law and gospel
WERNER ELERT

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LAW AND GOSPEL
by Werner Elert

This is a reply to Barth's famous essay "Gospel and Law." With Tillich and Bultmann, Elert asserts that the gospel does not create its own preconditions. Before we can understand the gospel, says Elert, we must know about the law. With his concept of "nomological existence" Elert emphasizes that the law is more than words. It is (in the words of the editor) an "operative reality" permeating human life. Elert argues that the new life that follows from the gospel is not a life of obedience to the law, as Barth contends, but a life of spontaneity and freedom. "If you are led by the Spirit you are not under the law" (Gal. 6:18).

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Law and Gospel

by WERNER ELERT

translated by Edward H. Schroeder
Introduction

This treatise by Lutheran theologian Werner Elert is a reply to Karl Barth's famous essay "Gospel and Law." The contrast between their viewpoints is evident even in the order of words in the titles of their respective essays. "We must first of all know about the Gospel," Barth writes, "in order to know about the Law, and not vice versa." But Elert defends the traditional order. According to him, we must first know about God's law—and, in particular, know that we stand condemned under that law—before we can understand the gospel.

The controversy thus partly turns on the question: Are there any preconditions for an understanding of the gospel? Or does the gospel create its own preconditions? Barth takes the latter view. Tillich and Bultmann, among others, take the former. Some sort of appreciation of the human predicament (whether mediated through existentialist philosophy, psychoanalysis, the "theatre of the absurd," or life's ordinary problems and anxieties) is essential, according to this viewpoint, if the Christian gospel, which claims to provide an answer to man's predicament, is itself to be appreciated in its full depth and range.

Elert's position appears to be close to that of Tillich and Bultmann (on this issue if not others!). He emphasizes more strongly than they do the role of the preached word—the direct proclamation of divine judgment, rather than autonomous human thought or experience—as the means whereby man becomes aware of his guilt. But on the other hand, in his concept of "nomological existence" Elert emphasizes that the law of God is far more than a form of words. It is

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an operative reality, in the midst of which and "under" which all men live, whether they know it or not.

If Barth and Elert differ on what precedes the gospel, they differ also on what follows from it. All agree that the gospel implies ethical transformation, newness of life. But can this new life properly be described as "life of obedience to God's law?" To this Barth answers "Yes; Elert, No. For the latter, the keynote of the Christian life is freedom, spontaneity, not law," and he stresses the Pauline contrast, "Not under law but under grace" (Rom. 6:14), "If you are led by the Spirit you are not under the law" (Gal. 5:18). Barth's effort to combine these alternatives by speaking of a "law of freedom," even if it has certain biblical precedents, could only be regarded by Elert as an obscuring of the issue.

Still another question involved in this debate is the basic problem of whether God's address to man, and His working in the world, is to be understood in a more unitary or a more dualistic way. (To avoid the perjorative connotations of the term "dualistic" one should perhaps say, "in a unitary or a binary way." According to Elert, we must clearly distinguish between God's word of judgment and His word of grace. According to Barth, it is more correct to say that grace is judgment, and judgment is grace.

The above by no means exhaust the issues implicit in this controversy; to deal with them adequately would require an extended commentary. We should not fail to note, however, that the debate was carried one stage further in a treatise by Elert's colleague Paul Althaus, now also available in English translation as a Facet Book. Althaus posits a third factor in addition to law and gospel, namely, "the divine command" (das Gebot). This was the original form of God's will for man, before it was distorted, on account of man's sin, into the negativities of "law." The provision of such guidance, even in the original creation, was the expression of God's grace. All the more so, when it is restored to operation by the gospel, does the command—and now this includes all the specific moral teaching of the New Testament—flow from grace. But we must not call this moral guidance "law," says Althaus, since the term "law" has taken on such negative, punitive, and, in short, "legalistic" connotations, at least in some streams of theological tradition. Thus Althaus has tried to take account of Barth's concern to found Christian ethics on the gospel and to give it a definite content, while yet respecting Elert's hesitancies regarding the category of law.

Werner Elert, until his death in 1954, was professor of historical and systematic theology at the University of Erlangen. Two of his major works have recently been translated into English: The Christian Ethics, a detailed study of the themes of the present essay and of other problems in Christian ethics, and The Structure of Lutheranism, the first part of his massive study of Lutheran history and theology. In addition, an earlier work was translated in 1927 under the title An Outline of Christian Doctrine. For details of publication of these translated works, see the For Further Reading list below. Among Elert's many other writings in German, of capital importance are his critical history of nineteenth-century theology, Der Kampf um das Christentum (Munich, 1921), and his one-volume systematic theology, Der christliche Glaube (3rd ed.; Hamburg, 1956).

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NEED FOR A CLEAR DIFFERENTIATION

For Paul the apostle a great deal was at stake, to say the least, in the proper distinction between law and gospel; for Luther, ultimately everything. For Paul, as well as for Luther, law and gospel stand in substantive dialectical opposition to each other.¹ When the law speaks, the gospel is silent. When the gospel speaks, the law must hold its peace.

This substantive dialectical divergence was, however, gradually smoothed over in the subsequent theology of Lutheran orthodoxy. The divergence was transformed into a sequence (first one and then the other) or into a more or less friendly coexistence. Law and gospel were, to be sure, still viewed as the different, but by no means mutually exclusive, contents of God's one revelation. Man's destiny was fulfilled in the decision between faith and unfaith. God's one revelation called man to faith in both cases, either as law or as gospel. The question of their divergence from one another was considered an issue of secondary or tertiary significance.

In the theology of rationalism, the issue actually was no longer under discussion. Wegscheider² no longer even con-

¹ [Eliot's term here, readdialektischer Gegensatz, expresses the core of his position. It designates a dialectical opposition in the content (rer) of law and gospel, not just in terminology (verbs). The antithesis is between substances and not merely forms.—Translator.]
² [J. A. L. Wegscheider (1771-1849), "rationalist" theologian, professor at Halle.]
Law and Gospel

sidered it worthwhile to direct one of his critical epikriseis against it, for the law as well as the gospel achieved one and the same goal in man, "moral improvement." Even Schleiermacher did not know what to do with it. Neither did the subsequent theology dependent upon him. But the same applies to Schleiermacher's antipode, Kierkegaard, who with sublime finesse also succeeded in developing a fresh concept of faith still indifferent to the divergence between law and gospel. Even among the Luther interpreters of the last century, only a few, such as Theodosius Harnack, the American Lutheran, C. F. W. Walther, broke through to the Pauline-Lutheran understanding of the divergence. Albrecht Ritschl and Wilhelm Herrmann at least took up the theme once more, but at the same time they barricaded an entire generation from an understanding of it by presenting it as but one variation of their own private theme, the relation between "religion" and "morality.

Dialectical theology, too, initially had no interest in the divergence between law and gospel. It envisioned its own task as the re-establishment of the distance between God and man which had been lost in theology since Schleiermacher. This distance dialectical theology saw as consisting in the ontic contrast between creator and creature and in the noetic contrast between divine revelation and human reception of the revelation. The essential thing in revelation, strictly speaking, is thus not what God says, but that he speaks, not what man hears, but that he heard. The distinction between law and gospel at this point is insignificant, for in both cases divine speaking and human hearing constitute the polarity.

The leveling of the divergence between law and gospel became especially apparent in the opening days of the church struggle, as a flood of monographs on nomos, Volksnomos, Volksgezet, and similar themes inundated Germany. One might have expected that the alleged or actual false teachings would have been countered with a more precise definition of the concept of law. Then the divergence between law and gospel would once more have been forced into the open. Gogarten, as a matter of fact, sought to do just that. However, the other spokesmen for dialectical theology still held fast, even in this situation, to the primacy of the concept of revelation, and saw in it the only criterion for evaluating the disparate doctrines of law being proposed. They took notice only of that which might appear as a new intrusion of anthropocentric thought into theology, and charged it up to what they called "natural revelation." The battle was not fought to maintain the purity of the concept of law. If it had been, this would have required some clear differentiation between the concept of law and the concept of gospel. Instead the battle was fought under the catchword "revelation"—true revelation vs. false revelation, natural revelation vs. revelation through the Word.

With the antithesis focused in this manner, it looked as though this affirmation of absolute and undifferentiated revelation through the Word had erected the invincible bulwark against all false doctrines. The result was the first thesis of the Barmen Declaration: "Jesus Christ, as he is proclaimed to us in the Holy Scriptures, is the one Word of God that we have to hear, to trust in life and death, and to obey." This statement makes sense in the context of the situation at that time and the antithesis which it was meant to guard against. It sought to ward off all attempts to co-ordinate a natural revelation, such as the "German Christians" claimed to find in the political events of the day, with the revelation of Christ.

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² (1811-1877), German-American theologian, founder of the present Lutheran Church—Missouri Synod.] 
³ [Nomos, “law,” Volksnomos or Volksgesetz, “people’s law” or law based on the “spirit of the German nation”–themes discussed upon the advent of National Socialism under Adolf Hitler, especially by those who wished to harmonize the church’s teachings with those of Nazism.] 
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Yet one might ask whether natural revelation, which has always been maintained in the Christian church, and by both Luther and Calvin, can be eliminated in every form simply by decree. It represents an error contradicting the Scriptures when one combines with the doubtlessly correct testimony to the uniqueness of God's Word spoken in Christ an assertion also of its exclusiveness as the only Word of God. If this were not the intention of the Barmen thesis, then here God's law should have been mentioned as one other, or more accurately, the other Word of God. Yet neither here nor elsewhere in the Barmen theses is there a word about God's law. God's law is ignored—one can hardly express it otherwise.

The authors of the Barmen Declaration might later have acknowledged this as a defect, an error, or perhaps as an accidental oversight. Nothing like this, however, occurred. The reasons need not be discussed here. This much is sure, that as a result of this omission all attempts to elevate the Barmen Declaration to the status of a binding doctrinal confession ought to have been dropped. Anyone who still had an inkling of the meaning of Luther's conflict with the Antinomians, or who had realized that in his larger commentary on Galatians Luther not only touched on the externals of the Pauline witness, but grasped at the center, would have had to admit that here something was not in order.

To meet the criticism raised from this direction, attempts soon were made to read the law back into the Barmen theses. The prime example of this is Edmund Schlink's contribution to the 1936 Festschrift for Karl Barth entitled "Theologische Aufsätze." It now became clear that at least for some of the authors of the Barmen Declaration the Word of God spoken in the law had not received full consideration in this testimonial. Presumably it did not need separate testimony, since it is essentially identical with that Word of God spoken in Christ. Wilhelm Niesel, in his book on Calvin's theology,

penned the statement: "Jesus Christ is the heart of the Law." One asks almost involuntarily: What would Paul say to that—the Paul of the Epistle to the Galatians, the Paul who wrote II Corinthians? Niesel intends his statement to represent Calvin's view: We shall return to this later.

Karl Barth had already presented his view of the issue in his monograph of 1935 entitled, "Gospel and Law." He states that law and gospel stand in a dialectical relationship. Absolutely correct. But the question remains what one means by dialectic. If one means thereby a dialectic of the substance, this would imply what we said at the outset, that when the one speaks the other is reduced to silence, and vice versa. Law and gospel speak contradictory lines and therefore can never talk in unison. According to Barth, however, law and gospel merely designate one and the same act of God, the content of which is always the same, although it is manifested in God's twofold manner of speaking. When God speaks in the law, it is simultaneously a promise, therefore also gospel.

When God speaks in the gospel, on the other hand, he simultaneously expresses his demanding will; and therefore it is law. "The Law is nothing else than the necessary form of the Gospel, whose content is grace." The explanation for this reduction of the substantive dialectic of law and gospel to the verbal dialectic of form and content lies in Barth's statement: "The very fact that God speaks to us, that, under all circumstances, is, in itself, grace."  

The idea that God speaks only grace to man is a fundamental error. What God said to men at the beginning of world history as he expelled them from the garden of their origin was not grace in the mind of the Old Testament narrator, but

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punishment! The statement of the decalogue about God visiting the iniquities of the fathers upon the children has the same significance. "God threatens to punish" is the way Luther interprets this, and without a doubt he is correct. The threats of the law can fulfill a pedagogical purpose and thereby stand in the service of God's grace, but they do not have to do so. And where they do not fulfill this purpose, they cannot be understood as grace. No exegesis can twist Isaiah's words about Assyria, Moab, and Egypt into declarations of grace for the victims. Or should the infants of Babylon destined to be dashed against the stones, and the women who were to be outraged, understand this somehow as the grace of God? With the statement that God speaks only grace, the divine law is rendered impotent.

"THE LAW ALWAYS ACCUSES"

The citation from Niesel above is drawn from his presentation of Calvin's doctrine of the law. Whether Niesel always interprets Calvin correctly in this connection might be questioned. But doubtless he is correct in tracing back to Calvin the process just described of leveling out the contrast between law and gospel. In the Geneva Catechism of 1556, Article 3, Calvin defines the law as "a rule of life, a règle de bien vivre et justement (rule for living rightly and justly). It fulfills an informative task and at the same time induces its own fulfillment. What is written in God, 20:1-12 is the "one everlasting and unchangeable rule for our life . . . applicable to every age." 12 Christ has not brought about the slightest change in this respect. The words of the decalogue do not demonstrate, as Luther thought, the impossibility of fulfilling the law, but quite to the contrary they are supposed to "form us and prepare us for every good work." 12 It is the absolutely perfect rule for all righteousness. Even all the admonitions, commandments, and exhortations of the prophets and apostles are nothing more than exegesis of this law, according to the Geneva Catechism. The only difference in the validity of the


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law for the unbeliever and for the believer is that the latter are redeemed from the law's curse. The law is actually the ultimate criterion for measuring man's relationship with God. Even the gospel serves under this ultimate criterion. "But the Gospel did not so supplant the entire Law as to bring forward a different way of salvation [diversam rationem salutis]. Rather, it confirmed and satisfied whatever the law had promised, and gave substance to the shadows." Taken as a whole the law differs from the gospel only in the clarity of its manifestation.

It is clear that Barth's statement about the law as only the form of the gospel coincides exactly with this view of the law in Calvin. In Niesel's words, Calvin understands the law "as the covenantal law of the gracious and faithful God, and imparted by Him to His church." This sentence applies the significance that the law had in the ancient theocracy directly to the church of Christ, and would seem to justify the unification of law and gospel. For if the law is a demonstration of God's grace, then it grants nothing less than what the gospel itself grants, namely, God's grace, and the gospel itself never can do anything but confirm it. Then the law is in fact, as Calvin teaches, the end of God's ways with man. The gospel then stands in the service of the law. But in this line of reasoning three things have been overlooked.

In the first place the promises of the law, which to be sure the law does contain, are not applicable unconditionally, but only on condition. "I the Lord your God . . . show steadfast love to thousands of those who love me and keep my commandments" (Exod. 20:3-6). Thus God promises his grace only on the condition that the law is fulfilled. Here the fundamental difference between the law and the gospel becomes immediately apparent. The law promises mercy to the righteous who have fulfilled it, the gospel to sinners who have not fulfilled it.

14 Ibid., sects. 14 ff.
15 Ibid., Bk. II, chap. ix, sect. 4.
16 Niesel, op. cit., p. 94.
Secondly, the law contains, in precise co-ordination with its promise of reward, a threat of punishment. It is always a law of retribution, both for good as well as for ill. This is the way the law understands itself, and this is how the entire Old Testament understands it. Not only Paul, but also Christ himself understands it thus. The Old Testament Torah, in the manifoldness of its contents, is from first to last the book of reward and punishment, not only in its actual legislation, but also in its paradigms of individual biography (Gen. 38:7) and of the history of nations (Num. 14:22 f.). The shedding of man's blood requires the shedding of man's blood (Gen. 9:6), “eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe” (Exod. 21:24 f.). The law of retribution is God's law, in the strictest sense; man is always only the executor who carries it out. "Vengeance is mine," says the God of the Old Testament, and he wills the “recompense” (Deut. 32:35); and the New Testament reiterates this sentence as the valid nomos of God (Rom. 12:19; Heb. 10:30 f.; cf. II Thess. 1:8; Rev. 6:10). Nomological existence, living under the law, means living under the curse (Gal. 3:10). God's nomos brings wrath (Rom. 4:15), because it is the law of retribution.

Therewith we have already touched upon the third and gravest error of this interpretation. The law is understood only as God's legislation. Here God appears as a legislator, in analogy to a human lawmaker. He who with his law is only seeking to answer the question of his subjects: What should we do? One could illustrate this error in numerous works on ethics—not only from Roman Catholic authors (where it does not surprise us) but also from Protestants. In Calvin's case, of course, this is unequivocally clear when he defines the law as a rule for life. St. Paul, on the contrary, understands the law as God's juridical activity. God's legislative action stands in the service of his juridical action, that is, his functioning as judge.

The difference becomes immediately obvious in the way sin is defined, which even shaped the standard definition in the
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writings of the old dogmaticians. **There sin is usually defined as transgressio legis, aberratio or exorbitatio a legi disima** (transgression of the law, departure or deviation from the law). Of course no one would deny that. As a matter of fact First John provides the prototype for all these formulae: “sin is lawlessness” (anomia [I John 3:4]). **However, this definition is analogous to the supposed definition of faith in Hebr. 11:1. Neither of them is exhaustive. Such a partial definition of sin as transgression of the law is not only inadequate, but actually becomes misleading if thereby the law is viewed only as a governing law, as a rule for life. The law then appears to be something like a fence running alongside the straight path. We traverse this path on our journey through life—obviously on the right side of the fence, like a well-curbed horse. However, it frequently happens that the horse capers across the fence and thus lands in forbidden territory. It is in this sense that sin is seen as “transgression,” as overstepping the boundaries of the law.**

**In reality the law has a completely different task. It does not operate with the presupposition that we are on one side of the fence, but that we are already over the fence and, what is more, that our entire life’s journey from beginning to end is on the wrong side of the fence. This represents the actual meaning of the church’s doctrine of original sin, drawn from St. Paul, which says that from the very moment of our origin we are not moving down the straight path, but in forbidden territory. Paul makes the same point in another connection. He states that the law was not given until four hundred and thirty years after Abraham (Gal. 3:17). He means, of course, the Sinaitic legislation, including the decalogue. On the other hand, he establishes that sin was present before Sinai. Consequently death too, which is the wages of sin, already reigned from Adam to Moses. Thus because sin was there, the law of retribution was already operative (krima eis katakrina [Rom. 5:16]). Accordingly this law was already operative independent of God’s Sinaitic legislation. It was operative in the form of the divine verdict, i.e., God’s juridical action. Thus Paul views even pre-Sinaitic mankind (and of course all others as well) as men who are not only judged by God, but condemned and sentenced by him. The law, i.e., Sinai, is only “added because of transgressions” (Gal. 3:19). Accordingly these transgressions are already presupposed by the formal legislation. The law in no sense produced a turn for the better by finally giving men a rule for life, by which they could now organize their lives. Instead it revived sin, granting it new power by provoking it to opposition. At all events it was unable to do anything else but make sin apparent. It pursued its purpose of granting man insight into his opposition to God (Rom. 7:7 ff., 3:20; I Cor. 15:56; I Tim. 1:9).**

*Lex semper accusata* says Melanchthon in the *Apology to the Augsburg Confession* the law always accuses.17 With these words he expresses in the most concise formula not only Luther’s view, but also Paul’s. If the law really is God’s law, God never assumes the attitude of a human legislator merely waiting to see whether or how man will fulfill it. Rather, God is always simultaneously the judge who renders a verdict and, without making any exceptions, passes sentence. No amount of thoughtful reflection can eliminate this accusatory function from the law. Consequently the law can never be only a rule for life. It has always exercised this accusatory function according to the testimony of the entire Holy Scriptures both before Christ and after Christ, and it will do so also in the final judgment. It functions this way for every single individual, for the godless as well as for the so-called righteous, and also for the regenerate.

Even Christ himself had no different view of the law. To be sure, one must distinguish here between commandment and commandment. When Christ, according to John, speaks of a “new commandment,” this is precisely and truly a *new* commandment and not simply a new interpretation of the decalogue. The newness is evident first of all that the commandment is designed only for the disciples as the criterion

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of their discipleship, and, secondly, in that it commands mutually reciprocal love (allelous agapete, John 13:34). One need only think of the commandment to love one's enemies in order to recognize that the "new commandment" is something else than that commandment of love which interprets the old law, for loving one's enemy is in the nature of the case always one-sided. Therefore this reciprocal love must be excluded from consideration in our inquiry about the law, since under the law there are no disciples of Christ nor can one even begin to understand what such reciprocal love might mean.

If we accordingly confine ourselves now to the interpretation of the old law by Christ, we see at the outset an obvious heightening of the demands of the decalogue in his exegesis of it in the Sermon on the Mount. In contrast to a merely external fulfillment of the Fifth and Sixth Commandments in actions, he demands the inner fulfillment of the heart. His speeches condemning the Pharisees and scribes move in the same direction, since these men hold fast only to the external regulations but leave unfulfilled "the weightier matters of the law, justice and mercy and faith" (Matt. 23:23). Obviously the words of Christ cannot be twisted in order to say that by heightening the demands of the law he sought only to demonstrate the impossibility of fulfilling it, and thus from the very outset to induce his hearers to capitulate. The law is and remains a demand. It is inviolably valid. Not an iota will pass from it. It ought to be and must be fulfilled (Matt. 5:18).

It is another question, however, whether with this heightened interpretation Christ intended to say that his hearers actually had fulfilled the law. If he really did intend to say that, then there would be a contradiction between him and Paul. But that would be an even worse twisting of his words than the previous one. Exactly the opposite is correct. The proof is found precisely in his treatment of the decalogue commandments. For when he transposes the criteria for fulfillment from the external to the internal, he presupposes that his hearers know what feelings of hatred and evil lusts are. Here we already have the lex semper accusat. What murder and adultery are, in the sense of acts that transgress the commandments, one can also learn merely by being told. However, what hatred and evil lusts are we could not even imagine if we had not experienced them ourselves. Accordingly, for the man who receives the heightened interpretation of the decalogue as validly directed toward himself, it exposes his own inner nature, and demonstrates to him that his opposition to God's law is not only possible, but actual. At that point no further self-examination is necessary. The man who understands what Christ means by hatred and impure desires testifies by the mere fact of this understanding that he is already guilty of this transgression.

The law always accuses. Christ exempted no one from this verdict. Proof of this can be seen in his call, directed to everyone, for repentance from the heart (Mark 1:15 in conjunction with Luke 13:3-5). The "Our Father," designed for all to pray, presupposes also that all are guilty (Matt. 6:12). Therefore also in the interpretation which the law receives from Christ it always exposes man's sin. There is no situation imaginable, so long as the law reigns over us, where it would not exercise this accusatory function.
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LAW AS SECURITY

The law fulfills still another function. *Nomos* ("law") is a concept of order, denoting a particular relationship of man to God, as well as to the entire creaturely world. By means of creation, man is placed into the world; by means of *nomos*, he is held secure in it. *Nomos* in this sense cannot be confined to the written law of God. The Fourth Commandment of the Decalogue, for example, does not bring the father-son relationship into existence, but presupposes it as a natural, nomological fact. Similarly the Sixth Commandment does not command one to enter the estate of marriage, but—rather forbids one to break a marriage that already exists. Here too a natural, nomological fact is presupposed. Even in the New Testament the creaturely difference between man and woman (I Cor. 11:3 ff.), the natural separation of young from old, is impressed upon the hearers. Each of these relationships is *nomos* since each always brings man into relationship to the God of nomological order.

Nomological existence, being in the law (Rom. 3:19) or under the law (Gal. 3:23, 4:5), consequently also means that we are not at the mercy of an arbitrary authority, a blind fate, a chaos of accidental hit and miss; rather, with all other creatures, we too are subject to the lawfully ordered reign of God. Nomological existence is, to be sure, existence in confinement, but the confinement need not be considered something negative, for as long as we are bound to this confined existence it is also impossible for us to fall out of God's order. Confinement, insofar as it represents being tied to something, is also security.

This securing function of the law, however, may be questioned at three points. In the first place, the same natural law which secures our earthly life also ensures the inevitability of our death. Thus it is also a law of death, and consequently not just security, but also threat. Secondly, the nomological order of the world is itself in constant danger of being disturbed or destroyed by the powers of evil. There also exists in the world an order of evil, with its own nomological structure—the reign of sin (Rom. 5:21, 6:12 ff.) with its own law (Rom. 7:23 ff.); its own psychological law (Rom. 7:7 ff.; James 1:15), sociological law (II Kings 17:22), hereditary law (Rom. 5:29), law of tradition (II Kings 3:3, 10:29), law of accumulation (Isa. 30:1). The most dreadful of these laws of evil is the law of demonization. We call an event demonic in which good is transformed into evil. Against these forces of evil, according to Romans 13, God has established the order of the state which holds them in check, even by use of force, and as God's agent administers the law of retribution. What this achieves, however, is that the nomological order of the world is preserved only externally; and that is its chief limitation. Against internal lawbreaking, which can be camouflaged by externally good behavior, the entire nomological order is unable to provide any defense.

What we have said up until now may be summarized in Luther's doctrine of the *diplex usus legis*, the twofold function of the law. The "proper" function (*usus proprius*, theological or *spiritualis*) is the function of the law which exposes our sin. The law is always the *lex semper accuses*. The "political" function (*usus politicus*) is the function of the law to hold evil itself and evil men in check, at least to the degree that they do not completely destroy the conditions for our earthly life.
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CHRIST AND THE GOSPEL

WHAT then is the gospel? There is no doubt that, like the law, it too is a declaration by God. In both cases we become conscious of God’s authority. The obvious conclusion is to view the gospel too as a manifestation of God’s will. Of course no one would quibble with that. One might then further conclude that every manifestation of God’s will is unconditionally binding for us. If we continue on this line of thought, we are almost inevitably tempted to view the relationship of the gospel to the law as a parallelism. It is then but one step to the position that the gospel too, as Calvin maintained of the law, is mainly a regle de bien vivre et justement. We shall return to this opinion presently.

Paul, who designated his entire apostolic ministry as *euangelizesthai*, preaching the gospel, and his entire testimony as the evangel, the gospel, held a different position. That can be seen in the context of his proclamation. One might define the gospel in Paul’s sense the way Gogarten did (taking his cue from Rom. 4:25) in his proposal at the Faith and Order Conference in Lausanne in 1927; the gospel, he said, is “the message of Jesus Christ who was delivered up for our sins and raised for our justification.” 18 This formulation at least has the merit of properly expressing three things about the manifestation of God’s will proclaimed in the gospel. First of all, like the law, it too is God speaking, it is a “word” of God; but this Word, in contrast to the law, consists in a person, namely, the person of Christ. Secondly, it is not only the speaking Christ who is the content of the gospel, but also the dying and resurrected Christ; that is, that which happened to him. And thirdly, the reason this proclamation is labeled an “evangel,” i.e., something salutary, is to be found in the words “for our sins” and “for our justification.” Of course this definition is only an abbreviation, but Paul himself on occasion expressed it in an even shorter formula: “the word of the cross” (I Cor. 1:18).

Thus one can understand why the first four books of the New Testament have been designated “the evangel” (“the Gospels”) and their authors “evangelists” ever since the days of the primitive church (cf. Mark 1:1). These writings are reports, but they have the same Christ and the same events for their content as does Paul’s kerygma. There is only this difference, that they transform us, mediately, into eye- and ear-witnesses of the earthly Christ, of his speaking, acting, and suffering (cf. I John 1:1), while Paul presupposes that his readers know of these events. We may validly assume that in his oral proclamation he too reported more about Christ than he does in his letters (Gal. 3:1; cf., e.g., Acts 20:35), but his letters are intended initially to be an inter-

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preparation of these events. In any case, we today would be unable to understand Paul’s testimony without the report of the Gospels. In fact Paul’s testimony must stand the test of the evangelists’ reports. The evangelists also see the cross and resurrection of Christ as an essential component of their witness. Yet it is only from them that we really learn to know him who was crucified and raised again. It is only from them that we encounter the crucified and risen Christ also as the speaking and acting Christ.

This is crucially important precisely for the question of the relationship of law and gospel. What we have been criticizing as an erroneous understanding of this relationship is usually supported by passages from St. Paul. But these passages, strictly speaking, are husks without the kernel if for one moment we lose sight of the concreteness of Christ’s person in the evangelists’ witness. The contention that Paul always has only the exalted Christ in mind becomes no more credible merely by frequent repetition. For Paul did not forget the crucifixion in favor of the resurrection; and for him, too, the crucified Christ is the earthly, not the exalted, Christ. The fact that Christ “intercedes for us at the right hand of God” and that therefore nothing “shall separate us from the love of Christ” (Rom. 8:34 f.) would itself have to remain doubtful if the earthly Christ had behaved differently toward sinners. The programmatic statement of the fourth evangelist, “The law was given through Moses; grace and truth came through Jesus Christ” (1:17), could just as well come from Paul, and might be used equally as well as the Pauline statements for defining the relationship of law and gospel. But we would not even know that this “glory full of grace and truth” was seen nor wherein it consisted (John 1:14) unless the evangelist had first transformed us into eye-and ear-witnesses of the earthly Christ.

Therefore we must also attempt to address the question of the relation between law and gospel to the Christ presented in the evangelists’ witness. It would appear that we have a solid starting point for this in the statement in which Christ affirms the law: “not to abolish . . . but to fulfill” (Matt. 5:17 f.). It has already been said that Christ even intensifies the law, that he too views it as a law of retribution, and that his interpretation of it confirms the statement (ci. semper accusat. Indeed the Formula of Concord, taking its cue from Luther, labeled all this as the opus alienum, the “strange work” of the Spirit of Christ, a work which he carried out for no other reason than to get his “proper work” done: to comfort and to preach about grace.29 No one can deny that according to the testimony of the evangelists Christ actually does carry out another “work” different from teaching and interpreting the law. The criteria by which John the Baptist was supposed to perceive in Christ the fulfillment of prophetic promise are not those of the law. Among them is the “good news preached to the poor,” which surely cannot refer to the law, since the law makes no distinction between rich and poor (Matt. 11:5 f.). By means of these criteria, Christ’s words and actions are inextricably bound to each other, and both occur on a plane completely different from that of the preaching and fulfilling of the law. Healing the blind and the lepers, as well as preaching the good news to the poor, does not deny the law. But neither can one say that thereby it is fulfilled. What becomes apparent in these criteria is the fulfillment not of the law, but of the promise. Here we encounter the first point at which Paul’s witness passes the test posed by the evangelists’ portraits of the earthly Christ, for in Paul, too, Christ assumes a position over against the law because he is the fulfiller of the promises (Rom. 4:13 ff.; Gal. 3:17 f.).

The significance of these criteria is not, however, to be found in the material events referred to, but in what they say about the person of Christ. They are signs, hints, pointing to Christ himself. Inquiring about the relationship of law and gospel compels us to attend not only to what he says, but also to how he acts. If, as Calvin says, the gospel differs from the law only in the clarity of its manifestation, then we

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might expect that Christ would differentiate between those men who fulfilled the law and those who did not, that he would proclaim the law to both and accordingly, since the law is always a law of retribution, promise reward to the former and threaten the latter with punishment. We might further expect that he would give little attention to the former, since in their case everything was in order even without him, but conversely that he would devote his entire energies to helping the latter become what the others had become without him, namely, righteous men who fulfilled the law.

Christ’s actions seem to confirm this view. As soon as he appears on the human scene, he sets up a division which cuts across all human sectors, all classes, all other boundaries whatsoever. He partitions mankind into “sinners” and “righteous,” and associates himself with the former. He becomes “the friend of sinners” (Matt. 11:19). He is the physician who has come only for the sick, not for the healthy; he is the shepherd who goes after the lost sheep, leaving to itself the herd of those who did not go astray. He is always to be found in the company of sinners, even in the hour of his death.

But let us first inquire into his attitude toward the righteous. We can assume that he uses the term “righteous” in the same way as contemporary idiom does and even the Gospels themselves do, namely, to refer to those men who are faithful to the law as opposed to all libertines (Matt. 5:45, 9:13, 10:41, 13:17, etc.; cf. Matt. 1:19; Mark 6:20; Luke 1:6, 2:25, etc.) and that he thus did not use the term merely ironically. In this sense the Pharisees and scribes are faithful to the law—yet Christ is constantly attacking them. He reproaches them with the words: “Outwardly you appear righteous to men, but within you are full of hypocrisy and iniquity [ἀνομίας]” (Matt. 23:28). Their righteousness is not a righteousness in truth, but a performance, a “theater” before men (παρασκευή, Matt. 6:1). They seek to protect themselves behind the law (Luke 18:9). They declare themselves righteous before men without giving thought to the fact that God knows their hearts (Luke 16:15). What Christ reproaches them with is that under the pretext of adherence to the law they refuse to be sinners. As a matter of fact they are sinners. But they live an “as if” existence, in anxious dread of the truth—as if they were not sinners at all (John 9:39-41, 15:22). For this reason they cling to the law. They accept and acknowledge it as a rule for life, but they refuse to hear its pronouncement of the divine juridical verdict.

That is Christ’s judgment on the Pharisees and scribes and their adherence to the law. This verdict applied also to the Pharisee Paul. All that might be said to commend them he also claims for himself (Acts 22:3, 26:5; Phil. 3:5). But after he has come to know the law as God’s juridical action, he has to confess that by the works of the law no one will be justified (Rom. 3:20; Gal. 2:16). The path of the law which the Pharisee travels in his adherence to the law leads to his “own righteousness,” not to God’s righteousness. The former is the product of human self-evaluation, the latter of the divine juridical act. This annihilating verdict which Paul knew had fallen upon him he took and extended finally to all Israel (Rom. 10:2 f.).

If Christ did use the law as a yardstick when he partitioned the sinners from the righteous, by no means did he imply that everything about the “righteous” was in order by virtue of their keeping of the law, in contrast to the situation of the “sinners.” For this reason alone, if for no other, he could not possibly see his task with the “sinners” to be aimed at making them as “righteous” as the adherents of the law.

How does Christ really proceed with the sinners? One might expect that he would appear in their midst like an Old Testament prophet, or a modern “fire and brimstone” preacher, with passionate reference to the threats of the law of retribution, seeking thus to drive sin out of them. As a matter of fact he does not minimize the threats. Ruthlessly he exposes sins and also announces judgments. But the people to whom he applies this are precisely the Pharisees and
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Of course they are not excluded from his call to repentance, for that applies to all. According to the Gospel of John he admonishes them henceforth to sin no more (5:14, 8:11). According to Luke the “sinner” Zaccheus, even before he encounters Christ, has begun to make restitution for his misdeeds. Similarly the parables of the prodigal son and the publican who dared not even lift his eyes to heaven portray graphically the contrite repentence of the sinner. However, Christ never makes their completed repentence the prerequisite for his associating with them. As a matter of fact there is absolutely no condition which has to be fulfilled in advance. He visits them as though no aspect of their being human, all too human, separates them from him. He talks with them, where it is needed he grants them his salutary help for all sickness, and if he ever does get around to speaking about their sins he does it in such a way that one hardly hears any rebuke (John 4:17 f.), or he goes so far as to say that their sins are forgiven them.

Where will this lead if he who is no sinner sits down with sinners as his equals, at the same table, without setting forth any conditions or giving any rebuke? Must they now come to the conclusion that their being sinners is really not so bad, a completely insignificant affair, since he who is no sinner himself apparently ignores the fact entirely? How will these men ever be improved? The Gospels answer these questions by showing us the consequences which this procedure originally did have and always will have.

The first consequence is that the sinners (among whom we may confidently reckon ourselves, together with the apostles, since we all stand under the same law) as a direct result of this procedure are compelled to confess that Christ himself is no sinner. Thus in the same moment that the last human barrier falls, there comes into view a new, insurmountable boundary—the boundary between purity and impurity, between truth and the lie, between innocence and guilt. Christ stands on the one side; we ourselves, the apostles, and all other men on the other side. There is no syllogistic proof for this, nor any from morality or the philosophy of religion. But it is so. For what purity, truth, and innocence are, we do not know from the law. They cannot be expressed in dogmas, commandments, prohibitions, in fact not at all in material categories. They are criteria of human personhood, and there is no other person in whom they assume visual form for us than the person of Christ.

Therewith we have already come to the second consequence. In the encounter with Christ sinners experience how different they are from him. This difference is likewise a difference in personhood. When, for example, the centurion from Capernaum says that he is not worthy to have Jesus come under his roof (Matt. 8:8), or when John the Baptist confesses that he is not worthy to stoop down and unlace the thong of Jesus’ sandals (Mark 1:7; Acts 13:25), or when Peter pleads with Jesus not to come too close since he himself is a sinful man (Luke 5:8), the immediate occasion for the statement is, of course, different in each case. But the difference which each man senses between himself and Jesus is always a difference between person and person. It is never merely a quantitative “more or less,” or a qualitative being better or being worse. It is a total difference, the difference between the whole Christ and the whole man—as a sinner.

This brings us to the third consequence. These men are not only sinners in fact, as were the Pharisees, who adhered to the law, but they are also sinners in truth.20 A man is in truth what he is in fact when he makes no attempt to create a false impression of himself, but desires to be nothing other than what in reality he is. We see the reverse side of this

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when Christ acknowledges faith to be present wherever “the whole truth” is spoken (Mark 5:33 f.). “If we say we have no sin, we deceive ourselves, and the truth is not in us” (1 John 1:8). Men of faith are already in the realm of truth, in its field of force, for they already know what in reality they are. But this truth still distresses them, just as the certainty of death distresses a man with cancer, or just as the psalmist is distressed by the fact that our days pass away under God’s wrath because he sets our iniquities in the light of his countenance.

The distressing situation reaches a climactic crisis the moment Christ sits down at the same table with these men. They now see “the Holy One of God” (John 6:69; Mark 1:24), purity, innocence, truth in person before them; and at that moment there is no longer any doubt that they themselves are the opposite. This Physician not only speaks the truth, but he is the truth, even when he is not speaking at all. He is truth by the mere fact of his existence. Here we see that truth is an inter-human relation. Christ is not only the truth in and of himself; he is also the truth for all others because there can no longer be any “as if” in and for them, nor any “as if” between him and them. As soon as he becomes the friend of sinners, there no longer exists between men any theathēnia, any Pharisaic “putting on,” any untruth, any “as if,” but only pure truth.

Nevertheless, the truth which, personified in Christ, appears in the company of sinners, is totally different from that which they dreaded. This man has now become their friend. He is now their equal. By becoming their equal, however, he reciprocally makes them also his equals. If he sits down with them at the same table, then the distinction between sinners and him who is no sinner is abolished. Are they then really no longer sinners? It sounds incredible. As a matter of fact this is the crucial question addressed to all of us, whether we can believe this of him. Here is the focus, the beginning and end, of the concept of faith as it is used in the Gospels. The apostles do believe him, for it is this that the fourth evangelist has in mind when he says: We beheld his glory—full of grace and truth (John 1:14). Christ is not only the truth in person, but also grace in person. From his fullness we have all received grace upon grace; and this it is that differentiates him from Moses the lawgiver (John 1:16-17).

It is this procedure in dealing with sinners that we have in mind when we designate as “Gospels” the writings of the four evangelists who report it to us. Is this procedure nomological? No! According to the law the exact opposite would have to happen. The law “threatens to punish.” According to the law, the iniquities of the publican, of the malefactor on the cross, of the adulteress would have to be visited upon their children to the third and fourth generation. Christ, on the contrary, forgives all their iniquities. The law erects an insurmountable barrier between the saints and the sinners. Christ tears it down when he, “the Holy One of God,” sits down at table with the sinners and makes them his equals. The evangelists agree completely with Paul that he himself, in his own person, perfectly fulfills the law. But what he here does with sinners goes against the law. This gospel differs from the law, not merely by “the clarity of its manifestation,” but as day differs from night, as condemnation differs from pardon. They simply cannot be united. Nor is any compromise between them possible. Sinners are either forgiven or recompensed.
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THE MEANING OF CHRIST'S DEATH

The gospel which we have heard in the evangelists' witness up until now is not yet complete. The faith of the disciples, and of all the sinners pardoned by Christ, reached a perilous crisis when Christ was crucified. His death led them to doubt whether the pardon they had received from him was actually God's own acquittal of them. God himself conquered this doubt by raising him from the dead. But the fact of Easter did not prompt them to view his death as though, so to speak, it had never happened. In the economy of the apostolic division of duties which we encounter in the New Testament writings, it appears as the special commission of Paul to interpret the death of Christ as gospel, so that it may be understood as a saving event. But here, too, the understanding presupposes the event; the interpretation presupposes the evangelists' reports of the death.

What is the relationship between the death of Christ and his earthly life, according to these reports? How, in particular, is this death related to the fact that he offers forgiveness in the face of the law of retribution? At the outset it is clear that in dying Christ assumes no different attitude toward sinners than he did while living. In the very last hour he pardons the malefactor, thus contradicting the law of retribution right up to his very last breath. With reference to those who are crucifying him, according to the law he should remind his Father that whoever sheds man's blood must have his own blood shed in return. Or he might remind the Father, "Eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe." For the retributive principle (lex talionis) is the fundamental statement of the entire Old Testament law. Instead of this, however, Jesus prays his Father to forgive his murderers.

Furthermore, it is apparent from the report of the evangelists that it was precisely his divergent attitude toward the sinners and the righteous that brought him to the cross, for those faithful to the law are his accusers and his judges. "We have a law, and by that law he ought to die" (John 19:7). His death is a lawful occurrence simply for the reason that here retribution is being meted out. This is the thinking of all who nail him to the cross—the high priests and scribes, the consenting mob, the soldiers. Everyone is covered, for they all act lawfully. What results from this event, to be sure, is blood guilt, but the law as norm of human behavior protects all from the charge of illegality. Therefore no one need isolate himself from such legal procedure. As a matter of fact, no one can isolate himself from it, for all of us are beneficiaries of the legal system, not only each of us by himself, but also humanity as a whole.

But does not the law here strike down one who is totally innocent? Is not this allegedly lawful procedure actually absolutely unlawful? Has an error occurred here? Don't the adherents of the law know whom they are condemning? Indeed they do! "This man performs many signs" was the opinion expressed at their first preliminary hearing (John 11:47). These are the same signs which convinced John the Baptist that Jesus was the fulfiller of the prophetic promises. Nevertheless the adherents of the law come to the conclusion that he must die (John 11:50). "Are you the Christ, the Son of the Blessed?"—that is, are you the promised Messiah? This was the decisive question of the chief officer of the adherents of the law before the Sanhedrin (Mark 14:61). And it was the affirmative answer of the accused that constituted the
THE MEANING OF CHRIST'S DEATH

The gospel which we have heard in the evangelists' witness up until now is not yet complete. The faith of the disciples and of all the sinners pardoned by Christ reached a perilous crisis when Christ was crucified. His death led them to doubt whether the pardon they had received from him was actually God's own acquittal of them. God himself conquered this doubt by raising him from the dead. But the fact of Easter did not prompt them to view his death as though, so to speak, it had never happened. In the economy of the apostolic division of duties which we encounter in the New Testament writings, it appears as the special commission of Paul to interpret the death of Christ as gospel, so that it may be understood as a saving event. But here, too, the understanding presupposes the event; the interpretation presupposes the evangelists' reports of the death.

What is the relationship between the death of Christ and his earthly life, according to these reports? How, in particular, is this death related to the fact that he offers forgiveness in the face of the law of retribution? At the outset it is clear that in dying Christ assumes no different attitude toward sinners than he did while living. In the very last hour he pardons the malefactor, thus contradicting the law of retribution right up to his very last breath. With reference to those who are crucifying him, according to the law he should remind his Father that whoever sheds man's blood must have his own blood shed in return. Or he might remind the Father, "Eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe." For the retributory principle (lex talionis) is the fundamental statement of the entire Old Testament law. Instead of this, however, Jesus prays his Father to forgive his murderers.

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grounds for the death sentence. The adherents of the law make a decision here with the help of the law against the promise. To this extent, the execution of Christ is in fact a lawful action. And here once more it becomes irrefutably clear that law and promise—namely, that promise which Christ fulfills—are irreconcilably opposed to one another.

All men who are what they are by virtue of the works of the law are, according to the apostle, under the curse (Gal. 3:10). It is the curse of nomological, lawful existence which is revealed in the cross of Christ. This is true in a threefold sense. First of all, the law seduces man to take cover behind it. This is the content of Jesus’ censure of the adherents of the law. Secondly, the law stands in the service of the wrath of God (Rom. 4:15). It obscures the promise, conflicts with it, and prevents man from believing it. In the third place, it demands retribution, in irreconcilable opposition to the forgiveness granted by Christ. It is for this reason that whoever lives nomologically lives under the curse.

The dying Christ, however, not only reveals the curse of the law; he takes it upon himself. He dies voluntarily. In his crucifixion he is “reckoned with the transgressors” (Mark 15:28). Precisely that is what he himself wanted when he became “the friend of sinners.” Thus it is not until his death that he completely fulfills his mission, for not until this point is it fully true that by becoming our equal he makes us also his equals. By dying voluntarily he wills exactly what his lawful accusers, the judges, the spectators, in fact everyone willed. If, however, he himself willed it, then he himself is guilty of his death—he takes the guilt of all upon himself. For the others he begs forgiveness. The circle is closed, because now there is one who truly takes upon himself the guilt which in reality all carry. He carries the guilt of the whole of humanity.

This is how the evangelists report it, and this is how Paul and the other apostles understand Christ’s death. Therewith they have taught us to view it in terms of God’s juridical action. For the final thing that must yet be said is that in dying voluntarily Christ dies obediently. He dies because God wills it. The fulfillment of God’s will which Christ carries out, however, is not the fulfillment of God’s legislative will (i.e., the law as a rule for life), but the fulfillment of his juridical will. “He trusted to him who judges justly” (I Pet. 2:23). The death of Christ is judgment. God is here administering justice according to the law of retribution. Here the total nomological being of mankind is not only exposed in its falsehood, but because expiation must occur right here, it is also mortally wounded. The expiation consists in this, that he who restores the truth between God and man by making all of them sinners in truth, is forced to die precisely for this act. God’s verdict, to which Christ subjects himself in bearing the guilt of all, says that God has accepted this expiation. The curse of the nomological character of all human existence is abolished (Gal. 3:13; Rom. 3:25; 1 John 2:2, 4:10; Heb. 9:28).

What significance, then, does Christ’s death have for the relationship of law and gospel? To what extent does it belong in the gospel at all? To what extent is it gospel? First of all, one can say that it is gospel because in it a promise is fulfilled. This is how the apostles viewed it. They perceived in this death, as Jesus probably did himself, the fulfillment of the prophetic word about the vicarious suffering of God’s Servant (Isa. 53; Mark 10:45, 14:24; Acts 8:32 f., etc.). Whereas the promise made by the law applies to those who fulfill it, this promise applies to the transgressors who have not fulfilled it. And this promise is itself fulfilled in the death of him “upon whom was the chastisement that made us whole” (Isa. 53:5). But precisely at this point the death of Christ represents the fulfillment of the law as the law of retribution. The retribution consists in this, that one atones for all, that by God’s performing one act of judgment (di' benos dikaiōmatos) all share in the righteousness that “leads to life” (eis dikaiosin zōes, Rom. 5:18). Precisely for this reason the death of Christ is gospel, since “there is therefore now no condemnation [katakrina] for those who are in
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The meaning of Christ’s death

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Christ Jesus” (Rom. 8:1), since Christ has redeemed us from the curse of the law in order that the promise might be fulfilled (Gal. 3:13 f.).

Is this law and gospel in dialectical relationship? By all means. In the death of Christ they converge and coincide. This death fulfills the law and it fulfills the promise of the gospel. But here one must ask, first of all, whether this merely represents two different modes of God's speaking, one of which differs from the other only in the greater “clarity of its manifestation.” If that were so, then the death of Christ could be and would have to be God's last word. But that is not the case. The death of Christ by itself would be no gospel for us, but only fulfillment of the law of retribution. The statement that in this death the prophet's promise is being fulfilled cannot be deduced from the mere fact that the man Jesus died. The full witness says that God “put him to death for our trespasses and raised him for our justification” (Rom. 4:25). Christ, in his death, “abolished death and brought life and immortality to light through the gospel” (II Tim. 1:10). Only by virtue of the resurrection is Christ's death also gospel. Not until the resurrection does it become apparent that the new order of all things which the earthly Christ established by substituting forgiveness for the law of retribution was and is actually God's own order. In this new order, however, the law no longer has any voice whatsoever. Just as death is divested of its power by the resurrection, so this last word of God also reduces the law finally and conclusively to silence.

If one considers the relationship between law and gospel as dialectical, i.e., envisions it as a conversation, this dare not be viewed as though yesterday God spoke one way, today speaks another way, and tomorrow will revert to the previous way again. Much less dare we imagine that the one mode of speech says nothing different from the other, but only expresses it more clearly. What we must understand is that in this conversation the gospel irrefutably and irrevocably has the last word.

**LIFE IN FREEDOM**

It still remains to be asked, however, whether one can say that because the death of Christ has brought us pardon, therefore “judgment is grace.” This manner of speaking, widely disseminated today, renders God's judgment just as impotent as the law becomes when one maintains that God's speaking is always and only gracious. The judgment which occurred in the death of Christ was only judgment; and the only reason this was not God's last word is that the resurrection followed it. And it is only because this judgment was not God's last word that the death of Christ could serve for man's pardon.

This pardon applies to us, for Christ himself did not need to be pardoned. However, precisely in the application of this pardon to us the sentence “Judgment is grace” is absolutely impossible. This is so even without reference to the final judgment. “He who does not believe,” says the Gospel of John, “is condemned [judged] already” (3:18). No one can convince us that this judgment on the unbelieving old man actually means his pardon! For Paul, too, judgment and grace when applied to ourselves are not identical. The fact that “our old self was crucified with him,” namely, with Christ, is judgment upon the old self, and only judgment (Rom. 6:6; Gal. 5:24). For it is not the old self that is pardoned, but the new; or rather, the new man must first of all be created by grace. The new creation occurs, as Paul elaborates in Romans
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6, on the strength of Christ's resurrection, and it is therefore no more identical with the death of the old self than Christ's resurrection is with his own death.

The Pauline distinction between the new and old man reveals a new facet of the relationship of law and gospel in its application to ourselves. "Sin will have no dominion over you, since you are not under law but under grace" (Rom. 6:14). This is said of the man who is crucified with Christ and raised with him. But why not both—why not under the law as well as under grace? Because they are mutually exclusive, and absolutely so. Because law and gospel are not distinguished simply as form and content. The law is a law of retribution, not only for ill, but also for good. It not only threatens punishment, but also promises reward. The two cannot be separated from each other. The man who lives nomologically lives not only in fear of punishment, but also in reliance on the hope of reward. He does not live under grace; since he does not live from grace, relying on grace. For whoever hopes for reward establishes claims, and consequently does not live in reliance upon grace. If in redeeming us from the curse of the law Christ has redeemed us from the fear of punishment, then he has also redeemed us from the hope of reward. Neither the one nor the other can henceforth determine our attitude toward God. Rather, from God's side the relationship is grace alone; from our side, faith alone. In place of the coercive order of the law (and every law is coercive since it entails compulsion) there now prevails between us and God the freedom of the children of God (Gal. 3:23–4:7).

But how are the children of God supposed to live without law? Does not the law still have to tell them "what they ought to do"? Will they not otherwise plunge into the abyss of libertinism? We already have had to raise the same question when looking at the earthly Christ who without any reservations sat down at the same table with sinners as his equals. The answer of the Gospels is clear: wherever the "Holy One of God" enters, the demons are rendered speechless (Mark 1:24 f.). He assumes the role of "master" for his disciples, i.e., he is the personal measure for all things—their doing, their abstaining, their loving, and their suffering. What then should or could the law still say to them? The disciple of Jesus no longer need be told that he ought not to practice idolatry, commit adultery, or bear false witness against his neighbor. He no longer has any need whatsoever for the law's threats or its promises of reward.

Whatever the earthly Christ effected via his bodily presence, the exalted Christ achieves via the sending of his Spirit. For what purpose do the children of God still need the law, since their distinctive trademark consists precisely in their being "led by the Spirit" (Rom. 8:14)? It is not the spirit of fear that they have received (II Tim. 1:7), so how should they still live in fear of the law's threats? Now that the meditation of the Spirit enables them to "understand the gifts bestowed by God," namely, grace (I Cor. 2:12), how can they still raise any claims for legal rewards? What purpose can the law have for those who already walk by the Spirit and thus are protected from the desires of the flesh (Gal. 5:16), for those who work miracles by the Spirit (Gal. 3:5), for those whom the Spirit teaches how to pray (Rom. 8:26; Gal. 4:6), for those in whom the Spirit brings forth love which not only fulfills the entire law, but produces more than the law can even demand, namely, joy, peace, faithfulness (Gal. 5:22)? No, they have received the Spirit not by works of the law (Gal. 3:2), and because they are under the Spirit's rule they are therefore no longer under the law (Gal. 5:18). Just as law and grace stand in opposition to each other, so it is with law and Spirit. The law is bondage (Gal. 3:23), the Spirit, freedom (II Cor. 3:17).
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IS THE LAW STILL VALID FOR CHRISTIANS?

The Holy Spirit's entry into the world marks the beginning of the Christian church. Since that time the church lives no longer under law (not even to mention any reliance on the law), but in reliance on grace. That means it lives in freedom. Why, then, did not the church simply renounce any and all preaching of the law? What is reported in Acts 15 and what Paul's letters have to say about law and gospel could be viewed as stages in the process of solving the problem as it posed itself at that particular point in history. In Acts 15 the problem is posed by "some believers who belonged to the party of the Pharisees" (Acts 15:5), who thus had traveled, as had Paul, the route from law to gospel. The same problem becomes acute even today whenever the way to Christ is opened for a Jew who adheres to the law. But for all others we not say, in the words of Peter, that retaining the law is to "make trial of God by putting a yoke upon the neck of the disciples which neither our fathers nor we have been able to bear" (Acts 15:10).

The Christian church decided otherwise. It did not renounce the law and thereby, in view of this danger of "making trial of God," took upon itself a grave responsibility. It did not, however, impose the entire yoke of Sinaitic legislation upon those disciples of Christ who came from the Gentiles. But it held all the more forcefully to the continuing validity of the decalogue. In making this distinction the church can call Paul as its witness. Paul also "upheld the law" (Rom. 3:31), and he also wanted to see the commandments of the decalogue fulfilled (Rom. 13:8 ff.). But in other respects he became "a Jew to the Jews" and "to those under the law . . . as one under the law" (I Cor. 9:20; Acts 16:3, 21:18-26) only on the grounds of external expediency. Thus Paul actually viewed the entire Old Testament legislation, except for the decalogue, as abrogated. At all events, this corresponds to Jesus' own position on the law, inasmuch as he too confined his interpretation of the law to the decalogue and did not propose a new exegesis of the retributive principle, that fundamental proposition of the entire Old Testament law (at least insofar as men are to administer it). Instead he counterpoised against it his own words, "But I say to you," which are simply incompatible with the law (Matt. 5:38 f., 43 f.).

For the Jews, the Sinaitic legislation as a whole was a way of life. When now the church, in continuity with Christ and his apostles, confines Sinai's enduring validity to the decalogue, one must ask whether the decalogue alone can provide the Christians with that which the Torah provides the Jews, namely, casuistic answers for all the practical questions of domestic, social, and political life. The answer can only be negative. Neither the little questions of our earthly life—whether and whom we should marry, which vocation we should select—nor the practical questions of social policy in the realm of labor, taxation, or inheritance, nor the great political questions of communism, socialism, or liberal democracy can be answered from the decalogue. In reducing the Old Testament law to the decalogue, Christ and his apostles demonstrate that this reduced law cannot possibly be, as Calvin thought, the "one everlasting and unchangeable rule" for our life.

What remains then is only the twofold function of the law, with which we began. The purpose of the law is to expose man's sin and to hold evildoers in check, at least externally. We have seen that Jesus and the apostles actually
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Romans 13 Paul also ascribes to it the political function when
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The Pauline assertions about the children of God being led
by the Spirit are not the product of psychological self-
observation, but assertions of faith. They are credible asser-
tions by virtue of the promise of grace proclaimed to us. But
they have to be believed in the face of evidence to the contrary
arising from our own self-observation. What we observe in
ourselves corresponds exactly with the testimony of Romans
7. The opinion expressed by many exegetes that in this passage
the apostle is speaking only hypothetically by transporting
himself back to his pre-Christian existence founders on the
fact that in his pre-Christian period Paul existed as a Pharisee
who was convinced that his own fidelity to the law was
irreproachable. If in Romans 7 he has not actually touched
upon the situation of every Christian, then why his innumer-
able admonitions to unrelenting vigilance, his warnings about
disobedience, apostasy, temptation? Why all this, if all his
readers did not know from their own experience that the old
man in us clashes with the new man whom the Spirit ani-
mates? How else is one to explain Paul’s censuring Peter for
apostasy (Gal. 2:14)? How else are we to explain that,
according to John, “we may be sure that we know Christ
if we keep his commandments” (1 John 2:3) and yet we lie
“if we say we have no sin” (1:8)?

Here the law has its necessary and abiding place in the
preaching of the church as well as in the lives of its members.
It serves not in the construction of the new man but in the
destruction of the old. It must incessantly tell us that we lie
when we say we have no sin. It incessantly exercises its
“proper function” since it is “always accusing” and since it
never can be anything else but that. To be led by the Spirit
means not only to be led by Christ, but also to be driven to
him, since we are constantly in anguish by reason of the law’s
thetic accusations. The “proper function” of the law is,
in the language of the old dogmaticians, the usus denunciatus,
its function in “exposing” our sin and “convicting” us of sin,
and therefore also always the usus paedagogicus which drives
us to Christ.

In order to achieve this goal Christ himself also carries on
his “strange work,” his opus alienum, whereby (in the well-
known words of the Formula of Concord) he “takes the law
into his own hands and explains it spiritually; thus he reveals
his wrath from heaven over all sinners and shows how great
this wrath is. This directs the sinner to the law, and there he
really learns to know his sin, an insight that Moses could
never have wrung out of him.”

Without this spiritual exegesis provided by Christ, the law, says Luther, leads either to the securitas of the Pharisees or to desperatio, to doubting God, to the paralyzing fear of death.

But when Christ then moves on to his proper office of speaking the word of forgiveness,
the diabolica desperatio is transformed into an evangelica
desperatio; man’s doubting of God is transformed into his
doubting of himself, and the dire plague of “security” becomes
the daring certainty of faith.

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22 Second Disputation Against the Antinomians, D. Martin Luthers
Werke, Kritische Gesamtausgabe (Weimar, 1888 ff.; cited hereafter as
23 Ibid., p. 430.
Law and Gospel

did preach and apply the law as lex semper accusans. And in Romans 13 Paul also ascribes to it the political function when he expects government to apply the principle of retribution. Here then we have the proper place for the law in the preaching of the church and in the life of its members.

The Pauline assertions about the children of God being led by the Spirit are not the product of psychological self-observation, but assertions of faith. They are credible assertions by virtue of the promise of grace proclaimed to us. But they have to be believed in the face of evidence to the contrary arising from our own self-observation. What we observe in ourselves corresponds exactly with the testimony of Romans 7. The opinion expressed by many exegetes that in this passage the apostle is speaking only hypothetically by transporting himself back to his pre-Christian existence founders on the fact that in his pre-Christian period Paul existed as a Pharisee who was convinced that his own fidelity to the law was irreprouachable. If in Romans 7 he has not actually touched upon the situation of every Christian, then why his innumerable admonitions to unrelenting vigilance, his warnings about disobedience, apostasy, temptation? Why all this, if all his readers did not know from their own experience that the old man in us clashes with the new man whom the Spirit animates? How else is one to explain Paul’s censuring Peter for apostasy (Gal. 2:14)? How else are we to explain that, according to John, “we may be sure that we know Christ if we keep his commandments” (I John 2:3) and yet we lie “if we say we have no sin” (1:8)?

Here the law has its necessary and abiding place in the preaching of the church as well as in the lives of its members. It serves not in the construction of the new man but in the destruction of the old. It must incessantly tell us that we lie when we say we have no sin. It incessantly exercises its “proper function” since it is “always accusing” and since it never can be anything else but that. To be led by the Spirit means not only to be led by Christ, but also to be driven to him, since we are constantly in anguish by reason of the law’s incessant accusations. The “proper function” of the law is, in the language of the old dogmaticians, the usus strenuus, its function in “exposing” our sin and “convicting” us of sin, and therefore also always the usus paedagogicus which drives us to Christ.

In order to achieve this goal Christ himself also carries on his “strange work,” his opus alienum, whereby (in the well-known words of the Formula of Concord) he “takes the law into his own hands and explains it spiritually; thus he reveals his wrath from heaven over all sinners and shows how great this wrath is. This directs the sinner to the law, and there he really learns to know his sin, an insight that Moses could never have wrung out of him.” Without this spiritual exegesis provided by Christ, the law, says Luther, leads either to the securitas of the Pharisees or to desperatio, to doubting God, to the paralyzing fear of death. But when Christ then moves on to his proper office of speaking the word of forgiveness, the diabolica desperatio is transformed into an evangelica desperatio; man’s doubting of God is transformed into his doubting of himself, and the dire plague of “security” becomes the daring certainty of faith.

23 Ibid., p. 420.
THE QUESTION OF THE LAW'S "THIRD FUNCTION"

Is there such a thing as a "third use" or "third function" of the law in addition to the usus theologicus, elenchicus, or paedagogicus and the usus politicus? Melanchthon, the Formula of Concord, and Calvin as well, answered this question in the affirmative, but in different ways and for different reasons. Luther also is said to have "clearly espoused" the usus tripexus legis (threefold function of the law), hence also a third function, at the conclusion of his Second Disputation Against the Antinomians held on January 13, 1538.23 Here in fact, at the conclusion, one finds the following sentences: "Why should the law be taught? The law is to be taught for the sake of discipline . . . that by this pedagogy men might come to Christ. . . Secondly, the law is to be taught in order to expose sin. . . Thirdly, the law is to be retained so that the sins may know which works God requires."25 One

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24 WA 394, 485.

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The Clash of Cults on Mount Carmel: Do Ar-
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The Question of the Law's "Third Function"

could hardly state the usus triplex more clearly. These sentences, however, represent a forgery. They are copied almost verbatim from an edition of Melanchthon's Loca dating from the second period of the Loca. See my article documenting this forgery in Zeitschrift für Religions- und Geistesgeschichte (1948), pp. 168-70. These sentences are found in only two of the nine manuscripts in which the disputation is recorded. The one, according to Hermelink, is a poor, undatable transcript. The other comes from the hand of Israel Aekelriander, who was not immatriculated at Wittenberg until 1550 and therefore surely could not have witnessed the disputation personally. That the sentences in question could not have come from Luther should have been already clear to competent Luther scholars from the fact that here the term pedagogia ("for the sake of discipline") is viewed as the usus pedagogicum, whereas Luther ascribed the pedagogical function of the law to the usus theologico. Below, in parallel columns, are the sentences ascribed upon Luther and the corresponding passages from Melanchthon.

Ascribed to Luther

Lecta docenda est propter disciplinam istra illud Pauli I. Tim. 1: Lex est inuisits posita, atque ut hac pedagogia homines ad Christum perveniunt, quam admodum Paulus ad Galatas 3 ait: Lex est pedagogia in Christum.

Secundo. Lex docenda est ut ostendat peccatum, accusat, pertterrefaciat et damnet conscientias, ad Romanos 3: Per legem cognito peccati, item capite quarto: Lex iram operatur. Tercio. Lex est retinenda, ut sciant sancti, quem operat Deus, in quibus obedientiam exercere erga Deum possint.

Melanchthon, CR, XXI, 406

Premium eg civile, videlicet ut cohebaret, omnes homines disciplina quadratum. De hoc officio loquitur Paulus, cum ait I. Tim. 1: lex est inuisits posita... huc pertinet etiam dictum Pauli Gal. 3: Lex est pedagogos in Christum.

Secundum officium ac proprium legis divinae et praecipuem est, ostendere peccata, accusare, pertterrefaciare et damnare conscientias. De hoc officio plerique loquuntur, ut cum inquit Rom. 3: Per legem cognito peccati Item Rom. 4 Lex iram efficit.

Tertium officium legis in his, qui fide sunt justi, est ut et doceant eos de bonis operibus, quenam operam Deo placet et praecipit certa opera, in quibus obedientiam erga Deum exercere.


38 WA 391, 485.
Law and Gospel

The other passage always cited in this regard from Luther’s church postill of 1522 (WA 10:1, p. 457) is irrelevant here, as I have shown in the same article. In this passage the first two kinds of men represent together the *vires politicas*, while the third would have to represent both the first (*theological*) as well as the third *vires*. But right at this point Luther is explicitly *not* distinguishing at all between these two.

To begin with, therefore, we must focus our attention on Melanchthon, who introduced this expression about a third use of the law. By this, he means the task which the law fulfills in the regenerate. For one thing, it shows them the remnants of sin still present within themselves. It also is to be proclaimed to them in order to teach them particular works through which they are to exercise obedience according to God’s will. God does not want us to dream up our own works or worship, for when reason is not ruled by the word of God it easily errs and through perverted desires is led to approve faulty works, as can be seen in the laws of the pagans. Of these two tasks the first (uncovering sin) coincides with the *theological function*. It is only the second, the purely informative one ("to teach particular works"), which justifies speaking of a distinctively third function of the law.

The *Formula of Concord* approaches the issue from Melanchthon’s perspective, but phrases its answer with much more precision than he. One might summarize its position as follows: the question of the need for an *informatory function* in the (unattainable) ideal case of a perfect saint is answered in the negative, but in view of the actual situation of the regenerate the answer is affirmative. However, the possibility of the law’s being *purely informatory* is categorically denied.

Notice how the *Formula* treats the ideal case. "If believers and the elect children of God were perfectly renewed in this life through the indwelling Spirit in such a way that in their nature and all its powers they would be totally free from sins, they would require no law, no driver. Of themselves and altogether spontaneously, without any instruction, admonition, exhortation, or driving by the law they would do what they are obligated to do according to the will of God." 27 This never occurs, however, for in this life the faithful are not completely renewed. The Old Adam still infects their nature and all its internal and external powers28 and consequently they invariably also need the law. For what purpose? Surely not in order to empower and induce them to fulfill it, since that power comes only from the Holy Spirit. Nor do they need it as mere information. Instead the Holy Spirit "employs the law to instruct the regenerate out of it and to show and indicate to them in the Ten Commandments what the acceptable will of God is... He also adorns them to do these, and when because of the flesh they are lazy, negligent, and recalcitrant, the Holy Spirit reproves them through the law. ... [For] to reprove is the real function of the law." 29 Not for: a moment does the *Formula of Concord* forget the fundamental Pauline-Lutheran understanding of the law already apparent in the text of the decalogue; namely, that it is always a law of retribution and that even when instructing the regenerate it cannot cease to be just that.

We have here admittedly a double usage of the term “regenerate.” On the one hand, it designates that person who “is born anew by the Spirit of God and is liberated from the law,” whose life is, to be sure, “comprehended in the law,” but who is “no longer under law but under grace.” 30 In this man “there is now no condemnation” — the *Formula of Concord* knows this too. On the other hand, it applies this term to the man who despite his regeneration still lives in internal conflict, "for the Old Adam, like an unmanageable and recalcitrant donkey, is still a part of him." 31 This is man in his factual

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27 Tappert (ed.), op. cit., pp. 564 f. (Solid Declaration, VI, 6); italics added.
28 Ibid., p. 565 (S.D., VI, 7).
29 Ibid., pp. 565 f. (S.D., VI, 11-14); italics added.
30 Ibid., pp. 566 f. (S.D., VI, 17).
31 Ibid., p. 568 (S.D., VI, 24).
Law and Gospel

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Law and Gospel
earthly existence, who still, even when pardoned, remains a pardoned sinner. The regenerate man in the first meaning of the term stands in indissoluble personal union with the old Adam. In terms of personhood, they are identical. They represent not two parts but two facets of one and the same personality. This duality is not to be viewed as though in essence man were partly a sinner and partly not a sinner, for in terms of empirical data no such thing as a sinless regenerate person exists. Rather, this duality is grounded in the fact that the regenerate man stands under God's scrutiny, who condemns him according to the law but pardons him according to the gospel. If I look at myself, said Luther, then all is flesh, i.e., all is sin. "If I look at Christ, I am completely holy and pure, and I know nothing at all about the Law." 82

According to this view of Luther's, which corresponds exactly with the Pauline perspective, the moment never arrives in the life of the Christian when the law has nothing more than an informatory significance for him. When we look to Christ, the law has absolutely no validity. On the other hand, when we look to ourselves, it is indeed valid, yet not in the sense that we only need to ask what we ought to do, but rather that it constantly pronounces also upon Christians the verdict of God which makes sinners out of us. But this then also represents the constant anguish [Anfechtung] of our conscience, the temptation either to seisuritas or to desperatio, which we must relentlessly counteract by faith in the gracious promise of the gospel. Even for the Christian, the law is always and only Anfechtung. To this extent the irreconcilable opposition of law and gospel remains also for the Christian.

If the notion of a "third use of the law" is understood in purely informatory terms, then we shall have to agree with the Scandinavian and Finnish theologians who have pronounced the doctrine of a third use incompatible with the Lutheran understanding of law and gospel. 83 If we still wish to continue to use the concept in theology, it must be applied as it is in the Formula of Concord only for answering the question of the realm of the law's validity, but not for indicating a special function of the law. The third use of the law then designates its significance for the regenerate in his earthly empirical existence, but not in some imagined earthly perfection which does not exist. In the earthly empirical life of the regenerate the law constantly exercises also the usus theologicus. It steadfastly convicts him of his sin.

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A CRITIQUE OF CALVIN

According to Calvin, the law does not fulfill its real function except in the believers, and then, however, not in so far as they are still old men, but in so far as they are new men ruled by the Holy Spirit. It fulfills for them the purely informative task and becomes, as he expressly says, also the inducement for them to fulfill it. It ought to be clear that here we are dealing with more than a mere shift in emphasis. In Calvin's doctrine of the third use as the truly proper function of the law we have the ultimate grounds for, as well as the fulfillment of, his view of the law as the regle de bien vivre et justement. He believes in the possibility of a nomological existence in which the law does not turn against the man who lives with it. That this would refute Luther's view of the law and consequently also of the gospel might be considered by most people to be immaterial. So what if Luther were wrong? Even if he had become pope, Lutherans would not consider him infallible. It is Calvin's view, however, that is refuted, first of all in the text of the very decalogue wherein Calvin sees the "one everlasting and unchangeable rule" for our life, since the decalogue itself proclaims the retributory law. The second refutation comes from Christ as well as Paul, both of whom also acknowledge the decalogue as a law of retribution. If we are compelled to listen to what the law says to us (and from this we are never exempted), it never serves merely to supply us with information; it constantly proclaims God's verdict about us, which, measured against the law, is always condemnation.

But must it not be said that the law in fact also has to tell us "what we ought to do"? Do we not need divine commandments for our practical, societal, and political life? Yet this service, as we have already seen, the decalogue can by no means perform for us. Emil Brunner, after extensive reflection and writing on the question of "what we ought to do," considers it necessary in his Justice and the Social Order to recur to natural law—and with respect to this question, this is a
A CRITIQUE OF CALVIN

CALVIN also teaches a threefold function of the law. The pedagogical function, which Luther saw in the *usus theologicus* and Melanchthon in the *usus politicus*, is for Calvin present in both. We need not at this point go any further into the divergence from Luther expressed here, since it becomes very obvious at another point. Calvin differs from Luther not simply in reaching a third function of the law (so does Melanchthon), but also in designating the third function as the “principal” function, the truly proper function of the law. Thus he puts the third use of the law in the position which, according to Luther, belongs to the *usus theologicus*. At this point Melanchthon sides with Luther to the very end. In the larger Galatians commentary (printed in 1535) Luther designates the *usus theologicus* as the “principal” or “proper” use of the law. By contrast, Calvin says: “The third and principal use, which pertains more closely to the proper purpose of the law, finds its place among believers in whose hearts the Spirit of God already lives and reigns.”

The fact that Calvin uses the same expressions here for the third use of the law (“principal” and “proper”) hardly allows any other assumption than that he is here consciously and pungently polemicizing against Luther.

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*a* *Corpus Reformatorum*, XXI, 405, 717.

*b* For other synonyms used by Luther, see my aforementioned article in the *Zeitschrift für Religions- und Geistesgeschichte*.

*c* Institutes*, Bk. II, chap. vii, sect. 12.

*d* Ibid., sect. 13.
Law and Gospel

very noteworthy book. Precisely at those places where the
decalogue touches upon human interpersonal relationships,
it offers no prescriptions but only prohibitions. In his expla-
nations of the commandments Luther elicited even from these
prohibitions a positive side. But in his explanation of
the words which accompany the First Commandment in the
biblical text, and which he placed at the end of all the com-
mandments, he gave an emphatic reminder that the decalogue
is a retributory law. This constitutes solid proof that he
acknowledged no tertius usus without the usus elenchicus.
But even if we could elicit from the decalogue the desired
information on all the practical questions of our life, the
practical conclusions which we would draw from them
would still be human conclusions, burdened with the same
dubious character as all human decisions. The prohibi-
tions of the decalogue designate the danger zones in our life and
in the life of society where evil threatens to break in, and
indeed does break in, time and time again. Thereby they also
designate the line of battle along which, according to
Romans 13, the authorities exercise their official power to
restrain evil. But whether God demands a government con-
sstituted in a particular manner, and which one that might
be—this we are not told. No matter how eager we are to be
obedient in our inquiry after the will of God at this point,
the risk of decision is, ultimately, always our own respon-
sibility. All works that are performed in faith are ventures
that entail a risk. With none of our decisions can we stand
before God with the claim that any of them conforms to the
law; as always our only hope lies in the promise of forgiveness.

Calvin thought that he was giving the law its due honor
as a Word of God when he elevated it to the position of
sole norm for the man of faith led by the Spirit. In reality
he was disarming the law by this procedure, for in order to
carry it through he had to eliminate the notion of retribution


A Critique of Calvin

which God himself had expressed in the law. Thereby the
dialectic of the conflicting content in law and gospel was
smoothed over. Only in this way was Calvin able to view
the gospel as the clearer manifestation of the law. That,
however, had as a reverse consequence that the gospel took
on legal characteristics. One place, for example, where this
is evident is where faith is defined as obedience. The Luther-
ian confessions understand faith as fiducia, trust, and by “new
obedience” they mean the good works risked in faith, though
not therefore identical with faith. One can test this matter
for oneself. When Jesus addresses the Canaanite woman,
“Woman, great is your faith” (Matt. 15:28), can he possibly
be praising her obedience, especially if one recalls what im-
ediately precedes his remark? Can one substitute the term
“obedience” for faith in Heb. 11:17? In I John 3:23, faith, to
be sure, appears together with love as the content of the
divine commandment. But to conclude from this that faith
is obedience makes no more sense than to say that love is
obedience. What would one gain thereby for an under-
standing of the nature of love? By the same token what
does one gain thereby for understanding the nature of faith?
Additional legalistic misinterpretations of the gospel can be
seen when the kingdom of Christ is viewed as an imperium
exercised by him by virtue of his authority to give commands,
or when, correspondingly, the Reformed confessions refer to
Christ as a lawyer.

It is our conviction that with the assertion that the gospel
is only a clearer manifestation of the law, the gospel is
rendered impotent in the same way the law is rendered
impotent with the assertion that “judgment is grace.” Calvin’s
view does not agree with God’s saving economy as the apostles
witness to it. He sees in the law the ultimate criterion for
measuring man’s relation to God. This means that the gospel
did not provide a new way of salvation, but served only to
clarify the law. It stepped in as an auxiliary aid since the law
alone did not achieve its goal. For Calvin, the gospel stands
in the service of the law. If that were correct, then Gal. 3:19
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very noteworthy book. Precisely at those places where the decalogue touches upon human interpersonal relationships, it offers no prescriptions but only prohibitions. In his explanations of the commandments Luther elicited even from these prohibitions a positive side. But in his explanation of the words which accompany the First Commandment in the biblical text, and which he placed at the end of all the commandments, he gave an emphatic reminder that the decalogue is a retributive law. This constitutes solid proof that he acknowledged no tertius usus without the usus elecctius. But even if we could elicit from the decalogue the desired information on all the practical questions of our life, the practical conclusions which we would draw from them would still be human conclusions, burdened with the same dubious character as all human decisions. The prohibitions of the decalogue designate the danger zones in our life and in the life of society where evil threatens to break in, and indeed does break in, time and time again. Thereby they also designate the line of battle along which, according to Romans 13, the authorities exercise their official power to restrain evil. But whether God demands a government constituted in a particular manner, and which one that might be—this we are not told. No matter how eager we are to be obedient in our inquiry after the will of God at this point, the risk of decision is, ultimately, always our own responsibility. All works that are performed in faith are ventures that entail a risk. With none of our decisions can we stand before God with the claim that any of them conforms to the law; as always our only hope lies in the promise of forgiveness.

Calvin thought that he was giving the law its due honor as a Word of God when he elevated it to the position of sole norm for the man of faith led by the spirit. In reality he was disarming the law by this procedure; for in order to carry it through he had to eliminate the notion of retribution which God himself had expressed in the law. Thereby the dialectic of the conflicting content in law and gospel was smoothed over. Only in this way was Calvin able to view the gospel as but a clearer manifestation of the law. That, however, had as a reverse consequence that the gospel took on legal characteristics. One place, for example, where this is evident is where faith is defined as obedience. The Lutheran confessions understand faith as fiducia, trust, and by “new obedience” they mean the good works risked in faith, though not therefore identical with faith. One can test this matter for oneself. When Jesus addresses the Canaanite woman, “Woman, great is your faith” (Matt. 15:28), can he possibly be praising her obedience, especially if one recalls what immediately precedes his remark? Can one substitute the term “obedience” for faith in Heb. 11:12? In I John 3:23, faith, to be sure, appears together with love as the content of the divine commandment. But to conclude from this that faith is obedience makes no more sense than to say that love is obedience. What would one gain thereby for an understanding of the nature of love? By the same token what does one gain thereby for understanding the nature of faith? Additional legalistic misinterpretations of the gospel can be seen when the kingdom of Christ is viewed as an imperium exercised by him by virtue of his authority to give commands, or when, correspondingly, the Reformed confessions refer to Christ as a lawgiver.

It is our conviction that with the assertion that the gospel is only a clearer manifestation of the law, the gospel is rendered impotent in the same way the law is rendered impotent with the assertion that “judgment is grace.” Calvin’s view does not agree with God’s saving economy as the apostles witness to it. He sees in the law the ultimate criterion for measuring man’s relation to God. This means that the gospel did not provide a new way of salvation, but served only to clarify the law. It stepped in as an auxiliary aid since the law alone did not achieve its goal. For Calvin, the gospel stands in the service of the law. If that were correct, then Gal. 3:19

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Law and Gospel

would have to be rewritten to read: "The gospel was added because of transgressions" (prosetethē; cf. pareishethen, Rom. 5:20). Paul, however, does not say this of the gospel, but of the law. It is not the gospel that serves the law, but the law which serves the gospel, because it makes all men guilty, and because for all of us our mouths must first be stopped (Rom. 3:19) so that we learn that even with the works we venture we live only by grace. Either the law or the gospel is the end of God's ways with men, but not both. They are as opposed to one another as death and life. It is the gospel in which we place our faith.

For Further Reading

BY WERNER ELERT:


The Structure of Lutheranism. Vol. I: The Theology and Philosophy of Life of Lutheranism Especially in the Sixteenth and Seventeenth Centuries. Translated by Walter A. Hansen. St. Louis: Concordia, 1962. For an evaluation of Elert's contribution to theology and for biographical and bibliographical references to Elert's life and thought see in this volume Jaroslav Pelikan's "Foreword" and Robert C. Schulte's "Werner Elert, Professor of Theology."


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