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**Thinking *from* Justification**  
**Towards a New Perspective – in and with Martin Luther**

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**Abstract**

In this article I present a new perspective on the theological concept of justification, by focusing not on the content (the meaning) but on the form (the condition of formulation) of this concept. I start with the semantic overabundance related to justification, with specific reference three meanings: the forensic, the effective, and the ontological-theotic. Then, I confront these meanings with Luther's idea of justification as in his *De servo arbitrio* (1525). Thanks to this, I stress that the theological concept of justification plays a meta-conceptual function: it affirms the priority of divine justification over any standard condition of conceptualization and thinkability of justification – in specific, the structure of imputative justice. This leads to a reconsideration of the role of this concept as "*articulus stantis et cadentis ecclesiae*".

**Keywords:** Justification, Martin Luther, Theology, Forensic Justification, Effective Justification

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**1. The Semantic Overabundance of Justification**

The theological concept of justification is remarkably complex, especially from a Lutheran point of view. First and foremost, this complexity is due to an overabundance of meanings attributed to this concept.

Yet, within this overabundance at least three meanings occupy a prominent position. These meanings are: the forensic, the effective, and the ontological-theotic one.

The *forensic* justification consists in God's *declaration* of human righteousness, as external attribution of the status of *iustus*. It is the divine judgment on the human being happening *foro caeli*, thus, outside the individual. It might seem to result from the synthesis between the aspects of *imputatio* (the judgment on the commandments accomplishment)

and of *reputatio* (the judgment on the life of the individual) (see Preus 1982). More on this later, in the paragraph number 7. Thus, the forensic meaning is distinct from sanctification, for it has nothing of the movement of moral improvement, nor of the manifestation (and not just imputation) of the status of *iustus* (see McGrath 1982, 223).

On the other hand, the *effective* justification corresponds precisely to this aspect of manifestation, of *being* (and not only being *declared*) *iustus*. According to this meaning, divine justification makes the sinner *effectively iustus*: it concerns not the imputation of righteousness, but the living condition of righteousness (see Peura 1998, 42). Therefore, contrary to the forensic meaning, the effective meaning of justification is no longer based on the *extrinsic* attribution of a judgment, but rather it refers to some elements *intrinsic* to the individual. It corresponds to a change within the individual (see Vainio 2008, 15).

The ontological-theotic meaning of justification is proposed by members of the so-called Finnish school<sup>1</sup>. This position believes to overcome some fallacies supposedly affecting both forensic and effective forms of justification. These fallacies refer to an *alleged* (by the Finns) Neo-Kantian influx on theology<sup>2</sup>: modern theology concentrates only on God's *Wirkungen*, neglecting the element of God's *presence*. Because of this, the Finnish School thinks that the effective aspect of justification has lost its "ontological content in Lutheran theology" (Peura 1998, 46) and it assumed a mistaken qualification: it became *existential* (see Saarinen 2010, 9). What the Finns believe being mistaken is that an existential conception of justification focuses not on the *being* of the redeemed (as it should do), but on the believer's self-understanding and self-insight; thus, justification seems to be reduced to a mere psychological matter (see Peura 1998, 47), or a matter of "'just words' and belief" (Stjerna 2005, xi). For the Finnish School the only solution is the restoration of the aspect of *ontological realism* of justification: "God changes the sinner ontologically, in the sense that he or she participates in God and in his divine nature, being made righteous and 'a god'" (Peura 1998, 48). Thus, this conception makes justification coinciding with

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<sup>1</sup> The Finnish School is a Kreis in contemporary Lutheran scholarship that formed around the figure of Tuomo Mannermaa (1937-2015), former Professor Emeritus of Ecumenical Theology at the University of Helsinki. The School's program concerns the reintroduction of ontology (and ontological vocabulary) in Lutheran scholarship in light of a (supposed) adherence on Luther's "authentic" position (see Mannermaa 1998a, 2-3).

<sup>2</sup> Claiming to present the rightful view on Luther's (and Lutheran) theology (as the Finnish School does) implies that all previous Lutheran scholarship was deviating from the correct path. For the Finns this diversion consists in the influx of transcendental philosophy (in particular Lotze's and Cohen's) in modern and contemporary theology (see Saarinen 1989, 13-25, 51-56; Mannermaa 1998a, 5-9; Saarinen, 2000). Such syncretic (simplistic?) position has already been criticized (see Mogk 2000, 18-19, and Oakes 2012, 28-36, 55, 112).

salvation (see Mannermaa 1998b, 38; Mannermaa 2005, 49), not to say divinization (see Mannermaa 2005, 54)<sup>3</sup>.

## 2. The Overlapping of Historical and Systematic

The complexity is increased by the fact that each of the three positions on justification claims to be supported by the historical source: the meaning each of them defend corresponds to *Luther's* idea on justification.

According to the first party, it is Luther's concept of justification to be forensic: the assumption of juridical language is the result of a gradual modification in his theology between 1513 and 1525, with the passage from a concept of justification as progression towards the righteousness, to a "doctrine of definitive justification" (Scott Clark 2006, 288) as *imputed* righteousness (see, 292)<sup>4</sup>.

According to the second party, Luther conceives justification as *effective*, and, thus, intrinsic to the individual; according to this interpretation, the conception of imputative justice is more "Melancthonian" than "Lutheran", given that in Luther it is hard to find a distinction between individual regeneration and justification (see McGrath 2005, 238-239).

Finally, the third party interprets Luther's concept of justification as ontological union with Christ, a sort of "theotic" condition of the "sanctified" man (see Vainio 2008, 13-14). This interpretation is based on the relationship between the divine "*favor*" of forgiveness of sin and the divine "*donum*" that God makes of Himself to the believer (see Mannermaa 1998a, 14): the forgiveness has to do with the real presence of Jesus Christ in the believer, which is God's gift (see Mannermaa 1998b, 33-34)<sup>5</sup>. Yet, the Finns do not agree about the relationship between the *favor* and the *donum* (see Bielfeldt 2016, 14): either the *donum* and the *favor*, God's self-giving and the forgiveness of the believer, are mutual interconnected, because their interconnection is what allows the ontological in-

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<sup>3</sup> According to Mannermaa it is Luther who suggests this synthesis between justification, sanctification, and divinisation: "At least on the level of terminology, the distinction, drawn in later Lutheranism, between justification as forgiveness and sanctification as divine indwelling, is alien to the Reformer" (Mannermaa, 1998b: 38). Along the non-distinction of justification with sanctification there is the non-distinction divinisation, confirmed by the "analogical" connection of partial divinisation with partial justification (see Mannermaa, 2005: 28-30 and 58-61).

<sup>4</sup> For an analysis of the mutation in Luther's idea of justification I refer to Scott Clark 2006, in particular 273 and 289-294, where the author connects Luther's modification of his position on justification with the progressive establishment of the hermeneutical function of the categories of "Law" and "Gospel".

<sup>5</sup> From this point Mannermaa deduces the "theotic" aspect, i.e. the fact that "the believing subject becomes a participant in the 'divine nature'" (Mannermaa 1998b, 33). Cf. also Mannermaa 2005, 19-22.

dwelling of Christ within the believer (see Peura 1998, 54-58; Reid 2003, 191); or the *favor* establishes the *donum*, so that the indwelling depends on the priority of God's initiative<sup>6</sup>. More on the relationship between *favor* and *donum* later (paragraph 7).

This short survey is enough to show an overlapping between the historical aspect and the systematic aspect. The historical study of the sources (Luther's idea of justification) coincides with the theoretical analysis of the correct meaning of the concept of justification. In sum, each of the three of meanings of justification conceives *itself* as the most Lutheran *because* it is theologically the most fitting, and vice-versa.

This confusion between the historical and the systematic is problematic because the two levels deal with purposes, requirements, expectations, *methods*, that are difficult to harmonize. The historical level studies the sources of Luther's doctrine of justification, and it requires the most possible objective (i.e. non-specious, non-partisan) interpretation of the conception of justification within Luther's theology; this requirement is satisfied by the objective study of Luther's works, in order to underline the similarities and the differences, the degree of continuity and mutation, within the course of his theology; as such, the historical effort dismisses all attempts to simplify Luther's position by overlooking the mutations (and incoherencies) in his idea of justification in the development of his thought. On the other hand, the systematic level concerns the steadiness and the relevance of the doctrine of justification; thus, it requires the most possible clear, distinct and coherent conceptualization of justification, in order for this concept to play the role the central *articulus* within the systematic organization of theology (see Wüthrich 2016, 259) or as the mark of the *differentia specifica* of protestant (or just Lutheran) theology; or, vice-versa, in order for the consistency and relevance of the centrality of this *articulus* to be discussed, and, thus, either confirmed, or improved, or rejected.

This distinction of requirements and expectations is *not* (at least *in principle*) a con, but a pro, because it gives each level its *legitimacy* and *specificity*. On the one hand, the historical level implies the difference and the continuity between past and present, so that the past has relevance in light of its understanding as "past" from the standpoint of a "present"; thus, no historical research is unaware of the conditions from which it starts (the conditions of the *present*): it is a "present" investigating on *its own past*. On the other hand, it is the historical data to give steadiness to (and to avoid the arbitrariness of) the theoretical effort of theology's self-foundation, in specific when it is question of a central

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<sup>6</sup> See Saarinen 2000, 17: "I am more inclined to grant God's merciful favour a conceptual primacy over the donum, the effective fruit. I believe that a gift can only be identified as gift if we know the intention of the giver. Thus, divine mercy and benevolence in a way precede divine gifts".

*articulus* from which the wholeness of theology is supposed to be deduced (or, at least, to be led back to).

Thus, it seems that only a *dialogue* between the historical and the systematic can provide a solid ground on which investigating on justification – a dialogue, a synergy, and not an overlapping, i.e., a relationship that is based on the preservation of the methodologies of each level. In particular, a relationship that is constantly aware of the risk of smoothing out the complexity and richness of historical date (in our case, of Luther's theological thought) for the sake of a too pushed systematic harmonization<sup>7</sup>.

In the light of this, "systematic" questions such as "Which is the correct, the right meaning of justification?" "Which one does play the function of central *articulus*?" and "Is this function still actual?" – these questions can only be properly addressed not by reflecting on a specific *systematic* situation (i.e. the present of theological debate on justification), but, rather, by being open, "free" enough to see what a historical data can say *on* this situation.

### 3. Justification in Luther's *De servo arbitrio*

The historical data I assume is Luther's *De servo arbitrio*. I focus on this specific work of his given that the *De servo arbitrio* is one of the least used sources when it comes to the analysis of Luther's concept of justification (see Scott Clark 2006, 293). As such, it is the least subjected to specious and partisan readings. Moreover, the importance of this reference is stressed by Luther himself, who considered the *De servo arbitrio* one of the only two works of his worth to be saved from the fire (the other work is the *Catechism*; see Luther, WABr VIII 99,7-8).

Anyway, the absence of the *De servo arbitrio* in the literature about justification is understandable, since the noun "*iustificatio*" only appears five times in the text, and all five references are in the same page (Luther, WA XVIII 771,1.5.22.25.27). Yet, the vocabulary connected semantically to the concept of justification appears more often – and yet again, the *most* often in pages 771-773. In order to have the clearest vision of the issue, I analyze every reference, direct or indirect, to justification.

The first reference presents justification as an example of God operating *sub contrario*<sup>8</sup>: "Sic Deus dum vivificat, facit illud occidendo; dum iustificat, facit illud reos faci-

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<sup>7</sup> This is the main criticism to the Finnish "ontological-theotic" conception of justification (see Scott Clark 2006, 307-310).

<sup>8</sup> On the *sub contrario* and its distinction from Luther's *Theologia Crucis* (of 1518), see Loewenich 1967, 19.

endo" (633,10). The second entry plays a rhetoric, not theological, purpose: it is a quotation from Mt XII,37 that Luther uses against Erasmus (659,36).

The third reference (693,2) is theological: here, Luther discusses the distinction between Ancient and New Testaments: if the Ancient Testament is the word of Law and menace, the New Testament is the word of the promise of forgiveness, and of *exhortations*: exhortations incite those who are *already justified (iam iustificatos)* to keep bearing the fruits of the Spirit, to keep *believing*. This means that the *iustificati* experienced a "renascentia, innovatio, regeneratio" (693,8-9) through the Spirit, and the exhortations help in enduring such *renascentia*. Thus, Luther distinguishes between a situation *before* and a situation *after the iustificatio*. But the *renascentia* is not a modification in human condition, it is not a sort of anthropological revolution in the status of sinner: even the justified ones are still flesh, *carnales*, and, hence, impious (735,30-31).

The next reference switches the attention from God justifying the human to the human "justifying" God. More precisely, it refers to man's *incoherent* judgment on God's action: God is "justified" whether He saves those who do deserve to be saved, and justifies those who would deserve to be condemned (730,16-34). The incoherency refers to the fact that God's action is understood as *simultaneously* in compliance with, and diverging from, the inference between accomplishments and judgment: this inference is valid only in case of reward (God shall acknowledge the merits of whom He is judging) but not in case of retribution (the sinner shall not be condemned). If God is praised when He justifies who does not deserve to be justified, thus a coherent position would be, according to Luther, praising God when He punishes who does not deserve to be punished. He writes: "utro-bique enim par iniquitas, si sensum nostrum spectes" (730,33-34).

The incoherency that Luther attacks here is based on the scholastic distinction between the merit "*de condigno*" and the merit "*de congruo*" (see Erasmus, *DCS* II a 9). These terms refer to two different conceptions of the relationship between accomplishment and the correspondent judgment. In the *de condigno*, the accomplishment is perfectly adequate to the expectations; thus, the merit is proportional to the worth of the accomplishment. In the *de congruo*, the accomplishment is *not* adequate to the expectations; thus, the reward is bestowed not on the accomplishment per se, but on the evaluation of the person intended as *synthetic unity* of all possible accomplishments<sup>9</sup>. Thus, a sinner that should be condemned *de condigno* is saved *de congruo*.

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<sup>9</sup> This idea of divine judgment based on the capacity (by God) to see the infinity of human progress towards the good as unity is present also in Kant, *Religion* Ak 48,8-11.

Luther rejects this distinction because both kinds of merit are based on the same logic of *consequentiality* between accomplishment and judgment: a reward is given *in the light of a merit* (whether sufficient or not sufficient)<sup>10</sup>; thus, the *de congruo* is *de condigno*, for it is *sufficient* to obtain God's justification (770,4-10). Hence, justification is no longer given *per gratiam*, because God's judgment *follows* human action (769,25-32). God is considered the mere evaluator "operum, meritorum et personarum" (770,11). Thus, for both strict, quantitative worth (*de condigno*) and large, qualitative worth (*de congruo*) in any case God's justification is expected *to be conform* to such logic of inference between merit and reward (729,24-730,2)<sup>11</sup>. The divine power of molding the clay of human beings ends to *be molded* by the expectations, and the principles of justice, of this clay, as if the lord of the vineyard were chosen by the laborers (730,10-15; Mt XX,15)<sup>12</sup>.

From this, Luther stresses that divine justification does *not* follow human merits (730,20.24, 784,7), precisely because justification is not submitted to man's *meaning* of justification. Justification is *divine* precisely because it is unconditioned by any condition or concept or form of justice (784,9-11).

Following this, and commenting Rm III,20-28 and also Gal III,10 (763,32-33; 765,20.24-25.29; 767,32; 768,7; 773,32), Luther underlines that justification is not the consequence of any human accomplishment (763,31-764,34), given that from the realization of the commandment it ensues only condemnation (764,4-10). This means that the logic of the merit through works is not sufficient to understand the *gratuity* of the justification (771,5-6: "Gratuita iustificatio non fert, ut operarios statuas, quod manifeste pugnet, gratis donari et alicue opere parari"; also 771,20-29). According to Luther, this is precisely what the Gospel says: justification is *unconditioned*, precisely because it comes from God (769,32-34; 770,38).

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<sup>10</sup> This consequentiality is built either on a "strict" sufficiency (and hence the focus of merit refers to the "something" which is accomplished) or on a "large" sufficiency (and hence the focus of the merit refers to the "accomplisher" of this something which, in itself, is insufficient), but in both cases, there is indeed sufficient (769,37-770,10).

<sup>11</sup> This is confirmed by Erasmus' preference accorded to the merit *de congruo*: God's attribution of merit depends on the concept of merit *de congruo*. "Deus est: non potest non optimum et pulcherrimum esse quod facit" (IV 12): God must be just according to the retributive concept of the *de congruo* – God has no other possibility, or, better, the theological conceptualisation of the relationship between God's action and human life has no other possible structure than a structure that depends on the consequential logic of the *de congruo*.

<sup>12</sup> In short, God's action is no longer the *ex ante* in the light of which every human life's events and accomplishments are thought (and have sense), but it is *ex post* their sense (i.e. the consideration of God's action depends on man's consideration of his own life).

#### 4. The Two Ways of Justification's Unconditionedness

This short survey shows how divine justification is unconditioned in two different, and interconnected, ways: in a practical way, and in a conceptual way.

Divine justification is *practically* unconditioned because nobody cannot accomplish anything for it: no merit can be attributed, not only in case of the infringement of the commandment, but also, and foremost, in its realization (772,32). *If* the opposite were the case; if God's justification were led back to human meters of justice (in specific, of the connection between merit and reward – whether *de congruo* or *de condigno*); if God's action towards the humans followed some principles of justice (for instance Justinian's *Corpus iuris civilis* and the fifth book of the *Nicomachean Ethics* – 729,20-21); then, we would have the perversion of the correct order of priority between God and human (729,13-730,2). The correct priority is this: that there is no more space, no more liceity, for any "*expostulare*" (729,15) something *over* divine revelation, precisely *in the light of* the revelation of and as *gratuita* justification.

This "expostulare", this theoretical attitude imposing to God's justice a concept of justice, is what defines the "*iustitiarum*" (783,28; see Gogarten 1967, 304). *Iustitiarum* are those who base their own justification on the realization of commandments; hence, they operate this inversion of priority: they deduce divine justification from (and, hence, they make it *dependent* on) human justice. Therefore, being impious means precisely forcing divine justification to be in compliance with a conception of justice, and considering oneself, and one's works, from the perspective of the logic of the inference between accomplishment, merit, and reward (772,4-11).

This leads to the second aspect: the *conceptual* unconditionedness of divine justification. This time, the unconditionedness does not refer to the *fact* of justification, but to the *concept* of divine justification. I aim to show that the theological concept of justification is independent from the logical structure of justice – more precisely, of that type of justice called *imputative justice*.

Imputative justice concerns the determination of the *gradus imputationis*, *i.e.* of the defendant's culpability or innocence. Hence, it concerns the confirmation or negation of the charge, it corresponds to the formulation of the verdict, not only of guilt or discharge, but also about the *degree* ("*gradus*") of guilt or discharge – for instance, if all charges are confirmed, or only some of them, or none of them.

Following Luther's reflection, it is necessary to distinguish between a theological and a non-theological concept of justification. The non-theological concept of justification is *negatively* related to the conception of imputative justice: what should be of negative

*imputatio* ends with a discharge. It is *because* there *should be* a negative *imputatio*, that a *positive imputatio* is formulated. And this positive *imputatio* bears the name of "justification" precisely because it is a *peculiar* positive *imputatio*, for it results from the negation of a negative *imputatio*. So, this form of justification is still in compliance with human expectations of imputative justice, although this compliance is *counter-intuitive*, precisely because it needs a negative imputation in order to be formulated and thought. Therefore, the non-theological justification is still in compliance with the logic of the priority of the action (realization of a commandment) over the judgment on this action (in this case, the discharge): a negative imputation is substituted with a positive imputation because of something that *pre-exists* the positive imputation (the merit *de congruo*). In sum, the non-theological concept of justification is still based on the derivation of the imputation from something else – this "something else" being precisely the *object* to which the imputation refers, being either "action" (situation *de condigno* – in this case we end with either a positive or a negative imputation), or "action + life" (situation *de congruo* – in this case we end with the negation of the negative imputation, i.e. justification).

On the contrary, the theological concept of justification is a concept of justification that depends not on some structure of thinking (of thinking justice, i.e. the relationship between action and imputation), but on divine revelation alone, *i.e.* on God revealing His justification of the sinner. In other words, the theological concept of justification thinks the fact that the object to be thought and conceptualized (in terms of "divine justification") is a justification that derives from *nothing but* God's revelation. As such, the theological concept of justification thinks, and presents, a justification that is separated from any action for it preexists to them: God justifies because He justifies (because He reveals so), and from this the action life of the human are derived, are formulated, are thought *theologically* – not vice-versa. So, the theological concept of justification is independent from the logic of consequentiality from action to imputation: it is unconditioned from the conditions of conceptualization and thinkability of justification.

This leads to a fundamental deduction: that divine justification is the *starting point*, the *source*, of a re-conceptualization of justification itself – a re-conceptualization which has the form of a reflection on the independency of the theological concept of justification from the structure of imputative justice. In the theological concept of justification, and *as* such theological concept, the conditions of conceptualization of imputative justice are submitted under the revelation of (and *as*) God's justification, they are "moved" by the *conceptual* unconditionedness of God's justification. In sum, the conditions of conceptualization of justification are *conditioned* by the unconditioned justification that is (that can be only) God's. For this reason, Luther can establish the coincidence between justification and *faith*

(775,13-16): thinking justification theologically means acknowledging that divine revelation shows the limitedness of the conditions of thinkability and conceptualization of justification<sup>13</sup>.

### 5. The Theological Operation on Imputative Justice

This means that thinking justification theologically, or (in other words) formulating the theological concept of justification, is equal with *operating* on the structure of imputative justice.

As seen, this structure establishes a connection between a case (action, life) to a norm (in theological terms: commandment). More precisely, this structure consists in the *deontic* determination of a "being" (an action, a behavior, a conduct, or a lack of action or behavior or conduct) as realization (or non-realization) of the content (the "frastic" <sup>14</sup>) of an "ought".

The non-theological concept of justification is based on that general structure since it depends on the thinkability and conceptualization of the negative imputation. This non-theological concept of justification is formulated as the acquittal from a negative connection between the "being" and the correspondent "ought". In sum, it is a *special case* of imputation.

On the other hand, theologically, justification is bestowed beyond and before any "being" deontically understood, any realization of an "ought", any possible connection being-ought. Therefore, the theological concept of justification does not depend on the structure of imputative justice (even in case of a negation of the charge); *hence*, formulating the theological concept of justification means questioning the validity of this structure, i.e. the validity of the condition of formulation of the non-theological conception of justification.

This questioning refers precisely to the imputative connection of a "being" to the corresponding "ought" – to the "ought" whose frastic determines the action. Now, this connection is peculiar: the frastic of an "ought" determines a "being" (action, behavior, conduct) *in general* and *not* in specific. The "ought" does not present the *description* of a punctual accomplishment precisely because it is an "ought", *i.e.* it is a deontic sentence, and not

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<sup>13</sup> Analogously, considering Jesus Christ a judge in compliance to the sense of imputative justice means making Christ a terrible judge (778,13-16): because divine justification is substituted with a judgment of imputation that can only be of condemnation.

<sup>14</sup> On the use of the terms "frastic" and "neustic" (respectively: the content of a norm, and its imperative form, i.e. its "!" ) [see Hare 1999, 17-18].

a modal one<sup>15</sup>. Therefore, realizing an "ought" means specifying its frastic in (and as) a singular, unique action – it means inserting the frastic within a series of contingencies (this specific actor, this specific moment of accomplishment, these specific circumstances, etc.) that the "ought" does not (and cannot) indicate. It follows that there is *no certitude* that the realization *will* indeed correspond to the frastic, nor that, once accomplished, the realization *does* indeed correspond to it<sup>16</sup>. This is the reason why not only there are moral dilemmas (i.e., conflicts between "oughts")<sup>17</sup>, but, also, there can be *different* (not to say *opposed*) *judgments* of imputation for the same case<sup>18</sup>. More generally, this is the reason why the judgment, referring to the correspondence between "being" and "ought", is neither automatic nor immediate, but is the *fruit of a trial*, of a *process* of evaluation of evidences and witnesses. In sum, the connection between case and norm is the result of an *hermeneutical* effort of connecting an empirical specificity to a deontic generality<sup>19</sup>.

Luther is perfectly aware of this: the *iustitarii*, the ones who seek justification by the realisation of the *Sollen*, are constantly in doubt of whether God would approve or not this realisation (783,24-27), precisely because this incertitude is *intrinsic* to the structure of imputative justice.

The theological concept of justification, *qua* independent from the structure of imputative justice, is the overcoming of the incertitude related to imputative justice (including the discharge from a negative imputation). But, attention: "overcoming" does not mean "solution"; the theological concept of justification is not the satisfaction of the need of certitude concerning imputative justice; on the contrary, it is an operation *on this need*: the revelation of and as justification *qua gratia* (priority over any "correspondence "being" and "ought") is the revelation of the impossibility for this need of certitude to be satisfied within the conditions of sense of imputative justice. In sum, divine justification is the revelation

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<sup>15</sup> Otherwise, we would face the absurdity of an "ought" whose frastic would be infinite, for it would formulate *every possible accomplishment* of itself. On the contrary, the "ought" embraces *synthetically* all possible accomplishments, in the analogous way as a law of nature is the synthetic formalisation of all possible events submitted to this law.

<sup>16</sup> The action, the accomplishment of an "ought", has a validity which is only circumstantial and not absolute – precisely because this validity depends on what defines the accomplishment in general, and not in specific. Thus "Der Handelnde ist immer gewissenlos, es hat niemand Gewissen als der Betrachtende" (Goethe 1953, 241).

<sup>17</sup> For instance, this is the case of the famous dilemma of Benjamin Constant, concerning whether it is preferable to answer the truth, and, hence, revealing to a murder the presence of his victim, or tell a lie and hence save a human life. On this, see Vestrucci 2012, 44-46.

<sup>18</sup> E.g., when the same case passes from the first degree of judgment to the second degree of judgment (the appeal).

<sup>19</sup> In Vestrucci 2006 I analyse this hermeneutical nature of the *imputatio*, and I present a possible formalization for this "uncertainty principle" inherent to imputative justice.

of the limitedness of this need, and, thus, of the limitedness of the structure of imputative justice.

Therefore, the theological concept of justification is the effort of thinking divine justification as the starting point of the reflection on the *theological* limitedness of imputative justice. It is the effort of thinking the fact that applying the structure of imputative justice to God's justification means producing a *fallacy*, given that the result is a concept that either negates its own origin (this origin being God's justification), or is non-theological. In sum: the theological concept of justification expresses the fact that we think about justification in the light of the justification that God reveals, and not in the light of the general structure (condition) of conceptualization and thinkability of justification. As such, the theological concept of justification plays a *meta-conceptual* function.

## 6. From *Absolutus* to *Subjectus*

Before analyzing in what this meta-conceptual function does consist, let's return once again to the *content* of the theological concept of justification, in order to better understand the distinction between non-theological and theological concepts of justification.

The non-theological concept of justification, as much as every judgment of imputation (being it in intuitive or counter-intuitive compliance with imputative expectations), implies the fact that the judgment is *definitive*. Precisely for this reason this judgment is sought by the *iustitiarum*: because it is the ultimate determination of the *iustitiarum*'s condition. Clearly, this definitiveness is not *a priori* (given the hermeneutical nature of whichever verdict), but *a posteriori*: once the judgment is formulated, the justified one is no more under judgment; he or she can leave the *forum*. Yet, leaving the *forum* means ceasing to be related to it, and this is the *opposite* of what Luther understands as "justification": justification means being *submitted* to and under the power of divine *gratia*, not being free *from* this power; it means being bound to the *forum caeli* (by using a juridical metaphor) – precisely because this bond, the relationship with God and His revelation, is the source from which we can speak of justification *theologically*; it is the condition from which the meaningfulness of this whole topic ("divine justification") depends.

The definitiveness of the verdict is the evidence that the imputative judgment is just a *moment*, a moment that follows from what precedes it (this "what" being the object of judgment), given that the judgment has the task to establish the *deontic* interpretation of this "what". On the contrary, divine justification is the "genesis" of every possible moment in its theological sense – i.e. in its relation to divine justification. For this reason, divine revelation, the divine bestowment of justification, in sum, God's revelatory initiative towards

humans, marks the distinction between "before" the *iustificatio* and "after" the *iustificatio*: because it is the condition for thinking life as renovated, restarted, in the light of the bond with this divine initiative. In sum, there is not such a thing as a *theological* "before" divine *iustificatio*: before divine *iustificatio* there is just thinking justification in imputative terms, i.e. as a moment, as a consequence, and not as a condition, as *gratia*.

In light of this, it seems preferable to change vocabulary from the imputative one, when it is question of the concept of divine justification. Luther uses frequently "forgiveness", especially in the formulation "promise of forgiveness" (619,1-3,16-21; 663,12-18; 682,15; 714,18-20; 772,40-773,1...). The term "forgiveness" makes intuitively clear that the theological concept of justification has nothing to do with the verdict of "*Absolutus!*", because the only thing to be "*absolutus*" is the divine power of forgiveness (justification) itself, *not* the forgiven (justified) one. Rather, from the theological standpoint, the judgment of justification would be "*Subjectus!*", which negates precisely the discharge, and affirms that the forgiven is forgiven *because* it is bonded to sin, and *hence, ex ante*, because it is bonded to and by divine justification<sup>20</sup>.

Therefore, the *renascentia* of the *iustificatus* does not mean that one is no longer bonded to sin – but that one is *aware* of such sinful condition. So, there is no "beyond" or "before" or "after" the *forum*, when it is question of divine justification: everything happens *within the forum* (under divine justification) – because the *theological* thinkability of everything depends on this *forum*. Thinking divine justification means never leaving the *forum*, and, simultaneously, it means thinking this constant reference to the *forum*. Hence, the concept of divine justification has nothing to do with the freedom to leave the *forum*, the *freedom* as discharge; rather, it is the evidence and the expression of the *formal freedom* to overcome the validity of imputative justice, to think justification as *gratia, i.e.* as unconditioned by any juridical structure, and consequently as source of thinking this unconditionedness, and, consequently, the limitedness of such structure.

In sum, the term "forgiveness" is preferable not because it is better to substitute a cold juridical image with a tender, loving, consoling one<sup>21</sup>; but, rather, because it can overcome the dimension of definiteness informing the concept of justification. It shows intuitively that the theological concept of justification has nothing to do with the verdict, nor with the "you are", but it has everything to do with the "I will", with the constant return to the source of this forgiveness. As such, the theological concept of justification is the evi-

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<sup>20</sup> This is the same to say that there is no certitude of "justification", there is no assurance of being saved but in the form of the revelatory awareness of the condition of sinfulness, in the relationship with revelation as such, and hence also in the 'certitudo' of being sinner.

<sup>21</sup> As it seems to be the fashion of today (see Scott Clark 2006, 269, 272).

dence and the affirmation that the language of the concept of justification cannot be the same anymore, because it cannot be "free" to operate independently from divine revelation – as much as the forgiven one is free to be dependent on the *gratia* of forgiveness.

## 7. Back to the Historical Investigation on Justification...

The previous reflections help to better understand both historical and systematic aspects of the issue of justification.

As seen, the historical aspect concerns which of the three meanings of justification is Luther's.

In light of what analyzed, the forensic one is certainly the closest to Luther's position. But with a very strong, and very important, limitation: the theological concept of justification cannot be considered *strictly forensic*, because it *operates* on the structure on which the forensic sense depends. The theological concept of justification is the *affirmation* not only of the theological limitedness of the condition of the non-theological concept of justification, but also, of the fact that the only concept of justification compatible with such limitedness consists in *dismantling* the structure of imputative justice, i.e. the language on which any forensic metaphor depends.

This has repercussions on the other two versions of justification.

The meaning "effective justification" focuses on Luther's reference to the *renascentia*. But, as seen, this *renovatio* does not mean that one becomes suddenly *iustus*, because being *iustus* means being no longer *peccator*. On the contrary, both aspects are objects of divine revelation, *both aspects depend on divine justification*. This is confirmed by the fact that Luther excludes any distinction between the terms of *imputare* and *reputare*, between the concepts of *imputation* (concerning the realization of the "ought") and of *consideration* (concerning the "being" of human life). More precisely, Luther uses the verb *reputare* as a synonym of the verb *imputare*<sup>22</sup>. This is confirmed by the fact that Luther uses them in the same argumentation (when he analyses Rm IV,4-5 and 8, in 772,11-18)<sup>23</sup>. The exclusion of this distinction confirms that Luther does not consider the *iustificatus* as

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<sup>22</sup> On the lack of semantic distinction between *imputare* and *reputare* (see Scott Clark 2006, 280 note 48).

<sup>23</sup> Luther's text: "Altera est fidei iustitia, quae constat non operibus ullis, sed favente et reputante Deo per gratiam. Ac vide, quomodo Paulus nitatur verbo reputandi, ut urgeat, repetat et inculcet. Ei (inquit) qui operatur, merces non reputatur secundum gratiam, sed secundum debitum, Ei vero, qui non operatur, credit vero in eum, qui iustificat impium, reputatur fides eius ad iustitiam secundum propositum gratiae Dei. Tum adducit David itidem de *reputatione* gratiae dicentem: Beatus vir, cui non *imputavit* Dominus peccatum etc" (my emphases).

*iustus* in imputative terms, *i.e.* as discharged. On the contrary, the *iustificatus* is so precisely because the imputation (the relation to the "ought") is not annulled but, rather, elevated to a *theological* sense precisely by the justification; in sum, the *iustificatus* is constantly submitted to the power of God's judgment (God's wrath<sup>24</sup>) *because* he is constantly bound to the divine promise, he is constantly *within* the *forum*, constantly "*Subjectus!*"<sup>25</sup>. Thus, the *renascentia* means that every possible predication of life's *sense* is inevitable and irreversibly modified, because it begins anew with, and, thus, it depends on, God's revelation of and as justification.

Finally, the ontological-theotic meaning. I analyze it by taking back the relationship between *favor* and *donum*. As seen, the Finns present two versions: either the *favor* has the priority over the *donum* (for it clarifies that what is received is indeed a *donum*); or the two aspects of *favor* and *donum* are equipollent (for the real presence of Jesus Christ in the believer depends on their interrelation). I see difficulties in both options. The first option neglects that it is the *fact* of the *donum* what allows to *know* about the donor; the *donum* creates the relationship between who receives and Who gives (see Askani 2011, 142). Therefore, the *provider* "depends" on the *donum* in order to *be* (said as) such provider (see Askani 2011, 144): the *donum*, the revelation of and as justification, makes the bond, and, thus, it is the source of thinking about God as justifier and about the human being as justified. Therefore, it is precisely because justification is unconditioned by the structure of imputative justice, and, thus, theologically *gratia*, that it is a *donum*; and, vice-versa, it is precisely because it is a *donum*, that it is the source, the origin, of my theological thinking about it as *gratia*.

Yet, this does not mean that the *donum* has the priority over the *favor*; rather, it means that there is no distinction between *donum* and *favor*. The problem with the second option consists precisely in not being radical enough to consider the aspect of the change (*donum*) *coincident* with the aspect of the judgment (*favor*). The two aspects are not just interrelated: they are one and the same. On the one hand, it is impossible to speak theologically of justification (*favor*) without considering it as a *donum*, as *gratia*, *i.e.* without considering it as (conceptually) independent, absolute (*i.e.*, based on *nothing else* than this *donum* itself). On the other hand, it is impossible to think about the change (the *renas-*

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<sup>24</sup> See Peura 1998, 62. Wüthrich 2016, 244 presents an indirect – and probably unaware – answer to the attempt of the Finnish school to conciliate a Lutheran conception of justification with an orthodox conception of theosis, by stating the impossibility to synthesize the two.

<sup>25</sup> Again: for Luther, *renascentia* coincides with having faith, and, thus, with justification, not with sanctification. (see Wengert 2012, 308 note 294). Therefore, it is not the question of a supposed "ontological transformation" (see Bielfeldt, 2016: 15), if this transformation is intended as passage from a situation of sin to a situation of sanctity.

*centia*) as something distinct from the bond that justification creates, given that the change *is* this bond, it is the fact that divine justification is, now, the source of thinking about the limitedness of the structure of consequentiality that defines the non-theological meaning of justification. In sum, the change is the fact of thinking about justification *theologically*, i.e., *from* divine justification.

### 8. ...And Back to the Systematic Analysis

This clarification leads to the systematic aspect.

All three versions of justification are somehow limited. Each one speaks of "justification", i.e. in each case it is the question of a specific meaning of the concept of justification. Yet, as seen, formulating the theological concept of justification means operating *on* the condition for the non-theological conceptualisation of justification. This operation consists in making such condition conditioned, dependent, re-moved, by divine justification, i.e. by what would be, in standard situation, the *object* of this condition.

This means that it is theologically *irrelevant* which of the three meanings of justification is the right one. Rather, what matters theologically is *how* the conceptualization of justification (no matter in which meaning) operates. This "how" corresponds to assuming God's gracious initiative as *priority over* the conceptual structure of justification. It corresponds to expressing and attesting, by and in each possible conceptualization and meaning of justification, that such conceptualization of justification is *moved* by the absolute, un-sourced, un-originated, *freedom* of God (see Askani 2011, 152), freedom *that is* divine justification. Vice-versa, this "how" means that the concept of divine justification shall acknowledge and say that the possibility of itself (i.e. the possibility of formulating the concept of divine justification) depends on what is conditioned by no condition of conceptualizing justification *theologically*. In other words, what matters theologically is not which meaning of justification does say better *what* divine justification is; rather, what matters is *how* a concept of justification can say the absolute, unconditioned, *gratia*, of divine justification.

This is the meta-conceptual function of the theological concept of justification: a function that a concept (of justification) plays *on the conceptualization* itself (of justification). By stating the priority of divine justification over the condition of every possible conceptualization of justification, the theological concept of justification reminds to theological conceptualization (on justification) that the language of justification shall constantly *affirm* its own dependency on divine *gratia* alone, and thus, it shall constantly *negate* its being in compliance with the structure of imputative justice.

More precisely, this meta-conceptual function consists in the exclusion of the "*self-justification*" for any possible theological concept of justification – where by "*self-justification*" I intend the validation of a concept by the application of its conditions of conceptualization. The theological concept of justification affirms its own *non-self-justification*, since such formal procedure implies the unconditioned validity (and the unaltered, unchanged preservation) of the structure within which justification is conceptualized and has meaning. So, the structure of any possible meaning of the concept-justification is the *object* of the theological concept of justification.

This discourse seems paradoxical (a concept operating on its own conditions generates a loop), but this is due to the fact that, in the case of the theological concept of justification, the operation *on* the conceptual level is possible only by *using* the conditions of this conceptual level, because this operation depends on *a* justification (the divine one) that is *not* one of the products of these conditions. In other words, the conditions for conceptualizing justification are used *on themselves* – they *think themselves theologically*. Thus, the paradoxical outcome is avoided thanks to the fact that the purpose of the theological conceptualization of justification is *not* the formulation of the most fitting concept of divine justification, but it is the expression of the impossibility of every possible concept of justification to say justification *qua gratia, qua* independent on any structure of conceptualization, and, thus, *qua* source of this conceptualization itself.

In sum, the theological concept of justification *impedes* God's justice to be subsumed and made adequate to human forms of justice, precisely because the theological concept of justification is possible only by *overcoming* this supposed adequacy of God's justice to the structure of imputative justice – only by submitting this supposed priority of human conditions of thinkability and conceptualization under divine justification<sup>26</sup>.

Thus, all three central meanings of divine justification are limited because they focus on the conceptual aspect, neglecting the "meta" function that informs the theological conceptualization of justification. The problem in all three cases is the concentration *not* on the theological limitedness of the language of imputative justice (to which all three versions refer precisely by using the term "justification"), but, rather, on the elevation of *a* meaning as conceptual exhaustion of divine justification itself – i.e., of the exhaustion of the *source* of all three meanings themselves. This is what equates all three positions: all of them are *formally* identical, because they equally assume as unconditioned, absolute, *not* divine justification, but the structure of conceptualization of justification (no matter in which

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<sup>26</sup> For this reason, some (e.g. Gregersen, 2005) think that the relevance of the doctrine of justification has come in detriment of the relevance of the message of and as divine revelation – not only in the case of theology in general but also in the case of Luther scholarship.

meaning). Precisely because of this formal identity, the undecidability between the three versions is unsolvable.

And this means that, vice-versa, it is *not* divine justification to be either forensic, or effective, or ontological-theotic; rather, it is *our understanding* of divine justification to be either forensic, or effective, or ontological-theotic. This can be exemplified by the famous debate between Ritschl and Holl on whether justification is a synthetic judgment or an analytic judgment (see Härle 1974; Rostagno 2015, 78-87). According to Ritschl, the predication of justification has the form of a *synthetic* judgment because justification is not implied in the subject of the predication (human being is *not* "recht" in itself, it is *made* "recht" – recht-fertig)<sup>27</sup>. According to Holl, justification has the form of an *analytic* judgment: the subject is predicated in the light of its justification, thus it is "recht" for the sake of God's judgment. The fact itself of the existence of an undecidability to which form of judgment divine justification belongs is, again, the evidence that each position makes divine justification dependent *now* on the analytic form, *now* on the synthetic form – in sum, that each position considers the *conditions* of (either synthetic or analytic) judgment on justification as unconditioned. Thus, analyzing which form of judgment is God's justification means, actually, analyzing which form of judgment is *our conceptualization* of God's justification. It is *not* God's justification, but *Ritschl's* or *Holl's* formulation of the concept of God's justification to be, respectively, synthetic or analytic.

### 9. Beyond the "Articulus" Complex

My perspective on the *form*, and not the content, of the theological concept of justification, and, from this, on its *formal* function, helps to address also the issue of justification as the "*articulus stantis et cadentis ecclesiae*"<sup>28</sup>.

I claim that the central role played by the theological concept of justification within theology does *not* refer to the fact that this concept is a sort of "theory of everything", a sort of "axiom" (see Mc Grath, 1984) from which all possible "theorems" of theology can be deduced and systematized. Rather, this centrality refers to the fact that this concept is the only possible affirmation of the *fact* that no matter which theological concept of justification shall attest the priority of divine justification over all conditions of conceptualization of justification – and, thus, over all "self-justified" axioms of theological conceptualization.

I exemplify this by referring briefly to Jüngel's position on justification.

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<sup>27</sup> Again, this implies a semantic distinction between the imputatio and the reputatio, which, as seen, can be object of criticisms at least in reference to the *De servo arbitrio*.

<sup>28</sup> For a short survey on the sources of this motto, see Mc Grath 2005, vii note 1.

Jüngel seems to conceive the doctrine of justification precisely as a method for grasping theology in synthetic unity, as a sort of axiomatic structure apt to found, and to validate, all possible theological statements. He writes: "Wer Skopus und Fundament erfaßt, der hat das Ganze [sc. of the truth of the Gospel] erfaßt. [...] Um das *Ganze* zu erfassen, muß man also keineswegs *alles* erfassen, was zu diesem Ganze gehört. Eines genügt. Denn Skopus und Fundament sind ein und dasselbe, nämlich die Rechtfertigung allein durch den Glauben" (Jüngel 2003, 70; see Jüngel 2005, 32). No surprise that this passage follows directly from Jüngel's reflection on the problem of the "*assecutus*" (605,6-14), the passage in the *De servo arbitrio* where Luther discusses a sort of "theological" hypothetical-deductive structure of reasoning.

Anyway, I distinguish two possibilities for Jüngel's position: either it concerns the *doctrine* of justification, or it concerns the *event* of divine justification. In the first case, if the doctrine of justification is the synthesis of all truths of Gospel, then a theological conceptualization *on* the Gospel itself is also a conceptualization starting *from* the fact of divine revelation, it is *ex post* the *ex ante* of the Gospel; but this is an incoherence, for it means that divine revelation *needs* the formulation of the concept "Rechtfertigung allein durch den Glauben" in order to be grasped (in sum, the *ex ante* depends on an *ex post*). On the other hand, concerning the event of justification: in this case the synthesis of no matter what is possible to say on the Gospel shall refer to the *Rechtfertigung* itself. But again, an incoherence: being justification the fundament, then all possible reflections start *from* it, and, thus, they cannot refer *to* it.

Regardless of the distinction between doctrine and event of justification, saying that the fundament is *erfasst* by and *as* the concept of justification means that justification defines the boundary of theological language and, thus, it is *identical* to any other possible boundary-definition. In other words, the Gospel is no longer identical to this fundament precisely because this fundament is the *result* of a reflection *on* the Gospel: this fundament, this synthetic unit, is a concept *on* the Gospel. My position is different: the theological concept of justification has nothing to do with grasping the synthetic unity of all possible theological statements, but, rather, it is itself the representation of the fact that no matter which theological definition of an axiomatic system cannot be played *over* the Gospel, for it is played *from* the Gospel. And this means that there is no such a thing as an axiomatic system for theology, because (if we still want to talk in terms of axioms) it means that theology is a reflection *on* the self-validation ("self-justification") of all possible axiomatic structures in the light of what does not depend on any of them – this "what" being, of course, the graciousness of divine revelation (of and as justification).

In other words, it would be indeed licit to say that divine justification is the fundament of all reflections on the Gospel *iff* by "divine justification" we mean the fact that language is defining *not* a fundament, but the theological *limitedness* of all fundaments (about justification) – in short, *iff* we mean that the synthetic unity does not concerns what is said *on* the Gospel, but rather what is said *on language itself* in light of the Gospel (e.g. as "what is not divine revelation", or, concerning divine justification, as "what cannot formulate a justification unconditioned from the structure of imputative justice").

I conclude.

Perhaps our theological *Zeitgeist* will progressively exclude the primacy of the concept forensic justification by qualifying it as arbitrary doctrine (see Scott Clark 2006, 272). Or, perhaps, our *Zeitgeist* is be the terrain on which the forensic justification will be revalued (see Wüthrich 2016, 240-241)<sup>29</sup>. Again, the opposition between these two interpretations is irrelevant – because it is irrelevant what is the specific *Rangordnung* between the concepts of justification, *i.e.* which concept is the more actual, the more *Zeitgenössig*. Rather, what is relevant is that, for no matter which concept of justification, this concept shall be *theological*: it shall be the warning of the fact that any theological concept *of* justification comes *from* divine justification, as product of a language *always already overcome* by its source. In sum, no matter which concept, if it is and it wants to be *theological*, can only be the reminder of dismissing all pretensions to present a foundation and validation for this concept itself; it is the reminder of the fact that this concept is always already *object* of, and it always already comes *from*, the *gratia* of divine justification.

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<sup>29</sup> This thesis seems to neglect the current debate on the ageing of, and the consequent attempts to overcome, the forensic sense of justification. Moreover, I think that Wüthrich's idea that justification is not compatible with the "modern understanding of freedom" (Wüthrich 2016, 243) is at the same time true and false: it is true, because theology is not a philosophical speculation on freedom; and it is false, because this "modern understanding of freedom" is precisely the object of the theological effort of understanding human freedom in relation to God's freedom.

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