by an unorthodox error at a time when I was still pursuing philosophical studies. Sometimes I went to listen to the theologians discussing this matter [of grace and free will], and the school of Pelagius seemed to me nearest the truth. . . . In the philosophical faculty I seldom heard a reference to grace, except for some ambiguous remarks. What I heard day in and day out was that we are masters of our own free acts, that ours is the choice to act well or badly, to have virtues or sins and much more along this line. . . . every time I listened to the Epistle reading in church and heard how Paul magnified grace and belittled free will—as is the case in Romans 9, ‘It is obviously not a question of human will and effort, but of divine mercy,’ and its many parallels—grace displeased me, ungrateful as I was.” Then something changed. “However, even before I transferred to the faculty of theology, the text mentioned came to me as a beam of grace and, captured by a vision of the truth, it seemed I saw from afar how the grace of God precedes all good works with a temporal priority [God as Savior through predestination] and natural precedence [God continues to provide for His creation as ‘first mover’]. . . . That is why I express my gratitude to Him who has given me this grace as a free gift.” *De Causa Dei*, Book II, ch. 32, p. 613; as quoted in Heiko Oberman, *Forerunners*, 135.
- <sup>7</sup> All such details can be found in fuller form in Oberman, *Forerunners*, 136.
- <sup>8</sup> Heiko A. Oberman, *Masters of the Reformation: The Emergence of a New Intellectual Climate in Europe* (trans. Dennis Martin; Cambridge, MA: Harvard University Press, 1981), 70-71; idem, *Forerunners of the Reformation*, 151-64. Trapp calls Gregory of Rimini (d. 1358) “the first Augustinian of Augustine.” Damasus Trapp, “Augustinian Theology of the Fourteenth Century,” *Augustiniana* 6 (1956), 181.
- <sup>9</sup> Frank A. James III, “Peter Martyr Vermigli,” in *The Reformation Theologians* (ed. Carter Lindberg; Oxford: Blackwell, 2002), 205. Also see John P. Donnelly, *Calvinism and Scholasticism in Vermigli’s Doctrine of Man and Grace* (Leiden: E. J. Brill, 1976); Frank A. James III, *Peter Martyr Vermigli and Predestination: The Augustinian Inheritance of an Italian Reformer* (Oxford: Clarendon, 1998); idem, “Peter Martyr Vermigli: At the Crossroads of Late Medieval Scholasticism, Christian Humanism and Resurgent Augustinianism,” in *Protestant Scholasticism: Essays in Reassessment*, ed. Carl R. Trueman and R. S. Clark (Carlisle: Paternoster, 1999), 62-78; Frank A. James, “A Late Medieval Parallel in Reformation Thought: Gemina Praedestinatio in Gregory of Rimini and Peter Martyr Vermigli,” in *Via Augustini: Augustine in the Later Middle Ages, Renaissance and Reformation* (ed. Heiko A. Oberman and Frank A. James; Leiden: E. J. Brill, 1991), 157-88; Gordon Leff, *Gregory of Rimini: Tradition and Innovation in Fourteenth Century Thought* (Manchester: University of Manchester Press, 1961). On Rimini’s influence upon Luther and Calvin, see Heiko A. Oberman, “Headwaters of the Reformation,” in *Luther and the Dawn of the Modern Era* (ed. Heiko A. Oberman; Leiden: E. J. Brill, 1974), 40-88; Alister E. McGrath, “John Calvin and Late Medieval Thought: A Study in Late Medieval Influence upon Calvin’s Theological Development,” *ARH* 77 (1986): 58-78; Robert

- Spieler, "Luther and Gregory of Rimini," *LQ* 5 (1953): 160.
- <sup>10</sup> See Oberman, *Forerunners*, 137.
- <sup>11</sup> *LW* 31: 322.
- <sup>12</sup> Gabriel Biel, "The Circumcision of the Lord," in *Forerunners of the Reformation*, 173.
- <sup>13</sup> Emphasis added. Biel, "The Circumcision of the Lord," 173.
- <sup>14</sup> Why dangerous? McGrath answers: "Thomas rejected the opinion that *iustitia Dei* is merely an arbitrary aspect of the divine will. To assert that *iustitia* ultimately depends upon the will of God amounts to the blasphemous assertion that God does not operate according to the order of wisdom. Underlying *iustitia* is *sapientia*, discernible to the intellect, so that the ultimate standard of justice must be taken to be right reason." Alister McGrath, *Iustitia Dei: A History of the Christian Doctrine of Justification* (3rd ed.; Cambridge: Cambridge University Press, 2005), 85.
- <sup>15</sup> I hesitate to use the word "cooperate" because it might give the impression that Thomas is a synergist like many in the late medieval or post-Reformation eras. Thomas's predestination theology would preclude such an assumption. The language of cooperation is only meant to acknowledge the role of man's responsible agency.
- <sup>16</sup> Aquinas on Nature and Grace: *Selections from the Summa Theologica* (ed. A. M. Fairweather; Library of Christian Classics; Louisville: Westminster John Knox, 1954), 159-60 (in the *Summa*: 12ae, Q. 110, Art. 2). Also consult Brian Davies, *Thomas Aquinas's Summa Theologiae: A Guide and Commentary* (Oxford: Oxford University Press, 2014).
- <sup>17</sup> E.g., *In II Sent.* dist. xxviii q. 1 a.4 and 4um; *In IV Sent.* dist. xvii q. 1 aa.3-4. See *Collectorium circa quattuor libros sententiarum* (ed. W. Werbeck and U. Hoffman; 4 vols.; Tübingen: Mohr, 1973-84).
- <sup>18</sup> Oberman, *Forerunners*, 130. Contrary to some who think Aquinas is contradicting himself, McGrath demonstrates that a change in Aquinas's view of nature and grace has occurred. See *Iustitia Dei*, 110-111.
- <sup>19</sup> E.g., *Summa Theologiae* IaIIae q. 112 a. 3; IaIIae q. 109 a. 6 ad 2um.
- <sup>20</sup> McGrath, *Iustitia Dei*, 112.
- <sup>21</sup> McGrath stresses such a point, arguing that it is a misinterpretation of Aquinas to take that final step—remission of sin—and assume justification is forensic. "Some commentators have misunderstood Thomas' occasional definition of justification solely in terms of remission of sin, representing him as approaching a forensic concept of justification. It will be clear that this is a serious misunderstanding. Where Thomas defines justification as *remissio peccatorum*, therefore, he does not exclude other elements—such as the infusion of grace—for the following reasons. First, justification is thus defined without reference to its content, solely in terms of its *terminus*. Such a definition is adequate, but not exhaustive, and should not be treated as if it were. Second, Thomas' understanding of the *processus iustificationis* means that the occurrence of any one of the four elements necessarily entails the occurrence of the remaining three. The definition of *iustificatio* as *remissio peccatorum* therefore expressly includes the remaining three elements." The four elements McGrath references are: (1) The infusion of grace; (2) The movement of the free will directed towards God through faith; (3) The movement of the free will directed against sin; (4) The remission of sin. McGrath has in mind *Summa*, IaIIae q. 113 a. 8; IaIIae q. 113 a. 6; IaIIae q. 113 a. 6 ad 1um. McGrath, *Iustitia Dei*, 64.
- <sup>22</sup> "Gabriel Biel insists upon the priority of the divine will over any moral structures by declaring that God's will is essentially independent of what is right or wrong; if the divine will amounted to a mere endorsement of what is good or right, God's will would thereby be subject to created principles of morality. What is good, therefore, is good only if it is accepted as such by God. The divine will is thus the chief arbiter and principle of justice, establishing justice by its decisions, rather than acting on the basis of established justice. Morality and merit alike derive from the divine will, in that the goodness of an act must be defined, not in terms of the act itself, but in terms of the *divine estimation of that act*. Duns Scotus had established the general voluntarist principle, that every created offering to God is worth precisely whatever God accepts it for. ... Applying this principle to the passion of Christ and the redemption of humankind, Scotus points out that a good angel could have made satisfaction in Christ's place, had God chosen to accept its offering as having sufficient value: the merit of Christ's passion lies solely in the *acceptation divina*." McGrath, *Iustitia Dei*, 86. In view is: Gabriel Biel, *Canonis missae expositio* 23E (ed. Heiko Oberman and W.J. Courtenay, 4 vols.; Wiesbaden: Steiner, 1963-67), 1.212; *In I Sent.* dist. xliii q. 1 a. 4 cor., in *Collectorium circa quattuor libros sententiarum* (ed. W. Werbeck and U. Hoffman, 4 vols.; Tübingen: Mohr, 1973-84), 1.746.5-7; *In II Sent.* Dist. xxvii q. 1 a. 3 dub. 4, in *Collectorium circa quattuor libros sententiarum*, ed. W. Werbeck and U. Hoffman, 2.253.7-9. As for Scotus: *Opus Oxoniense* III dist. xix q. 1 n. 7.
- <sup>23</sup> Oberman, *Forerunners*, 129.
- <sup>24</sup> Biel, "The Circumcision of the Lord," 173.
- <sup>25</sup> Gabriel Biel, *In II Sententiarum* dist. xxvii q. unica art. 3 conc. 4; in *Collectorium circa quattuor libros sententiarum* ed. W. Werbeck and U. Hofmann, vol. 2 (Tübingen: Mohr, 1973-84), 517.1-8. Latin translation comes from Alister

- E. McGrath, ed., *The Christian Theology Reader* (4th ed.; Oxford: Wiley-Blackwell, 2011), 6.30.
- <sup>26</sup> Oberman, *The Harvest of Medieval Theology*, 132. Hence Oberman will summarize Biel: "After the fall man is still able to detest sin and seek refuge with God with his own powers, without the help of any form of grace. This, of course, does not exclude God's general *concursus* in every deed, god, bad or indifferent, since without this 'natura' energy man would not be able to act at all" (175).
- <sup>27</sup> Oberman, *The Harvest of Medieval Theology*, 128.
- <sup>28</sup> *Ibid.*
- <sup>29</sup> *Ibid.*, 129.
- <sup>30</sup> *Ibid.*, 130-31.
- <sup>31</sup> Biel, "The Circumcision of the Lord," 168.
- <sup>32</sup> *Ibid.*
- <sup>33</sup> *Ibid.*
- <sup>34</sup> *Ibid.*, 169.
- <sup>35</sup> *Ibid.*
- <sup>36</sup> Biel clarifies, "It is assumed of meritorious work that the person who performs it is accepted, since the acts of a person who has not been accepted or of an enemy cannot please God." Biel, "The Circumcision of the Lord," 169.
- <sup>37</sup> "This grace prompts us to love God above all things and in all things, that is, to seek after the glory of God as the goal of every action, and to prefer the ultimate good, God, ahead of one's self and everything else. Therefore, all those things which are not directed consciously or unconsciously toward God do not come from the prompting of grace and therefore are surely not worthy of eternal life." "The Circumcision of the Lord," 169.
- <sup>38</sup> And again: "Moreover, without grace it is absolutely impossible for him to love God meritoriously. Such is the rule established by God that no act should be accepted as meritorious unless it be prompted by grace." "The Circumcision of the Lord," 170.
- <sup>39</sup> Biel appeals to Augustine for support, especially Augustine's illustration of a rider and a horse. It is doubtful Augustine would have agreed with how Biel is appropriating him. "The Circumcision of the Lord," 170.
- <sup>40</sup> "The Circumcision of the Lord," 171.
- <sup>41</sup> *Ibid.*
- <sup>42</sup> *Ibid.*, 172.
- <sup>43</sup> *Ibid.*, 173.
- <sup>44</sup> *Ibid.*
- <sup>45</sup> Oberman, *The Harvest of Medieval Theology*, 194-195.
- <sup>46</sup> *Ibid.*, 140, 152. Oberman, elsewhere, adds a key clarification as to how Biel understands "grace": "The most important point to be kept in mind for the further presentation of Biel's doctrine of justification is the conclusion that when Biel discusses the necessity of grace in the process of justification, its relation to man's free will, and its relation to the *ex opera operato* efficacy of the sacraments, he has always the *gratia gratum faciens* in mind—by which the sinner is made acceptable to God—and is not thinking of another kind of grace, traditionally often called *gratia gratis data*, the grace of divine vocation, by which the sinner is provided with the proper disposition for the reception of the *gratia gratum faciens*. Biel denies that the sinner would be incapable of providing such a disposition with his own power by doing good works." Oberman, *The Harvest of Medieval Theology*, 140.
- <sup>47</sup> Oberman, *Forerunners*, 184.
- <sup>48</sup> Steven Ozment, *The Age of Reform, 1250-1550: An Intellectual and Religious History of Late Medieval and Reformation Europe* (New Haven and London: Yale University Press, 1980), 41-42.
- <sup>49</sup> Oberman, *The Harvest of Medieval Theology*, 164.
- <sup>50</sup> *Ibid.*, 166.
- <sup>51</sup> *Ibid.*, 170.
- <sup>52</sup> Strictly speaking, then, Biel "rejects the idea that a sinner is able to earn the first grace *de condigno*: neither with an act that precedes nor with an act caused by this first grace can he do so." We might add, according to Oberman's chart, that *meritum de congruo* is another matter. Oberman, *The Harvest of Medieval Theology*, 171.
- <sup>53</sup> Oberman, *The Harvest of Medieval Theology*, 176-77.
- <sup>54</sup> *Ibid.*, 177. Later, Oberman observes how Biel's Pelagianism makes a doctrine of predestination non-existent. "As we can gather from the absence of any discussion of predestination in his sermons, this doctrine does not really function in Biel's theology. This should not surprise us. It is the traditional task of the doctrine of predestination proper to form a protective wall around the doctrine of justification by grace alone—a doctrine which does not necessarily imply justification by faith alone. Since we have found that Biel teaches an essentially Pelagian doctrine of justification, absolute predestination is not only superfluous but would even be obstructive. And seen against the background of his doctrine of justification, we can well understand that foreordination would in Biel's hands

- have to be transformed into foreknowledge" (196).
- <sup>55</sup> McGrath, *Iustitia Dei*, 99-100.
- <sup>56</sup> "As Biel himself makes clear, his discussion of the role of individuals in their own justification must be set within the context of the divine *pactum*. The requirement of a minimum response on the part of the humans of the divine offer of grace is totally in keeping with the earlier Franciscan school's teaching, such as that of Alexander of Hales or Bonaventure. Biel has simply placed his theology of a minimum human response to the divine initiative in justification on a firmer foundation in the theology of the *pactum*, thereby safeguarding God from the charge of capriciousness." McGrath, *Iustitia Dei*, 100.
- <sup>57</sup> McGrath, *Iustitia Dei*, 101
- <sup>58</sup> *Ibid.*
- <sup>59</sup> *Ibid.*, 100.
- <sup>60</sup> *Ibid.*
- <sup>61</sup> *Ibid.*
- <sup>62</sup> *Summa contra Gentiles* III, 149, 1.
- <sup>63</sup> Scott H. Hendrix, *Martin Luther: Visionary Reformer* (New Haven and London: Yale University Press, 2015), 36.
- <sup>64</sup> *Ibid.*
- <sup>65</sup> WA 4.262.4-7 (cf. 3.288.37 – 289.4). Translation is McGrath's: *Iustitia Dei*, 116. Also cf. Martin Luther, *First Lectures on the Psalms II*, in *LW* 11:396.
- <sup>66</sup> WA 55 L.70.9-11. McGrath comments, "Luther here produces the key aspects of Biel's understanding of *iustitia Dei*: *iustitia* is understood to be based upon divine equity, which looks solely to the merits of humans in determining their reward within the framework established by the covenant. The doctors of the church rightly teach that, when people do their best (*quod in se est*), God infallibly gives grace (*hinc recte dicunt doctores, quod homini facienti quod in se est, Deus infallibiliter dat gratiam*). Luther's theological breakthrough is intimately connected with his discovery of a new meaning of the 'righteousness of God', and it is important to appreciate that his earlier works are characterized by the teaching of the *via moderna* upon this matter. Luther's later view that anyone attempting to do *quod in se est* sinned mortally remains notionally within this framework, while ultimately subverting its theological plausibility." McGrath, *Iustitia Dei*, 88-89. Cf. WA 4.262.4-5.
- <sup>67</sup> For an extensive study comparing Biel and Luther, see L. Grane, *Contra Gabrielem: Luthers Auseinandersetzung mit Gabriel Biel in der Disputatio contra scholasticam theologiam 1517* (Copenhagen: Gyldendal, 1962).
- <sup>68</sup> On this point, see Korey D. Maas, "Justification by Faith Alone," in *Reformation Theology: A Systematic Summary* (ed., Matthew Barrett; Wheaton, IL: Crossway, 2017), 517-18.
- <sup>69</sup> Harold J. Grimm, "Introduction" to "Disputation to Scholastic Theology," in *LW* 31:6.
- <sup>70</sup> Luther, "Disputation to Scholastic Theology," in *LW* 31:9 (thesis 4).
- <sup>71</sup> *Ibid.*, 31:9 (thesis 5).
- <sup>72</sup> *Ibid.*, 31:9 (thesis 6).
- <sup>73</sup> *Ibid.*, 31:9 (thesis 7).
- <sup>74</sup> *Ibid.*, 31:9 (thesis 8).
- <sup>75</sup> *Ibid.*, 31:9 (theses 9, 10).
- <sup>76</sup> *Ibid.*, 31:10 (thesis 11).
- <sup>77</sup> *Ibid.*, 31:10 (thesis 13).
- <sup>78</sup> *Ibid.*, 31:10 (thesis 14).
- <sup>79</sup> *Ibid.*, 31:10 (thesis 16).
- <sup>80</sup> *Ibid.*, 31:10 (thesis 17).
- <sup>81</sup> *Ibid.*, 31:10 (thesis 18).
- <sup>82</sup> *Ibid.*, 31:10 (thesis 20, 21). Luther adds in thesis 23: "Nor is it true that an act of concupiscence can be set aright by the virtue of hope. This in opposition to Gabriel."
- <sup>83</sup> *Ibid.*, 31:10 (thesis 26).
- <sup>84</sup> *Ibid.*, 31:11 (thesis 27).
- <sup>85</sup> *Ibid.*, 31:11 (thesis 28).
- <sup>86</sup> *Ibid.*, 31:11 (thesis 29).
- <sup>87</sup> *Ibid.*, 31:11 (thesis 30).
- <sup>88</sup> *Ibid.*, 31:11 (thesis 33).
- <sup>89</sup> *Ibid.*, 31:11 (thesis 39).
- <sup>90</sup> *Ibid.*, 31:13 (thesis 55).
- <sup>91</sup> *Ibid.*, 31:13.
- <sup>92</sup> *Ibid.*, 31:15.



- <sup>93</sup> Ibid., 31:14.
- <sup>94</sup> Ibid., 31:15 (thesis 87, 88).
- <sup>95</sup> Ibid., 31:12 (thesis 89).
- <sup>96</sup> Ibid., 31:15.
- <sup>97</sup> Harold J. Grimm, "Introduction" to "Disputation to Scholastic Theology," in *LW* 31:6.
- <sup>98</sup> Oberman, *The Harvest of Medieval Theology*, 133.
- <sup>99</sup> Oberman, *The Harvest of Medieval Theology*, 169-72; McGrath, *Iustitia Dei*, 87.
- <sup>100</sup> Korey D. Maas, "Justification by Faith Alone," 516.
- <sup>101</sup> Grimm, "Introduction," in *LW* 31:6.
- <sup>102</sup> See my lengthy treatment of the Luther-Erasmus debate: Matthew Barrett, "The Bondage and Liberation of the Will," in *Reformation Theology*, 451-510. There I explore the type of freedom Luther affirmed. It was not Biel's "inalienable spontaneity" as Oberman calls it. See Oberman, *The Harvest of Medieval Theology*, 161.
- <sup>103</sup> See Matthew Barrett, *God's Word Alone: The Authority of Scripture* (Grand Rapids: Zondervan), 33-52.
- <sup>104</sup> Luther, "Disputation to Scholastic Theology," in *LW* 31:12 (thesis 40).
- <sup>105</sup> Ibid., 31:13 (thesis 54).
- <sup>106</sup> E.g., Luther, *Lectures on Romans*, in *LW* 25:496.
- <sup>107</sup> Maas, "Justification by Faith Alone," 519.
- <sup>108</sup> Luther, *Lectures on Hebrews*, in *LW* 29:139.
- <sup>109</sup> Maas, "Justification by Faith Alone," 519. See Martin Luther, *Against Latomus*, in *LW* 32:227.
- <sup>110</sup> Maas, "Justification by Faith Alone," 519, quoting Philipp Melancthon, *Loci Communes Theologici* (1521), in *Melancthon and Bucer*, ed. Wilhelm Pauck, trans. Lowell J. Satre, LCC 19 (Philadelphia: Westminster, 1969), 87.
- <sup>111</sup> Martin Luther, *Lectures on Galatians, 1535*, in *LW* 26:5-6.
- <sup>112</sup> Martin Luther, *Lectures on Galatians, 1535*, in *LW* 26:5-6.
- <sup>113</sup> Or: *Facienti quod in se est Deus non denegat gratiam*—God does not deny grace to the person who does what is in him.
- <sup>114</sup> *LW* 26:3.