

THE NEW MAN AND THE OLD IN THE BELIEVER: God's New Covenant in the Christian Life of Sanctification

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1. If we are to speak of the workings of the new man and the old in the believer, that is at once to confront several problems of long standing in the church that pertain to the motivation and content of the new life in Christ and involve the use of law and gospel in the Scripture's paradoxical manner of presenting God's will for sanctification to us. Perhaps we would better say kerygmatic than paradoxical, for the Scripture proclaims—which is what the word “kerygma” means—rather than presents, and is less interested in harmonizing the various statements of its proclamation than we who, given the intellectual cast of the human mind, devote much energy to harmonizing, sometimes at the expense of the proclamation.

2. Thus the Scripture is at ease giving us sanctification in one place as the gracious work of God in the believer, and in another as the grateful response of the believer to God. Christ is here spoken of as the end of the law, there as one who has come not to abolish but to fulfill. The Christian life is freely described as life without law, again as life under law. Now this same life is given to us as indicative of the Spirit within, then as imperative of the Spirit from without. The image of God in renewed man is described in terms both of being and becoming, the new man in the believer both as being complete and as “being formed” within him. The new life of the believer is at the same time a hidden and a manifest thing.

3. What we are saying is that these different ways of speaking do exist side by side in the Scripture as they bear on the workings of the new man and the old in the believer, and that, while we will take pains at all times to define and speak correctly in these matters, at the same time we will not want to make our rigorous distinctions and definitions the whole message to the exclusion of the preaching of sanctification, “for this is the will of God, your sanctification” (1 Th. 4,3).

4. If it be asked which is the greater evil, to fail to distinguish correctly the Word of truth or to fail to proclaim the message, we must reply that the choice is false, and that either is a frustration of God's purposes. That is to set the church between a rock and a hard place, a Scylla of unproclaimed Word and a Charybdis of doctrinal indifference, both of which we may well steer clear of. The need in the church is for a clear and positive proclamation of sanctification, as Missouri theologian Franz Pieper noted many years ago: “The pastor who does not exalt the glory of Christian works deprives his congregation of a precious gift and commits a grievous sin.”

5. As an illustration of the foregoing this essayist recalls almost twenty years ago as a seminary student when it was the custom to devote one spring day of the senior year to the practical concerns of stewardship and evangelism, and for this purpose the chairmen of the two respective Synod boards were invited in and divided the day lecturing us on their concerns. The stewardship chairman, now a seminary professor, made a comment in his lecture that stuck with

me at the time and is still remembered. “Don’t be afraid to preach sanctification,” he said. “It took me several years in the ministry to learn that there’s more to the Bible’s message than to preach only justification.” Now I would not claim that I have quoted him word for word in this, but that is certainly the substance of what he said. Why I mention this here is because even though his words registered with me and never left me, when I look back at my ministry, I will have to confess that for the first five or six years of my ministry my preaching of sanctification lacked in proclamation. I would typically preach law and gospel, and then where the traditional “evangelical admonition” is called for, I would spend my time for the most part warning against the dangers of relying on works and in other negative ways point people away from the blessed life to which God has called us in Christ and which he makes possible through the Spirit. One has not preached sanctification, as opposed to preaching about sanctification, one learns finally, when one has warned about work-righteousness and has left the hearer almost with the opinion of Amsdorf that “good works are detrimental to salvation.”¹ What a contrast to the powerful preaching to life of Christ and his holy prophets and apostles who did not shrink from unfolding in glowing, positive terms, to believers, as in the Sermon on the Mount, the new life to which God calls us. This too is God’s promise to us in Christ.

6. None of which is meant in any way to disparage our justification before God, much less dislodge it from its rightful position as “the head and cornerstone,” “the chief article in the entire Christian doctrine” (Luther), only to remember that it is, as well as a justification from sin, also a justification to life (Rom. 5,18). Justification not only is the chief doctrine among many; it is the heart of all Christian teaching from which all other flows. Justification is “the real kernel of the whole Christian religion” (C.F.W. Walther), the “*articulus stantis et cadentis ecclesiae*” (“the article by which the church stands or falls”), which we rightly view as the subject matter proper of theology, the “material principle” around which all Biblical teaching centers, and in relation to which all other doctrine is either antecedent or consequent, as our old theologians were accustomed to say. The doctrine of justification, that man is saved by grace alone through faith, for the sake of the merits and satisfaction of Jesus Christ, reigns supreme in our Christian religion.

7. Indeed, all of sanctification, the new life and being of the believer with his new attitudes and god-pleasing actions, flows out of his justification before God. Only as Christ has come “to destroy the works of the devil” (1 John 3,8) and “has delivered us from the dominion of darkness” (Col. 1,13), has “canceled the bond which stood against us with its legal demands ... nailing it to the cross,” thereby disarming “the principalities and powers” and “triumphing over them” (Col. 2,14-15), is the new creation made possible. There is no sanctification, no new man, without justification; by the same token there is no justification without sanctification. Faith, wherever it appears, always “works through love” (Gal. 5,6). We distinguish between justification and sanctification conceptually, that is, in our thought, as being distinct as cause is from effect, but in the life of the believer the two are always inseparable. Not only the initiation of the new life, but its continuance also, rests on the ground of God’s gracious declaration of amnesty and pardon. The new testament knows no other life than that which issues from the daily forgiveness we receive at the hand of God.

8. The new life then in all its aspects is in every respect the gracious work of God in the believer. In this sense we understand the words of the apostle: “For God is at work in you, both

to will and to do of his good pleasure” (Phil. 2,13). Not only the willing to do what God wants, which arises from the new heart God puts in his people (Ezekiel 36,25-27), but also the carrying out of what God wants us to do, is God’s work in the believer. Pelagius, the fourth century British monk who wanted to give more credit to human activity in spiritual matters than what the Scripture allows, and who gave his name to a number of related errors under the broad heading of “Pelagianism,” divided moral activity into three parts: 1) ability, 2) will, and 3) performance. The ability to do good, Pelagius said, comes from God; the will and the performance are our own. “It is God,” he wrote, “who has given us the ability to will and work, and by the help of his grace continually assists this ability itself.”ⁱⁱ St. Augustine saw through this as a thinly disguised attempt to maintain that the human will could, by the natural powers implanted in it by God, achieve a human righteousness or move in that direction. With Augustine we will want to assert that all is of grace, the willing and the doing, as well as the ability. “For ... what have you that you did not receive? If then you received it, why do you boast of it as if it were not a gift?” (1 Cor. 4,7).

9. As keenly as Augustine, the greatest teacher of the church from Paul to the time of the Reformation, saw that every spiritual power and gift—faith, the will to believe, and the works that flow from faith—all are workings of God’s grace in the believer, he tragically failed to see that the righteousness of faith by which we are justified before God is Christ’s holy life which becomes our own by God’s gift. He based our hope for life on the human righteousness that issues from our inner renewal, which to be sure he credited solely to the grace of God, but which nonetheless was easily adapted by the men of Trent to their teaching of an “infused righteousness.” Yet we want to be careful not to judge the personal faith of Augustine on the basis of his official teaching. No one can read Augustine without developing the conviction that the teaching in his case did not truly reflect the faith in the heart. And indeed Augustine in one place, at least, toys with the forensic sense of justification (that God forgives sin without any reference to any quality or condition in us, and in fact that it is his very announcement of forgiveness that creates the favorable condition in us), without fully grasping its significance.ⁱⁱⁱ

10. But that the grace of God, again, accounts for all good within us is taught by Jesus when he says, “without me you can do nothing” (John 15,5), underscoring the truth that not only our justification before God but also the new life of sanctification is God’s gracious gift to the believer. For Jesus in this place is not talking about works by which we might justify ourselves before God, but of the blessed effects of our union with him as branches in a vine “that bear much fruit,” namely, the good works of the sanctified life. Both justification and sanctification are God’s work in the believer. So the flesh that still clings to the believer and that desires nothing more than to assert himself and assume the glory that belongs to God alone, suffers another humiliating blow to his pride. All, all is of grace.

11. It was given also to the great prophets of old to see that the oppressive system of law with its demands and threats for righteous living under which the Old Testament chafed, was not God’s final word to man. The time of the Messiah would usher in a new age wherein God would create in his people a new heart and a new spirit that would rejoice in doing right and delight in walking in the way of the commandments. In that day God’s people would no longer be “like the horse or the mule, which have no understanding but must be controlled by bit and bridle or they will not come to you” (Ps. 32,9). This revolutionary change in human nature would come about

because God “will give them one heart (var., ‘a new heart’) and will put a new spirit within them,” and “will take the stony heart out of their flesh and give them a heart of flesh” (Ez. 11,19). God himself will take the initiative to replace the obduracy of his people’s hearts with a pliability receptive to his will and way. The new thing God will do in the earth (Is. 43,19) is the creation of new man, a new humanity.

12. This is to take place in the days of the new covenant, or testament. To no one was a clearer vision of the new testament given than to the prophet Jeremiah. His stirring testimony to the “new covenant” has been heard in the churches for centuries on the first Sunday in Advent, and thus has etched itself deeply on our understanding of what the new testament is and does. It deserves a careful reading at this point: “Behold, the days are coming, says the Lord, when I will make a new covenant with the house of Israel and the house of Judah, not like the covenant which I made with their fathers when I took them by the hand to bring them out of the land of Egypt, my covenant which they broke, though I was their husband, says the Lord. But this is the covenant which I will make with the house of Israel after those days, says the Lord: I will put my law within them, and I will write it upon their hearts; and I will be their God, and they shall be my people. And no longer shall each man teach his neighbor and each his brother, saying, ‘Know the Lord,’ for they shall all know me, from the least of them to the greatest, says the Lord; for I will forgive their iniquity, and I will remember their sin no more” (Jeremiah 31,31-34). This great passage came to assume a place of highest importance in the new testament. It is quoted several times by the new testament writers, in full in Hebrews 8,8-12. Nowhere else in the old testament do we have reference to the “new covenant” in this way. The very term “new covenant” originates in this place. It lies behind the common distinction today between “old testament” and “new testament” as taken up by Paul in 2 Cor. 3,5-14: “Our sufficiency is of God, who has qualified us to be ministers of a new covenant, not in a written code (‘letter’) but in the Spirit; for the written code (‘letter’) kills, but the Spirit gives life” (vss.5-6). Jesus unmistakably drew upon Jeremiah and evoked the whole imagery of the prophet’s words for his hearers when he said: “This cup is the new covenant in my blood” (1 Cor. 11,25). So Luther understood the impact of Jeremiah’s words.^{iv}

13. If we hear what the prophet is saying, we will not fail to be instructed by the distinction he makes between the old covenant and the new: First, the new covenant, as we have already established above, is synonymous with the new testament in which we live. Secondly, the new covenant will be different from the old, for it will be “not like the covenant which I made with their fathers when I took them by the hand to bring them out of the land of Egypt.” The fault for this did not lie in any defect in the covenant itself, but in the failure of the people to keep it, “my covenant which they broke.” Thirdly, the difference will consist in God’s putting his law within his people in the new testament and writing it “upon their hearts.” In the apostle’s use of this passage in 2 Corinthians 3 he describes the fulfillment of the prophecy in this way: “And you show that you are a letter from Christ delivered by us, written not with ink but with the Spirit of the living God, not on tablets of stone but on tablets of human hearts” (vs.3). One is struck at once by the agreement and difference between the old and the new at this point. The law was written by the finger of God on the tablets of stone given to Moses (Ex. 31,18). But that the finger of God is the Spirit of God, compare Luke 11,20 with Matt. 12,28. Thus the same Spirit that in the old covenant inscribed God’s law on the tablets of stone, in the new covenant inscribes the eternal will of God on the hearts of his people. And, as Augustine notes, to add to

the striking parallel, later Judaism observed the giving of the law to Moses fifty days after the Passover on Pentecost Day, and it was precisely on the same day that the Spirit as the finger of God wrote God's holy will in the hearts of the faithful assembled in Jerusalem.^v

14. Fourthly, from this follows that the old covenant with its threat and terror to man from the outside, which only "works wrath" and rebellion against God in the heart of man (Rom. 4,15), is replaced in the new by the Spirit within through whom "God's love has been poured into our hearts" (Rom. 5,5). Augustine says, "Grasp this clear difference between the old covenant and the new: that there the law is written upon tables, here upon hearts, so that the fear imposed by the first from without becomes the delight inspired by the second from within, and he whom the letter that kills there made a transgressor, is here made a lover by the Spirit that gives life."^{vi} The opposition between the letter and the Spirit is drawn from Paul's commentary on the Jeremiah passage in 2 Corinthians 3: "(God) has qualified us to be ministers of a new covenant, not in a written code (lit., 'letter') but in the Spirit; for the written code ('letter') kills, but the Spirit gives life" (vs.6). In the early days of the church the "letter" was commonly taken to be the literal meaning of Scripture, which supposedly brought death ("kills"), in contrast to the allegorical (figurative, fanciful) meaning which was thought to be Spirit and life. In fact the "letter" is the law of God that has come to us from Sinai in written form which was "added because of transgressions" (Gal. 3,19) and works the "dispensation of death" (2 Cor. 3,7). The "dispensation of the Spirit" (3,8) by contrast "gives life" because the Spirit working in the heart creates a new, inward motivation and power for the doing of God's will. In this sense the psalmist speaks of God's people being "willing in the day of (God's) power" (Ps. 110,3).

15. Fifthly, new incentive for holy living will come through the new covenant in the form of new knowledge of God ("no longer shall each man teach his neighbor and each his brother, saying, 'Know the Lord,' for they shall all know me, from the least of them to the greatest," says the Lord), and in the promise of forgiveness ("for I will forgive their iniquity, and I will remember their sin no more"). The new life in the Spirit will be free and spontaneous. It will arise from the inner compulsion produced by the love of God "poured into our hearts through the Holy Spirit which has been given to us" (Rom. 5,5). In a sense, as Koehler notes, for the new man in his freedom from outward coercion, threats, or any system of rewards, there will be even stronger motivation for serving God than existed for Adam and Eve in Paradise, for now to the love of God must be added the sacrifice of Christ. "And from this freedom faith also derives its sense of obligation, inherent in the relation to God; more so now than before the Fall, because for man there has now been added the blood of the Savior. In fact, the noblesse oblige growing out of the present relation ought now more than ever be felt free of compulsion, because the love of Christ which we have experienced, with faith awakens love in us."^{vii}

16. Sixthly, not only motivation and incentive for new life will be supplied the man who is God's new creation, but also the content of the life will be given him. How else are the prophet's words to be understood when he speaks of the Spirit writing the law "upon their hearts" and it no longer being necessary to teach the knowledge of God to others? That Jeremiah does not refer here to the ceremonial prescriptions but the moral law of God is clear from the teaching elsewhere in his prophecy, such as where he says: "As for my law, they have rejected it. To what purpose does frankincense come to me from Sheba, or sweet cane from a distant land? Your burnt offerings are not acceptable, nor your sacrifices pleasing to me" (6,19-20). And again,

“Will you steal, murder, commit adultery, swear falsely, burn incense to Baal, and go after other gods that you have not known, and then come and stand before me in this house, which is called by my name and say, ‘We are delivered!’-only to go on doing all these abominations?” (7,9-10). But that the prophet is looking not for new sacrifices of animals but lives that conform to God’s immutable will, he says explicitly in 7,22-23: “For in the day that I brought them out of the land of Egypt, I did not speak to your fathers or command them concerning burnt offerings and sacrifices. But this command I gave them, ‘Obey my voice, and I will be your God, and you shall be my people; and walk in all the way that I command you, that it may be well with you.’ ”

17. Clearly, in the prophet’s mind the law that the Spirit was to inscribe in the hearts of God’s people in the new covenant corresponds to the command God gave Israel when he brought them out of Egypt, and not to the regulations of Sinai. But someone may object that there is nothing new to having God’s law written in the heart since, after all, did not Paul speak of even the Gentiles having the law “written on their hearts, while their conscience also bears witness and their conflicting thoughts accuse or perhaps excuse them” (Rom. 2,15)? Here the answer must be given that the conscience that remains even in the hearts of the unregenerate is the relic of the image of God still found in fallen man. Augustine says in this regard, “Yet we must remember that the image of God in the human soul has not been so completely obliterated by the stain of earthly affections, that no faint outlines of the original remain therein; and therefore it can rightly be said even in the ungodliness of its life to do or to hold some parts of the law.”^{viii} But in no way ought this to be permitted to cancel the distinction the prophet makes between the old covenant and the new, for in the one case we are dealing with an imperfect, broken image (conscience), but in the other with the image restored, whole and complete, though to be sure, in seed or germ form that allows for growth and development.^{ix} Through the inner presence of the Spirit the new man is created who knows the will of God, as Paul says: “Be renewed in the spirit of your minds, and put on the new nature, created after the likeness of God in true righteousness and holiness” (Eph. 4,24; cf. also Col. 3,10).

18. What else also can Jesus mean when he speaks of the work of “the Counselor, the Holy Spirit, whom the Father will send in my name, he will teach you all things, and bring to remembrance all that I have said to you” (John 14,26), other than that the Spirit in the new covenant, as prophesied by Jeremiah, would perform a new work in the heart of God’s people that would give them knowledge of God from within? The Spirit will be their teacher, for “when the Spirit of truth comes, he will guide you into all truth” (John 16,13). And then John in his first epistle says as much when he points to the Spirit’s anointing as a now fulfilled act in the disciples that has worked in them inner knowledge and truth: “But the anointing which you received from him abides in you, and you have no need that anyone should teach you; as his anointing teaches you about everything, and is true, and is no lie, just as it has taught you, abide in him” (1 John 2,27). So we must say here that the new testament confirms the promise of the old in that the new man no longer needs “each man (to) teach his neighbor and each his brother” for the knowledge of God is inscribed by the finger of God (the Holy Spirit) in the hearts of God’s people.

19. To this also Luther repeatedly attests in his profound grasp of Scripture: “From which it further follows that a Christian who lives in this faith has no need of a teacher of good works, but whatever he finds to do he does, and all is well done ... St. Paul also says: ‘Where the Spirit of

Christ is, there all is free.' For faith does not permit itself to be bound to any work, nor does it allow any work to be taken from it, but, as the First Psalm says, 'He bringeth forth his fruit in his season,' that is, as a matter of course ... So a Christian who lives in this confidence toward God, knows all things, can do all things, undertakes all things that are to be done, and does everything cheerfully and freely."^x "The new man possesses the Spirit and the truth by which the heart is enlightened and which brings holiness and righteousness with it so that he follows God's Word and takes pleasure in doing good and in a godly life and conversation ... Such a new man is created after the image and likeness of God; he must be a new man, different from those who live in error and evil lusts, who exist without the knowledge and obedience of God, for if he is to be the image of God he must possess the true divine understanding, knowledge and purpose and he must live a godly life, following after righteousness and holiness like God himself."^{xi} Again Luther says, "Faith, however, is a divine work in us. It changes us and makes us to be born anew of God (John 1,13); it kills the old Adam and makes altogether different men, in heart and spirit and mind and powers, and it brings with it the Holy Ghost. O, it is a living, busy, active mighty thing, this faith; and so it is impossible for it not to do good works incessantly. It does not ask whether there are good works to do, but before the question rises, it has already done them, and is always at the doing them. He who does not these works is a faithless man. He gropes and looks about after faith and good works, and knows neither what faith is nor what good works are, though he talks and talks, with many words, about faith and good works."^{xii} In these and many other places Luther expresses the truth that the new man, created by God in righteousness and true holiness, is led by faith and the Spirit and needs no other teacher of good works.

20. Seventhly, Jeremiah was given to see in his prophecy that the whole of the new covenant was to be based on the forgiveness of sins, "for," and here the prophet uses the causal Hebrew **כי** at the conclusion of the promise to indicate that all that has gone before is to rest on what follows, "for I will forgive their iniquity, and I will remember their sin no more." What the old covenant, resting on the law with its rigid demands and threats, could not do, the new covenant through the grace of forgiveness achieves in the believer.

21. Here we must remind ourselves once again that the new covenant, or testament, is that in which we now live, the Messianic age, and not something that lies in the future. We have already seen that Christ and his apostles understood the words of Jeremiah's prophecy to stand fulfilled in the coming of the Messiah. The establishing of the kingdom of Christ through his death and resurrection marked the inauguration of the new age of the world, the vision of which had been granted to the prophets of old.

22. This is not to say that the Spirit and life were absent from the old testament. Abraham too walked by faith (Gen. 15; Rom. 4; Heb. 11), not by sight, because he saw (with eyes of faith) Christ's day and was glad (John 8,56), which is to say, he had the Spirit and was a true child of the new covenant. The old and new testaments are distinct as historical epochs, yet they run together in that what stands fulfilled in the new testament was given also to the old testament by way of promise. There is a sense in which the life of every believer passes from old testament to new. "The law was our custodian until Christ came" (Gal. 3,24). Historically this refers to the two separate ages of old testament and new testament. But spiritually it refers to the fact that in each individual life there is a time of old testament when life is under the law, but when Christ comes to the individual, the old testament passes away and he is brought into the freedom of the

new. This was true for those who lived historically in the old testament as well as for us in the new testament age. The old testament, spiritually understood, is the time of the law for each individual, while the new testament is the time of Spirit, grace, and Christ. Chemnitz remarks that the old testament is found “where the heart is not renewed, and though the work of the law, so far as knowledge of it is concerned, is written in the hearts, it is nevertheless called a law written outside of man, not in the hearts, when the hearts are not renewed to the true inner obedience.” But the new testament is the promise and bestowal of grace by the Holy Spirit, turning the heart to faith, after which “the Holy Spirit also writes the doctrine of the law into the hearts of the regenerate, that the heart may have its delight in the law according to the inner man (Rom. 7,22) and that they may begin to obey from the heart” (Rom. 6,17). This is what we call the new testament, and “its power and efficacy were present also in the fathers at the time of the old testament.”^{xiii}

23. So law and gospel, Moses and Christ, Spirit and letter, all are present in both historical epochs of old testament and new. Understood in this way the old and new testaments do not so much differ in content as in the clarity and extent of revelation, in the distinction between promise and fulfillment of promise. The new testament is particularly the “new” because it is the dispensation in which God was manifested in Christ (1 Tim. 3,16) “to destroy the works of the devil” (1 John 3,8) to set his people free, past, present, and future to be the people of God. The cross of Jesus Christ stands at the crossroads of human history as the sign of God’s new covenant, emitting its life-giving rays in either direction.

24. Through the one sacrifice of Christ then comes both deliverance from guilt (justification) and power and understanding for holy living (sanctification). Christ by his death on the cross both saved us from sin and for new life. “He died for all, that those who live might live no longer for themselves but for him who for their sake died and was raised” (2 Cor. 5,15). Christ’s death and resurrection simultaneously put to death the old man and give birth to the new. “For Christ also died for sins once for all, the righteous for the unrighteous, that he might bring us to God, being put to death in the flesh but made alive in the spirit ... Since therefore Christ suffered in the flesh, arm yourselves with the same thought, for whoever has suffered in the flesh has ceased from sin, so as to live for the rest of the time in the flesh no longer by human passions but by the will of God” (1 Pet. 3,18. 4,1-2). Forgiveness and life alike center on the cross of Jesus Christ, “who gave himself for us to redeem us from all iniquity and to purify for himself a people of his own who are zealous for good deeds” (Tit. 2,13-14).

25. Although the common expression of Scripture is to ascribe forgiveness to Christ’s sacrificial death and new life to his resurrection, in fact the order is freely interchanged, and here the renewal is attributed to Christ’s death, as in Heb. 9,14: “How much more shall the blood of Christ, who through the eternal Spirit offered himself without blemish to God, purify your conscience from dead works to serve the living God”; while there it is attributed to his resurrection, as in Col. 3,1-2: “If then you have been raised with Christ, seek the things that are above, where Christ is, seated at the right hand of God. Set your minds on things that are above, not on things that are on earth”; or Rom. 6,4: “that as Christ was raised from the dead by the glory of the Father, we too might walk in newness of life.” And in Rom. 7,4: “(Christ) has been raised from the dead in order that we may bear fruit for God.” Again Paul says in Rom. 8,11: “If

the Spirit of him who raised Jesus from the dead dwells in you, he who raised Christ Jesus from the dead will give life to your mortal bodies also through his Spirit which dwells in you.”

26. The new life is the gift of the “life-giving Spirit” (1 Cor. 15,45), who is given as the “guarantee” of God’s work in us (1 Cor. 1,22), through whom “God’s love has been poured into our hearts” (Rom. 5,5), and by whose coming we are guided “into all truth” (John 16,13). He is the “Spirit of wisdom” (Eph. 1,17) who “has revealed to us ... what no eye has seen, nor ear heard, nor the heart of man conceived,” namely, “what God has prepared for those who love him” (1 Cor. 2,9-10). Through the Spirit we are enabled to “judge all things” and “to be judged by no one” (1 Cor. 2,15). No one is able to know the mind of the Lord to instruct him, but believers, by the gift of the Spirit, “have the mind of Christ” (1 Cor. 2,16). The believer does not live in a new way just because he has grasped intellectually some new truths, but because he himself has been grasped by the power of God’s own Spirit (Phil. 3,12).

27. All this, the knowledge of what God wants us to do, and the will to do it, comprise the “new nature,” or new man, which is “create after the likeness of God in true righteousness and holiness” (Eph. 4,24). This is God’s “new creation” which makes its appearance, the apostle tells us, when one is “in Christ Jesus.” “The old has passed away, behold, the new has come. All this is from God, who through Christ reconciled us to himself” (2 Cor. 5,17-18). So much are the good works we do as God’s new creation not of ourselves but of God, that the apostle even informs us that God prepared them for us ahead of time: “For we are his workmanship, created in Christ Jesus for good works, which God prepared beforehand, that we should walk in them” (Eph. 2,10). This means that we need not worry about the course we are to walk. God in Christ has long ago mapped out the course. He has not only prepared us, but also has prepared the works for us. All we need is walk in them.

28. Indeed from eternity we were destined by God to “live for the praise of his glory” (Eph. 1,12). Dare we exclude from the praise of God’s glory “the life that I now live in the flesh,” since this too, as well as my justification from sin, is “by faith in the Son of God, who loved me and gave himself for me” (Gal. 2,20)? When the Scriptures say that we were predestined by God to eternal life, this means the life I have now in Christ that will extend to eternity. But more of this at a later point. Here the matter is simply whether God’s act of predestination encompasses the new life that I now live by faith. Paul’s words to the Ephesians can be understood in no other way: “Even as he chose us in him before the foundation of the world that we should be holy and blameless before him in love, having destined us ... ” (Eph. 1,4-5). If it was Paul’s mind to speak only of justification here, we would expect a “holiness and blamelessness in faith” rather than “in love,” as he writes. Likewise, Paul’s words to the Thessalonians that “God chose you from the beginning to be saved, through sanctification by the Spirit and belief in the truth” (1 Thess. 2,13) are best understood as referring to the Spirit’s whole sanctifying work of setting us apart for God. God’s eternal decree is both to justify and sanctify a people to himself.

29. To sum up then what we have said to this point: God from all eternity destined his people to live for the praise of his glory. God made possible this life for a fallen world through the death and resurrection of his Son, through whom we have freedom from sin and guilt and are empowered for sanctified living. The Scriptures, old testament and new, speak of a new covenant in which God gives man a new heart on which he inscribes his holy will. Under the new

covenant it will no longer be necessary for God's people to be taught the Word since they will all know it "from the least of them to the greatest" in their heart. In this way the Scripture describes for us the creation of new man. God's grace of forgiveness and the new Spirit-given knowledge of God will be all the motivation and incentive the new man will need for godly living; rewards, threats, or coercion will be unheard of in the new age. The new covenant of God is that in which we live today by faith.

30. Now we must ask whether we Christians have not become idle dreamers in this. Has such a thing actually happened to us who live in the new testament? Or do we "deceive ourselves, and the truth is not in us" (1 John 1,8)? Our answer is determined first by our conviction that God "who never lies" (Tit. 1,2) has spoken by the mouth of his prophets and apostles and above all by his Son, and what he speaks is eternally true. The promise of new life in Christ belongs also to that "foundation of God" which "stands sure" (2 Tim. 2,19). But in the realization of the new life, too, God calls us to walk by faith and not by sight (2 Cor. 5,7). The Christian life is at the same time both a hidden and a manifest thing. So long as the flesh that wars against the Spirit (Gal. 5,7) is not abolished, the life in Christ cannot become fully visible. "Your life is hid with Christ in God" (Col. 3,3). For life still is shrouded in mortality, and "it does not yet appear what we shall be" (1 John 3,2). Because of sin in the flesh "not everything becomes apparent immediately that actually is given with faith and life; and it remains a fact throughout our earthly sojourn that everything a Christian has, he has by faith ... Faith is wholly present the moment the Holy Spirit takes possession of the inner man by means of it. It is possible to be certain of the forgiveness of sins even while one's heart is fearful and anxiously concerned over it ... In the same way, with faith the new life too is wholly present," (Koehler)^{xiv} but the flesh obscures it from our vision. "For our knowledge is imperfect and our prophecy is imperfect; but when the perfect comes, the imperfect will pass away. For now we see in a mirror dimly, but then face to face. Now I know in part; then I shall understand fully, even as I have been fully understood" (1 Cor. 13, 9-10.12).

31. But the other side of this equation must be given its due. As much as the life from God is a "hidden" thing, so also it is not possible that the Spirit's victorious power in us should not make itself known. Because of the flesh our knowledge may be imperfect, but still we do know in part (1 Cor. 13). "The Spirit himself bears witness with our spirit that we are the children of God" (Rom. 8,16). The very ability to confess Christ's name is to be taken as the strongest proof of the Spirit's working within (1 Cor. 12,3). "Love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control," and other "fruits of the Spirit" (Gal. 5,22-23) even as they must work themselves imperfectly through the flesh, still bear testimony to the gracious working and presence of the Spirit in God's new creation (2 Cor. 5,17). So also in a spiritual sense we must say that "God did not leave himself without witness" (Acts 14,17). And though the spiritual eye remains momentarily clouded because of sin in the flesh, still the new man is enabled to see the shadow if not the full reality of the Spirit's workings in him. Thus we say that the Christian life is at the same time a hidden and a manifest thing.

32. All the workings of the Spirit in the new man—faith in the inner man, and the outward expressions of faith in love, peace, joy, patience, etc. (Gal.5)—together constitute the life in Christ. Life is the sum total of the gifts of the Spirit in the believer. It springs from faith, the joyful, free, spontaneous response of the believer to God. The life God imparts to the believer,

whether or not it carries the adjective “eternal” or “everlasting,” throughout Scripture refers to something the believer has as a present possession, complete in him now, though hampered by sin in its outward manifestation, and to be made known fully in him only in eternity. It is life of Christ, who himself is “the life” (John 11,25; 14,6), and who confers life “abundantly” (“full life”) on his people (John 10,10). The eternal life that comes to “whoever believes in him” (John 3,16) is not only a future promise, but comes to the believer simultaneously in and with the faith the Holy Spirit gives.^{xv} It is eternal in the sense that it remains the life of the believer to eternity and is not taken from him. So Jesus speaks of eternal life in the present tense, “He who eats my flesh and drinks my blood *has* eternal life, and I will raise him up at the last day” (John 6,54). To know God and to know Jesus Christ whom he has sent, Jesus says, “This is eternal life” (John 17,3). John’s purpose in writing his epistle is “that you may know that you *have* eternal life (1 John 5,13). The life in Christ is at the same time the “hope of eternal life” (Tit. 1,2; 3,7) and an “inheritance” (Matt. 19,29; Luke 10,25) because though we possess it now by faith, its full realization will come only “when he appears” and “we shall be like him” (1 John 3,2). The future tenses as Paul uses them in Gal. 6,8: “he who sows to the Spirit will from the spirit reap eternal life,” and in Rom. 8,13: “if by the Spirit you put to death the deeds of the body you will live,” are not meant to restrict life in time to some future date, nor yet to eternity, but are best understood as simple futures that denote logical sequence expressing assurance and certainty. In this sense also we understand that “the one just by faith shall live” not at some future time only but in and by his faith now. This unquestionably is the meaning of the holy writers.

33. The life we are speaking of is the life Adam lost in the Garden. Adam truly died in the day he ate of the fruit in disobedience of God. God’s curse was not a sham when he solemnly declared that “in the day that you eat of it you will die” (Gen. 2,17). Death came on Adam in the very moment of his turning from his Maker as surely as though God had withdrawn his breath at first so freely given. He was devoid of life as are all who are “dead in trespasses and sins” (Eph. 2,2). The death condition of Adam passed through him to the entire human race (Rom. 5,12). The process of transmission was the normal propagation of species, for “that which is born of flesh is flesh” (John 3,6). “Flesh” here does not mean the human body, but the condition inherited from Adam by which all Adam’s descendants are from birth set in opposition to God and under his judgment. By birth we are “children of wrath” (Eph. 2,3), “for the desires of the flesh are against the Spirit, and the desires of the Spirit are against the flesh; for these are opposed to each other” (Gal. 5,17). Blindness (Eph. 5,8), hostility to God (Rom. 8,7), the death condition (Eph. 2,1), lack of true knowledge (1 Cor. 2,14), inability to please God (Rom. 8,8), together comprise what we call the “old man,” and what the Scriptures interchangeably call “Adam” (Rom. 5), the “outer nature” (2 Cor. 4,16), the “flesh” (John 6,63; Rom. 8; Gal. 5), the “natural man” 1 Cor. 2,14f), the “image of the man of dust” (1 Cor. 15,49).

34. The question that concerns us at this point does not have to do with the depravity of fallen man, but with the impact of the new covenant and faith upon the old sinful nature. We have already seen that God creates new man with the coming of Christ and faith. We have not said what this does to the old nature inherited from Adam. In order to make way for the new man the Scriptures speak of the old man being “crucified” (Gal. 2,20; 5,24), “destroyed” (Rom. 6,6), or “transformed” (Rom. 12,2). The imperatives “put to death” (Col. 3,5) and “keep putting to death” (Rom. 8,13) the flesh tell us that the death and destruction of the old man is by no means a once-for-all-time action but is to be repeated throughout the lifetime of the believer. Here again

it was the genius of Luther to see and express spiritual truth in simple terms: that “the old Adam in us is to be drowned by daily contrition and repentance, and is to die with all sins and evil lusts; and that again a new man should daily come forth and arise who shall live before God in righteousness and purity forever.”^{xvi}

35. The survival of the old man, though in a weakened state, in turn, gives us insight into the life-death struggle between spirit and flesh that Paul describes vividly in personal terms in Romans 7: “I do not understand my own actions. For I do not do what I want, but I do the very thing I hate. Now if I do what I do not want, I agree that the law is good. So then it is no longer I that do it, but sin which dwells in me. For I know that nothing good dwells within me, that is, in my flesh. I can will what is right, but I cannot do it. For I do not do the good I want, but the evil I do not want is what I do. Now if I do what I do not want, it is no longer I that do it, but sin which dwells within me. So I find it to be a law that when I want to do right, evil lies close at hand. For I delight in the law of God, in my inmost self, but I see in my members another law at war with the law of my mind and making me captive to the law of sin which dwells in my members. Wretched man that I am! Who will deliver me from this body of death? Thanks be to God through Jesus Christ our Lord! So then, I of myself serve the law of God with my mind, but with my flesh I serve the law of sin” (Rom. 7,15-25).

36. Paul’s pouring out of his soul here in his agonizing over the deficiencies of his life in Christ may frustrate our expectations of the glowing promise of Jeremiah’s new covenant, the realization of which Paul enthusiastically and unreservedly supports elsewhere in his writings in the coming of Jesus Christ. Are we in fact to understand Romans 7 as a description of the fulfillment of God’s promise in Jeremiah? It may have been questions of this nature that led Augustine in his earlier treatments of Romans 7 to follow the accepted interpretation of his day which held that in this chapter the apostle is describing the life of man set under law and not yet under grace,^{xvii} although in later writings he corrected this view and came to approximate in his teaching the important Reformation concept of “*simul justus et peccator*,” the believer at the same time righteous and a sinner, righteous through Christ while a sinner under law,^{xviii} both new man and old man at the same time.

37. That Paul is not in Romans 7 denying the reality of the new testament and the new humanity Jeremiah describes may be seen from passages that precede our quotation in the chapter, and indeed from the very verses we have quoted. At the beginning of the chapter Paul draws an analogy to marriage, that the law, according to accepted legal understanding, binds only so long as both parties are living. The point of the analogy is that since we “have died to the law through the body of Christ” (7,4), “now we are discharged from the law, dead to that which held us captive, so that we serve not under the old written code but in the new life of the Spirit” (7,6). What more explicit statement of the new covenant could we expect? And the whole argument in vss. 15-25 rests on Paul’s awareness that his “inmost self” (7,22) by God’s grace knows and desires what God wants, a clear acknowledgment by Paul that what God has prophesied through Jeremiah has come to pass in him. Paul’s use of the present tense throughout in his description of the struggle between the spirit and the flesh excludes the possibility that he meant life as it was for him before he came to faith. The struggle belongs to Christian faith and life.

38. What Paul is saying is that 1) he is perplexed and distressed (“wretched”) over his inability in Christ to carry out the noble intentions of the new man created by God within him. 2) This, he perceives, is due to the power of sin that still inheres in the flesh. 3) The power of sin remains even in the Christian still a “captivity” (vs.23) and a thralldom (“it is no longer I that do it, but sin which dwells in me,” Rom. 3,20), although Paul would never use this argument to deny personal moral responsibility for sinful acts. The very word “sin,” particularly in its verbal form, tells us, that sin is not only possession by an alien force but also transgression. 4) The “captivity” of which Paul speaks is not to be confused with the bondage under which the unregenerate are subject to sin (6,17) since, as Paul stresses, the believer is inwardly free from sin (7,22), something that cannot be said of the unregenerate. Sin has “no dominion” over the renewed child of God (6,14). 5) The ultimate victory in the struggle is assured the believer “through Jesus Christ” (7,25). What Paul says here in Romans 7 about Christian life as “life in conflict” is the experience of every believing child of God.

39. Now the whole range of law-gospel activity is brought into play in the ongoing struggle between the spirit and the flesh in the believer. Through the gospel of the new covenant God has called into being the new man, and by the same gospel the life of the new man is sustained from day to day. This gospel is the “power of God” (Rom. 1,16) to free man from sin for life in him. But the continued presence and adverse activity of the “flesh” in the believer, as Paul in Romans 7 and our own life experience painfully remind us, assures the necessity of the use of the law in the church also until the end of time. But this has by no means been a self-evident point in Lutheran theology. The place of the law in the life of the believer and proper law-gospel distinction has been the subject of continuous discussion and occasional controversy within the church.

40. Only once in the history of Lutheranism has any serious attempt been made to remove the teaching of the law entirely from the church although antinomian (“against law”) movements have surfaced periodically throughout the history of the Christian church. At the time of the Reformation the Lutheran theologian Johann Agricola, a former student and good friend of Luther, tried to argue for the abolition of the law from the church. After all, does not the Scripture itself say that “the old has passed away, behold, the new has come” (2 Cor. 5,17), meaning that in the new testament church there is to be no place for the teaching of the law? As far as the first function of the law is concerned, as a curb to check wild outbursts of sin and to maintain by force and fear a semblance of order in the world, Agricola said, the law belongs in a courthouse, not in church.^{xix} As far as the second use of the law is concerned, the accusatory function as a mirror to reflect our sins and so to convict of sin, Agricola said, the gospel, not the law, alone is capable of producing true repentance. And as to the third use, the law as the rule of Christian life, Agricola said, the believer is free from the law; the Spirit through the gospel alone effects and empowers the Christian life. The threats and coercion of the law have no place here. Therefore the church has no need for the law. Luther vigorously opposed his old friend, and was put in the unenviable position of hearing himself quoted against himself from his earlier writings.^{xx} Within the scope of this paper we cannot answer everything Agricola has said here. The question that concerns us is: Does the law have anything further to say to the believer, who has already been brought to Christ and been made new in the image of God, and has the Spirit and grace?

41. The Scripture does in fact speak quite pointedly of the Christian's freedom from the law. What does the apostle mean, for example, when he says that "Christ is the end of the law, that every one who has faith may be justified" (Rom. 10,4)? The Greek word for "end" is τέλος, a word that can mean "end" in the sense of "finish, conclusion," or in the sense of "goal" or "fulfillment." Luther^{xxi} and the Formula^{xxii} take it in the latter sense, that everything in the law was given to point us to Christ as goal. This agrees with Paul's portraying the law in Gal. 3,24 as the slave-guardian (παιδαγωγός) who leads us to Christ. But in either case the meaning is the same. Since the law brings us to Christ as the fulfillment, the complete fulfillment of the law, the law can carry us no farther, but meets its end, termination, as well as its fulfillment in Christ.^{xxiii}

42. But if anyone objects to the use of this passage to demonstrate the cessation of the law in Christ, we will not argue the point but will adduce a wealth of other Scriptures that say the same thing. "Now that faith has come," the apostle says, "we are no longer under a guardian" (Gal. 3,25). The law has its purpose, but it is "not for the just" (1 Tim. 1,9), i.e., those who have been justified by faith and are therefore God's new creation. Sin reigns wherever the law is in force, but Paul has no hesitation in telling the Christians at Rome: "Sin will have no dominion over you, since you are not under law but under grace" (Rom. 6,14). Those who are "led by the Spirit" likewise are spoken of as being "not under law" (Gal. 5,18). The law can no longer exercise its accusing and condemning function in the believer "for the law of the Spirit of life in Christ has set me free from the law of sin and death" (Rom. 8,2). This freedom the apostle describes also as being "redeemed" by Christ "from the curse of the law" (Gal. 3,13), which expression certainly includes the law itself as curse as well as that which the law pronounces.

43. All these expressions, "not under law," "no longer under a custodian," "free from the law of sin and death," "redeemed from the curse of the law," that the law is "not laid down for the just," tell us in convincing terms from a negative standpoint of the changed status of the believer from death to life (John 5,24), and thus no longer under the "dispensation of death" (the law) but under the "dispensation of the Spirit" (2 Cor. 3,7-8). It will be necessary to examine whether Scripture means this freedom from the law in the sense which Agricola took it or in some other sense.

44. That this freedom from the law for the believer is not a limited freedom, but includes freedom from every aspect of the law, life that now has been brought out from under the law, life by faith as opposed to life by the law, may be seen in the fact that the new testament does not distinguish, as we do for the sake of clarity, between moral, ceremonial, and civil elements of the law. Freedom from the law in the new testament sense is not to be misconstrued as a mere freedom from keeping the ceremonial and civil requirements of the Mosaic code, such as the offering of sacrifice and the observing of certain Jewish days and seasons, while leaving the believer in bondage to other requirements of the law. Law-existence as such, the life that lives under the demands and threats and accusations of the law, simply ceases to be with the coming of Christ.

45. Nor are we permitted to extract from the Mosaic code, as a last resort in an attempt to find security in the law rather than in Christ, the ten commandments as that which expresses the minimum requirement of God's binding will on the new testament believer. Freedom from the law means exactly that. Bondage to any one element in the law makes one "bound to keep the

whole law” (Gal. 5,3). The ten commandments are an integral part of the Mosaic code, not apart from it. We are not to think as though the ten commandments as a unit expressed the moral law of God, God’s immutable will for his people for all time, while the rest of the Mosaic code contained the ceremonial and civil regulations given for old testament usage only. This is refuted by the facts that 1) the ten commandments contain ceremonial elements, namely, the prohibition against images of the first commandment, which, as Luther correctly notes, the sectarian spirits of his day completely misunderstood, “for that too pertains only to the Jews,”^{xxiv} and the requirement of the observance of the seventh day (Sabbath) of the third commandment; and 2) the moral law of God is freely interspersed throughout the remainder of the Mosaic code, as in Deut. 6,5: “You shall love the Lord your God with all your heart, and with all your soul, and with all your might,” as also in Lev. 19,18: “You shall love your neighbor as yourself.” So we see that the Scripture does not distinguish between the decalogue and the other parts of the Mosaic law. Both give us God’s eternal will for his people, and both also give us temporary regulations that were prescribed for Israel only in the old testament era. I follow this or that command not because I find it in the ten commandments, but because Christ and his apostles have revealed it to me in the new testament as an expression of the eternal, immutable holy will of God for me.

46. To this Luther witnessed as one who had personally experienced freedom from the law in Christ: “Here the law of Moses has its place. It is no longer binding on us because it was given only to the people of Israel ...”^{xxv} That which was given to Moses comes also to us only insofar as it agrees with “natural law,” a term which for Luther meant the same thing as God’s immutable will. “To be sure, the Gentiles have certain laws in common with the Jews, such as these: there is one god, no one is to do wrong to another, no one is to commit adultery or murder or steal, and others like them. This is written by nature into their hearts.”^{xxvi} The Mosaic code, including the ten commandments, according to Luther, was given for a specific time and a specific people. “That Moses does not bind the Gentiles can be proved from Exodus 20, where God himself speaks, ‘I am the Lord your God, who brought you out of the land of Egypt, out of the house of bondage.’ This text makes it clear that even the Ten Commandments do not pertain to us. For God never led us out of Egypt, but only the Jews ... We will regard Moses as a teacher, but we will not regard him as our lawgiver-unless he agrees with both the new testament and natural law ... Again one can prove it from the third commandment that Moses does not pertain to Gentiles and Christians ... Now if anyone confronts you with Moses and his commandments, and wants you to keep them, simply answer, ‘Go to the Jews with your Moses; I am no Jew. Do not entangle me with Moses.’” Eternal truth is at stake, for “‘if I accept Moses in one respect (Paul tells the Galatians in chapter 5), then I am obligated to keep the entire law.’ For not one little period in Moses pertains to us ...” Again, in reference to natural law Luther says, “Therefore it is natural to honor God, not steal, not commit adultery, not bear false witness, not murder; and what Moses commands is nothing new. For what God has given the Jews from heaven, he has also written in the hearts of all men. Thus I keep the commandments which Moses has given, not because Moses gave commandment, but because they have been implanted in me by nature, and Moses agrees exactly with nature, etc. ... We read Moses not because he applies to us, that we must obey him, but because he agrees with the natural law and is conceived better than the Gentiles would ever have been able to do ... Where he gives commandment, we are not to follow him except so far as he agrees with the natural law. Moses is a teacher and

doctor of the Jews. We have our own master, Christ, and he has set before us what we are to know, observe, do, and leave undone.”^{xxvii}

47. Let no one then say that the decalogue is in itself the exception to the new testament concept of freedom from the law. This is to imbibe the sectarian spirit that is uncertain and insecure in the grace of God, and therefore seeks to circumscribe the Christian life with rules and regulations when God has called us to freedom in Christ. Here the spirit of fear and bondage, which always go hand in hand, the slave-woman that has been cast out, once again probes its way into the tent of the church. But the spirit of faith, which is the opposite of fear, speaks not as the slave but as free. Faith testifies to the glorious freedom of the gospel in which the apostle exhorts us to “stand fast,” and “not submit again to a yoke of slavery” (Gal. 5,1).

48. Now when we have spoken emphatically of the Christian’s freedom from the law, perhaps too emphatically for some, must we then remove the ten commandments from the catechism and must we stop teaching them to our children? Was Agricola, after all, correct? Not at all. Luther spoke as strongly as we have spoken, or more so, and yet he included the ten commandments in his catechisms and urged that they be taught, only not on their own authority but as their contents are positively restated for us in the new testament Scriptures. Do we put ourselves in jeopardy of falling into relativity in the moral sphere by speaking in this way of the decalogue, losing grip of the sure Word of God to speak to our people, perhaps permitting our teaching to degenerate into a form of gospel reductionism? The apostle asks essentially the same question, “Do we overthrow the law by this faith?,” and gives his own answer, “By no means! On the contrary, we uphold the law” (Rom. 3,31). Jesus tells us that he has come “not to abolish” the law and the prophets, “but to fulfill” (Matt. 5,17). Indeed “not an iota, not a dot” of the law will pass away “until all is accomplished” (Matt. 5,18).

49. For the law of God is not evil but “good, if a man use it lawfully” (1 Tim. 1,8). This is not to suggest that the law becomes base when it is misused, for the law in itself is “holy, and just, and good” (Rom. 7,12), but that the good law of God becomes abused when it is applied in an improper way. “The law is spiritual” (Rom. 7,14), Paul says, by which he would have us know that in the law the Spirit is speaking to us. The law too is the Spirit’s message to a fallen world, and as Jesus and Paul both say, its message endures to the end of time.

50. In what sense are we to understand that the law still speaks to the world and particularly to the believer even after Christ has come with his perfect freedom? To the unregenerate and to the flesh that clings to the believer (Rom. 7) the law functions in its accusing and condemning role (*lex accusans et condemnatrix*). This is the chief purpose and proper use of the law. “The law was added because of transgressions” (Gal. 3,19) in order to expose sin “since through the law comes the knowledge of sin” (Rom. 3,20). For this reason the apostle says, “If it had not been for the law, I should not have known sin” (Rom. 7,7). The law not only makes sin known, but actually “stirs up sin,”^{xxviii} increases and intensifies sin and sets it before our eyes by “working wrath” (Rom. 4,15) and rebellion on every side as it seeks to coerce us to godly living. The law comes to us as the “agent of sin” (Gal. 2,17) and as the “dispensation of death” (2 Cor. 3,7) in the sense that without the law we are unaware of our sin (Rom. 4,15), and it is only through sin that death takes on its horrendous dimensions for us. So the apostle rightly calls sin “the sting of death” (1 Cor 15,56). God purposely through the law makes sin more sinful, that

“through the commandment” sin “might become sinful beyond measure” (Rom. 7,13), in order to drive me to despair of my own goodness and ability to save myself. There is a form of life apart from and before the law (Rom. 7,9) that is deception and self-delusion in which the flesh delights, a carnal security that is shattered when God speaks his eternal Word of the law. Luther says, “Therefore the proper use and aim of the law is to make guilty those who are smug and at peace, so that they may see that they are in danger of sin, wrath, and death, so that they may be terrified and despairing, blanching and quaking at the rustling of a leaf, Lev. 26,36.”^{xxxix}

51. This is Christ’s strange work (*opus alienum*)^{xxx} that he performs in order to be able to perform his proper work in us, by which he drives us to himself by the law that he might save us by the gospel. The believer too is the object of Christ’s “strange work” because of the presence in him of the old man. The old Adam and the new man may be described as “the two sides in the Christian. In both cases it is the entire man; in one, as he is still steeped in the old sinful nature, in the other as he is filled with the Spirit” (Koehler).^{xxxi} So then to what might be called the “bad side” of the Christian the law must continually be preached as an earnest call to repentance lest he slip into a carnal security and lose his life.

52. But to return to the earlier question: When we say, as we must, that also the ten commandments are integrally part of that law from which the believer by Christ has been “made free” and which he is “not under,” do we thereby undermine the basis of Christian morality and open the doors to libertinism or a situational relativism? Already with the Apostle Paul we have answered, “By no means!” (Rom 3,31). For the basis of the new life in Christ is not the law in any way, shape, or form, but the death and resurrection of the Lord and all that flows to the believer through God’s great saving act in history. For those in whom Christ has become a living reality by faith, the question of libertinism cannot be seriously broached. Only the immature would misconstrue for carnal purposes the profound truth of Augustine’s famous maxim: “*Dilige et fac quod vis*” (“Love, and do as you like”). Christian life happens precisely because “the love of God has been shed abroad in our hearts through the Holy Spirit” (Rom. 5,5). And this is the work of gospel, not law.

53. There is an evident reluctance on the part of Jesus and his apostles to build Christian life on the law. No less than fifty-four times Paul uses the word *παρακαλέω* (beseech, appeal, exhort) in calling believers to sanctified living, and the related noun *πράκλισις* an additional twenty times, his appeal rising out of God’s mercy to us in Christ, as in the classic passage in Rom. 12,2: “I appeal to you therefore, brethren, by the mercies of God ...” Let us not fail to note that these appeals are made not to unbelievers but to God’s own people.

54. We cannot ignore also the fact that in the new testament expressions such as “the will of my Father,” in the words of Jesus (Matt. 7,21; 12,50), also as used in the third petition of the Lord’s Prayer, and what is “acceptable to God” or “pleasing to God,” are preferred by the holy writers and the term “law” avoided in establishing the norm of Christian Life. Paul makes no use of the term “law” (Greek=*νόμος*) in 2 Corinthians, Colossians, 2 Timothy, Titus, and Philemon; the single occurrence in Ephesians is to “the law of commandments and ordinances” that Christ has abolished (2,15). In 1 Timothy the only reference is to the fact that “the law is not laid down for the just” (1 Tim. 1,8-9). Yet in all these writings Paul is constantly exhorting God’s people to

do the will of God in Christ. Likewise, Peter and John in their epistles thoroughly discuss Christian life and urge God's people to it without making any reference to law (*νόμος*), which term does not appear in their writings. The new testament writers here are clearly making a distinction between "the law" and "the will of God," which has found its way into our Lutheran Confessions in the use of the term "immutable will of God," which is not to be understood as the same thing as the law.^{xxxii}

55. The writings of John present a special case. As we have already seen, he does not use the term "law" (*νόμος*) in his three epistles. He does speak of the law in his gospel, fourteen times employing the term *νόμος*. In every instance, significantly, the reference is to the Mosaic code of laws, "the law given by Moses" (1,17), "Moses in the law" (1,45; 8,5), or simply "the law of Moses" (7,23). On the lips of Jesus it becomes "your law" (8,17; 10,34) or "their law" (15,25), meaning the law of the Jews, which they themselves acknowledge with expressions like "our law" (7,51) and "we have a law" (19,7), and to which Pilate indirectly attests with the remark, "Take him and judge him by your own law" (18,31). In no instance then in the writings of John does he use the law as the rule of life for believers. So much does *νόμος* ("law") fade out of the picture for John that in his three epistles he no longer uses the term. Additionally, the word *νόμος* ("law") does not appear in the book of Revelation of St. John.^{xxxiii} Law is something that belongs to the Jews.

56. This is not to be taken to mean that the new testament believer is left without the immutable will of God as guide in Christian life. For this purpose John makes conscious use of the term "command" or "commandment" (*ἐντολή*) to describe for us God's eternal, immutable will, and sets it in opposition to law (*νόμος*) as that which belongs to the Jews.^{xxxiv} Nowhere does John speak of the law (*νόμος*) as God's will which the new testament believer is to observe. Rather it is the command or the commandment, sometimes in the singular, sometimes in the plural. In many places in the Scriptures, of course, law and commandment are used interchangeably and mean the same thing. But in John there is an inescapable and ineradicable distinction: *νόμος* is the law of the Jews and *ἐντολή* is the command of Jesus directed to the new testament church. In fact, *ἐντολή* is both the command of the Father to Jesus to lay down his life for the sheep and take it up again (10,18; 12,49-50; 14,31; 15,10), and it is the command of Jesus to his disciples (13,34; 14,15.21; 15,10.12.14).

57. The command must be sharply distinguished from that which has come from Moses for it is a "new commandment" (John 13,34) that Jesus gives. In a sense it is also an "old commandment" (1 John 2,7) because it has been operative from the beginning wherever faith in Jesus has laid hold on the heart. And yet at the same time it is "new" to us as "the darkness is passing away" and as the command becomes "true" for us in its becoming a working principle in our hearts and lives (1 John 2,8). But whether we call the command "old" or "new," in the writings of John it refers always to that new commandment Christ gave to his disciples on the night in which he was betrayed, "that you love one another; even as I have loved you, that you also love one another. By this all men will know that you are my disciples, if you have love for one another" (John 13,34-35). The love Jesus speaks of is entirely new, though Moses too had

spoken about love, for it is based on a new historical point of reference, Christ's sacrificial love as we have come to know it through the cross. This, for John writing in his epistles, is still the new command, and yet already it has become old: "And now I beg you, lady, not as though I were writing you a new commandment, but the one we have had from the beginning, that we love one another" (2 John 5).

58. The command of Jesus is synonymous with the "law of Christ" (Gal. 6,2; 1 Cor. 9,21) and with "the law of the Spirit of life in Christ" (Rom. 8,2): But let no one misunderstand as though Christ were here given to us as a new lawgiver to replace Moses bearing a new set of rules and regulations for new testament living, which was the fundamental error of understanding into which Calvin and Zwingli fell. The law of Christ is the principle of Christ's sacrificial love that pervades the whole of Christian life. Here Augustine's maxim, rightly understood, receives its due: "*Dilige, et fac quod vis.*"

59. Paul's beseeching his hearers by the mercies of God, Christ's holy command to his disciples, the law of the Spirit of life in Christ, all point us in a new direction where for the new man law in fact ceases to be law. It is the divine persuasion that finds immediate rapport with the new nature the Spirit has created within. Instead of working wrath and rebellion as the law had done, it is a word that finds a favorable place in the heart God has prepared for it. We are speaking now of what the fathers of our church called the "evangelical admonition." Notice the use of the word "evangelical" ("pertaining to the gospel") to show us that it is an admonition that flows out of the gospel. Koehler says in his Galatians commentary: "Evangelical admonition uses the words of the law as the holy will of God, but in a totally different sense than the preaching of the law. The latter addresses itself to the old Adam, points out his sin to him, and preaches damnation to him. In doing so, it wishes to kill the old Adam, just as it spoke to the unregenerate before. For the old Adam is not perchance converted, but he must be struck down by force. The evangelical admonition, on the other hand, addresses itself to the new man, who did not happen to spring from the old Adam, but is a new creation of the Holy Ghost himself through regeneration, the new nature of the Holy Ghost himself. To the new man we do not preach law. For the nature of the Spirit is not sin. Therefore judgment is not for him ..."^{xxxv}

60. In the same manner Reu speaks of the evangelical admonition: "In calling men to holiness of life, let the pastoral sermon beware of driving them by means of the law. Whatever may be accomplished in this way is external, dead, and does not please God. Whatever does not grow out of grateful love to God, freely and by an inner impulse, cannot have God's approval, however it shine before men."^{xxxvi} Also Luther in a sermon on Romans 12 shows how the Christian admonition must have to it an evangelical (gospel) and not a legal (law) tone: "Paul does not say, 'I command you,' for he is preaching to persons who are already Christians and pious through faith, new men, and who are not to be driven by commands, but admonished to do willingly the works they have to do through the sinful old man. For whoever does not do these works willingly, as a result of friendly admonition alone, is no Christian. And whoever exacts them from the unwilling, by means of law, is no Christian preacher or ruler, but a worldly slave-driver. A legal taskmaster employs force, with threats and punishments; a preacher of grace beseeches and invites, by showing God's goodness and mercy. The latter desires no unwilling words or grudging service, but an eager and glad service of God. Whoever will not let himself be besought and invited, by such sweet and pleasant words of God's mercy so

abundantly bestowed upon us in Christ, to do willingly and gladly what he is told, to the glory of God and the good of his neighbor, he is nothing and nothing can be done with him. How can he be softened and made eager by laws and threats, when the fire of heavenly love and grace does not melt him?”^{xxxvii} Understood in this way we would not deny the designation “gospel of sanctification” to what we are speaking of here in that also the new life of the believer belongs to the gospel, not to the law. The life of sanctification too is a part of God’s gracious promise to the believer in Christ, and promise is always gospel, never law.

61. To sum up what we have said of the use of law and gospel in the life of the believer to this point: 1) The law must continue to be preached to the believer because of the presence of the flesh, to curb its sinful desires and to convict of sin, so that the believer may be continually driven to the grace of God in Jesus Christ. The flesh is incapable of hearing or responding to the gospel and knows only the Word of the law. 2) But the believer is also new man who as such is completely free from the law and who knows only the Word of gospel. The new man needs no law. His life takes its shape from the gospel through the workings of the Spirit within. The call to new life in the form of Christ’s “command” or the “law of Christ” or the new testament “exhortations” to holy living is not a new system of laws, rules, and regulations binding, threatening, and coercing the believer to a prescribed life, but belongs to the promise by which God gives to the believer what he commands. “Give what thou commandest,” Augustine prayed in his famous prayer, “and command what thou wilt.”^{xxxviii}

62. The modern law-gospel controversy, which has touched also the Wisconsin Synod, was precipitated by a little essay published in 1935 by the widely-influential Swiss Reformed theologian, Karl Barth, which he entitled “Gospel and Law” (“*Evangelium and Gesetz*”). That this reversal of the familiar order of “law and gospel” was not just an accidental arrangement may be seen from the fact that this is the same order espoused by Barth in his monumental dogmatics, and that in the essay itself he says explicitly, “We must first of all know about the gospel in order to know about the law, and not vice-versa.”^{xxxix} Barth’s essay highlights an ancient fundamental Lutheran-Reformed difference, and in fact constitutes a direct assault on the Lutheran understanding of the proper distinction and use of law and gospel. It plays in with Barth’s monstrous wartime charge that what Luther taught about law and gospel, with its emphasis on justification and its “separation” of justification from sanctification, in part was responsible for the widespread capitulation of German Lutheranism to Nazism.

63. For Barth there is only one word from God, and that is the word of grace. The law is of the gospel, or, in the words of Barth, “The law is nothing else than the necessary form of the gospel, whose content is grace.”^{xl} The law is God’s promise to us, and therefore it is also gospel. As the “form” of the gospel, it conceals the gospel to us. This means that the law is the particular appearance or shape that the gospel happens to take in any given time or place. Law and gospel are one, two sides of the same coin. The law does not stand over against the gospel as that which accuses and condemns, and before which we cannot stand, but the power (gospel) is in the law to enable us to be what it demands.

64. At the time of the Reformation John Calvin, the father of Reformed theology, argued along the same lines that law and gospel are essentially the same. “The covenant made with all the patriarchs,” Calvin said, “is so much like ours in substance and reality that the two are

actually one and the same.” They differ only “in the mode of the dispensation.”^{xli} “Where the whole law is concerned, the gospel differs from it only in clarity of manifestation.”^{xlii}

65. But this is to make meaningless the wealth of Scriptures that set law and gospel in diametric opposition to each other. “The law is not of faith,” the apostle says. Barth’s answer to this is that Paul in his epistles was contending against a false opinion of the law as though the law had been given by God to accuse and condemn. Any word of law preached before the gospel is law misunderstood. This, he says, destroys the unity of God who cannot speak in a double, contradictory way. “The very fact that God speaks to us, that, under all circumstances is, in itself, grace.”^{xliii} In this way Barth magnifies the error of Calvin a hundred-fold. The idea that God speaks only grace to man is error of the most fundamental nature. The reader may determine whether it is Luther or Barth who sits within the Scriptures and who speaks as philosopher. Are we to believe that when Adam heard the voice of God in Genesis 3 calling to him, “Where are you?,” and he hid himself, that he did so because he had misunderstood what God had said, that “in the day that you eat of it you shall die” (Gen. 2,17), which God meant to be understood as a loving word (grace) to him? But this is to reduce the Biblical message to unintelligible nonsense.^{xliv} The Word of God to fallen man in the Garden was in the first place a word of judgment, not of grace. To blur this distinction, or worse, to obliterate it, is finally not only to lose the message of the law but also to lose the message of grace.

66. This writer suspects that it was a Barthian influence that played in, perhaps unwittingly, in the attitude of a pastor in a former sister synod with whom he worked during a summer while still a student in the late fifties or early sixties before the split in the synods. The setting was ghetto Detroit and the subject how to approach the people there with the message of the gospel since so many of them were caught up in immoral life situations of long standing, a circumstance not unfamiliar to the average pastor working today in conventional suburbia. The pastor of the former sister synod was convinced that the people did not need to be told they were “wrong” (the law), but needed to hear first that God loved them (the gospel), and then the law could be taught them to straighten out their lives. Whether or not the pastor recognized that his thinking came from Karl Barth, what he felt clearly did not flow from a Lutheran understanding of law and gospel.

67. The Barthian-Calvinist understanding of law and gospel is only incidental to our discussion, but it serves as a necessary back-drop to the modern controversy on the third use of the law. Since this controversy bears directly on our understanding of the workings of the new man and the old in the believer, we will want to look at the matter here. At the outset it should be stated that the use of the law belongs to God and not to us. Whether one conceives of a double, triple, or four-fold use, as has been the case at various points in the history of Lutheranism, the law we preach may serve one or several uses simultaneously depending on the purpose of God and the condition in which his Word of law finds the hearer. It will not fail in its use because the law of God too is part of that Word that goes out from God and “will not return to him empty,” but “will accomplish what he purposes” (Is. 55).

68. The third use of the law, as is commonly understood among us, is that use which applies to the believer, that is, to one in whom the Spirit of God is at work creating the new man in the image of God. The Formula of Concord defines the third use of the law in this way: “Thirdly,

that after they are regenerate and (much of) the flesh notwithstanding cleaves to them, they might on this account have a fixed rule according to which they are to regulate and direct their whole life.”^{xlv}

69. The modern controversy on the third use of the law arose in the Lutheran response to the appearance of Barth’s essay, “Gospel and Law,”^{xlvi} and was fueled in great part by the modern revival of Luther studies. One must understand the controversy against this background of a strong reaction of fear of the inroads of Calvinism into our church. In this we have those who have spoken out on the “third use” to thank for alerting us to the dangers here. Lutherans have always spoken guardedly about the third use of the law lest we be drawn into a denial of the grace of God in sanctification, and lest this “secondary” use overshadow the main purpose of the law, namely, to accuse and condemn us of sin, that we might be driven to Christ for salvation. For Calvin such scruples did not apply since for him the “third use” was the “principal use” and “proper purpose” of the law,^{xlvii} and for Barth it became virtually the only use. In the modern-day Lutheran reaction to this it has been argued that Luther knew nothing of the “third function” of the law and that such a notion is incompatible with an evangelical (gospel) ethic, and some have even argued that a “third function” of the law is not found in the Formula of Concord despite all appearances.^{xlviii}

70. The issue is beclouded in part by terminology, for some who deny the “third use” wish only to deny that it is law as law that is addressed to the believer in his life of sanctification, in a way that does not conflict with the understanding of the “evangelical admonition” we saw in Luther, Koehler, and Reu above, where law in fact does cease to be law in respect to the new life of the believer, who is not driven to the good works of the sanctified life by fear or threat (*lex accusans et condemnatrix*) or, for that matter, even by promise of reward (*lex justificatrix*).^{xlix} Law in this sense ceases to be in Christ.

71. The *status controversiae*, or the principal question in this controversy, is:¹ Whether the law of God as applied to the regenerate works in any positive way to promote the life of sanctification. On the one hand it has been maintained that the law serves the regenerate in a positive sense as a guide for Christian living (the so-called didactic or informatory function of the law). On the other it is held that while the law continues to function in the regenerate insofar as the old adam is concerned in a negative way to curb the old adam’s uncontrolled appetites and to mirror its sins, and also as a guide in the sense of a rule or standard by which all works of the old adam are to be judged and condemned, the law is utterly incapable of any positive function in the Christian’s life of sanctification. Or, as the question has been put, whether the law in all its uses in both regenerate and unregenerate alike is always accusatory and condemnatory, or whether the law could under any circumstance be “purely informatory” or “only a rule for life.” Or, as regards emphasis, whether the principal and proper use of the law is ever under any circumstance to be construed as other than the so-called theological or second use by which it accuses and condemns.

72. As an attempted reconstruction of the controverted teaching this essayist offers the following:

72.1. The argument in the modern controversy is not whether or not the law is to be applied to the regenerate as well as to the unregenerate. Both sides are in agreement that the one immutable law of God is to be impressed, preached, and taught to Christians and true believers as well as to the unbelievers, unchristians, and impenitent.

72.2. Both sides in the controversy subscribe to Article VI of the Formula and maintain that it supports their views.

72.3. Likewise both sides in the controversy maintain a third use of the law although the one side tends to define the concept in terms of function while the other in terms of realm of activity, and therein lies the crux of the matter.

72.4. Both sides agree that the new man, which is Christ in us (2 Cor. 4,4; Col. 1,15), is entirely free from the law.^{li}

72.5. Not only the motivating force for sanctified living, but also the content of the sanctified life is entirely supplied by the Holy Spirit to the believer insofar as he is new man.^{lii}

72.6. Thus the law functions in regenerate man only insofar as he is old adam; insofar as he is new man the law has no function whatever in him.^{liii}

72.7. But the old adam in the regenerate will not respond to positive directions and promptings of the law.

72.8. It is contrary to the nature of the old adam to be guided by a rule to which it refuses to submit.

72.9. If then regenerate man neither insofar as he is new man nor insofar as he is old man allows a didactic or informatory function of the law, it follows that the law serves no positive function in the life of sanctification of the believer.

72.10. The law thus is never rule or guide in a positive sense. The new man needs no guide; the old man cannot be guided.

72.11. The third use of the law is to be defined as the negative function of the law in regenerate man insofar as he is old man to curb his sinful desires and mirror or reflect his sins as well as to provide him with a rule or standard by which all false works of piety are judged and condemned.

72.12. The Formula uses the term "third use of the law" to answer the question of the realm of the law's activity, but not to indicate a special function of the law.

72.13. Luther spoke of a two-fold use of the law. The single reference in Luther to a three-fold use of the law in connection with his second disputation against the Antinomians, as cited by F. Bente in "Historical Introductions to the Symbolical Books,"^{liv} is spurious.

72.14. The three-fold division of the function of the law was introduced by Melanchthon in 1533. But for Melanchthon, as for Luther, the second or theological use remained to the end the principal use of the law, as he put it in the Apology of the Augsburg Confession: “*Lex semper accusat*” (“The law always accuses”).^{lv}

72.15. Calvin adopted the terminology of a three-fold use of the law (1536); however, he departed from both Luther and Melanchthon in insisting that the so-called third use of the law is the “principal use” and “proper purpose” of the law.^{lvi}

72.16. Therefore it is Calvinistic and “unlutheran” to speak of a purely informatory use of the law in which the law ceases to accuse and condemn, and it is a misplaced emphasis for Lutherans to conceive of the primary purpose of the law under any circumstance to be other than the second or theological use by which it accuses and condemns.

73. There is a certain force of logic that carries through this argument, and one can admire and wholeheartedly support the needed reemphasis on the truths that 1) as to motivation, urgings, promptings, the life of sanctification remains entirely Spirit-wrought, and that 2) also for the regenerate the principal use and proper purpose of the law is the second or theological use by which the law accuses and condemns and so drives us to Christ, but yet at the same time one must always be on guard lest system be permitted to override the simple, natural sense of Scripture. When I read, for example, Jesus’ words in Luke 11,28: “Blessed rather are those who hear the Word of God and keep it,” or the Beatitudes of the Sermon on the Mount (Matthew 5), my theological system can tell me that these words speak only in a negative sense to accuse and condemn me for my failure to live up to them, but is there not also here a simple positive meaning by which God reinforces for the believer the convictions of the new man within that I dare not allow system to exclude? There is no question that so long as I am in the flesh these words do accuse and condemn me always because I always fail to keep them as God wants, but it is an unwarranted jump from the confessional statement that “the law *always* accuses” to “the law *only* accuses.” We acknowledge system as a valuable tool in our study of the Word, but one does well to beware at all times lest it become a strait-jacket that shuts us up to simple, self-evident truth. The unlearned peasant woman can read the words of Scripture and go away with a truth in her heart that is denied the theologian because of the dark glass of his system.

74. There is also the matter that in our use of the terms “new man” and “old man” the caution must be expressed that we not over-distinguish and almost personify the new and the old, when in the present state it is always the believer as subject—and not new man or old man—to whom God’s Word of law and gospel addresses itself. The believer is not a tri-unity of persons but a single person. The Scriptures in fact do not speak uniformly in all places of the nature of the new man and old man. In respect to God’s creative act the new man is of course entire, whole, complete, and perfect, as we see, for instance, in the old testament prophecies that give us the new man as almost synonymous with the new testament believer, but in the workings out of the new man through the flesh the Scriptures can speak of the new man as something for the believer to “put on” (Eph. 4,24), which might yet allow for the new man to be conceived as a distinct, separate, fully-formed entity, but yet again the Scripture speaks of renewal as a process of “being made new” (Col. 3,10) and of the new man as “being formed within us” (Gal. 4,19). Thus Flacius can speak correctly of the new man as resembling a child, indeed an embryo, rather than

a full-fledged man.^{lvii} In this way we leave room for what the Scripture says of growth in faith and life in a positive sense, even though technically all is given at once with Christ. Yes, a believer in whom the new man is completely formed, meaning, no longer in the flesh, will need no didactic or informatory use of the law, but where is such a being to be found this side of heaven?

75. Here again the lurking danger of system surfaces, for if we have demonstrated that neither new man nor old man, strictly speaking, is capable of receiving a didactic or informatory instruction from the external Word, have we thereby excluded the instructional function of the Word from Christian life—if in fact by this process of reasoning the natural, clear sense of Scripture in many places is obscured? Is not the believer, to whom the Word of God is addressed, and who is both new man and old man, at the same time other than and more than either new man and old man or both old and new combined, whose will remains his own and is acted on by both sides of himself? How, for example, are the Psalm prayers for guidance to be understood, such as Ps. 25,4: “Show me thy ways, O Lord; teach me thy paths” (cf. also Ps. 27,11; 86,11)? Who is speaking these words? The old man could not and would not speak in this way. If the new man, why is he requesting to be informed about the content of the new life which the new man possesses by nature? Thus we are brought to a point by the force of logic where no one is capable of speaking these words, because neither old man nor new man, strictly speaking, is capable of instruction. But is it not rather the believer who is speaking, imperfect, the old and new struggling within him, imploring God for the necessary direction for living the Christian life, or, to rephrase it, for God’s immutable will to be given him in a positive way to serve an informatory or didactic function? And is it not once again to become prisoner of system and to obstruct the free flow of the Word and to force an unnatural sense on Scripture if we are to limit this text to a request for “negative” guidance from God, or if, in pursuing a positive sense, we restrict the psalmist’s words to a prayer for inner counsel and illumination of the Spirit? Certainly this too belonged to the psalmist’s prayer, but what in the natural sense of the words excludes the external counsel of the Word as a positive expression of God’s immutable will for the believer?

76. The danger of system dominating Word is present on every side, and it is particularly to the grace of God as it appeared in the teaching of J.P. Koehler that we in the Wisconsin Synod have been alerted to this as one form of legalism, by which law once again asserts itself in our lives.^{lviii} By “legalism” we mean the intrusion of law into Christian life in an “unlawful” or improper way (1 Tim. 1,8), a confusion of law and gospel by which we seek to take the forms of our life in faith from law and not from gospel. And it can happen to us at the same time and in the very way in which we are insisting that the gospel and the gospel alone is the power of God that shapes our lives of sanctification. This too is legalism when that statement becomes system and is misused to force an unnatural reading of Scripture. Koehler’s own “the gospel must be free to create its own forms” is subject to this kind of abuse, and is frequently so abused by his followers when it is turned into a legalistic maxim and used as a club to coerce a certain form of action. Nothing is free of the flesh in our use, including this essayist’s words, and in our throwing out of all maxims and slogans to justify our way we dare not fail to see the log that is permanently lodged in our own eye through the flesh (Matt. 7,3). Whatever we use to hinder the free expression of the Word is legalism sheer and simple. As an example of this, all one has to do is reflect on any program introduced in synod, whether of evangelism or mission or stewardship,

and the outcry that the very word “program” immediately elicits. We ought to reflect on this, I say, and the legalistic overtones it manifests. “Program” as imposed or enforced form of the way we must do a thing is of course the obvious legalism here, but let us not be blind to the subtler ways in which the legalistic spirit (spirit of the law) can creep over us and finally envelop us in a full-blown system of legalism that crowds out the freedom of the gospel. We need to reflect on the truth that to reject program or form because it is program or form and not on the basis of its gospel merits is every bit as much a “*gesetzlich Wesen*” (“legalistic way”) as my attempting to force my “form” on someone else, or, more insidiously, my imagining that my form (or “program”) for doing a thing is not form at all, but is the divinely-ordained way. Let us not be quick to forget that also our sermonizing and standard service is form (or “program”), and thus the question is never whether or not we are to use form or program, but rather which form or program best suits the flowering of the gospel as it appears in any given time or place. Some people say “no program” only as a way of saying “My traditional way of doing things (or not doing them) is the only way.” In all these ways the legalistic spirit intrudes on us, and our yielding to that spirit, of which we are all, including this essayist, at all times guilty to a greater or lesser degree and in need of the grace of repentance, arises always from the flesh which is not comfortable with the free work of the Spirit but seeks to circumscribe the Christian life with law.

77. This too can be applied to our development as a fledgling district of synod, since districts and synods too take on a life of their own through the workings of law and gospel in the lives of their individual constituents. As the gospel is free to work its power in us and in the lives of our people, the spirit will dominate over the flesh in our district. Since “the law is not of faith” (Gal. 3,12), which means that the two are utter and irreconcilable contraries, there can never be in any group a peaceful coexistence of the two spirits. The spirit of the law will work always for the removal of the spirit of the gospel. The nature of our origins in the south-central part of our country, and the strong confessionalism that is our strength, can at the same time make us particularly vulnerable to one form of the legalistic spirit that Koehler pinpointed in this way: “Legalism obtrudes itself here in the form of harping on orthodoxy. Hereby is meant the insistence on the ‘right faith’ where the emphasis has shifted from ‘faith’ to ‘right.’”^{lix} Let no one misconstrue Koehler as though he were here promoting doctrinal indifference. To the contrary he is warning against the equal danger on the other side of promoting among us a self-righteous, Pharisaic spirit which is an appeal to the flesh, and which can place us in jeopardy of losing the spirit of the gospel. The district itself can take on this character of the flesh if the gospel does not prevail among us.

78. The lessons of history may be brought to bear on our new life as a district. One outgrowth of the Protestant Controversy in the Wisconsin Synod is a healthy wariness among us of officialdom. Behind this lies the lingering suspicion that the tragic outcome of the Protestant affair in the 1920s may have been in part at least averted by a more apt and able administration. The legalistic spirit will seek to rear itself up here in the form of an undue suspicion, fueled by the history of which we were born, governing our relations. This happens when officials as officials become suspect, or we through our failure to achieve position yield to the flesh and make it difficult or impossible for elected officials to function effectively. It is possible to be wary of officialdom and at the same time to recognize that those whom God has placed into office perform necessary duties, and in this way to leave the spirit of the gospel free to work within the district organism. The spirit of fear and suspicion belongs to Sinai, and corresponds to

the slave-woman Hagar and the bondage that has been cast out with the coming of Christ. This is not to say that we do not have the right to expect of our elected officials an attitude and behavior that befits their office, no great divergence in their private from their public selves, no political maneuvering or proverbial “cloakroom deals,” but an openness and straightforward dealing with issues on the basis of the Word of God, a faithful holding of their trust and carrying out of their manifold duties that shows itself in a godly impartiality enabling them, for example, to regularly select and appoint to positions people with whom they do not necessarily agree in matters where God does not require our agreement, so as to permit the free workings of the Spirit and all the wisdom of the Spirit among us to have expression. What we are saying is that the Spirit is creating something new also here in our midst in the form of district, and that as the gospel works freely among us as individuals and congregations and in the various administrative offices and in our relations with each other, it will be seen then also in the life of the district itself whether the spirit of legalism or the Spirit of Christ prevails.

79. Now two questions remain: The one pertains to just what Luther himself taught about the third use of the law, and the other to how we are to understand the imperatives and the indicatives of the Christian life as we find them in Scripture. It is appropriate for us to take another look at Luther and the third use of the law since the third use, as it has come down to us, is directly bound up in the new life of the regenerate, and because Luther’s profound grasp of Scripture, as showed in his ability to sustain in his mind at the same time different, even seemingly contradictory thoughts, if this was what the Word required, far surpasses that of any leader God has raised up for the church before or after since the time of Christ and his holy apostles. He was to an exceptional degree by God’s gift a man mastered by the Word, who did not seek by system or other means to “master” or control the Word.

80. Without question the main thrust of Luther’s teaching on the law lay in the direction of those who question the validity of the third use among us today, and in this they are true students of Luther and the Bible. No one can read Luther’s lectures on Romans and Galatians without arriving at the conviction that for Luther the overriding reason why God gave the law was the second or theological use by which God makes sin known, stirs up and intensifies sin in us by working rebellion in our hearts against God, making sin sinful beyond measure through the commandment, so that I might despair of my own goodness and be thereby driven to the Savior in whom alone is life. We have already seen this in Luther, and do not wish to belabor a point that is self-evident to every student of Luther, but will add just one further testimony of Luther, from the Smalcald Articles: “But the chief office or force of the law is that it reveal original sin with all its fruits, and show men how very low his nature has fallen, and has become (fundamentally and) utterly corrupted; as the law must tell man that he has no God nor regards (taxes for) God, and worships other gods, a matter which before and without the law he would not have believed. In this way he becomes terrified, is humbled, desponds, despairs, and anxiously desires aid, but sees no escape; he begins to be an enemy of (enraged at) God, and to murmur, etc. This is what Paul says, Rom. 4,15: ‘The law worketh wrath,’ And Rom. 5,20: ‘Sin is increased by the law. (The law entered that the offense might abound).’”^{1x} In the vast majority of places where Luther treats the law of God, this is how he, grounded firmly as he was in the Word, would have us understand its use.

81. It is true also that Luther customarily spoke of a two-fold use of the law, and that the single formal reference in Luther to a three-fold use is doubtful. This appears at the conclusion of his second disputation against the Antinomians (1538) where Luther has been credited with a summary statement on the three uses of the law and the alleged remark as to the third use, to wit: "In the third place, the law is to be retained that the saints may know what kind of works God requires in which they may exercise their obedience toward God," which is cited by Bente in his "Historical Introductions to the Symbolical Books" as an instance of Luther's teaching,^{lxi} but the German theologian Werner Elert in a 1948 article has shown almost conclusively that the quotation is not authentic, since of the nine secretarial manuscripts of the disputation that have come down to us only two include the controversial passage and one of these is a poor, undatable transcript, while the other was written by a student who did not matriculate at the University of Wittenberg until 1550 and therefore could not have been a personal witness of the disputation.^{lxii} Therefore we do well not to use the controverted quotation to support a "third use" in Luther.

82. Yet though Luther was unaccustomed to speaking of a third use of the law and regularly spoke in terms of a two-fold use, we would be surprised if in his writings we did not find him making use of the law as a guide or rule for Christian life, given his god-given ability to let the Scriptures speak freely for themselves in each place without imposing an alien system on them. Luther's catechism hymn, "That Man a Godly Life Might Live" (TLH #287), is sometimes cited to demonstrate a third use of the law in Luther. The first stanza seems to say as much in a direct way: "That a man a godly life might live,/God did these ten commandments give." However, this is not a close translation of the original, which reads, "*Dies sind die heil'gen zehn Gebot',/die uns gab unser Herre Gott,*"^{lxiii} which says simply in literal translation: "These are the holy ten commandments, which our Lord God gave us," and which in fact says nothing of a third use. But if we go on to the eleventh stanza of the same hymn, we do have from Luther's pen an incontrovertible instance of law in its second and third uses, which, as we will see, conforms to the way Luther treats the ten commandments in his catechisms and other writings. Both the German and the English attest to this: "*Die G'bot' all uns gegeben sind,/dass du dein Sund', O Menschenkind,/erkennen sollst and lernen wohl,/wie man vor Gott leben soll. Kyrieleis,*"^{lxiv} which reads in literal translation: "The commandments have all been given to us that you should recognize your sins, O child of man, and learn well how one is to live before God."

83. That this is not an isolated instance of the third use in the writings of Luther we will show in an abbreviated way below, but let the reader look for himself to Luther's treatment of the ten commandments, particularly the detailed expositions in the Treatise on Good Works and Large Catechism, and see if he will not be convinced beyond doubt that Luther makes use of the commandments on every side as a expression of God's immutable will as guide for Christian living, and that not just in a negative sense to exclude works of our own choosing such as are prompted by the flesh, but also in a positive sense to reinforce the workings of the new man in the believer. That the first commandment teaches works after faith Luther says in this way: "Where are they who say that when we preach of faith, we shall neither teach nor do works? Does not this first commandment give us more work to do than any man can do?"^{lxv} And then, "as the first commandment has instructed the heart and taught the basis of faith, so (the second) commandment leads us forth and directs the mouth and tongue to God."^{lxvi} On what the third commandment teaches Luther says: "Where now are they who desire to know and to do good works? Let them undertake prayer alone, and rightly exercise themselves in faith, and they will

find that it is true, as the holy fathers have said, that there is no work like prayer.”^{lxxvii} Again, the third commandment by prescribing the keeping of the holy day, Luther says, means “nothing else than to be occupied in holy words, works, and life. For the day needs no sanctification for itself.”^{lxxviii} From the fourth commandment “we learn that after the excellent works of the first three commandments there are no better works than to obey and serve all those who are set over us as superiors.”^{lxxix} The fifth commandment gives us “the Word of God whereby he would encourage and urge us to true noble and sublime works, as gentleness, patience, and, in short, love and kindness to our enemies, and would ever remind us to reflect upon the first commandment, that he is our God, that is, that he will help, assist, and protect us, in order that he may thus quench the desire of revenge in us.”^{lxxx} In the sixth commandment, Luther says, “too a good work is commanded, which includes much and drives away much vice; it is called purity, or chastity.”^{lxxxi} In the seventh commandment “it is commanded that we advance and improve (our neighbor’s) possessions, and in case he suffers want, that we help, communicate, and lend both to friends and foes.”^{lxxxii} The eighth commandment teaches “that every one employ his tongue and make it serve for the best of every one else, to cover up his neighbor’s sins and infirmities, excuse them, palliate and garnish them with his own reputation.”^{lxxxiii} The ninth and tenth commandments teach us that we may “gladly wish and leave (our neighbor) what he has, and, besides, advance and preserve for him what may be for his profit and service, as we should wish to be treated.”^{lxxxiv} And in the conclusion of the ten commandments Luther writes: “Thus we have the ten commandments, a compend of divine doctrine, as to what we are to do in order that our whole life may be pleasing to God ... Only occupy yourself with them, and try your best, apply all power and ability, and you will find so much to do that you will neither seek nor esteem any other work or holiness.”^{lxxxv} Then in the exposition of the Creed Luther says: “Thus far we have heard the first part of Christian doctrine, in which we have seen all that God wishes us to do or to leave undone ... ” What God has done for us, as given to us in the Creed, “is intended to help us do that which according to the ten commandments we ought to do.”^{lxxxvi} Those of us who were brought up on Luther’s Small Catechism will recognize at once the similarity in the way he gives a positive content to all the commandments of God.

84. Only by a forced process of reasoning can one deny to Luther’s words on the commandments a positive instruction for Christian life, and limit what he says to a “negative” instruction that deals only with sin. Every word of law accuses, but as we have already said, we have no warranty to draw from the confessional statement that “the law always accuses” the conclusion that “the law only accuses.”

85. Admittedly, the comments we have taken from Luther in this connection are highly selective for the purpose of showing that Luther did in fact teach a third use of the law in a positive sense. We have passed by in the process the wealth of what Luther says in the same context about the negative functions of the law as it deals with sin in its accusatory and condemnatory role and in its role of excluding from Christian life false works of piety that arise from the promptings of the flesh. In being selective in this way it is not our purpose to reverse the order of what Luther saw to be of cardinal importance in the use of the law. This remains for us as for Luther the use by which God accuses and condemns the unregenerate, as well also the regenerate insofar as they are flesh, of their sins in order to drive them to Christ for their salvation. Luther stresses this in the very order of the placement of the ten commandments in his catechisms before the Creed to show that in the first place the law belongs *before* faith and Christ

to show us our sins and our need for a Savior, and that it is only in a secondary sense that the law serves the believer *after* Christ as a rule or guide for Christian living.

86. The real spiritual genius and gift of Luther lay in the fact that he did not find it necessary to oppose these thoughts to each other. He was able to a remarkable degree to hold in balance difficult, paradoxical, even contrary thoughts, in order that the Scripture might be free to speak and give its positive content in every place, and not be forced under an alien, unnatural sense; and in this we find the key to the understanding of all that the Scripture has to say about the workings of the new man and the old in the believer. The legalist wants to set indicative of Scripture against imperative of Scripture, and imperative against indicative, freedom from law against the command to love, Jeremiah's vision of the new covenant against the "life in conflict" of Romans 7, works against faith and faith against works, the fact that we are sinners against the equally valid fact that we are at the same time saints; in all of which the legalist yields to the flesh, which is the spirit of fear and bondage. But faith, which is the opposite of fear, does not concern itself with these matters. When faith hears the voice of the loving Shepherd gently urging and cajoling to follow, it does not first ask how or why it ought to do a thing, but simply hears the Word and wills to do.

87. The Scripture does in fact give us both indicative and imperative side by side in the treatment of the Christian life. For John in his first epistle love is a reality for the believer, something that simply is there by virtue of one's faith in Christ: "We love the brethren" (3,14); and at the same time it is something that the believer should or ought or must do: "We should love one another" (3,11; cf. also 3,16; 4,11). Christians both "are the light of the world" (Matt. 5,14) in their very nature in a way that their light "cannot be hid," and yet they have to be told that they should "let their light shine" (Matt. 5,16). Again, as it is the very nature of living branches in the vine to "bear fruit," so Christians will freely and spontaneously of their own accord by virtue of their connection to Christ bring forth the fruits of faith (John 15,5); and at the same time they are commanded that this is something they must do, that they should go and bear fruit" (John 15,16). The Augsburg Confession, Art. VI, reflects the Scripture in presenting the same paradox of Christian works as "fruits" that like the fruits of a tree are produced out of their own inner necessity, but then also as something that "should" or "must" be done because of God's will and command: "This faith is bound to bring forth good fruits, and that it is necessary to do good works commanded by God, because of God's will."^{lxxvii}

88. Is there a contradiction here, or is it not rather that the Scripture means for us to learn that both the indicative and the imperative have their place in Christian life? In the use of the indicative and in the description of the new life as fruit we are reminded that just as fruit presupposes the tree, so the new life presupposes having been transplanted into Christ; and just as fruit is produced by the tree from an inner necessity without anyone ordering it or coercing it, so the new life is the free and spontaneous product of our being implanted in Christ. The imperatives of the Christian life have a double use, neither of which is to be understood as a legalistic means to bring life back under the law. First, they are given to remind us that the flesh is still present, and lest we slip into a carnal security, to continually drive us to repentance and Christ. Secondly, they speak also to the new man, but in an altered tone, and create in the believer what they command. They are "imperatives of grace" as opposed to "imperatives of the law," the difference between the two being not in content but in the condition in which they find

us. “The fact that John places faith, love, our entire fellowship with God, under a commandment,” Koehler notes, “as indeed too the Savior had done, is not something he does merely on account of the old adam ... The use of the word commandment has nothing legalistic about it whatsoever.”^{lxxviii} So both the indicatives and the imperatives of the Christian life have their place. They serve in fact as necessary correctives to each other. One-sided emphasis on the imperative leads to legalism. One-sided emphasis on the indicative will lead to perfectionism. Both in fact are an expression of the legalistic spirit.

89. Thus when we speak of sanctification as the response of the believer to God, as do also our Lutheran Confessions,^{lxxix} we do so without denying in any way that sanctification is purely God’s work or departing in the least from the formula that “all is of grace,” but in this way we simply speak the language that scripture speaks. The verb “to sanctify” (Greek=ἁγιάζω, “to set apart for a holy purpose”) is in fact used exclusively of God’s activity and only passively of man in the new testament; but the noun “sanctification” (ἁγιασμός) in several places refers to conduct God requires of man (Rom. 6,19.22; 1 Thess. 4,3.4.7; 1 Tim. 2,15; Heb. 12,14). Sanctification, which is purely God’s work in the believer, always appears in the concrete in the form of good works, and in this sense it is to be understood as the divine work in man by which man responds to grace.^{lxxx} The Formula in speaking of man’s “cooperating” with the Holy Ghost after regeneration in the life of sanctification is careful to explain in what sense this cooperation is to be understood. It is not “as when two horses together draw a wagon,” but “the converted man does good to such an extent and so long as God by his Holy Spirit rules, guides, and leads him,” and he would cease to do good the moment God would “withdraw his gracious hand.” Sanctification is the continuous work of God in the believer, setting him aside for his holy purposes and creating him daily anew for good works (Eph. 2,10). Thus all, all is of grace. “For it is God who is at work in you, both to will and to do of his good pleasure” (Phil. 2,13). What we do in the life of faith we do only “because the love of God has been poured into our hearts through the Holy Spirit which has been given to us” (Rom. 5,5). All that the believer is and does in Christ belongs to the praise of God’s glory and not his own (Eph. 1,12).

Soli Deo Gloria!

Endnotes

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- ⁱ Nicholas Amsdorf (1483-1565), a staunch supporter of Luther, only meant by this to exalt justification by faith alone, but the false and misleading statement was specifically rejected by the “Formula,” *Triglotta*, p.801.
- ⁱⁱ *Augustine: Later Works*, p.191.
- ⁱⁱⁱ *ibid.*, p.229.
- ^{iv} Luther’s Works, Am. Ed., hence, LW,35,246.
- ^v *Augustine: Later Works*, p.217. Other Biblical references to the “finger of God” are found in Ex. 8,19; Ps. 8,3; Dan. 5,5.
- ^{vi} *Augustine: Later Works*, p.226.
- ^{vii} J.P. Koehler, “Faith, the Quintessence of Christian Life on Earth,” in *Faith-Life*, Feb., 1949, p.14.
- ^{viii} *Augustine: Later Works*, p.231.
- ^{ix} cf. Koehler, “Quintessence,” in *F-L*, Jan., 1949, p.12; Bente gives Flacius’ view of new man as “embryo” in “Historical Introductions,” *Triglotta*, p.170.
- ^x Luther, Philadelphia Ed., I,190-1.
- ^{xi} quoted in Koeberle, Adolf, *The Quest for Holiness*, p.123.
- ^{xii} Luther, Phil. Ed., VI,451-2.
- ^{xiii} Chemnitz, Martin, *Examination of the Council of Trent*, p.76. This author is indebted for the thought of this paragraph also to the excellent little work of George Tiefel, “God the Holy Spirit Acts in Both Law and Gospel,” in *God the Holy Spirit Acts*, Eugene Kauffeld, ed., pp.34ff.
- ^{xiv} Koehler, “Quintessence,” in *F-L*, Jan., 1949, p.12.
- ^{xv} Koehler by the very choice of the word “quintessence,” in the title of his major sanctification essay, which English translation of the German “Urwesen” he approved, wished to stress that life does not merely spring from faith as a source, but that “faith is life of the Holy Spirit” (*F-L*, Feb., 1949, p.14), that “faith is life” itself (*F-L*, June, 1949, p.12) in its purest form. Cf. also Koehler, “Gesetzlich Wesen unter uns,” p.124: The gospel “creates faith, which is new life.” Althaus develops the same idea in *The Divine Command*, pp. 32,41.
- ^{xvi} “Fourthly of Baptism” in the Small Catechism.
- ^{xvii} *Augustine: Earlier Writings*, pp.376-385.
- ^{xviii} Augustine, “Against Two Letters of the Pelagians,” I,viii.
- ^{xix} Bente, “Historical Introductions,” *Triglotta*, p.163.
- ^{xx} *ibid.*, p.163.
- ^{xxi} Luther, *Lectures on Romans*, p.288.
- ^{xxii} Formula of Concord, VI,961,24.
- ^{xxiii} This is Stoeckhardt’s interpretation. Cf. *The Epistle to the Romans* on the passage.
- ^{xxiv} LW,35,173.
- ^{xxv} LW,35,164.
- ^{xxvi} LW,35,164.
- ^{xxvii} LW,35,165-6.168.172-3.
- ^{xxviii} LW,35,243.
- ^{xxix} LW,26,148.
- ^{xxx} Formula of Concord, Sol. Dec., V,10.
- ^{xxxi} Koehler, “Quintessence,” June, 1949, p.11.
- ^{xxxii} Formula of Concord, Sol. Dec., IV,14,16.
- ^{xxxiii} Cf. the use of ἐντολή (command) in Rev. 12,17;14,12.
- ^{xxxiv} The distinction between “law” and “command” is developed by Paul Althaus in *The Divine Command*, as the title implies, in two journal articles by Robert Brimsmead, *Verdict*, Vol. 4,6, and *Verdict*, Essay 10, 1983.
- ^{xxxv} Koehler, *Galatians commentary*, pp.140-1; cf. also pp.157-158. Also in his “Gesetzlich Wesen” article: “With respect to, this new spiritual life the holy will of God loses this character of the law in the form of demands, threats, condemnation ... The Christian will, of course, speak of law and will use such expressions to cover it as have been formed in the course of the development of the human language; but there is no resemblance to what the unbeliever means when he uses the same terms and expressions,” p.124.
- ^{xxxvi} Reu, *Homiletics*, p.159.
- ^{xxxvii} quoted in Reu, *Homiletics*, pp.160-1.
- ^{xxxviii} Augustine, *Confessions*, X,40.
- ^{xxxix} Barth, *Gospel and Law*, p.72.

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- ^{xl} *ibid.* p.80.
- ^{xli} Calvin, *Institutes*, Bk.II,10,2.
- ^{xlii} *ibid.* Bk.II,9,4.
- ^{xliii} Barth, *Gospel and Law*, p.72.
- ^{xliv} This is Elert's example. For other Biblical examples cf. Elert, *Law and Gospel*, p.6.
- ^{xlv} Formula of Concord, Epit., VI,1.
- ^{xlvi} The prime mover in this was the German theologian, Werner Elert, *Law and Gospel, The Christian Ethos*, followed by Gerhard Ebeling, and by the Scandinavian theologians who took an even stronger position against the third use than Elert did. A more moderate reaction in Germany followed in Thielicke, *Theological Ethics*, and Althaus, *The Divine Command*. The Wisconsin Synod and the Church of the Lutheran Confession became involved in the controversy through the position adopted and now held by Herold Schulz, James Koch, Fred Tiefel, Vic Tiefel, and Delwyn Maas.
- ^{xlvii} Calvin, *Institutes*, Bk.II,7,12.
- ^{xlviii} Althaus cites this as the position of the Scandinavian, Ragnar Bring, in *The Divine Command*, p.1.
- ^{xlix} This appears to be what Thielicke and Althaus are saying, but in Althaus, at least, this develops into a position where his argument against "legalistic regulation of the Christian life" tries to draw on the witness of the church and tradition in the formulation of the norm of Christian life and not Scripture alone. Cf. *The Divine Command*, pp.45ff.
- ^l The following originated as a study paper produced in Oct. 1980, for the WELS St. Clair Circuit Study Club, Detroit, Michigan, and was subsequently presented in Oct. 1982 to the Texas Mission District WELS Teachers' Conference. It is an attempt to follow the broad outline of the argument in the modern controversy and does not represent the position of any individual or group. The main thrust of the Germans and Scandinavians, as this essayist sees it, is that if a third use is to be allowed, it must be in the sense of a third "realm of the law's activity" and not a third "function" of law (cf. Elect, *Law and Gospel*, p.43). The position of the WELS group would appear to turn more on whether or not the law serves any "positive" function, and whether or not the law in all its uses "deals only with sin." All are agreed that there is no "purely informative" function of law (cf. Elect, *Law and Gospel*, p.40).
- ^{li} Cf. Armin Schuetze, *Wisconsin Lutheran Quarterly*, Oct. 1979, p.300.
- ^{lii} Cf. *ibid.*, p.293; also Schuetze, *WLQ*, Oct.1964, p.288, and August Pieper, *WLQ*, Oct. 1960, p.256.
- ^{liii} Pieper, *WLQ*, Jan. 1961, p.30; cf. also George Stoeckhardt, *Law and Gospel*, p.31.
- ^{liv} Bente, "Historical Introductions," *Triglotta*, pp.164-5.
- ^{lv} "Apology," *Triglotta*, p.111,198; cf. also Luther, Smalcald Articles, Part III, Art. II.
- ^{lvi} Calvin, *Geneva Catechism*, Art. 3; *Institutes*, Bk.II,7,12.
- ^{lvii} Bente, "Historical Introductions," *Triglotta*, p.170.
- ^{lviii} See his masterful essay, "Gesetzlich Wesen unter uns," in English translation as it was first published in *Faith-Life* and subsequently read as convention essay and published in the "Proceedings of the Thirty-Fifth Convention of the Evangelical Lutheran Joint Synod of Wisconsin and Other States, 1959."
- ^{lix} Koehler, "Gesetzlich Wesen," Synod Proceedings, 1959, p.128.
- ^{lx} Smalcald Articles, Part III, Art. II.
- ^{lxi} Bente, "Historical Introductions," *Triglotta*, p.146.
- ^{lxii} Werner Elert, "Eine theologische Falschung zur Lehre vom Tertius Usus Legis," in *Zeitschrift für Religions- und Geistesgeschichte*, pp.168ff.
- ^{lxiii} St. Louis Ed. of Luther's Works, 10,1452.
- ^{lxiv} *ibid.*, 10,1453.
- ^{lxv} Luther's Works, Philadelphia Edition (hence, PE), p.198.
- ^{lxvi} Large Catechism, *Triglotta*, 539,50.
- ^{lxvii} Luther's Works, PE, p.230.
- ^{lxviii} *Trigl.* 605,87.
- ^{lxix} Luther's Works, PE, p.250.
- ^{lxx} *Trigl.* 637,195.
- ^{lxxi} Luther's Works, PE, p.275.
- ^{lxxii} *Trigl.* 651,250.
- ^{lxxiii} *ibid.*, 663,285.
- ^{lxxiv} *ibid.*, 669,309.
- ^{lxxv} *ibid.*, 673,311; 673,318.
- ^{lxxvi} *ibid.*, 679,1-2.
- ^{lxxvii} *Trigl.* p.45.

^{lxxviii} Koehler, “Quintessence,” in *F-L*, May, 1949, p.9.

^{lxxix} Formula of Concord, Art II, Sol. Dec., II,65-66, is *Triglotta*, p.907.

^{lxxx} Franz Pieper: “In another respect good works are identical with sanctification, since sanctification “in concreto” takes place through the performance of good acts, the believer avoiding, internally and externally, the evil and accomplishing, internally and externally, the good. Sanctification “in concreto” is, just as little as faith, an infused substance or a dormant condition ..., but it is an unceasing activity, constantly called forth and sustained by the Holy Ghost.” *Dogmatics*, III,5.

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