A Book Worth Discussing

In the Spirit

Candace Kohli, *In the Spirit: Human Subjectivity under Law and Gospel*, Reconstructions in Lutheran Doctrinal Theology. Eugene, OR: Cascade Books, 2024.

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ABSTRACT: This essay examines Candace L. Kohli's *In the Spirit: Human Subjectivity Under Law and Gospel*, part of the Reconstructions in Lutheran Doctrinal Theology series. Kohli's work is focused on the life of the Christian in the wake of divine grace in Luther's later theology and his dispute with Johann Agricola over the role of the law in salvation. The review traces Kohli's central argument that Luther made a significant pneumatological discovery in his study of the Gospel of John, identifying the Holy Spirit as the author of the law and the animating power of penitence in the life of the justified sinner. Particular attention is given to Kohli's recovery of the medieval framework of penitence as reinterpreted by Luther. The review also situates Kohli's work alongside Simeon Zahl's *The Holy Spirit and Christian Experience* as part of a broader movement recovering affective experience as a legitimate category for theological inquiry. The essay concludes with pastoral reflections on the implications of Kohli's argument for congregational formation, confirmation ministry, and the spiritual development of young people, drawing on the author's experience in parish ministry in the Episcopal tradition.

Introduction

What spiritual resources are available to the Christian for moral and ethical life? Given that God does everything in justification, what is the role of human subjectivity? What is the character of human agency in the light of divine grace? Such recurrent questions in Christian life are particularly pressing for those who do theology following the legacy of Martin Luther. *In the Spirit: Human Subjectivity under Law and Gospel* by Candace L. Kohli, published as part of the Reconstructions in Lutheran Doctrinal Theology series, makes a substantive effort to address these questions and has the potential to be a rich resource for theological discourse, pastoral

ministry, and theological formation at both the individual church and parish levels.

Summary

The book focuses on Luther's later work and particularly on his dispute with his former student and friend, Johann Agricola, over the place of the law in the order of God's saving action in Christian life. Kohli argues that in the course of this controversy Luther "made a significant pneumatological discovery" in the Gospel of John in that Luther discovered that the Spirit is the "author of the law" and acts through the law in both justification and the Christian life which follows justification.[1] The Spirit is both the originator and the active power of the law. The Spirit uses the law to direct and guide the Christian at the point of the interior life and the affections. Kohli argues that Luther developed a nuanced view of penitence which focused on the role of Spirit driving the Christian to a continual life of repentance and reliance on Christ. The Spirit uses the law to direct the Christian to the gospel before and after justification.

Method

Kohli's method partly situates Luther within the world of Renaissance and medieval theology.[2] She carefully reads Luther not as a modern or premodern thinker but as both representative and innovative within the theological framework that he inherited. She charts how the Holy Spirit began to take a more prominent role in Luther's theology during the course of the 1530s based on study of John's Gospel. This more pronounced pneumatology allowed Luther to locate a role for human agency "between the anthropological and moral philosophical extremes of the medieval Scholastics and the Antinomians."[3] Spurred by Agricola and fueled by fresh insights from his study of John, Luther clarifies rather than abandons the Scholastic tradition regarding theological anthropology.

Human Agency as Penitence

Kohli illuminates Luther's later work by highlighting the connection and interplay between the Holy Spirit, the law, and "human moral capacity."[4] Kohli maintains that the observance of the law does not justify the sinner nor is the will of the sinner capable of keeping the law. Her concern lies in how the Spirit, as author of the law, uses God's commands for sanctification after justification. Observance of the law

1. Kohli, Candace L. *In the Spirit: Human Subjectivity Under Law and Gospel*, Reconstructions in Lutheran Doctrinal Theology. Eugene, OR: Cascade Books, 2024. pg. 96.
2. Kohli, 3.
3. Kohli, 4.
4. Kohli, 5.

after justification does not get based on will or reason but rather the work of the Holy Spirit in the internal life of the Christian. Thus, Kohli "rehabilitates" Spirit-directed human agency in Luther's thought.[5]

Kohli does this by mapping how Luther upholds and clarifies the medieval focus on penitence (*poenitentia*) as inner and affective experience in response to God's commands. Penitence, as such, manifests as both sorrow and good intention.[6] The medieval theology that Luther inherited regarded penitence in terms of three sacramental actions—contrition, confession, and satisfaction. These three actions were required for absolution before it was spoken by a priest. Andreas Stegman argues that as early as 1519, Luther worked to revise this medieval framework.[7] Luther relocates the gift of divine grace earlier in the sequence at the point of contrition. As Luther determined, divine grace occurred not due to satisfaction of priestly absolution but in the experience of contrition in the sinner. Absolution comes as the explicit communication of the work of God in contrition, and satisfaction gets discovered in the daily activity of the sinner's life after justification. Luther avoids abandoning the medieval tradition, and instead redefines it with greater attention and deference to the work of the Spirit.

Throughout the work, Kohli defines *poenitentia* as "penitence" to acknowledge that Luther has in mind the medieval inheritance of penance in his arguments for what Stegmann calls "evangelical penitence."[8] The language, actions, and even the order of penance are retained, but the intervention of divine grace occurs earlier in the order with the emphasis on the action of the Spirit in the heart of the Christian. Luther significantly modifies the medieval framework while maintaining a useful way of understanding Christian life after justification.

As the first part of this affective experience of contrition, sorrow is the sinner's internal response to the accusation of the law.[9] As Luther writes, "The first part of penitence, sorrow, is caused solely by the law."[10] Luther responds to Agricola who separates sorrow from contrition. For Luther, the law drives the sinner to the gospel in the continual experience of sorrow. The law escalates the suffering of the sinner, which compels the sinner to seek Christ.

Good intention follows sorrow. As in the case of sorrow, Luther understands good intention in affective terms: "to hate sin out of love of God truly is a good intention."[11] Good intention subsists as an expression of faith when one desires to

5. Kohli, 20.

6. Kohli, 63.

7. Stegmann, Andreas. *Luthers Auffasung vom christlichen Leben*. Beitrage zur historischen Theologie 175. Tübingen: Mohr/Stiebeck, 2014. pg. 249.

8. Stegmann, 251.

9. Kohli, 66.

10. *Luthers Werke: Kritische Gesamtaugsgabe: Schriften*. 65 vols. Weimar: H. Bohlau, 1883-1993.39/1:345.22-3.

be more aligned with Christ in thought, feeling, and action. Luther states that "faith is the principal good intention from which afterwards the rest of the good works flow as fruits and endure for the entire life."[12] As law operates in sorrow, faith operates in good intention. Thus, as Kohli points out, Luther describes a nuanced view of good intention, which gets lived out over the whole of the Christian life. Faith not only operates in good intention but also necessitates a renewed "epistemic need for the law" as the Christian puts their trust in God's determination of the good and the bad. Good intention includes both negative (being repelled by what God hates) and positive effects, which results as a desire to seek what God commands.[13]

Kohli makes clear that this positive affective desire does not emerge as a function of the intellect, which remains blind in Luther's theology. The blind intellect must have a guide toward the good. The role of human agency in this understanding is passive in that the Spirit is working through the law while also being active as the Christian responds to the prompting of the law in a repulsion to the bad, which is part of the same chain of affection as the faithful desire toward the good. Before justification, the law accuses, but after justification, the law has a different function for the justified: "it encourages them to the good."[14]

Third Use?

Kohli's interpretation of Luther regarding the law and good intention inevitably evokes the perennial and contentious debates about the third use of the law. She addresses this by citing Norman Lund's *Luther's "Third Use of the Law"*: "Luther's comments here problematize the dogmatic rejection of a third use of the law in Luther scholarship. Complicating the entrenched position among Luther scholars, Lund identified 12 distinct positive uses of the *salutarum usus legis* for sanctification in the Christian life in Luther's arguments."[15] She implies that the traditional debates about the third use hinder the Luther's exploration of the Spirit in the antinomian controversies. Relying on Luther himself and Lund's positive use of the law described as *lex hortetur ad bonum*, she proceeds to describe in detail how the law functions after justification.[16]

In Kohli's view, law does not disappear under the gospel but "is transformed in human experience through the move from law to gospel. Law no longer terrifies. Instead, it serves an epistemic purpose to reorient the good intention toward good."[17] Law and gospel operate in the good intention of the Christian not by

11. WA/ 1:393.5-6.

12. WA 39/1:472.9-11.

13. Kohli, 68.

14. WA 39/1:474.21-22.

15. Lund, Norman. *Luther's 'Third Use of the Law' and Melanchthon's Tertius Usus Legis in the Antinomian Controversy with Agricola (1537-1540)*. PhD diss., University of St. Michael's College, 1985. pg. 199.

16. Kohli, 68.

means of intellect, will, or good work but rather as the experience of sorrow and good intention as manifested by the work of the Spirit through the instrument of law and in gospel faith. She describes not the strength or ability of the Christian but rather the reorienting action of the Spirit within the heart and personality of the Christian. As such, one wonders how Kohli's argument could be countered without reducing the role of the Spirit in Christian life.

Kohli makes clear that as Luther carried forward the medieval language and progression of penitence, he also maintained that all people are born with a corrupted nature. All people contain within them the *fomes peccati*, or the "tinder of sin."[18] Luther inherited Lombard's distinction between original sin and actual sin. Luther describes this inheritance of sinful inclination as an "ember" of sin that continues to burn after justification.[19] Kohli remains interested in how the Spirit guides and empowers the Christian to confront this "ember" of sin, which is always a threat to flame up into actual sin. Overall, Kohli avoids dwelling on the "third use" question in what seems a wise attempt to focus on direct engagement with Luther and his revision of the medieval doctrine of penance.

A Christian Youth

Kohli utilizes a story that Luther tells about a "Christian youth" who grapples with the ongoing inclination to sin. Luther creates this character and then welcomes the reader into the character's interior life as the youth considers his inclinations and the commandments of God against fornication, adultery, and passion. This character encounters a beautiful young woman, and Luther invites the reader into the character's thoughts. First, the young man pragmatically acknowledges that if "still strong in his youth" if he meets a beautiful young woman, he will have strong feelings toward her. This survives as an involuntary response "unless I were a total tree trunk." As this story details, Luther doesn't get enough credit for being funny.

Upon acknowledgement of this inevitable attraction to the beautiful young woman, the youth becomes compelled to reckon with God's injunction against sexual sin. Struggling with this contradiction between sinful inclination and God's command, the youth exclaims in prayer:

> Get behind me, Satan! Do not speak! No, do not rule, flesh! Be completely silent! You should not persuade me or incite me to fornication, adultery, passion, or to do any other shameful acts against my God in this way. Instead, I will wait until God will give a woman to me whom I love! I will make an end with her! I will leave her to her bridegroom and family.

Luther interprets this prayer as "Christ's and the Holy Spirit's." The youth prays

17. Kohli, 69.
18. Kohli, 104.
19. WA 39/1:501.8

"that he might not enter into temptation,"[20] certainly an evocative example of the purgative power of the Spirit that confronts the sinner with the disjunction between his sinful inclination and God's command. The pain of this contradiction generates in the heart a genuine desire not to sin, which occurs as a genuine desire to avoid sin in obedience to God. Of course, the sinner often fails to convert this desire into action, but the desire remains real and as a form of agency. Kohli displays concern with the inner world of affection rather than the production of good deeds or moral action. The story of the Christian youth demonstrates Luther's introduction of "the sanctifying law" into the antinomian controversies. The sanctifying law orients the sinner to the discontinuity of his inclinations and exhorts the sinner to the good. This arises as a function of the law that occurs after justification and is different from the accusing law, which is operative before justification.[21]

Thus, the Holy Spirit possesses the capacity to recreate the will and fill "it with new affections aligned to the law."[22] The Holy Spirit enters into the personality of the Christian and empowers the Christian to attempt to resist the lingering temptation to sin. Where before the Spirit worked by imputation before justification, the Spirit now works in purgation,[23] or the daily experience of dying to sin that cannot be done by the will but rather by the operation of the Spirit in the personality of the sinner as the Spirit spurs the Christian to battle against sin.[24] This results in a pastorally rich recovery of prayer as the locus of the Spirit's purgative work within the personality of the Christian.

Context

In the Spirit comes as part of a larger move to defend and examine the interaction between doctrine and experience. Other works, such as Simeon Zahl's *The Holy Spirit and Christian Experience*, argue for the affective aspect of Christian doctrine and the relevance of the Spirit's affective presence in Christian experience, or what Zahl calls "the affective salience of doctrines."[25] Zahl argues for the requirement of this reexamination of experience in our time as Christian doctrines become increasingly unknown or remote for an increasing number of people. Of particular criticality for theology in the legacy of Luther against the dominant theological consensus that fundamental doctrines such as justification by faith are "inherently cold and rationalistic" and legal fictions have no bearing on the contemporary experience of Christians, Zahl and Kohli defend such fundamental doctrines by

20. WA 39/1:500.16 - 501.6,9-11

21. Kohli, 111.

22. Kohli, 114.

23. Kohli, 118.

24. Kohli, 119.

25. Zahl, Simeon. *The Holy Spirit and Christian Experience*. Oxford: Oxford University Press, 2020. pg. 4.

recovering experience as a valid area for theological investigation. Both show tremendous interest in how the Christian responds to the guidance of the Spirit and approaches the law and gospel in an emotional register.[26]

Conclusion

The author organized this book well and offers precise writing; however, one does wish that the argument might progress at a somewhat more deliberate pace instead of simply leaving the reader wanting more at times. Like the larger series to which it belongs, *In the Spirit* does not intend to read as a defense of Luther or a work of nostalgia but rather a "critical retrieval" of how Luther contributes to our understanding of human nature and how the Spirit guides the Christian after justification.[27] As such, Kohli has created a vital book for anyone interested in how the Lutheran tradition has influenced our understanding of theological anthropology.

As a pastor, I find this work helpful in guiding parishioners to be attuned to their experience of the Spirit. The most helpful pastoral insight from *In the Spirit* may be the positive nature of penance, grief, and sadness over sin. Our culture wants to deny, wish away, or overcome these essential experiences of Christian life, and too many of us suffer with our sin in isolation. For those of us who habitually seek to stifle or externalize supposedly negative feelings, we may take solace in the powerful good news that considering these negative experiences may be evidence of the work of the Spirit in our innermost self. This development of theological language for negative experiences may be especially useful for ministry with young people, a factor not lost on Luther, especially when realizing that Luther interestingly deploys the dramatized experience of a young person as an example of how the Spirit works through the law in the life of a Christian.

At St. James's Episcopal Church in Jackson, we continue to work to develop and expand our Confirmation program, which has been shortened and marginalized within the life of the congregation over several decades. Recently, we convened about twenty leaders to study the Confirmation service in the *Book of Common Prayer* and the definition of Confirmation in the Catechism of the Prayer Book. The requirements for Confirmation outlined in the Catechism are that: "...those to be confirmed … are sufficiently instructed in the Christian Faith, are penitent for their sins, and are ready to affirm their confession of Jesus Christ as Savior and Lord."[28] We were surprised that penitence resides in such a prominent place in the requirements for Confirmation.

26. Zahl, 46.

27. Kohli, x.

28. *The Book of Common Prayer and Administration of the Sacraments and Other Rites and Ceremonies of the Church* (New York: Church Publishing, 1979), pg. 860.

That surprise does not come due to a lack of clarity in the Prayer Book tradition, which gives penitence a prominent place in public worship, daily devotion, historical documents, and the Catechism. I suspect that we are like many congregations who have forgotten this aspect of the theological inheritance shared among Lutherans and Anglicans. In our Confirmation project, we do the kind of critical retrieval that the Reconstructions series also pursues. In this case, what we try to retrieve is the role of the Spirit in nurturing penitence in Christians following justification.

While the youth of St. James's have different lives than the youth that Luther imagines, their interior life and their affections remain much the same. They exist as adolescent human beings coming into greater consciousness about themselves, the world around them, and all the factors that shape their thoughts and experience. Like the youth of Luther's imagination, they struggle with the discontinuity between their inclinations, their actions, and the people that they want to be. Candace Kohli's interpretation of Luther's role of the Spirit possesses the potential to help them develop a theological grounding for their experience and reliable language for a lifetime of penitence and, most importantly, an understanding of the Spirit's relationship to human experience to guide them toward Christ.

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