

THE LAW AND THE GOSPEL IN LUTHERAN THEOLOGY

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A NON-LUTHERAN friend of mine sent me the account of an inter-denominational meeting in which a fire broke out. The reactions of each denomination were predictable. The Presbyterian elected a chairperson, whose task was to appoint a committee to report to the Session. The Methodists pondered the implications of the fire for the blessed assurance of salvation. The Roman Catholics took a collection for rebuilding. Baptist were heard asking loudly where was the water. The Congregationalists cried out: "Every man for himself." The Lutherans decided that the fire was against either a) the law or b) the gospel, and was in any event unlawful. That indelicate introduction may have been on the mind of your planning committee in having a Lutheran lead off on the topic of the law and the gospel.

Simply through over use I have developed a dislike for theological cliches. My unfavored ones include 'word and sacrament' and 'means of grace', but my most favorite unfavored remains 'law and gospel'. Reciting cliches provides no guarantee that the sublime realities which they intend to represent are presented. I am sure that we agree that the law and the gospel should be preached, but I am not so certain that the use of a cliché, including this one, accomplishes the task. Somehow even more experienced preachers can ascend the high pulpit and use the law and gospel cliché and by doing only this have preached neither the law nor the gospel. The real challenge is to preach the law and the gospel without ever using these terms. By themselves each of these terms is open to misinterpretation. Such phrases as 'gospel ministry', 'gospel preaching', 'evangelist', which is only the Greek derivative for 'a gospel preacher', can in common parlance refer to revivals and revivalist preaching, which can be strongly law orientated. On the other hand the invitation to live by the gospel can be no more than an enticement to moral license without any imperatives whatsoever.¹

¹A certain John Agricola taught that repentance was not to be taught from gospel and not the law. This position was condemned by Formula of Concord V and VI, the articles on the law and the third use of the law. *The Book of Concord*, tr. and ed. by

I would like to address the following subtopics under the heading of the law and the gospel: (1) The law and the gospel as a characteristic of Lutheran theology. (2) How does the law and gospel relate to our understanding about God? (3) Overcoming the contradiction between the law and the gospel. (4) The traditional three uses of law with special attention to the third use. (5) The law and the gospel as a hermeneutical instrument. (6) The law and the gospel as a homiletical device.

1. *The Law and the Gospel as a Characteristic of Lutheran Theology*²

The law and the gospel expresses the human dilemma in which the Christian experiences what he can only understand as a contradiction in a God who hates and loves him at the same time.³ St. Paul to contrast his former life in Phariseeism and new life in Christ speaks of the bondage of the law and the freedom of the gospel. Paul's use of these words in this way does not prevent him from using these words in other ways and should not be made normative for the rest of the Scriptures. Law can refer to the first part of the Old Testament canon or the entire canon. The psalmist (Ps 1:2) who delights and walks in God's law is not as much morally self-confident, as he finds confidence in the salvation of God's people as recorded in the Pentateuch. Torah is the account of Israel's redemption from the bondage of Egypt with the promise that God will continue to act redemptively in behalf of his people. Torah, the written law or Scripture, is what we would call gospel, the promise of salvation, in the phrase the law and the gospel. In the New Testament law, *nomos*, can also be a synonym for the gospel, as in the phrase the law of Christ.⁴ Gospel can mean the message Jesus preached, the message about Jesus, or one of the four books about

Theodore G. Tappert (Philadelphia: Fortress, 1959) 558–68. This edition of the Lutheran Confessions is simply called 'Tappert'.

²For an extensive discussion, see Werner Elert, *The Structure of Lutheranism I* (tr. Walter A. Hansen; St. Louis: Concordia, 1962) 17–178. Elert's section on the law reflects Lutheran thinking with its title "Under the Wrath of God" (17–50).

³Cf. Eugene F. Klug, "The Third Use of the Law," *A Contemporary Look at the Formula of Concord* (ed. Robert D. Preus and Wilbert Rosin; Saint Louis: Concordia, 1978), 187–204, esp. 188–89. "Luther could not have put their existential tie in the sinner's life more graphically than when he compared the Law to the upper grindstone and the Gospel to the lower grindstone. The Law crushes pretension of self-achieved righteousness out of the human breast; the Gospel breathes life and forgiveness into the smitten breast."

⁴For a detailed discussion of law, *nomos*, see *Greek-English Lexicon of the New Testament I*, ed. Johannes P. Louw and Eugene A. Nida (New York: United Bible Societies, 1988). In Rom 5:13 it is used of regulations (395). In John 10:34, *nomos* is used of the Old Testament Scriptures (395–96). In Rom 8:2 it is used for principle and in the first case refers to the gospel and the second the law: "For the law of the Spirit of life in Christ Jesus has set me from the law of sin and death" (426–27).

Jesus, which contains both law and gospel.⁵ Taking an oath by the gospel is taking an oath by the first four books of the New Testament Scriptures. In this sense both gospel and law (*nomos*) can refer to written Scriptures.⁶ We should not even bother ourselves in saying that Old Testament is law because it predominates the message there and that the New Testament is gospel for the same reason. Historically these words have been manipulated to cause theological confusion. For Marcion the law represented the inferior revelation of the Old Testament to be replaced by his narrowly defined canon of the New Testament as the gospel. Whether this manipulation was done ignorantly or deliberately, Marcion's procedure has reappeared under other guises.

For Martin Luther the law and the gospel expressed his own existential experience, not totally unlike that of St. Paul. The law described the early period of life in which he attempted to convince himself of personal salvation through works prescribed by medieval Catholicism. This contrasted with the new found freedom in the gospel of the Reformation. For him the catholicism of his day offered the gospel as if it were the law. The Roman Church did not deny the fundamentals of the faith, but presented them as demand. Luther's resolution of his personal dilemma by the Biblical data which promised freedom and not demand in the gospel was perhaps more than any other factor the primary cause of the Reformation.⁷ Law was demand and the gospel was God's free gift in Christ. In these senses we use these words in this essay.

If Luther resolved the dilemma of the law and the gospel theologically, he never resolved it existentially. For as long as he lived he understood himself as standing condemned and forgiven before God at the same time. It was not simply a matter of being rescued once, at one time, from law's condemnation by the gospel's emancipation. As long as he lived he was weighed down by the law from which he was freed by the gospel. The contradiction can be resolved theoretically, but never really within human experience. The law and the gospel are simultaneous words of God to the Christian and not subsequent ones. The resolution of the tension between the law and the gospel is their destruction. Lutheran theology uses the Latin phrase *simul iustus et peccator* to express this existential dilemma.⁸ Even the mature Christian

⁵John Wenham, *Redating Matthew, Mark & Luke* (Downers Grove, Illinois: IVP, 1992) 235.

⁶For a discussion of terms in a Lutheran perspective, see Francis Pieper, *Christian Dogmatics* III (tr. Walter W. F. Albrecht; St. Louis: Concordia, 1953) 222-24. Pieper is developing an argument presented in the Formula of Concord VI (Tappert, 478).

⁷Luther's Reformation discovery is associated with what has been called his 'tower experience'. There is scholarly debate as to the date, but none to its being the turning point in his formation of his principle of justification. See E. G. Schwiebert, *Luther and His Times* (St. Louis: Concordia, 1950) 145-96.

⁸See Pieper III, 228-35, "Law and Gospels as Opposites."

never feels himself free from the sin and its curse. Christians die as much sinners as they do saints. Next to the person of Jesus Christ, no person has been the focus of more books than Luther. His contribution to theology, language, culture, government, and education is simply unmatched. Close to death, Luther was asked by his colleague Justus Jonas, "Reverend Father, are you willing to die in the name of Christ and the doctrine which you have preached?" He answered a distinct "Yes," heard by all in the room, and sank into a coma.⁹ Among the notes found on his desk, which may have been his last written words: "The truth is, we are beggars."¹⁰

The law and the gospel did not express a chronological sequence but an existential awareness of God in which he finds himself as saint and sinner at the same time.¹¹ Lutherans should be a little uncomfortable with the line in "Amazing Grace" that "I once was lost but now I am found."¹² A profound sense of spiritual forsakenness persists as long as the Christian lives. In the confession of sins preceding the celebration of the Sunday Holy Communion, the Christian prays as a lost and condemned sinner that he does not deserve to be forgiven, but asks that God would receive him for the bitter sufferings and death of God's Son, Jesus Christ.¹³ He is always in the position of penitent David praying Psalm 51: "Have mercy upon me, O God, according to thy tender mercies. Against thee only have I sinned and done this great wickedness in thy sight."¹⁴ He is always like Isaiah praying that he is a person of unclean lips. He is the unworthy centurion under whose roof Christ dare not come. He is Peter confessing sin and being restored.¹⁵ The Christian forgives seven times seventy, because God in Christ has far exceeded that number. Within the liturgy of the Lutheran church, it

⁹Schwiebert, 750.

¹⁰John M. Todd, *Luther: A Life* (New York: Crossroad, 1982) 370.

¹¹This point is made by Lowell C. Green, *How Melancthon Helped Luther Discover the Gospel* (Fallbrook, California: Verdict, 1980) 263. In speaking of the Christian as *simul iustus et peccator*, Luther "retained the paradox but meant instead that the believer was a sinner in the eyes of the world but was a just person in the sight of God and under God's forensic declaration for the sake of Christ and His righteousness. . . . This insight of the reformers [Luther and Melancthon] was tragically confused in ensuing years. If some seventeenth-century dogmatists not only tended to distinguish justification and sanctification but also to separate them, the eighteenth century pietists went to the opposite extreme. They thought one was a sinner and then a just person (in a before-and-after arrangement) rather than simultaneously sinful and just through forensic justification."

¹²This hymn by John Newton is found in *Lutheran Worship* (St. Louis: Concordia, 1982) 509.

¹³*Lutheran Worship*, 138-39.

¹⁴The conclusion of Psalm 51, "Create in me a clean heart, O Lord," ordinarily precedes the celebration of the Holy Communion (*Lutheran Worship*, 143-44).

¹⁵In the Order of the Confessional Service of *The Lutheran Hymnal*, the Christian as a penitent sinner is to compare himself with David, Peter, the sinful woman and the prodigal son (St. Louis: Concordia, 1941) 48.

is not impossible to pray the Lord's Prayer several times: "And forgive us our trespasses as we forgive those who trespass against us."¹⁶ The Christian cannot escape the contradiction of the God who rejects him for not fulfilling the law and at the same time loves him in Christ. The law and the gospel theme is problematic simply because of this contradiction and is theologically troublesome because of the attempts to resolve this contradiction. This contradiction must be addressed.

The law and the gospel theme is more crucial for understanding the genius of Lutheran theology as it leaves the Christian in a continued unresolved contradiction of being a sinner, even though he has been declared a saint by the gospel. *Lex semper accusat*, the law always accuses,¹⁷ traditionally known as the second use of the law.¹⁸ Lutherans are hardly alone in understanding the law as accusatory, but it characterizes their approach as its major use or so it seems. The Reformed have traditionally put the weight on the third use of the law as a guide in Christian life. The Arminians have down played the law in favor of the gospel, but still the emphasis is on the Christian life with the possibility of moral progress or even perfectionism, though perfectionism is a goal never realized.¹⁹ The Lutheran position is perhaps the most philosophically unsatisfying because the Christian is continually confronted by a God who hates and loves him at the same time. He cannot escape it. This allows no sense of self-satisfaction or accomplishment. He sees himself going nowhere. He is always starting all over again. He is not the saint who occasionally sins, but the saint who feels himself in such a constant state of siege that he still understands himself as sinner. Such a view in which the law and the gospel are severely contrasted may however actually be the emotionally most satisfying, because it explains the human dilemma of knowing that we never really do what is required of us.

At this point the Christological factor must be introduced. Certainly there can be no suggestion that Christ is a sinner, but like the Christian who is at the same rejected and accepted in the law and the gospel,

¹⁶The Lord's Prayer is used by Lutherans at Baptism and Ordination and in the Holy Communion and the minor services of Matins, Vespers' Morning Prayer, Evening Prayer, and Compline. According to Luther's Small Catechism it is to be prayed along with the Ten Commandments and the Apostles' Creed by the family in Morning and Evening Prayer and also before and after meals (*Lutheran Worship*, 305).

¹⁷Apology IV, 38 (Tappert 112). "For the law always accuses and terrifies consciences. It does not justify, because a conscience terrified by the law flees before God's judgment."

¹⁸*Lex est Deus accusans et damnans; evangelium est Deus absolvens et iustificans* (Pieper III, 250).

¹⁹This position came over into Lutheranism through Pietism which had roots in Reformed theology and was akin to English Methodism. For a scholarly discussion of Pietistic influence in Lutheran theology, see Carter Lindberg, *The Third Reformation* (Macon, Georgia: Mercer, 1983) 131-78, "The 'Second Reformation'—Pietism."

Christ in his atonement is accepted and rejected by God at the same time. He who is abhorrent to God on account of our sin is the sweet smelling sacrifice. He who is slain by God is also raised by him. Christ becomes a paradigm for the Christian's life. He experiences to the extreme what the Christian does in his daily life, a dilemma which he cannot escape.²⁰ This severe contrast or dichotomy between law and gospel, of being rejected and accepted by God, can degenerate into an unbridled dualism with disastrous consequences in any ontological understanding of God. We must attempt to address this question next.

2. *How Does the Law and Gospel Relate to Our Understanding about God?*

While the law and the gospel are intended to describe man's dilemma and not a contradiction within God, it is imperative to focus the category of law and gospel back on God himself. If his revelation to man can be described by the categories of law and gospel, can God be described in these terms? Let us answer this question in a preliminary way. Apart from the law-gospel category, I can have no authentic experience or valid knowledge of God, but this contradiction cannot possibly exist in God. Marcion and Gnosticism resolved the contradiction philosophically in favor of the gospel by degrading the law. The Old Testament as law was seen as an inferior revelation in comparison to the New Testament as gospel. From that it followed that the New rather than the Old gave us the true picture of God. In fact different deities were posited for each testament.²¹ This view resulted from a theological failure which required linguistic manipulation in assuming that the law referred solely to the Old Testament and the gospel to the New. It was only a minor confusion, but resulted in creating a religion that simply was not Christian. Dispensationalism has faced this dilemma not by a multiplicity of gods, but by positing periods or epochs of different revelations. God chooses to unveil different motives or plans of salvation. In its simplest form the religion of the gospel has replaced the religion of the law, though most forms of dispensationalism are more complex than this. No change is attributed to God, but to the way in which he deals with man. This approach in resolving the contradictions or differences at least raises the question of why the same God chooses to act in different periods of time in different ways. A similar approach

²⁰See my "The Concept of *Anfechtung* in Luther's Thought," *Concordia Theological Quarterly* 47 (1983) 15-29.

²¹Aloys Grillmeier, *Christ in Christian Tradition I* (2nd rev. ed.; tr. John Bowden; Atlanta: John Knox, 1975) 99. "Marcion is characterized by extreme dualism. In his '*Antithesis*', in complete contradiction to the Christian tradition from which he came, he assumed the existence of two gods, one of the Old Testament and another of the New."

is offered by *Religionsgeschichte* which in comparing religions sees an evolutionary process in man's search for God. Influential for any modern evolutionary theory of religion is Schleiermacher who assumed the religion of the law in the Old Testament was inferior to the gospel of the New.²² German theology has never been able to escape this evolutionistic thought in religion in which the New Testament in offering the gospel is seen as superior to the Old Testament. We might quibble with their definition of the gospel, but the gospel regardless of how it is defined was viewed as superior to the law. The names of Adolph von Harnack and his step-disciple, Rudolph Bultmann, could also be mentioned. With both men Pauline theology with its clearer dogmatic outlines is seen as a regression from the pristine simple gospel of Jesus. Dispensationalism resolves the difficulty in favor of the epistles.²³ All these views share in common the attempt to resolve the tension between the law and the gospel by applying them to periods of time. Thus it is not uncommon to hear that God of the Old Testament was vengeful and wrathful, but the God of the New is loving. Though this does not intend to be a presentation in Biblical theology, I contend that it may be just the reverse should be argued. The God of the Old Testament was more patient and hence more loving than the God of the New Testament. The command to exterminate the Canaanites is no more severe than the warnings of Jesus that Jerusalem shall be leveled to rubble. This I offer for the sake of argument, as God is consistent in his love. As inadequate as these answers attempted by some (e.g., Marcion, Schleiermacher, dispensationalism) were in resolving the tension of the law and gospel, they did recognize how uncomfortable tensions are in theology, especially as they apply to God. The question is whether the law or the gospel are equal revelations of God.

This question becomes crucial. If we say that the law and the gospel have nothing to do with what God is in himself, then we are pushed in the direction of agnosticism. But if we say that the law and the gospel are revelations of God with equal force then we are forced into a dualism of seeing a God with competing motives to love and to hate at the same time, a form of Manicheanism. If we see law as primary, we seemingly deny the God whose ultimate revelation is in man's salvation. If we choose the gospel, we are threatened with anti-nomianism.

²²Cf. James Dahl, "Friedrich Schleiermacher and His Renunciation of the Old Testament," a lecture delivered and distributed at the Midwestern Conference of the Evangelical Theological Society at Grace Theological Seminary, Winona Lake, IN, 20 March 1992. Dahl is an assistant professor at Trinity Seminary, Deerfield, Illinois and developed the lecture from a Ph.D. dissertation in process.

²³The point was made in a lecture and defended by Myron J. Houghton, "Law and Gospel in Dispensational Tradition," given at the Midwest Evangelical Theological Society Meeting, Grace Seminary, Winona, Indiana, March 20, 1992.

Here lies a reason for the divisions within Christendom, even if it lies unrecognized beneath the surface.²⁴

3. *Overcoming the Contradiction between the Law and the Gospel*

In the phrase the law and the gospel, the law is interpreted as requirements and prohibitions, what man is and is not allowed to do. Even a minor infraction incurs a penalty. The ultimate penalty is eternal separation from God. The Levitical laws set forth requirements and prohibitions with corresponding penalties and sacrifices. Thus the inescapable impression is that God is to be understood chiefly in terms of prescriptions with rewards for favorable behavior and penalties for transgressions.

The view provided by the gospel is that God chooses or elects Israel and continues to love her in spite of her failures. These failures are not merely ritual misdemeanors but gross blasphemies. But even ritual misdemeanors reflect a fundamental disregard for God. Minor regulations reflect larger principles. The ban against muzzling the ox is an extension of the higher principle that refusing to pay a salary commensurate with the work is stealing. In spite of all the spiritual felonies and liturgical misdemeanors, God preserves the remnant. The love of God then comes to its fullest expression in the incarnation, atonement, and resurrection of Christ and embraces all and not just Israel. From this picture the law is seen as negative in demanding and punishing and correspondingly the gospel is seen as positive in giving what the law demands. This distinction between the law and the gospel is called by the Formula of Concord V "an especially brilliant light."²⁵

But which of these contradictory pictures is the true picture of God? Is God to be understood through the law or the gospel or both, but in a particular order? The Apology of the Augsburg Confession (IV 38) says the law always accuses: *lex enim semper accusat*. But this statement could not be true in an absolute sense. It speaks of man in the state of sin, the condition which he has experienced since the fall and will endure to the last day.²⁶ In this condition everyone is born and dies. Before the fall the law did not condemn and at death the law loses its authority. Even in this life the Christian as saint is not condemned by the law. Though law appears to man in the state of sin as

²⁴Pieper discusses the differences that Lutherans have with Roman Catholics, the Reformed, and synergists under the category of the law and the gospel (I, 247–52).

²⁵Tappert, 558.

²⁶Lutherans distinguish man in the state before the fall, after the fall, regeneration and resurrection. Formula of Concord II (Tappert, 469). The law does not accuse in the first and the last conditions. In the condition of regeneration man as he is regenerated is not condemned, as sinner he is.

demanding and punishing, law as it exists in God is neither demanding nor punishing, but it is the positive affirmation expressing God's relationship to his creation. The transformation of law as positive affirmation into demand and punishment was caused by man's transgression. Within himself God is not an accumulation of moral negatives, but is throughout perfect love.

Understanding the law as positive affirmation is understood by man only during his brief stay in paradise. He knew God as his creator, accepted his responsibility for creation, and procreated. He was prohibited from stepping out of this positive relationship with God. But this prohibition is not arbitrarily superimposed on man to test him, but was simply the explanation or description of what would happen to man if he stepped outside of the relationship with God in which he was created. The indicative was its own imperative. Pardon the poor illustration, but it would be similar to the prohibition of shaving with an electric razor in the bathtub. This action imposes its own penalty. This is quite different from murdering someone. There the penalty must be superimposed from the outside.

Disregarding the prohibition is an unsatisfactory description of the cause of man's fall, if it suggests that God placed a negative in man's life. In the positive relationship man knew God's will and could do it. By stepping outside of the created order man brought calamity upon himself. The act provided its own consequences. In attempting to become like God he placed himself outside of a positive relationship with God, so that now God is seen as the enemy placing unjust demands upon him.²⁷ The First Commandment prohibiting the worship of other gods is in no sense the arbitrary act of God determined to exercise sovereignty, but only the natural or logical consequence of the oneness of God. What was totally positive is now seen as completely negative by man. The law in this primitive, positive sense is a necessary and not alien or inadequate reflection of God's essence. The law is not a code of arbitrary restrictions placed by a capricious God on man.²⁸

The Ten Commandments are afterthought in that they address man in his fallen condition. The law had to be set forth negatively because man in a state of sin could no longer understand God as he is. Even the negative expression of the law which man knows in the state of sin is an inverse reflection of the law in its original positive forms. Because

²⁷See my "Formula of Concord: Article VI," *Concordia Theological Quarterly* 42 (1978) 145-55.

²⁸At the end of his explanation to the first commandment in his Large Catechism, Luther writes: "Let it suffice for the First Commandment. We had to explain it at length since it is the most important. For, as I have said before, where the heart is right with God and this commandment is kept, fulfillment of all the others will follow of its own accord" (Tappert, 371).

of sin we are looking in from the outside and see an entirely different picture of God. The law which could be viewed as the positive relationship of God and man is now seen by man as an impossible burden. Man whose entire existence was committed to God must be told in uncertain terms that all other gods have no existence and dare not be worshipped. In paradise polytheism was not even in the range of possibilities. Outside of paradise all sins were not only in the range of possibilities, but became realities.

Sin transformed the law. For example the command not to murder reflects that God is life. This and the other negative assertions of the Commandments do not have an eternal origin in God, but are the positive commands of God reflecting his eternal nature, now transformed and translated into terms which man in the state of sin can understand. Even here the negative commands are bifurcated. Man can regulate his outward behavior by refraining from the evil prohibited by these negative commands, the so called first or civil use of the law, but he cannot control his inner and true self. He cannot put God before himself. The same law, which controls man's outward behavior, is addressed by God to man's inner self so that he becomes aware of his estrangement from God and his moral incapacity. This is known as the second use of the law. For the sake of his own sanity, he can ignore the law's piercing of his inner being or he can delude himself into believing that he has actually fulfilled it. In other cases he pretends it does not exist. He lives an amoral life with no reference to God or any law.

In the condition of sin, man is on the outside looking in. The gates of heaven and paradise are shut. He, not God, is responsible for his exclusion, for seeing law as a negative intrusion in his life. The "thou shalt not's" are of man's own doing. Now Christ enters into man's situation, takes his place, fulfills the law perfectly not only by refraining from all immorality but by doing positive good and then suffering the full consequences of man's fall. Christ understands and accepts God's no and yes in his life. Christ's fulfilling of the law becomes the gospel's content. Only where Christ in his atonement continually and always is preached is the Gospel being preached. By faith man is set within a positive relationship with God and man is free from the curse of the law and fulfills God's law both positively and negatively. Where Christ as living sacrifice and atonement as the end and completion of the law is not preached there is no gospel. There is no church. There is no salvation. But though the law and the gospel look contradictory to man in a state of sin, there is no contradiction in God. The God who created the world out of love and set man in a positive relationship with himself is the same God who redeems the world out of love. But the divine love revealed in the gospel not only has its origin in God's creative love for the world, but in God himself. The God who loved the world

in sending the Son is the same God who created the heavens and the earth. The Trinitarian doctrine is distorted beyond recognition when the Father is seen as the expression of law within God and the Son as love. God is love and the eternal generation of the Son from the Father, the creation of the world with its positive expression of the law, and the Gospel must be understood in terms of love. Thus God's redemption of the world must never be seen as incidental to God's essence, as if he did not want to do it or was even forced to do it. He wanted to do it and he wanted to do it because he is love. The gospel is the final revelation and expression of who God is. We are not dealing with different gods in the law and gospel or even different dispensations, but with the same God.

Even the translation or transformation of the law from positive description and affirmation into negative prohibition is an expression of divine love. By the horror of the law with its demands and punishments, God intended that man should be diagnosed as sinner to be receptive to the gospel.²⁹ In no way does God intend the law to be his last word to any man, even the man who is rejecting Christ. As severe as the law is, the law is God's alien work in that it does not reveal to us what God is really like. It is a saving work because it brings man to the depths of desperation where only the gospel can help him.³⁰ Rejecting the gospel is worse than any offense against the law, because it is not merely the refusal to conform to a divine code, but the rejection of God's free gift in Jesus Christ. Sins against the law have been covered by the atonement. Man's rejection of the atonement is not.

*4. The Traditional Three Uses of Law with Special Attention to the Third Use*³¹

Problematic is the use of the law in the Christian life, traditionally called the third use. Does this mean that since the Christian now lives his life freed from the law by the gospel, that he is free from directives of the law? Or is the opposite true? Is the law reintroduced as a regulating phenomenon in the Christian's life? There is no argument in Lutheran theology that the civil use of the law regulating outward behavior remains in force for everyone, including Christians. No better proof of this reality exists than driving along at 80 mph and seeing the red and blue lights of a state police car behind you. A letter from the IRS has the same effect. Since the law always accuses the sinner, it

²⁹Formula of Concord V (Tappert, 560).

³⁰In Lutheran theology the gospel is offered through preaching, Baptism, the Lord's Supper, the Office of the Keys [Absolution], and the church (Smalkald Articles III, IV; [Tappert, 310]).

³¹The three uses of the law are spelled out in Formula of Concord VI (Tappert, 563).

continues to function in this way in the life of the Christian who remains as much a sinner as a saint, *simul iustus et peccator*. The liturgy of the Lutheran Church following that of the ancient catholic and orthodox church allows for the worshipper continually to confess his sins and receive absolution. The daily commemoration of Baptism in Luther's *Small Catechism* requires that the old man die each day with all its evil lusts and desires and a new man be daily resurrected.³²

Confusion on what is meant by the third use has led to its rejection by certain Lutheran theologians.³³ This is somewhat of an internal embarrassment, since the third use of the law is entitled to a separate article in the Formula of Concord, the definitive confessional document for Lutherans. For others the third use of the law has been interpreted simply to mean that the first and second uses of the law remain in force. Such a view is not the Lutheran one, even though some Lutherans have claimed this definition. The introduction of the law into the life of the Christian seems a legalistic intrusion denying the freedom of the gospel or turning the gospel into law because the gospel requires or demands certain types of behavior. In answering this ticklish question for Lutherans, I would like to make reference to Luther's understanding of the Ten Commandments in his *Small Catechism* as a way out of this dilemma. The reformer's explanations of the commandments, with the exception of the first and sixth, have two parts: negative prohibitions and positive requirements. Thus the one on killing prohibits bodily harm to our neighbor and requires providing for his physical needs. The one on stealing prohibits any attempt, even if it legal, to obtain the neighbor's property. Rather he is required to help the neighbor improve it. Luther by not mentioning outward robbery and murder assumes that the Christian simply will not do these things. Gross immorality is out of range for the Christian, but refraining from it does not even begin to fulfill the commandments. Any harm to the neighbor breaks the commandments. You may not rob the neighbor, but if you manipulate law or contract to deprive him of his property, you stand condemned. Perhaps Luther's delineation of the law of God to less than blatant transgressions is acceptable by all. But Luther reverses the negative prohibition into the positive requirement of helping the neighbor, especially in his distress. The prohibition against cursing God becomes a requirement to pray. Instead of saying foul things about our neighbor, even if they are true, we are to put the best construction on everything. Luther's explanation of the first and sixth commandments have no prohibitions whatsoever. He turns the first

³²Tappert, 349.

³³The problem is alluded to by Hans Schwarz, "The Means of Grace," *Christian Dogmatics* (2 vols.; ed. Carl E. Braaten and Robert W. Jenson; Philadelphia: Fortress, 1984) 2:275.

commandment around so that the prohibition against idolatry becomes an invitation to faith. What was law is now gospel. About the sixth commandment Luther makes no mention of adultery, but says that spouses should honor and love one another.³⁴

In my estimation Luther's positive intensification of the commandments is the work of theological genius. His explanation of the commandments are addressed to Christians, not non-Christians. They have nothing to say to civil law. Rather they are addressed to Christians as sinners and saints. Man as a sinner cannot escape the negative prohibitions of the law, but at the same time the Christian is addressed as a saint, taken back to that original paradise situation in which he loves God and his neighbor. The Christian, since he is in Christ and Christ in him, even before he becomes aware of the possibility of fulfilling the law, is actually fulfilling the law.

Has Luther manipulated the Ten Commandments beyond their recognition by following the negative prohibitions with positive suggestions? Here is the law in its pristine sense as positive requirement as it was known before the fall into sin. Here is the law as it was fulfilled in Christ. All of the positive descriptions of the law in the Christian's life are really only Christological statements, things which Jesus did and which reached their perfection in him. The fulfilled law is Christological, as its is the account of the life and death of Jesus. He loved God with his whole heart, he prayed to God, he heard the word of God and kept it, he honored his parents, he helped those in bodily distress, he lived a life of pure thoughts, he provided for those in financial distress, he spoke well of others, he had no evil desires.³⁵ Christ is the fulfillment of the law not only in the sense that all the Old Testament prophets spoke of him, but he is the positive affirmation of what God requires of us and what God is in himself. In Christ the tension of the law and the gospel is resolved.³⁶

Luther's understanding of the commandments as positive Christological affirmations are similar to the parable of the Good Samaritan, though I could hardly demonstrate any influence this pericope was on the reformer's mind. The commandments are not really fulfilled by refraining from the prohibited evil, but helping the stricken traveler. Thus Christians should be embarrassed into making any unwarranted

³⁴Tappert, 342–44.

³⁵As mentioned above, Luther said that if man knew the first commandment, he would not need the others. For a discussion on the significance of Luther's Small and Large Catechisms, see *Luther's Catechisms—450 Years* ed. Robert D. Preus and David P. Scaer (Fort Wayne: Concordia Theological Seminary Press, 1979).

³⁶I have discussed this matter at previous times. "Sanctification in Lutheran Theology," *Concordia Theological Quarterly* 49 (1984) 181–95; "Sanctification in the Lutheran Confessions," *Concordia Theological Quarterly* 53 (1989) 165–81.

claim to moral perfection for themselves. They should be so engaged in positive good that they have no time to think about their personal morality or holiness.

How did Luther come to such a radical contradiction which required that the Christian think of himself as total sinner and as a person who accomplished only the good things which Christ did? He took the first commandment with its prohibition against idolatry and turned into an invitation to faith: "We should fear, love, and trust in God above all things." The first commandment is transformed into a statement of the gospel.³⁷ But the reformer was not playing fast and free with the commandments, as in Exodus the commandments really begin with a statement of redemption: "I am the Lord your God who brought you out of the land of Egypt, out of the land of bondage."

5. *The Law and the Gospel as a Hermeneutical Instrument.*

The law and the gospel cannot be looked upon as providing the hermeneutical key to every pericope in the Bible. Hermeneutics is too complicated a procedure to be resolved by a simple method. It can however tell the reader ahead of time what he should expect to hear about his condition before God.³⁸ If he does not find himself in the terrible dilemma of standing condemned and forgiven by God at the same time, he may conclude that he has misunderstood the Scriptures.³⁹ Luther in understanding Hebrews as providing no salvation for those who had fallen into sin rejected it from the canon. This was a radical decision on his part that might have been resolved by a reexamination of the pericope in question, but it does demonstrate the seriousness in which he understood the law and the gospel. The same is true of his rejection of the Epistle of James, which he understood as teaching works as a way of salvation.⁴⁰

³⁷"As I have often said, the trust and faith of the heart alone make both God and an idol. If your faith and trust are right, then your God is the true God." Luther's Explanation to the First Catechism (Large Catechism; [Tappert, 365]).

³⁸Robert D. Preus, "Hermeneutics of the Formula of Concord," *No Other Gospel* (ed. Arnold J. Koeplin; Milwaukee, Wisconsin: Northwestern, 1980), 330-32. The law and the gospel are "used to counter false and unevangelical practices which undermine the gospel, to combat rationalist or legalistic exegeses, and positively to offer a setting for the presentation of articles of faith."

³⁹The Formula of Concord V claims that the law and gospel are to be used in understanding the Scriptures. "The distinction between law and Gospel is an especially brilliant light which serves the purpose that the Word of God may be rightly divided and the writings of the holy prophets and apostles may be explained and understood correctly" (Tappert, 558).

⁴⁰For a critical appraisal of Luther's view on James, see my *James the Apostle of Faith* (St. Louis: Concordia, 1983).

6. *The Law and the Gospel as a Homiletical Devise*

Law and gospel must also be understood as the basic homiletical device in the church.⁴¹ The sermon must reflect the tension created by the God who condemns and redeems the Christian at the same time. The hearer must never be allowed to fall back on the laurels of his own morality or spiritual accomplishments. The listener is pummeled continuously by the law and the gospel. Testimonies of spiritual greatness must be replaced by the proclamation of God's fulfilling of his own law in Christ and the freedom which is now given the Christian in Christ. The law and the gospel should be seen as the key to man's existential self-dilemma in understanding himself and his relationship to God. If the universal atonement means anything, it means that God had satisfied all of the law's requirements, its demands and penalties, in the person of God's Son, Jesus Christ. The law no longer can describe how God views man. The gospel can never be nullified.⁴² The gospel is never conditional, since incarnation and atonement are permanent realities with God. Our moral and spiritual failures do not trigger a negative response in God so that he returns to the old covenant.⁴³ The former agenda of penalty is not reinstated. This has been satisfied once and for all. For what reason is anyone now condemned, if the law is not in effect? A great condemnation awaits those who reject God's free gift in Christ. Under the covenant of

⁴¹The Formula of Concord V, "Law and Gospel," is set forth primarily as an article on the preaching of God's word (Tappert, 479-81).

⁴²A document entitled, "The Condemnations of the Reformation Era: Do They Still Divide," was produced by Lutheran and Roman Catholic theologians with the suggestion that the historical division of the Reformation period was no longer applicable. The theological faculty of the University of Goettingen responded negatively. A subsection of the opinion entitled "Justification," demonstrates how Lutheran theology is dependent on the law-gospel distinction, especially in its understanding of justification. See *The Lutheran Quarterly* 5 (Spring 1991) 1:15-30. The following is the classical Lutheran position. "Thereby his being justified, which he is in God's judgment, stands in contradiction to his experience of himself, according to which he can know himself only as sinner as long as he lives. He is always both at the same time: justified in his relationship to God and sinner according to his quality (*simpl iustus et peccator*). In Christ the believer is separated from his sin, so that he can pray daily for forgiveness of persistent sins" (17).

⁴³At the Midwestern Evangelical Theological Meeting at Grace Seminary, Winona Lake, Indiana, March 20-21, 1992, it became evident that the law-gospel distinction, in precisely this order was characteristic of Lutheran theology and not other traditions which either reverse the process or see a gospel-law-gospel distinction or which overlook the category. To show the importance of this category in Lutheran theology, the Formula of Concord V condemns any confusion on this article. "Hence we reject and deem it as false and detrimental when men teach that the Gospel, strictly speaking, is a proclamation of conviction and reproof and not exclusively a proclamation of grace. Thereby the Gospel is again changed into a teaching of the law, the merit of Christ and the Holy Scriptures are obscured, Christians are robbed of their true comfort, and the doors are again open to the papacy" (Tappert, 479).

the law, we failed to do what God required. Those who reject the gospel have not failed to fulfill a requirement, that would make the gospel only another law, they have rejected what God has freely done. Sinners are accepted by Christ. Those who reject him are not.

Two sayings are attributed to Luther. He promised a doctor's cap to any one who could rightly distinguish between the law and the gospel.⁴⁴ Even theologians who can dogmatically distinguish between them cannot preach it. The other has to do with good works. The Christian does not need the motivation of the law simply because he is so busy doing good works. Still the motivation of the law is there, but not law as demand, punishment, and reward, but law as fulfilled in Christ.⁴⁵ In spite of the terrible spiritual agony Luther experienced as long as he lived, he was not a dour, gloomy or sullen person, as some other reformers were reputed to be. Quite to the contrary he never overcame some of his crude peasant speech, which today would be looked upon by some as signs of an unsanctified life. When faced with his own greatness, he said that God brought about the Reformation while he and Melanchthon drank beer. He was annoyed with Melanchthon's obsession with minor sins and urged him to do something really sinful: "sin boldly." As a hymn writer, where the brine of the middle ages merged with the sweet waters of the Reformation, Luther was unmatched. He spoke about the Christian merrily going about his business and doing good. The law and the gospel is the secret to understanding Luther. No longer is my chief concern restraining from moral evil and then coming to the conclusion that I have lived a sanctified life and thus triumphed. Christians are never free from sin, but they are so busy doing good, that even when they fall into sin as they do good, this is all covered by grace.⁴⁶

⁴⁴"Now him who is adept at this art of properly dividing Law and Gospel set at the head of the table and declare him a Doctor of the Holy Scriptures." St. Louis Edition IX:802. Quoted from Pieper III, 242.

⁴⁵Formula of Concord VI:5 (Tappert 564). See also Pieper, III, 237.

⁴⁶For a discussion of just this point see my *James, the Apostle of Faith*, (St. Louis: Concordia, 1983) 66-9, esp. 67. "The Law has been fulfilled not through a divine sovereign act of arbitrary abrogations but by Christ's satisfying the divine requirements of the Law with its demands. Thus the Law is not presented to the Christian with its demands only, but also with the fulfillment of these demands. To the non-Christian the Law appears revealing the wrath of God because he has not yet recognized Christ as the Law's perfect answer." The reader may wish to consult my "Theses on Law and Gospel," *Springfielder* 37 (June 1973) 53-63.