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JAMES 1:25 AND 2:12: THE PERFECT LAW OF LIBERTY  
AND THE PERFECT LIBERTY OF THE CHRISTIAN

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A Thesis Presented To the Faculty  
of Concordia Seminary, St. Louis,  
Department of Exegetical Theology  
in partial fulfillment of the  
requirement for the degree of  
Master of Sacred Theology

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by

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May 1991

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TABLE OF CONTENTS

LIST OF ABBREVIATIONS . . . . . iii

Chapter

1. THE PROBLEM WE FACE IN UNDERSTANDING JAMES' EXPRESSION . . . . . 1

2. THE OLD TESTAMENT EVIDENCE . . . . . 8

3. THE NEW TESTAMENT EVIDENCE . . . . . 17

4. A SUGGESTED RECONCILIATION . . . . . 41

5. THE THIRD USE OF THE LAW IN THE LUTHERAN CONFESSIONS . . . . . 51

6. THE LAW AS LAW OF LIBERTY . . . . . 54

7. THE NEED TO PREACH THE PERFECT LAW OF LIBERTY TODAY . . . . . 109

WORKS CITED . . . . . 117

## LIST OF ABBREVIATIONS

AC	Augsburg Confession
Ap.	Apology of the Augsburg Confession
FC, Ep.	Formula of Concord, Epitome
FC, TD	Formula of Concord, Thorough Declaration
S.A.	Smalcald Articles

CHAPTER 1  
THE PROBLEM WE FACE IN UNDERSTANDING  
JAMES' EXPRESSION

"The perfect law of liberty" is an expression which sounds strange. Even in secular use, a law is more often seen as a restriction of liberty than a guarantee of it, and theologically the problem seems as great if not greater.<sup>1</sup> This study is based on the belief that if James is allowed to speak on his own terms, he speaks as one who not only found the Law compatible with Christian liberty, but an essential part of it. This is particularly the case since St. James was one of the four half-brothers of our Lord mentioned in Matthew 13:55 and Mark 6:33,<sup>2</sup> for then

the constant intercourse with Him who was full of grace and truth, in childhood as in manhood, must have prepared James to find in the Ten Commandments no mere

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<sup>1</sup>R. C. H. Lenski. *The Interpretation of the Epistle to the Hebrews and the Epistle of James*. (Minneapolis: Augsburg Publishing House, n.d. © 1938, Lutheran Book Concern. ©1946 The Wartburg Press. Assigned to Augsburg Publishing House, 1961), 558.

<sup>2</sup>For development of the contention that James was the half-brother of Jesus, see Joseph B. Mayor, *The Epistle of St. James: the Greek Text with Introduction, Notes, Comments and Further Studies in the Epistle of St. James* (n.p.: Mac Millan and Company, 1913; reprint, Grand Rapids: Zondervan Publishing House, 1954), pp. i-lxv, especially the conclusion p. lv.

outward regulations, but an inner law of liberty and love written in the heart.<sup>3</sup>

Even if the author of this epistle was not a son of Mary and Joseph, born after Jesus, his style and thought are such that the teaching of Jesus is clearly reflected in his writing, a point which will be elaborated later. For that reason alone, he cannot be dismissed as a legalist, but is worthy of our hearing.

That hearing, however, is hindered by the fact that in Pauline usage the Law is generally seen as enslaving and accusing.<sup>4</sup> Whether that is the whole of St. Paul's attitude toward the Law will have to be considered later. But it is important at this point to remember that Paul does not see the Law as evil. The Law "is the will of God, holy, just, good, and spiritual (Rom. 3:2; 7:12,14); to be outside the law is to be at enmity with God."<sup>5</sup> The fault lies rather with sinful man, who does not, can not, and will not keep it. That means that the Law, as it meets the individual, meets him as a word of judgment, which condemns him

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<sup>3</sup>Mayor, lx.

<sup>4</sup>Leon Morris, gen. ed., *Tyndale New Testament Commentaries* (Leicester, England: Inter-Varsity Press and Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1985), Vol. 16: *The Epistle of James*, by Douglas J. Moo, 48; W. D. Davies, *Paul and Rabbinic Judaism: Some Rabbinic Elements in Pauline Theology*. Fourth edition with new preface (Philadelphia: Fortress Press, 1980), xxvii-xxviii.

<sup>5</sup>W. D. Davies, *Jewish and Pauline Studies* (Philadelphia: Fortress Press, 1984), 236.

(Romans 7:9).

The apparent difficulty is there in any case; but especially for Lutherans this use of the word "Law"--as that which enslaves and condemns--has tended to dominate the field. Martin Luther's criticism that James "calls the law a 'law of liberty' [1:25] though Paul calls it a law of slavery, of wrath, of death, and of sin,"<sup>6</sup> continues to influence his followers in their understanding of the Law and their evaluation of James' epistle. The Law is regarded as "killing, damning imperatives which fill us with fear and dread because of our sins."<sup>7</sup> The Law is "das verdammende Gesetz."<sup>8</sup> The statement that "Paul was utterly extreme"<sup>9</sup> in his attitude toward the Law is probably more true of some of the Apostle's protagonists than of himself.

In the light of such statements, it is not surpris-

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<sup>6</sup>Martin Luther, "Prefaces to the New Testament," (1546-[1522]), *Luther's Works*, American Edition, Vol. 35: *Word and Sacrament I*, trans. Charles M. Jacobs, rev. and ed. E. Theodore Bachmann (Philadelphia: Fortress Press, 1961), 397, hereafter cited as *Amer. Ed.*

<sup>7</sup>David P. Kuske, "The Order of Creation,--As Moral Law and as It Is Applied by the New Testament Writers to the Role of Man and Woman," *Wisconsin Lutheran Quarterly* 82 (Winter 1985): 24.

<sup>8</sup>"the damning Law," Aug. Pieper, "Dem Gerechten ist kein Gesetz gegeben," *Theologische Quartalschrift* 13 (January 1916): 36.

<sup>9</sup>R. C. H. Lenski, *The Interpretation of St. Paul's Epistles to the Galatians to the Ephesians and to the Philipians* (Minneapolis: Augsburg Publishing House. ©1937, The Lutheran Book Concern. Assigned to the Wartburg Press, ©1946. Assigned to Augsburg Publishing House, 1961), 64.

ing that some have attempted to assert that the Christian is completely free from the Law in every way:

Der Christ als solcher ist frei, gaenzlich frei von dem Gesetz, das ihm weder als Forderung, noch als Drohung, noch als Lehre gilt. Es hat dem Christen als solchem gar nichts zu sagen, er ist nicht unter dem Gesetz, sondern unter Glaube.<sup>10</sup>

In order to carry out effectively God's program for living, man must be freed from the law (Gal. 5:1). Jesus secured that freedom. . . . Nor is this freedom limited to ceremonial and political elements in the Law of Moses. It is a freedom from all legal prescription.<sup>11</sup>

If it is granted that the Law's only function is to be a killing, damning imperative, which fills us with dread because of our sins,<sup>12</sup> then such an interpretation is not only possible, but necessary. That which only kills, damns, and terrifies cannot have any application to those who are children of God through faith in Christ Jesus, for whom there is no condemnation (Romans 8:1). It cannot even serve for the instruction of the Christian:

Die heilsame oder gesunde Lehre ist doch wohl das Evangelium und nicht etwa das verdammende Gesetz. Und mit der Erkenntnis des Evangeliums ist doch auch die Erkenntnis alles dessen, was demselben zuwider ist-- nicht nur der sogenannten falschen Lehre, sondern auch

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<sup>10</sup>"The Christian as such is free, completely free from the law, which does not apply to him either as demand, nor as threat, nor as teaching. It has nothing to say to the Christian as such; he is not under the Law, but under faith." Herm. Meyer, "Wie erkennt man ein Moralgebot?" *Theologische Quartalschrift* 14 (January 1917): 54.

<sup>11</sup>Frederick W. Danker, "Faith With Works: Galatians 5 and 6," *Concordia Theological Monthly*, 27 (August 1956): 593-594).

<sup>12</sup>Kuske, 24.



der das Evangelium widerstrebenden Suenden und Untugenden--gegeben. Paulus ermahnt immer und immer wieder des Evangelii wuerdigen Wandel.<sup>13</sup>

Viewed only as that which compels, coerces, and condemns, the Law cannot be regarded as being a "Law of Liberty."

The question then becomes how to reconcile Paul's and James' varying use of the term Law, if indeed such reconciliation is possible. Werner Kueimmel asserts that James' "lack of any distinctive Christian message" means that he can be understood only via St. Paul, and is of value only as a corrective.<sup>14</sup> In a similar way in his preface to James Luther writes that

this James does nothing more than drive to the law and to its works. Besides, he throws things together so chaotically that it seems to me he must have been some good, pious man, who took a few sayings from the disciples of the apostles and thus tossed them off on paper . . . . In a word, he wanted to guard against those who relied on faith without works, but was unequal to the task. He tries to accomplish by harping on the law what the apostles accomplish by stimulating with love.<sup>15</sup>

By so doing, the need to reconcile Paul and James is elimi-

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<sup>13</sup>"The wholesome or sound doctrine is surely the Gospel and by no means the damning Law. And with the knowledge of the Gospel is given also the knowledge of all that is contrary to the Gospel--not only of the so-called false doctrine, but also of the sins and vices which oppose the Gospel. Paul exhorts time and again to the conduct worthy of the Gospel." A. Pieper, "Dem Gerechten," 36. Here and elsewhere the German custom of emphasizing selected words by additional spacing between letters has been replaced by boldface print.

<sup>14</sup>Werner Georg Kueimmel, *Introduction to the New Testament*, trans. Howard Clark Kee (Nashville: Abingdon Press, 1971; fifth printing, 1984), 416.

<sup>15</sup>*Amer. Ed.*, 35:396-397.

nated, albeit at the price of rather rough handling of James' work. That this was not Luther's own final position can be seen from the favorable use which he made of the Epistle of James in *The Bondage of the Will*, in which he cites James three times in a favorable way.<sup>16</sup> In a sermon of August 17, 1522, on Luke 16:1-9, Luther also mentions James 2:17 and shows that the justification spoken of in that passage is an outward justification, in which the righteousness present in the heart by faith is revealed to men by its fruits,<sup>17</sup> an understanding which is also contained in Article III of the Augsburg Confession.<sup>18</sup> It will also become apparent later on in our study that, whatever his evaluations of the Epistle James, Luther did assume the continuing applicability of the Law to the Christian in directing his new life of faith. Or one can assume that here "Law" is used in the sense of "principle," so that "the Gospel . . . is the law of liberty, or principle of liberty."<sup>19</sup> This reconciles the two more effectively as far

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<sup>16</sup>*Amer. Ed.*, 33:44, 122, 243.

<sup>17</sup>*Dr. Martin Luthers Saemmtliche Schriften*, ed. Joh. Georg Walch, Neue revidierte Stereotypausgabe, vol. 11, *Kirchenpostille: Evangelien Theil* (St. Louis: Concordia Publishing House, n.d.), 1461.

<sup>18</sup>*A.C.*, III, 189-193. All quotations from the Lutheran Confessions are taken from F. Bente, ed., *Concordia Triglotta*, (St. Louis: Concordia Publishing House, 1921).

<sup>19</sup>John Schaadt, "The Perfect Law of Liberty," *Quartalschrift Theological Quarterly* 54 (April 1957): 92,93.

as the term is concerned; but it does not explain how in James 2:8 the word "Law" is used in a way which points to specific commandments. It will be the endeavor of this paper to demonstrate how the perfect Law of liberty and the perfect liberty of the Christian are to be kept together. In doing so, chapters 2 through 5 will present the grounds for affirming that the Law is applicable to Christians, while chapter 6 will show what is meant by "the Law of liberty." Finally, chapter 7 will deal with the continuing need to preach the Law of liberty today.

CHAPTER 2  
THE OLD TESTAMENT EVIDENCE

One logical place to begin looking for background on St. James' use of the term Law is the Old Testament. The designation of the books of Moses as "Law" would provide a ready connecting point for James's work. Moreover, the Epistle of James has a strong Jewish coloration in its style and vocabulary.<sup>1</sup> His terminology ought therefore to be compared with the Mosaic Law to see if the Old Testament use of the word  $\eta\lambda\lambda\eta$  provides a basis for his use of νόμος. Then the wisdom literature of the Old Testament ought also to be examined briefly for the use which it makes of  $\eta\lambda\lambda\eta$ .

In the Old Testament, it is evident that  $\eta\lambda\lambda\eta$  had a wide range of meanings, "from Pentateuch (Torah par excellence) to all divine revelation in biblical and postbiblical literature."<sup>2</sup> It parallels טֹרָה, and in both cases the term does not refer primarily to Law in distinction from

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<sup>1</sup>Leon Morris, gen. ed., *Tyndale New Testament Commentaries* (Leicester, England: Inter-Varsity Press and Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1985), Vol. 16: *The Epistle of James*, by Douglas J. Moo, 22.

<sup>2</sup>Keith Crim, ed. *Interpreter's Dictionary of the Bible, Supplementary Volume* (Nashville: Abingdon Press, 1962), s.v. "Torah," by J. A. Sanders. Hereafter cited as *IDB*.

Gospel.

*thorah* does not mean Law as distinct from Gospel; it means doctrine, instruction. *mishpat* in its formal sense is the justice which prevails as the rule of right in God's kingdom, namely, grace; *thorah* in its essence is the Gospel.<sup>3</sup>

Even in the Old Testament, it must be understood that the Law is not "legalistic." The term Torah is not in every case Law as opposed to Gospel; its more frequent meaning is the whole of God's revelation, and above all the Gospel as the revelation of the righteousness of God which brings salvation to sinners (Romans 3:21). Both the Old Testament and the New Testament contain both Law and Gospel.<sup>4</sup> It is for that reason that Paul can speak of the νόμος in Romans 3:21 as giving the revelation of salvation in the Gospel "apart from law" (χωρὶς νόμου).

Even where the word Torah is used in a way which indicates that it refers to the Law as distinct from the Gospel, it is important to remember that it does not thereby become merely "killing, damning imperatives which fill us with fear and dread because of our sins."<sup>5</sup> The revelation

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<sup>3</sup>August Pieper, *Isaiah II*, trans. Erwin E. Kowalke (Milwaukee: Northwestern Publishing House, 1970), 402.

<sup>4</sup>R. C. H. Lenski, *The Interpretation of St. Paul's Epistle to the Romans*. (Minneapolis: Augsburg Publishing House, n.d. © 1936, Lutheran Book Concern), 239.

<sup>5</sup>David P. Kuske, "The Order of Creation,--As Moral Law and as It Is Applied by the New Testament Writers to the Role of Man and Woman," *Wisconsin Lutheran Quarterly* 82 (Winter 1985): 24.

of the Decalogue at Mount Sinai was part of the covenant of grace, an act of the God who had already demonstrated his love for his chosen nation by delivering them from their slavery. One effect of the giving of the Law was admittedly fear, as the people and even Moses were terrified by the revelation of Yahweh's majesty which they saw on the mountain (Deuteronomy 5:5; Hebrews 12:21). As the subsequent history of the nation shows, they needed the warning of judgment which was given by the manifestation which they saw on the mountain. Their old Adam required the terrors of the Law to control him. In that sense, the Law was a killing, damning threat for them, and for all men. The Law calls sinful man before the judgment seat of God and pronounces him guilty and deserving of damnation.

But it unduly restricts the purpose of the Law to see inspiring terror as its only function. That is shown even by the grammar of the Decalogue, as Horace Hummel points out:

it is of utmost importance to underscore the fact that grammatically the Decalogue is in *indicative*, not *imperative* form. (The negative is *lo'*, not *'al.*) These are statements of what the believer who has experienced God's grace *will* voluntarily do, not commands of what he *must* do to deserve or earn God's love. They represent the perimeters or boundaries of God's kingship, beyond which the believer will not stray, but within which He [sic] is essentially free to respond joyfully and voluntarily, as illustrated by the rest of the "laws" or

"codes" of the Old Testament.<sup>6</sup>

There will be further discussion on this point later. For the present it is sufficient to note that the word Torah is more comprehensive than the term Law when the latter is used in its narrow sense in distinction from Gospel; and then that even when it is used in the narrower sense, when the Law is addressed to believers it does more than simply judge and damn: it also clarifies for the believer what is and is not pleasing conduct for his life under God's covenant of grace.

The history of the gracious dealings of God with a people which is often refractory reaches its climax in the fact that Yahweh reveals Himself to the whole people, constituting Himself its God and the people His people, Ex. 19. This gives the Law its significance as the divine gift which will show the people what conduct accords with its position as God's own people, or what conduct undermines it. The Law is thus a demonstration of grace inasmuch as it shows how the people lives before God because it lives by Him.

In the Septuagint,  $\eta\lambda\eta\lambda$  is consistently translated νόμος. This is the word which is also used by St. James in the passages under consideration. Although the suggestion has been made that this translation in the Septuagint was misleading, it appears that the word νόμος "had at least the

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<sup>6</sup>Horace D. Hummel, *The Word Becoming Flesh: An Introduction to the Origin, Purpose, and Meaning of the Old Testament*. (St. Louis: Concordia Publishing House, 1979), 74.

<sup>7</sup>Gerhard Kittel and Gerhard Friedrich, eds. *Theological Dictionary of the New Testament*, tr. Geoffrey W. Bromiley (Grand Rapids: Wm. B. Eerdmans Publishing Co, 1967), 4:1038. Hereafter cited as *TDNT*.

same breadth of meaning which *torah* had for Judaism."<sup>8</sup>

Even in secular Greek, the law was seen as that which

makes a man a citizen in the *polis* (as later in the cosmos) and differentiates him from the slave, who by nature has no part or lot in the νόμοι, . . . by making him free.<sup>9</sup>

In other words, νόμος, like ἡθνη, was not seen as only a restriction on liberty, nor only as that which called man to account for his failings, but as that which guided him in the right use of his privileges. In secular use, it was the freeman who was within the law; the slave's bondage consisted in the fact that he was not under the law's guidance and protection. In Biblical use, it was the covenant people who were given the privilege of having a written Law to guide them in their life of faith as the chosen people; it was the Gentiles' burden that they lived outside of and without the written Law.

A second area which ought to be examined briefly is the role of ἡθνη in the wisdom literature of the Old Testament, especially certain Psalms which could be grouped under that genre. Already Psalm 1 pronounces the man "blessed" who delights in the Torah.<sup>10</sup> Such a man is μακάριος,

"Happy" in the sense "to be envied." He may have de-

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<sup>8</sup> *IDB Supp.*, 909.

<sup>9</sup> *TDNT*, 4:1030.

<sup>10</sup> F. J. A. Hort, *Expository and Exegetical Studies. Compendium of Works Formerly Published Separately* (Minneapolis: Klock and Klock Christian Publishers, reprint 1980), 42.



light in it or he may not: the state itself is good and desirable; if he is in a right mind, he cannot but delight in it.<sup>11</sup>

It is important to note that the blessedness is not because of what he does, but in what he does as he lives a life of faith by the power of the Holy Spirit.<sup>12</sup> The idea is not that of a reward for merit, but of an assurance that a life in which faith manifests itself by willing obedience to the Torah is not seen as a life lived under impossible demands, but a life which is lived in joy under the assurance of God's blessings.<sup>13</sup> The fruit which the man described in Psalm 1 produces is further evidence that what is spoken of is something done out of a willing heart, because works which were extorted by a Law which operated only by fear and threats could hardly be called "fruits"; only those things which are done gladly and willingly could be called fruits of faith, since they flow from the heart of one who has already been renewed by the Holy Spirit (Galatians 5:22-26).

Similarly Psalm 19:7 (Hebrew Psalm 19:8) describes the Law as  $\eta\delta\prime\delta\eta$ , which parallels St. James' use of  $\tau\acute{\epsilon}\lambda\epsilon\iota\omicron\varsigma$  in James 1:25. (The LXX here has  $\acute{\alpha}\mu\omega\mu\omicron\varsigma$ .) Moreover, this

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<sup>11</sup>Hort, 42.

<sup>12</sup>David P. Scaer, *James, the Apostle of Faith* (St. Louis: Concordia, 1983), 69.

<sup>13</sup>Joseph B. Mayor, *The Epistle of St. James: The Greek Text with Introduction, Notes, Comments and Further Studies in the Epistle of St. James* (n.p.: Mac Millan and Company, 1913; reprint, Grand Rapids: Zondervan Publishing House, 1954), 73.

Psalm attributes to the Torah the gift of wisdom in verse 7. While one may grant that this is above all the gift of instruction in the Gospel, which makes wise for salvation through faith in Christ Jesus (2 Timothy 3:15), the use of the term wisdom in Proverbs shows that it also refers to the wisdom necessary for a Christian way of life.<sup>14</sup> It therefore belongs to the third use of the Law,<sup>15</sup> which is precisely the use of the Law which applies uniquely to those who are already within God's gracious covenant of salvation, not to condemn them but to instruct them.

A further example is to be found in Psalm 119. Especially verses 32 and 45 of this Psalm speak of the liberty with which the commandments are associated.<sup>16</sup> In verse 32 it states, "I run in the path of your commands, for you have set my heart free." Here the word is  $\text{לְצַדִּיק}$ , rather than  $\text{לְרַחֵם}$ , but the thought is not fundamentally different. It is the fact that one's heart has already been set free which makes one willing to run the path of the Lord's commandments. The obedience spoken of is not one which is extorted from the reluctant, but one which is in accord with the speaker's own desires ("heart") as evidenced by the readiness with which he carries it out ("run"). The idea is that "the reception of God's law is represented as

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<sup>14</sup>Hummel, 396.

<sup>15</sup>Ibid.

<sup>16</sup>Mayor, clxxxiii.

giving spacious room to walk, removing the narrowing bondage of petty personal desires."<sup>17</sup> Again, verse 45 of the same Psalm says, "I will walk about in freedom, for I have sought out your precepts." Here, too, there is the connection between the precepts of the Lord and freedom. The precepts of the Lord are not seen as a restriction upon the believer's freedom, but as that which protects his freedom.

In the same Psalm, in verse 97 the Psalmist confesses, "Oh, how I love your law! I meditate on it all day long." Here it is again the  $\eta\eta\eta$  which is referred to, and further identified in the following verse as  $\eta\eta\eta$ . The identification of Torah here with "commandments" suggests that it is the Law in distinction from the Gospel to which the Psalmist has reference. It is striking that here again the reference is not simply to the Law as that which gives impossible demands and then condemns the one who fails to live up to them. The Law is the object of the psalmist's love, and he finds both value and delight in meditating upon it, which would be improbable if he found there only his own death sentence. He finds the Law to be "the law of his life, though a law of freedom: it is the ideal on which his eye is to be fixed, not a yoke too heavy for his shoulders to bear."<sup>18</sup> It is, in other words, a Law of liberty, not of slavery.

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<sup>17</sup>Hort, 41.

<sup>18</sup>Mayor, 73.

To summarize, this brief survey of the use of תורה in the Old Testament shows that the Old Testament also speaks of the Law as a Law of liberty. For the unbeliever, as well as the believer's old man, the Law does indeed come as that which makes impossible demands and inspires fear. But the Law is given also to the believer, not simply to restrain his old Adam, but also to instruct him in his life within God's covenant of grace. There it is not felt as an impossible burden, but as a lofty goal. The goal which it sets is admittedly too high for him to attain. But he nevertheless delights both in meditating upon the Law and in carrying out its precepts as the Holy Spirit works in him to produce the fruits of faith (Psalm 1:3; Galatians 5:22,23). Far from restricting him in his use of his freedom as a child of God, it instructs him in the proper use of that freedom and teaches him how to live as a member of the people whom the Lord has graciously chosen to be his own.

## CHAPTER 3

### THE NEW TESTAMENT EVIDENCE

It is necessary to look at the Old Testament use of the term  $\eta\lambda\lambda\eta\lambda$ , as we have already done. It is also necessary to examine the remainder of the New Testament for its bearing on the teaching of James. In this chapter we will consider first the Gospels, especially the Sermon on the Mount, then the Pauline literature, and finally the other New Testament parallels.

The similarity of St. James' writing to the teaching of Jesus has been noted by many students.<sup>1</sup> Simon Kistemaker says, "In his epistle, James echoes the tone and tenor of Jesus' preaching recorded in the Gospels."<sup>2</sup> F. J. A. Hort says,

This distinctive value of St. James' Epistle is closely

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<sup>1</sup>For detailed comparisons of the Epistle of James with the teaching of Jesus, see especially Peter H. Davids, *The Epistle of James: A Commentary on the Greek Text (New International Greek Testament Commentary)* (Grand Rapids: William B. Eerdmans Publishing Company, 1982), pages 47,48, and Joseph B. Mayor, *The Epistle of St. James: The Greek Text with Introduction, Notes, Comments and Further Studies in the Epistle of St. James* (n.p.: Mac Millan and Company, 1913; reprint, Grand Rapids: Zondervan Publishing House, 1954), lxii-xc.

<sup>2</sup>Simon J. Kistemaker, *New Testament Commentary: Exposition of the Epistles of James and the Epistles of John* (Grand Rapids: Baker Book House, 1986), 11.

related to the distinctive value of the first three Gospels. The relation is not merely of affinity, but almost of direct descent. The Epistle is saturated with the matter of those Gospels (or narratives akin to them). No other book so uses them.<sup>3</sup>

Peter Davids says, "Indeed, Jesus' pervasive influence underlies the whole of James' teaching."<sup>4</sup> Even those who question the Jacobean authorship of the Epistle and the complete trustworthiness of the Gospels concede that "there is a broad scholarly consensus that the letter of James does reflect a strong continuity with the teachings of Jesus in a pre-Pauline form closely akin to the paraenesis of the synoptic source Q."<sup>5</sup> The understanding of the Old Testament in James is seen as closely parallel to that of Jesus as it is portrayed in Matthew's Gospel.<sup>6</sup>

In both Jesus' preaching and the Epistle of James, the continuing validity of the Law for the Christian in the New Testament is assumed rather than argued for.<sup>7</sup> "The letter of James continues to present the Old Testament, when

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<sup>3</sup>F. J. A. Hort, *Expository and Exegetical Studies. Compendium of Works Formerly Published Separately* (Minneapolis: Klock and Klock Christian Publishers, reprint 1980), xi.

<sup>4</sup>Davids, 50.

<sup>5</sup>Brevard S. Childs, *The New Testament as Canon* (Philadelphia: Fortress Press, 1985), 436. See also Martin Dibelius, *James: a Commentary on the Epistle of James (Hermeneia)*, tr. Michael A. William. Revised by Heinrich Greeven (Philadelphia: Fortress Press, 1976), 119.

<sup>6</sup>Childs, 437.

<sup>7</sup>Davids, 47.

correctly understood, as the norm for Christian living."<sup>8</sup> In the Sermon on the Mount, Jesus is presented as the giver of a new or renewed Law,<sup>9</sup> or more accurately, as the true interpreter of the Old Testament Law.<sup>10</sup> Jesus is presented as consciously paralleling Moses.<sup>11</sup> That such a proclamation of the Law by Jesus is not to be understood in the false, Judaizing sense as a Law by which the individual is to earn his own salvation is self-evident.<sup>12</sup> The Sermon on the Mount was preached to show what true faith is and how it is lived out.

The Law now answered and fulfilled in Christ is not only called "the perfect law" but also "the law of liberty," since the Christian is free from its accusations even when he fails. The Christian's failure is already resolved by Christ's fulfillment of the Law's demands by His life and His payment of the Law's penalties by His death. . . . The Law without Christ is constricting and burdensome, but with and in Christ a new positive dimension is opened. It is really a different kind of Law. Christ has made it radically different.<sup>13</sup>

In this connection, one must keep in mind what was previ-

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<sup>8</sup>Childs, 437.

<sup>9</sup>Davids, 48.

<sup>10</sup>Childs, 438.

<sup>11</sup>W. D. Davies, *Jewish and Pauline Studies* (Philadelphia: Fortress Press, 1984), 232.

<sup>12</sup>Leon Morris, gen. ed., *Tyndale New Testament Commentaries* (Leicester, England: Inter-Varsity Press and Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1985), Vol. 16: *The Epistle of James*, by Douglas J. Moo, 96.

<sup>13</sup>David P. Scaer, *James, The apostle of Faith* (St. Louis: Concordia, 1983), 68.

ously said in chapter 2 concerning the Law in the Old Testament. That the transition from the time of promise to that of fulfillment made a profound difference is not to be denied; but neither is it sufficient to dismiss the Old Testament as a "Gesetzesbund," and that "das Gesetz lag ihm zu Grunde," so that God's will met man "im Gesetz unter Fluchen und Drohen,"<sup>14</sup> as if the contrast between the two were that the Old Testament was fundamentally Law, not Gospel, and the New Testament was Gospel, not Law. It is true that the Sermon on the Mount does not enter into the kind of detailed exposition of the Law found in the Pentateuch;<sup>15</sup> but it does not thereby cease to be the preaching of the Law to those who believe, for their instruction in their Christian lives.

That Jesus intends to repeat and apply the content of the Old Testament Moral Law in his Sermon is evident not only from his words in Matthew 5:17-20, but from the content of the Sermon itself. Jesus begins in 5:17 by stating that he has not come to abolish the Law but to fulfill it. This refers, of course, above all, to his fulfillment by his

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<sup>14</sup>"a 'Law-covenant,' and that 'the Law was its basis,' so that God's will met man 'in the Law under cursing and threatening,'" Herm. Meyer, "Wie erkennt man ein Moralgebot?" *Theologische Quartalschrift* 14 (January 1917): 62.

<sup>15</sup>Meyer, 62.



active and passive obedience in his vicarious work for salvation.<sup>16</sup> But his warning in verse 19 against breaking one of the least of these commandments or teaching others to do so shows that he intends also to say that the moral Law of the Old Testament is not to be set aside by his followers. They are to obey it also.

The content of the remainder of the Sermon also consists in large measure of a kind of commentary on the Ten Commandments. The section 5:21-6:4 treats matters which deal with the Second, Fifth, and Sixth Commandments. From chapter 6 verse 16 through the end of the Sermon could well be regarded as an exposition of the First Table of the Law. In all of this, however, the thought is not that of a Law which operates by coercion, but one which the already-forgiven child of God willingly follows as a true Law of liberty. Instead of a Law "enforced by compulsion from without," it is for the Christian a Law "freely accepted as expressing the desire and aim of the subject of it."<sup>17</sup> As Peter H. Davids points out, this need not imply a literary dependence between Matthew and James.<sup>18</sup> Indeed, if St. James was the half-brother of Jesus, as suggested in chapter

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<sup>16</sup>R. C. H. Lenski, *The Interpretation of St. Matthew's Gospel* (Minneapolis: Augsburg Publishing House, n.d. ©1943 The Wartburg Press. Copyright assigned 1961 to Augsburg Publishing House), 207.

<sup>17</sup>Mayor, 73.

<sup>18</sup>Davids, 49.

1, it would not be unreasonable to assume that he had heard Jesus' preaching, although he did not become a believer until after the Resurrection.

A further parallel is provided by the similarity of the sayings concerning the hearing and the doing of the Law in the Sermon on the Mount and the Epistle of James. In both, hearing without doing is condemned. In the masterful conclusion of the Sermon on the Mount, Matthew 7:24-27, Jesus vividly describes the disaster which will befall the person who hears his words without doing them.<sup>19</sup> The whole section from Matthew 7:15 to 7:27 points out the contrast between merely saying and actually doing,<sup>20</sup> and warns against the futility of the faith which merely says, "Lord! Lord!", but does not do the will of the Father in heaven (Matthew 7:21). In the same way, James distinguishes between the sham faith which is able to say the right answers but is really dead, as proven by its inactivity (James 1:22-25; 2:18,19),<sup>21</sup> and that faith which demonstrates that it is alive by its deeds.

Moreover, both Jesus in the Sermon on the Mount and

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<sup>19</sup>R. C. H. Lenski, *The Interpretation of the Epistle to the Hebrews and the Epistle of James* (Minneapolis: Augsburg Publishing House, n. d. ©1938, Lutheran Book Concern, ©1946 The Wartburg Press. Assigned to Augsburg Publishing House, 1961), 558.

<sup>20</sup>Mayor, lxii.

<sup>21</sup>Scaer, 66-67.

James in his epistle use the warning as a call to introspection. In the case of Matthew 7, the call to self-examination is implicit: upon hearing the dreadful fate of those who hear Jesus's words but do not put them into practice, any hearer would be moved to examine himself to see whether he was simply hearing, or both hearing and doing. James' picture of the mirror in 1:25 more pointedly suggests close consideration of one's faith and life. Like Jesus' warning to take the beam out of one's own eye (Matthew 7:3-5), the critical self-analysis which James proposes "can only be done by looking at oneself in the mirror of God's Word,"<sup>22</sup> and more particularly the Law.

Again, both Jesus and James refer to a final judgment according to works. In James 1:22-25, the distinction is not between Christians and pagans, but between those called Christians who have true faith and those who do not.<sup>23</sup> In James 2:24, the Apostle says, "You see that a person is justified by what he does and not by faith alone." This finds its parallel in Matthew 7:15-27, and especially in Matthew 25:31-46.<sup>24</sup> Once again, it needs to be stated that neither Jesus nor James is teaching a justification by works of the Law. But both of them are teaching that at the Last Day judgment will be according to works, whose presence

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<sup>22</sup>Scaer, 67.

<sup>23</sup>Scaer, 68.

<sup>24</sup>Scaer, 68.

will be cited as proof of the reality of faith, and whose absence will be cited as proof of the absence of a true faith. By implication in both cases, the Law is the standard by which the Christian may even now measure his actions and determine if they are the fruits of faith or the works of unbelief (Galatians 5:19-26). Both Jesus and his Apostle define the life which the child of God is to live by referring to the Law, which the Savior did not come to abolish but to fulfill (Matthew 5:17).

Still another point of contact between Jesus' teaching and James may be discerned in their teaching on forgiveness and judgment. James' warning in 4:11 against judging one's brother because to do so is to make oneself a judge of the Law is parallel to Jesus' warning in the Sermon on the Mount, "Do not judge, or you too will be judged. For in the same way you judge others, you will be judged, and with the measure you use, it will be measured to you" (Matthew 7:1,2). Jesus makes more explicit the thought in James' expression in 4:11, "When you judge the law, you are not keeping it, but sitting in judgment on it. There is only one Lawgiver and Judge, the one who is able to save and destroy. But you--who are you to judge your neighbor?" The person who makes himself judge and lawgiver usurps the divine prerogative of establishing standards for judgment. He implies that there is an imperfection in the divine Law, which he is able to remedy with his more acute judgment.

But whoever does that will then inevitably, and justly, be judged by the standards which he himself wishes to apply to others. The standards which one applies to others will be taken up by God and used in the judgment at the Last Day.

By the same token, forgiveness will be shown by the one who understands the greatness of the forgiveness which has been given to him. This is implicit in the Sixth Petition in Matthew 6:13 and the commentary on it in Matthew 6:14,15, and elaborated on in the Parable of the Unmerciful Servant in Matthew 18:23-25.<sup>25</sup> In James 2:12,13 the Apostle also makes clear that the same standards which the individual has applied will be applied to him also in God's judgment. In both cases it is made clear that the individual's hope lies not in a supercilious holiness by which he constitutes himself lawgiver and judge of others, but in the mercy of God which has been given to him and which will be reflected in his own dealings with those who sin against him.

From this survey of the points of contact between the teaching of Jesus in the Gospels, especially the Gospel according to St. Matthew, and in particular the Sermon on the Mount, it can be seen that James faithfully reproduces the teaching of Jesus. Moreover, it will be seen that neither of them intends simply to negate the Old Testament

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<sup>25</sup>Scaer, 86.

Law for the New Testament child of God.<sup>26</sup> Instead, in the Sermon on the Mount Jesus elaborated on the Old Testament Law, showing its meaning and applying it to his Church. In the same way, James shows that the Law is not a dead letter for the New Testament era, but that it continues as a Law of liberty into the time of fulfillment.

Jesus and James also parallel one another in their use of Leviticus 19:18, in a way which was pointed out by Karl-Gottfried Eckart. Jesus himself, James, and St. Paul in Romans 13:9, cite Leviticus 19:18 as a summary of the Law.<sup>27</sup> The fact that this passage is used to summarize the Law already in Matthew 19:18,19 is a demonstration that the summarizing of the Decalogue by the commandment of love is a very early tradition in the Church,<sup>28</sup> dating back to Jesus himself. In Matthew 22:37-39 and its parallel in Mark 12:28-34 Jesus again cites the same passage in answer to the Pharisees' question as to the greatest commandment in the Law.<sup>29</sup> By his answers Jesus shows that he has not come to give a new law, as the rich young man in Matthew 19 had apparently hoped, but to establish the Law which Moses had

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<sup>26</sup>Childs, 438.

<sup>27</sup>Karl-Gottfried Eckart, "Zur Terminologie des Jakobusbriefes," *Theologische Literaturzeitung*, 89 (1964): 522-526.

<sup>28</sup>Eckart, 523.

<sup>29</sup>Kistemaker, 15.

given, as we already have heard in Matthew 5:17.<sup>30</sup> In the Epistle of James, the same text from Leviticus is cited in 2:8 as "the royal law," a practical example of which is given in James 1:27.<sup>31</sup> From this it can be seen that in both James' and Jesus' minds, Leviticus 19:18 as the commandment to love did not replace the individual Commandments of the Old Testament, but summarized the whole second tablet of the Law in the briefest compass.

Mention was made in the immediately preceding paragraph of the similarity of use of Leviticus 19:18 in the Epistle of James and in St. Paul's Epistle to the Romans. A more detailed consideration of Paul's use of the term νόμος and of the passages in which he makes use of what has become known as the Third Use of the Law now becomes necessary. Again, as in the Gospels, Joseph B. Mayor has cataloged an extensive group of passages in which St. Paul and St. James parallel one another.<sup>32</sup> Various scholars attempt to discern the relationship between the two Apostles, usually finding them in more or less clear-cut opposition to one another. Martin Luther's blunt evaluation of the Epistle of James was cited above,<sup>33</sup> as was that of Werner Kueimmel,<sup>34</sup>

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<sup>30</sup>Eckart, 523.

<sup>31</sup>Eckart, 523.

<sup>32</sup>Mayor, xcii-c.

<sup>33</sup>*Amer. Ed.*, 35:397.

who sees James as having value as a corrective to a misunderstood Paulinism, but of meager independent value.

Brevard Childs sees the "canonical significance" of James in that the epistle "extends Matthew's understanding [of the place of the Old Testament Law] into the post-Pauline period."<sup>35</sup> Yet even he concedes that "the exact relationship between the two writers remains enigmatic and is much debated. . . . In spite of the polemical setting of his letter, the actual opponent seems to correspond only vaguely to Paul."<sup>36</sup> Mayor, on the other hand, says about our Epistle that

It has been pointed out . . . by the more careful students of our Epistle . . . that the arguments therein contained on Faith and Works has no bearing on St. Paul's doctrine, its purport being, in the words of John Bunay, to insist that 'at the Day of Doom, men shall be judged according to their fruit. . . .'--a doctrine which of course is<sup>37</sup> common to St. Paul with every other writer in the N.T.

It is substantially the last position which will be taken here. Most of Luther's confessional followers today would not share his willingness to treat James as a well-meant but inept attempt to encourage sanctification,<sup>38</sup> nor to main-

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<sup>34</sup>Werner Georg Kuemmel, *Introduction to the New Testament*, trans. Howard Clark Kee (Nashville: Abingdon Press, 1971; fifth printing, 1984), 416.

<sup>35</sup>Childs, 438.

<sup>36</sup>Childs, 440.

<sup>37</sup>Mayor, xcii.

<sup>38</sup>*Amer. Ed.*, 35:397.



tain that one inspired writer wrote to correct another. Before making any attempt at seeing how Paul and James are to be reconciled, however, we need to look more carefully at what Paul has to say about the Law.

St. Paul's use of the word νόμος is "somewhat slippery."<sup>39</sup> The fact that in a single verse, Romans 3:21, he can assert that the righteousness of God has been made known χωρὶς νόμου and also that it has been witnessed to ὑπὸ τοῦ νόμου καὶ τῶν προφητῶν shows the flexibility of Paul's use of νόμος. This is in accord with the use of נִלְוָה in the Old Testament, where it is used to express both stipulations and narrative. In the same way, "in some NT passages, and especially in Paul, *nomos* is used in the sense of Torah story as well as Torah stipulations."<sup>40</sup> Hence it becomes necessary to evaluate the meaning of Torah in each case according to the context.

Concentration on the traditions of God's free acts to effect righteousness resulted in an emphasis on Torah as precisely that type of story; concentration on the traditions of Israel's proper response to those acts resulted in an emphasis on Torah as precisely a call to response.<sup>41</sup> But Torah itself was always a balance between the two.<sup>41</sup>

Thus in the section preceding Romans 3:21, in verses

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<sup>39</sup> Charles H. Cosgrove, "The Mosaic Law Preaches Faith: A Study in Galatians 3," *Westminster Theological Journal*, 41 (1978): 148.

<sup>40</sup> *IDB Supp.*, 910.

<sup>41</sup> *IDB Supp.*, 910.

9-20 Paul offers a catena of Scripture quotations designed to prove the universality of human sinfulness, to which he refers in verse 19 as "the law." Yet none of it comes from the Pentateuch or the Decalogue.<sup>42</sup> Thus in verses 19 and 21 Paul uses the word νόμος in two senses: in verse 19 and the first time in verse 21 as that which reveals to man his sin and calls him to account before God, and the second time in verse 21 as the narrative and promissory portions of the Pentateuch. While one might prefer the term "fluidity" to "slipperiness" in describing the meaning of νόμος in Paul's writings,<sup>43</sup> the fact remains that the word is difficult to pin down to one simple meaning, and requires care on the part of the interpreter as he studies each use in its context.

In dealing with Paul's statements concerning the Law, it must also be kept in mind what Paul means by saying that with the coming of Christ the Law has come to an end. In Romans 10:4 he says, "For Christ is the end of the law for righteousness to everyone who believes" (NKJV). In interpreting that verse, however, one must be cautious not to understand it as meaning a complete abolition of the Law.

But that Christ is the end of the law (Rom 10:4) signifies, not that the law has come to an end, but that it

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<sup>42</sup>R. C. H. Lenski, *The Interpretation of St. Paul's Epistle to the Romans*, (Minneapolis: Augsburg Publishing House, n.d. ©1936, Lutheran Book Concern), 240.

<sup>43</sup>Cosgrove, "Mosaic Law," 148; Davies, *Studies*, 238.

has reached its final purpose in him; Christ was the goal to which the law was directed (cf. Rom 3:21); he has achieved its destiny. The cessation of the law was associated with the cross (Gal 2:19,21; 3:13; 5:11; Eph 2:13-14; Col 2:14). But the cross is also the most complete obedience to God, which is precisely the demand of the law (Rom 8:34ff.). To share "in Christ" is to fulfill the law (Rom 3:31). The demand of the law, in its essence, is not violated by the Christian, because it can be gathered up in love (Gal 4:14; 6:2; Rom 8:4; 13:8,10). Paul is thus no antinomian.<sup>44</sup>

As the context makes clear, the thought is that "for the believer the Law is set aside as a way of salvation by the Christ event."<sup>45</sup> Christ's coming and work once and for all closes off the false idea of attaining salvation by one's own fulfillment of the Law; but that was never the proper function of the Law in any case. The Law's rightful purposes are not abolished by the coming of the Savior.

"Paul's use of the phrase 'The Law of Christ' even in Galatians is a stumbling block to those who set Paul in total opposition to the Law and even all law."<sup>46</sup> *Abusus non tollit usum*; nor does the abolition of the abuse entail the abolition of the use.

In that sense one can even, with due caution, allow it to stand that

Paul must have regarded Jesus in the light of a new Moses, and that he recognized in the words of Christ a

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<sup>44</sup>Davies, *Studies*, 237,238.

<sup>45</sup>TDNT, 8:56.

<sup>46</sup>W. D. Davies, *Paul and Rabbinic Judaism: Some Rabbinic Elements in Pauline Theology*. Fourth edition with new preface. (Philadelphia: Fortress Press, 1980), xxxiii.

νόμος τοῦ Χριστοῦ which formed for him the basis of a kind of Christian Halakah. When he used the phrase νόμος τοῦ Χριστοῦ he meant that, the actual words of Jesus were for him a New Torah.<sup>47</sup>

In saying this, it cannot be overemphasized that by this one must not reduce Christ to the level of a mere law-giver, who supplies men with better commandments than those given by Moses. That is precisely what Jesus refused to do for the rich young man in Matthew 19. It means rather that Jesus does not set aside the revelation of the Law given in the Old Testament, but rather recognizes the continuing validity of the Mosaic Law for his New Testament Church.

A second area of Paul's use of the Law lies in the passages in which he deals with the Third Use of the Law. It is alleged by W. D. Davies on the basis of Romans 14:4 that that passage

asserts that each person stands or falls before his or her own master--that is, is not subject to any fixed law which can be discerned by outsiders and which prescribes a set course of action. He or she is free to decide what should be done, under the constraint of love or of Christ; to judge another's action is to presume to know the meaning of that constraint for him or her, to judge the law of love itself; and this very judgment is itself a transgression of that law.<sup>48</sup>

Over against that assertion, it must be pointed out that Romans 14 deals with the Christian's conduct in adiaphora. There it is true that no one is to make his own conscience binding on another or to judge the use which another makes

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<sup>47</sup>Davies, *Judaism*, 144.

<sup>48</sup>Davies, *Studies*, 241.

of his freedom in the absence of a divine commandment. James would presumably have agreed, although he does not deal expressly with the subject in his epistle.

It is another question, however, when St. Paul takes up matters in which there is a specific divine commandment dealing with the subject at hand. There he maintains the continuing validity of the Law as it is expressed in the Old Testament for the lives of New Testament believers:

What Paul proclaims when he speaks of freedom from the Law cannot signify that what the Moral Law of God declares sinful no longer is sinful for the Christian, that, for instance, while in the case of people in general the bearing of false witness is a heinous offense, for the Christian it would not be wrong to commit such a thing. That Paul does not wish to impugn the majesty of the Law is evident from [Galatians] 5:14: "For the whole law is fulfilled in one word: you shall love your neighbor as yourself." One is amazed to hear the Apostle, who had declared the reign of the Law ended, now suddenly referring to the Law as still existing and as evidently divine and holy. If anyone thinks that St. Paul advocates antinomian views, he totally misunderstands him. Cf. the emphatic statement Rom. 7:12.<sup>49</sup>

It is noteworthy that precisely in Romans and Galatians, the two epistles in which St. Paul most clearly states the doctrine of justification by grace through faith without the deeds of the Law, he also includes exhortations to his readers which, while they do not necessarily use the *word* Law, are nevertheless forceful preaching of the Law. He thus reveals that his view of the relationship between faith

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<sup>49</sup>William F. Arndt, "Galatians--A Declaration of Christian Liberty," *Concordia Theological Monthly*, 27 (September 1956): 689-690.

and works is not so different from the teaching of St. James as is sometimes thought.

For James, then, there is no such thing as a true and living faith which does not produce works, for the only true faith is a "faith working through love" (Gal. 5:6; cf. Mussner, 132). Works are not an "added extra" any more than breath is an "added extra" to a living body. The so-called faith which fails to produce works (the works to be produced are charity, not the "works of the law" such as circumcision against which Paul inveighs) is simply not "saving faith."<sup>50</sup>

For both Paul and James, saving faith works. "As Paul says in Galatians 5:6, it is 'faith working through love' that counts before God; so James: 'faith without works is dead.'"<sup>51</sup>

Thus "for Paul too there is 'the law of the spirit of life in Christ Jesus that has freed me from the law of sin and death' (Rom. viii.2)."<sup>52</sup> In Jesus Christ the Christian is indeed "freed from the law as a complicated system which must be observed in toto if justification is to be obtained,"<sup>53</sup> but that does not mean that he is simply free from the Law. Instead, in Romans 6:19 Paul says that we are freed from slavery to impurity. That phrasing is

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<sup>50</sup> Davids, 122.

<sup>51</sup> Moo, 45.

<sup>52</sup> Sophie Laws, *A Commentary on the Epistle of James. Harper's New Testament Commentaries.* (San Francisco: Harper & Row, 1980), 87.

<sup>53</sup> Dan Otto Via, Jr., "The Right Strawy Epistle Reconsidered: A Study in Biblical Ethics and Hermeneutic," *The Journal of Religion* 49/3 (1969): 261.

helpful because it shows that our freedom "is now certainly not license, not liberty to drop back into sins, but a liberty that of our own volition holds us to God and to righteousness to such an extent as though he had completely made us slaves."<sup>54</sup> Thus in Romans 6 Paul on the basis of the righteousness conferred in Baptism exhorts his followers to live a life which reflects that righteousness, an exhortation which certainly is Law, although he does not use that term. Later on, in Romans 13, he even makes specific reference to the Old Testament Law in his exhortation: "Thus Paul, when exhorting the regenerate to good works, presents to them expressly the Ten Commandments, Rom. 13,9; and that his good works are imperfect and impure he recognizes from the Law, Rom. 7,7ff."<sup>55</sup> Nor is Paul's use of the term "law of the Spirit of life" in Romans 8:2 to be regarded as merely a necessary counterpart to "the law of sin and death;" nor is the expression *ἐννομος Χριστοῦ* in 1 Corinthians 9:21 merely rhetorical, as Martin Dibelius says.<sup>56</sup> In both cases Paul wishes to express that he is in agreement with the Law, as it is found in both Old and New Testaments. Paul "speaks of a 'law of Christ' (Gal. 6:2; cf. 1 Cor. 9:21) to which Christians are subject. This 'law of Christ'

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<sup>54</sup>Lenski, *Romans*, 430.

<sup>55</sup>FC, TD, VI, *Trig.*, 969.

<sup>56</sup>Dibelius, 119.

does not differ from James' 'royal law of liberty'."<sup>57</sup>

There is not the kind of cleavage between Paul's doctrinal and paraenetic portions which Dibelius envisions. Indeed, the exhortations to living can be based on the doctrinal portions only if they are in agreement with one another. It is in the sections in which Paul speaks practically, as Romans 13, that he sounds most like James; but given the practical, paraenetic bent of James, that is what one would expect.<sup>58</sup>

In Galatians St. Paul also speaks of the fact that the Christian's faith is to express itself in a renewed life. Again, he avoids the use of the word νόμος, perhaps because of the situation in Galatia; but the content of the Law is clearly expressed. William F. Arndt comments on Galatians 5,

It is in keeping with what has just been stated that the Apostle, having told us that we are free from the Law, finally puts a good deal of Law into his discourse, not fearing at all that some little minds will charge him with self-contradiction or inconsistency. Think of the blast in 5:18-21, which, after listing a number of sins that probably had special fascination for the carnal nature of the Galatian converts, concludes with the strong pronouncement that those doing such things will not inherit the kingdom of God. Then he continues to place a diet of Law before us, but in an appealing way, enumerating some of the virtues that result from our being filled with the Spirit (5:22f.). And he adds, "against such things there is no Law," that is, when you are engaged in doing the things indicated, the thunder and lightning of Mount Sinai, great realities though

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<sup>57</sup>Moo, 50.

<sup>58</sup>Eckart, 523.



they are, will not touch you.<sup>59</sup>

Two points call for comment. One is that what St. Paul says in Galatians 5:18-26 is unequivocally Law; the mere absence of the word "Law" does not alter the content of the message. The second is that when this Law is addressed to Christians, it is meant to instruct, not to drive them to despair. The "thunder and lightning of Mount Sinai" remain as proof of God's majesty and holiness, but the fear they inspire in Christians is the respect of sons, not the terror of slaves.

Such exhortations, of course, are not confined to Galatians and Romans.

Paul's advice to the Thessalonian Christians not to walk as the Gentiles, to refrain from fornication, not to overreach each other in business, to have regard to 'those without' and references in other epistles reveal that he thought of Christians as forming a community that was 'holy', apart from the world and dedicated to God, which had therefore to observe certain rules.<sup>60</sup>

It will be noted that the "rules" which Paul proposes in 1 Thessalonians 4:1-12 are a summary of certain of the Ten Commandments, and that the holiness of the redeemed community is reflected also in Exodus 19:6, spoken before the giving of the Decalogue at Sinai. It will be seen here, in contradiction to Dan Otto Via, that the Law as Paul speaks of it does consist of specific commandments which say in advance what love entails, rather than to general exhorta-

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<sup>59</sup>Arndt, 691-692.

<sup>60</sup>Davies, *Judaism*, 130.

tions to love.<sup>61</sup> It is true that the Christian is "freed from the law as a complicated system which must be observed in toto if justification is to be attained," and that "he must use his freedom not as an occasion for self-assertion, but as an occasion for serving love";<sup>62</sup> on the contrary,

Weder ueberlasst Paulus alles der persoenlichen Entscheidung noch gibt er genau zu befolgende gesetzliche Vorschriften fuer den einzelnen Fall. Seine Haltung geht durch die Gefahren der Gesetzlichkeit hindurch. Er will eine klare Ordnung des Gemeindelebens und gibt dafuer, sei es unter Berufung auf die Herrnworte, sei es auf die Leitung seines Denkens<sup>63</sup> und Handelns durch den Geist, gestimmte Richtlinien.

Paul's concern for the continued use of the Law as a guide in the life of the Christian is no less than James' concern for the same thing. "Paul rejected works of the law, but he encouraged acts of Christian love even as James, though the latter speaks of these as obligations of the law of liberty."<sup>64</sup>

Finally, we may conclude with a brief consideration

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<sup>61</sup>Via, 261.

<sup>62</sup>Via, 261.

<sup>63</sup>"Paul neither gives everything to personal judgment nor gives legal prescriptions to be observed precisely in the individual case. His attitude passes through the dangers of legalism. He desires a clear order of congregational life and gives for it corresponding directions, either by appeal to words of the Lord, or upon the guidance of his thoughts and actions through the Spirit." Heinz-Dietrich Wendland, *Die Briefe an die Korinther uebersetzt und erklart. Neues Testament Deutsch*. 5. Aufl. (Goettingen: Vandenhoeck & Ruprecht, 1948), 48.

<sup>64</sup>Bo Reicke, *The Epistles of James, Peter, and Jude. Introduction, Translation and Notes. The Anchor Bible*. (Garden City, N.Y.: Doubleday & Company, 1964), 34.

of other New Testament passages which speak of the Law in its continuing application to the Christian.<sup>65</sup> Donald Moo points to 1 John 3:24 as a close parallel to James' words on the Law:

God's gracious acceptance of us does not end our obligation to obey him; it sets it on a new footing. No longer is God's law a threatening, confining burden. For the will of God now confronts us as a *law of liberty*--an obligation that is discharged in the joyful knowledge that God has both 'liberated' us from the penalty of sin and given us, in his Spirit, the power to obey his will.<sup>66</sup>

In this connection, one might note that 1 John 3:24 is an explanation of verse 23, "And this is his command: to believe in the name of his Son, Jesus Christ, and to love one another as he commanded us." This "command" is very close to Leviticus 19:18. For John, the Lord's command remains a guide for the Christian life in the New Testament. Also in the Johannine literature, Revelation 14:12 identifies τῶν ἁγίων as οἱ τηροῦντες τὰς ἐντολὰς τοῦ θεοῦ. The most obvious reference to τὰς ἐντολὰς τοῦ θεοῦ is to the Law, again not understood as an intolerable burden, but as the will of God with which the believer willingly agrees.<sup>67</sup>

To summarize, James is sometimes seen as being nearly isolated in the New Testament. But the survey which

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<sup>65</sup>For an extensive listing of parallels, see Mayor, lxxxviii-xcii, cii-cix.

<sup>66</sup>Moo, 98.

<sup>67</sup>Moo, 98.

we have undertaken suggests that his attitude toward the Law is by no means unique. The teaching of Jesus on the Law, Paul's epistles, especially in their paraenetic sections, and the rest of the New Testament agree with James that the Law continues to have validity for the New Testament Christian as a guide in living his life under God's grace through the power of the Holy Spirit.

## CHAPTER 4

### A SUGGESTED RECONCILIATION

As was pointed out above, it is the contention of this paper that the doctrine of St. James and St. Paul concerning the Law do not stand in contradiction to one another. It must be kept in mind that St. Paul's use of the term νόμος was shaped by his situation. Jewish abuse of the Law as a way or condition of salvation made use of νόμος inadvisable in many contexts. Especially is this the case in Galatians. There it must be remembered that Paul's opponents "taught the faith-destroying doctrine of justification through good works."<sup>1</sup> The Galatian heresy was a reassertion of the Pharisaic tradition that justification was achievable on the basis of one's own obedience; hence Paul had to reiterate Jesus' repudiation of that tradition.<sup>2</sup> The Gospel itself was at stake, and in defending it Paul had to make abundantly clear that justification is absolutely without works of the Law, that in fact "anything

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<sup>1</sup>William F. Arndt, "Galatians--A Declaration of Christian Liberty," *Concordia Theological Monthly*, 27 (September 1956) 687.687.

<sup>2</sup>W. D. Davies, *Jewish and Pauline Studies*, (Philadelphia: Fortress Press, 1984), 232.

that is 'law' . . . is useless for obtaining justification . . . ,yea, worse than useless, it is actually fatal."<sup>3</sup>

Thus in interpreting Paul's statements about the Law, especially in Galatians, we are faced with "an important *hermeneutical problem*: how far are theological statements conditioned by and bound to a certain historical setting?"<sup>4</sup>

Hence Paul's statements which seem to depreciate the Law must be read in their historical and theological context:

In this epistle Paul is seeking to undo the damage done by false teachers who have, in effect, exalted the law above the gospel. In arguing against their perverse, excessive exaltation of the law Paul naturally has to attempt to reduce the law's importance in the eyes of those who have been led astray, to its true magnitude. It is not that Paul desires, absolutely, in any way to disparage the law, but that, in relation to this false exaltation of the law, he is forced in some measure to depreciate it. To fail to make full allowance for the special circumstances which called forth the letter would be to proceed in a quite uncritical and unscientific manner. In view of what has just been said, it would be extremely unwise to take what Paul says in Galatians as one's starting point,<sup>5</sup> in trying to understand Paul's teaching on the law.

One might question the last sentence in the above quotation, but it must be kept in mind that Galatians is not all that

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<sup>3</sup>R. C. H. Lenski, *The Interpretation of St. Paul's Epistles to the Galatians to the Ephesians and to the Philip-  
pians* (Minneapolis: Augsburg Publishing House. ©1937, The  
Lutheran Book Concern. Assigned to the Wartburg Press, ©1946.  
Assigned to Augsburg Publishing House, 1961), 256.

<sup>4</sup>Thorwald Lorenzen, "Faith without Works does not count  
before God! James 2:14-26," *Expository Times* 19 (1977-78):  
234.

<sup>5</sup>C. E. B. Cranfield, "St. Paul and the Law," *Scottish  
Journal of Theology* 17 (1964): 62.

Paul has to say about the Law, and that in any case the context in which that epistle was written must be kept clearly in view when his statements in Galatians are read.<sup>6</sup> In Corinth also, Paul found himself in the situation of "directing the Corinthians' new obedience in the way of Christ . . . without permitting Christianity to become a new law."<sup>7</sup> In speaking to a situation in which it was advocated that man could achieve and maintain his own relationship to God through various religious practices, Paul could not speak as James did.<sup>8</sup> The "works of the Law" with which Paul dealt in Galatians "have nothing to do with the true gospel faith, [and] are the boast of all Pharisees and all work-righteous men";<sup>9</sup> it was therefore necessary for him to

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<sup>6</sup>It could well be noted that the same need for keeping the context in mind applies in reading Luther's statements on the Law and the Epistle of James. "The Roman Church had taught that doing the requirements of the Law would merit heaven. Luther wants to avoid having people feel that after they believed they would again 'work at' obtaining heaven. He wishes them to know that salvation does not come by the works of the Law but by grace through faith in Christ, without works of the Law." Paul M. Hoyer, "Law and Gospel: With Particular Attention to the Third Use of the Law," *Concordia Journal* 6:5 (September 1980): 194.

<sup>7</sup>C. K. Barrett, *A Commentary on the First Epistle to the Corinthians*. *Harper's New Testament Commentaries*. (New York and Evanston: Harper & Row, Publishers, 1968), 214.

<sup>8</sup>Lorenzen, 234.

<sup>9</sup>R. C. H. Lenski, *The Interpretation of the Epistle to the Hebrews and the Epistle of James*, (Minneapolis: Augsburg Publishing House, n.d. ©1938 Lutheran Book Concern. ©1946 The Wartburg Press. Assigned to Augsburg Publishing House, 1961), 577.

put "works of the Law" into the sharpest contrast with faith. In such a context, to make prominent use of the term νόμος or to speak of the Law as James did, especially in James 2:24, could only have further confused the already wavering Galatians, or even been cited by Paul's opponents as proof that he, too, required works of the Law for justification. Thus we see Paul, with the notable exception of Galatians 5:14, avoiding the use of the term νόμος in a positive way in Galatians.

Nonetheless, although making sparing use of the word νόμος, Paul did express the content of the Law in other ways. In dealing with the doctrine of justification, St. Paul avoided any wording which might appear to reintroduce the Law into the doctrine of justification; but when he spoke concerning practical matters and the renewed life of the Christian among men, he did not hesitate to use the Law as instruction also for Christians.<sup>10</sup> Hence it is that also in Galatians 5:18-26 where St. Paul is speaking about sanctification,

the Apostle, having told us that we are free from the Law, finally puts a good deal of Law into his discourse, . . . but in an appealing way, enumerating some of the virtues that result from our being filled with the Spirit.<sup>11</sup>

Like James, in his ethical section "Paul draws on earlier

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<sup>10</sup>Karl-Gottfried Eckart, "Zur Terminologie des Jakobusbriefes," *Theologische Literaturzeitung*, 89 (1964), 523.

<sup>11</sup>Arndt, 691.



Christian tradition in terms similar to James (Gal. 5:13, which combines freedom and law; Gal. 6:2; 1 Cor. 9:21; and 1 Cor. 7:10, where a dominical saying ends the discussion . . .)."<sup>12</sup> Thus in Romans 8:2 when St. Paul speaks of "the law of the Spirit" that Law

is no other than God's law which is not at all changed; but we are changed, made alive unto God and delight in his holy will as this is voiced in his law (6:22, also v. 16). The entrance of this law by means of our spiritual life which is wrought by the Spirit "liberated us from the law of the sin and of the death."<sup>13</sup>

Thus we see that Paul also had no objection to the use of the Law as a "normative guide for ethics . . . in the proper context."<sup>14</sup>

In fact, Paul clearly expected his Churches to use the Law as a guide in matters of Christian conduct. The argument that in 1 Corinthians 6 the Sixth Commandment is not cited *expressis verbis* and that the Apostle therefore did not expect his congregations to govern themselves according to the Law<sup>15</sup> is misdirected. In verse 18 of that chapter the Apostle refers to *πορνεία*, which surely implies

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<sup>12</sup>Peter H. Davids, *The Epistle of James: A Commentary on the Greek Text (New International Greek Testament Commentary)* (Grand Rapids: William B. Eerdmans Publishing Company, 1982), 100.

<sup>13</sup>R. C. H. Lenski, *The Interpretation of St. Paul's Epistle to the Romans* (Minneapolis: Augsburg Publishing House, n.d. ©1936, Lutheran Book Concern), 497.

<sup>14</sup>Davids, 49.

<sup>15</sup>Frederick W. Danker, "Faith With Works: Galatians 5 and 6," *Concordia Theological Monthly*, 27 (August 1956), 603.

the Sixth Commandment. Verse 16 also goes back to the divine institution of marriage, which the Sixth Commandment was given to protect. Though Paul does not quote the commandment verbatim, he is nonetheless preaching the Law. To supplant the express words of the Law with the general statement that "all things are not expedient"<sup>16</sup> would, if pursued far enough, lead to purely utilitarian ethics. In point of fact, Paul's words *φεύγετε τὴν πορνείαν* show "that the new life is first and foremost a discarding of the 'old,'" and explain the prevalence of catalogues of vices in paraenesis.<sup>17</sup> In 1 Corinthians 5 and 10 Paul, like James, "argues that certain actions are incompatible with Christian profession and should result in excommunication."<sup>18</sup> For the Apostle to propose such drastic action as the excommunication of the incestuous man and to fault the Corinthians for failing to take it previously on their own initiative implies an objective standard of conduct far more readily ascertainable than the question of whether a given action is or is not expedient,<sup>19</sup> and that standard is to be found in the Law.

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<sup>16</sup>Ibid.

<sup>17</sup>Hans Conzelmann, *1 Corinthians. A Commentary on the First Epistle to the Corinthians. Hermeneia*, tr. James W. Leitch (Philadelphia: Fortress Press, 1975), 112.

<sup>18</sup>Dauids, 50.

<sup>19</sup>Danker, 603.

In the situations which St. Paul addressed, especially in the Galatian Churches, it was prudent to make use of the word νόμος as still applicable to the Christian life sparingly. But in the Jewish-Christian situation which James addressed, such misunderstanding apparently was not a problem, so that he used the term "Law of liberty" without fear of misunderstanding. If the Epistle were addressed to Churches composed exclusively of Jewish Christians,<sup>20</sup> it would be natural that the Law would not be an issue for them.<sup>21</sup> It may well be that they continued to observe at least some of the Jewish ceremonial laws, as did the early Church at Jerusalem (Acts 2:46; 3:1; 21:21-26), and indeed Paul himself even after the passage of many years (Acts 21:20).<sup>22</sup> It would have been natural for devout Jews to continue to observe the Old Testament Law, without thereby becoming legalists or Judaizers.<sup>23</sup> James emphasizes the continuity between the Old Testament and the New;<sup>24</sup> and his readers, who apparently still considered themselves a "synagogue" (James 2:2), may not have felt the sharpness of the

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<sup>20</sup>Lenski, *James*, 503.

<sup>21</sup>Dauids, 47.

<sup>22</sup>Lenski, *James*, 511.

<sup>23</sup>Martin Dibelius, *James: a Commentary on the Epistle of James (Hermeneia)*, tr. Michael A. William. Revised by Heinrich Greeven (Philadelphia: Fortress Press, 1976), 18.

<sup>24</sup>Brevard S. Childs, *The New Testament as Canon* (Philadelphia: Fortress Press, 1985), 443.

break between their former lives and their faith in Jesus as the Messiah as keenly as did many of the members of other Churches.<sup>25</sup> This is not so much data for attempts to date the Epistle of James by comparing it with the epistles of St. Paul, as do Dibelius and Reicke, for example,<sup>26</sup> as it is evidence that the Churches to which James addressed himself were in a different situation from the Churches to which Paul addressed himself, which were seemingly more Gentile than Jewish. James differs from Paul not only in his use of νόμος, but "James uses every significant term πίστις, ἔργα, and δικαιοσύνη, with a differing and more 'primitive' meaning than Paul."<sup>27</sup> It is not so much that James takes a different position as Paul as that "Pauline controversies over the Jewish law as such are outside the purview of James."<sup>28</sup>

James and Paul are speaking to different issues. James is not concerned with the question whether good works as such can lead a person to peace with God; he is asking, rather, how the reality of salvation is sustained in the life of the Christian. As such Paul and James are good reminders that a responsible theology must address itself to the situation; and the nature of the situation will qualify the form which the word of God assumes.<sup>29</sup>

It must also be kept in mind that the issue of the

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<sup>25</sup>Dibelius, 146.

<sup>26</sup>Dibelius, 17-18, 146; Reicke, 15.

<sup>27</sup> Davids, 21.

<sup>28</sup> Davies, *Studies*, 241.

<sup>29</sup> Lorenzen, 234.

Law as it is found in Galatians and Romans was not necessarily controversial in all of the Churches. That it was apparently not controverted to the same degree even in all of Paul's Churches, is evidenced by the fact that it is not mentioned in Ephesians, Philippians, and Thessalonians. In Colossians, also, it does not seem to have been a straightforward Jewish legalism which Paul was refuting, but an incipient gnosticizing type of Judaism.<sup>30</sup> Nor was a Judaizing legalism the only controverted issue in the Churches founded by St. Paul; while Churches which were exclusively Jewish may not have experienced such controversies at all. In that sense it is important to allow both the epistles of St. Paul and the epistle of St. James to speak each in their own way to the situations to which they were originally addressed and to see how they fit together in that way rather than to make either one the measure of the other. To attempt to reconcile James and Paul by imposing the thoughts and language of either one upon the other results either in the distortion of one or both, or else the rejection of one or the other. It is necessary rather to listen to each inspired author on his own terms, including what we know or can reasonably ascertain as to the context of his writing,

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<sup>30</sup> Joseph B. Mayor, *The Epistle of St. James: The Greek Text with Introduction, Notes, Comments and Further Studies in the Epistle of St. James* (n.p.: Mac Millan and Company, 1913; reprint, Grand Rapids: Zondervan Publishing Company, 1954), cxlii.

and then to find not only the points in which they say the same things, but also the points in which each one brings his own message to us--not in contradiction to one another, but complementing one another in one divine revelation.

## CHAPTER 5

### THE THIRD USE OF THE LAW IN THE LUTHERAN CONFESSIONS

Although the Confessions will be cited frequently in subsequent chapters of this study, it may be well to note that the use of the Law as a guide for the Christian in his life of free service to God is carefully developed by the Lutheran Confessions. F. F. Bruce rejects this use of the Law, saying,

As for the third use of the law, Paul's thoughts on the guidance of the church may sometimes be expressed by means of the term "law," but when he speaks of "the law of the Spirit" or "the law of Christ" he uses "law" in a non-legal sense.

He explicitly cites the doctrine of the Lutheran Church concerning the Third Use of the Law and rejects it because "Love is generated by an inner spontaneity and cannot be enforced by penal sanctions."<sup>2</sup> Three points in particular which are made in the Confessions of our Church may be mentioned here in reply to that contention.

Point one is that when dealing with Christians in this life we must remember that

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<sup>1</sup>F. F. Bruce, *Paul, Apostle of the Heart Set Free* (Grand Rapids: William B. Eerdmans Publishing Company, 1977. Reprinted, 1984), 192.

<sup>2</sup>Bruce, 201.

the old Adam, as an intractable, refractory ass, is still a part of them, which must be coerced to the obedience of Christ, not only by the teaching, admonition, force, and threatening of the Law, but also oftentimes by the club of punishments and troubles.<sup>3</sup>

It is true that "love is generated by an inner spontaneity and cannot be enforced by penal sanctions."<sup>4</sup> But in dealing with the Old Adam we are dealing with someone who is not moved by love, but responds only to coercion. Therefore

until the body of sin is entirely put off, and man is perfectly renewed in the resurrection, when he will need neither the preaching of the Law nor its threatenings and punishments, as also the Gospel any longer; for these belong to his [mortal and] imperfect life,<sup>5</sup>

the Christian continues to need the preaching of the Law.

The second point is that

by the words mentioned, *necessitas*, *necessarium*, *necessity* and *necessary*, if they be employed concerning the regenerate, not coercion, but only due obedience is to be understood, which the truly believing, so far as they are regenerate, render not from coercion<sup>6</sup> or the driving of the Law, but from a voluntary spirit.

To say that something is necessary is not the same thing as to say that it is coerced or compelled.

Thirdly,

it is needful that the Law of the Lord always shine before them, in order that they may not from human devotion institute wanton and self-elected cults [that they may frame nothing in a matter of religion from the desire of private devotion, and may not choose divine

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<sup>3</sup>FC, TD, VI, Trig., 970.

<sup>4</sup>Bruce, 201.

<sup>5</sup>FC, TD, VI, Trig., 971.

<sup>6</sup>FC, Ep., IV, Trig., 799.



services not instituted by God's Word].<sup>1</sup>

The spontaneity of the Christian in works of love is not a spontaneity which permits him to determine for himself what is love toward his Lord or his fellow-man. Over against all self-chosen devotion and holiness, the Law remains as a guide also for the Christian.

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<sup>1</sup>*FC. Ep., VI, Trig., 807.*

## CHAPTER 6

### THE LAW AS LAW OF LIBERTY

We have seen how the use of both the Old and the New Testaments shows that the Law is still applicable to the Christian in directing his life of faith. It now remains to be seen how it is that this Law can truly be called a Law of liberty as it applies to the Christian.<sup>1</sup>

When the Law is called a Law of liberty for the Christian, it is necessary to remember that the Christian, so far as he is regenerate, spontaneously does the will of God. This is so because

the Christian is no longer "in the flesh" in the sense of 7:5, namely that the flesh wholly dominates his life and dictates his actions; he is "in the Spirit." That is the dominant and decisive reality in his existence. There still is indwelling sin, but it is the indwelling Spirit that is the characteristic mark of the Christian, of every Christian.<sup>2</sup>

The Christian's present life is one in which the Holy

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<sup>1</sup>"Liberty" is here understood as freedom from coercion, not as an abstract freedom, as explained in *FC, Ep., IV, Trig.*, 971. The genitive τῆς ἐλευθερίας is attributive, specifying the kind of law here under consideration. (A. T. Robertson, *A Grammar of the Greek New Testament in the Light of Historical Research* (Nashville: Broadman Press, 1934), 493, 496.)

<sup>2</sup>Martin H. Franzmann, *Concordia Commentary: Romans* (St. Louis: Concordia Publishing House, 1968), 144.

Spirit, given in Baptism, is constantly at work in him (Romans 6:4; 9:9-17).

It is for that reason also that St. Paul says in Romans 3:31 that far from abolishing the Law, the Christians establish it (νόμον ἱσχύουμεν). First of all, we establish the Law by using it as it was intended by God to be used to give the knowledge of sin and lead us daily to repentance.<sup>3</sup> But we also establish the Law because only faith delights to run the way of God's commandments (Psalm 119:32).<sup>4</sup> Hence Paul replies to the mere idea that faith abolishes the Law with an indignant μή γένοιτο (Romans 3:31). Only the believer truly does the will of God as it is written in the Law.

That is the case because the New Man is the work of the Holy Spirit. The believer's agreement with the will of God as it is expressed in the Law rests on the work of God in him. Dr. William F. Arndt assesses St. Paul's teaching on this point in Galatians in the following way:

One of the most significant points of Paul's theology here comes before us. He teaches that in the Christian the doing of God's will is not accomplished through the Law but through the Holy Spirit. Freedom from the Law in the case of the believers in Christ does not mean lawlessness but that a new force is operating in them, the Spirit of God. What the Law cannot bring about--the joyful performance of God's will--the Spirit, who has

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<sup>3</sup>R. C. H. Lenski, *The Interpretation of St. Paul's Epistle to the Romans* (Minneapolis: Augsburg Publishing House, n.d. ©1936, Lutheran Book Concern), 277.

<sup>4</sup>Lenski, *Romans*, 277.

taken up his abode in the heart of the Christian makes a blessed reality. This topic Paul treats in [Galatians] 5:13-25. Pondering this passage, we begin to understand the Apostle's teaching on the Law. He is not an enemy of it, but he opposes the thought that it is through the Law that we live as children of God. The righteousness of the Christian's life is not Law righteousness but Spirit righteousness.<sup>5</sup>

Viewed in that light, it can be seen why the preaching of the Law to the Christian is never "legalistic," in the sense of demanding certain things from him to secure or maintain his status of righteousness before God: the holiness of living which the Law envisions is not the condition of justification, but its fruit; not a level of holiness which man must attain by his own efforts before the Holy Spirit will make his body his temple, but the blessed result of that indwelling. The rebirth received in Holy Baptism does not change man's essence; but it nevertheless changes him profoundly.

*Regeneratio non est substantialis, sed accidentalis, heisst es bei unsern Dogmatikern. Sie veraendert nicht die Substanz, sondern gibt nur den Kraefthen der Seele, dem Intellekt, Willen, Gemuet und den Affekten, neue, zuvor nicht vorhandene spirituale Qualitaeten, und verleiht ihnen eine veraenderte Richtung, richtet sie naemlich zu Gott hin, wie sie frueher von Gott weggerichtet waren.*<sup>6</sup>

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<sup>5</sup>William F. Arndt, "Galatians--A Declaration of Christian Liberty," *Concordia Theological Monthly*, 27 (September 1956): 690.

<sup>6</sup>"*Regeneration is accidental, not substantial, as our dogmaticians say. It does not alter the substance, but only gives to the soul, intellect, will, mind, and emotions new spiritual qualities, which were previously not present, and bestows upon them a changed direction, namely, it directs them to God, as they were formerly directed away from God.*" Adolf

Although the believer remains the same man as he was before he was brought to faith (and as he will indeed be even in the Resurrection [Job 19:27]), nevertheless the change worked in him at Baptism is momentous (1 Corinthians 6:11). In that Sacrament the gracious work of the Holy Spirit produced and keeps on producing such a change in him as cannot be fully known even to the Christian in this life (1 John 3:2).

Since the Christian's new life is the work of the Holy Spirit in him, it follows that the fulfillment of the Law in the Christian's life is not his own achievement, but the work of God the Holy Spirit. R. C. H. Lenski says on Romans 8:4,

Paul writes, not that we may fulfill, or that the requirement may be fulfilled by us, but that it "may be fulfilled in us" namely by "the Spirit of the life in Jesus Christ" (v. 2). "Might be" (our versions) is too potential; the aorist means, "may actually be fulfilled."<sup>7</sup>

The work is actually that of the Spirit in us; we are its beneficiaries, not its performers. Thus the Formula of Concord says that the Christian "henceforth does good to such an extent and as long as he is impelled by God's Spirit, Rom. 8,14."<sup>8</sup>

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Hoenecke, *Ev.-Luth. Dogmatik*, 4 vols. plus index (Milwaukee: Northwestern Publishing House, 1909), 3:258-259.

<sup>7</sup>Lenski, *Romans*, 503.

<sup>8</sup>*FC, TD, II, Trig.*, 905.

Because of the Spirit's work in his heart, the Christian, so far as he is regenerate, delights in the Law. In fulfillment of Jeremiah 31:33, God the Holy Spirit writes the Law on the heart of the Christian, so that

It is not therefore something imposed upon the believer from without in the form of a code of external rules and regulations. It is not for him a dead letter but a living power. It would seem to be called the *law of liberty* partly because it enables men to find their true freedom in the service of God's will, and partly because the believer accepts it without any compulsion.

In that way the Law as it applies to the Christian, so far as he is regenerate, speaks in a radically different way from the way in which it speaks to the unbeliever or the believer's Old Adam. Addressed to the Old Adam, the Law does operate with threats, compulsion, coercion, and force.

But as far as the Old Adam is concerned, which still clings to them [believers], he must be driven not only with the Law, but also with punishments; nevertheless he does everything against his will and under coercion, no less than the godless are driven and held in obedience by the threats of the Law, 1 Cor. 9,27; Rom. 7,18.19.<sup>10</sup>

The Old Adam cannot be improved, but only subjugated and crucified (1 Corinthians 9:27; Romans 6:6).

But because the New Man is the Holy Spirit's work, he delights in the Law of God and finds it a Law of liberty. Thus the believer, who in this life is both Old Adam and New

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<sup>9</sup>R. V. G. Tasker, ed., *Tyndale New Testament Commentaries* (Leicester, England: Inter-Varsity Press and Grand Rapids: Wm. B. Eerdmans Publishing Co., n.d.), vol. 16, *The General Epistle of James*, by R. V. G. Tasker, 53.

<sup>10</sup>*FC, TD, VI, Trig.*, 969.

Man, finds that he is involved in a constant struggle as the Old Adam attempts to reassert himself against the Law, while the New Man delights in the Law.<sup>11</sup> As one who is *simul justus et peccator*, the Christian in this life experiences the Law both as that which accuses and condemns him so far as he is not yet completely rid of the old nature, and as that in which he delights and which he freely does so far as he has been made a new creation. Lenski says on Romans 7:25,

The deliverance from the law consists in this, that "with the mind we serve God's law," "serve in newness of spirit" (v. 6). We do so freely, of ourselves. No more does the law with its commandment stir up our lusts to work them out into deeds and then to slay us with its curse and its condemnation (v. 7-13). This is the slavery that has passed. Our *ego* freely wills God's law and does not will the evil of the sin power, its evil law. On the contrary, we deplore the fact that we still have the flesh, that the sin still dwells in and works in the flesh, that it still tries to enslave us by means of the body and our members.<sup>12</sup>

And yet, the Law is not changed; it remains

one [and the same] Law, namely, the immutable will of God; and the difference, so far as concerns obedience, is alone in man, inasmuch as one who is not yet regenerate does for the Law out of constraint and unwillingly what it requires of him (as do also the regenerate according to the flesh); but the believer, so far as he is regenerate, does without constraint and with a willing spirit that which no threatenings [however severe] of the Law could ever extort from him.<sup>13</sup>

Thus the Law is still to be preached to the Chris-

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<sup>11</sup>*F.C., T.D., II, Trig., 905.*

<sup>12</sup>Lenski, *Romans*, 491.

<sup>13</sup>*FC, Ep., VI, Trig., 807.*

tian, but in a way which reflects his status as a justified child of God. "After God has given us a new spirit and a new heart"<sup>14</sup> we delight in the Law. But the way in which the Law is preached to the Christian is also to reflect his condition as a renewed man. Hence while "the Law does indeed have an informatory and regulatory function for the believer and it is one to which the child of God freely and gladly responds,"

one can never preach the Law to a Christian in such a way that it only functions to accuse and condemn, for the Christian is *simul iustus* and therefore any statement of the Law in preaching is that in which the new man automatically delights.<sup>15</sup>

Hence the Christian's new relation to the Law does not mean that the use of the "term 'Law' as a directive for the Christian life is not wholly unequivocal."<sup>16</sup> The Law remains Law, and the "must" of the Law still stands; but it is a Law with which the believer, so far as he is regenerate, is in agreement, and the "must" of the Law is the same as the "must" of his own will.<sup>17</sup>

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<sup>14</sup>Paul M. Hoyer, "Law and Gospel: With Particular Attention to the Third Use of the Law," *Concordia Journal*, 6 (September 1980): 199.

<sup>15</sup>Roger J. Humann, "Four Theses And Some Auxiliary Statements on Preaching to the Christian," *Lutheran Theological Review* 1:2 (Spring/Summer 1989): 55.

<sup>16</sup>Frederick W. Danker, "Faith With Works: Galatians 5 and 6," *Concordia Theological Monthly*, 27 (August 1956): 605.

<sup>17</sup>Milton L. Rudnick, "Sanctification by Faith: Christian Transformation in the Lutheran Confessions," *Lutheran Theological Review* 1:2 (Spring/Summer 1989): 47.



It cannot be overemphasized that according to the New Man the Christian does not feel the Law as an external pressure. Rather, the Law which he reads in the Scripture and the Law which the Holy Spirit has written in his heart in fulfillment of Jeremiah 31:33 are in perfect agreement.<sup>18</sup> Led by the Spirit, the child of God delights in the Law after the inward man "and henceforth does good to such an extent and as long as he is impelled by God's Spirit, as Paul says, Rom. 8,14."<sup>19</sup> It misses the point to say,

God's moral law, the law of love, is no longer law for a believer according to his new man (1 Tm 1:9). No longer is God's holy will a demand coming from outside of him, that is, an alien will coming to the believer to make demands backed up by the threat of punishment if he fails to do them. Rather for the believer the moral law of God sets forth the eternal principles which rest in the very nature of God and with which his new man is in perfect harmony . . . . When the Christian, motivated by that love which the Holy Spirit creates in him by the gospel, conforms his life to these directives, he does not lose his liberty. Rather he proves the true freedom of his new man who asserts himself over the Old Adam and renders royal honor to God who set him free.<sup>20</sup>

First, as noted above, the Formula of Concord identifies the Law of God with "the eternal principles which rest in the very nature of God," and maintains that "the Law is and

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<sup>18</sup>Tasker, 53.

<sup>19</sup>FC, TD, VI, Trig., 905.

<sup>20</sup>David P. Kuske, "The Order of Creation,--As Moral Law and as It Is Applied by the New Testament Writers to the Role of Man and Woman," *Wisconsin Lutheran Quarterly* 82 (Winter 1985): 23.

remains both to the penitent and impenitent, both to regenerate and unregenerate men, one [and the same] Law."<sup>21</sup> The statement that "God's moral law . . . is no longer law" makes sense only if one assumes that the sole use of the Law is to curse and condemn.<sup>22</sup> However, as was pointed out above, "any statement of the Law in preaching is that in which the new man automatically delights."<sup>23</sup> Nor does it change the situation to refer to "directives" rather than to the Law. Both words mean substantially the same thing: an authoritative statement of what is to be done or left undone. Second, it is indeed true that the believer, so far as he is regenerate, no longer hears the law as an alien will coming with threats and demands. But the Formula of Concord points out that this is the result, not of a change in the Law, but of the inward change in the regenerate man.<sup>24</sup> It is true indeed that the believer does not lose his freedom when he conforms to these "directives." What the Law directs him to do is what he himself, in the inner man, wants to do. We are freed from the Law's judgment, and yet willingly do what the Law requires. "As 'new men' we are not judged by the way we fulfill the Law, but only by

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<sup>21</sup> *FC, Ep., VI, Trig., 807.*

<sup>22</sup> *Kuske, 24.*

<sup>23</sup> *Humann, 55.*

<sup>24</sup> *FC, Ep., VI, Trig., 807.*

Christ's merits on our behalf. However, because of our new life in Christ, we walk according to the Law, not wishing to merit something, but because we know it pleases God."<sup>25</sup>

Thus far from setting aside the Law, only the believer truly fulfills the Law. The works extorted from the unbelieving or from the believer's Old Adam in no way constitute proper obedience to God, nor do they uphold his Law. Only those no longer under the Law's curse can willingly do what the Law desires of them.

It is this sense of having been set free which induces Christians to want to do those things which the apostle Paul calls the "fruit of the Spirit" (Gal. 5:22). They do such works, says the Formula of Concord, "as spontaneously as if they knew of no command, threat, or reward" (Ep, VI, 6). And so, as this very paragraph in the Formula continues, "the children of God live in the law and walk according to the law of God." After all, it is God's Law alone that can tell us what good works are.<sup>26</sup>

The new powers given in regeneration turn the believer's will back to God.<sup>27</sup> It is as those who are already assured of eternal salvation in Christ Jesus that "as dutiful children, we offer God willing and happy obedience."<sup>28</sup> Far from discarding the Law, the believer willingly fulfills it

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<sup>25</sup>Hoyer, 200.

<sup>26</sup>Martin H. Scharlemann, "Ten and Still Holding," *Concordia Journal* 7:1 (January 1981): 5.

<sup>27</sup>Hoenecke, 3:259.

<sup>28</sup>Walter Bartling, "The New Creation in Christ: A study of the Pauline ἐν Χριστῷ Formula," *Concordia Theological Monthly* 21:6 (June 1950): 408.

according to his New Man.

Hence, there is no compulsion or threat in the believer's obedience, so far as he is regenerate. The believer has been delivered from his slavery to sin and Satan, and has been taken captive by the Stronger One, Jesus Christ, as Martin Luther says in *The Bondage of the Will*:

But if a Stronger One comes who overcomes him and takes us as His spoil, then through his Spirit we are again slaves and captives--though this is royal freedom--so that we readily do and will what he wills.<sup>29</sup>

It is this paradox which makes Christian liberty what it is: not the liberty to do anything at all, but the liberty to do what God wills. Thus the Formula of Concord asserts that, on the one hand,

by the words mentioned, *necessitas, necessarium, necessity* and *necessary*, if they are employed concerning the regenerate, not coercion, but only due obedience is to be understood, which the truly believing, so far as they are regenerate, render not from coercion or the driving of the Law, but from a voluntary spirit; because they are no more under the Law, but under grace, Rom. 6,14; 7,16; 8,14.<sup>30</sup>

and on the other hand,

when it is said: The regenerate do good works from a free spirit, this is not to be understood as though it is at the option of the regenerate man to do or to forbear doing good when he wishes, and that he can nevertheless retain faith if he intentionally perseveres

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<sup>29</sup>Martin Luther, *Luther's Works*, American Edition, Volume 33: *Career of the Reformer III*, tr. and ed. Philip S. Watson in collaboration with Benjamin Drewery (Philadelphia: Fortress Press, 1972), 65. Hereafter cited as *Amer. Ed.*

<sup>30</sup>*FC, Ep., IV, Trig., 799.*

in sins.<sup>31</sup>

This paradox finds its resolution in the fact that the believer, so far as he is regenerate, wills what God wills, and wants to do what he ought to do.

Thus there is a vast difference, not in the Law itself, but in the way in which the unregenerate and the regenerate view the Law. "The Law is and remains both to the penitent and impenitent, both to regenerate and unregenerate men, one [and the same] Law, namely, the immutable will of God."<sup>32</sup> The Law does not and cannot change. The difference lies rather in the person who hears the Law. When the unregenerate hears the Law, he hears only demands backed up by threats, and hence produces only "works of the Law,"<sup>33</sup> which are extorted from him against his will. The regenerate, on the other hand, so far as they are regenerate, hear the same Law as the voice of the God who has redeemed them and given them his Spirit so that they are not only able but willing to do what fulfills the Law, so that all of their fulfillment of the Law is a fruit of the Spirit. They are thus not under, but in, the Law and walk according to it willingly.<sup>34</sup>

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<sup>31</sup> *Ibid.*

<sup>32</sup> *FC, Ep., VI, Trig., 807.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

So far as he is regenerate the Christian is not under the Law; but because the Christian in this life is not perfectly regenerate, he needs the Law. If the Christian were all New Man, as he will be after the Resurrection, then he could dispense with the Law as a written code.

. . . indeed, if the believing and elect children of God were completely renewed in this life, by the indwelling Spirit, so that in their nature and all its powers they were entirely free from sin, they would need no law, and hence no one to drive them either, but they would do of themselves, and altogether voluntarily, without any instruction, admonition, urging or driving of the Law, what they are in duty bound to do according to God's will; just as the sun, the moon, and all the constellations of heaven have their regular course of themselves, unobstructed, without admonition, urging, driving, force, or compulsion, according to the order of God which God once appointed for them, yea, just as the holy angels render an entirely voluntary obedience.<sup>35</sup>

In fact, however, the Christian is *simul justus et peccator*, "both 'two whole men and one whole man' (*duo toti homines et unus totus homo*)."<sup>36</sup>

Hence we are here confronted with these amazing paradoxes: the Christian is free from the Law, and he is still under it; he does not need the Law, and he needs it every day; he can joyfully bid the Law adieu, and he has to contemplate it all his life.<sup>37</sup>

For that reason, it is important to be careful how one speaks simply of what "the Christian" does. The statement that "Der Christ als solcher ist frei, gaenzlich frei

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<sup>35</sup>FC, TD, VI, Trig., 963-965.

<sup>36</sup>Bengt Haegglund, *History of Theology*, trans. Gene J. Lund (St. Louis: Concordia Publishing House, 1968), 231.

<sup>37</sup>Arndt, 691.

von dem Gesetz, das ihm weder als Forderung, noch als Drohung, noch als Lehre gilt,"<sup>38</sup> is understandable if "der Christ als solcher" is equated with the New Man. That this is the understanding of the author is evident from the fact that he later says, "Insofern der Christ noch Fleisch ist, gilt ihm auch das Gesetz noch, als Forderung, als Drohung, als Lehre."<sup>39</sup> The same is true of the statement that "dem Gerechten, dem neutestamentlichen Gotteskinde ist--*quati*--kein Gesetz gegeben."<sup>40</sup> In their context such statements can be understood correctly; but they are not in and of themselves correct because it is precisely "the Christian as such" who in this life is *simul justus et peccator*, not yet completely renewed.

However, believers are not renewed in this life perfectly or completely, *completive vel consummati* [as the ancients say]; for although their sin is covered by the perfect obedience of Christ, so that it is not imputed to believers for condemnation, and also the mortification of the Old Adam and the renewal in the spirit of their mind is begun through the Holy Ghost, nevertheless the Old Adam clings to them still in their nature and all its internal and external powers. Of this the

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<sup>38</sup>"The Christian as such is free, completely free from the Law, which applies to him neither as demand, nor as threat, nor as instruction." Herm. Meyer, "Wie erkennt man ein Moralgebot?" *Theologische Quartalschrift* 14 (January 1917): 54.

<sup>39</sup>"So far as the Christian is still flesh, the Law also still applies to him as demand, as threat, as instruction." Meyer, 54.

<sup>40</sup>"to the righteous, the New Testament child of God--as such--no Law is given." August Pieper, "Gibt es im Neuen Testament gesetzliche Verordnungen?", *Theologische Quartalschrift*, 13:3 (July 1916): 158.

apostle has written, Rom. 7,18ff.: *I know that in me (that is, in my flesh) dwelleth no good thing. And again: For the evil which I do I allow not; for what I would, that do I not; but what I hate, that do I. Likewise: I see another law in my members, warring against the law of my mind, and bringing me into captivity to the law of sin. Likewise, Gal. 5,17: The flesh lusteth against the spirit and the spirit against the flesh; and these are contrary the one to the other, so that ye cannot do the things that ye would.*<sup>41</sup>

It is true enough to say that "it is only because the Christian is not completely spiritual and must daily struggle with his flesh . . . that he needs instruction from God about the moral law";<sup>42</sup> but as the citation from the Formula of Concord above shows, that "only" takes in a good deal of territory. In Philippians 3:12 St. Paul confesses, "Not that I have already obtained all this, or have already been made perfect, but I press on to take hold of that for which Christ Jesus took hold of me." In contradiction to any incautious identification of the Christian with the New Man, it must rather be said:

Der Bekehrte und wiedergeborene Mensch, den Gott zwar um Christi willen fuer einen heiligen ansieht, ist nicht frei von der Suende, dieselbe ist nicht ausgerottet, sondern haengt ihm zeitlebens an (Roem. 7,15-24; Heb. 12,1); und sofern er noch durch die Suende verderbt ist, heisst er Fleisch (Joh. 3,6; Roem. 8,3). Der wiedergeborene Mensch ist zwar nicht fleischlich und lebt nicht nach dem Fleisch, d.h. nicht in der Gesinnung des Fleisches (Roem. 8,5.9), aber er hat das Fleisch an sich. Waere das nicht, so koennte Paulus nicht den Christen sagen, dass sie nicht nach dem Fleisch leben sollen, sondern vielmehr des Fleisches Geschaefte toeten sollen (Roem. 8,12.13). Den Menschen, sofern er das

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<sup>41</sup>FC, TD, VI, Trig., 965.

<sup>42</sup>Kuske, 22.



suendliche Wesen noch an sich traegt (Eph. 4,22), nennt die Schrift auch den alten Menschen (Roem. 6,6; Eph. 4,22; Kol. 3,9), waehrend sie denselben Menschen, sofern er glaubt und im Glauben lebt, den neuen Menschen nennt (Eph. 4,23; Kol. 3,10; 2. Kor. 5,17).<sup>43</sup>

In preaching that the Christian is *simul justus et peccator*, both halves of the statement must receive equal emphasis. Nothing may be allowed to diminish the Christian's certainty that he is justified by grace through faith for Christ's sake without the deeds of the Law; and nothing dare hide from our eyes the fact that we are still burdened with the Old Adam and daily need to be taught not only the Gospel, but also the Law. Even altering the statement from *simul iustus et peccator* to *iustus et simul peccator* can be mischievous in upsetting the balance between the two in the Christian's life, as can be seen when Frederick Danker makes that change and then says,

The Apostle's emphasis on the leading of the Spirit indicates that the Law is not necessary in order to secure the Christian's moral response. He is not de-

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<sup>43</sup>"The converted and reborn man, whom God indeed regards as a holy person for Christ's sake, is not free from sin, which is not rooted out, but clings to him throughout his life (Romans 7:15-24; Hebrews 12:1); and so far as he still is corrupted by sin, he is called flesh (John 3:6; Romans 8:3). The reborn man is indeed not fleshly, and does not live according to the flesh, that is, not in the mind of the flesh (Romans 8:5,9), but he has the flesh. If that were not the case, Paul could not say to the Christians, that they should not live according to the flesh, but rather put to death the works of the flesh (Romans 8:12,13). The Scriptures also call the man, so far as he still has the sinful nature (Ephesians 4:22) the Old Man (Romans 6:6; Ephesians 4:22; Colossians 3:9), while they call the same man, so far as he believes and lives in faith, the new man (Ephesians 4:23; Colossians 3:10; 2 Corinthians 5:17)." Hoenecke, 3:419-420.

pendent on external ordinances or directives to coerce a God-pleasing decision in a particular life-situation. The Spirit working within him will dictate the proper response, provided he has renounced himself and relies solely on the merits of Jesus Christ.<sup>44</sup>

Such a statement, first, ignores the fact that the Christian in this life is both Old Adam and New Man. The Law is not necessary for the New Man, but it is necessary for the Old Adam. Second, so far as the Christian is still Old Adam, he is dependent on coercion:

But as far as the Old Adam is concerned, which still clings to them, he must be driven not only with the Law, but also with punishments; nevertheless he does everything against his will and under coercion, no less than the godless are driven and held in obedience by the threats of the Law, 1 Cor. 9,27; Rom. 7,18.19.<sup>45</sup>

In any case, ordinances per se are not the same thing as coercion. Even after regeneration

the Holy Ghost employs the Law so as to teach the regenerate from it, and to point out and show them in the Ten Commandments what is the *[good and] acceptable will of God*, Rom. 12,2, in what *good works God hath before ordained that they should walk*, Eph. 2,10. He exhorts them thereto, and when they are idle, negligent, and rebellious in this matter because of the flesh, He reproves them on that account through the Law, so that he carries on both offices together: he slays and makes alive; He leads into hell and brings up again.<sup>46</sup>

Third, the last sentence quoted from Danker is enthusiasm, which rejects the external Word of God. In this life there is no Christian who "has renounced himself and relies solely

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<sup>44</sup>Danker, 597.

<sup>45</sup>FC, TD, VI, Trig., 965.

<sup>46</sup>Ibid., 965-967.

on the merits of Jesus Christ" so perfectly that he no longer needs the instruction of the Word of God, also in the Law.

Our deliverance is not yet complete in this respect that the law of God is only in our will and mind where we freely serve it, but not yet equally in our members so that they, too, freely join in such service.<sup>47</sup>

The Christian in this life is truly regenerate, but he is not yet completely regenerate. "The Christian as such" as he lives in this world is the one who still is burdened by the flesh; only in glory will the Christian as such and the New Man be completely one and the same.

Hence the Christian in this life needs the Law to crucify the Old Adam, which he desires to do so far as he is regenerate. August Pieper, who says that the Law does not apply to the Christian as such, nevertheless also says,

Weil denn der Christ die Suendemacht bis an den Tod unverlierbar an sich hat, so gilt ihm auch das Gesetz zum deswillen und insofern; und zwar in jeder Beziehung, als Spiegel, Regel, Riegel, als Definition Recht und Unrecht, als Motiv und Triebfeder, als Drang und Zwang, als Strafe, Zuechtigung, Zorn und Fluch. Der alte Adam ist immer und ueberall, wo er sich findet, beim Unchristen oder Christen, "der stellig streitig Esel, *asinus indomitus et contumax*".<sup>48</sup>

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<sup>47</sup>Lenski, *Romans*, 491.

<sup>48</sup>"Because, then, the Christian bears the power of sin in an unforgettable way, the Law also is valid for him on that account and to that extent, and indeed in every respect, as mirror, rule, curb, as definition of right and wrong, as motive and impetus, as impulse and compulsion, as punishment, chastisement, wrath, and curse. The old Adam is always, wherever he is, in the case of non-Christian or Christian, 'the constantly contentious ass, *asinus indomitus et contumax*.'" Aug. Pieper, "Dem Gerechten ist kein Gesetz gegeben,"

The Old Adam still needs to be dealt with as sternly in the believer as in the unbeliever. The difference is that the regenerate himself wishes to crucify the Old Adam. Although all Christians still have the Old Adam, "we deplore the fact that we still have the flesh, that the sin still dwells and works in the flesh, that it still tries to enslave us by means of the body and our members."<sup>49</sup> Thus St. Paul confesses that although he delights in the Law according to his inner man, he finds another law at work in him which impels him to sin (Romans 7:21-25). He knows that his experience is not unique, but is common to all Christians. For that reason he exhorts them not to let sin reign in their members (Romans 6:11-13), but to put the misdeeds of the body to death (Romans 8:13).

It is important to remember, however, that even here the Law is not a foreign will demanding of the Christian that which he does not will himself, but so far as he is regenerate through the work of the Holy Spirit, the Christian also desires to restrain and crucify the Old Adam. In the exposition of the Ten Commandments in the Catechisms, Luther emphasizes not only that "we should fear and love God" so that we willingly keep the Commandments, but also "with candor and severity Luther denounces all who ignore

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*Theologische Quartalschrift* 13 (January 1916): 40.

<sup>49</sup>Lenski, *Romans*, 491.

and defy God's will with the corrupt attitudes and behaviours contrary to the Commandments."<sup>50</sup> Thus when St. Paul wrote, "I beat my body and make it my slave" (1 Corinthians 9:27), he was speaking of something which was indeed painful for him as far as the Old Adam was concerned, but something which he willingly did so far as he was regenerate. James' thought in 1:22-25 is similar, where he contrasts the person who looks into the Law, but does not put it into practice, with the person who both looks at the Law and puts it into practice.<sup>51</sup> To put the Law into practice requires strenuous effort, in contrast to a mere glance which yields no lasting result. It requires, as St. Paul points out, nothing less than the painful, daily crucifixion of the Old Adam. And yet as St. James says here, the Law remains a Law of liberty even in such a case. The regenerate looks closely into the Law in order to see himself as God sees him. He does not want to deceive himself (James 1:22) with false notions of his own sanctity.

He uses the Law not only to identify fleshly conduct, but also to defeat the Old Adam. Thus in Genesis 39:9 Joseph replied to Potiphar's wife, "How could I do such a wicked thing and sin against God?" That was first of all an

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<sup>50</sup>Rudnick, 41.

<sup>51</sup>Peter H. Davids, *The Epistle of James: A Commentary on the Greek Text (New International Greek Testament Commentary)* (Grand Rapids: William B. Eerdmans Publishing Company, 1982), 97-98.

answer to the temptress; but it was also the means by which Joseph answered the temptation in his own heart. His own sinful nature needed to be kept under control by the use of the Law. Likewise in Galatians 5:19-21 St. Paul says "the works of the flesh are manifest," and proceeds to catalogue some of those works. In light of the fact that the Apostle specifically names certain sins, it is difficult to understand how Danker can comment on this passage that "the Spirit-guided Christian, says the Apostle, does not need a written law to tell him that these things are wrong."<sup>52</sup> If the Spirit-guided Christian does not need a written Law, then why does Paul give him one?

In the Christian there is both the Spirit-guided New Man and the utterly sinful Old Man; by examining himself according to the words which St. Paul wrote here, the Christian can discern which is speaking within him and urging him to a particular action. Again, one notes the similarity to St. James' words in 1:22-25, in which he speaks of the Law as a mirror. Looking intently into the perfect Law of liberty, the Christian is enabled to discern whether a suggestion of his own heart and mind comes from the Old Adam or from the New Man, and to act accordingly. If the Law of liberty affirms that the action is right, then he is confirmed in his liberty to carry it out; and if the Law of liberty reveals that the action is a suggestion of the Old

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<sup>52</sup>Danker, 598.

Adam, then the Christian knows that it will lead him back into the slavery to sin from which he has been set free. Knowing that, he will be strengthened in his resolve not to yield to the temptation, but to resist it so that he will not offer his members as servants to unrighteousness (Romans 6:13-14) and will not think about how to gratify the desires of the sinful nature (Romans 13:14). That is a true crucifixion of the Old Adam; but it is also what the Christian, so far as he is regenerate, desires to do.

Thus it would be perilous advice to the Christian to say

Je mehr der neue Mensch in ihm die Herrschaft gewinnt, desto mehr wird sein Handeln ein gottgefälliges sein und mit dem Moralgesetz übereinstimmen. Da ist nicht eine muessige Bemerkung, dass der Christ vor allem daran bedacht sein soll, durch das Evangelium sein neues Leben zu staerken und dann zu tun, wozu der Geist ihn treibt, ohne bestaendig zu fragen, was das geschriebene Gesetz von ihm fordert. Freilich wird er immer wieder wegen seiner Unvollkommenheit im Gesetz zu forschen haben, er wird nicht leichtsinnig werden. Das Fleisch wird ihm auch noch oft einen Streich spielen und ihn wohl gar in grobe Suende stuerzen, wie einst David, dieser Mann nach dem Herzen Gottes, Ehebruch und Mord beging, aber das ist weniger gefaehrlich, als wenn der Mensch durch bestaendiges aengstliches Fragen nach dem Gesetz in gesetzliches Wesen geraet und dadurch schliesslich Glauben und Evangelium und Seligkeit verliert.<sup>53</sup>

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<sup>53</sup>"The more the new man gains the mastery in him, the more his behavior will be God-pleasing and agree with the moral Law. There it is not an idle comment, that the Christian above all should be intent on strengthening his new life through the Gospel and then doing that to which the Spirit impels him, without constantly asking what the written Law requires of him. Admittedly he will again and again have to seek in the Law because of his imperfection; he will not become frivolous. The flesh will often play a trick on him and even plunge him into gross sin, just as once David, this man according to God's heart, committed adultery and murder;

Comparing the accounts of Joseph in Genesis 39 and David in 2 Samuel 11, one notes that Joseph replied in terms which showed an awareness of the Law and used the Law to restrain his Old Adam, while David failed to take into account the Law (although he had the advantage of the written Law of Moses, which Joseph did not have) and thus fell into sin. The danger of over-scrupulosity in matters of Christian conduct is not to be minimized; but neither is the Law of liberty to be neglected when God has given it to us as a mirror in which we may clearly and carefully consider ourselves, our lives, and our conduct, so that we may freely do that which is pleasing to God and not fall into manifest sin as David did. By looking into the Law, Joseph remained a free man even though he was a slave; by neglecting the Law, David was enslaved by lust, fear, and falsehood, even though he was a king. C. K. Barrett's comments on 1 Corinthians 6:12 reflect the same thought:

Paul . . . sees that it is possible in the name of freedom to enslave oneself, to pass under the authority of inexpedient practices, and of one's own desires. The Corinthian who fancies himself, as a superior spiritual person, free to have dealings with harlots will find himself confined under a sterner authority than the commandment 'Thou shalt not commit adultery.' Paul is thus prepared in a sense to accept the watchword, 'All things are permitted,' but he will not let it go without strict qualification. Christian liberty is not licence,

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but that is less dangerous, than when a man through constant anxious questioning about the Law falls into legalism and thereby finally loses faith and the Gospel and salvation." Meyer, 57.



for licence is not more but less than liberty.<sup>54</sup>

The Christian continues to need the Law in this life to crucify the Old Adam, as he indeed desires to do himself so far as he is regenerate.

In addition to using the Law as a means of restraining the Old Adam, the Christian in this life needs the Law to give him a sure knowledge of which impulses come from the Old Adam and which come from the New Man. In this connection two points need to be observed carefully. One is the previously mentioned point that the Christian is not to be identified without qualification with the New Man. To speak of "wir Christen als solche"<sup>55</sup> as not needing the Law requires that one later on add that "der konkrete Mensch"<sup>56</sup> does indeed need the Law. While it is important to distinguish the Old Adam and the New Man, it must be remembered that in this life the Christian is never purely one or the other, but always both. The statement, "to the New Man we do not preach Law,"<sup>57</sup> fails to take into account the fact

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<sup>54</sup>C. K. Barrett, *A Commentary on the First Epistle to the Corinthians*. Harper's New Testament Commentaries. (New York and Evanston: Harper & Row, Publishers, 1968), 146.

<sup>55</sup>"we Christians as such" A. Pieper, "Dem Gerechten," 38.

<sup>56</sup>"the concrete man" August Pieper, "Ueber den Unterschied der reformierten und lutherischen Auffassung vom sogenannten dritten Brauch des Gesetzes," *Theologische Quartalschrift* 13:2 (April 1916): 127.

<sup>57</sup>Joh. Ph. Koehler, *The Epistle of Paul to the Galatians, A Commentary by Joh. Ph. Koehler*, trans. by E. E. Sauer (Milwaukee: Northwestern Publishing House, 1957), 141.

that we are never dealing with the New Man in isolation. In this life we always deal with the Christian, who is always *simul justus et peccator*, always both Old Adam and New Man at one and the same time. Even to shift the traditional terminology from *simul iustus et peccator* to *iustus et simul peccator*<sup>58</sup> shifts the balance between the two in an improper way, as was mentioned above.

The second point to be observed is that the question of the motive for the Christian's actions, so far as he is regenerate, is to be distinguished from the norm of his actions. The regenerate person's motive in doing the will of God as it is contained in the Law of liberty is the Gospel.

Only the Gospel can renew us. Only it can provide us with the power of the Spirit who changes our hearts and enables us both to know and to do God's will. Works are good only if done through the power of the Holy Spirit mediated to us by the Gospel. Works done in response to the law are not good.<sup>59</sup>

It is indeed true that so far as he is regenerate, the believer is motivated by the love of Christ for him (2 Corinthians 5:14). Only because of his intimate connection with his Savior can the Christian bear fruit, and where that Gospel connection is maintained, the Christian will bear the fruit of good works abundantly (John 15:4-8, 10, 16). Christ's love for the Christian is the Christian's motive in

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<sup>58</sup>Danker, 610.

<sup>59</sup>Rudnick, 48.

his godly living.

The motive for Christian living and the norm of Christian life, however, are not to be confused. Walter Kaiser makes the point well:

*Love is an essential part of a Christian's ethic, but it is a how word, not a what word. It will tell us how we ought to do what we need to do, but we need to go to Scripture to learn more precisely what we are to do, otherwise, there is no difference between situational ethics and the Christian ethic. We will be left to the anarchy of everyone protesting that whatever they are doing, they have done it out of love. But who or what will supply us with the practical principles by which we can live? And we answer: only the Scriptures can fill that need. Yes, all Scripture is given by the inspiration of God and it all is profitable. One of the functions of the legal and proverbial passages is to fill in the lacunae of our understanding as to "how then shall we live."<sup>60</sup>*

The Christian is motivated by Christ's love for him to love his Savior and his neighbor. But that does not abolish all need for a standard of what is or is not loving. While love "serves as the most powerful impetus to ethical action, [it] does not inform the Christian as to the proper content of that action."<sup>61</sup> One may well concede that in the expression "the Law of liberty" "the stress is not on the observance of a sum total of minutiae, but on the main-

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<sup>60</sup>Walter C. Kaiser, Jr. *The Uses of the Old Testament in the New* (Chicago: Moody Press, 1985), 224.

<sup>61</sup>John Warwick Montgomery, "The Law's Third Use: Sanctification," *Christianity Today* 7 (April 26, 1963): 724; quoted in Hoyer, 199.

tenance of a complete integrity of word and deed";<sup>62</sup> but the fact that James and the other writers of the New Testament are not concerned with minutiae does not mean that they are unconcerned to inform their readers as to what constitutes complete integrity of word and deed. To inform them meant, as C. K. Barrett says in commenting on 1 Corinthians 9:21, to teach them definitely and clearly what they were to do or not to do:

A glance at the Corinthian church is sufficient to show that not all Christians know by inspiration what things they ought to do, and that even when they know them they do not necessarily do them. It was necessary to reiterate that redemption in Christ did not bring to an end man's obligation to be God's obedient child; it was also necessary to give guidance to those who desired to be obedient but did not know what to do.<sup>63</sup>

Hence it can be said that the Holy Spirit works the believer's new life through the entire Scriptures, both Law and Gospel:

Das ist das erste, was zur Heiligung noetig ist, naemlich, dass der Mensch wisse, was er als Fleischeswerk zu meiden und als gutes Werk zu tun habe (Kol. 1,9.10; 5. Mos. 11,8,32), ja er muss einen rechten geistlichen Verstand vom Gesetz haben (Roem. 7,14; Matth. 5,21ff.). So wirkt der Heil. Geist die Heiligung des Menschen durch die Predigt des Gesetzes, aber nicht durch diese allein. . . .Also wirkt nach diesen Schriftstellen der Heil. Geist die Heiligung durchs gesamte Wort (2 Tim. 3,16.17), einesteils durchs Gesetz als die Lehre davon, worin die Heiligung bestehe, andernteils durchs Evangelium, welches die Kraft der Heiligung, die Liebe, wirkt, und durch welches der Heil. Geist ja allein alles wirkt

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<sup>62</sup>Sophie Laws, *A Commentary on the Epistle of James*. *Harper's New Testament Commentaries* (San Francisco: Harper & Row, 1980) 116.

<sup>63</sup>Barrett, 214.

(Gal. 3,21) und bestaendig zu uns kommt (Gal. 3,2).<sup>64</sup>

The Christian needs to hear both Law and Gospel, not Law or Gospel. The thought is clearly expressed in the Formula of Concord, Article VI:

Although the truly believing are verily moved by God's Spirit, and thus, according to the inner man, do God's will from a free spirit, yet it is just the Holy Ghost who uses the written law for instruction with them, by which the truly believing also learn to serve God, not according to their own thoughts, but according to His written Law and Word, which is a sure rule and standard of a godly life and walk, how to order it in accordance with the eternal and immutable will of God.<sup>65</sup>

Again, it can be seen that the distinction between motive and norm for Christian life is enunciated here. The motive is the Gospel; the norm is the Law. It is confusion of Law and Gospel to make the Law the motive for the new life of the regenerate; but it is also confusion of Law and Gospel to make the Gospel the norm of that new life.

Although liberated from the law's curse, the Christian delights in its instruction. Motivation for Christian

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<sup>64</sup>"That is the first thing which is necessary to sanctification, namely, that a man know what he is to avoid as a work of the flesh and to do as a good work (Colossians 1:9,10; Deuteronomy 11:8,32); by all means he must have a correct spiritual understanding of the Law (Romans 7:14; Matthew 5:21ff.). Thus the Holy Spirit works the sanctification of man through the preaching of the Law, but not through this alone. . . . Thus according to these Scriptural passages the Holy Spirit works sanctification through the entire Word (2 Timothy 3:16,17), on the one hand through the Law as the teaching of that in which sanctification consists, on the other hand through the Gospel, which works the power of sanctification, love, and through which the Holy Spirit alone works everything (Galatians 3:21) and always comes to us (Galatians 3:22)." Hoenecke, 3:421-422.

<sup>65</sup>FC, TD, VI, Trig., 963.

obedience comes from the Holy Spirit through the Gospel. Direction comes from the Holy Spirit through the law. The law is necessary to the Christian because his renewal is incomplete and the corrupting, misleading influence of the flesh is still present. Therefore he needs the instruction as well as the threatening punishment of the law to return him to the Spirit and His good guidance.<sup>66</sup>

Thus Martin Luther wrote,

And so anyone who wants to exert himself toward righteousness must first exert himself to the Gospel. Now when he has heard and accepted this, let him joyfully give thanks to God, and then let him exert himself in good works that are commanded in the Law; thus the Law and the works will follow hearing with faith. Then he will be able to walk safely in the light that is in Christ; to be certain about choosing and doing works that are not hypocritical but truly good, pleasing to God, and commanded by Him;<sup>67</sup> and to reject all the mummery of self-chosen works.

Here Luther speaks in the same way as he does in the *Small Catechism*, where he begins the explanation of each Commandment with the words, "We should fear and love God that . . . ." In those brief sentences Luther encompasses both the Gospel motivation for the Christian life and also the Law of liberty as the norm for the Christian life.

For the Christian in this life, the Law remains necessary as a means for him to know which impulses come from the Old Adam, and which from the New Man. Thus Hermann Meyer, who in places seems to exclude the Law from a place in the Christian's life, also says that because the Christian has both Old Adam and New Man he cannot always know

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<sup>66</sup>Rudnick, 47-48.

<sup>67</sup>*Amer. Ed.*, 26:214-215; quoted in Hoyer, 198.

whether the Old Adam or the New Man is speaking to him in any given impulse to action. In his uncertainty, the Christian uses the Law as a norm for his decision:

Er hat ja das in der Schrift geoffenbarte Gesetz Gottes, da lass ihn suchen, das hat der Christ, wie er nun einmal praktisch ist, noetig, im ganzen Leben noetig, aber eben um des suendlichen Fleisches willen. Will er, was Gott will, so kommt dieser Wille aus dem Geist.<sup>68</sup>

When a Christian deals with a practical question of what he is to do, the Law serves him as a norm. But the Epistle of James speaks of the Law as a Law of liberty precisely in practical matters. In 1:25 St. James speaks of the Law of liberty in connection with being a ποιητῆς ἔργου. In 2:12 he says, Οὕτως λαλεῖτε καὶ οὕτως ποιεῖτε ὡς διὰ νόμου ἐλευθερίας μέλλοντες κρίνεσθαι. It is precisely at the point where the Christian comes to the question of what to do, of how to know whether a particular prompting to action or speech comes from the new or the old nature that he needs the Law, not in order to be enslaved by it but to know what comports with Christian freedom and what disagrees with it.

In making that decision, it is not sufficient to throw the Christian back on love, and to contrast the law of love with the explicit statements of the Law. First, "Love belongs to the sphere of the Law; it is 'the fulfilling of

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<sup>68</sup>"He has indeed that revealed Law of God in the Scriptures; there let him seek. The Christian stands in need of that, in need of that in his whole life, but precisely because of the sinful flesh. If he wills what God wills, this will come from the Spirit." Meyer, 55.

the law' (Rom. 13:10)."<sup>69</sup> Referring the Christian to "the law of love" is simply referring him to the Law under another name. Second, the "law of love" cannot always clearly show the Christian who is *simul iustus et peccator* what he is to do. It must accordingly be considered inadequate to say,

The moral law appears in Scripture in the form of many outward commands, but the outward form and the outward action which is commanded is never in itself a moral precept. In reality, the moral law commands only one thing, an inner attitude, love. This is the simple yet very important truth which Jesus taught the Pharisees when he referred to the love of God and love of neighbor and said "all the Law and the Prophets hang on these two commandments" (Mt 22:40). Paul stated the truth in an even more concise way in Romans 13:10, "Love is the fulfillment of the law."<sup>70</sup>

In concrete cases, however, love always eventuates in some particular action. Since the Christian, who still has his Old Adam, does not know (or does not always know) what the loving action is in a given case, the Law provides him with a standard against which to measure his actions.

Here it should be said that the slogan, 'Not law but love', is hardly likely to increase the amount of true love in the world, for, while we most certainly need the general command to love (which the law itself provides in Deut. 6.5 and Lev. 19.18), to save us from understanding the particular commandments in a rigid, literalistic and pedantic manner, we also need the particular commandments into which the law breaks down the general obligation of love, to save us from the sentimentality

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<sup>69</sup> Francis Pieper, *Christian Dogmatics*, trans. Theodore Engelder et al. (St. Louis: Concordia Publishing House, 1950), 2:406.

<sup>70</sup> Kuske, 20.



and self-deception to which we are all prone.<sup>71</sup>

Romans 13:10 does not mean that the various commandments are to be replaced by the commandment of love, but that the various commandments explicate for the Christian what the law of love requires of him in the particular cases before him. In Matthew 22:37-40 Jesus is not really speaking at all of the use of the Law in the life of the Christian, but rather warning the Pharisees, who imagined that they had fulfilled the Law by fastidious observance of the minutiae of the ceremonial law that the requirements of the Law were very different from what they believed, and also impossible to fulfill. In that sense these verses more closely resemble the Savior's words to the rich young man in Matthew 19:17-19 than the point which St. Paul is making in Romans 13:10 or St. James in 1:25 and 2:12. One can acknowledge that "the Mosaic code, or any code, in its outward, literal form is but a general presentation of what a godly life really means."<sup>72</sup> But its generalness does not lessen the fact that it establishes what a godly life really means. The Law of liberty does not provide "an explicit written directive in each specific life situation"<sup>73</sup> simply because no written instruction, even one divinely inspired,

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<sup>71</sup>C. E. B. Cranfield, "St. Paul and the Law," *Scottish Journal of Theology* 17 (1964): 66-67.

<sup>72</sup>Danker, 608.

<sup>73</sup>Danker, 608, n. 7.

could deal with every conceivable situation, nor could anyone comprehend it if it did so. Such an objection, however, is a straw man, used to replace the law with the statement that "the Spirit is his guide."<sup>74</sup> But the Spirit does not work without means. The Spirit works sanctification through the Word, both Law and Gospel.<sup>75</sup> It is by the Law that the Spirit guides the Christian to know what is to be done and what to be left undone.<sup>76</sup> The Christian continues to need the Law of liberty to give him a sure knowledge of which impulses come from the Old Adam, and which from the New Man.

Nevertheless, for the Christian the Law remains a Law of liberty. To regard the Mosaic Law and "the religion of the Gentiles which they had made themselves" as being similar in "the legal character and the externality of both"<sup>77</sup> makes it impossible to give the Law any kind of standing within Christianity. On the other hand, the Formula of Concord recognizes that the Law does continue to have a place in the life of the Christian, that the Christian's freedom and the Law of God do not stand in opposition to one another:

Although the truly believing are verily moved by God's

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<sup>74</sup>Danker, 608, n. 7.

<sup>75</sup>Hoenecke, 3:421.

<sup>76</sup>Hoenecke, 4:39.

<sup>77</sup>Koehler, 107.

Spirit, and thus, according to the inner man, do God's will from a free spirit, yet it is just the Holy Ghost who uses the written law for instruction with them, by which the truly believing also learn to serve God, not according to their own thoughts, but according to His written Law and Word, which is a sure rule and standard of a godly life and walk, how to order it in accordance with the eternal and immutable will of God . . . .

For although *the Law is not made for a righteous man*, as the apostle testifies 1 Tim. 1,9, but for the unrighteous, yet this is not to be understood in the bare meaning, that the justified are to live without law. For the Law of God has been written in their heart, and also to the first man immediately after his creation a law was given according to which he was to conduct himself. But the meaning of St. Paul is that the Law cannot burden with its curse those who have been reconciled to God through Christ; nor must it vex the regenerate with its coercion, because they have pleasure in God's Law after the inner man.<sup>78</sup>

Therefore the Christian is no longer under the Law, in the sense of being subject to its curse and power, but in the Law, "using its service in doing its works through the free power of the Gospel."<sup>79</sup> Luther summarizes the situation in *The Bondage of the Will* by saying that "through his Spirit we are again slaves and captives--though this is royal freedom--so that we readily will and do what he wills."<sup>80</sup> The Law of God becomes a royal Law and a Law of liberty when it is willingly done by those who have been made free kings

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<sup>78</sup> *FC, TD, VI, Trig.*, 963.

<sup>79</sup> R. C. H. Lenski, *The Interpretation of St. Paul's First and Second Epistles to the Corinthians* (Minneapolis: Augsburg Publishing House. ©1937, The Lutheran Book Concern. Assigned to The Wartburg Press, 1946. Assigned to Augsburg Publishing House, 1961), 378-379.

<sup>80</sup> *Amer. Ed.*, 33:65.

through God's grace in Jesus Christ.

When the Law is used by believers as a Law of liberty, it serves them as a guide for covenant living, that is, as instruction for the life of those who are already forgiven. Already in the Old Testament, the giving of the Law in Exodus 20 followed the constituting of the people as the people of Yahweh in Exodus 19. Even there

this gives the Law its significance as the divine gift which will show the people what conduct accords with its position as God's own people, or what conduct undermines it. The Law is thus a demonstration of grace inasmuch as it shows how the people lives before God because it lives by him.<sup>81</sup>

Even the negative form of the commandments reveals that "there is not commanded what establishes the relation to Yahweh, but prohibited what destroys it."<sup>82</sup> In other words, even in the Old Testament, the written Law in its use as a rule was given as a guide for covenant living, not as a statement of the conditions under which Yahweh would accept them into his grace.

The same thing is true concerning the believers' fulfillment of the Law in the New Testament. The *Apology* says in Article III,

Therefore, when we have been justified by faith and regenerated, we begin to fear and love God, to pray to

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<sup>81</sup>Gerhard Kittel and Gerhard Friedrich, eds. *Theological Dictionary of the New Testament*, tr. Geoffrey W. Bromiley (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1967), 4:1038. Hereafter cited as *TDNT*.

<sup>82</sup>*Ibid.*, 1037.

Him, to expect from Him aid, to give thanks and praise Him, and to obey Him in afflictions. We begin also to love our neighbors, because our hearts have spiritual and holy movements [there is now, through the<sup>83</sup> Spirit of Christ a new heart, mind, and spirit within].

Hence we refer godly minds to the consideration of the promises, and we teach concerning the free remission of sins and concerning reconciliation, which occurs through faith in Christ. Afterwards we add also the doctrine of the Law. [Not that by the Law we merit the remission of sins, or that for the sake of the Law we are accepted with God, but because God requires good works.]<sup>84</sup>

It is precisely this which sets the Third Use of the Law apart from the first and second uses. Here the Law is addressed to those who know that it comes to them from the Father who has sent his Son to redeem them, and who has now made them kings and priests to serve him (Exodus 19:6; 1 Peter 2:9). Thus Mayor comments on the terms "royal Law" and "Law of liberty,"

Christ's law is not addressed to slaves, who must obey whether they will or will not, but to the heirs of the kingdom<sup>85</sup> (ii.5) who voluntarily embrace the law as their guide.

In considering the Law in this connection, it cannot be overemphasized that it in no way makes the Law a condition or requirement for salvation. It is rather the use of the Law which follows justification, in which those who have

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<sup>83</sup>Ap., III, *Trig.*, 157.

<sup>84</sup>Ibid.

<sup>85</sup>Joseph B. Mayor, *The Epistle of St. James: The Greek Text with Introduction, Notes, Comments and Further Studies in the Epistle of St. James* (n.p. Mac Millan and Company, 1913; reprint: Grand Rapids: Zondervan Publishing House, 1954), 90-91.

already been justified by faith without the deeds of the Law willingly do what the Law requires--not with the idea of attaining any merit by their obedience, but in joyful obedience to the will of the Lord who has saved them. Peter Davids summarizes the teaching of James' Epistle in this way:

In summary, then, James believes that through a gracious act of God one becomes a Christian. One's response to this act is repentance and faith from one's entire being. This commitment ought to be expressed through appropriate moral action, the fruit of the renewed life. The authoritative guide to the character of this action is the law, particularly as interpreted by and in accordance with the sayings of Jesus.<sup>86</sup>

It will be noted that the gracious act of God comes first; repentance and faith are the Spirit-worked response to God's grace; and finally there is a changed life as the fruit of God's work in the believer's heart. (The sequence is logical rather than temporal.) It is in connection with the third point that the Law functions as a Law of liberty, and there as a guide rather than as a motive.

Whenever the Law is preached as a condition of salvation, it does indeed produce slavery.<sup>87</sup> It enslaves man by imposing upon him demands which are utterly beyond his ability, so that the more diligently he strives to do

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<sup>86</sup>Davids, 51.

<sup>87</sup>R. C. H. Lenski, *The Interpretation of St. Paul's Epistles to the Galatians to the Ephesians and to the Philip-  
pians* (Minneapolis: Augsburg Publishing House. ©1937, The  
Lutheran Book Concern. Assigned to the Wartburg Press,  
Assigned to Augsburg Publishing House, 1961.), 276.

what it requires, the more he finds himself indebted to it. That, however, is a perversion of the Law,<sup>88</sup> which James in no way allows to stand since "throughout the epistle he is assuming that obedience to the law must follow on from salvation but does not give rise to that salvation, which is God's gracious gift."<sup>89</sup>

When the Law is preached to those who have already been received into God's grace, however, it does not produce slavery, but instructs them in the right use of their freedom.

Being the expression of God's holy and immutable will, the decalog serves as a guide to life, also and especially for those who have been moved to heed the call of the Gospel. Accepting Jesus Christ as Savior makes men particularly sensitive both to the nature of God's expectations and to the width of the chasm separating human performance from the requirements set forth in God's Law. They are aware of the fact that even one evil thought is already a violation of their Creator's will. They realize that one of the reasons for which Jesus delivered the Sermon on the Mount was to reveal how the heavenly Father originally intended the "work of the law" to manifest itself in the lives of His creatures. Every Christian, therefore, is moved by a profound sense of gratitude to God for sending His Son, as the true Israel, to do God's will perfectly on behalf of all mankind, thereby offering redemption from both the terrors and the judgment of the Law. By accepting as their own this righteousness of the Second Adam, believers find themselves, in their regenerate relationship to God, sharing in and exhibiting the kind of glad obedience which marked the primordial days in Eden.<sup>90</sup>

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<sup>88</sup>Cranfield, "Paul and the Law," 60.

<sup>89</sup>M. J. Evans, "The Law in James," *Vox Evangelica* 13 (1983): 39.

<sup>90</sup>Scharlemann, 4.

The believer's fulfillment of the Law is motivated not by fear of punishment but by gratitude, so far as he is regenerate. That does not mean that the Law no longer serves him as a curb and mirror, but that it no longer serves him only as a curb and mirror.

The law always accuses unforgiven and forgiven sinner alike. However, the law does not only accuse. In the case of the Christian, the forgiven sinner, it also instructs and guides him in the conduct of his life.<sup>91</sup>

Hence we may say that James teaches that "it is necessary to associate 'the perfect law of liberty' closely with the gospel."<sup>92</sup> He makes the distinction between Law and Gospel, but also insists that the two cannot be separated.<sup>93</sup>

Just as in the Old Testament the Law as given to guide the covenant people in their lives under the Gospel in promise,<sup>94</sup> so the Law continues as a Law of liberty for the New Testament believers under the Gospel in fulfillment. It is necessary to remember that

Freedom from the law is not freedom to ignore or disobey the law. Rather it is freedom from the condemnation of the law, freedom from the necessity of trying to justify one's self by law, freedom from the tyranny and coercion of the law. It is also and primarily freedom to begin to understand and appreciate God's law and to conform to it out of the power of the Holy Spirit.<sup>95</sup>

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<sup>91</sup>Rudnick, 48.

<sup>92</sup>Moo, 84.

<sup>93</sup>Moo, 84.

<sup>94</sup>Lenski, *Galatians*, 277.

<sup>95</sup>Rudnick, 48.



To say that the Law is a Law of liberty because it establishes the boundaries in which the child of God gladly and freely remains is another way of expressing the same truth. Once again, it cannot be overemphasized that for the Christian, insofar as he is regenerate, the Law is not an alien will,<sup>96</sup> but the will of God with which he is in agreement. It does not restrict his freedom, but rather makes clear to him the area within which he may legitimately exercise his freedom.

These [commandments] are statement of what the believer who has experienced God's grace will voluntarily do, not commands of what he *must* do to deserve or earn God's love. They represent the perimeters or boundaries of God's kingship, beyond which the believer will not stray, but *within which He* [sic] is essentially free to respond joyfully and voluntarily, as illustrated by the rest of the "laws" or codes" of the Old Testament.<sup>97</sup>

What is true of the Old Testament Law is true of the Law also in the New Testament. Addressed to the people of God in either Testament, the Law defines the area within which they are at perfect liberty, and outside of which lies not freedom but only slavery to sin. To go beyond those boundaries is not to exercise freedom, but to return to the slavery of sin, since everything outside of the Law is *eo ipso* sin (1 John 3:4). Hence St. James calls the Law both a Law of liberty (1:25 and 2:12) and a royal law (2:8). It is

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<sup>96</sup>Kuske, 23.

<sup>97</sup>Horace D. Hummel, *The Word Becoming Flesh: An Introduction to the Origin, Purpose, and Meaning of the Old Testament* (St. Louis: Concordia Publishing House, 1979), 74.

a Law which defines for those who are kings and priests within the kingdom of God the right use of their royal prerogatives.

In this sense, one might compare the use of the term Law with the secular use of law to refer to the Constitution of the United States. That is the supreme law of the land, not in the sense of containing numerous provisions for specific situations, but in the sense that it defines the principles on which the government is organized. Many of its provisions, most notably the Bill of Rights, are not given to restrict liberty, but to guarantee it. By the same token, the officers of our government commonly warn travelers that when they leave this country, they also leave behind the protection afforded them by that law. As was pointed out in chapter 2, such a use of the term νόμος was also known in secular Greek language.<sup>98</sup> In an analogous way, the Law functions within the Kingdom of God not so much to give detailed prescriptions for every imaginable situation, but to establish the kind of kingdom which God's rule is to be. By drawing boundaries which enclose the Kingdom, it does not restrict one's freedom within the Kingdom, but marks the outer limits beyond which one cannot go without leaving that Kingdom and losing its benefits.

For that reason St. Paul also places restrictions on

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<sup>98</sup> TDNT, 4:1030.

the Corinthian motto, "All things are permissible." Paul knew, and wanted his readers to know, that "the Corinthian who fancies himself, as a superior spiritual person, free to have dealings with harlots will find himself confined under a sterner authority than the commandment 'Thou shalt not commit adultery.'"<sup>99</sup> Outside the boundaries of the Kingdom of God there is only slavery to sin, not freedom. Hans Conzelmann makes a similar point in commenting on the same verse in 1 Corinthians as Barrett:

. . . freedom cannot cancel itself by making me unfree. My freedom does not derive from things. It has its place, namely, the church. This the Corinthians will also say. So now it all depends on the concrete exposition of church and conduct. What Paul here presents is nothing else but the πάντα ὑμῶν--ὑμεῖς δὲ Χριστοῦ, "all things are yours--but you are Christ's," of 3:21ff. This provides the distinction from the freedom of the Stoics. The starting point is the freedom which we acquire over against the world in the service of Christ; that is to say, it is not an "inner" freedom acquired by withdrawing from the world and then externally demonstrated,<sup>100</sup>

and then adds in a footnote,

The world around me turns into that which is μὴ συμφέρον, "not for my good," when I lose my freedom to something in which the surrounding world encounters me. . . . The end of freedom appears where it is made into a principle.<sup>101</sup>

Both St. Paul and St. James see clearly what seems

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<sup>99</sup>Barrett, 146.

<sup>100</sup>Hans Conzelmann, *1 Corinthians. A Commentary on the First Epistle to the Corinthians. (Hermeneia)*, tr. James W. Leitch (Philadelphia: Fortress Press, 1975), 109-110.

<sup>101</sup>Ibid., 110 n. 13.

to be obscure to many, that Christian freedom is not an absolute freedom, abstractly considered, but the concrete freedom to do the will of God, as expressed in the Law, in the various actual situations which he encounters. Karl-Gottfried Eckart says of James' terminology, "Der profane Gebrauch als Freiheit von einer Pflicht oder Sklaverei interessiert hier nicht."<sup>102</sup> If one once sees the point which James is making by his words in 1:25, "the man who looks intently into the perfect law that gives freedom, and continues to do this, not forgetting what he has heard, but doing it--he will be blessed in what he does," one can see that the expression "perfect law of liberty" is by no means strange. Simon Kistemaker sees the point in James 1:25 well:

Within the boundaries of the law of God man is free, for there he lives in the environment God designated for him. When he crosses the boundary, he becomes a slave to sin. As long as he keeps the law, he is free.

And last, the man who continues to look into the perfect law and keeps it will be blessed. Why is that man happy? He knows that "the precepts of the Lord are right, giving joy to the heart" and "the commands of the Lord are radiant, giving light to the eyes" (Ps. 19:8; compare Ps. 119:1-3). He finds joy in his work, joy in his family, and joy in his Lord. He knows that God is blessing him in all that he does (John 13:17).<sup>103</sup>

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<sup>102</sup>"The profane use as freedom from an obligation or slavery does not interest us here." Karl-Gottfried Eckart, "Zur Terminologie des Jakobusbriefes," *Theologische Literaturzeitung*, 89 (1964): 524.

<sup>103</sup>Simon J. Kistemaker, *New Testament Commentary: Exposition of the Epistles of James and the Epistles of John* (Grand Rapids: Baker Book House, 1986), 62.

His comments on 2:12 are similar:

Therefore, the Christian lives not in fear of the law but in the joy of God's precepts. As long as he stays within the boundaries of the law of God he enjoys perfect freedom. But the moment he crosses one of these boundaries, he becomes a slave to sin and loses his freedom. The Christian, then, assesses every word he speaks and every deed he performs by the measure of God's law. His entire life is governed by the law of love.<sup>104</sup>

To be a doer of the Law of liberty does not mean to be hagridden by numberless rules, but to live a life of love within the Kingdom of God, a life which will avoid the slavery of sin.<sup>105</sup>

Once again, James' words are perspicuous if they are allowed to speak for themselves; but too often misreadings of other parts of Scripture are allowed to create problems for the interpretation of James. One example, in reference to Galatians 5:13, may be cited:

The Law appears to be used here as a directive, but such is not the case. The Apostle aims to impress on the Galatians that freedom from the law does not mean abrogation of all moral principles. Freedom from Law means freedom to love, and this love displayed by the Christian will cover all that the Law included. The Christian does not love because a commandment says he must. He loves because God has loved him in Christ, and this love achieves what is implied in the written code.<sup>106</sup>

In reply, one may ask what the difference is between

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<sup>104</sup>Ibid., 85.

<sup>105</sup>Bo Reicke, *The Epistles of James, Peter, and Jude. Introduction, Translation and Notes. The Anchor Bible* (Garden City, NY: Doubleday & Company, 1964) 25.

<sup>106</sup>Danker, 596 n. 4.

the Law and "moral principles," except that the Law is explicitly the will of God,<sup>107</sup> while the source of moral principles is not designated. Both are obviously the standard by which one measures the propriety of one's actions. The very fact that St. Paul describes love to one's neighbor as the fulfillment of the Law in this verse shows that he does not regard the two as in opposition to one another, but as alternative ways of expressing the same truth. Love is not merely implied in the written code; the written code clarifies what love is. It is also to be noted that again there is a confusion between the motive and the standard of loving actions. James' point (and Paul's) is not that the Christian loves "because a commandment says that he must," but that the commandment is given by God to show the Christian what is a loving action in the situation which faces him. Out of all the choices which may confront a Christian in any given case, the Law reveals which ones are within the boundaries of God's Kingdom, so that the child of God may retain his liberty within that Kingdom.

The Law of Liberty addresses the Christian in his freedom as a king and priest within the Kingdom of God. Hence it does not speak to the Christian, so far as he is regenerate, as "You've got to," but as "You get to." In addressing the unbeliever or the Old Adam of the believer,

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<sup>107</sup>*FC, TD, VI, Trig., 967.*

the Law does indeed come with demands. Luther calls the Law addressed to the natural man the first tyrant, along with sin and death.<sup>108</sup> In addressing the unregenerate, the Law is "a relentless master and tyrant."<sup>109</sup> Nor is the force of the Law to be minimized in any way. It must always remain

the thunderbolt of God by which He strikes in a heap [hurls to the ground] both manifest sinners and false saints [hypocrites], and suffers no one to be in the right [declares no one righteous], but drives them all together to terror and despair.<sup>110</sup>

When the Law is preached to the impenitent--which includes the believer's old man--it must be preached in all severity for it to accomplish its purpose.

But for the regenerate "the law, once a relentless master and tyrant, is through the gospel now a beneficent friend and servant"<sup>111</sup> to the Christian. He is indeed free from every accusation, threat, and curse of the Law; but he is not free from the Law in the sense that he is free to ignore it.

Freedom under the Gospel is not freedom from God's holy, immutable will revealed in the Law, but freedom to obey it freely, that is, without compulsion, fear, or the

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<sup>108</sup> *Amer. Ed.*, 16:98-99.

<sup>109</sup> Lenski, *Galatians*, 378.

<sup>110</sup> *SA*, III, III, *Trig.*, 479.

<sup>111</sup> Lenski, *1-2 Corinthians*, 378.

need to earn God's favor thereby.<sup>112</sup>

Luther, having listed the Law as a tyrant with sin and death, as quoted above, goes on to say

But now they have been vanquished, the Law is fulfilled by Christ and then also by us who have been endowed by the Holy Spirit. He [Isaiah] adds the courage so that we may glory even in our sufferings (Rom. 5:3), and thus the Law is no longer outrageous in its demands but an agreeable companion. The Law itself indeed is not changed, but we are. Obviously this is Christian liberty, when the Law is voluntarily fulfilled, so that it cannot accuse, demand, and render guilty. Where the conscience is not guilty, where there is no sin because it is forgiven, there is no power of death, but peace of conscience, the certainty of eternal life.<sup>113</sup>

Three things are noteworthy in this statement of Luther's. First is that the Law is not changed as to its content. It requires the same things of all men, unregenerate and regenerate. But, second, when sin has been taken away, the Law no longer speaks a word of accusation. The Law has been fulfilled by Christ in the sinner's stead, and so he has "the pledge of a good conscience toward God" (1 Peter 3:21) received in his Baptism, the gift of the remission of sins for Jesus' sake. And, third, the believer has received the gift of the Holy Spirit, who works renewal in his heart. To the extent that that renewal has been carried out, the believer delights in the Law and finds it an agreeable

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<sup>112</sup>Commission on Theology and Church Relations, The Lutheran Church-Missouri Synod, *Gospel and Scripture: The Interrelationship of the Material and Formal Principles in Lutheran Theology* (St. Louis: Concordia Publishing House, 1972), 8.

<sup>113</sup>*Amer. Ed.*, 16:99.



companion, who guides him in his life. He can look into the perfect Law of liberty, knowing that he will be judged through it (James 2:12), and weigh his speech and actions according to it, not in terror that he will be condemned by the Law, but knowing that by God's grace he has already been acquitted in that judgment.

This produces the paradox that while the Christian is not under the law, he behaves as if he were.<sup>114</sup> Paul explains the paradox by saying that he is neither under the Law nor yet *ἀνομος*, but *ἔννομος*.<sup>115</sup> He is free from the Law in the sense that he is no longer under it as a crushing burden, which can weigh him down with impossible requirements and terrifying threats. He is not free from the Law in the sense that he no longer needs to pay any attention to it, as if it did not concern him at all. He is in the Law in that the Spirit has brought him into God's kingdom in which that royal Law is no longer an alien demand but the voice of his Savior. He looks into the Law of liberty and sees the instruction of his Master, not the sentence of his Judge. It is this which keeps Christian freedom from becoming unstructured license.

Hence James claims for himself and every Christian that glorying in the Law of the Lord which characterizes also the Old Testament (Deuteronomy 28:47; Psalm 1:2; 19:7-

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<sup>114</sup>Barrett, 212.

<sup>115</sup>Barrett, 214.

11; 54:6; 119:32,45,97).<sup>116</sup> Instead of the Law being his master, it has become his servant.<sup>117</sup> Even the form in which James presents the Law shows this. When the Law is addressed to the Old Adam, including the believer's Old Adam, it takes the form of negatives, since it is to be a curb restraining the sinful nature; when it is addressed to the believer, it assumes the positive form of the command to love in James 2:8 as in John 13:34 and Romans 13:8-10 since the believer does not need, so far as he is regenerate, to be restrained from sin, but to be guided in a new life. It is a Law of liberty which shows the Christian what he has been given the freedom to do, which he could not do while still a slave of sin. As a new creation (2 Corinthians 5:7) the Christian freely does the will of God. He has been transferred into the coming age of God's Kingdom.

This implies, as Gutbrod so well observes, not only a new state of being ("Sein"), but a new life ("Leben") in the active sense, a life from God and for God. The old world, however, exists side by side with the new. And even the believer, insofar as he is still  $\sigma\alpha\rho\acute{\alpha}\varsigma$  (Gal. 2:20), has one foot in the old world. It is the old story, at once glorious and dreary, of the "even now" and the "not yet," of the "arrived" and the "still afar off." This means tension for the man *in Christ*, tension and strenuous effort. Every indicative relating to the new life becomes an imperative; what the new man *is*, he *must* be and, in a sense, *become*.<sup>118</sup>

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<sup>116</sup>James Hardy Ropes, *A Critical and Exegetical Commentary on the Epistle of St. James. The International Critical Commentary* (New York: Charles Scribner's Son, 1916), 178.

<sup>117</sup>Lenski, *Galatians*, 277.

<sup>118</sup>Bartling, 409.

By calling the Law a Law of liberty, James reminds each Christian that he has been called, not to slavery, but to make use of the great privilege which he has been given.

George Forell correctly captures James' understanding:

Through faith these commandments are changed from accusing law to a description of the possibilities of the Christian life. They are no longer the terrifying study of what we must do for God, and cannot do, but rather . . . they become a description of the possibilities of what God can make out of life if we let him.<sup>119</sup>

In a way distinct from Jewish and Greek moralism,<sup>120</sup> James calls on his readers to rejoice in the privilege of being children of God in what they do. He shows them that the Christian's fulfillment of the Law of God is not an exaction of the impossible, but the joyful response of one who has been set free from sin and made a new creation.

The attitude which James expects from his readers towards the law is one of respect and obedience. However, one should note that this obedience is not so much in response to the law itself ('the law is here, the law is good, therefore you must obey it') but rather in response to their salvation. If you have received the implanted word, if your souls have been saved (1:21), if you are religious (1:26), if you have faith (2:14) then you will behave in a way pleasing to God, that is, keep the law. As pleasing God is precisely what, as a Christian, you will want to do, the law is rightly described as a 'law of liberty'.<sup>121</sup>

By calling the Christian to listen to and act according to the Law, James does not intend to reimpose demands and

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<sup>119</sup>George Forell, *Ethics of Decision* (Philadelphia: Muhlenberg Press, 1955), 104; quoted in Hoyer, 200.

<sup>120</sup>Reicke, 23.

<sup>121</sup>Evans, 39.

conditions upon the Christian; he rather calls the Christian to revel in the privilege of doing the will of God. *Qui legem facit, liber est.*<sup>122</sup>

Only in Christ is the Christian free, free also to do what pleases God. In James' understanding, that free fulfillment of the Law of liberty does not conflict with faith in Christ, but expresses faith and confesses the Savior. In reading James it is important to remember that

the author's critique is directed against a style of life which affirms that ultimately only one's individual experience of faith (1:27a, 4:8) or one's intellectual confessions of dogmatic propositions (2:19) are necessary for salvation.<sup>123</sup>

The first readers of James' epistle did not question that salvation was by grace alone through faith alone. In that respect they differed from the first readers of Galatians, who were being seduced by the Judaizers. The failing which James had to correct was rather the idea that faith was assent to an intellectual proposition, which need not carry any consequences for what one did. His first readers tended to assume that it was possible to confess with one's words but not with one's actions. In such a case James had to teach them that

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<sup>122</sup>"He who does the Law is a free man." Joh. Albert Bengel, *Gnomon Novi Testamenti* (Stuttgart: J. F. Steinkopf, 1860), 941.

<sup>123</sup>Thorwald Lorenzen, "Faith without Works does not count before God! James 2:14-26," *Expository Times* 19 (1977-78): 233.

salvation by faith does not negate the necessity and importance of works. Rather it calls for good works as a consequence of faith (Phil 1:27). Faith becomes visible in love (Gal. 5:6). Faith liberates and enables the believer to keep the commandments (Ro 8:4). The imperative to perform good deeds arises out of the indicative of faith: 'If we live by the Spirit, let us also walk by the Spirit' (Gal 5:25); this implies the performance of 'work of faith and labour of love' (1 Th 1:3). The believer is a 'new creature' (2 Co 5:17)-- this becomes evident in the new existence of the believer.<sup>124</sup>

All works-righteousness is a denial of Christ; but so is the notion that it is possible to be at the same time a servant of Christ and an impenitent servant of sin (Romans 6:13,14; 1 Corinthians 6:15).

In James 2:12 James speaks of being judged according to the perfect Law of liberty. His thought is paralleled by Jesus' own words in Matthew 25:34-40, where he also speaks of a judgment by works.<sup>125</sup> In both cases, the thought is the same: not salvation by works, but that works provide the proof of faith. Where there is no faith in Christ, there can also be no good works, in the true sense. But the only standard of what is truly good in God's sight is the Law. Hence the Apology confesses,

But we have frequently testified that repentance ought to produce good fruits; and what the good fruits are the [Ten] Commandments teach, namely, [truly and from the heart most highly to esteem, fear, and love God, joyfully to call upon Him in need,] prayer, thanksgiving, the confession of the Gospel [hearing his Word], to teach the Gospel, to obey parents and magistrates, to be

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<sup>124</sup>Lorenzen, 233.

<sup>125</sup>Lenski, *James*, 575.

faithful to one's calling, not to kill, not to retain hatred, but to be forgiving [to be agreeable and kind to one's neighbor], to give to the need, so far as we can according to our means, not to commit fornication or adultery, but to restrain and bridle and chastise the flesh, not for a compensation of eternal punishment, but so as not to obey the devil or offend the Holy Ghost; likewise, to speak the truth. These fruits have God's injunction, and ought to be brought for the sake of God's glory and command; and they have their rewards also.<sup>126</sup>

By doing what the Law says, the Christian confesses that he is no longer under the control of sin but of Christ. Since the whole Law is comprehended in the First Commandment,<sup>127</sup> the Christian who believes in the one true God also confesses his faith by his obedience to the rest of the Law.

Once again, in this matter James speaks in the same way as St. Paul. In 1 Corinthians 6:17-20 the Apostle Paul gives as the reason for his command to flee fornication the positive commandment, "Glorify God in your bodies." This is not a case of using the Gospel to rebuke sin, as Lenski maintains in his commentary on 1 and 2 Corinthians.<sup>128</sup> It rather shows the motive for the Christian's obedience: since he now belongs to Christ, both body and soul, he will glorify Christ with both body and soul. His motive is the love of Christ for him and his love for Christ in response; but the standard for his loving confession of the Savior is

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<sup>126</sup> *Ap.*, VI, *Trig.*, 305-307.

<sup>127</sup> Hummel, 93.

<sup>128</sup> Lenski, *1-2 Corinthians*, 267.

given him by the Law. It is true that St. Paul does not cite the Sixth Commandment in so many words; but "flee fornication" is surely a particularly pointed way of expressing the content of the Sixth Commandment.

Far from being slavery to the Law, such free conformity to the Law is part of the Christian's confession of the Savior. It is precisely as one who belongs to Christ that the Christian wishes to shun all sin and to do what is pleasing to his Redeemer. On the same section in 1 Corinthians mentioned above, Heinz-Dietrich Wendland writes,

Christliche Freiheit gibt es also nur in der Bindung an Christus. Christus aber will die Heiligung der Glieder seines Leibes. Und die Freiheit vom Gesetz ist nicht die Freiheit der Sünde. Die Gabe des göttlichen Gesetzes sollen die Christen zur Verherrlichung Gottes benützen.<sup>129</sup>

Martin Scharlemann speaks of the Ten Commandments in the same way:

Accordingly, sin's power must first be broken and a new kind of will implanted in the individual by the Holy Spirit, who calls men to repentance by the proclamation of both the Law and the Gospel. Once persons become God's children by heeding that call, they begin to recognize the Ten Commandments as an undeserved gift from God, embodying His very own wishes for our lives. Hence, at the moment of conversion the Ten come into focus as still holding.

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<sup>129</sup>"Christian freedom exists only in connection with Christ. Christ, however, wills the sanctification of the members of his body. And freedom from the Law is not the freedom of sin. Christians should use the gift of the divine Law for the glorification of God." Heinz-Dietrich Wendland, *Die Briefe an die Korinther uebersetzt und erklart. Neues Testament Deutsch*. 5. Aufl. (Goettingen: Vandenhoeck & Ruprecht, 1948), 38.

. . . Every Christian, therefore, is moved by a profound sense of gratitude to God for sending His Son, as the true Israel, to do God's will perfectly on behalf of all mankind, thereby offering redemption from both the terrors and the judgment of the Law. By accepting as their own this righteousness of the Second Adam, believers find themselves, in their regenerate relationship to God, sharing in and exhibiting the kind of glad obedience which marked the primordial days in Eden.<sup>130</sup>

Having been redeemed by a gracious God at so great a price, the Christian so far as he is regenerate finds the Law of God a true Law of liberty, one which demands from him no merit, makes no threats against him, imposes no penalties on him, but shows him how to glorify his Savior by the loving and wise use of his freedom.

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<sup>130</sup>Scharlemann, 4.



## CHAPTER 7

### THE NEED TO PREACH THE PERFECT LAW OF LIBERTY TODAY

As was mentioned previously, it is necessary to keep in mind the context in which the Epistle of James was written.<sup>1</sup> Unlike St. Paul's letters to the Galatians and the Romans, in which that Apostle was writing against a Pharisaic teaching which required fulfillment of the Law as a condition of justification, St. James "is combatting an *under-emphasis* on works, a 'quietistic' attitude that turned faith into mere doctrinal orthodoxy."<sup>2</sup> In that respect, our situation more closely parallels that of James and the first readers of his Epistle than that of the Churches of Galatia. While the temptation to involve the Christian's obedience to the Law in the doctrine of justification is always present, the type of Pharisaic teaching on the Law which infected the Galatian Churches is, by and large, not a problem among Confessional Lutherans.

That our Churches have, by God's grace, avoided that

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<sup>1</sup>See chapter 4, pages 41-43.

<sup>2</sup>Leon Morris, gen. ed., *Tyndale New Testament Commentaries* (Leicester, England: Inter-Varsity Press and Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1985), Vol. 16: *The Epistle of James*, by Douglas J. Moo, 46.

danger does not, however, mean that we are home free. The fact that the Churches under James' care were not legalists did not mean that they were in no need of correction. James found it necessary to teach them that

If a person does not conduct himself in accordance with the "word," then what he has heard sticks with him about as much as the mirror image sticks with a person who has observed himself in a mirror: he forgets it.<sup>3</sup>

It was for that reason that James wrote to those Churches about the perfect Law of liberty. He sought to make them realize, not only by that expression but by the pointed examples which he gave, that faith was not mere assent to propositions,<sup>4</sup> but that true faith revealed itself also in a changed life.<sup>5</sup> James desires to teach us that Christian liberty is not the liberty to do anything, or to do nothing, but to do freely by the regenerating power of the Holy Spirit in the Means of grace what pleases God. And the Law is God's revelation of what pleases him, given to his children to guide them in covenant living. James would have heartily seconded Martin Luther's famous words on Romans,

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<sup>3</sup>Martin Dibelius, *James: a Commentary on the Epistle of James (Hermeneia)*, tr. Michael A. William. Revised by Heinrich Greeven (Philadelphia: Fortress Press, 1976), 115.

<sup>4</sup>Thorwald Lorenzen, "Faith without Works does not count before God! James 2:14-26," *Expository Times* 19 (1977-1978): 233.

<sup>5</sup>Peter H. Davids. *The Epistle of James: A Commentary on the Greek Text. (New International Greek Testament Commentary)*. (Grand Rapids: William B. Eerdmans Publishing Company, 1982).

Faith, however, is a divine work in us which changes us and makes us to be born anew of God, John 1[:12-13]. It kills the old Adam and makes us altogether different men, in heart and spirit and mind and powers; and it brings with it the Holy Spirit. O it is a living, busy, active, mighty thing, this faith. It is impossible for it not to be doing good works incessantly. It does not ask whether good works are to be done, but before the question is asked, it has already done them, and is constantly doing them. Whoever does not do such works, however, is an unbeliever. He gropes and looks around for faith and good works, but knows neither what faith is nor what good works are.<sup>6</sup>

James' purpose in writing as he did was to warn against the false faith which fails to take seriously the image which it sees in the mirror of the Word, and to encourage that willing fulfillment of the Law of liberty which is the natural result of faith. The same concern is expressed in our Lutheran Confessions when the Apology says,

But here again the adversaries will cry out that there is no need of good works if they do not merit eternal life. Of course, it is necessary to do good works. We say that eternal life has been promised to the justified. But those who walk according to the flesh retain neither faith nor righteousness. We are for this very end justified, that, being righteous, we may begin to do good works and to obey God's Law. We are regenerated and receive the Holy Ghost for the very end that the new life may produce new works, new dispositions, the fear and love of God, hatred of concupiscence, etc. This faith of which we speak arises in repentance, and ought to be established and grow in the midst of good works, temptations, and dangers, so that we may continually be the more firmly persuaded that God for Christ's sake cares for us, forgives us, hears us.

Like James, we often see a faith which does little good and tolerates much evil. Any parish pastor is able to

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<sup>6</sup>*Amer. Ed.*, 35:370.

<sup>7</sup>*Ap.*, III, *Trig.*, 217.

describe the sins which are tolerated and practiced among the members of his congregation. Neither James nor any other responsible Christian would suggest that the proper response is to apply the lash of the Law in a harsh way, as if sanctification could be produced by making demands, a danger against which R. C. H. Lenski properly warns.<sup>8</sup> The Law crucifies the Old Adam, but cannot improve him. Yet even that remains necessary for the Christian who is *simul iustus et peccator* in this life, and not only necessary, but something which he desires to do so far as he is regenerate. But in dealing with Christians who need to be properly instructed in how to use the liberty of the Gospel wisely, the message of James concerning the perfect Law of liberty is entitled to a prominent place in the Church's preaching and teaching,

for especially in these last times it is no less needful to admonish men to Christian discipline [to the way of living aright and godly] and good works, and remind them how necessary it is that they exercise themselves in good works as a declaration of their faith and gratitude to God, than that the works be not mingled in the doctrine of justification; because men may be damned by an Epicurean delusion concerning faith, as well as by papistic and Pharisaic confidence in their own works and merits.<sup>9</sup>

It is precisely that message which St. James wished to preach to his contemporaries, and which still needs to be

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<sup>8</sup>R. C. H. Lenski, *The Interpretation of St. Paul's Epistle to the Romans*. (Minneapolis: Augsburg Publishing House, n.d. ©1936, Lutheran Book Concern), 420.

<sup>9</sup>*FC Ep.*, VI, *Trig.*, 801.

preached to Christians today.

But there is another important matter to be considered, the proper distinction between Law and Gospel. If the Christian is not to be instructed in what is pleasing to God from the Law of liberty, then the attempt is made most often to teach him what he ought to do from the Gospel. A rather lengthy quote from R. C. H. Lenski's comments on 1 Corinthians 6:17 will be introduced to make the point clear:

Here we have an instance when Paul uses the gospel and not the law for inculcating a moral requirement. He might with a stern and threatening finger have pointed to the Decalog with its commandment: "Thou shalt not commit adultery!" and thus have been done with fornication. That method has its proper place, especially where men's ears are dull toward gospel appeals. A more favorable light is cast on the moral situation obtaining among the Corinthians from Paul's use of the gospel method in their case. Not only were the ears of these people still open to the appeal based on the gospel facts, we must also conclude that those of the Corinthians who misused the dictum concerning adiaphora and full Christian liberty still intended to cling to Christ and not in the least to fall away from him. Only in the case of such people can Paul use patient explanation and the reminders: "Do you not know?" He first clears up the principle concerning adiaphora and secondly sets the pertinent gospel facts before them so that all of them can see for themselves what these facts signify, how they prove that fornication is utterly against Christ, and how they reveal that fornication is utterly *abominable* when it is compared with their relation to Christ.<sup>10</sup>

It would be possible to introduce many similar quotations, but this one will be sufficient for our purpose. In consid-

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<sup>10</sup>R. C. H. Lenski, *The Interpretation of St. Paul's First and Second Epistles to the Corinthians* (Minneapolis: Augsburg Publishing House. ©1937, the Lutheran Book Concern. Assigned to The Wartburg Press, 1946. Assigned to Augsburg Publishing House, 1961), 266-267.

ering Paul's words in 1 Corinthians 6:17, it needs to be asked if Paul is here using the Gospel to rebuke sin, or rather stating the facts regarding the union of the redeemed with his Redeemer in order to show the basis which underlies the Christian's obedience to the Sixth Commandment. It would appear rather that his command to flee fornication is based precisely on the fact that the believers' bodies are members of Christ, as Lenski himself points out.<sup>11</sup> That, however, does not make Paul's command to flee fornication Gospel, as Lenski wishes to maintain, "He is preaching gospel: 'Flee fornication!' since your bodies are members of Christ."<sup>12</sup> That it is the members of Christ which are joined with harlots in fornication adds striking force to Paul's words, but it does not make them Gospel. It rather shows the peculiar heinousness of such sins on the part of Christians. Paul is here using Law, not Gospel; but using the Law as it is to be preached to Christians, that is, showing that sin is incompatible with faith in Christ.<sup>13</sup> Paul's line of thought is very similar to that in James 2:1-13, where James shows the incompatibility of faith in Christ and the sin of favoritism as a sin against the Law of

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<sup>11</sup>Ibid., 267.

<sup>12</sup>Ibid.

<sup>13</sup>Roger J. Humann, "Four Theses And Some Auxiliary Statements on Preaching to the Christian," *Lutheran Theological Review* 1 (Summer 1989): 60.

liberty. This is different from the civil use of the Law, but it is still Law, showing that Christian freedom is not freedom to sin.

James lets the Law be Law so that the Gospel may be Gospel. When the Gospel is used to rebuke sin, it ceases to be Gospel. When that is done, the Gospel is not being used as a means of grace, but as a means to an end. It is true indeed that we preach the Gospel with the assurance that it will produce sanctified living (Isaiah 55:11: John 15:5), but that is quite another thing than preaching the Gospel in order to get to certain results which, however desirable they may be, are not the reason for preaching the Gospel. Such an approach is not evangelical, but a confusion of Law and Gospel. It is an example of what the present writer has nicknamed "the second use of the Gospel," that is, the use of the Gospel as a prod to action rather than as a means of grace.

Far from being a guarantee of the Gospel, such a method actually imperils the Gospel. It is, as James clearly saw, the Law which is to guide and instruct the Christian in the proper use of his liberty. When the Gospel is pressed into service as a guide, the result is not to evangelize the Law, but to legalize the Gospel. The Apology of the Augsburg Confession teaches that "all Scripture ought to be distributed into these two principal topics, the Law

and the promise."<sup>14</sup> Whenever the Gospel is made into instruction as to what the Christian is to do instead of being allowed to stand as pure promise, the proper distinction of Law and Gospel is imperiled. By directing the Christian to the Law of liberty as the standard by which to govern his conduct, St. James guards against any mingling of Law and Gospel.

The Epistle of St. James is thus an important ally to the contemporary Church as we teach that true Christian liberty is to be sought in the free fulfillment of the perfect Law of liberty, not in contemporary antinomianism.

Harsh as the truth may seem to us, James appears to link the "royal law of love" in verse 8 with a warning against being guilty of being a "lawbreaker" in verse 9 by the use of the Greek correlatives *mentio* [sic] v. 8 and *de* (v. 9). Thus, Christians must sense a legitimate obligation to render obedience to the law (not for their salvation, mind you) or be found guilty of sin! And this law must be that which is found in the inscripturated writings of the OT (*kata tēn graphēn*).<sup>15</sup>

The Christian is indeed free; but the freedom born of faith is the freedom to will and to do freely what God wills.

Faith liberates and enables the believer to keep the commandments (Ro 8:4). The imperative to perform good deeds arises out of the indicative of faith: 'If we live by the Spirit, let us also walk by the Spirit' (Gal 5:25);' this implies the performance of 'work of faith and labor of love' (1 Th 1:3). The believer is a 'new creature' (2 Co 5:17)--this becomes evident in the new existence of the believer.

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<sup>14</sup>Ap., IV, *Trig.*, 121.

<sup>15</sup>Kaiser, 224.



. . . . The Christian is therefore exhorted to become what he is; to let the fruits of the Spirit come to expression in his life (cf. Gal 5:22-26).<sup>16</sup>

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<sup>16</sup>Lorenzen, 233.

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