

STORM CLOUDS OVER THE
NEBRASKA DISTRICT

SENIOR CHURCH HISTORY

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JANUARY 28, 1993

Wisconsin Lutheran Seminary Library
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Mequon, Wisconsin

I. STATUS CONTROVERSIAE:

On the one hand, Pastor Herold Schulz contended that the the First and Second Uses of the Law must always be maintained and emphasized; that the Third Use of the Law should never be applied to the Christian after he comes to faith; that such a use of the Law is never stated or taught by the Scriptures or the Lutheran Confessions.

On the other hand, representatives of the WELS, on the district and synodical level, maintained that even the Christian, under Grace, learns from God's Law what works please God. Such a Third Use of the Law is both Scriptural and the position taken by the Lutheran Confessions.

II. HISTORY OF THE CONTROVERSY:

A. SUMMARY OF HISTORICAL EVENTS:

In the early 1960's, the Board of Education - Wisconsin Synod produced a Kindergarten Manual for Lutheran Schools, Sunday School Teacher's Manual, and Teacher's Manual of Bible Stories. In a letter dated May 9, 1962, to A.F. Fehlauer of the Board of Education, Pastor Schulz stated his objections to the Kindergarten Manual. See Addendum #1.

On June 15, 1962, William E. Fisher of the Board of Education wrote Pastor Harold Schulz a letter in which he answered Pastor Schulz's objections and admitted that there were some flaws in wording, as well as an error. See Addendum #2.

On June 20, 1962, Pastor Schulz restated his objections to the Kindergarten Manual to William E. Fisher of the Board of Education.. See Addendum #3.

Again on Nov. 15, 1962, Pastor Schulz spelled out his objections to the Sunday School Teacher's Manual, as well as the Teacher's Manual of Bible Stories to the Executive Committee of the Board of Education. See Addendum #4.

On April 30, 1963, Pastor Schulz wrote a letter to Pres. Oscar J. Naumann, petitioning him to appoint a committee to review the entire problem. In the letter, he charged the Board of Education of emphasizing the Third Use of the Law contrary to Scriptures and the Lutheran Confessions.

On July 9, 1963, Pastor Schulz responded to Pres. Naumann's letter, dated June 26, 1963, which requested Pastor Schulz to produce the written "proof will be furnished when required" as it appeared in Pastor Schulz's letter to Pres. Naumann. The letter restated charges against the Board of Education for emphasizing the Third Use of the Law contrary to Scriptures and the Lutheran Confessions. The contents of the letter once again listed Schulz's objections to the two manuals. See Addendum #5.

President Naumann appointed a committee of three pastors to review Pastor Schulz's objections to the Kindergarten Manual, Sunday School Teacher's Manual, and the Teacher's Manual of Bible Stories. Committee

members included E. Kionka who was appointed chairman, L. Karrer and M. Volkmann. On January 29, 1964, Pres. Naumann advised committee members that Chairman Kionka had passed away. His notes and notations in the three manuals were in the possession of his son, Gerhardt Kionka, and would be available to the committee. Pres. Naumann encouraged the remaining two members to finish their task and submit a written report.

On February 26, 1964, the committee sent Pres. Naumann their findings entitled: Report Of The Herold Schulz Protest Committee. See Addendum # 6. However, Pastor Schulz was not satisfied with the findings of the committee. The result was that Pastor Schulz memorialized the 38th Biennial Convention of the Wisconsin Synod in a letter dated January 21, 1965. See Addendum #7

In part, the memorial reads, "THEREFORE, I URGENTLY PLEAD: That the Synod in Convention authorize an investigation of my charge, 'that the Kindergarten Manual for Lutheran Schools and the Teacher's Manual published by authority of the Board of Education, Wisconsin Synod, emphasize the Third Use of the Law contrary to the Scriptures and the Lutheran Confessions'."

The seriousness of Pastor Schulz's charges can not be minimized. The Board of Education of the Wisconsin Synod was charged with publishing false doctrine. Additionally, we must remember what was transpiring during this period of time. The Wisconsin Synod had officially severed fellowship with the Missouri Synod. With one controversy just ended, another took its place. The Synod in convention handed the matter over to the Conference of Presidents (C.O.P.).

In a letter dated September 15, 1965, Sitz and Dahlke wrote for the C.O.P. to Schulz, requesting Schulz to "outline his approach to the Third Use of the Law and give the benefit of his thinking in this matter in writing to the Conference of Presidents."

On October 1, 1965, Pastor Schulz wrote to Pres. Naumann indicating to him that an outline would be too restrictive. He wanted to present his thinking on the Third Use of the Law in light of both publications and Scripture. Here we begin to see the problem with Pastor Schulz. Simply put, Pastor Schulz does not have a clear understanding of Third Use of the Law apart from polemics.

On October 26, 1965, Pres. Naumann wrote to Pastor Schulz and requested that Pastor Schulz follow the request of the C.O.P. for a clear written understanding of the Third Use of the Law.

On December 9, 1965, Pastor Schulz presented an essay to the C.O.P. See Addendum #8. In his essay, polemics are liberally mixed with quotations from the Scriptures and from the Confessions. He rejected Prof. J. Ph. Koehler's essay "Gesetzliches Wesen Unter Uns" and Prof. A. Schuetze's essay "The Christian And The Law" by saying that "The

Christian does not need the Law to educate him in regard to the holy will of God.”

Pres. Naumann acknowledged receipt of Pastor Schulz's position on the Third Use of the Law and sent copies to each one of the members of the C.O.P. On February 8, 1966, Pres. Naumann wrote to Pastor Schulz asking once again for a clear outline of his position on the Third Use of the Law. This time however, he states in no uncertain terms that he wants Pastor Schulz's position paper FREE from all polemics.

On April 18, 1966, Pastor Schulz sends Pres. Naumann his position on the Third Use of the Law, which is basically the same as that given in his letter dated December 9, 1965. On April 25, 1966, Pastor Schulz sends Pres. Naumann a conference paper delivered by Schulz to the Colorado Mission District Delegate Conference in February of 1965, entitled The Historical Setting Of The Ten Commandments. See Addendum #9.

On May 26, 1966, Pastor Schulz meets with C.O.P. In this meeting, E.H. Zimmermann answers questions and statements contained in Pastor Schulz's essay (Addendum #8) and his essay entitled The Historical Setting Of The Ten Commandments, (Addendum #9).

On June 13, 1966, Pres. Naumann writes a letter (Addendum #11) to the C.O.P. informing them that further discussion is needed concerning Pastor Schulz's contention "that the Christian has no need of the Law."

On June 15, 1966, Pastor Schulz writes a letter (Addendum # 12) to Pres. Naumann and Vice Pres. Habeck stating that they "have belied, betrayed, slandered and defamed me in declaring that it was my contention 'that the Christian has no need of the Law.' This is a vicious lie." We see once again that the polemics in this controversy sidetrack Pastor Schulz from concentrating on the real issue, namely his position on the Third Use of the Law.

On June 17, 1966, First V. P. Irvin J. Habeck writes Pastor Schulz a letter (Addendum #13) in which he refutes Pastor Schulz's claims in his letter dated June 15, 1966, point by point.

On August 8, 1966, Pres. Naumann makes another request for Pastor Schulz to put into writing a clear, concise understanding of the Third Use of the Law. This request is followed by a letter dated August 26, 1966, from Pres. Naumann to the sub-committee of the C.O.P., consisting of C. Mischke, J. Dahlke, A. Buenger, and O. Naumann. The C.O.P. finds no validity in Pastor Schulz's charges and requests that Pastor Schulz put into writing his understanding of the Third Use of the Law, with Scriptural proof.

On October 22, 1966, Warren Tripp (member of St. James, Golden, Colorado) writes Pres. Naumann. In his letter, he pleads with Pres. Naumann to intervene because Pastor Schulz has voluntarily resigned as of October 21, 1966, due to the anxiety and stress of the entire matter. The congregation is in an uproar. Pastor Schulz's whereabouts are known only

to his immediate family.

On October 27, 1966, First V.P. Gerald Free of the Nebraska District reported to Pres. Naumann that St. James Congregation met on October 23, 1966 and voted not to accept Pastor Schulz's resignation by a vote of 38 to 6.

On December 6, 1966, the C.O.P. met with Pastor Schulz and an Elder (Robert Lange Jr.) from St. James, Golden, Colorado. Pastor Schulz presented a letter entitled "My Statement". See Addendum #14. A copy of the minutes of that meeting is listed as Addendum #15.

On December 19, 1966, Pres. Fritze declined St. James' request for a teacher's call list because Pastor Schulz was not in doctrinal agreement with the Wisconsin Synod on the Third Use of the Law and because St. James had implicated itself in the matter of doctrinal discord with the Synod by accepting the teachers' resignations.

On January 10, 1967, Pastor Schulz replied to the Conference of Presidents' minutes, dated December 6 and 7, 1966. See Addendum # 16.

On February 3, 1967, the Praesidium of the Conference of Presidents under the pen of Chairman Naumann wrote to Pastor Schulz in response to Pastor Schulz's letter dated January 10, 1967.

On February 16, 1967, Pres. Naumann wrote to Pastor Schulz and told him to read Prof. Kowalke's entire article in the Quartalschrift, Vol.28: April 1931, entitled, "Das Erste Gebot" and not to quote out of context. He also told Pastor Schulz to read the Formula of Concord: Sol. Decl. VI: paragraphs 11 and 12, which he felt would help clarify Pastor Schulz's problems.

During the month of April, 1967, an interim report was prepared by the Secretary of the C.O.P., Pastor Mischke. On April 25, 1967, the report was mailed to the district presidents.

At the district level, a meeting was held on May 8,9 and 10 at Fort Morgan, Colorado. In attendance were the Nebraska Praesidium, Visiting Elder Pastor Meyer, Pastor Schulz and St. James' Chairman, Mr. Hartmeister. The upshot of this meeting was that Pastor Schulz drew up a brief statement on the Third Use of the Law. After a cursory review, the Praesidium accepted it but wished to study it further. They also asked Pastor Schulz to "file it", which this writer took to mean "flesh it out" with Scripture passages and with references to the Confessions.

It appeared that there was a positive movement to resolve the conflict in a letter dated May 16, 1967. Pres. Fritze wrote to Pres. Naumann stating that Pastor Schulz now agreed that the Law gives instruction. The Nebraska District asked for an official doctrinal statement of the Wisconsin Synod on the Third Use of the Law.

In a letter dated May 16, 1967, Pastor Schulz wrote the C.O.P. and conditionally offered to withdraw his memorial if the C.O.P. reacted favorably to the Nebraska District Praesidium's request for an official doctrinal

statement of the Wisconsin Synod on the Third Use of the Law. Such a statement would be presented to Synod in convention for a thorough examination, approval and adoption.

The report of the C.O.P. to Synod was written in May and on May 29, 1967, Pres. Naumann advised Pastor Schulz that if communications between June and the beginning of the convention should change the minds of the C.O.P., a meeting would be scheduled prior to the convention itself. The report itself was not printed in the Book Of Reports And Memorials for that very reason.

Probably the most damaging letter in the the entire sordid, drawn out affair was written by Pastor Schulz himself on July 11, 1967, to Pres. Naumann. It was entitled "A Confession". See Addendum #18. In it, Pastor Schulz confessed to lying and false humility.

The minutes of the Nebraska District Praesidium, which met at Council Bluffs, Iowa, on July 31, 1967, show that a resolution was passed not to do anything further concerning Pastor Schulz until after the Synod Convention.

The Synod in convention on August 11, 1967, passed two resolutions. First, it was "Resolved that we declare that the charges of Pastor Herold A. Schulz in his protests and memorials cannot be upheld". Second, "Whereas the C.O.P., after much correspondence and several meetings with Pastor Schulz during the past biennium, 'regretfully reports that it has not been able to resolve the matter' . Therefore, be it resolved that the matter be referred to the Nebraska District for further action seeking a God pleasing solution."

Now it's back to the Nebraska District for the final outcome of this most stormy and lengthy controversy. The Nebraska District Praesidium met on August 30-31, 1967, at Fort Morgan, Colorado, with Visiting Elder Pastor Meyer, Pastor Schulz, and Mr. Bierhaus of St. James. See Addendum #19.

After the meeting in Fort Morgan, Colorado, Pastor Schulz began a round of polemics with the Administrative Officers and Faculty of D.M.L.C. This began with a document entitled, "The Closing of the Christian Day School in Golden, Colorado." On Oct. 11, 1967, Pastor Schulz wrote to Conrad Frey at D.M.L.C. "May God in His mercy give us a new reformation, especially in the area of Christian Education." On Nov. 3, 1967, Pastor Schulz threatened Otto Engel who was Chairman of the Board of D.M.L.C. He wanted answers to his questions or "If necessary, we must find ways and means to inform the students, their parents, and pastors of your reluctance to take matters in hand."

II. B. DETAILED OUTLINE OF OFFICIAL CORRESPONDENCE
PERTAINING TO THIS CONTROVERSY FROM THE FILES OF
OSCAR J. NAUMANN, PRESIDENT OF WISCONSIN EV. LUTHERAN
SYNOD. SEE ADDENDUM #21

III. THE BODY OF EVIDENCE EXAMINED.

It is very difficult to crystalize exactly what Pastor Schulz believed as far as the Third Use of the Law was concerned. Perhaps we should begin by examining his correspondence and the correspondence of others who were intimately involved in the controversy. In doing so, we will be looking at correspondence which is listed in the historical section and labeled as "Addendum #_." The documents are labeled for the reader in the back section of this paper.

Referring to Addendum #4, a letter dated Nov. 15, 1992, the following quotations begin to give us a glimpse of Pastor Schulz' problem with the Third Use of the Law.

He quotes from Stoeckhardt's Law and Gospel, "A Christian, therefore, in so far as he is the temple of the Holy Ghost, in so far as the Spirit of God has gained room within him, walks in paths of uprightness, lives in the law, the will of God, knows, desires, and does what God wants, 'without any teaching of the Law'."

To this, Pastor Schulz says, "I hold this truth, that the Christian lives in the Law without any teaching of the Law, is clearly taught in the Bible. When I here speak of a 'Christian', I, of course, mean a born again child of God, cf. John 3:9." To this statement, he offers the following passages of Scripture as support: 1 John 2: 20, 1 John 2:27, John 6:45, 1 Thess. 4:8-9, Heb. 8: 10, Eph. 4: 24.

He continues by saying, "Yes, if the tree is good, and if we truly are branches on the vine, the fruits of the Spirit will grow of themselves, without it being necessary for teachers to instruct the child 'how to show its love and gratitude to God', as it is so frequently stressed in both manuals. Now in regard to the proper use of the Law, -----, I hold that the Law never was given to guide us in showing our love to God by 'rules' of good conduct, but that the Law deals only with the problem of sin."

From these quotations, we see that Pastor Schulz must be speaking of the New Man only, who has been brought to faith by the Holy Spirit. The New Man's life of sanctification receives its power solely from the workings of the Holy Spirit, never from the Law. Additionally, the New Man in and of himself does not need the club, mirror and guide of the Law. In so far as the Old Man is concerned, the curb and mirror of the Law apply. If this is what Pastor Schulz means when he refers to the born again Christian, we would agree. The problem will center around putting the New Man and Old Man together inside one body and then applying the Third Use of the Law to the Christian. Pastor Schulz will deny that the Christian needs the Third Use of the Law as a clear teaching of God's holy immutable will.

From the above body of evidence, we ask:

Question #1: Does Scripture teach a third use of the Law? Restated, does

Scripture teach that the Law in its so called Third Use serves the Christian in a positive sense as a guide for Christian living (the so-called didactic or informatory function of the Law)?

Yes, God's Law tells Christians who are surrounded by a sinful world, the way of life which is pleasing to God. This use of the Law is called the guide or rule. The psalmist says, "How can a young man keep his way pure? By living according to your word" (Ps. 119:9) and "Your word is a lamp to my feet and a light for my path" (Ps. 119:105). Paul wrote to the Romans, "Therefore, I urge you, brothers, in view of God's mercy, to offer your bodies as living sacrifices, holy and pleasing to God--- which is your spiritual worship. Do not conform any longer to the pattern of this world, but be transformed by the renewing of your mind. Then you will be able to test and approve what God's will is--- his good, pleasing, and perfect will" (Ro. 12:1-2).

The Formula of Concord says this of the Third Use of God's Law. "Although the truly believing are verily moved by God's Spirit, and thus, according to the inner man, do God's will from a free spirit, yet it is just the Holy Ghost who uses the written law for instruction with them, by which the truly believing also learn to serve God, not according to their own thoughts, but according to his written Law and Word, which is a sure rule and standard of a godly life and walk, how to order it in accordance with the eternal and immutable will of God" (S.D. VI,3).

Many more passages, as well as quotes from our Confessions could be used to answer the question in an affirmative manner. Yes, Scripture and the Formula of Concord teach the Third Use of the Law.

Question #2: Does the New Man have complete knowledge of God's will?

Yes, the New Man has a complete knowledge of God's will. Paul writes to the Corinthians, "If anyone is in Christ, he is a new creation; the old has gone, the new has come"(2 Cor. 5:17). Paul writes to the Ephesians, "For we are God's workmanship, created in Christ Jesus to do good works, which God has prepared in advance for us to do"(Eph. 2:10). Paul writes to the Romans, "We were therefore buried with him through baptism into death,in order that, just as Christ was raised from the dead through the glory of the Father, we too may live a new life" (Ro. 6:4) and to the Galatians he writes,"Those who belong to Christ Jesus have crucified the sinful nature with its passions and desires. Since we live by the Spirit, let us keep in step with the Spirit" (Ga. 5:24-25). We may therefore conclude that inasmuch as the Christian is New Man, the Law in all its uses---as curb, mirror and rule or guide---does not apply.

The problem lies in the fact that "believers are not completely renewed in this world, but the old Adam clings to them even to the grave, there also remains in them the struggle between the Spirit and the flesh. Therefore

they delight indeed in God's Law according to the inner man, but the law in their members struggles against the law in their mind; hence they are never without the Law, and nevertheless are not under the Law, but in the Law, and live and walk in the Law of the Lord, and yet do nothing from constraint of the Law"(S.D. VI, 18). Therefore, we may conclude that the Law in all of its uses---curb, mirror and rule or guide--- applies to the Christian inasmuch as he is flesh and still has his old Adam. The Old Adam obscures the complete knowledge of God's will.

Referring to Addendum #5, a letter dated July 9, 1963, the following quotations continue to reveal Pastor Schulz's misunderstanding of the Third Use of the Law.

"Therefore, if sanctification is not a matter of our ability at all, to be achieved by our efforts as Christians by a strange mixing of the Gospel and the 'gospel of sanctification', and if it is purely a gift entrusted to us by faith, and if sanctification is not so much an awareness of the Christian that he is advancing along the ways of God, that he is positively acting the good part, much rather takes on the form of consciousness, that he must guard against the evil within himself, and that the new life consists in killing the works of the flesh, then we must strongly fault both Manuals, lest we lose the precious truths and powers of the pure Gospel."

Question #3: Does regenerate man have any part in sanctification?

First, we must define the word sanctification. When we speak of sanctification in the narrow sense, we mean that when the Holy Spirit sanctifies us by the Gospel, he leads us to hate sin and to be eager to live a holy life filled with good works.

Secondly, we see in Scripture that "It is God who works in you to will and to act according to his good purpose"(Php. 2:13). Paul wrote to the Galatians, "I have been crucified with Christ and I no longer live, but Christ lives in me. The life I live in the body, I live by faith in the Son of God, who loved me and gave himself for me." The only reason why we are able to do good works is because the Holy Spirit gives us a pure heart in which Christ lives by faith.

Thirdly, Scripture tells us that God considers our good works as good only because in his mercy he delights in everything a believer does out of love for Jesus. That our own works are not good in God's sight is spelled out for us by Isaiah, "All of us have become like one who is unclean, and all our righteous acts are like filthy rags"(Is. 64:6). Paul says, "It does not, therefore, depend on man's desire or effort, but on God's mercy"(Ro. 9:16) and "Whatever you do, whether in word or deed, do it all in the name of the Lord Jesus, giving thanks to God the Father through him"(Col. 3:17).

Yet does the believer remain completely passive in sanctification, as he does in justification? The answer is no. The Formula of Concord states, "For

when the Holy Ghost has wrought and accomplished this, (new birth and conversion), and man's will has been changed and renewed by His divine power and working alone, then the new will of man is an instrument and organ of God the Holy Ghost, so that he not only accepts grace, but also cooperates with the Holy Ghost that he can yield faith to it and accept it"(Epit. II, 18) and "the regenerate will of man is not idle, but also cooperates in all the works of the Holy Ghost which he does through us"(S.D. II, 88). Two other references are made in the Formula of Concord that support the claim that regenerate man cooperates with the Holy Spirit in sanctification: S.D. II, 65 and S.D. II, 90.

Question #4: What are and where do evangelical admonitions fit into the life of the Christian?

Evangelical admonitions are ethical admonitions which appeal to the New Man to put into action by the power of the Holy Spirit what he has been created to do. Behind such evangelical admonitions stands the immutable will of God. An example of an evangelical admonition is Php. 2:12, "Therefore, my dear friends, as you have always obeyed---not only in my presence, but now much more in my absence---continue to work out your salvation with fear and trembling, for it is God who works in you to will and to act according to his good purpose." The law in those two verses is this: "continue to work out your salvation with fear and trembling". This admonition is addressed to the New Man of the Christian. The power to accomplish this task is supplied by the Holy Spirit. At the same time this admonition remains a rebuke to the flesh or Old Adam. There are many evangelical admonitions in the epistles.

But why is the command necessary? Because, although we have been created anew, made new creatures, given the Spirit and so are led by the Spirit, we are not and will never in this life be wholly new. The flesh is ever active, hindering our acting upon and commensurate with what we are by the power of the Spirit. Therefore the commands are given and with them the spiritual energy to respond with the action requested in the command. The content and form are from the law, the strength and energy and will to comply from the gospel.

Pastor Schulz did not understand the proper distinction between the law and the gospel in these evangelical admonitions. The Third Use of the Law applies only to the regenerate, who remain a dual nature until death, with the flesh ever contending against the New Man. The Law appears as the divine standard according to which the New Man constrains, coerces, and compels the flesh to conform outwardly to the divine norm for worship and morals. As far as the new man is concerned, the Law appears as a verbal reflection of his own nature, that of love to God and man. The Third Use of the Law is not independent of the second, for wherever the divine standard

of love is raised in any form or application, it cannot but condemn the Christian for his failure to think, speak, and act according to it.

Question #5: Is sanctification a life long process for the Christian?

Yes, a Christian's sanctification is a life long process. "Therefore, my dear friends, as you have always obeyed, not only in my presence, but now much more in my absence, continue to work out your salvation with fear and trembling"(Php. 2:12). Paul tells the Thessalonians, "We ought always to thank God for you brothers, and rightly so, because your faith is growing more and more, and the love every one of you has for each other is increasing."

From these two passages, we see that although we have been renewed by the Holy Spirit and a new life has been created in us, our works are never perfect. They are deficient in quality: "Accept him whose faith is weak, without passing judgment on disputable matters"(Ro.14:1). They lack zeal: "For in my inner being I delight in God's law; but I see another law at work in the members of my body, waging war against the law of my mind and making me a prisoner of the law of sin at work within my members" (Ro.7:22-23). Christian works are deficient also in quantity. Although our whole life should be spent in the service of our Savior, as Ro. 12:1 says, "Therefore, I urge you, brothers, in view of God's mercy, to offer your bodies as living sacrifices, holy and pleasing to God---this is your spiritual act of worship", we note the following exhortations in the Bible. "Be very careful, then, how you live---not as unwise but as wise, making the most of every opportunity, because the days are evil"(Eph. 5: 15-16). "This is a trustworthy saying. And I want you to stress these things, so that those who have trusted in God may be careful to devote themselves to doing what is good. These things are excellent and profitable for everyone"(Ti. 3:8).

We sum up the fact that the process of sanctification is never completed in this life with quotes from Luther: "A Christian is righteous and a sinner at the same time (simul justus et peccator); (Am. Ed., 26:232). A righteous man sins in all his good works (Am. Ed., 32:83). Our condition in the kingdom of Christ is half sin and half holiness. What there is in us that belongs to faith and to Christ is completely pure and perfect, since it is not our own but Christ's, who is ours through faith and who lives and works in us. But what is still our own is completely sinful. Yet under Christ and in Him it is concealed and blotted out through the forgiveness of sins (Am.Ed., 21:205).

Referring to Addendum #6, entitled "Report Of The Herold Schulz Protest Committee", the committee's findings are summarized as follows. "After a thorough study we came to the conclusion that Pastor Schulz has reason to object to the Kindergarten Manual for Lutheran Schools because of the fact that it was written for the purpose of teaching the Law solely as a rule. We

do believe that some of the phraseology in the manuals is of unhappy wording and we believe it to be in the best interest of clear, scriptural teaching, that the wording in some parts of the manuals be changed, to wit:

“Kindergarten Manual,” page 36, last sentence of 2nd paragraph: ‘He thought of a plan for all people to get to heaven’.”

“Kindergarten Manual,” page 37, sentences 1 and 2 of last paragraph: “Even so the devil managed to keep some people from believing in Jesus. There were some who did not love Jesus.”

“Kindergarten Manual,” page 39, 2nd sentence of last paragraph: “By using it we give the Holy Ghost a chance to make our love and faith in Jesus grow.”

“Kindergarten Manual,” page 41, seventh line under “Ten Commandments”: “-----will keep on trying to love him. We can’t do it alone, but he will help us. All we have to do is to pray to him-----.”

“Kindergarten Manual,” page 50, 1st paragraph under III, 3rd sentence: “-----a chance to show their love for him.”

Our committee believes the crux of all difficulties lies in the over-emphasis of the Third Use of the Law in the manuals. At the same time, however, ---we believe that the charge of Pastor Schulz, that the Board of Education-Wisconsin Synod is guilty of emphasizing the Third Use of the Law “contrary to the Scriptures and the Lutheran Confessions” is an overstatement.” It would appear that Pastor Schulz was at least partially correct in his efforts to call attention to possible misunderstandings concerning these synodical manuals.

Referring to Addendum #8, an essay dated December 9, 1965, the following quotations continue to reveal Pastor Schulz’s misunderstanding of the Third Use of the Law. Pastor Schulz attacks the Board of Education’s manuals, J.Ph. Koehler’s “Gesetzliches Wesen Unter Uns”, an essay delivered to the Thirty - Fifth Convention of the Evangelical Lutheran Joint Synod of Wisconsin and Other States in 1959 and Prof. A. Schuetze’s essay “The Christian And The Law” , delivered at the Convention of the Nebraska District, July 14-17, 1964, at Stanton, Nebraska, with this remark, “They bring the very wording of God’s Ten Commandments into harmony with their views and change the Ten Commandments into “rules”, which are to guide, to inform, to instruct the thankful child of God! -----The Ten Commandments never, never, were to serve as a course of instructions for believers in holy living.-----Doesn’t the new man, therefore, need the constant guidance of the Law? God’s Word dispels such fears with the answer: ‘Whosoever is born of God doth not commit sin, for his seed remaineth in him: And he cannot sin, because he is born of God’ (1 John 3:9)-----The Christian does not need the Law to educate him in regard to the holy will of God (Col. 3:9-10; 1 John 2: 27-28; 2 Cor. 5: 17; 1 Thess.4:7-9; Heb.8:10-11)!-----That the new man does not need the Law as to its first,

second, or third use, also becomes abundantly clear from the following passages: Ro. 6:14, Ro. 7:6, 2 Cor. 3:17, Gal. 3:24, Gal. 4:6, Gal. 5:18 and Gal. 4:30.”

Pastor Schulz summarizes by saying:

- 1) “The third use of the law is not to guide the regenerate by providing instructions and information, so that the ‘believing children of God can show their thankfulness and express their love toward God in return for his wondrous gift of salvation and many other blessings (K. Manual).
- 2) The third use of the law is to serve as rule and standard ‘Regel und Richtschnur’ by which all ‘self chosen and self devised holiness and piety’ are to be tested, exposed, and condemned.
- 3) Thus the Law as to its Third Use is to serve as ‘Regel und Richtschnur’ not to instruct or to impart information, but it is to serve as a bricklayer’s guide-line, up to which the master brick mason is to lay his bricks. This guide-line does not inform or instruct him as to how he is to be a good bricklayer. This he knew long ago. But it is a clear admonition to meet an obligation.”

Yet in his essay entitled “The Historical Setting Of The Ten Commandments”, Addendum #9, the second last paragraph on page 11 confuses us, compared to his statement in #1 above.

“Therefore, the Christian needs the Law as a fixed, sure rule and standard to keep a clear picture before him, as to what really is the good and acceptable will of God. He constantly needs to be admonished and exhorted, that there be no deviation from this guide line above it or below it, or either to the right of it or to the left of it!” So we must ask:

Question #6: Is there a difference in meaning between the Law as a rule and standard (Regel und Richtschnur) and the Law as a guide?

In all of my research, the only person that made a distinction between rule and guide was Pastor Schulz. Pastor Schulz contended that the word “guide” has the idea of “supplying power” attached to it. Pastor Wietzke, in Addendum #19, page 4, states, “Pastor Free states he sees no danger in the word ‘guide’, but ‘standard’ is also fine”. Prof. Schuetze in his essay “A Christian and the Law” (W.L.Q. 61:4, Oct. 1964), illustrates the use of the Law as a “guide” without power attached to it in this way, “A roadmap will show you very clearly what road your car must take in order to get from New York to Chicago, but unless there is gasoline in the tank, it will be unable to travel a single mile along that road. On the other hand, if the gasoline tank is filled and the car has power to travel, without the roadmap you may think you are driving to Chicago, but ultimately find yourself in Quebec or Miami” (p.292).

The Formula of Concord stresses this point in the following two quotations. “For the Law says indeed that it is God’s will and command that

we should walk in a new life, but it does not give the power and ability to begin and do it" (S.D. VI, 11). "But the Holy Ghost, who is given and received, not through the Law, but through the preaching of the Gospel, Galatians 3:14, renews the heart. Thereafter the Holy Ghost employs the Law so as to teach the regenerate from it, and to point out and show them in the Ten Commandments what is the acceptable will of God" (S.D. VI, 11,12).

Referring to Addendum #10, a letter dated May 26, 1966, E.H. Zimmermann, writing for the C.O.P., begins to crystalize the problem Pastor Schulz has with the Christian and the Law. He says, "From this and a number of additional statements on page 4 (An essay dated December 9, 1965 and marked Addendum #8), it becomes clear that Pastor Schulz does not see the Christian as he will always appear in this world, possessing both the New Man and the Old Adam in one person.

It is true that God sees the redeemed Christian as holy in his sight through faith, but we cannot conclude from this that he expects us to deal with Christians as though they possessed only the New Man. We recall the words of the Apostle Paul, 'O wretched man that I am! Who shall deliver me from the body of this death? I thank God through Jesus Christ our Lord. So then with the mind I myself serve the law of God; but with the flesh the law of sin.' "

Referring to Addendum #13, a letter dated June 17, 1966, we get a further crystalization of how the C.O.P. views Pastor Schulz's position on the Third Use of the Law. First V.P. Habeck is writing: "What was it that took up so much of our time? There was no argument about the use of the Law as a curb or a mirror. No one contended that the Christian does need the Law to prevent his reason from leading him into fictitious good works. No one contended that the Law in its so-called third use produces sanctification. What was it that led one of the Conference of Presidents repeatedly to say that you must have an electric knife which is able to separate the new man from the old in this life?"

Referring to Addendum #14, Pastor Schulz submits a letter entitled "My Statement" to the C.O.P. on December 6, 1966. Perhaps this is one of the most revealing pieces of correspondence this writer read concerning the entire history of the conflict. In it we see a humble, contrite Pastor Schulz withdrawing his judgment of the sub-committee and entire C.O.P., as stated in his letter dated June 15, 1966.

Confessing that "I am the one who is utterly confused and must at once stop my efforts to confuse others in my congregation which is falling apart", he suggests two possible solutions to the problem. One is that he resign from the ministry. "If this is your advice-I will do so at once! And, the only other solution in my opinion, is this; that you will patiently put me straight in my understanding of the proper use of the Law as it pertains to born again children of God of all ages! In fairness to me and my conscience I need

clarification in regard to what seems to be a long standing difference of opinion in regard to the use of the Law in the Christians' life of sanctification."

Is this the same Pastor Schulz? No polemics whatsoever appear in this statement. Considering the entire body of evidence, this letter stands out as if it was written by an entirely different person. Shall we consider this statement as a truly repentant Pastor Schulz, convicted by the Holy Spirit through God's Law? Of course we must! God only knows the heart. In a January 3, 1967 letter from Pres. Mischke to Pres. Naumann, Pres. Mischke reflects how he was pleasantly shocked by the statement, as I am sure other district presidents were. Remember this document, for a later document entitled "My Confession" will shock you also, but I dare say not in a pleasant way.

On page 3 Pastor Schulz presents what he believes to be one group's position on the Third Use of the Law. He does not identify which group that is but it is evident from his following statement with the underlinings that he identifies himself with the second group. On the bottom of page 3, he proceeds by saying, "On the other hand, there are those who teach 'that those who would be saved must have a faith that produces love spontaneously and is fruitful in good works--it is active in good works because it is genuine faith. The believer need not at all be exhorted to do good works, his faith does them automatically. The believer engages in good works, not from a sense of duty, in return for the forgiveness of his sins but chiefly because he cannot help doing them. It is altogether impossible that genuine faith should not break forth from the believers heart in works of love.'

The inefficiency of a faith that fails to work by love is not due to a lack of love, but to the fact that it is not real, honest faith. Love must not be added to faith, but grow out of it---a fruitful tree does not produce fruit by somebody's order, but because, while there is vitality in it and it is not dried up, it must produce fruit spontaneously. Faith is such a tree, it proves its vitality by bearing fruit. It is withered when it fails to bring forth fruit. The sun, likewise, need not be told to shine, it will continue shining till Judgment Day without anyone's issuing orders to do it! Faith is such a sun.

Again, I read: Faith in Christ alone justifies, alone fulfills the Law, alone does good works, without the Law. It is true that after justification good works follow spontaneously, without the Law, i.e. without the help or coercion of the Law. In brief, the Law is neither useful nor necessary for justification, nor for any good works, much less for salvation." (Underlining is Pastor Schulz's emphasis).

Pastor Schulz concludes by asking for two things. First he wants a "written statement in regard to the proper way to teach and apply the Third Use of the Law, which may be read to the disturbed members of my

congregation.” Secondly, “and, will you please, after a careful study of the true use of the Law according to Scriptures and the Lutheran Confessions, and after a complete and thorough review of the two Manuals mentioned in my memorial, report your complete findings as soon as possible.”

Referring to Addendum #15, in the Minutes of the Conference of Presidents, dated December 6 and 7, 1966, a consensus is crystalizing among the members. “One received the impression that Pastor Schulz was not ready to accept the fact that the Third Use of the Law could give positive direction. Throughout his explanations one also seemed to sense a failure on the part of Pastor Schulz to be clear about the fact that the regenerate child of God, as he appears in this life, always has an “Old Adam” and that one must speak of him and to him as a person who is both Old Man and New Man.”

The minutes conclude by saying, “It was the consensus of those still present at the close of the meeting that some of the statements in the Manual may appear objectionable to Pastor Schulz because it seemed that Pastor Schulz was not ready to accept what is taught about the Third Use of the Law in Scripture and the Lutheran Confessions, especially in this point that the Christian is to be guided and instructed in his sanctification by the spiritual meaning of the moral law as is done, for example, in the evangelical admonitions of the epistles.”

In his letter to the Conference of Presidents dated January 10, 1967, Pastor Schulz seals his fate. He begins by saying, “I can only declare, that it again cries out to high heaven, as to how “fair” and “objective” the Conference of Presidents really is.” He proceeds by saying, “Am I to conclude from the first paragraph on page 3 that it is “a fact that the Third Use of the Law could give positive directions?”

Referring to Addendum #17, a letter dated February 3, 1967, the Conference of Presidents under the pen of Pres. Naumann wrote to Pastor Schulz. “The Praesidium of our Synod had an opportunity to discuss these matters again last Tuesday. We want to emphasize that, especially, in the light of your January 10 letter you leave us no choice but to support the conviction of President Fritze, who has dealt with you in this matter much longer than we have, that you are not in doctrinal agreement with the Wisconsin Synod on the Third Use of the Law”. A consensus has been reached. But note how in future correspondence, the C.O.P. still holds to the possibility that Pastor Schulz will embrace the teachings of Scripture and the Confessions on the Third Use of the Law.

You will recall that this writer was shocked over Pastor Schulz’s “My Statement”, dated December 6, 1966 (Addendum #14). It was as if the letter were written by a different person. As it turns out, it was in spirit. Mr. Robert Lang Jr., an elder from St. James accompanied Pastor Schulz to the meeting with the C.O.P. on December 6-7, 1966. On June 16, 1967, six

families petitioned St. James for a peaceful release of their membership, due to the entire conflict. Mr. Robert Lang Jr's. was one of those families.

Referring to Addendum #18, Pastor Schulz wrote a letter to the C.O.P., dated July 11, 1967, entitled "A Confession". "Since Pres. Naumann in his letter dated Feb. 3, 1967, asks: 'Pastor Schulz, just what was the purpose of your opening statement?' Here is the answer! Bob Lang's view was that because of the animosity which he felt had already been created by prior incidents and the exchanges of bitter correspondence, Pastor Schulz would have a much better chance to present his views and get a fair and unbiased opinion if he were to enter the meeting in the spirit of humility seeking counsel, rather than with righteous indignation demanding action, examinations of his charges, proof or disproof from the Scriptures, etc.

Accepting Bob Lang's judgment and yielding to his suggestions, I--contrary to my own personal views--wrote the statements, to which references are made in the 'pertinent quotations'. I therefore now readily confess, that the 'pertinent quotations', on which you have pounced with apparent great satisfaction, were but a false showing of humility, hopefully thus to create in the C.O.P. a willingness to comply with my request for clarification of the two divergent teachings of the Third Use of the Law.

Obviously, this whole plan of procedure fell flat on its face. Therefore, I herewith retract all insincere statements in 'My Statement' concerning my confusion in this vital matter of doctrine and ask for your forgiveness for resorting to such tactics in trying to achieve a desired goal."

The report to the Synod convention was finished. The door was left open for any relevant material that might change the minds of the C.O.P. Remember, that is why the report was not published in "BORAM". This confession must have confirmed in the minds of the C.O.P. that their decision was indeed a correct one. To the charge of false doctrine on the part of Pastor Schulz may now be added lies and false humility.

Additionally, one must doubt the sincerity of the confession itself. Listen to what Pastor Schulz says. "In my opinion, the fault was not entirely mine, that I was not able to make myself understood! The fault to a great extent was on the side of the the members of the C.O.P." In other words, THEY MADE ME DO IT! How sad!

After the Synod in Convention had referred the whole matter back to the Nebraska District, the Nebraska District Praesidium held a meeting with Pastor Schulz in Fort Morgan, Colorado, on August 30-31, 1967. The minutes of that meeting constitute Addendum #19. During this meeting, Pastor Free, First V.P. of the Nebraska District, questioned Pastor Schulz intensely.

"A difference arises when Pastor Schulz says that he feels using the word 'guide' as a verb ascribes some activity, some power to it, which the Law does not have. Pastor Free does not feel that using the word 'guide' as a

verb ascribes any power to it, and that he always teaches only the Gospel has power to produce.

Pres. Fritze asks members for their impressions of the morning's meeting. Pastor Free states that the difficulty has not been resolved and that Schulz should now be suspended, that he has been ready to suspend for some time. Pastor Meyer agrees. He believes Schulz is confused on the 1st and 3rd uses of the Law, and also confuses Law and Gospel. Pastor Wietzke feels much was accomplished---and action at this time is premature."

Pastor Schulz also states his objections to Prof. Schuetze's paper on "A Christian and the Law" in the WLQ, Vol:61:4, Oct. 1964 and to Prof. Gawrisch's articles in the Northwestern Lutheran, dated August 6 and September 3, 1967. At the bottom of page 292 and the top of page 293 in the WLQ, Prof. Schuetze says: ".....Law is thought of as to its content, the will of God." "Schulz says the Confessions state that the Law always coerces." So we ask:

Question #7: Does the Law always coerce and accuse?

When Paul wrote to Timothy that the Law is for the lawless and disobedient, he was teaching the curbing effect of the Law upon the lawless and the Christian, inasmuch as he is flesh. When the Law cries "stop" to anyone who insists on doing the forbidden or leaving the commanded undone, it curbs the coarse outbursts of sin and simultaneously accuses the doer or the one who leaves undone.

When the law, Ro. 3:20 and 7:7, brings the sinner to the personal knowledge that he has sinned, it functions as a mirror, but again simultaneously accuses the sinner.

When the Law serves as a guide or a map to the Christian, because of his flesh, Ps. 119:9, it again simultaneously accuses him, for if there were no deviation from the Law in the new life of the Christian, there would be no need whatsoever for a guide or a rule. So it is that when the Law functions as a curb, mirror, and rule, it always accuses and condemns. To say that the Law only accuses would be to deny the functions evident in the passages cited.

Concerning Prof. Gawrisch's articles in the Northwestern Lutheran, Pastor Schulz is much more critical. But we must remember that Pastor Schulz made this comment about Prof. Gawrisch when he was asked in these minutes whether Prof. Gawrisch and Pastor Fischer's trip to Colorado was beneficial for him. "Pastor Schulz stated that the visit did not help for Pastor Fischer still says the Third Use of the Law is the most important use for the Christian, and that Prof. Gawrisch was involved in the revision of the Kindergarten Manual and naturally defends it."

The outcome of the meeting was that "President Fritze suggests that perhaps we ought to draw up charges against Schulz, documenting his false teachings. Then meet again in, say, two weeks and present them to Schulz in person. A sub-committee could meet and work on this in the meantime. This would also give the opportunity to further evaluate what we heard today."

IV. WHAT DO SCRIPTURE AND THE CONFESSIONS SAY CONCERNING THIS STATUS CONTROVERSIAE?

Since the controversy centered around the Christian and the Third Use of the Law, we will not consider the Law as it pertains solely to the unregenerate person, nor will we consider the Christian as he will appear in eternity. Instead, we will briefly look at the Christian as a saint and sinner at one and the same time.

When we speak of the Christian as a New Man, as a born again Christian, the Christian is completely free from the Law. "We also know that the law is made not for the righteous" (1 Tm.1:9). "It is for freedom that Christ has set us free. Stand firm, then, and do not let yourselves be burdened again by a yoke of slavery"(Gal.5:1). "But if you are led by the Spirit, you are not under the law" (Gal.5:18). So we see that the Christian as a New Man is outside of the sphere of the Law's demands, threats, and coercion. The reason is that he delights in and wants to do the very things the Law, that is, God's revealed will, calls for. He loves God with all his heart, soul, and mind, and he loves his neighbor as himself. By this love, the Law is perfectly fulfilled.

The Formula of Concord says, "The truly believing and truly converted to God and justified Christians are liberated and made free from the curse of the Law" (S.D. VI,4). Referring to 1 Tm. 1:9, it says, " But the meaning of St. Paul is that the Law cannot burden with its curse those who have been reconciled to God through Christ; nor must it vex the regenerate with its coercion, because they have pleasure in God's Law after the inner man" (S.D. VI,5). But while the Formula of Concord states that the regenerate, born again Christian as far as his New Man is concerned is never under the Law, it states that Christians "should daily exercise themselves in the Law of the Lord" (S.D. VI, 4). Since this will of God is not a coercive force, not a threat, we may say that the New Man in the Christian is not under the Law, but conducts himself in the Law. He doesn't need to be told what the will of God is, for his renewed will conforms completely to the will of God. Therefore we may say that the regenerate, born again Christian, in so far as his New Man is concerned, needs no law whatsoever; no curb or club to restrain him from coarse outbursts of sin, no mirror to show him his sins, not even the Law as a guide, for he knows God's will and conforms to it

perfectly.

However, such a person does not exist here on this earth. The writer stated earlier that such a Christian will exist only in eternity with his heavenly Father. The Christian that does exist here on this earth is never completely new man, nor is he entirely regenerate. The Formula of Concord states, "However, believers are not renewed in this life perfectly or completely; for although their sin is covered by the perfect obedience of Christ, so that it is not imputed to believers for condemnation, and also the mortification of the Old Adam and the renewal in the spirit of their mind is begun through the Holy Ghost, nevertheless the Old Adam clings to them still in their nature and all its internal and external powers" (S.D. VI, 7).

It is because of the Christian's Old Adam that he does not fully know what God really wants of him. The Formula reads: "So, too, this doctrine of the Law is needful for believers, in order that they may not hit upon a holiness and devotion of their own, and under the pretext of the Spirit of God set up a self chosen worship, without God's Word and command, as it is written in Deuteronomy 18:8, 18, 32---" (S.D. VI, 20).

The Christian in so far as he is New Man wants to serve God and do entirely what is according to God's will. But because he still is also flesh, he doesn't know this will perfectly. It is the Law, serving as a guide to the Christian because of his still imperfect knowledge of God's will, that must instruct the Christian. This is called the Third Use of the Law. There are no threats connected with this use of the Law, no coercion, because only the content of the Law comes into consideration. The content of the Law is God's will. As Christians, we need to know this, if our works are to be God-pleasing. The Formula of Concord in Article IV, "Of Good Works" puts it this way, "And that truly good works are not those which every one contrives himself from a good intention, or which are done according to the traditions of men, but those which God himself has prescribed and commanded in his Word" (S.D. IV, 7).

Where does the Christian get the power to do God's will? Here again, the Formula is very clear on the question. "For the Law says indeed that it is God's will and command that we should walk in a new life, but it does not give the power and ability to begin and do it" (S.D. VI, 11). Continuing, the Formula gives us the answer to our question. "But the Holy Ghost, who is given and received, not through the Law, but through the preaching of the Gospel, Galatians 3:14, renews the heart. Thereafter the Holy Ghost employs the Law so as to teach the regenerate from it, and to point out and show them in the Ten Commandments what is the acceptable will of God" (S.D. VI, 11, 12).

Only through the Gospel does God impart to us the new heart which desires to do God's will. Only through the Gospel do we receive the power and strength even to begin to follow it. Our Old Adam will always try to

misguide us. And because we still have that old flesh clinging to us, we will try to do works that do not conform to God's will. Therefore, the Holy Spirit instructs us more perfectly through the Law.

So far we have discussed the New Man in the Christian and the Old Man and the New Man in the Christian. But we must remember that it is the Old Man in the Christian that makes the preaching of the Law necessary. There is no difference between the flesh of the regenerate Christian and the flesh of the unregenerate person. The Formula calls this Old Adam "an intractable, refractory ass" (S.D. VI, 24). Asses or mules are stubborn animals and must be coerced and whipped in order to do work. Paul in Ro. 7 says this about his "intractable, refractory ass": "I know that nothing good lives in me, that is, in my sinful nature. For I have the desire to do what is good, but I cannot carry it out. For what I do is not the good I want to do; no, the evil I do not want to do--this I keep on doing. Now if I do what I do not want to do, it is no longer I who does it, but it is sin living in me that does it" (vv.18-20). The Formula says, "But as far as the Old Adam is concerned, which still clings to them, he must be driven not only with the Law, but also with punishments; nevertheless, he does everything against his will and under coercion, no less than the godless are driven and held in obedience by the threats of the Law" (S.D. VI, 19). As far as the Old Adam in the Christian is concerned, he needs the Law for the same reason that the unregenerate who is all flesh needs it. Threats, coercion, and punishments are the only language that this beast knows.

Just as it is impossible to separate the Christian into two distinct parts because the two are always present together, so also the three uses of the Law are really one Law. We can not separate the one from the other. To this statement the Formula says, "But the Law of God prescribes to believers good works in this way, that it shows and indicates at the same time, as in a mirror, that in this life they are still imperfect and impure in us" (S.D. VI, 21). Even while the Law is instructing the Christian in what is pleasing to God, thus serving as a guide, it at the same time is revealing sin. If the Christian as a whole, as saint and sinner at the same time, is to be served, the Law in all its functions must be at work.

The simultaneous use of the Law in its various functions becomes evident also from Luther's treatment of the commandments. In his Large Catechism, he states, "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, and the true fountain and channel from and in which everything must arise and flow that is to be a good work, so that outside of the Ten Commandments no work or thing can be good or pleasing to God, however great or precious it be in the eyes of the world" (C.M. I, 311). At the same time he points out the necessity of the Law as a mirror at the end of the 9th and 10th commandments when he writes, "So that this

commandment will remain, like all the rest, one that will constantly accuse us and show how godly we are in the sight of God!" (C.M. I, 310).

Therefore we may say in summary that in so far as the Christian is a New Man, he does not need the Law in any of its three uses. He does not need to be coerced, threatened, or punished. He delights in doing the will of God which has been created in him through the washing and rebirth accomplished by the Holy Spirit. But since the Christian in this world is never free from his Old Adam, we must look at the Christian as both saint and sinner. Since the Christian still has the Old Adam, and since he is not perfectly renewed, and since he does not know God's will perfectly, he needs to be instructed by the Holy Spirit through God's Law as to what works will be pleasing to God as fruits of his faith. Additionally, he will need the Law as a curb to check his coarse outbursts of sin, and he will need to see himself in the mirror of God's law as one whose righteousness apart from the robe of Christ's righteousness is like a filthy, scummy rag. He needs God's law to work repentance in him, that is a conviction and consciousness of his sins, accompanied by contrition and confession, so that he is driven to the grace and mercy of God in Christ Jesus.

V. WHAT WAS THE OUTCOME OF THE CONTROVERSY?

On December 5, 1967, two days before the anniversary of Pearl Harbor Day, the torpedo of the Nebraska District Praesidium was unleashed on Pastor Schulz. Referring to Addendum #20, Pastor Schulz was suspended from synodical fellowship by Pastor Hugo Fritze, President of the Nebraska District, in concurrence with both Vice-Presidents and the Visiting Elder of the Colorado Conference. What a painful, heart wrenching decision that must have been for those men, especially for President Fritze, who was a classmate of Herold Schulz.

Pastor Schulz appealed to the Synod his suspension from synodical fellowship which was upheld in July, 1970, by the Nebraska District. The minutes of the 41st Biennial Convention of the Wisconsin Evangelical Lutheran Synod assembled at Northwestern College on August 4 to 11, 1971, resolved:

a) "That this committee supports the action of the officials of the Nebraska District, and the Nebraska District itself, in suspending Pastor Schulz; and

b) declares that his appeal (that his suspension was not in accord with Article II and Article III of the Synodical Constitution) is without warrant and justification; and

c) recommends that the suspension of Pastor Schulz again be upheld for the reasons previously stated."

VI. WHAT WAS THE FALLOUT EFFECT?

The last official piece of correspondence in the files of this stormy controversy concerning Pastor Herold Schulz's error on the Third Use of the Law came from Clarence Forslund, Secretary of St. James Ev. Lutheran Church in Golden, Colorado. "We hereby notify you that our congregation at the special meeting of December 10, 1967, voted to withdraw its membership from the Wisconsin Ev. Lutheran Synod. The voting results were: 24 for; 1 against; and 2 abstaining." Additionally, the Christian Day School at St. James in Golden, Colorado was closed.

Unfortunately, the controversy did not stop here. We read from the Proceedings of the 28th Biennial Convention of the Nebraska District of the Wisconsin Evangelical Lutheran Synod assembled at St. Paul Ev. Lutheran Church, Norfolk, Nebraska, on June 20-22, 1972.

"WHEREAS: you, Pastor James F. Koch of Mount Olive Ev. Luth. Ch., Colorado Springs, Colorado, lodged a formal protest against the Nebraska District Praesidium for the unscriptural suspension of Rev. Herold Schulz on December 4, 1967, and against the delegates to the Nebraska District Convention in July, 1970, and the delegates to the Wisconsin Evangelical Lutheran Synod at the 41st Biennial Convention on August 10, 1971, for the unscriptural upholding of that suspension, and have not withdrawn the protest nor given scriptural proof of the charges in the protest, and WHEREAS: you have persistently advocated and defended Pastor Schulz's error regarding the Third Use of the Law, proving yourself thereby to be a false teacher (Romans 16:17, Matthew 7:15-16), and ----

THEREFORE, I, Pastor Gerald E. Free, President of the Nebraska District, Wisconsin Evangelical Lutheran Synod, with the concurrence of the two Vice Presidents of the Nebraska District, have no other recourse on the basis of the Holy Scriptures but to suspend you, Pastor James F. Koch, from the synodical fellowship (cf. Article VI, section 1, paragraph f).

Two pastors, one church and one Christian Day School were the victims of this pernicious error. Unfortunately, that was not the end of the fallout effect. We read from the Proceedings of the 29th Biennial Convention of the Nebraska District of the Wisconsin Evangelical Lutheran Synod assembled at St. Paul Ev. Luth. Ch., Plymouth, Nebraska, June 18-20, 1974. "On July 10, 1972, Mt. Olive Ev. Luth. Ch. of Colorado Springs, Colorado, by virtue of their majority vote to retain James F. Koch as their pastor, thereby declared that they were in full agreement with the false doctrine of their pastor for which he was suspended from synodical fellowship. ---I, as president of the Nebraska District, W.E.L.S., with the concurrence of the two vice presidents, had no recourse on the basis of Holy Scripture but to suspend Mount Olive Ev. Luth. Ch. of Colorado Springs, Colorado, from synodical fellowship."

Mount Olive appealed the suspension and on April 30, 1973, at a special Nebraska District Delegate Convention, Pastor Roger Vomhof, secretary of the district Commission of Review presented the following recommendation ,

"That the District Delegate Convention concur in and uphold the suspension of Mount Olive Evangelical Lutheran Congregation of Colorado Springs, Colorado, from the Synodical fellowship on the basis of the Holy Scriptures and the Synod and district Constitutions." The recommendation was adopted without a dissenting vote. The final tally of the fallout effect included two pastors, two congregations, and one Christian Day School. The devil must have rejoiced in hell over the scattering of the Lord's sheep.

VII. WHAT LESSONS CAN WE LEARN FROM THIS STATUS CONTROVERSIAE?

- A. Isolate the controversy as soon as possible.
- B. Define the terms clearly and in writing.
- C. Do not let the personalities of the players cloud the issues concerning the controversies.
- D. Those people who are entrusted with the doctrinal content and review of synodical publications must be absolutely certain that no false doctrine or doubtful wording is included in such publications. If after publication, either element is found in such a publication, remove the objectionable publication immediately.
- E. Strive to remove polemics from the discussions.
- F. Do not let the controversy drag out for a long period of time, if at all possible.
- G. Insulate the rest of the brothers and the lay people from the controversy through proper education at the district level, as well as through official synodical publications.

ADDENDUM # 1
Duplicate copies
①

E.H.

401 20th St.
Golden, Colo.
May 9, 1962.

Mr. A. F. Fehlauer
Board of Education - Wis. Syhod
3612 W. North Ave.,
Milwaukee 8, Wisconsin.

To Whom It May Concern:

I received my May copy of the Lutheran Educator. On page 24 we read: "The Kindergarten Manual for Lutheran Schools has been well received by our kindergarten teachers, etc."

Our principal also ordered this Manual for our school. But it has not been well received. We were somewhat dumbfounded to read some obvious mistakes in the telling of the Bible stories in simple language; e. g. on page 33: "The first thing He made was light -- next God made the sky; then the waters --" on page 36: "He thought of a plan for all to get to heaven"; the use of the word "some" at the bottom of page 37; on page 39: "When we love and trust in Jesus, we have forgiveness of sins."

These statements, however, may be corrected and properly explained by the teachers. BUT THE WAY IT IS SUGGESTED to teach the commandments to the 4 and 5 year old children is MOST SHOCKING indeed! We have become accustomed to expect this from other sources; but not from our men who are responsible for this Manual!

The stage is set on page 30: "After the Overview of Bible Stories, etc." Then on page 41 comes the climax: "There are some rules or commandments He has written there which tell us ~~how~~ what He wants us to do. The following discussions are offered as suggestions to the teacher. They are intended to give the child an idea of how he can show his love for His Savior. The study of the commandments as a mirror and curb may be left for his future years of schooling."

From this point of view on the "Manual" is very consistent. The commandments are referred to as "the third rule", "God's fourth rule", "In His fifth rule"; and the applications to the child are in line with this "rule" concept. The child is to learn: "We can't do it alone, but He will help us" (- bottom of page 41),

Of course, the Bible stories also are to be applied to the child in harmony with this rule idea - especially the stories of ~~Jesus?~~ Daniel and of the 12 year old Jesus in the Temple; - (by now we are ready to explode!)

Are young minds not to know of sin and grace? Does God exempt little children from the truth: "By the Law is the knowledge of sin? Is a 5 year old too young to hear and enjoy the GOSPEL of the 12 yr old Jesus in the Temple? Must he wait until he is old enough to be in the pastor's confirmation class? Can't we remain evangelical - must we according to human wisdom, - but contrary to God's Word - determine at what age the commandments are to be taught as rule, mirror, and curb?

It is obvious that much of the suggested religious material in this "Manual" is inconsistent with our ministry of the Gospel, and therefore very dangerous in the hands of naive teachers. This may seem to be a harsh judgment, but before resenting it, please make an honest self-examination!

Respectfully submitted,

Herold A. Schulz, pastor.

P.S. When we refer to teachers as "naive" we meant it. Everything coming from your

1 -
"ADDENDUM # 2"
June 15, 1962

Pastor Herold A. Schulz
401 20th Street
Golden, Colorado

Dear Pastor Schulz,

Your letter criticizing the "Kindergarten Manual for Lutheran Schools" has been thoroughly discussed by the Executive Committee of the Board of Education.

In your letter you speak of some obvious mistakes in the telling of the Bible stories. It is not clear to us what your objections are on pages 36 and 39. Some of the language of the manual may seem a little strange in places but that may be due to our inability to properly put ourselves at the level of these little children. "Some" on page 37 might be changed to "many." We could not understand your objections to "His thought of a plan for all to get to heaven" (36) and "When we love and trust in Jesus we have forgiveness of sins." (39) The latter puts no condition on our forgiveness - not "if" but "when." Are not these statements true in the way they are being used in the manual?

Your most serious objection is in the manner in which the commandments are presented to the little ones. We did find that the statement: "The study of the commandments as a mirror and a curb may be left for his future years of schooling" (41) is not a correct one. This sentence is being dropped and we thank you for bringing it to our attention.

We cannot, however, agree with your objections to the emphasis on the teaching of the Law according to its third use. This is employed by Luther throughout his explanations of the Ten Commandments: "We should fear and love God etc." This is the way our Gausewitz Catechism teaches it. There we find the commandments introduced with these two questions: "What does God want to impress upon us with the words: 'I am the Lord thy God?'" and "Why does God especially impress upon us that He loves us before giving us His commandments?" This is the evangelical way of teaching the Law to those called by the Gospel.

If these were children who had not been baptized into Christ and have put on Christ, there could be only one purpose for teaching them the Law - to show them their sins. But these are regenerate children of God. They have come to know the Lord Jesus as their Savior and now love Him who first loved them. The Law then is used to direct them to show that love for their Savior. We must remember that they are lost and condemned creatures who have been purchased with the holy, precious blood of Christ. We must remember that these children in our Lutheran Kindergarten are the children of God. Only then can we teach them the Word of God aright.

This does not in any way imply that we are now to ignore the other uses of the Law in our teaching. There will be occasions when we will primarily make use of the Law as a mirror. At no time can we teach the Law as a rule without, at the same time, teaching the other uses. The Manual does not ignore the first use: "at five years they are ready, and should learn that they are sinners who are in trouble because of their wrongdoing." (31) A careful analysis of the teaching of the commandments in the Manual will bear this out. Refer to page 45.

We stand on Scriptural ground for such teaching of the Law. Jesus' sermon on the Mount was not primarily the first use of the Law but the third, teaching a life of sanctification to those disciples who already believed on Him. However, to the impenitent we hear His constant rebuke: "Ya hypocrites." This was done to show the Pharisees their sin and not to teach them how to live. It does make a difference in our teaching of the Law to whom it is directed. Are we teaching the regenerate or the unregenerate?

Again, we are not to teach the commandments as A GUIDE TO THE EXCLUSION OF ITS USE AS A CURB AND A MIRROR. A proper teaching of the commandments includes all three. But our purpose in teaching the little ones both Law and Gospel is to make them joyful and thankful children of God. This, we believe, the Manual carries out.

The teaching of the Bible stories may be approached in any of a number of different ways. The story of the 12 year old Jesus in the temple may be taught to show how He fulfilled the Law for us, but it is also correctly taught in the Manual. You do not suppose there is only one way to approach a Bible story or only one theme for a text, unless the Scriptures so state?

One must despair of his own wisdom and ability and agree with what Luther says on the matter: "Without the Holy Spirit it is impossible rightly to divide Law and Gospel. I experienced it in my own case, also daily observe it in others, how difficult it is to separate the doctrine of the Law from that of the Gospel. The Holy Ghost must here be pedagogue and teacher, or no man on earth will ever have the knack of it or be able to teach it..... The theory is easy; quickly we can explain how the Law is another Word and doctrine than the Gospel; but to divide them in practice and to apply the art to life, that is trouble and toil." (St. Louis IX: 802,806ff.)

We hope that this will relieve your fears as to the soundness of the Manual. In these last evil days we must remain vigilant and faithful watchmen on the towers of Zion.

Sincerely yours in Christ,

(Pastor) William E. Fischer

WEF:elt

P.S. It was brought to our attention that you spoke of this matter at your conference. We are, therefore, sending a copy of this letter to its chairman.



Golden, Colorado.
June 20, 1962

ADDENDUM # 3

Board of Education - Wisconsin Synod,
Milwaukee, Wis.
% Pastor William E. Fischer.

Dear Members of the Board,

Thank you kindly for your reply to my criticism of the Kindergarten Manual. However, your letter demands a rather lengthy reply.

You admit that the statement in the Manual, "The study of the commandments as a mirror and a curb may be left for his future years of schooling," is not correct. You say that this "sentence is being dropped." But you come right back with: "We cannot, however, agree with your objection to the emphasis on the law according to its third use."

Please, lets be a little consistent! For example: if I write a sermon on a definite theme, the sermon naturally carries out that theme in all its parts and in its application. Now, someone informs me that my theme is not correct, and I simply drop the theme. Yet I retain the contents of the sermon and maintain that it is all correct. Then the dropping of the theme would be a meaningless formality. This is a fair illustration of your statements concerning the Manual!

Since so much emphasis is laid on the third use of the Law, (N.B. in Hoenecke's Dogm. IV, 26 we read: "das Gesetz Gottes -- hat -- vornehmlich den Zweck, die Sunden aufzudecken, und Verdammnis zu predigen"), You - in the Manual - minimize the first and ~~primary~~ use of the law; and consequently on many pages the tone of synergism becomes most pronounced. Please refer to some of these pages:

Page 39: "By using it we give the Holy Ghost a chance to make our love and faith in Jesus grow. When we love and trust in Jesus we have forgiveness of sins."

Page 41: "if we truly want to say "thank you" to God for being so good to us, we'll keep on trying to love Him. We can't do it alone, but He will help us. All we have to do is pray to Him and say, "I love you Lord. I know it isn't enough; please help me love you more." He will help us."

Page 43: "We know that we haven't kept this rule the way God would like us to, but that doesn't mean we'll stop trying. -- He'll help us do better too, if we only ask Him."

Page 45: "These are no reasons to stop trying to please Jesus, however - - Surely then, He will help us to do the things He likes."

Page 72: "Could Daniel have decided the right way all by himself? No. Why couldn't he have decided alone?" - And reread pages 72, 73, 74!

Page 74: "God will help us, just as He helped Daniel. We will make mistakes. We will sin every day, but when we ask God to help us, it will be easier to stay away from sin and do the right."

Since the Manual does emphasize the third use, and obviously minimizes the first use of the Law (leaving it to future years of schooling) in its explanations of the commandments and in its application of many Bible stories, -

And since it is absolutely necessary to stress the first use of the Law at all age levels to show the need of a Savior and thus prepare them for the power of the Gospel, -

It surely is not enough to drop that one sentence, but much of the Manual needs to be rewritten!

Let us now take a closer look at your defense of the ~~manual~~ appeal to Luther and to Gausewitz's Catechism and say: "This is the evangelical way ~~of~~ of teaching the Law to those called by the Gospel."

I fear that you go too far in trying to teach the Law in an evangelical ~~to~~ ^{way} ~~to~~ ^{to} those called by the Gospel."

Yes, God did say to those called by the Gospel at the foot of Mt. Sinai (they were believers in the promises given to Abraham): "Ye have seen what I did unto the Egyptians, and how I bare you on eagles' wings, and brought you unto myself." Again He said to them: "I am the Lord thy God, which have brought thee out of Egypt, out of the house of bondage." This surely was an evangelical way.

But this same God also said unto these same believers: "I, the Lord thy God am a jealous God." We also know what terrifying conditions prevailed at Sinai when "the Lord descended upon it in fire." We know the reaction of the people when their Lord appeared "in fire" and spoke "all these words" of the commandments. Moses had to calm them with the words: "Fear not: for God is come to prove you, and that his fear may be before your faces, that ye sin not." Was this also an "evangelical way?"

The manual in following its ~~own~~ evangelical way, therefore, assumes the right to speak of "rules." End "rule": "to talk to Him the right way." 3rd "rule": "Take every chance you can to hear His Bible Book." 5th "rule": "to be careful not to hurt anyone in any way," etc.

On the other hand as we take a careful look at the words God used when He spoke "these words," we see that the commandments are not positive rules prescribing good conduct, but definite ORDERS forbidding sinning. We must be impressed with the many "Thou Shalt Not's." He is against what people are doing because of their sinful nature and have the potential of doing. He wants them to know this, and that their conduct is sinful, which He cannot condone.

Therefore, let us also use God's Law as prescribed in Rom. 3:19-20; Rom. 8: 4-13; Gal. 3:19-29; etc.

You quote Luther's: "We should fear and Love God, etc.," and imply that He uses the evangelical way to teach the law! Let us leave Luther speak for himself; let him explain what he means with the word fear. He explains: "God threatens to punish all that transgress these commandments. Therefore we should fear His wrath, and not do contrary to them." And in his large Catechism he explains: "Learn also from these words, how angry God is with those, who trust in aught but himself." Can this be classified as being "evangelical.?"

And finally, I do not believe you are quite fair to the Gausewitz Catechism by only referring to questions 27 and 28! Please also questions 126 to 132!

You proceed to explain: "If these children who have not been baptized, ^{etc.} If the children in our Lutheran Kindergarten are the children of God, are regenerate, they have put on the new man, which after God is created in righteousness and true holiness, then this new man in them does not need these so-called "rules" taught to it, "to direct it to show its love for the Savior." The New Man in a 5 yr. old is also righteous and holy, and is the functioning unit of the Holy Spirit. On the other hand at the age of 5 the regenerate child has the same sinful, rebellious Old Adam, as we adults have. - Or is the Old Adam more receptive to the drilling of the "rules" of God at 5 than at 25? Is he more pliable and yielding?

What the F. C. has to say of the third use of the Law does not only apply to adults, but to all ages:

"But when man is born anew by the Spirit of God, and liberated from the Law, that is, freed from the driver, and is led by the Spirit of Christ, he lives according to the immutable will of God comprised in the Law, and SO FAR AS HE IS BORN ANEW, DOES EVERYTHING FROM A FREE, CHEERFUL SPIRIT; and these are called not properly WORKS OF THE LAW, BUT WORKS AND FRUIT OF THE SPIRIT."

"Because so far as they have been born anew according to the inner man, they do what is pleasing to God, not by coercion of the Law, but BY THE RENEWING OF THE HOLY GHOST, voluntarily and spontaneously from their hearts; however, they maintain nevertheless a constant struggle against the Old Adam. For the Old Adam, as an

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intractable, refractory ass, is still part of them, which must be coerced to the obedience of Christ, not only by the teaching, admonition, force, and threatening of the Law, but also oftentimes by the club of punishment and troubles - "

"For the Law says indeed that it is God's will and command that we should walk in a new life, but it does not give the power and ability to begin and do it; but the Holy Ghost, who is given and received, NOT THROUGH THE LAW, BUT THROUGH THE PREACHING OF THE GOSPEL, Gal. 3, 14, renews the heart. Therefore the Holy Ghost employs the law so as to teach the regenerate from it, - - He exhorts them thereto, and when they are idle, negligent, and rebellious in this matter because of the FLESH # #--

In the light of these statements, how can you maintain your claim: "The Law then is used to direct them to show that love for the Savior."

Then you continue and boldly state: "We stand on Scriptural ground for such teaching of the Law." You refer to Jesus' Sermon on the Mount to verify your claim and say: "Jesus sermon on the Mount was not primarily the first use of the Law but the third, teaching a life of sanctification to those disciples who already believed on Him." I disagree with that statement.

Had Jesus preached this sermon in "an upper room" with only his disciples present you may have some justification for your claim. But will you consider these two facts: 1. Matt. 4:25; Matt. 5:1, and Matt 7:28. 2. The intended purpose of Matthew in recording such a complete summary of this sermon for the readers of his gospel?

The people to whom Jesus spoke were not ready to hear and accept the presentation of the Gospel of God's Righteousness and full forgiveness in Christ. Considering their background and with the teachings of the Scribes and Pharisees drummed into them Jesus had to expound and apply the Law! But God-pleasing holy living is NOT OF THE LAW NO MATTER HOW FULLY AND FORCEFULLY PRESENTED, it is a fruit produced only by means of the power of the Gospel.

Jesus explained to all to his disciples as well as to the multitudes, what it means to be as perfect as the Father in heaven is perfect! Therefore in this sermon we have much needed light on the fuller spiritual meaning of the scope of the Law, the depth of our sinful depravity, and our desperate need of a righteousness, which is able to qualify us for the Kingdom of heaven. (Matt. 5:20.) So don't you see, that you must find other Scriptural grounds for such teaching of the Law as appears in the Manual?

You also claim that "The teaching of the Bible stories may be approached in any of a number of different ways."

I will concede that the teachings of a Bible story may be approached in different ways. Lets use the story of the 12 year old Jesus in the temple. We surely may have a different approach when speaking to parents, or to children, or to teachers and preachers. But when we do teach this story to believing parents, or children, or teachers, the heart of the lesson must always be the same: the good news that Jesus also at the age of 12 ~~was~~ busy being about the Father's business, of saving souls!

But as this story is applied in the Manual to the 5 yr old Kindergarten child, the third use of the law is emphasized, the first use is briefly referred to, and NO GOSPEL is proclaimed. I can't imagine that a faithful teacher could follow, what seems to be the line of thought in the Manual's proposed use of this story. The child comes to a Lutheran school for the first time. It has been baptized, it has "come to know Jesus as its Savior and now loves Him who first loved it." Its first and immediate need seems to be "to use the Law to direct them to show that love for their Savior" (from your letter). The story of the 12 yr. old Jesus in the temple lends itself well for that purpose as well as other stories. Somehow, somewhere before the child came to Kindergarten it had been blessed with the Gospel lesson that "He fulfilled the Law for us," and now a new approach is the need of hour - the third use of the Law. The first use of the Law and the Gospel then is

left to some future years of schooling. God forbid!

The only way any Bible story is to be taught: that it rings with the glad news that Jesus is the Savior. Who would think of teaching any story of the Bible one time as law and at another time as Gospel? In every lesson (not in a routine, mechanical way) we are to preach the Law as a mirror showing us our sin - the Gospel with its full joy and comfort - and thereafter the Law as a rule to guide the sinful flesh/. I am sure that the 5 year old child needs to hear the Gospel in EVERY lesson, and rejoices to hear again and again, that though he may act as a little devil in church and at home - yet because Jesus sat still in church, gladly heard and learned the Word of God and obeyed His parents, God counts him now as one of his little angels. Through this Gospel the Holy Spirit produces in him His works and His fruits, which are pleasing to God. There can be no piecemeal method of teaching Bible stories. How can you then claim: "But it is also correctly taught in the Manual?"

If your defense of the Manual shall stand in the light of this offered criticism, then I must reluctantly admit that I now realize how more and more members of our Synod can fully approve the Lutheran Pioneers!

So say "It isn't so."

Respectfully submitted,

Harold A. Schulz, pastor

P.S. Since I did bring this matter to the attention of our Mebr. Dist. Pastoral Conference, and since you have sent a copy of your letter to me to the chairman, I believe that it is only proper that he also receives a copy of this letter.

St. Paul
to Prof. C. Lawrence
John W. Schmitz

Members of the Executive Board: Dr. A. Fehlauser
Prof. Lorenz Kibrecht
Pastor Wm. Fischer
Mr. J. H. Bergmann

present at this meeting because he was Chairman of the Board of Education
The Kdg. material was reviewed by the Committee before publication.
Golden, Colorado
November 15, 1962
Executive Committee of Board of Education
Milwaukee, Wisconsin

Dear Brethren,

ADDENDUM # 4

I am very sorry, that - due to my inability to make myself clear - I failed so miserably to convey to each of you the serious-objection I have to portions of the Teachers' Manual and the Kindergarten Manual. May I make another attempt to do so. Maybe, if I let others do the speaking for me, I may have better success.

I quote from Stoekhardt's Law and Gospel: "Is it really so that believers need the doctrine of the Law for their good works, being unable to find the right way and erring in darkness without such doctrine? True, the Law is "a rule and standard of a godly life." However, our Confession clearly teaches that believers, because of the Old Adam, which still clings to them," and "because they are not renewed in this life perfectly or completely," still need "the doctrine of the Law." It teaches that if in their nature they were entirely free from sin, they would need absolutely no Law, that they would without any instruction of the Law do what they are in duty bound to do according to God's will. Hence the Law is rule and standard for the walk of the regenerate in so far as they have not been born again, in so far as they still have flesh and are flesh. A Christian, in so far as he is born again, is driven by the Holy Ghost, whom he has received in the Gospel. Therefore he does willingly without coercion, of his free will, what is pleasing to God just as the sun, moon, and all the constellations of heaven of themselves gleam and, unobstructed, complete their regular course. Thus the good works of the Christian are fruits of the Spirit, fruits which grow of themselves. But the Spirit of God, who governs the children of God in what they do or do not do, certainly knows of Himself the good and gracious will of God and needs no teaching, no instructions. He guides and directs and drives according to His mind and will, and that is God's mind and will, and thus leads us into the land of uprightness and teaches us to do according to God's good pleasure. He is the Spirit of prayer, a Spirit of joy and gentleness, a Spirit of correction and fear of the Lord. A Christian, therefore, in so far as he is the temple of the Holy Ghost, in so far as the Spirit of God has gained room within him, walks in paths of uprightness, lives in the Law, the will of God, knows desires, and does what God wants, "without any teaching of the Law." (the underlining for emphasis is mine - H.A.S.)

I hold that this truth, that the Christian lives in the Law without any teaching of the Law, is clearly taught in the Bible. When I here speak of a "Christian", I, of course, mean a born-again child of God, cf John 3:9.

Also cf. the following passages:

I John 2:20: "But ye have an unction from the Holy One, and ye know all things."

I John 2:27: "But the anointing which ye have received of him abideth in you, and ye need not that any man teach you."

John 6:45: "and they shall be all taught of God." (also Is. 54:13).

I Thess. 4:8.9: "Who hath also given unto us his holy Spirit; But as touching brotherly love ye need not that I write unto you: for ye yourselves are taught of God to love one another."

Incomplete of context

Hebr. 8:10: "I will put my laws into their mind, and write them in their hearts - and they shall not teach every man his neighbor -" (also Jer. 31:33).

Eph. 4:24: "And that ye put on the new man, which after God is created in righteousness and true holiness." *Admonitions follow*

Please cf. also: Rom. 6:14; 8:15; Gal. 3:14; 3:24-26; 4:1-7.9; 4:21-31; Gal. 5:1.4.13. esp. 18.22.

From all these passages - and many more could be cited - it is clear that "the setting of the Law before them" is now out of date! (cf. Jer. 9:13; Dt. 4:8; 11-32. and all of Galatians).

Yes, if the tree is good, - and if we truly are branches on the vine, the fruits of the Spirit will grow of themselves, without it being necessary for teachers to instruct the child "how to show its love and gratitude to God." - as it is so frequently stressed in both Manuals. The stories of Zachaeus and Lydia are such fine examples of this truth.

Now in regard to the proper use of the Law, may we continue to quote Stoeckhardt: "But in so far as he still has the Old Adam, he is still subject to the error of sin, and therefore often has the wrong conception of what he owes God and man, and loves to choose his own ways and works, his own manner of serving God. For this reason he still needs, "the written Law," the teaching of the Law, in order that he does not serve God according to his "own thoughts" as our Confession notes. The Law exposes and condemns all self-chosen and self-devised holiness and piety. So the Law ever observes its prescribed course, even when it serves the Christian as rule and standard of their walk and life. Here too that expression of Scripture, the Law was given because of sin, remains perfectly lawful." (Again underlining mine).

Therefore, I hold that the Law never was given to guide us in showing our love to God by "rules" of good conduct, but that the LAW DEALS ONLY WITH THE PROBLEM OF SIN! If we are to understand the true purpose of God giving the Law as recorded in Exodus and in Deuteronomy, WE MUST STUDY Rom. 3:19ff; Rom. 5:20; Rom. 7:7-13; and esp. Gal. ch. 3 and 4, and 2 Cor. 3.

Stoeckhardt: "The law points out, rebukes, yes, even multiplies, sin. Even for the regenerate - a Christian who has learned to know God aright learns to know the spiritual sense of the Law better and the great abyss between God and all ungodly and antigodly ways which still adhere to him. He looks ever deeper into the abyss of his natural heart, alienated from God. And a Christian too, becoming conscious of his sins, experiences and feels the terror of the Law. The Law works wrath." = But such faith, making Christians what they are, constantly overcoming sin, law, wrath, comes from the Gospel and is nurtured and preserved through constant, continuing use of the Gospel." (In the light of this last sentence, we regretted to hear Prof. Lawrenz's comments on why the Gospel was not stressed in the Manual in the story of the 12 year old Jesus in the Temple.)

Another quotation: "The Gospel only, not the Law, reforms man and makes him pious. The Law has not been given to quicken, to renew and sanctify man, but was added because of transgression." "Surely, there is no room here to contend that the Law (can) in any way contribute to godliness on the part of the believer."

We continue to quote from Stoeckhardt's Law and Gospel: "A Christian's hatred and heartfelt loathing of sin, his inward turning away from sin, is actuated and brought about solely by the love of God, revealed in the Gospel. - That a Christian parts with and avoids sin, yes, actually overcomes the evil, that is done

one in the power of the Holy Ghost, who is given by the preaching of the Gospel." On the other hand, obedience of the believers manifests itself in all manner of godly virtues, in love to God and the neighbor, patience under the cross, etc. But nevermore are we enabled to love God and the neighbor by the "thou shalt" of the Law, namely: Thou shalt love the Lord, thy God, with all thy heart, etc., and thy neighbor as thyself. Love will not be constrained ---. It is God the Holy Ghost who works in us both to will and to do of His good pleasure, who awakens good resolutions in our hearts and gives us the power and ability to carry out these resolutions. We have received the Holy Ghost, however, through the preaching of the Gospel. It is the Gospel which increases the gift of the Spirit. The new man, thinking, imagining, speaking, and doing which is good, lives entirely from and in the Gospel by which he has been born again."

I hold that this last sentence is divine truth. If so, how can we outline and apply entire stories from the Bible without teaching and proclaiming the Gospel, as both Manuals suggest?

Now let us see how the Kindergarten and Teachers' Manual make use of the Law. The emphasis is on the third use of the Law. *Equal in by Law.*

The Kindergarten Manual leaves little or no doubt as to its suggestion, how the commandments are to be used as "rules". It obviously does not use the word "rule", as Prof. Lawrenz explained it, that it also includes the other two uses. For the Manual says: "The study of the commandments as a mirror and curb may be left for his future years of schooling." The mere dropping of this sentence doesn't correct what precedes this statement or that which follows in regard to the use of the Law. Manual page 30: "After the Overview of Bible Stories is given, take a few days to go through the commandments just to tell what God's rules are and to let the children know that these are the things we can do to please God and to show Him love and thankfulness →. The teacher now has the Word of God as a guide for teaching Christian attitudes and God-pleasing behavior." Page 40: (Page 41 has the title, "God's Holy and Just Will"): "The next paragraphs are to give the instructor hints of what might be said in order to give the child an idea of God's wishes, as He told them to us in His commandments." - - "It should be remembered however, that a formal study of each commandment should be avoided at this age level. The reason for talking about the Commandments is merely to give the child some idea of what he can do to show God that he loves and thanks Him." Page 41: "God has told us in the Bible what He would like. There are some rules or commandments He has written there which tell us what He wants us to do. The following discussions are offered as suggestions to the teacher. They are intended to give the child an idea of how he can show his love for his Savior. The study of the commandments as a mirror and curb may be left for his future years of schooling." Then very logically the Manual proceeds to explain the commandments as "rules" - "God's wishes" - of godly living. Is there any doubt as to where the Manual places the emphasis, and how it uses the Law of God as "rules"?

-The K. Manual does make a brief reference to the RIGHT use of the Law. Page 31: "But the concept of sin and grace may be foreign to many. - - At five years they are ready and should learn that they are sinners - - They should know that they have a Savior - ." But there it apparently ends. For soon it speaks so plainly: "They should be made to realize how much God has done for them so that the feeling of thankfulness will rise in their hearts and they will ask, "What can I do to show God that I love Him, too?" Then the Manual comes with ample suggestions and instructions to inform the child how it may show its love and thankfulness. The commandments are worded and explained to be such guides, - and also the Bible stories of the 12 year old Jesus in the Temple (in both Manuals), The Temptations of Jesus (T. Manual). The Good Samaritan (T. Manual), The Mary and Martha Story (T. Manual), Jesus in Gethsemane (T. Manual). The T. Manual mistakes God's purpose in giving the commandments (Page 47). "What does God want us to learn from these Commandments? He wants us to learn the things we are to do to show our love for Him."

filler
- I am of the opinion that this wrong use of the Law is not only due to
understanding of WHY God gave the Law, but also due to a misunderstanding of
THE Son of God became man. K. Manual, page 37: Lesson 10: "Now we come to the
work of God and the Son. - - He is the One who came to take our place and saved us
from the devil and from dying in hell. You see how God loves us so much that He Him-
self was willing to take the punishment for our sins, so that we may come to live with
Him in heaven. - - In order to be our Savior - - He had to come to earth and be one
of us in order to take our place - He lived the way you and I should live. He never
once did anything God didn't like - - He never once sinned. Even as a child Jesus
was taking our place. He was living a life without sin." This approach then leads
the Manual to stress how Jesus set such a good example at the age of 12, - And for the
T. Manual to explain on pages 140 and 222: "Doing my Father's work - His work was to
show people the way to heaven." Apparently - unless it has escaped me - both Manuals
feel no need to explain the life of Jesus in the light of Gal. 4:4,5: "When the ful-
ness of the time was come, God sent forth his Son, made of a woman, made under the
law, to redeem them that were under the law, that we might receive the adoption of
sons." Apparently the Manuals feel no need to stress the good news of Rom. 1:17: "For
therein (IN THE GOSPEL) is the righteousness of God revealed from faith to faith."
Apparently the Manuals do not proclaim the joy of Paul when He said: "And be found
in him, not having mine own righteousness which is of the law, but that which is
through the faith of Christ, the righteousness which is of God by faith." Phil. 3:10

Here I think a quotation of J. P. Koehler is very much in place:

"The true preacher is so intensely occupied with the marvelous message,
that he can scarcely find words to tell all its glory, joyously he relates the great
story and with ever increasing interest he tells it again and again, while the
moralist is busy drawing morals from the message and exhortations to good works.
In warm, wooing wondering words of appreciation and praise the true preacher makes
mention of the proffered Gift of God, while the moralist holds forth on what we
must do. That is no gospel, neither is it law, but merely moralizing." I believe,
we do no injustice to this statement if we substitute or add "teacher" to "preacher".
- In the light of Koehler's statement it is my judgment that the story of the 12 year
old Jesus, as it is taught and applied 5 times in both manuals is "no gospel, neither
is it law, but merely moralizing." This is also true of the Mary and Martha story,
the story of the Good Samaritan, the Temptations of Jesus, - and many other stories
barely avoid this judgment.

May we now also consider the following words of warning: J.F. Strombeck:
"The remedy for this ("to justify immoral acts on the ground of Christian Liberty)
is, not the law as legalism would have it, but a clearer teaching of the meaning of
grace. As it is the lusting of the flesh that causes the immoral deed, the flesh
must be dealt with. The Law offers nothing to subdue the lusting of the flesh.
It is only as the believer is led by the Spirit - and this is impossible under the
law (Gal. 5:18) - that the deeds of the flesh can be mortified. It would seem from
this that legalism, in that it obscures the meaning of grace, is a contributing
factor to ungodly living. - - To invoke the law as a means to godliness is to lower
the conception of godly living. It has the blighting effect upon the development
of spiritual life; "for the letter (that is, the law) killeth, but the spirit giveth
life (2Cor. 3:6). - That is why Paul in combating legalism wrote to the Galatians:
After, that ye have known God, or rather are known of God, how turn ye again to the
weak and beggardly elements? (Gal. 4:9) They were reverting to an elementary standard
of life, which always occurs when believers turn from grace to legalism."

Now, let us consider the stories of "David and Goliath" and "Daniel
in the Lion's Den", as presented in the K. Manual, and may we apply the following
comments to all other stories, where a similar wording occurs.

If it is true, that "the new man, thinking, imagining, speaking, and
doing that which is good, lives entirely from and in the Gospel by which he has
been born again."

If it is true that "It is God the holy Ghost who works in us both to will and to do of His good pleasure, who awakens good resolutions in our hearts and gives us the power and ability to carry out these resolutions," If it is true that "God the Father Almighty gives me - my reason and all my faculties - preserves me - defends me - guards and protects me."

If it is true, "He that glorieth, let him glory in the Lord," and "Whether ye eat, or drink, or whatsoever ye do, do all to the glory of God," and if it is proper for us to pray "For Thine is the Kingdom, and the Power, and the Glory forever and ever,"

Then we can understand what Paul means when He says: "I labored more abundantly than they all;" for he prefaced these words with: "by the grace of God I am what I am; and his grace which was bestowed upon me was not in vain." - and he followed those words with: "Yet not I, but the grace of God which was with me." We also know what he said of himself in 2 Cor. 12:9.10; Phil. 4:13.

Yes, we may hear David explain: "Thy servant slew both the lion and the bear," but there was no doubt in his mind as to how this was possible: "the Lord that delivered me out of the paw of the lion, and out of the paw of the bear, he will deliver me out of the hand of this Phillistine." And to Goliath, who boasted of skill and strength, David said: "and all this assembly shall know that the Lord saveth not with sword and spear; for the battle is the Lord's, and he will give you into our hands."

Yes, the O.T. believers continued to sing and proclaim God's glory and praise, esp. Psalm 44:1-8, - v. 8: "In God we boast all the day long, and praise thy name forever."

2 Therefore, if these truths prevail in our hearts, then we will avoid such quibbling and philosophizing - as the K. Manual does - about what David and Daniel could do "by themselves", - or "alone", and when and where they would have to call upon "help" from God. Then we would avoid every trace and appearance of "synergism."

Now as to a few more remarks at random: Much stress was placed by your committee on the evangelical way to teach the Law "to those called by the Gospel." A strong appeal was made to Luther. May I kindly suggest that you reread Luther's Large Catechism, as he there explains "fear and love"? - And may I suggest that from now on we take the Gospel out of the Law, and the Law out of the Gospel?

In regard to the outline appearing in the K. Manual, pages 27-29, I cannot accept ~~how~~ some of the chosen Bible stories are explained not in accordance with the wording of the outline: e.g. page 29: D. 2: "He Uses the Gospel Word in the Bible to Strengthen Our Faith."

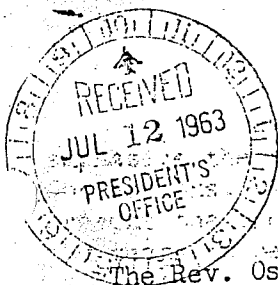
"The Twelve Year Old Jesus in the Temple"

I surely hope and pray, that what I have added here to my previous criticisms by word and letter may help to clarify my objections to portions of both the Teachers' and Kindergarten Manuals.

I also intend to send a Teachers' Manual to you with my comments on the margin of many pages. This may also help you to realize what I am striving for.

Respectfully submitted,

Herold A. Schulz



The Rev. Oscar J. Naumann,
3624 West North Avenue,
Milwaukee 8, Wisconsin.

ADDENDUM # 5

Dear President,

What I had in mind when I offered "proof will be furnished when required" was to present all my correspondence with the Board of Education; and that I would have the opportunity orally to prove that the use of the Law in both Manuals is unscriptural and contrary to the Formula of Concord. It is always intimately connected with the Gospel, but also the presentation of the Gospel.

However, I agree with you that "This study will require a great deal of careful reading and searching."

There, in order to confront your committee with the "issue", I have attempted to present the heart of the problem in the enclosed presentation.

May I also ask that the Committee carefully review the letters and correspondence between the Board of Education and myself as of May 9, 1962, - June 15, 1962, - June 20, 1962, - Nov. 15, 1962, - March 17, 1963. I am sure that these may be obtained from the Board of Education.

May I also suggest that the Committee, as it reviews both Manuals, to consider Stoeckhardt's Roemerbrief, esp. pages 313-315; Stoeckhardt's "Law and Gospel"; Ehlert's "Christian Ethos"; Koehler's "Gesetzliches Wesen Unter Uns?"

Since our Synod is going to make more and more use of the printed word, may I plead haste? For I find increasing evidence that the true Gospel is being replaced by the "gospel of sanctification" e.g. Manpower Committee's Sermon Outline on Luke 2:41-52, the "Serve the Lord With Gladness" check-off sheets for school children, Meditations Vol. 6, No. 1, pages 7.8.9. and Meditations Vol. 6, No. 11 pages 4-9.

And since the Board of Education fully upholds and defends both Manuals as to their emphasis on the third use of the Law, I do fear to order anything that will appear in print from it's office, and surely must warn others to do the same!

Fraternally Yours,

Herold A. Schulz
Herold A. Schulz

We have charged that both the Teacher's Manual and the Kindergarten Manual emphasize the third use of the Law contrary to the Scriptures and the Lutheran Confessions. As both Manuals stress the third use of the law, wherever Bible stories present the opportunity, they reveal an unscriptural concept of sanctification and the means to be used to achieve it.

They reflect the concept of sanctification as presented by Prof. J. P. Koehler in his "Gesetzliches Wesen Unter Uns." (Cf. Proceedings of the 35th Convention pages 141-145.)

Koehler says: "For that reason this new creation of the spirit is in need of enlivening and strengthening; and this occurs, aside from the message of the gospel, through the proper encouragement of sanctification."

"Here it (the preaching of "those things that are spoken of in God's condemning Law") wishes through doctrine and exhortation to help the weak will along. There the preaching knows nothing of the gospel; here it is always intimately connected with the gospel. Not only is it prompted by the gospel, but also the presentation of the will of God thereby takes on a tone that has no similarity to that of the law. No demanding (do this!) no threatening (Do that or else); no condemning (Now, see what you did!); rather a coaxing, a refreshing spirit, a picturing and unfolding of the good yet to come; and always, all bound up in the Gospel."

Koehler calls this type of law preaching: "gospel encouragement." He states: "This address is not the gospel of the mighty deeds of God, but rather it speaks to us of God's will concerning our actions. But neither is it law that demands, threatens, condemns, and presses us sorely; rather it proceeds out of the gospel."

- "That is not the preaching of law, but the gospel of sanctification."
"So faith and love, enlightenment, the new birth, conversion, and sanctification always in one breath - and in this way that as a holy seed or bud it is planted in the heart of man and as such must needs grow. That is why we preach sanctification."

"Therefore you always find it (Sanctification) where the gospel is at home. One cannot preach that at all without directly or indirectly also preaching sanctification. That is the preaching I call evangelical encouragement (evangelische Ermahnung); and I wish especially to emphasize that it is a fresh, joyous, glorious address."

Koehler, however, frankly admitted that this doctrine of sanctification is outside of the F. of C. He wrote: "In the Formula of Concord this matter is covered under the heading of "The Third use of the Law." There, however, is included the law-preaching that addresses itself to the old Adam of a Christian. THAT IS HERE EXCLUDED."

As we read and study Koehler's Essay we must notice the complete absence of Scripture references. His presentation therefore can only be classified as pure sophistry. On the other hand as we read the essay by Dr. Stoeckhardt, his Law and Gospel (Cf. Lehre and Wehre Vol. 33) we are impressed with his frequent references to the Scriptures and the Lutheran Confessions.

He says: "Today we hear remarks - about the Law "being a guide to sanctification."

"We might perhaps arrive at the thought that the law helps man to do right and so serves him in becoming pious. But just this very thought is rejected by Scripture."

"The Scriptures clearly testify that God, in giving the Law to sinners had no other intention than that of concluding mankind under sin and wrath."

"An unholy nation, which from the very beginning always resisted the Holy Spirit, received the law at Sinai." (How different this language to that of both Manuals. *T. Manual: pages 47+182; K. Man*

"It is the preaching of the Gospel alone which quickens, and bestows the Spirit, arouses spiritual, godly life in the heart."

"According to the Scriptures the Law was given solely for the sake of sin and not to make man pious."

"The Law does not help man to do good. It rather increases the real actual, chief sin, resistance to God."

"But such faith, making Christians what they are, constantly overcoming sin, Law, wrath, comes from the Gospel and is nurtured and preserved through constant, continuing use of the Gospel."

"The Gospel only, not the Law, reforms man and makes him pious. The Law has not been given to quicken, to renew and sanctify man, but was added because of transgression."

Ehlert in his book "Christian Ethos" fully agrees with Dr. Stoekhardt. He says: "In Melancthon's opinion it is the new person who has been born through justification who needs the instruction which the law imparts. Calvin and Melancthon see eye to eye here, while the Formula of Concord raises strong objections. The Formula of Concord also questions the purpose of the third use of the law but in its answer it veers away and returns to Luther."

"We can never read the Decalogue as though the threat were not in it. The law of God is and remains law of retribution even when it is addressed to Christians. If we mean by the third use that we can listen to the law without its threats, we indulge in pure fiction."

"There can be no law for the earthly life of the regenerate which serves purely as information -." "To bring sins to light is the proper office of the law."

"Without instruction (in F. of C.) the law no longer serves a pedagogical function. That is the decision against Melancthon who had made it the special task of the law to instruct the just as such. The decision is in favor of Luther: "When I look upon Christ I no longer know the law."

"By erasing the divergence between law and gospel, both are weakened; the law is deprived of its divinely uttered threat of retaliation and the gospel is forced into a "form of law". This is the source from which all previously mentioned errors spring. Christ has been transformed into a lawgiver, his kingdom into an imperium built upon commands, faith has been changed into obedience. In each instance the gospel is legalistically construed by casting it into normative categories while the redeeming power is drained out."

"Lutheran theologians of a later period follow Luther and the formula of Concord in theory but interpreted the doctrine of the tertius usus in the spirit of Melancthon, and done so to the present day."

Therefore, if sanctification is not a matter of our ability at all, to be achieved by our efforts as Christians by a strange mixing of the Gospel and the "gospel of sanctification", and if it is purely a gift entrusted to us by faith,

And if sanctification is not so much an awareness of the Christian that he is advancing along the ways of God, that he is positively acting the good part, much rather takes on the form of consciousness, that he must guard against the evil within himself, and that the new life consists in killing the works of the flesh - then we must strongly fault both Manuals, lest we lose the precious truths and powers of the pure Gospel.

In the introduction of the Manual we read: "It is our duty to keep God's word in our hearts and to let it be the rule of our lives." This is a very good and necessary principle. But if we say that the Gospel is sanctified - which is the only way to sanctification - all is lost!

Ehlert says: "The Gospel is forced into a "form of law" - "faith has been changed into obedience."
As we consider both the Teacher's and Kindergarten Manuals we must realize what a terrifying switch has taken place. Again and again we find no Gospel, wherein the righteousness of God is revealed, but the "gospel" of sanctification, and almost a complete change from faith and trust to love and obedience.

Let's look at the T. Manual:

- Page 12: "God gave Adam a chance to show his love to God by obeying Him." *Application*
"How can we show our love to God? Again the Bible tells us in 1 John 5:3a. This is the love of God, that we keep His commandments."
Page 13: "Which verse tells you what you want to do because God loves You? We Love Him . . . What else can we do to show our love to God? We pray to Him."
Page 16: "How do you feel toward Jesus, because He has saved you? I (we) love Him."
"Why, then, was He pleased with Abel's offering? Abel and his offering pleased God, because Abel loved God who would send the Savior."
"Cain and His offering did not please God because Cain did not love God."

(Please note the change from faith to love cf. Heb. 11:4; Then Abraham also is converted from the man of "faith" to the man of "love" and obedience.

- Page 20: "The Bible tells us about a man who did love God."
Page 22: "Abraham showed love and unselfishness toward Lot."
Page 27: "Abraham showed that He loved God more than His son Isaac"

- Page 47: "What does God want us to learn from these commandments?" The Manual answers: "He wants us to learn the things we are to do to show our love for Him." (God's answer is given in Rom. 3:19,20; 5:20; 7:7-13; Gal.3:19-29.)
Page 59: "How can we show our love to God? Answers will vary. Try to develop the thought that we can show love to God by living according to His commandments."
Page 60: "Since you love God, how will you try to live? I will try to live according to His Word - by keeping His Commandments."
Page 62: "What will we want to do to show that we also love God? We will want to show God that we love Him by obeying His commandments."
Page 62: "In a Scripture passage God tells us that He looks into our hearts to see whether we love Him. 1 Sam.16:7: "Man looketh on the outward appearance, but the Lord looketh at the heart."
Page 64: "Today we are going to hear of one time when David did not show such love to God."
Page 67: "We are God's children and love Him. God wants us to show Him that we love Him."
Etc. Etc.

- Page 89: "Why did He stay in the Temple? Because He loved God's Word. Where do we hear God's Word? Church, school, home."
"Why do we hear God's Word? Because we love His Word."

In the introduction of the Manual we read: "This method of teaching religion makes God's Word more of a living thing to the children, and they more readily apply it to their daily life." This, of course, is an opinion of men! But if thereby the true Gospel is sacrificed- which is the only power of God unto salvation - all is lost!

The true Gospel is sacrificed when we teach the children to love and obey God's Word. The true Gospel is the Gospel of sanctification. As the righteousness of God is revealed, in the above mentioned studies which are part of the studies outlined in our manuals.

And therefore the Manual should teach as does the Bible. Page 110 and 222

Both Manuals clearly indicate and stress the independent abilities of the Christian contrary to God's Word: Phil. 2, 13 and Eph. 2, 10, and the Formula of Concord II, 38.39.65.66.

E.G.: K. Manual: *6*

Page 39: "By using it we give the Holy Ghost a dance to make our love and faith in Jesus grow. When we love and trust in Jesus we have forgiveness of sins."

Page 41: "If we truly want to say "thankyou" to God for being so good to us, we'll keep on trying to love Him. We can't do it alone, but He will help us. All we have to do is pray to Him and say, "I love you Lord. I know it isn't enough; please help me love you more." He will help us."

Page 43: "We know that we haven't kept this rule the way God would like us to, but that doesn't mean we'll stop trying. - - He'll help us do better too, if we only ask Him."

Page 45: "those are no reasons to stop trying to please Jesus, however - - Surely then, He will help us to do the things He likes."

Page 72: "Could Daniel have decided the right way all by himself? No. Why couldn't he have decided alone?"

Page 74: "God will help us, just as He helped Daniel. We will make mistakes. We will sin every day, but when we ask God to help us, it will be easier to stay away from sin and do the right."

ETC., ETC.,

our statement

Both Manuals leave little doubt as to their emphasis on the Commandments as "rules". And these "rules" obviously do not presuppose or include their use as "mirror" or "curb." We have been told that that the following sentence has been dropped from the K. Manual: "The study of the commandments as a mirror and curb may be left for his future years of schooling." However, the mere dropping of this statement does not correct what precedes it, or that which follows it, in regard to the proper use of the Law. In the K. Manual we read page 30 we read: "After the Overview of Bible Stories is given, take a few days to go through the commandments just to tell what God's rules are and to let the children know that these are the things we can do to please God and to show ~~our~~ Him love and thankfulness -." "The teacher now has the Word of God as a guide for teaching Christian attitudes and God-pleasing behavior." Page 40: (Page 41 has the title: GOD'S HOLY AND JUST WILL) "The next paragraphs are to give the instructor hints of what might be said in order to give the child an idea of God's wishes, as He told them to us in His Commandments." - - "It should be remembered however, that a formal study of each commandment should be avoided at this age level. The reason for talking about the commandments is merely to give the child some idea of what he can do to show God that he loves and thanks him." Page 41: "God has told us in the Bible what He would like. There are some rules or commandments. He has written there which tell us what He ²¹wants us to do. The following discussions are offered as suggestions are offered as suggestions to the teacher. They are intended to give the child an idea of how he can show his love for his Savior. The study of the commandments as a mirror and curb may be left for his future years of schooling."

Then very logically the Manual proceeds to explain the Commandments as "rules" - "God's wishes" - of godly living. Then the Manuals come with ample suggestions and illustrations from Bible stories how to show ~~the~~ love and thankfulness. Jesus, of course, is the best example; cf. the Bible stories of the 12 year old Jesus in the Temple in both Manuals, of the Temptations of Jesus in the T. Manual, of the Good Samaritan in the T. Manual, of Mary and Martha in T.M. of Jesus in Gethsemane T. Manual. The K. Manual in its Outline on page 29 states: He uses the Gospel Word in the Bible to Strengthen Our Faith, and then refers us to "The Twelve Year Old Jesus in the Temple." But when we turn to pages 90 and 91 looking for the "Gospel Word" it again turns out to be nothing but the "gospel of sanctification." We find no Gospel, wherein the righteousness of God is revealed, in the above mentioned stories and in many of the other stories outlined in both Manuals.

And therefore the T. Manual doesn't shock us when it explains on pages 140 and 222: "Doing My Father's work - His work was to show people the way to heaven."

But if this is true that the Gospel only, not the law, reforms man and makes him pious; ~~if this is true~~; and if this is true that the new man, thinking, imagining, speaking, and doing which is good, lives entirely from ~~the~~ and in the Gospel by which he has been born again, what more can the Manuals do in its emphasis on the third use of the law "to drain out the redeeming power of the Gospel?"

Therefore we maintain that it is not enough to drop one sentence; but much of both Manuals need to be rewritten.

Herald A. Schulz

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ADDENDUM # 6

REPORT OF THE HEROLD SCHULZ PROTEST COMMITTEE

Having called upon the Lord for the guidance of the Holy Spirit, our committee has carefully examined the charges which Pastor Herold Schulz has brought against the Board of Education-Wisconsin Synod in regard to the material contained in the "Teacher's Manual-Bible Stories" and the "Kindergarten Manual for Lutheran Schools.

After a thorough study we came to the conclusion that Pastor Schulz has reason to object to the "Kindergarten Manual for Lutheran Schools" because of the fact that it was written for the purpose of teaching the Law solely as a rule. That this is the intent of the "Kindergarten Manual" is stated in the "Kindergarten Manual" itself, to wit, page 40, last sentence of the third paragraph: "The reason for talking about the commandments is merely to give the child some idea of what he can do to show God that he loves and thanks Him." Does not this statement preclude the use of the Law as a mirror? The idea, that the "Kindergarten Manual" was written for the purpose of teaching God's Law merely as a rule, is further borne out by the statement on page 41, paragraph 5, last sentence: "The study of the commandments as a mirror and curb may be left for his future years of schooling." Although this sentence was blacked out in the "Kindergarten Manual" because of Pastor Schulz's objections, the thought idea of the manual has in no way been changed. The commandments are still presented merely as "rules."

We note that the "Teacher's Manual-Bible Stories" also conveys the idea of teaching the Law merely as a rule, as expressed on page 47, question 3 in lesson 30: "What does God want us to learn from these commandments? He wants us to learn the things we are to do to show our love for Him." This statement precludes the use of God's law as a mirror. We, as a committee, agree that objection must be registered to such a statement on the basis of Romans 3:20 and Romans 7:7.

We also agree that the approach to the use of God's Law merely as a rule leads into an emphasis of "the gospel of sanctification" rather than the gospel of redemption. Such emphasis on "the gospel of sanctification" becomes evident in such statements as those found on page 59, question 5, of the "Teacher's Manual-Bible Stories": "How can we show our love to God? ----- Try to develop the thought that we can show love to God by living according to His commandments," and on page 60, question 4, under the lesson for the Second Day: "Since you love God, how will you try to live? I will try to live according to His Word - by keeping His commandments."

However, our committee wishes to draw attention to the fact that placing emphasis on the third use of the Law is not an unscriptural concept. Cp. Ps. 119: 105. Luther himself uses the Law in this way in the Small Catechism. To bring the charge, that such use of the Law is "contrary to the Scriptures and the Lutheran Confessions" is an overstatement. We also note that, although the manuals approach the use of God's Law merely as a rule, they do not always completely exclude the use of the Law as a mirror. Cp. page 31 of the "Kindergarten Manual," paragraph 2, first sentence: "At five years they are ready, and should learn that they are sinners who are in trouble, because of their wrong-doings." Also cp. page 40, paragraph 6, second sentence: "----- each child should see and feel the need for repentance," and page 45, paragraph 1, second line: "Oh, but I can never do all these things the right way! I'm always doing something wrong!" Cp. also the "Teacher's Manual-Bible Stories," page 184, question 4 under Second Day: "What do the commandments make us see in ourselves? They make us see our sin. There is a passage that tells us that. Rom. 3:20: "By the law is the knowledge of sin." We would caution, however, that the use of the Law as a rule not be so employed as to exclude the use of the Law as a mirror. Cp. Rom. 3:30 and Romans 7:7.

Our committee realizes the difficulties involved in producing textbooks in simple language. However, we do believe that some of the phraseology in the manuals is of unhappy wording and we believe it to be in the best interest of clear, scriptural teaching, that the wording in some parts of the manuals be changed, to wit:

"Kindergarten Manual," page 36, last sentence of 2nd paragraph: "He thought of a plan for all people to get to heaven."

"Kindergarten Manual, page 37, sentences 1 and 2 of last paragraph: "Even so the devil managed to keep some people from believing in Jesus. There were some who did not love Jesus."

"Kindergarten Manual," page 39, 2nd sentence of last paragraph: "By using it we give the Holy Ghost a chance to make our love and faith in Jesus grow."

"Kindergarten Manual, page 41, seventh line under "The Ten Commandments": "----- will keep on trying to love Him. We can't do it alone, but He will help us. All we have to do is to pray to Him-----."

"Kindergarten Manual," page 50, 1st paragraph under III, 3rd sentence: "----- a chance to show their love for Him."

Our committee believes the crux of all the difficulties lies in the over-emphasis of the third use of the Law in the manuals. At the same time, however, as this report has previously indicated, we believe that the charge of Pastor Schulz, that the Board of Education-Wisconsin Synod is guilty of emphasizing the third use of the Law "contrary to the Scriptures and the Lutheran Confessions" is an overstatement.

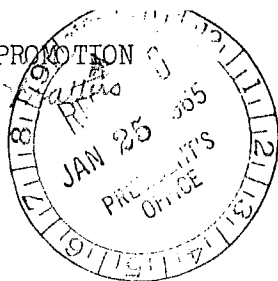
It has been the aim of our committee to bring a report of our findings in the matter placed into our hands which is completely objective and which will serve to remove all the difficulties involved in the charges which Pastor Schulz has brought against the Board of Education-Wisconsin Synod. May our gracious God bless this report to that end, for Jesus' sake.

Signed M. Volkmann

Louis Karrer

Feb. 26, 1964

Doct.



401 20th Street,
Golden, Colorado.
January 21, 1965.

X

ADDENDUM # 7

TO:

~~The Delegates of the 38th Biennial Convention~~

~~of the~~

~~Wisconsin Evangelical Lutheran Synod.~~

~~% The Rev. Oscar Naumann, president.~~

MEMORIAL Bf

Subject: The kind of emphasis placed on the third use of the Law as it appears in our Synod's publications, especially in the "Teacher's Manual - Bible Stories" and in the "Kindergarten Manual For Lutheran Schools.") Bf

Whereas, I have made the formal charge, "that the Kindergarten Manual for Lutheran Schools and the Teacher's Manual, published by authority of the Board of Education, Wisconsin Synod, emphasize the third use of the Law contrary to the Scriptures and the Lutheran Confessions," and

Whereas, to my knowledge, no efforts are being made to have past printed copies of these books corrected as to their wrong emphasis on the third use of the Law - to the detriment of the proper use of the Law and the Gospel, and

Whereas, other publications of our Synod (e.g., the former Lutheran School Bulletin, Meditations, Teachers Manual for Sunday School Bible Stories) at times reveal the same so-called "Evangelical way of teaching the Law to those called by the Gospel," and

Whereas, our Synod now has a "Commission for Christian Literature", which "shall plan and promote a program of publishing Christian literature which will meet our Synod's needs," and therefore more printed material could appear revealing the same kind of emphasis on the third use of the Law, as found in the above mentioned Manuals, and

Whereas, our Synod at present is preparing new Sunday School materials under the supervision of Synod's Board of Education, which has approved and defended the kind of emphasis placed upon the third use of the Law as it appears in the above mentioned Manuals,

THEREFORE, I URGENTLY PLEAD:

1. That the Synod in Convention authorize an investigation of my charge, "that the Kindergarten Manual for Lutheran Schools and the Teacher's Manual published by authority of the Board of Education, Wisconsin Synod, emphasize the third use of the Law contrary to the Scriptures and the Lutheran Confessions," and
2. That the Synod instruct and encourage all pastoral conferences and teachers' meetings to make a thorough study of the proper use of the Law, especially as "guide," and
3. That guide lines for such a study be prepared under the supervision of the Conference of Presidents.

Respectfully Submitted,

Herold A. Schultz

12-9-65

ADDENDUM #8

Whereas - in my memorial - I have made the charge, "that the Kindergarten Manual for Lutheran Schools and the Teachers' Manual, published by authority of the Board of Education, Wisconsin Synod, emphasize the third use of the Law contrary to the Scriptures and the Lutheran Confessions," I deem it necessary to present "the evidence" in the light of the circumstances which caused me to make a thorough study of the third use of the Law and moved me to memorialize Synod in regard to this matter.

When the new Kindergarten Manual came out, the following statement was brought to my attention, appearing on page 41: "God has told us in the Bible what He would like. There are some rules or commandments He has written there which tell us what He wants us to do. The following discussions are offered as suggestions to the teacher. They are intended to give the child an idea of how he can show his love for his Savior. The study of the commandments as a mirror and curb may be left for his future years of schooling."

When I wrote and voiced my objections "to whom it may concern", this was part of the reply I received from the Executive Committee of the Board of Education: "Your most serious objection is in the manner in which the commandments are presented to the little ones. We did find that the statement: "The study of the commandments as a mirror and a curb may be left for his future years of schooling" (41) is not a correct one. This sentence is being dropped and we thank you for bringing it to our attention."

"We cannot, however, agree with your objection to the emphasis on the teaching of the Law according to its third use. This is employed by Luther throughout his explanations of the Ten Commandments: "We should fear and love God etc." This is the way our Gausewitz Catechism teaches it. There we find the commandments introduced with these questions: "What does God want to impress upon us with the words: "I am the Lord Thy God?" and "Why does God especially impress upon us that He loves us before giving us His commandments?" This is the evangelical way of teaching the Law to those called by the Gospel."

Later on in this same reply the Ex. Com. claimed: "We stand on Scriptural ground for such teaching of the Law."

And to underscore the fact that Synod's Board of Education continues unchanged in its position we refer you to the Revisions of the Kindergarten Manual page 40:

"In the teaching of the Law the emphasis in this Manual lies on the so-called Third Use of the Law. The teacher will want to show her pupils from the Law how they as believing children of God can show their thankfulness and express their love toward God in return for His wondrous gift of salvation and many other blessings.

"The teacher will, therefore, conscientiously endeavor to expound the will of God as it is expressed in His holy Law in such a way that her pupils will be led to see God's will for their lives. She will strive to do this on a level suited to the children's spiritual, mental, and social development.

"Naturally, the use of the Law as a mirror to show the children their sinfulness and need of a Savior and as a curb for the Old Adam will not and must not be excluded.

" - Even when it is presented as a guide (as in the Epistles of the New Testament, which were addressed to Christians), it will also serve through the effectual working of God's Holy Spirit as a mirror and a curb, for the children will readily see that they do not always live up to or follow these commandments of God."

We next refer you to the Teacher's Manual, page 47. There we have the heading: "God gives the Law." And we read: "We shall hear today that God showed His love to His people in a special way." "While they were on their way to Canaan, He gave them the Ten Commandments - - ."

"What does God want us to learn from these commandments? He wants us to learn the things we are to do to show our love for Him. Another name for the Commandments is the Law."

From these statements it is obvious that both Manuals no longer place the emphasis on the Law "showing us our sin and condemnation" (cf. Catechism, question 20), but on guiding and instructing children "how they as believing children of God can show their thankfulness and express their love toward God in return for His wondrous gift of salvation and many other blessings" (Revisions of K. Manual, p. 40).

This type of placing the emphasis on the Third Use of the Law seems to have official status in our Synod. We quote from Lutheran School Bulletin, Vol. XXIX, No. 3, page 3: "This is also evident in our Gausewitz Catechism. The emphasis does not lie in the fact that the Law convicts us of sin. Certainly no teacher or pastor dare forget that either, for by the Law is the knowledge of sin. Even we Christians must constantly remember our sins and repent of them, lest we fall into self-righteousness and be eternally lost. Yet the stress in our Catechism (and rightly so) is on the third use of the law, whereby it serves as a rule to guide us in the true fear, love, and trust in God."

More proof of this we find in the fact that Prof. J. Ph. Koehler's "Gesetzliches Wesen Unter Uns," was read at the 1959 Convention of Synod (cf. Proceedings 1959), in which he at length answers the question, "What is sanctification?" (cf. pages 140ff) We quote some pertinent statements:

"For that reason this new creation of the spirit is in need of enlivening and strengthening; and this occurs, aside from the message of the Gospel, through the proper encouragement of sanctification."

"Here it (the preaching of "those things that are spoken of in God's condemning Law") wishes through doctrine and exhortation to help the weak will along. There the preaching knows nothing of the gospel; here it is always intimately connected with the Gospel. Not only is it prompted by the gospel, but also the presentation of the will of God thereby takes on a tone that has no similarity to that of the law. No demanding (do this!); no threatening (Do that or else!); no condemning (Now, see what you did!); rather a coaxing, a refreshing spirit, a picturing and unfolding of the good to come, and always, all bound up in the Gospel."

- Koehler calls this type of law preaching: "gospel encouragement." He states: "This address is not the gospel of the mighty deeds of God, but rather it speaks to us of God's will concerning our actions. But neither is it law that demands, threatens, condemns, and presses us sorely; rather it proceeds out of the gospel."
 "- That is not the preaching of law, but the gospel of sanctification." "So faith and love, enlightenment, the new birth, conversion, and sanctification always in one breath - and in this way that as a holy seed or bud it is planted in the heart of man and as such must needs grow. That is why we preach sanctification."
 "Therefore you always find it (sanctification) where the gospel is at home. One cannot preach that at all without directly or indirectly also preaching sanctification. That is the preaching I call evangelical encouragement (evangelische Ermahnung); and I wish especially to emphasize that it is a fresh, joyous, glorious address."

Prof. A. Schuetze wrote in his "The Christian and the Law," (Theol. Quart. Oct. 1964): "It is the Law, serving as a guide to the Christian because of his imperfect knowledge of God's will, that must instruct the Christian. This we usually refer to as the third use of the Law. Here we view Law in no sense according to its coercive force or with its threats. Here only the content of the Law comes into consideration, and its content is God's will. That the Christian needs to know, if his works are to be God-pleasing."

The conclusion we are led to draw from this kind of emphasis on the third use of the Law is, that after a person becomes a Christian the primary purpose of the Ten Commandments is "to inform", "to instruct", and thus to guide the Christian according to God's Holy Will, - and that some incidental secondary use of the Law is to convict him of sin.

This then would clearly imply - as the Teacher's Manual presents it - that it was God's primary purpose in giving the ten Commandments to Israel through Moses to inform the O. T. Believers as to how to show their love and thanks to their Savior God. We thus gain the following picture: There at the foot of Mt. Sinai stood the redeemed children of Israel, who had enjoyed God's loving care through their wilderness journey, as He brought them on eagle's wings to Himself. Having experienced the full measure of God's love, their responding love pleaded: Dear God, we love you also; now, please, inform and instruct us, so that we may know the proper way to show our love and gratitude to You! How they must have been shocked, when God thundered down upon them - not with all kinds of simple instructions for good behavior, but proclaimed His threatening and condemning prohibitions. This, somehow, apparently doesn't suit the emphasizeers of the third use of the Law. So they bring the very wording of God's Ten Commandments into harmony with their views and change the Ten Commandments into "rules", which are to guide, to inform, to instruct the thankful child of God!

A. THIS MISPLACED EMPHASIS ON THE THIRD USE OF THE LAW IS CONTRARY TO THE SCRIPTURES!

God's Word paints a different picture of the Children of Israel. It is summed up in these words which God spoke to Moses: "I have seen this people and behold it is a stiff-necked people." They were a murmuring and a rebellious people!

And the very wording of the Ten Commandments clearly reveals that the Holy God does not inform Israel what He is FOR, but what He is AGAINST. God does not give instructions as to good behavior, but forbids bad behavior! (cf. 1. Tim. 1:9: "Knowing this, that the law is not made for a righteous man -," and Gal. 5:22,23: "But the fruit of the Spirit is love, joy, peace, longsuffering, gentleness, goodness, faith, meekness, temperance: against such there is no law.") (also cf. Col. 2:14).

A careful study of Romans and Galatians clearly reveals that the Law was ADDED to the Gospel Covenant because of transgression until the Seed should come. And as soon as the Seed came the Law had fulfilled its purpose and mission. "Wherefore the law was our schoolmaster unto Christ." Gal. 3:24. Nowhere in Galatians or in Romans is there a clear indication that after faith is come, that we are still in the hands of the "schoolmaster", because we still need him as our "educator." This Prof. Koehler also says in his Commentary on Galatians pages 99f: "Tutor: the slave who brought the minor child of wealthy parents to school and to the play ground. Neither the idea of jailor or educator is implied in this word - -. It is not the law which preaches Christ. The Gospel does that. It is not the Law which educates, but again only the Gospel."

The Ten Commandments never, never were to serve as a course of instructions for believers in holy living. This surely is clear from the fact that God gave these commandments 2500 years after man fell into sin, - 430 years after God made His covenant with Abraham, - 1500 years before the Birth of Christ. If Christians today absolutely need the third use of the Law for instructions and information in holy living, what about Seth, Enoch, Noah, Abraham, and all the other O.T. saints prior to Moses?

Prof. Schuetze in his paper, page 290 asks this question: "How can the Christian know when he does do God's will? How is he to be prevented from devising his own holiness?" He gives his own answer: "The Law instructs him. He is not to let his flesh add to or diminish anything from it." He explains: "While the new man is not under the law, neither is he over it, that he can establish it, that he can change it, that he sets it up himself."

However, THE SCRIPTURES give us a different answer. The Christian does not need the Law to educate him in regard to the holy will of God! *Lord, what will you have me to do?*

HE KNOWS IT as far as his new man is concerned, because God's Word says, for he has "put on the new man, which is renewed in knowledge after the image of him that created him." Col. 3:9,10.

HE KNOWS IT, because God's Word says: "But ye have an unction from the Holy Ghost, and ye know all things." 1 John 2:20 - cf also 1 John 2:27,28.

HE KNOWS IT, because God's Word says: Therefore ~~if~~ any man is in Christ, he is a new creature: old things are passed away, behold, all things are become new." 2 Cor.5:17.

HE KNOWS IT, because God's Word says: "For God hath not called us unto uncleanness, but unto holiness. He therefore that despiseth, despiseth not man, but God, who hath also given unto us his Holy Spirit; But as touching brotherly love ye need not that I write unto you, for ye yourselves are taught of God to love one another." *also written*
1 Thess.4:7-9.

HE KNOWS IT, because God's Word says: "For this is the covenant that I will make with the house of Israel after those days, saith the Lord; I will put my laws into their mind, and write them in their hearts; and I will be to them a God, and they shall be to me a people: and they shall not teach every man his neighbor and every man his brother, saying, Know the Lord: for all shall know me, from the least to the greatest." Hebr. 8:10,11.

That the new man does not need the Law as to its first, second, or third use also becomes abundantly clear from the following passages:

"For ye are not under the law, but under grace." Rom. 6:14. *not under*

"But now we are delivered from the law, that being dead wherein we were held, that we should serve in newness of spirit, not in the oldness of the letter." Rom. 7:6.

"And where the Spirit of the Lord is, there is liberty." 2 Cor. 3:17. *liberty*

"But after faith is come, we are no longer under a schoolmaster." Gal. 3:24. *no longer*

"And because ye are sons, God hath sent forth the Spirit of His Son into your hearts crying ABBA, Father." Gal. 4:6.

"But if ye be led of the Spirit, ye are not under the law." Gal.5:18. *not under the law*

"Cast out the bondwoman and her son." Gal.4:30.

But isn't there the danger that it may happen of what Prof. Schuetze speaks, when he writes: "While the new man is not under the law, neither is he over it, that he can establish it, that he can change it, that he sets it up himself?" Doesn't the new man, therefore, need the constant guidance of the Law? God's Word dispels such fears with the answer: "Whosoever is born of God doth not commit sin, for his seed remaineth in him: And he cannot sin, because he is born of God." 1 John 3:9.

Hence, placing the emphasis on the third use of the Law is not only detrimental to the proper use of the LAW, BUT ESPECIALLY DETRIMENTAL TO THE PROPER USE AND EFFECTIVENESS OF THE GOSPEL!

We know that the GOSPEL is the only power of God unto salvation! cf. Rom. 1:16.

We know what it means when Paul declared: "I through the law am dead to the law, that I might live unto God. I am crucified with Christ: nevertheless I live; yet not I, but Christ liveth in me: and the life which I now live in the flesh I live by the faith of the Son of God, who loved me, and gave himself for me. I do not frustrate the grace of God: for if righteousness come by the law, then Christ is dead in vain." Gal. 2:19-21.

We know what 1 Cor. 1:31 says: "But of him are ye in Christ Jesus, who of God is made unto us wisdom, and righteousness, and SANCTIFICATION, and redemption."

And as we faithfully use and rely only upon the power of the Gospel it will become a reality of what we read in 2 Cor. 3:18: "But we all, with open face beholding as in a glass the glory of the Lord, are changed into the same image from glory to glory, even as the Spirit of the Lord."

Yes, do we not teach in our Catechism that the Holy Spirit not only calls us by the Gospel, but sanctifies us by the Gospel in Word and Sacraments?

As Dr. Stoeckhardt says: "It is the preaching of the Gospel alone which quickens, and bestows the Spirit, arouses spiritual godly life in the heart."

He also wrote: "But such faith, making Christians what they are, constantly overcoming sin, law wrath, comes from the Gospel and is nurtured and preserved through constant, continuing use of the Gospel."

Another quotation of his: "The Gospel only not the law, reforms man and makes him pious. The Law has not been given to quicken, to renew, and sanctify man, but was added because of transgression."

B. THIS MISPLACED EMPHASIS ON THE THIRD USE OF THE LAW IS ALSO CONTRARY TO OUR LUTHERAN CONFESSIONS.

Koehler frankly admitted: "In the Formula of Concord this matter is covered under the heading of "The Third Use of the Law." There, however, is included the law-preaching that addresses itself to the Old Adam of the Christian. THAT IS HERE EXCLUDED. (My emphasis). For that reason I do not call this emphasis on sanctification law-preaching but encouragement, and in order to emphasize the main feature in this approach, I call it evangelical encouragement (or the gospel of sanctification)".

However, Prof. Schuetze holds that this kind of third use of the Law to impart information to the regenerate as to God-pleasing works IS according to the Confessions (cf. page 291 of his paper). He quotes these words: "But the Holy Ghost, who is given and received, not through the Law, but through the preaching of the Gospel, Galatians 3: 14, renews the heart. Thereafter the Holy Ghost employs the Law so as to teach the regenerate from it, and point out and show them in the Ten Commandments what is the acceptable will of God." (S.D. VI.11.12).

He explains as to how he understands these words: "Do you notice how for Paul the basis of the appeal is the Gospel? That gives the reason for the new Christian life, the motivation: That gives the power and ability. But then he goes on by means of the law to show wherein this new life will consist! A similar pattern we find in all Paul's Epistles. This relationship must be kept clear if we are to grow in Christian living. Each, Law and Gospel, must serve its particular function. We recognize, however, that here the Law is thought of as to its content, the will of God." (page 293).

Not at all

Over against Prof. Schuetze's reference and explanation we quote at length from Dr. Stoeckhardt's Law and Gospel (page 31 of Pamphlet):

"Is it really so that believers need the doctrine of the Law for their good works, being unable to find the right way and erring in darkness without such doctrine? True, the Law is "a rule and standard of a godly life." However, our Confession clearly teaches that believers "because of the Old Adam, which still clings to them," and "because they are not renewed in this life perfectly or completely," still need "the doctrine of the Law." It teaches that if in their nature they were entirely free from sin, they would need absolutely no Law, that they would without any instruction of the Law do what they are in duty bound to do according to God's will. Hence the Law is rule and standard for the walk of the regenerate in so far as they have not been born again, in so far as they still have flesh and are flesh. A Christian, in so far as he is born again, is driven by the Holy Ghost, whom he has received in the Gospel. Therefore he does willingly without coercion, of his free will, what is pleasing to God just as the sun, moon, and all the constellations of heaven of themselves gleam and, unobstructed, complete their regular course. Thus the good works of the Christians are fruits of the Spirit, fruits which grow of themselves. But the Spirit of God, who governs the children of God in what they do or do not do, certainly knows of Himself the good and gracious will of God and needs no teaching, no instruction. He guides and directs and drives according to His mind and will, and that is God's mind and will, and thus leads us into the land of uprightness and teaches us to do according to God's good pleasure. He is the Spirit of prayer, a Spirit of joy and gentleness, a Spirit of correction and fear of the Lord. A Christian therefore, in so far as he is a temple of the Holy Ghost, in so far as the Spirit of God has gained room within him, walks in paths of uprightness, lives in the Law, the will of God, knows, desires, and does what God wants "without any teaching of the Law." But in so far as he still has the Old Adam, he is still subject to the error of sin and therefore often has the wrong conception of what he owes God and man, and loves to choose his own ways and works, his own manner of serving God. For this reason he still needs "the written Law," the teaching of the Law, in order that he does not serve God according to his "own thoughts," as our Confession notes. The Law exposes and condemns all self-chosen and self-devised holiness and piety. So the Law ever observes its prescribed course, even when it serves the Christian as rule and standard of their walk and life. Here too that expression of Scripture, the Law was given because of sin, remains perfectly lawful."

Please notice how clearly Dr. Stoeckhardt says; that a Christian, in so far as he is born again, driven by the Holy Ghost, does what God wants "WITHOUT ANY TEACHING OF THE LAW."

"Hence, the Law is rule and standard for the walk of the regenerate in so far as they have not been born again, in so far as they still have flesh and are flesh."

"so the Law ever observes its prescribed course, even when it serves the Christian as rule and standard of their walk and life. Here too that expression of Scripture, the Law is given because of sin, remains perfectly lawful."

Therefore, the emphasizers are in error, when they strip the Law of its "coercive force" and "threats" and convert the Law into a course of instructions so that God's children may "be led to see God's will for their lives," - and base their reasoning upon the Lutheran Confessions. For when our Lutheran Confessions add: "Thereafter the Holy Ghost employs the Law so as to teach the regenerate from it, and to point out and show them in the Ten Commandments, what is the acceptable will of God," these words do not REFER BACK to the "renewed heart!" (n.b. the renewed heart does not need the "information" and "instruction" of the Ten Commandments); but these words lead into the FOLLOWING WORDS: "He exhorts them thereto, and when they are idle, negligent, and rebellious in this matter because of the flesh He reproves them on that account through the Law, etc. -" "And to reprove is the peculiar office of the Law." - "therefore, as often as believers stumble they are reproved by the Holy Ghost from the Law."

From this it is clear that the SCRIPTURES and our Lutheran CONFESSIONS teach:

- That the third use of the Law is not to ^{be used as a} guide the regenerate by providing instructions and information, so that the "believing children of God can show their thankfulness and express their love toward God in return for His wondrous gift of salvation and many other blessings." (K. Manual).
- That the third use of the Law is to serve as rule and standard (Regel und Richtschnur) by which all "self-chosen and self devised holiness and piety" are to be tested, exposed and condemned.

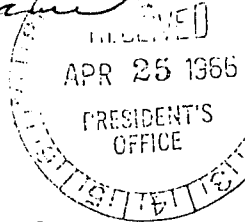
Thus the Law as to its third use is to serve as "Regel und Richtschnur" - not to instruct or to impart information, but it is to serve as a bricklayer's guide-line, up to which the master brick mason is to lay his bricks. This guide-line does not inform or instruct him as to how he is to a good bricklayer. This he knew long ago. But it is a clear admonition to meet an obligation.

Now let us see and realize what this wrong emphasis on the third use of the Law has led and leads to, as some of our official publications reveal:

This policy:

1. Gives the wrong reason and purpose for God giving the Ten Commandments. (cf. Teacher's Manual, page 47; Meditations Vol. IX, No.1, pages 45-51.)
2. Leads to postponing the first and second use of the Law as mirror and curb. (cf. Quotations from Manuals on pages 1 and 2 of this paper.)
3. Leads to postponing the use of the Gospel in certain Bible stories. (cf. the story of the 12 year old Jesus as outline and applied in both Manuals, and especially in the Sunday School Teachers' Manual, Model Lesson, pages 36 to 47.)
4. Leads to modifying the precious Gospel and converting Jesus into a N.T. Moses; it beclouds the Gospel and robs it of its true peace and joy. (cf. Mediations, Vol. VI, No. 1, pages 7.9; Med. Vol. IX, No.1, pages 45-51; Med. Vol. II, No.3, Page 70.)
5. Stresses team-work between the regenerate and God in Sanctification. (cf. K. Manual, pages 41, 72, 74, etc.)
6. Leads to a futile and monotonous repetition of the 10 "rules". (cf. Lutheran School Bulletin XXVIII, No. 3; e.g. "The right forms of doing must be repeated until they become a habit.")
7. Leads to referring to Jesus at times as an example rather than Savior and Christ. (cf. stories in Manuals: the 12 year old Jesus in the Temple, The Temptations of Jesus, Jesus in Gethsemane; - cf. Northwestern Lutheran, Oct 17, 1965, pages 325.327.)
8. Strongly implies that the third use of the Law is essential to the preaching of the Gospel in producing a holier life. (cf. Quotations from Koehler).
9. Replaces the Gospel as the only educator for the new man. *Do you really want to do this?*
10. Finally leads to frustrating the Grace of God (Gal.2:21), - to falling away from Grace (Gal.5:4), - and to reaping the curse of God. (cf. Gal. 1:6-9). *We do not say that justification is by the Law. We do not claim justification by the Law. What are we removed to another gospel?*

ADDENDUM #9



THE HISTORICAL SETTING OF THE TEN COMMANDMENTS.

In considering our topic it is absolutely essential, that when we in this paper speak of the Ten Commandments we wish to refer to them as God spoke them from Mt. Sinai. And we ask you not to think of them as Luther explained them in his Small and Large Catechisms, or as they are extensively enlarged upon in our Synod's Catechism. And may we immediately emphasize, that the terms "Law", "Commandments", and "Ten Commandments" are seldom identical! A cursory study of these terms, as they are used in the Bible, will reveal that for our English "to command" we have 12 different words in the original languages; for our English word "commandment" we have 17 different words in the original; and for the word "law" we have 7 different words.

Leupold in his Exposition of Psalm 119 says (page 822); "Bible readers incline rather generally to the idea that wherever the word "law" or its synonyms appear in the Old Testament there is a reference to those portions of the Word of God that contain legislation of some sort or another. However, in cases like the present the term "law" is a much broader concept. It apparently includes the whole wide range of what God has revealed in His Word, words of instruction, of caution, of precept, of comfort By way of achieving variety of treatment the writer uses ten synonyms for that which we have designated by the collective term "law". These ten are: law, word, saying, commandment, statute, ordinance, precept, testimony, way and path." From his statement it is obvious that we must be alert to the fact that the word "law" often covers a much wider area than do the Ten Commandments. Yes, the words "law" and "commandments" may at times exclude the Ten Commandments! For anyone, therefore, to use these terms interchangeably can only result in misunderstanding, confusion, and actual false doctrine. May we mention a few classic examples: — of what? false doctrine?

- Ex. 20:6: "And showing mercy unto thousands of them that love me, and keep my commandments."
- Psalm 1:2: "But his delight is in the law of the Lord; and in his law doth he meditate day and night."
- Psalm 119:32: "I will run the way of thy commandments, when thou shalt enlarge my heart."
- 1 John 5:3: "For this is the love of God, that we keep his commandments."

Taking this word of caution to heart we shall now proceed with the study of our assigned theme: THE HISTORICAL SETTING OF THE TEN COMMANDMENTS. Our parts are:

- I. Before Man's Fall Into Sin.
- II. From Man's Fall to Sinai.
- III. From Moses to Christ's Resurrection.
- IV. From Christ's Resurrection to the End of Time.

BEFORE MAN'S FALL INTO SIN.

We may say that there were definite rules or laws for all of God's creation as soon as its various parts were called into existence. As soon as light was created, it immediately had its defined function and purpose; so it was with the elements composing the earth; so it was with the atmosphere; and so it was with the dry land and the seas. All plant life had its fixed pattern of growth and reproduction, of purpose and function. The sun, moon and stars were assigned their fixed places, courses, and duties. At the very moment when all forms of animal life were created they were at once guided, directed and restricted by the "stoicheia", the rudiments of this world. We may speak of these rudiments as being the unchanging laws of nature. No plant, no form of animal life has the ability to step out or be above these fixed laws of nature.

But when the Triune God made man, we have a different story: "And God said, Let us make man in our image, after our likeness and let them have dominion over the fish of the sea, and over the fowl of the air, and over all the earth, and over every creeping thing that creepeth upon the earth. So God created man in his own image, in the image of God created He him; male and female created he them." (Gen.1:26.27)

Since God is a spirit and is omnipresent, the fact that man was created in the image of God does not refer to his outward appearance or to his make-up. It, however, does place man in a realm above all the other works of creation. "Thou hast made him a little lower than the angels, and hast crowned him with glory and honor. Thou madest him to have dominion over the works of Thy hands." (Ps. 8:5.6a)

It is not the purpose of this paper to explore the full meaning as to what all this implies, that man was created in the image of God. We only wish to consider what implications this may have as to man's need of any form of Law. From Eph. 4:24 we conclude that original man possessed the qualities of righteousness and true holiness. And from Col. 3:10 we learn that Adam and Eve were blessed with the true knowledge of God and of His holy will. Dr. Lenski says: "In Adam this image existed in its pristine newness and made him like God in righteousness and holiness. And it was combined with true knowledge and thus with truth as held by this knowledge. In this respect Adam was a miniature copy of God." In addition to this Adam from the creation of the new world clearly saw and understood by the things, that were made, the invisible things of God, even His eternal power and Godhead. He knew God, and glorified Him as God and was thankful. (Cf. Rom.1:19-21). This gave Adam his incentive and motive to honor his Creator in holiness and purity of living.

However, Adam was not God to do whatever would please himself (Cf. Ps. 115:3). He was but a creature of God to live within the limits of God's holy orders of creation. He was also subject to certain "stoicheia"; for examples: as to being male and female, as to being fruitful and multiplying, as to sustaining the life of his body, etc. God, who is not the author of confusion, by his very acts of creation at once established proper and good order for the man and the woman, for parents and children. But man's thoughts and desires, his will and his reasoning powers were not hemmed in, guided and directed by the fixed and unalterable "rudiments of the world". Within the limits of his own creation he was in no way under any kind of Law. He was rather to have and exercise dominion over the face of the earth.

Yet man's thoughts, desires, words, and deeds were in full harmony with the holy will of God. For the "nomos" (Not the Ten Commandments as given on Sinai) was written in his heart. Hence, without any rules and orders to instruct him, he knew what needed to be done to honor God above all things, to love Him above all things, and to trust in Him above all things; he knew what it meant to be in intimate fellowship with his Creator - to pray, to praise and to give thanks; he knew what it meant to keep the Sabbath Day holy, which the Lord God instituted the seventh day. Adam showed proper respect for God's Word, when he was told to dress and to keep the beautiful garden of Eden and to give names to all the animals. Eve showed this same respect when she replied to the serpent's "Yea, hath God said." Before the fall there was no need for the first three commandments as given through Moses to Israel on Mt. Sinai. Neither was there any need for the last seven Commandments. Since the holy will of God was implanted in man's heart, Adam needed no detailed instructions in holy living. He didn't need Luther's explanations to the Ten Commandments, or a thorough study of them as we have them in our Synod's Catechism. When God, therefore, placed man in the garden, He didn't have to say to him: "thou shalt not covet" - "Thou shalt not steal." And when God created the woman and instituted marriage, He didn't have to give the commandment: "Thou shalt not commit adultery." But Adam knew the sacredness of marriage, when on his wedding day he rejoiced: "Therefore shall a man leave his father and mother, and shall cleave to his wife." He knew the will of God as express-

ed by Jesus: "what therefore God hath joined together, let not man put asunder" (Cf. Mt. 19:6). He knew what it meant to "glorify God in his body, and in his spirit, which are God's" (Cf. 1Cor. 6:20).

But God did give Adam and Eve a law, which was not written in their hearts, - a law which was definitely linked to their position as creatures over against their Creator and Benefactor. This law was to serve as a teething-ring, which offered them the opportunity to exercise their reason and freedom of will as being miniature patterns of God. The command was this: "Of every tree in the Garden thou mayest freely eat; But of the tree of the knowledge of good and evil; thou shalt not eat of it; for in the day that thou eatest thereof thou shalt surely die." (Cf. Gen. 2:16,17). Would Adam and Eve honor and retain their full confidence in the wisdom and goodness of God? Would they continue to obey this law, never once challenging God, or putting the wrong interpretation on the word and will of God? Would they continue to cling to this trust, that whatever God did and said was but to serve their temporal and eternal welfare? This one command, therefore, was not primarily a test of love, but a test of trust and of full reliance upon the Triune God.

And so we conclude that man in the state of holiness did not need the Ten Commandments to bring him to the knowledge of sin, to curb his sinful flesh, or to inform and to guide him in god-pleasing living - or to instruct him as to how he may show his love to God.

FROM ADAM TO MOSES.

According to the Ussher system of Bible Dating the period in history from Adam's creation to the time of Moses covered approximately 2500 years.

And according to Rom. 5:13 and 14, during this period of time man was not given special laws of any kind: no moral laws, no ceremonial laws, no civil laws. He received no special command as was given to Adam, no special laws as given to the Children of Israel through Moses at Sinai. No one received a single law prescribing God-pleasing behavior. Dr. Lenski wrote in explaining Rom. 5:13: " 'Until law' tersely brings out the characteristic mark of this period of history; it was devoid of 'law', of anything in the nature of 'law'. . . . 'Between Adam and Moses no such command, nothing like 'law' existed. It is a fact, one that easily escapes a reader of the history of the early patriarchs unless he carefully reflects; but once it is pointed out, we all see this strange fact: there was no divine command or law between Adam and Moses."

Let us now do some "careful reflecting." God's Word declares: "But sin is not imputed when there is no law." Rom. 5:13b. Yet this same passage states: "For until the law sin was in the world." and in v. 14 we read: "Nevertheless death reigned from Adam to Moses, even over them that had not sinned after the similitude of Adam's transgression." Adam, as we know, was given a very specific command, and was warned that the day he would disobey, he would surely die. None of his descendants received a similar law or laws until the time of Moses. And yet Paul explained Rom. 2:12: "For as many as have sinned without law shall perish without law." "For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves, which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another" (Rom. 2:14,15).

It is true that God did not - from the day that man sinned until Moses - find it necessary to "repeat" the laws, which He had written in man's heart. Nevertheless, "He left not Himself without witness." He saw to it that man retained a knowledge of His will in his heart; He kept man's conscience alive and on the job; He continued to reveal His eternal Godhead and Power in His works of creation; He remained near as

St. Paul said to the Athenians: "That they should seek the Lord, if haply they might feel after him, and find him, though he be not far from every one of us: For in him we live, and move and have our being." Acts 17:27,28a; He continued His witnessing as Paul declared in Lystra: "Who in times past suffered all nations to walk in their own ways. Nevertheless he left not himself without witness, in that he did good, and gave us rain from heaven, and fruitful seasons, filling our hearts with food and gladness." Acts 14:16,17; But above all from the very day when man fell into sin the Lord God continued to reveal His gracious good will in the preaching of the Gospel: the good news of the Seed of the Woman bruising the serpent's head. And by means of this Gospel sinners were brought to faith and they "put on the new man, which is renewed in knowledge after the image of him that created him." Col. 3:10. Yes, the Lord God revealed the Gospel to Adam the sinner and to his sinful descendants. And there were those who called on the name of the Lord, and the Holy Spirit used the Gospel to sanctify them in their daily lives. Men like Seth, Enoch and Noah walked with God in child-like faith, because the Gospel was the power of God in them not only unto salvation, but also to live a God-pleasing life - and all this without the written law.

After the Tower of Babel "Confusion", God permitted the nations of the earth to go their own ways and chose Abraham to become the father of that people of whom the Savior was to be born. God called him out of ~~the~~ Ur of the Chaldees and promised that in him and in his Seed all the nations of the earth would be blessed. With him the Lord God made His Covenant of Grace. After the Covenant was made and Abraham matured in his life of Faith, God did not find it necessary to give the Ten Commandments as "rules" and "guides" to inform him as to how to live his faith and to show his love to his Savior God. When the Lord called upon Abraham to offer his son as a sacrifice, He was not testing his love according to the first commandment; but the Lord asked him to reveal to all the children of Abraham what the content of his faith was: that he had a clear understanding of the death of the Son of God on the Cross and of His glorious resurrection! Abraham, as well as all O.T. believers, did good works (Cf. Rom. 4:2) - not because God educated, informed, or instructed him with His Ten Commandments; but their good deeds were the fruit of the Holy Spirit. (In our Lutheran Confessions we read: "Fruits of the Spirit, however, are the works which the Spirit of God who dwells in believers works through the regenerate [spontaneously and freely] as though they knew of no command, threat or reward; for in this manner the children of God live in the Law and walk according to the Law of God, which [mode of living] St. Paul in his epistle calls the Law of Christ and the Law of the mind!" Trigl. page 807. 5.) Isn't it therefore, rather remarkable, that Abraham should frequently serve as an outstanding example of keeping many of the Ten Commandments? Joseph also serves as a fine example of keeping the 1st, the 4th, the 6th, the 7th, the 8th, and the 10th commandments - hundreds of years before they actually were given!

And God, the Lord, continued to reveal His gracious good will to Abrahams descendants. He summed up His gracious concern and care for His People before giving the Law through Moses, when He declared: "I", "The Lord, Thy God." With this designation He described Himself at once more clearly, so that Israel could not remain in doubt as to WHO He was! I am the Lord, Thy God, which have brought thee out of the land of Egypt, out of the house of bondage," With these words the whole history of Israel and the history of their Fathers was briefly reviewed. According to 1 Cor. 10:1-4 the Lord reminded His People "how they all were under the cloud, and all passed through the sea; And were all baptized unto Moses in the cloud and in the sea; And did all eat the same spiritual meat; and did all drink the same spiritual drink; for they drank of that spiritual Rock that followed them: and that Rock was Christ."

Thus we see that God did not consider it necessary to clarify man's knowledge of His holy will for 2500 years. God dealt with the wicked and with His saints on the

basis of the Law written in man's heart. The wicked could not plead innocence, because an accountable knowledge of the Law remained in his heart. And the believers did not need any written laws to renew their knowledge of God's holy will and to instruct them in the fear, love and trust in God.

We have no law of instruction given to Abel, and yet he "brought the firstlings of his flock and of the fat thereof"; Gen 4:4. God held Cain guilty of murder, although He had not taught him the fifth commandment: Thou Shalt Not Kill. Nor did He say to him: Thou shalt fear and love God, that thou dost not hurt or harm Abel in his body! We have no detailed commandments and rules given to Enoch, and yet we read: "And Enoch walked with God" Gen. 5:24. When in the days immediately before the flood God saw that the wickedness of man was great in the earth, God held all men responsible for their godless behavior, although they had no revealed and written commandments to instruct and to guide them. And Noah was "without Law", but we read of him: "Noah was a just man and perfect in his generation, and Noah walked with God." Gen. 6:9. Abraham was without any written Law; nevertheless the Lord said to Isaak that He would bless him, "because that Abraham obeyed my voice, and kept my charge, my commandments, my statutes, and my laws" Gen. 26:5; And in Ex. 16:28, 29a we read: "And the Lord said unto Moses, How long refuse ye to keep my commandments and my laws? See, for that the Lord hath given you the sabbath." (Cf. also Ex. 15:26; 16:4; 18:16; 18:20).

Therefore, since God did not deem it necessary to give the Ten Commandments to Adam and Eve shortly after they fell into sin, - since He did not give them to Noah and his family immediately after the flood, nor to Abraham and his descendants until the time of Moses, we must be most careful that we do not enlarge the scope and purpose of these Commandments beyond that which God tells us in His Word.

FROM MOSES TO CHRIST'S RESURRECTION.

After the descendants of Jacob multiplied into a great nation in the land of Egypt, God led them out that they might occupy the promised land until the fulness of the time would come. After freeing them from Egyptian bondage the Lord led them to Mt. Sinai, where He made His covenant of the Law with them.

However, before the Law Covenant was to be made, the people were to realize that the Covenant of Promise, which was made with Abraham was not to be annulled, replaced, modernized, or amplified (cf. Gal. 3:15-17), and that He, their Lord would remain their God of unchanging grace and mercy. This Israel and Moses were to keep vividly in their minds. When God appeared to Moses in the burning bush, He said to him: "Thus shalt thou say unto the children of Israel, The Lord God of your fathers, the God of Abraham, the God of Isaak, and the God of Jacob, hath sent me unto you; this is my name forever, and this is my memorial unto all generations" Es. 3:15. Then - in order that the people might realize this faithfulness of their Lord in fulfilling the Covenant of Promise - Moses was to tell the people: "Ye have seen what I did unto the Egyptians, and how I bear you on eagle's wings, and brought you unto myself" Ex. 19:4. And when the Lord continued, "Now, therefore, if ye will obey my voice indeed, and keep my covenant", He referred to the Covenant of Promise, and the "keeping" of this Covenant was to be done as Abraham kept it: Abraham "believed." Through faith in God's gracious promises to send a Saviour they would be a peculiar treasure unto the Lord above all people, - they would be a kingdom of priests, and a holy nation." cf. Ex. 19:5,6.

Thereafter Moses was instructed to prepare the people for the time, when the Lord would proclaim the Ten Words, which we call the Ten Commandments. The historical setting and timing of these Ten Words are all important! The Ten Commandments definitely were preliminary and preparatory. They were to serve as a dramatic background for all of God's Laws as revealed through Moses. For when the Lord God in

that awe-inspiring setting proclaimed the Ten Words, the people pleaded with Moses: "Speak thou with us, and we will hear; but let not God speak with us, lest we die, (Ex. 20:19) .. "And the people stood afar off and Moses drew near unto the thick darkness where God was." (Ex.20:21). And in Dt. 5:22 we read: "These words the Lord spake unto all the assembly in the Mount, with a great voice; and He added no more." The people declared: "Behold, the Lord our God hath showed us his glory and his greatness," (Dt.5:24) - Yet the people pleaded: "Go thou near, and hear all that the Lord our God shall say; and speak thou unto us all that the Lord our God shall speak unto thee; and we will hear it and do it." (Dt.5:27). Then the Lord said to Moses: "Go say to them, get you into your tents again. But as for thee, stand thou here by me, and I will speak unto thee all the commandments, and all the statutes, and the judgments, which thou shalt teach them," . . (Dt.5:30.31.). And in Ex. 24:12 we read: "And the Lord said unto Moses, Come up to me into the Mount, and be there: And I will give thee tables of stone, and a law, and commandments which I have written; that thou mayest teach them." (Cf. also Dt. 4:1.2; Dt. 6:1ff). This surely makes it clear that the Ten Commandments were but preliminary and preparatory to the whole catalog of the Mosaic Law.

When we speak of the entire Mosaic Law we customarily divide all the commandments into three groups: The Civil, the Ceremonial and the Moral Laws. And it is important to note that the Ten Commandments are only a part of the Moral Law. For example in Ex. 20:13 we have the 5th Commandment, "Thou Shalt Not Kill." In Ex. 21:12 we have: "He that smiteth a man, so that he die, shall surely be put to death." Another example: Ex. 20:12 reads: "Honor thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee." And in Ex. 21:17 we have the threat: "and he that curseth his father or his mother, shall surely be put to death." Therefore, when the Lord God spoke the Ten Words He clearly revealed "His Glory and Greatness" that his fear might be before their faces that they sin not! And so it comes as no surprise to find that the Ten Commandments are not worded as positive rules prescribing good conduct, but are definite orders forbidding sinning. We are told: "The strongest possible grammatical forms in Hebrew are used in these prohibitions." This is exactly what the very wording of the commandments reveal. What instructions, what information do we find in the first commandment in regard to fearing, loving and trusting in God above all things? What new unheard of social order did God initiate, when He said, Honor thy father and thy mother? What information did God impart about decent and clean living as to sex and marriage, when He commanded: Thou shalt not commit adultery?

In view of all this we must give serious consideration to claims that God gave the Ten Commandments to renew man's knowledge of the natural Law, which was written in man's heart. We read: "God wrote His Law in the heart of man (Natural Law). He repeated and explained the same Law in the Bible because of sin (Written Law)." But God in His Word does not use the word "repeat" , but He declares: "It was added because of transgression." (Gal.3:19).

There is only one deduction we may make, and that is that each one of these Ten Commandments presuppose a knowledge of all good order established by God at the time of Creation, a knowledge of God's holy and just will in man's heart, and the knowledge given to the believers by God's Holy Spirit. And this knowledge the Lord refreshed in the minds of the children of Israel, when He declared: "I, the Lord, Thy God." When He said, "I" - "Thy God" He clearly reminded them: I am your Creator, who wrote my Laws in your hearts; thereby stressing once more "what is to be the quality of man in his nature, thought, words, and works!" When He said: "I" - "The Lord" He caused them to remember that He was their Redeemer and Savior, who was drawing them to fear, love, and trust in Him above all things. With this declaration, "I, the Lord, Thy God" the Lord summed up once more all their God-given duties and responsibilities - and then added the Ten Words forbidding the violation of these divine rules.

Again, after speaking the Ten Words, the Lord once more stated most clearly the positive response He expected as He proclaimed: "I", "The Lord", "Thy God", when He called out through Moses: "Hear, O Israel, the Lord our God is one Lord: And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might." (Dt. 6:4,5.) To this "first and great commandment" Jesus added a second "like unto it": "Thou shalt love thy neighbor as thyself" - quoting Lev. 19:18. These two commandments do not sum up the Ten Words, but as Jesus declared: "On these two commandments hang all the law and the prophets." Matt. 22:40. Lenski explains "law" as Torah, Pentateuch and "the prophets" as all the other books of the Old Testament. Yes, these divine orders - as summed up in these two great commandments - were in effect long before the "ten Words" were spoken. The Ten Words, therefore, were to clarify the truth that the holy and jealous God would not permit or excuse the slightest deviation from these divine principles!

Furthermore it is important to remember, to what kind of people the Lord God spoke these Ten Words. It was that people upon which God set His love, - that people whom He had chosen, - that people whom He delivered with a mighty hand out of the land of Egypt. In the light of this loving care there are those who like to paint the following picture: God's great love awakened a responding love in the hearts and minds of the children of Israel, and they as much as pleaded with God: Please tell us how we may show our love and gratitude to you! Please tell us, instruct us, inform us, as to what we may do to please you! Oh How they must have been shocked, when God thundered down upon them, - not with all kinds of simple instructions for good behavior, telling them what to do and how to be, but instead proclaimed His threatening and condemning prohibitions. But God's Word paints a different picture of the children of Israel. It is summed up in these words, which God spoke to Moses: "I have seen this people and behold it is a stiffnecked people." (Ex. 32:9; cf. also Ex.33:3,5; Dt.9:6,13; Is. 48:4; Acts 7:51-53.) The Children of Israel as a whole were a murmuring, rebellious and ungrateful people! And so, we must conclude, that the Ten Commandments never, never were to serve as a course of instructions for believers in holy living! Not even from the time, when they were given through Moses until the time of Christ's death and resurrection!

ALL REFERENCES in the New Testament to the Mosaic Law bear this out. The true purpose of the Law is clearly stated in Galatians, the third chapter: "Wherefore then serveth the law? It was added because of transgression, till the Seed should come." "But before faith came, we were kept under the law, shut up unto the faith which should afterwards be revealed." "Wherefore the law was our school master unto Christ." Yes, from Moses to Christ the law in all its many forms (moral, ceremonial, political, and social) was in force and served the double function of a legal guardsman and of a "child-leader". It stood as a guard over those who were locked up together under sin. It functioned as warden until faith came. It served as "Child-leader" unto Christ, but did not instruct or educate!

We next turn to Romans. There we read Rom. 3:19: "Now we know that what things soever the law saith, it saith to them who are under the law; that every mouth may be stopped, and all the world may become guilty before God." Rom. 3:20: "Therefore by the deeds of the law there shall no flesh be justified in his sight; for by the law is the knowledge of sin." Rom. 5:20: "Moreover the law entered, that the offense might abound." Rom. 7:7: "Nay, I had not known sin, but by the law; for I had not known lust, except the law had said, Thou shalt not covet." Rom. 7:13: "That sin by the commandment might become exceeding sinful." Also 1 Cor.15:56: "The sting of death is sin, and the strength of sin is the law." Also 1 Tim.1:9-11: "Knowing this, that the law is not made for a righteous man, but for the lawless and disobedient, for the ungodly and for sinners . . . and if there be any other thing that is contrary to sound doctrine; according to the glorious Gospel of the blessed God."

From these New Testament passages it surely is evident that the entire Mosaic Law, especially the Ten Commandments, dealt exclusively with the problem of SIN. And from Moses to Christ it dealt only with the sin of one people, the Children of Israel. This Prof. E. Kowalke emphasized in his paper on the First Commandment. He wrote: "This giving of the Law, however, only concerned the people of Israel, not Moab, not Edom, not our heathen ancestors. It was exclusively Israel's Law, from beginning to end. For other peoples it was not transmitted or designated; it above all served as a fence around Israel, which inclosed Israel and excluded all other nations. Whoever of the heathen nations wished to come under the Law Covenant, had to permit himself to be circumcised, and then first did the designations of the Law concern him. Hence the Law, and thereby I mean the whole giving of the Law on Sinai, concerned Israel, and no other people under God's heaven." (Cf. Theol. Quart. 1931).

But when the fulness of the time was come, God sent forth His Son to be made of a woman, to be made under the Law to redeem them that were under the Law, that we might receive the adoption of sons. When Jesus thus fulfilled the demands of God's Law and paid off the demanded punishment for man's transgression, and when He made it possible for men, dead in sin, to be born again, then the Law had finished its assigned duty and was dismissed as guardsman and schoolmaster!

FROM CHRIST'S RESURRECTION UNTIL THE END OF TIME.

The entire Mosaic Law was in effect "till the Seed should come." Gal. 3:19. And when we speak of the Mosaic Law we include not only the ceremonial and civil laws but also the Ten Commandments. Of all these Paul declares: "Wherefore the law was our schoolmaster unto Christ." Gal. 3:24. "But after faith is come, we are no longer under a schoolmaster." Gal. 3:25. "Wherefore thou art no more a servant, but a son." Gal. 4:7. "For Christ is the end of the law for righteousness to everyone that believeth." Rom. 10:4. Since the entire Mosaic Law was an "addition", a temporary supplement, it served its purpose, fulfilled its mission, when the "SEED" came and finished the work of redemption.

This is also clearly recognized and stated by such men as Prof. J. P. Koehler, Prof. John Meyer, Dr. Lenski, Dr. Stoeckhardt, and Prof. E. Kowalke.

Prof. Koehler wrote in his Commentary on Galatians: "Paul .. wants to show that the Law was to cease!" "Hence the Law of Moses is in force only for a specific time."

Prof. Meyer wrote in his Commentary on 2. Cor. : "The children of Israel were to gather from this that the Law is not the final Word of God. It has indeed a definite purpose in God's economy, but its function is solely preparatory. Its glory is a passing thing: when the Law has struck terror into the consciences, it has done its work. It can do no more. It makes way for the life-giving message of the New Testament. But the Israelites failed to grasp this grand truth. Their hearts and minds were hardened."

Dr. Lenski says the same in his Commentary on Col. : "Not only the writing was stricken out, the very document itself perished on the cross." "Christ was so nailed to the cross, and in Him the Law was nailed to it; Christ, when he was nailed up, died; so did the Law. Christ rose again, but not the law; Christ rose because his death killed the Law forever."

Prof. E. Kowalke wrote: "Since the resurrection of Christ Law and Death no longer concern us. What does concern us is the Gospel of Freedom, of Peace, and of Life." (Cf. Theol. Quart. 1931.)

Dr. Stoekhardt in his letter to the Romans wrote: "We Christians, therefore, because we through Christ have been redeemed and through faith and Baptism fully share His redemption, are also loosed and free from the law, not only from the curse of the law, but also from the rule and obligation of the law. The law, yes the revealed and written law, is no longer our Lord, has nothing further to say to us; we are no longer tied to the law."

Historically, therefore, the whole Mosaic Law had served its God-appointed purpose, when Christ finished His work of redemption, - when He was delivered for our offenses and was raised for our justification. When Christ rose on Easter Sunday and the holy and righteous God by this act declared the whole world as righteous in His sight, the Law had fulfilled its mission and no longer was to be a yoke and a burden to the Children of Israel, to whom the Law had been given, - nor was it now to be transferred to all the Gentiles to the end of time. (Cf. Acts 15).

But that which is a reality in the sight of God needs to become a reality in our individual lives. For the natural man the Law is still the schoolmaster unto Christ! But as soon as we are brought to faith in Christ, we are no longer under the old schoolmaster. (Cf. Gal. 3:25). For at the very moment we come to faith, we are born again; we are new creatures, we put on the new man. "Old things are passed away, behold, all things are become new." 2.Cor.5:17. We put on the new man, which is renewed in knowledge after the image of him that created him, Col.3:9,10, "which after God is created in righteousness and true holiness." Eph.4:24. Yes, it has happened the very moment we are born again what God has promised: "I will put my laws into their mind, and write them in their hearts." Heb. 8:10. And we have the promise: "Whosoever is born of God doth not commit sin, for his seed remaineth in him; and he cannot sin, because he is born of God." 1 John 3:9. Being born again we are sons of God. "And because ye are sons, God hath sent forth the Spirit of His Son into your hearts crying Abba, Father." Gal. 4:6. "And where the Spirit of the Lord is there is liberty." 2 Cor. 3:17. "And if ye be led of the Spirit, ye are not under the law." Gal. 5:18. "Knowing this that the law is not made for the righteous man." 1 Tim.1:9. What further witness is needed to prove that the new man DOES NOT NEED THE LAW, not as a mirror, or a curb, or as a rule?

There are those who agree that we have been freed from the guilt and curse of the law. They agree that the Christian as far as he is born again does not need the Ten Commandments as a mirror and as a curb, but they insist that the Christian needs the Law to instruct in god-pleasing living. They say: "Do you notice how for Paul the basis of the appeal is the Gospel? That gives the reason for the new Christian life, the motivation; That gives the power and ability. But then he goes on by means of the law to show wherein this new life will consist. . . This relationship must be kept clear if we are to grow in Christian living. Each, Law and Gospel, must serve its particular function. We recognize, however, that here the Law is thought of as to its content, the will of God."

But the law is not needed to produce good works in a Child of God! This is achieved by the Holy Spirit by the proper and effective use of the Gospel.

This is what Paul meant, when he declared: "I through the law am dead to the Law, that I might live unto God. I am crucified with Christ: nevertheless I live; yet not I, but Christ liveth in me; And the life which I now live in the flesh I live by the faith of the Son of God, who loved me, and gave himself for me." Gal.2:19,20. And Paul said the same in 1 Cor. 1:31: "But of him are ye in Christ Jesus, who of God is made unto us wisdom, and righteousness, and SANCTIFICATION, and redemption." Yes, when Paul said: I am not ashamed of the Gospel of Christ, for it is the power of God unto salvation, he not only included justification but also sanctification.

This we teach in our Catechism. There we have the question (220): "By what means does the Holy Ghost sanctify us? Answer: The Holy Ghost sanctifies us by the means of grace: the Gospel in Word and Sacrament!"

No one states this more clearly than does Dr. Stoeckhardt in his Law and Gospel: "It is the preaching of the Gospel alone which quickens, and bestows the Spirit, arouses spiritual godly life in the heart."

He also wrote: "But such faith, making Christians what they are, constantly overcoming sin, law, wrath, comes from the Gospel and is nurtured and preserved through constant, continuing use of the Gospel."

Another quotation of his: "The Gospel only not the law, reforms man and makes him pious. The Law has not been given to quicken, to renew, and sanctify man, but was added because of transgression."

Thus it is clear that after faith is come, we are no longer under a schoolmaster, for we are all the children of God by faith in Christ Jesus. cf. Gal.3:24.25.

And a true believer agrees fully with the following statement of Prof. Kowalke: "If I as a Christian can not feel myself totally free from the Law, then I cannot trust the Gospel in any part, then I cannot have a quiet conscience, and then there can be no freedom, which should come from the truth." (cf. Theol. Quart. 1931.).

Therefore, when any attempt is made to harness the born-again child of God with the Law in any form, we should cry out: "But now, after that we have known God, or rather are known of God, how turn ye again to the weak and beggarly elements?" (Gal. 4:9), We need to plead most urgently: "Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage." (Gal. 5:1).

In one sense the Ten Commandments are out of date! And yet in another sense they are not. We remember that the Mosaic Law was added because of sin. And wherever there is sin and transgression there the Ten Commandments remain in force.

Although the New Man in the Christian is holy and does good works, which God hath before ordained that he should walk in them- , yet the Old Adam clings to him. Therefore the Christian is a saint and a sinner at the same time. And as a sinner he is under the Ten Commandments. As a sinner he needs the Law as a mirror, as a curb, and also as a rule. But, by all means, let's keep this fact clear in our minds: the Christian in so far as he is born again, having the original natural law written in his heart and being "driven" by the Holy Spirit by means of the Gospel, does what God wills without any teaching of the law. ONLY in so far as he has not been born again, does he need the Law as a mirror, as a rule and standard of true holiness.

This is clearly stated in our Lutheran Confessions: "Since the Law was given to men for three reasons: first, that thereby outward discipline might be maintained against wild, disobedient men (and that wild and intractable men might be restrained, as though by certain bars); secondly, that men thereby may be led to the knowledge of their sins; 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." Trigl. 805.1.

Why is this FIXED RULE needed? Our Confessions answer: "For although they are regenerate and renewed in the spirit of their mind, yet in the present life this regeneration and renewal is not complete, but only begun, and believers are, by the spirit of their mind, in a constant struggle against the flesh, that is, against the corrupt

nature and disposition which cleaves to us unto death. On account of this old Adam, which still inheres in the understanding, the will, and all the powers of man, it is needful that the Law of the Lord always shine before them, in order that they not from human devotion institute wanton and self-eleced cults." Trigl. 805. 3.
(All underlining mine for emphasis!)

"So, too, this doctrine of the Law is needful for believers, in order that they may not hit upon a holiness and devotion of their own, and under the pretext of the Spirit of God set up a self-chosen worship, without God's Word and Command as it is written Deut. 12:8.28.32." Trigl. 969.20.

"So, too, the doctrine of the Law, in and with (the exercise of) good works of believers, is necessary for the reason that otherwise man can easily imagine that his work and life are entirely pure and perfect." Trigl. 969.21.

"However believers are not renewed in this life perfectly or completely . . . , the old Adam clings to them still in their nature and all its internal and external powers Therefore, because of these lusts of the flesh the truly believing, elect, and regenerate children of God need in this life the daily instruction and admonition .. of the law."

"Thereafter (after "the Holy Ghost, who is given and received .. through the preaching of the Gospel . . renews the heart) the Holy Ghost employs the Law so as to teach the regenerate from it and to point out and show them in the Ten Commandments what is the (good and)acceptable will of God." "He exhorts them thereto, and when they are idle, etc . . because of the flesh, He reproves them on that account through the Law. . . To reprove is the peculiar office of the Law!" . . Trigl. 965. 7.9.11.12.

Therefore, our Confessions speak of the Third Use of the Law as revealing positively - in the natural Law = and negatively - in the written Law - the holy, perfect, immutable will of God. This is the "fixed" and "sure rule" and "standard." The new man knows this and needs no instruction and information. This the natural man to a certain extent also knows in his heart. But Satan comes with his "Yea, hath God said?" The sinful world comes with its "you are a law unto yourself!" False Prophets come with their own lists of "Touch not, Taste not; Handle not." The Modern Sadducees come with their "new morality." The Modern Pharisees still have their 613 rules of holy living. Our flesh will never cease being a Sadducee and a Pharisee, and is always most anxious to invent a new Third Use of the Law. Therefore the Christian needs the Law as a fixed, sure rule and standard to keep a clear picture before him, as to what really is the good and acceptalbe will of God. He constantly needs to be admonished and exhorted, that there be no deviation from this guide line above it or below it, or either to the right of it or to the left of it! (cf. e. g. Matt. 19:16-20.)

And so we conclude that it is of vital importance that we constantly remind ourselves as to the true purpose of the Ten Commandments in God's Plan of Salvation. The Historical Position of the giving of the Law surely helps us to know how to use the Law in God's economy of Grace. This then will help us to guard against the inclination to make the Law the ultimate goal of our teaching ministry, using the Gospel to serve the Law for motivation, strength and ability. We will then keep the Law in its proper place to be our tutor only and always unto Christ and His Gospel! And above all it will keep us from inventing a new third use of the Law, which is contrary to the Scriptures and the Lutheran Confessions.