

Law And Gospel In Luther And The Confessions

(with special reference to sanctification and the third use of the law)

by Armin W. Schuetze

The article of justification, as we confess in both the Apology and the Formula of Concord, is “the chief article of the entire Christian doctrine.”ⁱ It is the article by which the church stands and falls (*articulus stantis et cadentis ecclesiae*). Having said that, we must also assert that the doctrine of justification by grace through faith will not remain in a church that does not know the proper distinction of law and gospel. Luther unequivocally says that “where there is a lack in this area, one cannot distinguish a Christian from a heathen or Jew.”ⁱⁱ In fact, where this distinction is not understood, Scripture will not be understood. On the other hand, apart from Scripture, this distinction will never be understood. But we are going in a circle. Fortunately, in Scripture the Holy Spirit breaks into this circle and teaches the meaning of both law and gospel, their use, their distinction. Luther reminds us: “Without the Holy Spirit it is impossible to make this distinction.... Here the Holy Spirit must be master and teacher or no one in the whole world will be able to understand or teach it.”ⁱⁱⁱ We look to him to do this as we let Luther and our Confessions expound and summarize Scripture. The importance of our topic is thus evident: Law and Gospel in Luther and the Confessions. This broad topic is narrowed down and made manageable for our three lectures by the parenthetical addition: “with special reference to sanctification and the third use of the law.” The three lectures will address themselves to the topic as follows:

I. Law and Gospel: their relationship to man’s righteousness

II. An abuse: Legalism

III. An abuse: Antinomianism

I.

We begin with law and gospel in their relationship to man’s righteousness.

Thanks to Luther and the Reformation there is no need for a lengthy discourse defining law and gospel and thus distinguishing between them. In a sermon delivered January 1, 1532 on the distinction between law and gospel Luther defines each.

Under law nothing else is to be understood than God’s Word and command, in which he commands what we are to do and not do, and demands our obedience and works.... By contrast the gospel or faith is that teaching or Word of God which does not demand our works, nor commands us to do anything, but bids us accept the grace of forgiveness of sins and everlasting salvation which is offered and receive it as a gift.^{iv}

The Solid Declaration of the Formula of Concord similarly but in greater detail says:

The Law is properly a divine doctrine, in which the righteous, immutable will of God is revealed, what is to be the quality of man in his nature, thoughts, words, and works, in order that he may be pleasing and acceptable to God; and it threatens its transgressors with God’s wrath and temporal and eternal punishments.^v

The Gospel is properly a doctrine which teaches what man should *believe*, that he may obtain forgiveness of sins with God, ... For everything that comforts, that offers the favor and grace of

God to transgressors of the Law, is, and is properly called, the Gospel, a good and joyful message that God will not punish sins, but forgive them for Christ's sake.^{vi}

In distinguishing the two, the purpose of each must receive careful attention. While both law and gospel are God's Word, and while the Holy Spirit is active through both, they are not given for the same purposes.

Purpose of the Law

In 1577 the Solid Declaration of the Formula of Concord ascribed a threefold purpose to the law. We read:

The Law of God is useful, 1. not only to the end that external discipline and decency are maintained by it against wild, disobedient men; 2. likewise, that through it men are brought to a knowledge of their sins; 3. but also that, when they have been born anew by the Spirit of God, converted to the Lord, and thus the veil of Moses has been lifted from them, they live and walk in the Law.^{vii}

Forty years earlier in the Smalcald Articles Luther named two purposes, "First, to restrain sin by threats and the dread of punishment, and by the promise and offer of grace and benefit," but went on to say that "the chief office or force of the Law is that it reveal original sin with all its fruits, and show man how very low his nature has fallen."^{viii} In his commentary on Galatians Luther likewise speaks of "two uses" for which the law was given. He calls them the political and the theological. The political, or civil, is "to restrain those who are uncivilized and wicked."^{ix} The other is to show man that he does not and cannot keep the law, that those who rely on works of the law are cursed and condemned.^x

Later he states the two uses very simply in relation to transgression: "first, to restrain civic transgressions; and secondly, to reveal spiritual transgressions."^{xi}

Since Luther refers to only two purposes of the law, scholars have debated the question whether he recognized its third use as given in the Formula of Concord. He does not appear ever to have spoken of it as a third use by number.^{xii} The question, however, is not whether Luther called it the third use but whether he taught that the law has a didactic use for Christians in connection with their life of sanctification or good works. Our Confessions conclude that he did.

In Article XX of the Augsburg Confession entitled Faith and Good works Melancthon directs the reader to "their published writings on the Ten Commandments, and others of like import" to show that "our teachers are falsely accused of forbidding *Good Works*."^{xiii} One of these publications no doubt was Luther's *Treatise on Good Works*. He wrote this in 1520 because his enemies made the accusation that his emphasis on justification by faith resulted in neglect of good works, lawlessness, and immorality. The treatise is a masterful exposition of the Ten Commandments for the instruction of Christians. Luther in dedicating the treatise to his prince says that in it he "wanted to show how we should practice and use faith in all good works."^{xiv}

Melancthon must have been thinking also of Luther's two catechisms, published only the previous year. In the Small Catechism Luther's explanations of the commandments show the kind of works that the fear and love of God should produce in Christians. In the Large Catechism he says of the commandments: "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."^{xv} Suffice it at this point to assert that without calling it the third use of the law Luther taught what the Formula of Concord expressed by that term. Luther too taught a civil use, a theological use, and a didactic use of the law as do the Confessions. Both of them base their conclusions on Scripture. So when we teach our confirmands that the law serves as curb, mirror and rule, this is both Confessional and Lutheran.

Purpose of the Gospel

We do not have a neatly outlined list of the purposes which the gospel serves as we do for the law. Perhaps that is because the gospel really serves only one purpose. In the Smalcald Articles Luther says that “the peculiar office of the Gospel” is that by it “the forgiveness of sins is preached in the whole world.”^{xvi} Thus it has a function distinctly different from the law which does not and cannot speak one word of forgiveness. On the other hand, the gospel does not make any demands or speak even one word of condemnation. Luther expands on the gospel’s function when he writes, “The Gospel is a light that illumines hearts and makes them alive. It discloses what grace and the mercy of God are; what the forgiveness of sins, blessing, righteousness, life, and eternal salvation are; and how we are to attain to these.”^{xvii} Correctly therefore we call the gospel God’s means of grace, whether it comes to us through preaching, or through the sacraments, as Luther further points out in the Smalcald Articles.

The Augsburg Confession shows why we can call the message of forgiveness in Christ means of grace. “For through the Word and Sacraments, as through instruments, the Holy Ghost is given, who works faith, where and when it pleases God, in them that hear the Gospel.”^{xviii} Luther is very emphatic about the Word as the means through which the Holy Spirit comes. “We must firmly hold that God grants His Spirit or grace to no one, except through or with the preceding outward Word,” he writes in the Smalcald Articles. “We ought and must constantly maintain this point, that God does not wish to deal with us otherwise than through the spoken Word and the Sacraments. It is the devil himself whatsoever is extolled as Spirit without the Word and Sacraments.”^{xix}

It is likewise through the word of the gospel that the Holy Spirit works faith according to God’s good pleasure. The Epitome affirms: “God the Holy Ghost does not effect conversion without means, but uses for this purpose the preaching and the hearing of God’s Word.”^{xx} Romans 1:16, “the Gospel is the power of God,” and Romans 10:17, “faith comes by hearing the Word of God,” are quoted to support this statement.

What is said above is said specifically of the gospel. When the Word of God is called the means of grace, it refers to the gospel. This is not to say that the Holy Spirit does not work also through the law. Our Confessions affirm that “the Spirit of Christ must not only comfort, but also through the office of the Law, reprove the world of sin.”^{xxi} However, when he does this, he is performing what the prophet calls “the work of another [*opus alienum*] (reprove), in order that He may do His own work, which is to comfort and preach of grace.” Christ sent him as the Paraclete, as Comforter. That is why Luther calls his work of reproofing an *opus alienum*.

What is more, not all preaching of Christ and the cross is gospel. The Formula of Concord quotes Luther’s question, “Yea, what more forcible, more terrible declaration and preaching of God’s wrath against sin is there than just the suffering and death of Christ, His Son?” It also quotes Luther’s response, “But as long as all this preaches God’s wrath and terrifies men, it is not yet the preaching of the Gospel nor Christ’s own preaching.”^{xxii}

Thus Luther stresses, “Anything that preaches concerning our sins and God’s wrath, let it be done how or when it will, that is, all a preaching of the law.” On the other hand, “the Gospel and Christ were never ordained and given for the purpose of terrifying and condemning, but of comforting and cheering those who are terrified and timid.”^{xxiii}

We can then summarize that the specific and blessed purpose of the gospel is to proclaim full and free forgiveness of sins in Christ and thereby give the Holy Spirit access to the human heart to work faith by means of that message. In short, the purpose of the gospel is to serve as the divinely ordained means of grace.

We proceed to this question: What relationship does the law and gospel have to man’s righteousness? Two terms in this question are vague. “Relationship” speaks of several ways that law and gospel have something to do with righteousness. The relationship may be dynamic, motivational; it may be didactic, instructional. As to “righteousness,” our Confessions and Luther use the term in a variety of ways, which we can conveniently divide into three kinds: civic righteousness, imputed righteousness, and personal righteousness. We shall look at them and see what relationship the law and the gospel have to each.

Civic Righteousness

We begin with civic (civil) righteousness. Our Confessions and Luther use a variety of terms for it, not necessarily synonymous: “philosophic righteousness,”^{xxiv} “righteousness of reason,”^{xxv} “righteousness of the law,”^{xxvi} “righteousness of works,”^{xxvii} “human righteousness,”^{xxviii} “outward righteousness,”^{xxix} “righteousness of the flesh,”^{xxx} “legal righteousness,”^{xxxi} “political righteousness,”^{xxxii} “righteousness of Gentiles.”^{xxxiii} Without going into an exhaustive study of civic righteousness, we will concern ourselves especially with whatever part, if any, the law and gospel have in it. This will lead to certain conclusions about its place in the world and in the church.

By calling it “righteousness of the Law” or “legal righteousness,” “righteousness of works,” and “external righteousness,” Luther and our Confessions define civic righteousness as obedience to law in outward works. Melancthon writes in the Apology: “God wishes those who are carnal to be restrained by civil discipline, and, to maintain this, He has given laws, letters, doctrine, magistrates, penalties.”^{xxxiv} Here the law in its first use is in action, with its demands, threats, and promises of rewards serving as the motivation, the moving force that leads to the desired result.

Civic righteousness is also called the “righteousness of reason,” or “philosophical righteousness,” for “this righteousness reason, by its own strength, can, to a certain extent, work.”^{xxxv} Law addresses itself to reason which can, with its remnant of the inscribed law, understand it. Law makes sense, or at least should. Reason can understand its threats and promises of reward. Thus in the performance of outward works that conform to law, our Confessions grant a degree of free will to natural man. In the Apology’s article on Free Will we read:

The human will has liberty in the choice of works and things which reason comprehends by itself. It can to a certain extent render civil righteousness or the righteousness of works; it can speak of God, offer to God a certain service by an outward work, obey magistrates, parents; in the choice of an outward work it can restrain the hands from murder, from adultery, from theft.^{xxxvi}

It may appear surprising that Melancthon includes certain services offered to God in civic righteousness. However, when man, on the basis of his natural knowledge of God and his innate understanding of the law, performs certain outward acts in service to God, this is still only civic righteousness, righteousness of works, of law. Reason cannot accomplish more.

Luther also calls civic righteousness the “righteousness of the flesh.” As the Apology explains this is scriptural: “For Scripture calls this the righteousness, of the flesh which the carnal nature, i.e., reason, renders by itself, without the Holy Ghost.”^{xxxvii} Thus the gospel and the Holy Spirit have no role in civic righteousness.

Without the Holy Spirit natural man can only produce outward works, but not “the inward motions, such as the fear of God, trust in God, chastity, patience, etc.”^{xxxviii} Melancthon calls these “the true works of the First Table, which the heart cannot render without the Holy Ghost.”^{xxxix} Thus civic righteousness with its outward works concentrates on the Second Table of the Decalog but also there does not produce spiritual motives but only outward actions.

Even this external observance of the law by natural man remains incomplete. We already heard that reason can work civic righteousness only “to a certain extent.”^{xl} Luther says the same.^{xli} This is because “the power of concupiscence is such that men more frequently obey evil dispositions than sound judgment.”^{xlii} For that reason “not even the philosophers themselves, who seem to have aspired after this righteousness, attained it.”^{42a}

Yet civic righteousness is recognized as something good and commendable. About it Luther writes that “God does indeed approve this, require that it be performed, and offer rewards to it.”^{xliii} “Civil laws, customs,

or political matters - these are ordinances of God and good things, which Scripture elsewhere approves and commends.”^{xliv} The Apology, however, expresses the following warning: “Although we cheerfully assign this righteousness of reason the praises that are due it (for this corrupt nature has no greater good . . .) yet it ought not be praised with reproach to Christ.”^{xlv} What this means is that civic righteousness is “good” only before man, for this life, a temporal good. In no way does it replace Christ in providing a righteousness that avails before God. The Apology therefore rejects as false the idea “that men are accounted righteous before God because of the righteousness of reason.”^{xlvi} Luther agrees that “none of this amounts to anything in the sight of God.”^{xlvii} All civic righteousness is sin before God and leaves man under the divine curse. Civic righteousness in no way whatsoever avails before God. Even though it is beautiful on the outside, it is sin, completely so.

In fact, if nothing else but civic righteousness is learned, it can have one of two effects on people, both of them bad. Those who teach nothing but the righteousness of reason “excite presumption and empty confidence in works and contempt of the grace of Christ” in “secure hypocrites who think that they satisfy the Law.” On the other hand, “they drive timid consciences to despair.”^{xlviii}

From all that has been said it is clear that the promotion of civic righteousness has been entrusted to government, not to the church. The church is pleased when it lives and can work in a society where civic righteousness is practiced. A society that is controlled by law, where there is respect for law, with law-abiding citizens, is a divine blessing in this world. The church’s concern, however, is a righteousness that avails before God. In this, civic righteousness totally fails.

To return to the question we asked, what role does law and gospel have in civic righteousness? The answer of Luther and the Confessions is: The law in its restraining function, as curb, in its first use has a major place as motivation that appeals to reason in the performance of civic righteousness. The gospel, on the other hand, has no function at all in it. Civic righteousness has no eternal reward.

Imputed Righteousness

If civic righteousness does not avail before God, where is there a righteousness that does? We have chosen to use the term “imputed righteousness” for it. This is only one of a variety of names. Luther and our Confessions call it “alien righteousness,”^{xlix} “passive righteousness,”^l “spiritual righteousness,”^{li} “heavenly righteousness,”^{lii} “righteousness of faith,”^{liii} “righteousness of Christ” or “righteousness of Christ’s obedience,”^{liv} or simply “Christian righteousness.”^{lv} Again our interest in examining what Luther and the Confessions say of this is to see the role of law and gospel in imputed righteousness.

Man cannot for himself produce a righteousness that avails before God. The term “alien righteousness” speaks of God’s solution. What man cannot accomplish for himself another does for him. Luther identifies alien righteousness with “the righteousness of Christ by which he justifies through faith.”^{lvi} Because of the Osiandrian controversy the Formula of Concord is concerned that the righteousness of Christ not be defined as the essential righteousness of the Son of God “who dwells in the elect by faith and impels them to do right, and this is their righteousness.”^{lvii} That would be akin to Rome’s infused grace which enables a person to produce his own righteousness.

The Epitome calls alien righteousness the “righteousness of Christ’s obedience.” Thus it is the obedience of Christ, both active and passive as the dogmaticians speak of it, which constitutes alien righteousness, a righteousness acceptable to God. As the holy God-man and the Lord of the law, Christ was neither subject to the law nor subject to suffering and death for himself, as the Solid Declaration asserts: “For this reason, then, His obedience, not only in suffering and dying, but also in this, that He in our stead was voluntarily made under the Law, and fulfilled it by this obedience, is imputed to us for righteousness.”^{lviii} Luther dramatizes Christ’s passive obedience:

When the merciful Father saw that we were being oppressed through the Law, that we were being held under a curse, and that we could not be liberated from it by anything, He sent His Son

into the world, heaped all the sins of all men upon Him, and said to Him: “Be Peter the denier; Paul the persecutor, blasphemer, and assaulter; David the adulterer; the sinner who ate the apple in Paradise; the thief on the cross. In short, be the person of all men, the one who has committed the sins of all men. And see to it that You pay and make satisfaction for them.” Now the Law comes and says: “I find Him a sinner, who takes upon Himself the sins of all men. I do not see any other sins than those in Him. Therefore let Him die on the cross!” And so it attacks Him and kills Him. By this deed the whole world is purged and expiated from all sins, and thus it is set free from death and from every evil.^{lix}

In his picturesque way Luther frequently describes the marriage of Christ, the Bridegroom, and shows the benefits to his bride of both his active and passive obedience:

Here this rich and divine bridegroom Christ marries this poor, wicked harlot, redeems her from all her evil, and adorns her with all his goodness. Her sins cannot now destroy her, since they are laid upon Christ and swallowed up by him. And she has that righteousness in Christ, her husband, of which she may boast as of her own and which she can confidently display alongside her sins in the face of death and hell and say, “If I have sinned, yet my Christ, in whom I believe, has not sinned, and all his is mine and all mine is his.”^{lx}

Characteristic of the obedience of Christ is that it completely meets God’s requirement for perfection. Thus the alien righteousness is something outside the sinner, produced by man’s perfect substitute, and imputed to the sinner who receives it by faith. Hence also the terms “imputed righteousness” and “righteousness of faith.” Both speak of the transfer of Christ’s righteousness to the sinner. Imputation stresses God’s act of grace in crediting the alien righteousness of Christ to man; faith speaks of the manner of receiving the gift and promise of Christ’s obedience offered to the sinner by the gospel. The Epitome sums this up in its concise and precise manner:

... our righteousness before God is that God forgives us our sins out of pure grace, without any work, merit, or worthiness of ours preceding, present, or following, that He presents and imputes to us the righteousness of Christ’s obedience, on account of which righteousness we are received into grace by God, and regarded as righteous.

... faith alone is the means and instrument whereby we lay hold of Christ, and thus in Christ of that righteousness which avails before God, for whose sake this faith is imputed to us for righteousness, Rom. 4:5.^{lxi}

If we call to mind again the definition and purpose of the gospel, its function and role in imputed righteousness is beyond doubt. The gospel and only the gospel reveals to the sinner Christ and his saving righteousness: The gospel and only the gospel works the faith which receives the imputed righteousness of Christ. The exclusion of any works and merits on the part of man also excludes any role for the law in imputed righteousness.

However, our Confessions state that repentance properly consists of two parts, contrition and faith. Contrition is described as “terrors smiting the conscience through the knowledge of sin”^{lxii} and it is from the law, particularly when it is explained spiritually, that sinners “learn to know their sins aright.”^{lxiii} Luther calls this the “proper function of the Law” which “is to make us guilty, to humble us, to kill us, to lead us down to hell, and to take everything away from us.”^{lxiv} But God does not aim at the sinner’s despair and destruction by this use of the law. Luther adds, “but all with the purpose that we may be justified, exalted, made alive, lifted up to heaven, and endowed with all things. Therefore it does not merely kill, but it kills for the sake of life.”^{lxv}

Thus, although the law has no part whatsoever in imputed righteousness, it has an important and necessary function in preparation for receiving the imputed righteousness by faith.

The Solid Declaration is concerned that “through the preaching of the *Law* and its threats in the ministry of the New Testament the hearts of impenitent men may be terrified, and brought to a knowledge of their sins and to repentance; but not in such a way that they lose heart and despair in this process, but that ... they be comforted and strengthened again by the preaching of the *holy Gospel* concerning Christ, our Lord.”^{lxvi} This answers the question about the role law and gospel have in connection with imputed righteousness, the only righteousness that avails before God. The law’s role is only negative, tearing down man’s pride and self-righteousness, revealing sin and God’s just wrath. This is called the second or theological use of the law. The gospel alone proclaims the righteousness of Christ imputed to the sinner and by the Spirit’s power works faith to receive it.

Personal Righteousness

We use the term “personal righteousness” to distinguish it from “alien righteousness” which is imputed to a person and civic righteousness which is motivated in natural man by law and reason.

Luther and our Confessions have a variety of terms, often descriptive, for this righteousness. A Christian’s personal righteousness is his life of sanctification. The most common term for this is simply “good works” or “good fruits,” “fruits of repentance,” “fruits of the Spirit.” Other terms are “inchoate fulfilling of the law,”^{lxvii} “incipient righteousness of the new obedience,”^{lxviii} or “new obedience of believers.”^{lxix} Luther also calls it “actual righteousness” or “proper righteousness.”^{lxx}

These terms help distinguish it from both civic righteousness and alien or imputed righteousness. The term “good works” clearly refers to something man does, not to the righteousness of another imputed to him. However, since civic righteousness also refers to good works man does, these works are distinguished from the former by being called good fruits. Fruit is produced voluntarily, without compulsion and coercion, simply because a tree is the kind of tree it is. Good fruits are the kind of works they are because the person producing them is the kind of person he is. By calling them “fruits of repentance” we identify the kind of person who bears this fruit, namely, one who is penitent; one who has repented of his sin and has received forgiveness by faith in the Lord Jesus. Frequently Luther and our Confessions stress that only believers can do good works, can bear good fruit. By calling it “fruit of the Spirit,” our Confessions also point to the source of the believer’s strength and power to perform these works. It comes from God who sends the holy Spirit by means of the gospel to work and strengthen faith and motivate the believer to action. What natural man cannot do through his own power, the Christian is enabled to do by the Spirit’s power. By faith he is able with his renewed will to cooperate with the holy Spirit in bearing good fruit. In the Epitome we read: “In the daily exercise of repentance the regenerate will of man is not idle, but also cooperates in all the works of the Holy Ghost, which He performs through us.”^{lxxi}

Not only do our Confessions attribute to the Christian the ability to bear good fruit, but they speak of this as a necessity. Although Luther and our Confessions absolutely reject any thought of good works contributing toward our justification, they both affirm their necessity. While it is false to say that “good works are necessary for salvation,” we can and must say that “good works are necessary.”^{lxxii} Why is this so? We shall quote only two statements. One is from the Augsburg Confession: “... it is necessary to do good works, not that we should trust to merit grace by them, but because it is the will of God.”^{lxxiii} The other is from Luther, quoted by the Formula of Concord: “Oh, it is a living, busy, active, powerful thing that we have in faith, so that it is impossible for it not to do good without ceasing ... The Holy Ghost works through faith; and on account of this, man becomes ready and cheerful, without coercion, to do good to everyone, ... so that it is as impossible to separate works from faith, yea just as impossible as it is for heat and light to be separated from fire.”^{lxxiv} Thus it is a necessity not of coercion from without, but an inner necessity because the Christian is what he is and wants

to do the will of his divine Father. The gospel has effected this in him. We are back at the good tree we spoke of that of necessity bears good fruit.

The Christian's life of sanctification is also called "new obedience" or the "new obedience of believers."^{lxxv} The term "obedience" implies law. One is obedient to commands, orders, laws that have been issued. Does not the term "obedience" then refer to civic righteousness? Civic righteousness is indeed obedience to law. But here we speak of a "new" obedience. There is something new, something different about the obedience of believers. The difference lies in the motivation we spoke of. In the obedience of civic righteousness there is the motivation of coercion and rewards contained in the law and the appeal to natural man's reason. In the new obedience there is the gospel moving the inner man of faith who voluntarily desires only what God has revealed as his immutable will. He now has the mind of Christ. The law is still obeyed, but motivated by the Spirit working through the means of grace. The new obedience is still obedience to God's holy will as expressed in the law. According to the Augsburg Confession the good fruits that faith is bound to bring forth are "good works commanded by God."^{lxxvi} God's command, not man's natural reason, determines what is good. Luther points to the Ten Commandments as "a compend of divine doctrine, as to what we are to do in order that our whole life may be pleasing to God ... 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."^{lxxvii} Hence the law of God must inform the Christian as to what works are truly pleasing in the eyes of God.

This is not to say that the Christian's sanctification fulfills the law perfectly. In this life his personal righteousness remains incomplete. For that reason it is called "inchoate fulfilling of the law" and "incipient righteousness of the new obedience." It is only a beginning. The imputed righteousness indeed is perfect and complete. It needs no supplementing on the part of the Christian's personal righteousness. The latter has no part in his justification before God, which already is complete. In his sermon on "Two Kinds of Righteousness" Luther, having described Christ's righteousness which is imputed to us, goes on to speak of "our own actual righteousness." He also calls it "our proper righteousness" and describes it as follows: "This is that manner of life spent profitably in good works, in the first place, in slaying the flesh and crucifying the desires with respect to self ... In the second place, this righteousness consists in love to one's neighbor, and in the third place, in meekness and fear toward God."^{lxxviii} Later he explains further: "Then the soul no longer seeks to be righteous in and for itself, but it has Christ as its righteousness and therefore seeks only the welfare of others."^{lxxix}

From the above description of the Christian's personal righteousness, the role of law and gospel is evident. The gospel provides motivation. It produces the desire and the ability to perform good works. Since good works are fruits of faith, there can be no personal righteousness apart from the gospel which alone works and sustains faith.

Since good works are to conform to the immutable will of God, which is revealed by the law, the law serves in its third function, as a guide to Christians lest they, because they still have an old Adam and are not yet fully renewed, may "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."^{lxxx} At this point we shall limit our consideration of sanctification and the third use of the law to the above. This suffices to show the relationship of law and gospel to the Christian's personal righteousness. Fuller consideration will be given to this in the third lecture.

At this point we can summarize as follows: The law serves in its first function to coerce and restrain natural man, to be the motivating force in civic righteousness, in external works of the law. It serves a preparatory role for the reception of imputed righteousness. It reveals the total inability of natural man to do the works that are pleasing to God, thus working contrition. It serves in its third use, a didactic use, in connection with the Christians' personal righteousness. This is not motivation but instruction.

The gospel, on the other hand, is not involved in civic righteousness, in the external righteousness of works apart from faith. However, it is only by means of the gospel that man can know about the righteousness of Christ which is imputed to him by a gracious God and received through faith. This faith the Spirit works also

through the gospel. Since the Christian's personal righteousness is a fruit of faith, the gospel as means of grace is the motivating power in the Christian's sanctification.

In his sermon on the distinction of law and gospel Luther states that it is a simple matter to show "how the law is a different word and doctrine than the gospel."^{lxxxii} We can quite simply define each and take note of the purpose each is to serve. To make these distinctions verbally and logically as we have done above is not particularly difficult. We teach it quite readily to our confirmands: the law shows us our sin; the gospel shows us our savior. The law says what we are to do; the gospel says what God has done for us, etc. It is not hard to understand these distinctions.

However, to distinguish the two in practice Luther calls an art which requires much toil and labor.^{lxxxiii} "It is the highest art in Christendom," he says, "which all who take pride in and claim for themselves the name of Christ can and should know."^{lxxxiii} In his Galatians commentary he speaks of this at greater length:

Therefore only the Gospel reveals the Son of God. Oh, if only one could distinguish carefully here and not look for the Law in the Gospel but keep it as separate from the Law as heaven is distant from the earth! In itself the difference is easy and clear, but to us it is difficult and well nigh incomprehensible. For it is easy to say that the Gospel is nothing but the revelation of the Son of God or the knowledge of Jesus Christ and not the revelation or knowledge of the Law. But in the conflict of conscience and in practice it is difficult even for those who have had a lot of experience to hold to this for certain.^{lxxxiv}

A distinction that is simple in theory becomes difficult in practice.

It is important to note that Luther speaks of distinguishing the two, not of separating them, as though one should have nothing to do with the other. Our Confessions state: "From the beginning of the world these two proclamations have been ever and ever inculcated alongside each other in the Church of God"^{lxxxv} and this should continue "even to the end of the world,"^{lxxxvi} adding however, "with a proper distinction."

But why is distinguishing in practice so difficult? It is not that God's revelation is unclear or difficult to understand. We already said that it is very simple to comprehend in theory. The problem in practice lies with man.

There is man's innate pride. Neither law nor gospel cater to man's pride, which involves also his reason. There is so much in both law and gospel that man deems unreasonable. So in using them he wants to make them reasonable, with confused results so that he understands neither.

Tied in with his pride and reason is natural man's *opinio legis*, his basic legalistic bent. He cannot let the gospel remain free of legal requirements, free of works. On the other hand, when he can claim freedom for himself he misuses it as though there were no law and wants to be a law unto himself.

And even with Christians there are difficulties, simply because there are no perfect Christians. As Luther puts it, a Christian is both saint and sinner. As such he needs both law and gospel, each at the proper time. But since we cannot search hearts, we must so proclaim law and gospel that the saint/sinner takes from each what he needs in his particular circumstance.

Given all these innate weaknesses, limitations, and problems of natural man, and we as Christians are still struggling daily with putting off the old man, we so readily are misled into confusing the purpose and use of law and gospel in practice.

Historically confusion and abuses have taken two directions. Individuals and entire churches have been, and still are, involved in one or the other. The one is legalism, the other antinomianism. We shall devote the remaining two lectures successively to these two abuses.

Endnotes

-
- ⁱ Ap IV, 2; S.D. III, 6
- ⁱⁱ St. L. IX, 798
- ⁱⁱⁱ St. L. IX, 802
- ^{iv} St. L. IX, 802f
- ^v SD V, 17
- ^{vi} SD V, 20, 21
- ^{vii} SD VI, 1
- ^{viii} SA III, II, 1,4
- ^{ix} LW 26, 274
- ^x LW 26, 275
- ^{xi} LW 26, 313
- ^{xii} Footnote: The only reference enumerating a third use is claimed to be a spurious interpolation, see Eugene Klug, "Luther on Law, Gospel, and the Third Use of the Law," in *The Springfielder*, Sept. 1974, p 164.
- ^{xiii} AC XX, 1
- ^{xiv} LW 44, 23
- ^{xv} LC I, 311
- ^{xvi} SA III, IV
- ^{xvii} LW 26, 313
- ^{xviii} AC V, 2
- ^{xix} SA III, VIII, 3, 10
- ^{xx} Ep II, 4
- ^{xxi} SD V, 11
- ^{xxii} SD V, 12
- ^{xxiii} SD V, 12
- ^{xxiv} Ap II, 12
- ^{xxv} Ap IV, 21
- ^{xxvi} Ap IV, 21
- ^{xxvii} Ap XVIII, 4
- ^{xxviii} Ap XVIII, 9
- ^{xxix} Ap IV, 394
- ^{xxx} LW 26, 249
- ^{xxxi} LW 26, 251
- ^{xxxii} LW 26, 249
- ^{xxxiii} LW 26, 354
- ^{xxxiv} Ap IV, 22
- ^{xxxv} Ap IV, 23
- ^{xxxvi} Ap XVIII, 70
- ^{xxxvii} Ap XVIII, 70
- ^{xxxviii} Ap XVIII, 9
- ^{xxxix} Ap XVIII, 73
- ^{xl} Ap IV, 23
- ^{xli} LW 26, 183
- ^{xlii} Ap XVIII, 71
- ^{42a} Ap XVIII, 71-2
- ^{xliiii} LW 26, 183
- ^{xliv} LW 26, 249
- ^{xlv} Ap IV, 24
- ^{xlvi} Ap IV, 26
- ^{xlvii} LW 26, 355
- ^{xlviii} Ap IV, 21
- ^{xlix} LW 31, 297
- ^l LW 26, 4-10
- ^{li} LW 26, 249
- ^{lii} LW 26, 246
- ^{liii} Ap IV, 47
- ^{liv} Ep IV, 4, 21

lv LW 26, 4
lvi LW 31, 297
lvii SD III, 2
lviii SD III, 15
lix LW 26, 280
lx LW 31, 352
lxi Epit III, 4, 5
lxii AC XII, 4
lxiii SD V, 10
lxiv LW 26, 345
lxv LW 26, 345
lxvi SD V, 24
lxvii Ap III, 45
lxviii SD III, 32
lxix SD VI, 10
lxx LW 31, 298f
lxxi Epit II, 17
lxxii Cf CA VI, 1; esp. FC IV
lxxiii AC XX, 27
lxxiv SD IV, 10m 12
lxxv SD VI, 10
lxxvi AC VI, 1
lxxvii LC Part I, 311
lxxviii LW 31, 299
lxxix LW 31, 300
lxxx SD VI, 20
lxxxi St. L. IX, 806
lxxxii St. L. IX, 807
lxxxiii St. L. IX, 802
lxxxiv LW 26, 72
lxxxv SD V, 23
lxxxvi SD V, 24

II. An Abuse: Legalism

What is legalism? Quite evidently it has something to do with law. We call it an abuse. Thus it must be a misuse of the law. Among Lutherans I don't believe a pastor ever identifies himself as a legalist. We may call someone else legalistic but we never so identify ourselves. We all are evangelical.

But what is the difference? The two have been distinguished by saying that the one makes use of the law, the other of the gospel. If this were true, in avoiding legalism one would become an antinomian. Others identify legalism with being strict in one's practice, evangelical with being considerate, kind, and able to bend in making applications. But this is not a true contrast. There can be a strict evangelical and a liberal legalist. Generally we have no problem using the term legalism and sometimes in identifying a legalist, but when asked to define the term more precisely, we find this more difficult. The reason may be that legalism has various aspects. It is difficult to bring them all together under one simple definition. At this point we shall be content to define it as a misuse of the law. We shall listen to Luther and our Confessions as they deal with various forms of legalism which confronted them in their time and conclude with a more comprehensive definition. As we proceed we shall make some applications to our church life today.

Misuse of the Law in Justification

If justification is the chief article of Christian doctrine as we said in our first lecture, then anything that undermines and threatens to destroy this article is dangerous to the Christian faith. Thus the misuse of the law in justification on the part of Rome drew fire from Luther and our Confessions. Melancthon in a long article in the Apology takes issue with Rome's doctrine of justification. After stating that "all Scripture ought to be distributed into these two principal topics, the Law and the promises"^{lxxxvii} he says, "of these two parts the adversaries select the Law ... By the Law they seek the remission of sins and justification."^{lxxxviii} Taken out of context, this statement would accuse Rome of pure Pelagianism, justification by works alone. Any knowledgeable Catholic would object to such an accusation, and the fact is that early in its history Rome rejected this position. Nevertheless, in the minds of many people its teaching could and did lead to Pelagian conclusions. In elaborating on Rome's errors Melancthon later writes: "Although the adversaries, not to pass by Christ altogether, require a knowledge of the history concerning Christ, and ascribe to Him that it is His merit that a habit is given us, or as they say, *prima gratia*, 'first grace,' which they understand as a habit, inclining us the more readily to love God."^{lxxxix} Without going into all the ramifications of Rome's doctrine of infused grace and what part God and what part man had in man's justification, suffice it to say that Rome's theology is semi-Pelagian. Thus both Christ and our works have a part, as Melancthon writes in the Augsburg Confession: "They teach that we are justified not by works only, but they conjoin faith and works, and say that we are justified by faith and works."^{xc} He finds this doctrine more tolerable than their former one, when they preached only unprofitable works which he calls childish and needless. At least faith and Christ were being mentioned, and people could find more consolation than in their former doctrine. Nevertheless, whether Pelagian or semi-Pelagian, it was a false injection of law into the doctrine of justification, a dangerously legalistic view of salvation.

Luther compares Rome with the Judaizers of Galatia. The false apostles at Galatia "taught that in addition to faith in Christ, circumcision and the observance of the Law were necessary for salvation."^{xc} We would call this semi-Pelagianism. Luther calls the pope, cardinals, bishops, monks and the whole "synagog of Satan" much worse than those false apostles. While the false apostles taught faith and works, "our opponents skipped faith altogether and taught human traditions and works not commanded by God but invented by them without and against the Word of God; these they have not only put on a par with the word of God but have raised far above it."^{xcii} He can also see a close parallel. The false apostles attached a condition to the gospel. "The scholastics do the same thing in our day," writes Luther. "They say that we must believe in Christ and that faith is the foundation of salvation, but they say that this faith does not justify unless it is 'formed by love.'"^{xciii}

What this says is that faith justifies, not simply because it takes hold of Christ as Savior, but only when it is adorned with works of love. The predominant need for works in justification is inescapable.

Just a brief comment on terminology. Rome used both grace and faith in speaking of the sinner's salvation. But Rome's grace is "infused grace" and its faith is "faith formed by love." Thus both terms which to Luther and us eliminate works from contributing to our salvation include works in Rome's usage.

Rome's semi-Pelagianism not only injected God's Law into the doctrine of justification; it was not only that of the two topics in Scripture it chose the law, as Melanchthon had put it. Its legalism involved also adding to God's law the precepts and decrees of the church as necessary for salvation. Luther had complained about this in a quotation we cited earlier. We see this especially in Rome's practice in the matter of satisfactions and monasticism.

The Augsburg Confession in the article on Repentance rejects those who "command us to merit grace through satisfactions of our own."^{xciv} The Apology explains this further:

They imagine that eternal punishments are commuted to the punishments of purgatory, and teach that a part of these is remitted by the power of the keys, and that a part is to be redeemed by means of satisfactions. They add further that satisfactions ought to be works of supererogation, and they make these consist of most foolish observances, such as pilgrimages, rosaries, or similar observances which do not have the command of God.^{xcv}

The uninformed, as Melanchthon calls them, did not necessarily understand the complexities of Rome's dogmas as outlined by the scholastics but simply concluded that satisfactions "profit as a compensation for the blotting out of guilt."^{xcvi} The point we are interested in here is that not only God's own law, but also the precepts of the church, human additions to God's law, were injected into the article of justification. Thus the Apology rejects as false the dogma that the church has been given the power "to impose upon consciences certain satisfactions, to institute new acts of worship, and to obligate consciences to such satisfactions and acts of worship."^{xcvii} Legalism can become very complex. If it adds human precepts to God's law, where will it end? Requirements can be added *ad infinitum*. The Jewish Talmud and Rome's canon law testify to this fact.

Another example of Rome's adding to God's law was monasticism. With its works of supererogation the monastic requirements or laws were considered to be of a higher order than the Ten Commandments, or God's law. Whoever observed the vows of poverty, chastity, that is, celibacy, and obedience were living more holy lives, more meritorious than ordinary Christians. In the Augsburg Confession we read:

They taught that vows were equal to Baptism; they taught that by this kind of life they merited forgiveness of sins and justification before God ... Thus they made men believe that the profession of monasticism was far better than Baptism, and that the monastic life was more meritorious than that of magistrates, than the life of a of pastors, and such like, who serve their calling in accordance with God's commands, without any man-made services.^{xcviii}

From this brief sketch of Rome's doctrine of justification, and it has been brief and sketchy, we see that Rome's legalism not only injected the law of God into justification. It arrogated to itself the right to add to God's law, to impose its own laws on man and even grant them a place superior to God's commands.

Thus Rome was using the law, whether divine or human, for a purpose not intended by our God. Among the three uses of the law that we discussed, none was to make us righteous or even partially so before God.

Luther is very emphatic on this point. He has occasion to speak of it in some detail when he comments on 1 Timothy 1:8: "We know that the law is good if a man uses it profitably." Referring both to the Papists and the enthusiasts Luther says: "There is no argument here as to whether the Law is good or bad ... But they are not using it well." He asks, "What is the 'lawful use'?" and answers by summing up his major emphasis. He writes:

To sum up all of this: Use the Law as you wish. Read it. Only keep this use away from it, that you credit it with the remission of sins and righteousness. Beware of making me righteous by the Law. Rather, use it to restrain. You must not give the Law the power and virtue to justify ... It is a spiritual misuse of the Law if anyone wants to make men righteous by it, if anyone teaches that men can be justified by the Law and by works ... The Law, then, is very sacred, very fine; but it does not justify ... does not free one from death. So the Law is abused when I assign to the Law more than it can accomplish. Good works are necessary and the Law must be kept, but the Law does not justify.^{xcix}

“The law does not justify” runs like a refrain through this quotation from Luther. It is a misuse to assign to the law a role in justification because God did not give it for that purpose. St. Paul’s words come to mind: “For if a law had been given that could impart life, then righteousness would certainly have come by the law” (Ga 3:21). Luther comments on this passage: “We declare with Paul that no law, whether it is human or divine, justifies or makes alive. Therefore we distinguish the Law from righteousness as sharply as death from life or hell from heaven.”^c This the papists as well as the sectarians failed to do.

Did Luther object too strongly against this abuse? Cannot we take comfort as Melancthon seems to do that at least Christ and faith are still preached? Do not we believe that whatever gospel is still taught will bear fruit? This dare not blind us to the danger of injecting law into the doctrine of justification. Several quotations from Luther are to the point: “It seems to be a trivial matter to teach the Law and affirm works, but this does more damage than human reason can imagine. Not only does it mar and obscure the knowledge of grace, but it also removes Christ and all His blessings, and it completely overthrows the Gospel.”^{ci} In justification law and gospel are always an either/or, never a both/and. The latter will only undermine the gospel. Luther writes:

But because they confuse the Law with the Gospel, it is inevitable that they subvert the Gospel. Either Christ must abide, and the Law perish; or the Law must abide, and Christ perish. It is impossible for Christ and the Law to agree and to share the reign over a conscience. Where righteousness of the Law reigns, there the righteousness of grace cannot reign; and, on the other hand, where the righteousness of grace reigns, there the righteousness of the Law cannot reign. One of these two will have to yield to the other.^{cii}

Luther uses some of his strongest language against this abuse of law when he comments on Paul’s words, “Now I, Paul, say to you that if you receive circumcision, Christ will be of no advantage to you ... you are severed from Christ ... You have fallen from grace” (Ga 5:2, 4). If that was Paul’s judgment against the Law and against circumcision established by God, what would he not have said “against the chaff of human traditions”? Luther says in expounding Paul: “There is nothing more wicked under the sun than doctrines of human traditions and works; for with one blow they abolish and overthrow the truth of the Gospel, the true worship of God, and Christ Himself.”^{ciii} “The papists have obscured and oppressed the Gospel of Christ ... He who considers these things seriously cannot help being horrified.... The desire to be justified by the Law, therefore, is shipwreck; it is exposure to the surest peril of eternal death.”^{civ} “This passage really ought to strike terror into all the enemies of faith and grace.”^{cv}

Solus Christus, sola gratia, sola fide—these must not only be Lutheran slogans, cliches, convenient themes for Reformation sermons, but they must be truths inscribed on the hearts and souls and consciences of God’s people! The church must never stop singing:

On My heart imprint Thine image,
Blessed Jesus, King of Grace,
That life’s riches, cares, and pleasures
Have no pow’r Thee to efface.

This the superscription be:
Jesus, crucified for me,
Is my Life, My hope's Foundation,
And my Glory and Salvation.^{cvi}

And to life's riches, cares, and powers we add man's works, and pride, and merits which must not be permitted to efface the image of Christ on our hearts, as occurs when the law is given a place in justification. What a dangerous, deadly abuse of the law is this form of legalism!

Dangerous and deadly, but surely not a threat, we would think, to heirs of the man who exposed this danger more clearly than any of God's servants since Paul. What makes this form of legalism so dangerous is that it is rational. We come back to the *opinio legis* that is embedded so deeply in man's thinking. It is "the general opinion of human reason in all the sophists and in the whole world about religion and about righteousness that it is achieved by the works of the Law," writes Luther. "Reason will not permit this extremely dangerous opinion to be taken away from it by any means at all, because it does not understand the righteousness of faith."^{cvii}

Reason cannot understand how universal depravity, universal atonement, and universal grace can fit together. If you believe these universals, logic says that you must believe also in universal salvation (universalism). To escape drawing this false conclusion, reason looks for an answer to the question: *Cur alii prae aliis?* Why are some saved rather than others? Put another way, why am I a believer and my neighbor is not? Reason concludes that somehow God must have seen a difference in me. I must have done something the other person failed to do. The *intuitu fidei* of the predestinarian controversy a century ago looked upon faith, which God foresaw, as the difference. That was properly rejected as synergistic. I am warned against asking "Why?" in a matter God has not revealed to me. But my reason can be stubborn and keeps on asking and looking for the cause in myself, in some work of mine. In my mind I make comparisons, and I conclude, almost subconsciously, that I am not as bad as other men are. I know I'm not perfect, but at least I'm different, enough so that I'm the one God made his own. How readily my rational mind finds such thoughts acceptable, or at least plausible and satisfying so that I conclude that a difference in me made the difference. It is then that I need the law. I need to hear: "There is no difference. All have sinned." I need the law in its proper use of revealing to me again, and many times over, the totality of my sin, the damning nature of my sin. In this function Luther even speaks of a contribution the law makes to justification, that it drives me to Christ. But Luther is careful to add: "not because it justifies, but because it impels one to the promise of grace and makes it sweet and desirable."^{cviii} It does not impel me to Christ by showing Christ to me, that is the gospel's function, but it shows me how miserable it is to be under the law and its condemnation. Never, not even in the least, does it contribute to my justification and salvation. But it has its most important role in my life by preparing me for the gospel, for receiving it. How necessary this is whenever my reason leads me on a mental journey that results in self-righteous conclusions! My reason wants me to justify myself by law. But God in grace helps me say "No" to reason and "Yes" to faith in his grace and promises and forgiveness and salvation.

Indeed, it is because of our reason and our innate *opinio legis* that the abuse of injecting law into justification before God is very tempting. It must be resisted like the consuming fire it is.

The world in which we live will not make that easy. Humanistic philosophy puts man into the center and makes him responsible for his own destiny. Evolutionistic thinking sees man evolving by his own efforts, striving to become ever more perfect as he continues to evolve. The emphasis on a feeling of self-worth most often directs attention to self rather than the worth we have through Christ and what he has made of us. Counseling and psychological therapy apart from God's Word cannot but rely on man's reason and look for relief from guilt, depression, the pains and problems of life within man himself. Man has an innate need to justify himself before man and ultimately before God. Reason says this can be accomplished by works, only by one's own works, and this involves obedience to law. This may succeed before man but utterly fails before God. To inject law into the justification of man before God is a serious abuse of the law, spiritually dangerous and

deadly. “Therefore we conclude that a man is justified by faith without the deeds of the law” (Ro 3:28). And with Luther we know that the sense of the passage is *allein durch den Glauben*, by faith alone.

Misuse of Law in Sanctification

Sanctification, or the personal righteousness of a Christian, in some respects resembles civic righteousness. In both the law is used, both consist in obedience to the law, both look alike in outward appearance. Neither is to be confused with the Christian’s imputed righteousness.

There are important differences. In civic righteousness the law compels and restrains. It is a curb that forces movement in a certain direction. In sanctification the law instructs, in that sense is guide and rule. We call this the third use. But the gospel provides the motivation. Furthermore, civic righteousness involves only outward obedience; sanctification concerns itself with the inward motives, with obedience that springs from the heart. The former consists in works of the law, the latter in fruits of the Spirit. We considered this in our first lecture.

The law is misused in sanctification by assigning to it the task of producing Christian sanctification, the role belonging to the gospel. In talking about Christian liberty and the Christian’s life of sanctification Luther says: “The office of the law is not to demand works.”^{cix} This means that we are not to use the law in its first or civic use in connection with sanctification. The government uses law, and properly so, to demand outward works, to motivate. Not so the church. When it speaks the law to the sinner it is to reveal his sin, to lead to repentance. When it speaks the law to the Christian it is to instruct. In neither case is it to produce obedience by coercion. The new man will indeed use the law to keep his flesh in check, to crucify the old man. This will all be taken up at greater length in lecture three. At this point we only want to note that it is legalism to coerce the Christian to works of sanctification. When the law coerces, we no longer have Christian sanctification but nothing else than outward conformity, which apart from faith is still an abomination before God.

The gospel moves Christians to keep the commandments. It alone provides the proper motivation. In the Large Catechism Luther points to the motivating power of the gospel when he introduces the Creed:

And this is intended to help us do that which according to the Ten Commandments we ought to do. For (as said above) they are set so high that all human ability is far too feeble and weak to keep them. Therefore it is as necessary to learn this part as the former in order that we may know how to attain thereto, whence and whereby to obtain such power. For if we could by our own powers keep the Ten Commandments as they are to be kept, we would need nothing further, neither the Creed nor the Lord’s Prayer.^{cx}

Also in the area of sanctification the law is misused by adding human precepts to God’s commands. This confuses people regarding true sanctification. In the article on Monastic Vows Melancthon accuses Rome of this: “The precepts of God and the true service of God are obscured when men hear that only monks are in a state of perfection.”^{cxii} “God ought to be served in those commandments which He Himself has given, and not in commandments devised by men.”^{cxiii}

The church is frequently in danger of attempting to regulate the sanctification of its members. We already saw that the divine law can so be misused that a forced conformity results, which is no sanctification at all. But also works, and activities which the church requires can be made to appear more important than putting God’s commandments into practice in one’s daily life. This too can result in legalistic practice. We can lay it on people’s consciences to serve on committees and spend time in “church work” with the result that they neglect other God-given duties. A woman is made to believe that she is a better Christian because she is at church typing rather than at home taking care of her children. A husband neglects his wife and family to devote three nights a week to “serve” the congregation. We may feel that everyone must be given something to do in the church. All of this in no way is to discourage the voluntary services rendered in faith and love for the Savior.

But church work can be “forced” in such a way that it becomes legalism, an abuse of law imposed on God’s people. What the church expects, projects it undertakes, “rules” and policies it adopts can develop into canon law that must be followed if one is to be considered a Christian. Law is used to produce “sanctification” where the gospel seems to fail.

How tempting it can be to bring about quick results in Christian living by means of law! Perhaps Lutherans are more inclined to misuse the law in the area of sanctification than in justification. We want to improve church or communion attendance, financial contributions, attendance at Sunday School or Christian day school, so we lay down the law and perhaps add congregational resolutions to effect improvement. Practices established for “good order” may be enforced as “necessary for salvation.” At least it is thus understood by the people. Using law, any law, to force Christian living is a legalistic misuse of it. In Christian living the gospel motivates, the law guides. More on this later.

Converting Gospel into Law

The gospel is the gracious message of full and free forgiveness through Christ, received by faith. It is the word which works faith, strengthens faith, produces fruits of faith. To convert this gospel into law is destructive legalism.

But who would do that? Who would want to do that? Certainly no one. At least not knowingly. But it is still important to ask: How does it happen?

Generally not in an open, direct manner. Luther reminds us of a way in which this happens, how it happened in much of the preaching that was done in his day. In his introduction to the sermons published in the *Wartburg Postil*, entitled, *A Brief Instruction on What to Look for and Expect in the Gospels*, Luther warns: “Be sure, moreover, that you do not make Christ into a Moses, as if Christ did nothing more than teach and provide examples as the other saints do, as if the gospel were simply a textbook of teachings and laws.”^{cxiii} That is not to say that Christ is not our example. “St. Peter says in 1 Peter 4, ‘Christ suffered for us, thereby leaving us an example.’ Thus when you see how he prays, fasts, helps people, and shows them love, so also you should do, both for yourself and for your neighbor.”²⁷ Important as that is, Luther, however, stresses this point: “The chief article and foundation of the gospel is that before you take Christ as an example, you accept and recognize him as a gift, as a present that God has given you and that is your own.”²⁷ Luther explains the difference between Christ as gift and example: “Christ as a gift nourishes your faith and makes you a Christian. But Christ as an example exercises your works. These do not make you a Christian. Actually they come forth from you because you have already been made a Christian.”^{cxiv}

What this means is that one can teach and preach Christ and yet not preach the gospel. Moralists attempt to effect moral conduct without first presenting Christ as gift in order to plant and nourish faith. They hold up Christ as example and say, “Do thou likewise” and never preach the gospel.

That is to convert the gospel into law. When this emphasis on Christ as example is coupled with a denial of his divinity, the gospel has been destroyed. Only law remains, however much Christ is mentioned. Christ has become another Moses, perhaps not as stern and forbidding, yet in fact even less than Moses, for Moses was not only a lawgiver but testified of the Christ who was to come to redeem Israel.

Luther’s warning may serve to alert us against an overemphasis on Christ as example to the neglect of Christ as gift. Such an overemphasis is at least incipient legalism.

The gospel loses its alone saving character when the role of faith is misconstrued. The Apology says: “For faith justifies and saves, not on the ground that it is a work in itself worthy, but only because it receives the promised mercy.”^{cxv} The Formula of Concord makes the same distinction: “For faith justifies, not for this cause and reason that it is so good a work and so fair a virtue, but because it lays hold of and accepts the merit of Christ in the promise of the Holy Ghost.”^{cxvi} This quotation stresses faith as the ὄργανον ληπτικόν, the receiving hand, which saves only and alone because of the object it lays hold of. To view faith as a work and demand it as a condition of salvation (“You must believe if you want to be saved”) makes a work of faith and

destroys the *sola gratia* of justification. The gospel to be gospel must remain untainted by works and free of conditions.

Our reason is afraid of an unconditional gospel, afraid how the sinner will react to it. We fear that he will convert the glorious gospel freedom into license to sin. Instead of saying to the repenting sinner: "You are forgiven" our reason likes to add an "if" or "but" that conditions forgiveness on the sincerity of the repentance or on subsequent fruits of repentance. "If you are really sorry for what you did, God will forgive you," or "you are forgiven, but only if you start coming to church." Repentance is to be sincere and is to be followed by fruit. But neither dare be added as a condition or we destroy the true nature of the gospel.

When the gospel no longer is gospel, when we convert it into law we are guilty of soul destructive legalistic practice. Christ may render the services of the law, carry out this alien work, as our Confessions point out. But only when he proclaims free and full forgiveness through his cleansing blood is he the author and finisher of our salvation. Not to let the gospel do its proper work is to misuse it. That is legalism.

Misuse of Holy Scripture

Not only Rome's legalism met with strong opposition on the part of Luther. The enthusiasts, or Anabaptists, or sectaries (Luther used various names and grouped them together) were rejected with like energy. Although they thought Luther was too tame in his reform, the extremes to which they went resulted in legalism essentially no different from Rome's. Both endangered if not destroyed the gospel. Both thus were a danger to man's salvation.

The enthusiasts erred in claiming direct revelations in addition to Scripture. Thus they like Rome added to God's commands. And they too sought to bind consciences with their "new revelations."

But they also erred in the manner in which they used Scripture itself. Since Scripture is the Word of God, they argued, the Mosaic law should be observed, even replacing the laws of the land. "They desire to govern people according to the letter of the law of Moses," Luther complained. Especially Thomas Muentzer, who was stirring up the peasants against their rulers, and Andrew Karlstadt, Luther's former colleague, drew fire. In 1525 he delivered a sermon, later published under the title *How Christians Should Regard Moses*. It exposes their legalistic use of God's Word and provides illuminating instruction on the proper use and application of Scripture. In regard to the law of Moses, Luther writes: "It is no longer binding on us because it was given only to the people of Israel."^{cxvii} This included all of the Mosaic code. In fact, "even the Ten Commandments do not pertain to us." Luther proves that from Exodus 20:1 where God introduces the commandments with the words, "I am the Lord your God, who brought you out of the land of Egypt, out of the house of bondage." "God never led us out of Egypt, but only the Jews," is Luther's comment. Yet Luther included the Ten Commandments in his catechisms. This seems like a contradiction. Luther explains regarding Moses, "We will not regard him as our lawgiver - unless he agrees with both the New Testament and the natural law."^{cxviii} Luther used the wording of the Ten Commandments as given by Moses "not because he applies to us, that we must obey him, but because he agrees with the natural and is conceived better than the Gentiles would ever have been able to do."^{cxix} Thus Luther does not hesitate to eliminate from the Ten Commandments what he does not find in the New Testament or in natural law. He opposed the iconoclasm of the sectarian spirits because what is said about images "pertains only to the Jews." His third commandment explanation is quite different from the Sabbath laws of the Jews, for the New Testament abolished the Jewish Sabbath. On the other hand, "it is natural to know God, not steal, not commit adultery, not bear false witness, not murder; and what Moses commands is nothing new ... Thus I keep the commandments which Moses has given, not because Moses gave commandment, but because they have been implanted in me by nature, and Moses agrees exactly with nature."^{cxx}

Regarding the proper use and application of Scripture, Luther makes this general statement: "I must pay attention and know to whom God's word is addressed ... It is not enough simply to look and see whether this is God's word, whether God has said it; rather we must look and see to whom it has been spoken, whether it fits

us.”^{cxxi} This general principle applies to all of Scripture, also to the New Testament. The command Jesus gave to the ten lepers to go to the priest and make sacrifice was spoken to the ten and does not pertain to anyone else.

Luther raises this question: “Why then do you preach about Moses if he does not pertain to us?” Should we eliminate from Scripture everything not directly addressed to us? Not at all. Luther mentions three ways Moses is useful to us.

First, he serves as example. The rulers of Luther’s day could learn from Moses’ laws pertaining to civil rule. “For example,” Luther writes, “tithing is a very fine rule, because with the giving of a tenth all other taxes would be eliminated.”^{cxxii} Government was much more modest in Luther’s day than in ours, for Luther apparently isn’t thinking only of taxes for church support.

Moses, secondly, is useful to us in that he applies to all in his “promises and pledges of God about Christ. This is the best thing. It is something that is not written naturally into the heart, but comes from heaven.”^{cxxiii} Luther never questions that the gospel in both Old and New Testament is applicable to all.

Finally, Moses is useful “for the beautiful examples of faith, of love, of the cross, as shown in the fathers.”^{cxxiv} There are also the warning “examples of the godless, how God does not pardon the unfaith of the unbelieving.”³⁸

Luther sums up the three points he has made: “Moreover the Old Testament is thus properly understood when we retain from the prophets the beautiful texts about Christ, when we take note of and thoroughly grasp the fine examples, and when we use the laws as we please to our advantage.”³⁸

Just a word about the use of examples. An example must not become a law to us. When we make an example into a law we are misusing Scripture and this leads to legalistic practice. We referred to tithing. This can be used as an example of giving to the Lord as required in the Old Testament. In using it, care must be exercised lest the example implicitly is taken as law or at least as a God-given norm that should guide us. The New Testament in no way perpetuates tithing. Similarly the instructions given to the Corinthians “about the collection” are addressed to that congregation and not to us. From them we can learn much about stewardship by way of example. But to make giving on the first day of the week or even weekly giving an essential norm is hardly the meaning of Paul. Nevertheless we can learn much from Paul’s words to the Corinthians about stewardship by way of example. Certain basic principles which are generally applicable may become evident, but there is no law like the Old Testament tithe, imposed by the Corinthian example. Examples can be instructive, but to apply them as binding on us is to make law of them. This is a misuse of Scripture and must be rejected as legalism.

“One must deal cleanly with the Scripture,”^{cxxv} is Luther’s advice. That means determining to whom God is speaking. That means letting examples function as such and not as law. Misuse of Scripture inevitably leads to legalism. Man’s rational *opinio legis* will see to that.

Conclusion

We can now attempt a more comprehensive definition of legalism than the brief one given at the beginning of this lecture. While legalism is a way of thinking and has its roots in man’s attitudes and innate *opinio legis*, in defining it we look at words and actions and call it a practice. Practice has in mind what we do with the Word of God, how we use it, how we teach it, how we apply it. In this sense we are using practice in the following definition: Legalism in the church is a practice in which the law is used for purposes for which it was not given (cf. its three uses), in which the gospel is turned into law so that it loses its gospel purpose and motivation, in which human ordinances are imposed on the conscience of the church as though they were divine commands.

Endnotes

- lxxxvii Ap IV, 5.
lxxxviii Ap IV, 7.
lxxxix Ap IV, 17.
xc AC XX, 6.
xci LW 26, 52.
xcii LW 26, 52.
xciii LW 26, 88.
xciv AC XII, 10.
xcv Ap XII, 13f.
xcvi Ap XII, 24.
xcvii Ap XII, 22.
xcviii AC XXVII, 11ff.
xcix LW 28, 231f.
c LW 26, 331.
ci LW 26, 54.
cii LW 26, 54.
ciii LW 27, 10.
civ LW 27, 18.
cv LW 27, 19.
cvi LH, No. 179.
cvii LW 26, 307.
cviii LW 26, 315.
cix LW 44, 302.
cx LC, Part Second, 2.
cxii AC XXVII, 49.
cxiii AC XXVII, 56.
cxiiii LW 35, 119.
cxv LW 35, 120.
cxvi Ap IV, 56.
cxvii SD III, 13.
cxviii LW 35, 164.
cxviiii LW 35, 165.
cxix LW 35, 172f.
cxx LW 35, 168.
cxxi LW 35, 170.
cxxii LW 35, 166.
cxxiii LW 35, 168f .
cxxiv LW 35, 173.
cxxv LW 35, 170.

III. An Abuse: Antinomianism

The Lutheran Cyclopaedia very simply, perhaps too simply, defines antinomianism as the “view that Christians are free of all moral law.”^{cxxvi} The term clearly speaks of a rejection of the law. If legalism places law center stage, antinomianism places it completely offstage. Legalism misuses law, antinomianism rejects its use.

On the surface antinomianism appears to give center stage, in fact, the whole stage to the gospel. What makes it appealing is that the gospel is used without letting the law interfere or take anything from it. Frequently it claimed Luther as father and supporter. Did not Luther reject any role for the law in man’s salvation? Had he not said: “In the matter of justification I must be ignorant of the divine Law and not permit it to rule in any way over my conscience”?^{cxxvii} Had Luther not emphasized that a Christian is not “under the law,” that he is “without law,” that “when Christ comes, the law ceases”? Many statements of Luther, taken out of context, sound antinomian.

Two forms of antinomianism confronted the Lutherans in the 16th century. The first during Luther’s life had John Agricola as its proponent. It rejected particularly the second, the theological, use of the law. In fact, it rejected any use of the law in the church. Agricola is to have said: “The Decalog belongs in the courthouse, not in the pulpit.”^{cxxviii} How then are sinners to be brought to repentance? “Repentance is to be taught not from the Ten Commandments or any other law of Moses, but from the ungodly conduct against the Son of God through the gospel.”^{cxxix} His point was that in the New Testament the question is not whether someone has violated the law, but whether he has conducted himself in an ungodly manner toward God’s Son.^{cxxx} The latter you learn from the gospel. It works both contrition and faith. Thus law is not needed. That was Agricola’s conclusion.

Luther firmly opposed Agricola, especially between 1537 and 1540, the years during which the conflict was most intense. He prepared six series of theses and conducted four, disputations against antinomianism. A selection of his theses will demonstrate his position in this matter.

Luther, on the one hand, stated without equivocation: “When treating of justification, one cannot say too much against the inability of the Law and against the most pernicious trust in the Law. For the Law was not given to justify or vivify or help in any way toward righteousness ... In brief, as far as heaven is from the earth, so far must the Law be separated from justification.”^{cxxxi}

He, however, rejected the conclusion of the Antinomians: “From this, however, it does not follow that the Law is to be abolished and excluded from the preaching of the church.”^{cxxxii} Luther called it “impudence” and “insanity” when the antinomians “assert that even the wicked should be freed from the Law, and that it should not be preached to them.”^{cxxxiii}

He further concluded: “Those who deny that the Law is to be taught in reality simply wish that there be no repentance.”^{cxxxiv} The reason he could say this is that “the entire Scripture teaches that repentance must begin from the Law, which also the order of the matter itself as well as experience shows.”^{cxxxv} For this reason he drew this final conclusion: “The doctrine of the Law, therefore, is necessary in the churches, and by all means is to be retained, as without it Christ cannot be retained.”^{cxxxvi}

In saying all this, Luther did not deny that the Gospel may contribute to deepening the sense of repentance in the Christian. In his treatise “Against the Antinomians” he conceded: “To be sure, I did teach, and still teach, that sinners shall be stirred to repentance through the preaching or the contemplation of the passion of Christ, so that they might see the enormity of God’s wrath over sin, and learn that there is no other remedy for this than the death of God’s Son.”^{cxxxvii}

But this cannot happen without also teaching the law. He asked: “How will we learn what Christ is, what he did for us, if we do not know what the law is that he fulfilled for us and what sin is, for which he made satisfaction?”^{cxxxviii} Thus “the devil’s purpose in this fanaticism is not to remove the law but to remove Christ, the fulfiller of the law.”^{cxxxix}

Formula of Concord, Article V

Our Confessions addressed themselves to this form of antinomianism in the fifth article of the Formula of Concord. The Solid Declaration describes the two sides in the controversy as follows:

... the one side asserted that the Gospel is properly not only a preaching of grace, but at the same time also a preaching of repentance, which rebukes the greatest sin, namely, unbelief. But the other side held and contended that the Gospel is not properly a preaching of repentance or of reproof, as that properly belongs to God's Law, which reproves all sins, and therefore unbelief also; but that the Gospel is properly a preaching of the grace and favor of God for Christ's sake.^{cxl}

The article recognizes that a semantic problem was at least partially the cause of the controversy. Both gospel and repentance can and are used in a broad and a narrow sense. The Solid Declaration recognizes that when the term Gospel is "employed in a wide sense and without the proper distinction between the Law and the Gospel" it can correctly be said that "the Gospel is a preaching of repentance and the remission of sins."^{cxli}

However, the article recognizes that more was involved than a semantic problem. The first point the Epitome makes is that "the distinction between the Law and the Gospel is to be maintained in the Church with great diligence as an especially brilliant light."^{cxlii} At stake was a clear understanding of these two basic doctrines of Scripture. And this was vital for the salvation of men.

A clear definition of both law and gospel follows. Each is defined in its proper, that is, narrow sense: "The Law is properly a divine doctrine, which teaches what is right and pleasing to God, and reproves everything that is sin and contrary to God's will."^{cxliii} It follows then that "everything that reproves sins is, and belongs to, the preaching of the Law."^{cxliv} On the other hand, the gospel is properly a doctrine that teaches the sinner what he "is to believe, namely, that Christ has expiated and made satisfaction for all sins, and has obtained and acquired for him ... forgiveness of sins, righteousness that avails before God, and eternal life."¹⁹ When law and gospel are thus contrasted with one another, the confessors of 1580 said: "We believe, teach, and confess that Gospel is not a preaching of repentance or reproof, but properly nothing else than a preaching of consolation."^{cxlv}

The Epitome, however, also concedes that "the preaching of the suffering and death of Christ, the Son of God, is an earnest and terrible proclamation and declaration of God's wrath, whereby men are first led into the Law aright."^{cxlvi} Such preaching of Christ, however, is not gospel preaching. The Epitome states: "Yet as long as all this (namely, Christ's suffering and death) proclaims God's wrath and terrifies man, it is still not properly the preaching of the Gospel, but the preaching of Moses and the Law, and therefore a foreign work of Christ."^{cxlvii}

Agreement between Luther and our Confessions is evident. In contending for a proper distinction of the two doctrines our Confessions also share Luther's pastoral concern in the matter. The authors of the Formula of Concord give evidence of this in the concluding paragraphs of the Solid Declaration: "These two doctrines, we believe and confess, should ever and ever be diligently inculcated in the Church of God, even to the end of the world, although with the proper distinction of which we have heard, ... It is therefore, dangerous and wrong to convert the Gospel, properly so called, as distinguished from the Law, into a preaching of repentance or reproof."^{cxlviii}

It has been said that we should find repentance at the foot of the cross. If this means that our contrition, worked by the law, is deepened as we contemplate the cross, this corresponds to what both Luther and the Confessions say about Christ's alien work. If repentance is understood in the broad sense of contrition and faith, the statement is eminently true, particularly as the cross moves the joy of faith to overcome the sorrow of contrition. But if the cross is understood as replacing the law in effecting contrition, then a dangerous antinomianism results that may prevent the gospel from being heard in its proper sense. The cross must not

become an object of fear as it was for Luther before he tasted the riches of God's grace in Christ. While it may perform the alien work of law, the cross of Christ must properly remain a message of grace, mercy, forgiveness to create and preserve saving faith.

Formula of Concord, Article VI

The second form of antinomianism came into conflict after Luther's death. Its form was more moderate than that of the earlier, and moderation characterized the conflict rather than the acrimony of the former. Not all preaching of the law by the church was rejected, but only the law's application to Christians in connection with good works. Several of the men whose names are associated with this controversy, e.g. Andrew Poach and Andrew Musculus, later signed the Formula of Concord with its sixth article approving of the third use of the law.

Luther was not alive during the dissension on the law's third use. Nevertheless, the rejection of all law by Agricola included the third use. Hence we find Luther speaking to this point, even if he does not speak as directly as one who was involved in the conflict.

In Article VI of the Formula of Concord, Of the Third Use of God's Law, we confess the biblical answer to the questions raised by the second antinomian controversy. The Epitome states the principal question in the controversy in these words: "A dissension has occurred between some few theologians concerning the third use of the Law, namely, whether it is to be urged or not upon regenerate Christians. The one side has said, Yea; the other, Nay."^{cxlix} The earlier antinomianism of Agricola rejected the use of the law to bring sinners to repentance. The later antinomians accepted the theological use of the law. They rather questioned the didactic use for regenerate Christians. Using seven statements to summarize the article, we shall discuss the content of Article VI. The statements were prepared for an article on this subject that appeared in *No Other Gospel*, a book of essays in commemoration of the 400th anniversary of the Formula of Concord.

1. The truly converted is not under the law, that is, he is free of its threats, curses and coercion.

In discussing the third use of the law, Article VI speaks of the liberation of the Christian from the law. However, it is careful to state wherein this freedom lies. It is not that Christians live outside the law and have license to ignore the law in their conduct. "Christians are liberated and made free from the *curse of the law*."^{cl} Paul's statement in 1 Timothy 1:9, "the Law was not made for a righteous man" is followed by these comments: "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."^{cli} What makes the law intolerable is its curse and coercion. The Christian is free of that. How important to recognize this freedom!

We already heard how unmistakably Luther spoke of the Christian's freedom from the law. But Luther too is quick to avoid any antinomian conclusions by showing the sense in which this is true for Christians. "The law cannot accuse and terrify them," writes Luther.^{clii} The Ten Commandments cease "in the sense that the office of Moses in them ceases ... the office of Moses can no longer rebuke the heart."^{cliii} Christ and his imputed righteousness makes the difference, "for through Christ sin is forgiven, God is reconciled, and man's heart has begun to feel kindly toward the law."^{cliv} Luther had experienced the coercion and curse of the law with its crushing force prior to "discovering" the joy of God's grace in Christ. He could appreciate the Christian's freedom and write about it in a most inspiring manner. How all-important to him was the gracious deliverance from the painful bondage of the law.

2. The regenerate, however, willingly exercises himself in the law as God's immutable will for man's conduct.

The Christian's freedom from the law to many people means freedom to disobey. Not so! It is rather freedom to obey, without coercion, willingly. The fact that the law is not made for a righteous man "is not to be

understood in the bare meaning, that the justified are to live without law.”^{clv} Though they are free, “they are never without the Law, and nevertheless are not under, but in the Law, and live and walk in the Law of the Lord, and yet do nothing *from constraint* of the Law.”^{clvi} “Spontaneously they do what the Law requires,”^{clvii}

This spontaneity, this willingness to obey is there because of a changed attitude toward the law. The regenerate “delight indeed in God’s Law according to the inner man.”^{clviii} Luther says that the Word of God “instills in us a new spirit, which renders God’s Word and the Law pleasing to us. Now I take delight in the command to trust God above all things.”^{clix} The regenerate see the law without its threats and coercion simply as “the immutable will of God, according to which men are to conduct themselves in their lives.”^{clx} The believer sees the law as the holy will of the God who has redeemed him from its curse through the death of his Son. The office of Moses has ceased through Christ and the law as the eternal will of the God of his salvation is the Christian’s delight.

What has been said is true of believers only “so far as they have been born anew according to the inner man.”^{clxi} What the law could not extort from him with its threatenings “the believer, so far as he is regenerate, does without constraint and with a willing spirit.”^{clxii} In fact, according to Luther, “spontaneously, without any legal constraint, he does more than the Law requires.”^{clxiii} But all of this, remember, is true “so far as he is regenerate.”

3. For good works to be acceptable to God, the motivation must come not from the law, but from the gospel through which the Spirit of God dwells in the believer. Such works are fruits of the Spirit and are accounted acceptable through faith in the merits of Jesus Christ.

In our first lecture we discussed the distinction between works of the law and fruits of the spirit. We noted that the former are effected by the law, the latter motivated by the Spirit’s power in the gospel.

Luther, the master of pictures and illustrations, shows the importance of gospel motivation. He says the law “resembles a hand which directs me to the right road ... However, if I do not have feet, a wagon to travel in, or horses to ride on, I shall never go by that road.”^{clxiv} The law can direct us to the right road. Only the gospel enables us to travel on it.

But what makes the works of the Christian pleasing to God? Outwardly the works of the law and the fruits of the spirit may look alike. Both may be acts that conform outwardly to the law. Yet one is sin, the other pleases God. The fact is that in itself, neither of the two is perfect. What makes the works of the regenerate acceptable? Article VI gives the answer: “The Gospel teaches that our spiritual offerings are acceptable to God through faith for Christ’s sake.”^{clxv}

Commenting on John 15:5: “I am the Vine, etc.” Luther says:

Therefore one and the same work becomes different even in one and the same person, depending on whether it is performed before or after he has come to faith in Christ. Previously he was a thistle and a thorn; ... and for this reason was unable to bear fruit, and all the works he performed were lost and condemned. But now that he is a Christian, the same work is a fine and precious grape - not because it was done in this or that manner, but because it issues from the good Vine, which is Christ.^{clxvi}

Luther again on the same passage: “If the person is in Christ, then the work, be it as big or as little as it will, is good fruit; ... and all such works are precious grapes, even though sin creeps in now and then and there are false steps.”^{clxvii} By faith in Christ whatever sin creeps into our works is forgiven and the works are accepted by God as pleasing and good.

When it comes to our life of good works, the gospel motivates; the gospel purifies.

4. In this present life the regenerate is not completely renewed and must do battle against the flesh.

In the previous point we noted that the good works also of the Christian are still imperfect. Why is this? The Formula gives the answer: “However, believers are not renewed in this life perfectly, or completely, *completive vel consummative*, for although their sin is covered by the perfect obedience of Christ, ... the old Adam clings to them still in their nature and all its internal and external powers.”^{clxviii} Luther’s adversaries criticized him for writing that “original sin remains after Baptism.” This was not a denial of the efficacy of Baptism. What Luther meant as we read in the Apology, was that “Baptism removes the guilt of original sin, although the material, as they call it, of the sin, i.e., concupiscence, remains. He also added in reference to the material, that the Holy Ghost, given through Baptism, begins to mortify the concupiscence.”^{clxix}

This accounts for the bitter spirit/flesh conflict the Christian experiences in his heart and life. The Formula reminds us that “since 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.”^{clxx} In one of the theses against Agricola Luther held that the “sin in the flesh still battles fiercely” against the good intentions the Holy Spirit has awakened in the Christian’s heart.^{clxxi} The unbeliever has no such struggle. He is only *peccator*. But God has worked something new in the Christian while the old is not yet completely removed. The Christian is *simul justus et peccator*. This point is of decisive significance for the third use of the law.

5. *For this reason the regenerate needs the instruction from the law lest he mistakenly choose to serve God with works not in accord with the Word of God.*

The Formula states that if Christians were “completely renewed in this life by the indwelling Spirit, so that in their nature and all its powers they were entirely free from sin, they would need no law.”^{clxxii} Adam and Eve in their state of perfection before the Fall needed no instruction in God’s immutable will for their lives. They knew it perfectly. However, though we are saints by virtue of Christ’s imputed righteousness, we are not thereby renewed perfectly in our knowledge of God and his law and its application in our lives. Thus, according to Article VI, “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, Ro 12:2, in what good works God hath before ordained that they should walk, Eph 2:10.”^{clxxiii} For this reason “the Law ... should be constantly held up to believers and be diligently urged upon them without ceasing.”^{clxxiv} Christians need the law in its didactic use because of the presence of the old man, wrapped up in one person with the new. As long as that is true, Christians will need such instruction. Their flesh can be very deceptive. Believers, according to our article, “may 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.”^{clxxv} Luther was misled by his false church and by his fleshly reason to think that with a monastic life he could render God the highest service. Instruction from God’s Word had to reveal that God was not the source of this thinking. Such a life did not correspond to God’s will as revealed in his word. Commenting on the importance of God’s law for his people in the Old Testament, Luther writes: “They could then be doubly sure that their work was being done in obedience to God and his word. So they are prevented on every hand from following their own reason and free will in doing good and living aright.”^{clxxvi} Luther notes that in the three chapters of the sermon on the mount Jesus concentrates on the right knowledge of the law and says this was necessary for two reasons: 1. against the false teachers who do not use the law properly and only teach outward works; and 2. that the true understanding of the law might be revealed to the godfearing.^{clxxvii} Thus also false teachers may mislead Christians regarding the true meaning of the law. Since Christians have flesh that can easily be misled, the continued instruction in the law from God’s Word is necessary. The Christian can be sure that what he does as a fruit of his faith is pleasing to God only when it corresponds to God’s revealed will. When false teachers or his own flesh would mislead him, instruction in God’s immutable will as revealed in Scripture guides and directs him so that the motivation he receives from the gospel will move him to works that please the God whom he loves.

By way of example. You may have heard a young couple say that they believe that because of their deep love for one another which God has worked in their hearts it is proper to express their love in premarital sex. In sincerity they may even say that they prayed over it and are convinced their conclusion must therefore be correct. Instruction from God's law in Scripture will reveal this to be a false, fleshly rationalization.

Or you may have heard a husband and/or wife say that God surely cannot be pleased with their lack of love for one another and their frequent bitter quarrels. Therefore it must be God's will that they secure a divorce and put an end to their quarreling. They may feel that their concerns are truly spiritual. Besides they discussed their problem with friends, perhaps even Christian friends, who reinforced their conclusion. Instruction from God's Word will reveal the fleshly nature of their reasoning and of their friends' advice.

Antinomianism rejects the God-given instruction the Christian needs lest his life follow the directives and rationalizations of the flesh he has not fully put off. In living their Christian lives, believers, because they are not completely renewed, need the law in its didactic use.

6. At the same time, the law continues to reprove the believer's sin, and with its threats, curses and coercion helps to subdue his unwilling flesh.

If a Christian fails day by day to apply the law of God to himself, he is in danger of becoming self-righteous in his life of good works. Article VI says: "So, too, the doctrine of the Law, in and with the exercise of the 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."^{clxxviii} The law must continue to remind the Christian that his works are not perfect. The Formula, recognizing this, 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."^{clxxix} Thus the law which "prescribes to believers good works" in its third use at the same time like a mirror reveals sin, which we call its second use. In 1539, when the antinomianism of Agricola was very much on Luther's mind, he brought all of this together when he wrote: "We need the Decalogue not only to apprise us of our awful obligations, but we also need it to discern how far the Holy Spirit has advanced us in his work of sanctification and by how much we still fall short of the goal, lest we become secure and imagine that we have now done all that is required."^{clxxx}

Christians likewise are not to forget about the first use of the law. This is because "the old Adam, as an intractable, refractory ass, is still a part of them which must be coerced to the obedience of Christ ... no less than the godless are driven and held in obedience by the threats of the Law."^{clxxxi} Thus again because of the flesh that remains in him the believer needs the law in its first use, or as Luther puts it, that the law must be preached "to the godfearing so that they are by it reminded to crucify their flesh, with its lusts and desires."^{clxxxii}

So we see that the Christian, who as we noted in part 1 is not under the law, yet needs the law in all its uses. This sounds like a contradiction. But Luther reminds us that "to the extent that we are in the flesh and still have remnants of sin in us, we are under the law," and need it in all its uses. But Luther is quick to add, "though not under the curse, because for the sake of Christ, in whom we believe, this is not imputed to us."^{clxxxiii}

We are back at the *simul justus et peccator*. Insofar as we are regenerated, we need no law but spontaneously do the will of God. Yet, insofar as we are in the flesh, we are under the law and need it in all its uses. And the same law that is preached to us as a guide for our sanctification will work contrition and help crucify the flesh. There is no room for antinomianism while we are still in the flesh.

7. In heaven where renewal is complete there will be no need to teach either the law or the gospel.

When the body of sin is entirely put off and man is perfectly renewed in the resurrection according to Article VI, “he will need neither the preaching of the Law nor its threatenings and punishments, as also the gospel any longer.”^{clxxxiv} The perfect knowledge man possessed in Eden will again be his.

By rejecting the teaching of the law to Christians the antinomians were in effect saying that at least so far as the law was concerned the believers had the perfect knowledge of heaven. In his fifth series of theses against them Luther followed this line of thought: the antinomians should prove that the just are without sin and death or that they no longer live in the flesh but are totally removed out of the world, then it would be correct to teach that the law has ceased for believers and is no longer to be taught.^{clxxxv} In a set of theses of 1537 Luther says that when Christians are perfected in heaven they will no longer need confessional statements, the Lord’s Prayer or the sacraments. Indeed, the law will cease and disappear together with prophecy and the whole of Scripture.^{clxxxvi}

In heaven there will be no seminaries, no colleges, no worker training schools for pastors and teachers. There will be no Christian day schools, no Sunday schools, no Bible information classes or sermons. There is no need to teach the law to those who have perfect knowledge and live perfectly according to it with a perfect worship of God. In that sense we will all be antinomians in heaven.

There may be few Lutherans who in principle hold to the antinomian position cited at the beginning of this lecture “that Christians are free of all moral law.” More subtle forms of antinomianism are a greater threat to us.

The influence of existentialism has for many made God’s law into putty that can be shaped and reshaped according to circumstances. Each person determines what the law says and means to him. Situation ethics does not let God’s law express absolutes. God’s holy immutable will becomes mutable. A priest in Milwaukee was reported to have told the poor that simply taking what they needed was not stealing. We hear the claim made that homosexuality is another permissible life style. When God’s law is made flexible and no longer is permitted to say what it says, that is antinomian tampering with the law. It may not destroy all law completely, but it significantly destroys its effectiveness in the life of the individual.

Christians may be tempted to practice what I shall call selective antinomianism. If legalism may add to God’s law, selective antinomianism takes away from it. A Christian couple with marital problems may say: “God’s prohibition of divorce cannot apply to our situation.” The Christian employee walks off with company property with the comment: “It’s accepted practice.” Pet sins are shielded from the condemnation of the law by denying its application. In time selective antinomianism may increase and add ever more laws to those that do not apply. To deny one law is to make all law doubtful.

What is dangerous about any form of antinomianism is that it comes between the individual and repentance. If the law does not reveal my sin, and it will not when its application is denied, there is nothing of which I need to repent. My sin becomes an accepted way of life. Since I do not recognize my sin, I also have no appreciation for Christ and his forgiveness. Luther condemned the antinomians with the same kind of language he used against the pope. After a lengthy syllogism Luther comes to this conclusion: “Hence it is that the antinomians, the enemies of the Law, evidently are either devils themselves or brothers of the devil.” He concludes his final set of theses against them as follows: “Therefore they must be avoided as most pestilential teachers of licentious living who permit the perpetration of all crimes. For they serve not Christ, but their own belly [Ro 16:18], and, madmen that they are, seek to please men, in order that from them, as a man’s judgment, they may gain glory.”^{clxxxvii}

Conclusion

Law and gospel—the holy and righteous, the merciful and gracious Lord of heaven and earth has given both to his church to proclaim. Through both the Holy Spirit is active, leading sinners to repentance, to contrition and faith. The Augsburg Confession describes contrition as “terrors smiting the conscience through the knowledge of sin.”^{clxxxviii} By means of the law the Holy Spirit strikes terror in the sinner’s heart as he sees

his sin for what it is and the just condemnation it has incurred. Faith, the other part of repentance, according to the Augsburg Confession “is born of the Gospel, or of absolution, and believes that, for Christ’s sake, sins are forgiven, comforts the conscience, and delivers it from terrors.”^{clxxxix} Thus the church proclaims both law and gospel to sinners everywhere as God’s means to repentance.

What about good works? They, as the Augsburg Confession states, “are bound to follow, which are the fruits of faith.” It is here that Luther’s recognition of the Christian as *simul justus et peccator* is so important. Only when this is understood is the church’s continuing responsibility toward those who have repented and believe clear.

As believers strive to live a Christian life, the law instructs and convicts. It teaches them what the holy will of God is. It shows them how imperfect even their best efforts are and works daily contrition and repentance. At the same time Christians receive the daily assurance from the gospel that they are righteous and holy through the forgiveness of sins and the imputed righteousness of Christ. Keeping all of this in mind, Luther writes: “Thus a Christian man is righteous and a sinner at the same time (*simul justus et peccator*), holy and profane, an enemy of God and a child of God.”^{cxc} Luther too recognized that “these two things are diametrically opposed.”^{cxc} It is a fact we cannot change in this life and must not ignore. Only as we recognize this fact will the church’s ongoing responsibility to proclaim both law and gospel be fully recognized. Yes, also Christians need both law and gospel so that they may live in repentance, in contrition and faith, producing proper fruits of repentance.

Thus the church must never fail to teach both, distinguishing clearly the content and purpose of each while also recognizing the relationship they have to one another. However, the church does well to listen to Walther’s final thesis in his classic on *The Proper Distinction Between Law and Gospel*. It contains an important reminder to all who teach and preach in the church: “In the twenty-first place, the Word of God is not rightly divided when the person teaching it does not allow the Gospel to have a general predominance in his teaching.”^{cxcii}

Endnotes

-
- cxvii Lutheran Cyclopedia, (St. Louis: Concordia, 1975), p 38
cxviii LW 26, 390
cxviiii Trig., Hist. Int. p 163
cxvix St. L. XX, 1624
cxvxx St. L. XX, 1624, footnote 2
cxvxxi Trig., Hist. Int. p 164
cxvxxii Ibid., p 164
cxvxxiii Ibid., p 166
cxvxxiv Ibid., p 165
cxvxxv Ibid., p 164
cxvxxvi Ibid., p 166
cxvxxvii LW 47, 110
cxvxxviii LW 47, p 113
cxvxxix LW 47, p 110
cxl SD V, 2
cxli SD V, 5
cxlii Ep V, 2
cxliiii Ep V, 3
cxliv Ep V, 4, 5
cxlv Ep V, 7
cxlvi Ep V, 9
cxlvii Ep V, 10
cxlviii SD V, 24, 27
cxlix Ep VI, 2
cl SD VI, 4
cli SD VI, 5
clii LW 27, 79
cliii LW 35, 244
cliv LW 35, 244
clv SD VI, 5
clvi SD VI, 18
clvii LW 27, 96
clviii SD VI, 18
clix LW 22, 144
clx SD VI, 15
clxi SD VI, 23
clxii Ep VI, 7
clxiii LW 27, 96
clxiv LW 22, 143
clxv SD VI, 22
clxvi LW 24, 232
clxvii LW 24, 233
clxviii SD VI, 7
clxix Ap II, 35
clxx SD VI, 18
clxxi St. L. XX, 1630
clxxii SD VI, 6
clxxiii SD VI, 12
clxxiv SD VI, 4
clxxv SD VI, 20
clxxvi LW 35, 239f
clxxvii St. L. VII, 18
clxxviii SD VI, 21
clxxix SD VI, 21
clxxx LW 41, 166
clxxxi SD VI, 14

-
- clxxxii St. L. XX, 1645
clxxxiii LW 26, 276
clxxxiv SD VI, 24
clxxxv St. L. XX, 1643
clxxxvi Luther, Weimar Ed., XXXIXI, p 203
clxxxvii Trig., Hist. Int. p 168
clxxxviii AC XII, 3-4
clxxxix AC XII, 4-5
cxc LW 26, 232
cxci LW 26, 235
cxcii St. L. : Concordia, 1928, p 4