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### The Basis for Distinguishing Moral Law from Ceremonial and Political Law in the Old Testament

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THE BASIS FOR DISTINGUISHING MORAL  
LAW FROM CIVIL AND POLITICAL  
LAW IN THE OLD TESTAMENT

SHORT TITLE

A Thesis Accepted by the Faculty  
of Concordia Seminary, St. Louis,  
Department of Systematic Theology  
in partial fulfillment of the  
requirements for the degree of

MORAL LAW IN THE OLD TESTAMENT

George A. Jones

June 1928

Approved by

*Levin H. Spitzer*  
Divisor

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Reader



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## CHAPTER I

### PROBLEM AND PURPOSE

For many years Old Testament law has been divided into three parts, moral, ceremonial, and political law, by theologians of the Lutheran Church and many others. This division has been made in an attempt to answer the question, "Which parts of Old Testament law are still binding for the New Testament Christian?" The usual answer has been, "The moral law is binding upon all men of all ages. Those portions of Old Testament which are ceremonial or political are no longer binding." While this statement sets up a distinction, it does not answer the question, for it does not give the basis of the distinction. The purpose of this study is to attempt to find an answer to the question, and in doing so, to examine the bases which have been used in the Lutheran Church. Some attention will be given to the attitude toward the laws in Old Testament times, but this is just for the sake of background. It would provide material for another study. Some attention will be given also to the position of other Christian churches, but again only to clarify the position of the Lutheran Church.

The importance of our question should be clear to all because it is the primary desire of every Christian to obey God. To do this we must know His will for us. The serious Bible student cannot escape the question, when he studies the



many laws set forth in the Old Testament, "Does God want us to observe all of these? If not, which ones are we to consider binding?" For the Christian pastor or teacher the question is even more urgent. It is the duty of a Christian teacher to declare the whole will of God. Which Old Testament laws, then, shall we lay upon the hearts of our people? To say more, or less, than God Himself wants said is to become a false prophet, and is a most serious wrong, as we learn from Revelation 22: 18-21.

The urgency and practical need for an answer to our question has been brought home to the author in many ways. Some examples may help the reader to see it. Several years ago in a sermon on church attendance I made the statement that it is the will of God for us to set aside a day each week in which we reserve time for worship. Two of my former professors who were in the congregation took exception to this statement.

Not long ago the problem came up again in an adult instruction class. We were discussing the fifth commandment, and in the course of the presentation I stated that capital punishment was not contrary to the will of God. A well-informed doctor questioned the use of an Old Testament passage (Genesis 9: 6 which is used in our Catechism)<sup>1</sup> as a proof-text, and when we discussed moral, ceremonial, and po-

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<sup>1</sup>A Short Explanation of Dr. Martin Luther's Small Catechism (St. Louis: Concordia Publishing House, 1943).



litical law in the Old Testament, he asked for the basis of this distinction and the authority for such basis.

At this very time the question has been raised again. A student at one of our synodical schools is married to his dead brother's wife. Should he be permitted to continue his studies, or is he living in sin on the basis of Leviticus 18:16?<sup>2</sup> Examples such as these could be multiplied, but this should be enough to demonstrate the importance of finding an answer to a question which must disturb every serious Bible student and teacher who desires to obey the Lord.

During the course of this study it became apparent that very little has been done on this subject. Most writers have been content to accept the traditional three-fold division of Old Testament law without raising the question of its origin or validity. Such sources, in the main, are not mentioned in this study, since they would only serve to emphasize the problem which can be made clear in a very simple way as demonstrated above. It should also be stated that in the course of research in volume after volume, the author was not able to find any which dealt with this problem directly. It would seem that this difficult matter has been a blind spot in our literature.

Several factors complicate this study. One is the use

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<sup>2</sup>John H. C. Fritz, Pastoral Theology (St. Louis: Concordia Publishing House, 1932), pp. 146-152.



of the term "law." This word is used to mean a number of different things both in the Bible and in theological literature. Another is the practice of teaching a "third use" of the law (the "rule" for Christian life). These complications will be treated at length later. Our study will include:

An examination of definitions of moral, ceremonial, and political law.

An attempt to trace the origin of these distinctions.

A brief review of some statements from other Christian churches regarding the treatment of Old Testament law.

An examination of the Lutheran position.

A brief analysis of bases for making these distinctions as used in the Lutheran Church.

A study of some passages of the Bible which shed light on our problem.

An attempt to set forth an answer to our question.

Briefly we might summarize our findings by saying that law, all law, is ended for the New Testament Christian. Christ is the end of the law as law. In the New Age love is supreme and final. The Savior's admonition to love is not just a summary of the moral law, it is a new order which replaces and ends the dispensation of the law for the believer.



## CHAPTER II

### ORIGINS AND DEFINITIONS

In attempting to trace the origin of the division of Old Testament law into moral, ceremonial, and political, one finds wide difference of opinion. It is abundantly clear that this three-fold distinction was by no means universally accepted.

It seems that the impression has been given in some Lutheran literature that these distinctions are set forth in the Bible. We read in the Minnesota District Proceedings of 1888:

Dasz Gott dem Volke Israel eine Menge Gebote gegeben hat, die nur für die Zeit des alten Bundes und für Israel bestimmt waren, gibt Jeder zu. Das dem Volke Israel durch Mosen gegebene Gesetz zerfällt in drei Theile. 1.) Das Moralgesetz, 2.) das Ceremonialgesetz, 3.) das politische Gesetz. Diese Dreitheilung macht Moses selbst 5 mos. 6, 1.: "Dies sind die Gesetze und Gebote und Rechte."<sup>1</sup>

The Hebrew terms used in the Bible to express the concept of law are synonymous and used more or less interchangeably even though distinctions are sometimes noted.

The present day Jewish concept of Old Testament law is quite different from our three-fold division.

The Written Law and the Oral Law together are re-

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<sup>1</sup> The Lutheran Church--Missouri Synod, Proceedings of the Convention of the Minnesota District, 1888 (St. Louis: Luth. Concordia-Verlag, 1888), pp. 25-26.



referred to as the "Torah." All relationships between man and God, between man and his fellow men, as well as all actions pertaining to man's spiritual and physical welfare, are regulated either directly by the Torah or by application of principles contained in it. Canon or church law, ethical maxims, and theological concepts are not parts of the Jewish law. Judaism is a theocracy whose code of laws are primarily offences against the theocracy whose code of laws is the Torah. For this reason there is no distinction in Jewish law between the state and the individual--a distinction fundamental in modern law. These factors make it difficult to classify Jewish law according to the modern concepts of legal terminology. Jewish law may very broadly be divided into the following general headings: (1) Religious law; (2) Civil law; (3) Public law. A more detailed and revealing classification is the following:

1. Property Law
2. Public Law
3. Laws of Domestic and Sexual Relations
4. Dietary Laws
5. Ceremonial Laws
6. God-Relationship Laws
7. Ethical Laws
8. Temple and Priestly Laws
9. Laws of Cleanliness and Uncleanliness
10. Personal Laws
11. Agricultural Laws
12. Laws of Property and Personal Damages<sup>2</sup>

The ancient Jewish teachers had much to say about distinctions in the law (see Appendix I). But here again we find that there was no general idea of a clear division of moral, ceremonial, and political law.

Some attention was paid to a difference of importance between the regulations, and they were classed as of primary and of secondary importance.

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<sup>2</sup>The Universal Jewish Encyclopedia: (Chicago: Universal Jewish Encyclopedia Co., 1948), VI, 554-557.



Hillel, who taught at the time of Herod the Great, at the end of the first century B. C., is said to have been the author of the "golden rule" summary of the Torah: "what is hateful to thee, do not do to anyone else; this is the whole Law and the rest is commentary." The following teaching is attributed to the rabbis of Jabneh: "It makes no difference whether one does little or much, so long as one's heart is fixed on heaven [i.e. God]." Johanan ben Zaccai, who flourished about the time of the fall of Jerusalem, is said to have asked his disciples about the "good way", and gave the prize to the one who answered, "A good heart." Another saying runs: "whosoever in his dealings and behaviour with the creatures is guided by faithfulness is accounted as having fulfilled the whole Torah." R. Akiba (ca. A. D. 110-15) summed up the whole Law in the saying: "Love thy neighbour as thyself." In the Testament of the Twelve Patriarchs the term "simplicity" ἀπλότης is suggested as the fundamental principle for an ethic of disposition. "All depends", it is said, "on goodwill." So long as men are of goodwill their sins are absorbed by their good deeds, while conversely the good done by a man of ill will is worthless." ...

Most important of all, no distinction was drawn between the moral and ritual law in respect of their divine authority. Jesus must have had good reasons for saying what he did about straining at the gnat and swallowing the camel (Matt. 23:24). The ritual commandments having lost their original meaning, man's relation to God was inevitably conceived in legalistic terms.<sup>3</sup>

As might be expected, the early Christian church was faced with our problem, and here we find statements which, so far as we have been able to determine, are the source of

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<sup>3</sup> Rudolf Bultmann, Primitive Christianity in its Contemporary Setting, translated by the Reverend R. H. Fuller (New York: Meridian Books, 1957), pp. 66-67.



our now accepted distinctions.

Die spätere Kirche unterschied in der Mosaiken Gesetzgebung Moral-, Zerimonial- und forensische oder Judizialgesetze. Dasz der zerimoniale Teil, insbesondere der Opferkult, für die christliche Kirche nicht mehr verbindlich sein kann, begründet bereits der Hebräerbrief mit seiner typologischen Deutung (8, 5). Die Beschneidung, die im Alten Testament allerdings auf vormosaische Willenskundegebung Gottes zurückgeführt wird, haben die Apostel durch einhelligen Beschluss fallen gelassen. Chrysostomus erblickte in den Zerimonialgesetzen Züge nationaler Beschränkung, und Augustin erklärte ihre Beobachtung unter Christen sogar für todbringend. Dasz vollends die Geltung der Judizialgesetze auf die alte Theokratie beschränkt sei, betonten bereits Origenes im Osten und Tertullian im Westen. Dagegen wurde die Verbindlichkeit des Dekalogs als der sinaitischen *lex moralis* nie bestritten, und auch in der Begründung herrscht in der späteren Kirche weitgehende Einigkeit: Der Dekalog gilt auch den Christen wegen seiner Übereinstimmung mit der *lex naturalis*. Er wiederholt das Gesetz, das der Schöpfer allen Menschen, auch den Heiden in das Herz eingegraben hat.<sup>4</sup>

Among our early Lutheran theologians, such as Chemnitz and Gerhard, we find the three-fold distinction accepted and discussed at some length. Gerhard gives us a definition of moral, ceremonial, and political law:

Utraeque, tum ceremoniales tum forenses, leges a morali multis modis differunt, praesertim vero patefactione, obligatione, duratione et fine. Primo enim respectu patefactionis talis eis intercedit differentia. Lex moralis in prima statim creatione mentibus hominum fuit insita et insculpta, ac per Moysen tantum repetita; sed ceremoniales et forenses leges Moysis demum tempore natae ac promulgatae

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<sup>4</sup> Werner Elert, Das Christliche Ethos (Tübingen: Furche-Verlag, 1949), p. 84.



sunt. Praecepta legis moralis data fuerunt primo loco ac tempore et modo solenniori, quorum repetitionem inter multa prodigia factam secuta demum est ceremonialium et forensium promulgatio. Decalogum, legis moralis summam, dedit Deus immediate toti populo Deut. 5, v. 22: Verba haec locutus est Jehovah ad omnem congregationem vestram in ipso monte e medio ignis, nubis et caliginis voce magna et non addidit; sed reliquae leges populo ad tabernacula sau reverso demum Moysi as per Moysen populo traditae sunt Deut. 5, v. 30 . . .

Ex hoc secundo discriminis membro nascitur tertium in durationis diversitate positum. Les moralis est aeterna et immota regula, non im prima tantum creatione mentibus hominum insita et ad finem usque mundi duratura, sed etiam ante jacta mundi fundamenta ab aeterno in mente divins existens et in omnem aeternitatem immobilis as immutabilis permansura, ut ostendimus 14. prosime praecedentis tractatus. Sed ceremoniales as forenses leges tantum ad tempus V. T. pertinent, proinde promulgato novo foedere antiquatae sunt, ut ex Jer. 31, v. 31. colligit epistola ad Hebr. 8, v. 13: dicendo novum antiquavit prius. Quod autem antiquatur et senescit, prope interitum est. Inde est quod ceremonialia moralibus neutiquam praeferenda, sed longissime potius postponenda, secus quam Pharisaei hypocritae statebant, quibus propheticum illud dictum Christus opposuit: Misericordiam volo et non sacrificum, Hoseae 6, v. 7. Matth. 9, v. 13; c. 12, v. 7.<sup>5</sup>

It is interesting to note that our Lutheran Confessions do not treat our distinction as such. This omission, in our opinion, was not a mere oversight, but more of this later. To grasp fully our present understanding of the three kinds of Old Testament law we turn to the definitions given in a

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<sup>5</sup>Joannis Gerhardi, "De Legibus Ceremonialibus Et Forensibus", Loci Theologici (Berolini: Sumtibus Gust. Schlawitz, 1865), III, Part 13, pp. 109-110.



## District essay:

Das Moralgesetz oder Sittengesetz ist für alle Menschen verbindlich. Es schreibt vor, was ein Mensch als eine vernünftige Creatur zu thun und zu lassen hat. Es ist die Wiederholung und Erklärung des den Menschen bei der Schöpfung in's Herz geschriebenen Gesetzes. Es ist enthalten in den zehn Geboten. Die Summa desselben ist: "Du sollst lieben Gott, deinen Herrn, von ganzen Herzen, von ganzer Seele und von ganzem Gemüthe und deinen Nächsten als dich selbst." . . .

Das politische oder bürgerliche Gesetz schreibt die staatliche Einrichtung und Regierung des jüdischen Volkes vor. In Israel war Kirche und Staat eng mit einander verbunden. Durch dies politische Gesetz wurde das Volk von allen anderen Völkern abgedeutert. Die Proselyten aus den Heiden waren nicht verpflichtet, sich unter diese bürgerliche Verfassung Israels zu begeben. In dem bürgerlichen Gesetze war dieses und jenes als nicht straffällig bezeichnet, was das Moralgesetz verwirft. Ein Beispiel dazu ist die Ehescheidung, von welcher Christus sagt, Moses habe sie den Juden zugelassen um ihres Herzens Härte willen. Dieses Gesetz hat mit der Endschaft des jüdischen Staates von selbst seine Gültigkeit verloren.

Das Ceremonialgesetz handelte vom äußerlichen Gottesdienst, enthielt die Gebote von der Beschneidung, den Opfern, den Priestern, vom Tempel und dessen Einrichtung, von den Festen und Feiertagen, von Speisen, Fasten, Waschungen und dergleichen.<sup>6</sup>

Thus we see that at present the Lutheran Church seems to take for granted that there is a clear division of Old Testament law into these three categories. Unfortunately the clear statements of definition do not, as a rule, set forth

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<sup>6</sup>Proceedings of the Minnesota District, pp. 25-26.



a basis of distinction. Unless we have a clear basis for distinguishing one from the other, our question "Which parts of Old Testament law are still binding for us?" remains unanswered.

For a better understanding of our Lutheran position on Old Testament law, we must investigate briefly the teachings of other churches and theologians on this subject.

Let us look first at the teaching of the Roman Catholic Church. The Roman Church makes the three-fold distinction of moral, ceremonial, and political law in the Old Testament.

When the Gospel had been duly promulgated the civil and ceremonial precepts of the Law of Moses became not only useless, but false and superstitious, and thus forbidden.

It was otherwise with the moral precepts of the Mosaic Law. The latter expressly taught that the observance of these, inasmuch as they are prescribed by nature herself, is necessary for salvation.<sup>1</sup>

We note here that it is implied that the basis of establishing moral law is that it is prescribed by nature itself. Roman theologians go to great length in determining what is to be considered "natural law." For this concept is much more important in Rome's theology than it is in ours. Actually, however, such careful definition is not necessary for Rome to establish which Old Testament laws are to be considered binding yet today. Since Rome maintains that it has author-

<sup>1</sup>The Catholic Encyclopedia (New York: Robert Appleton Co., 1910), II, 72.



### CHAPTER III

#### THE POSITION OF THE ROMAN CATHOLIC CHURCH ON OLD TESTAMENT LAW

For a better understanding of our Lutheran position on Old Testament law, we must investigate briefly the teachings of other churches and theologians on this subject.

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<sup>1</sup>The Catholic Encyclopedia (New York: Robert Appleton Co., 1910), IX, 72.



ity over Scripture, the answer for them is not to be found in the Bible, but in the authority of the Roman Church. It decides what is binding with or without Scriptural basis.

The Catholic Church by virtue of the commission given to her by Christ is the Divinely constituted interpreter of the Divine Law of both the Old Testament and the New Testament.<sup>2</sup>

This claim to authority is implemented by the system of dogma developed in the Roman Church. As one reads the definition of dogma and determines its source, it becomes clear that the Roman Church can be of no help to us in answering our question. It stands on different ground.

By dogma in the strict sense is understood a truth immediately (formally) revealed by God which has been proposed by the Teaching Authority of the Church to be believed as such. The Vatican Council explains: *Fide divina et catholica ea omnia credenda sunt, quae in verbo Dei scripto vel tradito continentur et ab Ecclesia sive solemnii iudicio sive ordinario et universali magisterio tanquam divinitus revelata credenda proponuntur.* D 1792

Two factors or elements may be distinguished in the concept of dogma:--

- a) An immediate Divine Revelation of the particular Dogma (revelation immediate divina or *revelatio formalis*), i.e., the Dogma must be immediately revealed by God either explicitly (*explicite*) or inclusively (*implicite*), and therefore be contained in the sources of Revelation (Holy Writ or Tradition)
- b) The Promulgation of the Dogma by the Teaching Authority of the Church (*propositio Ecclesiae*). This implies, not merely the promulgation of the Truth, but also the obligation on the part of the Faithful of believing the Truth. This promulgation by the Church may be made either in an extraordinary manner through a solemn decision

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<sup>2</sup>Ibid., p. 73.



of faith made by the Pope or a General Council (iudicium solemne) or through the ordinary and general teaching power of the Church (Magisterium ordinarium et universale). The latter may be found easily in the catechisms issued by the Bishops.<sup>3</sup>

To understand fully what Rome means when it calls itself the interpreter of the Bible, one must study their method of interpretation. The following is an example of their treatment of Old Testament law:

b) Era of the Natural Law

On the ground of God's general will of salvation Theologians generally postulate, with St. Augustine (C. Jul. V II, 45) and St. Thomas (S. th. III 70, 4 ad 2), that during the period from the Fall to Abraham and for the pagan world up to the promulgation of the Gospel, there was a so-called sacramentum naturae, by which young children were liberated from original sin. This "nature-Sacrament" consisted in an act of Faith in God and (at least implicitly) in the future Redeemer, which was made in the name of the children by the others, and which was probably outwardly manifested by the use of an appropriate outward sign (prayer, blessing).

During the period from Abraham to Moses, circumcision (Gn. 17:10 et seq) was for the male Israelites the ordinary means of purification from original sin. Innocent III, concurring with Scholastic theology, teaches: "Original sin was remitted by the mystery of circumcision, and thus the danger of damnation was avoided." D 410. Scholastic theology follows St. Augustine (De nuptiis et concup. II 11, 24), and St. Gregory the Great (Moralia IV praef. 3) in this matter. The older Fathers (St. Justin, St. Irenaeus, Tertullian) saw in circumcision only a Sign of the Covenant and a model of Baptism, not

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<sup>3</sup>Ludwig Ott, Fundamentals of Catholic Dogma, edited in English by James Canon Bastible, translated from German by Patrick Lynch (St. Louis: B. Herder Book Company, 1952), pp. 4-5.



a means for the attaining of Salvation. Cf. s. th. III 61 3; III 70, 4.

c) Era of the Mosaic Law

During the era of the Mosaic Law there were, according to the general teaching of the Fathers and of the Theologians, side by side with circumcision as the model of Baptism (Co. 2, 11) other Sacraments, for example, the Paschal Lamb and the Offering of Food as models of the Eucharist, purifications and ablutions as models of the Sacrament of Penance, consecration rites as models of the Sacrament of Holy Orders. Cf. S. th. I II 102, 5.

d) As the entire Old Covenant was our "pedagogue in Christ" (Gal. 3:24), so the Old Testament Sacraments as types pointed to the future riches of the Messianic era (Hebr. 10:1: Umbram Habens lex futurorum bonorum) and were thus a confession of faith in the coming Redeemer. By awakening the consciousness of sinfulness and faith in the coming Redeemer, with the co-operation of actual grace in the recipient, they created a disposition favourable for the reception of Sanctifying Grace which God then Conferred and thus these Sacraments brought about inner sanctification ex opere operantis.<sup>4</sup>

In view of the above statements, we find ourselves in full agreement with Dr. Mayer's excellent summary of the position of the Roman Church on the Bible:

Rome avers that its high regard for the Bible is evidenced by the fact that most of the New Testament authors were members of the Catholic Church, that this Church has given the Bible to Christendom, and that it considers the Bible a precious storehouse of dogmatic and moral instruction. Rome nevertheless insists that the Church has authority over the Scriptures, but that the Bible has none over the Church.

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<sup>4</sup>Ibid., p. 346.



Rome teaches that the Bible is inadequate and insufficient and needs the supplementation which only the Church can provide. Bellarmine stated that the New Testament Epistles were written only to meet certain local conditions; and Andrada, the official interpreter of Trent, declared that the New Testament books served only as "notes" to aid the Apostles' memory. On the basis of Jer. 31:33 he argues that the chief difference between the two Testaments is that the Old was written on tablets of stone and paper, whereas the New was written almost entirely into the heart of the Church.<sup>5</sup>

In spite of the statement that Rome makes in rejecting the civil and ceremonial precepts of the Law of Moses, we find that it still sets forth civil and ceremonial law and makes it binding upon people. The well-known passages from the decrees of Trent make it clear that Rome always has held to the doctrine of the "two swords," claiming for itself final authority in civil or political law. It is evident that this claim is not a thing of the past if one watches the conduct of the Roman Church in Spain, Italy, or any other country where it has held political control for any length of time. One example of such activity in the Roman Church would be its effort to attain the status of "established" religion wherever possible. So we see that although Rome considers the authority of the political law of Moses ended, it maintains that the political law of the Roman Church is binding upon men.

Much the same situation prevails in the field of ceremonial law. The ceremonial laws of the Old Testament are no

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<sup>5</sup>F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1954), p. 38.



longer considered binding, but Rome supplies ceremonial laws of its own instead. Examples of this practice are numerous. The prohibition of meat on Friday, the rule of celibacy of priests, and the setting of holy days would be examples of general interest.

Our rejection of this position of the Roman Church is to be found in our Confessional Writings:

They quote also from the Epistle to the Hebrews, 5:1: Every high priest taken from among men is ordained for men in things pertaining to God that he may offer both gifts and sacrifices for sins. Hence they conclude that, since in the New Testament there are high priests and priests, it follows that there is also a sacrifice for sins. This passage particularly makes an impression on the unlearned, especially when the pomp of the priesthood [the garments of Aaron, since in the Old Testament there were many ornaments of gold, silver, and purple] and the sacrifices of the Old Testament are spread before the eyes. This resemblance deceives the ignorant, so that they judge that, according to the same manner, a ceremonial sacrifice ought to exist among us, which should be applied on behalf of the sins of others, just as in the Old Testament. Neither is the service of the masses and the rest of the polity of the Pope anything else than false zeal in behalf of the misunderstood Levitical polity. [They have not understood that the New Testament is occupied with other matters, and that, if such ceremonies are used for the training of the young, a limit must be fixed for them.]<sup>6</sup>

Although we must reject the position of Rome on ceremonial and political law, we can learn something from it for our

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<sup>6</sup>"Apology to the Augsburg Confession," Article XXIV, Triglott Concordia: The Symbolical Books of the Ev. Lutheran Church (St. Louis: Concordia Publishing House, 1921), p. 403.



study. Let us never imagine that it is a matter of indifference whether we consider certain laws of the Old Testament binding or not. Whenever we bind upon men laws which are not intended by God to be binding, we are leading them on the path of work-righteousness, and away from the grace of God.

Now, he who, apart from Christ's propitiation, opposes his own merits to God's wrath, and on account of his own merits endeavors to obtain remission of sins, whether he present the works of the Mosaic Law, or of the Decalog, or of the rule of Benedict, or of the rule of Augustine, or of other rules, annuls the promise of Christ, has cast away Christ, and has fallen from grace. This is the verdict of Paul.<sup>7</sup>

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<sup>7</sup>Ibid., p. 425.



## CHAPTER IV

### THE CALVINISTIC POSITION ON OLD TESTAMENT LAW

Another major position on Old Testament law is that of the Reformed theologians. A simplified but fairly accurate statement of the Reformed position on Old Testament law is that all Old Testament laws except those which have been specifically abrogated are still binding in the New Testament.

This insight leads Calvin to regard the law from a cultic point of view. He sees moral and cultic laws as essentially bound up together. "By the term law," he says in definition, "I understand not only the ten commandments, which prescribe how one should live in piety and justice, but the whole cultus of religion which God communicated through Moses." Ceremonies prevent a moral misunderstanding of the law. "God added them all in order to support the commandments and to sustain and promote the faith."<sup>1</sup>

The ceremonies of the Old Testament have been cancelled not because their value is ended, but because of the disobedience of man. The entire Old Testament law is presented as having been given as a source of blessing, and it has not been abolished.

If the law fulfils the function of the stern judge against us, the fault is our own. "It is clear that through our own wickedness we are prevented from knowing that blessedness which is openly offered in the law." Hence

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<sup>1</sup>Wilhelm Niesel, The Theology of Calvin (London: Lutterworth Press, 1956), p. 94.



in any event "the law remains valid if regarded in itself; but by the guilt of man it has come about that the covenant of the law has been superseded." Again this does not imply that Calvin praises the glory and significance of the moral law while thinking lightly of the institutions of the Old Testament covenant, which has been replaced by the new. Certainly the ceremonies of the old covenant have been cancelled, but not "with regard to their meaning, only with regard to their use." As the moral law remained unimpaired in its validity despite the disobedience of man, so the sacrifices and other arrangement of the covenant are not disparaged as a result of the infidelity of men.<sup>2</sup>

Reformed theology has a strong legalistic emphasis, and this accounts for the fact that sanctification is emphasized much more than justification. The decalog and moral law are considered to be one and the same. This emphasis and definition will become clear from the following selected quotations:

God founded His covenant with Adam in the first instance by setting up the law, inscribing in his inmost part, as man's ideal and as the norm he must follow, that which is the expression of His own holy nature. I.e. God revealed the law to man in the form of the law of nature, this revelation of the law being so vouchsafed to man, that he recognized it by his own self-consciousness. "The law of nature is defined as the divine law by which God first imbued Adam, and in him the common nature of rationally endowed man, with the knowledge of what is honourable and base, and bound it to do the former and leave the latter undone" (Heidegger IX, 29).

WITSIUS (I, III, 2) thus defines: "The law of nature is the norm of good and evil inscribed by God on man's conscience right from creation and so binding man by divine

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<sup>2</sup>Ibid., p. 101.



authority. (7): It is further to be noted that this first-made law is the same substantially as that which has been expressed in the decalogue." Heidegger (IX, 27) divides the law into *lex archetypa* and *lex ectypa*. "*Lex archetypa* or *aeterna* is the actual sanctity of the divine nature so far as the rational creature can imitate and express it in its life. . . . (28): *Lex ectypa* is law which side by side with the eternal law is made and promulgated in time for existing rational creatures." . . . The law which Adam received in His Conscience was thus not an arbitrary arrangement but the expression of the essential holiness of God; Heidegger IX, 37: "The heads of natural law, especially those outstanding and universal, were not founded on God's sheer and indifferent decree as the result of His natural holiness. Love to God with the whole heart, in which neighbour love takes its rise, rests upon God's very nature. Since He is the *summum bonum* and so lovable per se, and cannot be loved by any right (*ius*). Could God will that He be not loved, neither would he be the *summum bonum* equally able to enjoin hatred of Himself; which is a dreadful thing and involves a contradiction. . . . (38) From this it follows that the *primaeval* law of nature is quite unchangeable and indispensable." Compare with this what COCCEIUS (*Summ. foed. II, 1e*) says: The nature of the covenant of works along with the law pertaining to it, promise and threat included, is found expressed in Gal. 3:10-12. (as many as are of the works of the law are under a curse . . . and the law is not faith, but, He that doeth them shall live in them). The law demands of man: "(1) that he do, i.e. fulfil by doing or omitting (2) all things that are written in the Book of the Law," and (3) "abide in them." Adam had not yet received the law in a law book, but it was "written on the tablets of his heart." Even now this is proved by the "testimony of the conscience



remaining in man even though fallen." Nothing else is contained in the "tables of the covenant and the books of the Law, save what the law of nature once demanded of man in his integrity; at least so far as it is the substance of worship and the spring as it were of a more particular injunction."<sup>3</sup>

To understand Reformed teaching on the law, it is most important to see clearly that the so-called "third use of the law" as a "rule" is considered the chief use of the law. The Old Testament period is designated as the "covenant of works," and Old Testament law was God's first plan of salvation. Only because man failed to keep the law was it necessary to establish the new covenant.

The hermeneutical principles of Lutheranism cannot be applied to Biblical interpretation where Calvin's principles are consistently followed. Calvinism does not allow for different degrees of value in the individual books of the Bible and practically denies any distinction between the two Testaments. It is no doubt correct that Calvin sees a distinction between the two Testaments, inasmuch as the New Testament presents in full colors the same Christ whom the Old only foreshadowed. But it is also true that Calvin's legalistic principle prompted him virtually to erase the distinction between the two Testaments. This is evident particularly from his concept of the Law as the basis for, and the foundation of, the divine-human covenant relation. This covenant relation obligates man to fulfill the requirements of God's law. Though Christ has come to free us from the coercion of the Law, He has not abolished it, for "the doctrine of the Law, which remains inviolate after Christ, prepares us for every good work with its doctrine, admonition, rebuke,

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<sup>3</sup>Henrich Hepppe, Reformed Dogmatics, English translation by G. T. Thomson (London: George Allen and Unwin Ltd., 1950), pp. 291-292.



and reprimand." According to Calvin, the chief function of the Law is to serve not as a mirror, but as a rule. This principle prompted Calvin to maintain that the Old Testament rites have been abolished only as to their use, but not as to their significance. Thus Baptism and the Lord's Supper have supplanted only the form but not the purpose of circumcision and the Passover. The legalistic emphasis in Calvin's theology is reflected not only in his approach to the Scriptures, but also throughout his theology, especially in the realm of sanctification, in the nature and function of the Church, and in his philosophy of life.<sup>4</sup>

Note especially that the emphasis on the third use of the law here leads to a confusion of law and gospel. The law and the will of God are presented as being one and the same thing. Such a premise leads to dangerous conclusions, as we shall see later.

The political law of the Old Testament is not considered binding in the New Testament as such. Nevertheless, Calvin clearly sets forth the proposition that political law at all times is to be an expression of the law of God. The state must help the church to practice discipline. The ideal state, in Calvin's view, is one that functions for the church. Its duty is to enforce the ten commandments. This accounts for the fact that Reformed churches have fostered "blue laws," and have considered it their duty to strive for legislation which will promote the purpose of the church, or at least

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<sup>4</sup>F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1954), Part IV, Section II, pp. 202-203.



enforce the outward morality which the church demands.

If the rulers of this world are to bow before Him, they are also called to recognize the truth and authority of the Gospel. No doubt they would like to be free from all law and from every kind of yoke; but they are subject to the Word of God and must allow themselves to be enlightened by the preachers of that Word. They depend ultimately on the Word of God and are bound to the law of God. They are obliged to be obedient, and therefore have constantly to ask whether their action is in harmony with the divine Word. In the school of God they learn how to fulfil their tasks rightly, and in particular the law of love to God and neighbour is applicable to their fulfilment of their function. In teaching that the supreme duty of the civil power is to foster the fear of God and peace among men, Calvin considers that this twofold duty is laid upon it by the two great commands of the divine law.<sup>5</sup>

As we have seen, Reformed theology assigns to the law a role which is strange and unacceptable to the Lutheran, since it is not found in Scripture. This being the case, we find no satisfactory answer to our question, "Which Old Testament laws are still binding on us today?" in Reformed theology.

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<sup>5</sup>Niesel, op. cit., 236-237.



## CHAPTER V

### THE TEACHING OF OTHER GROUPS ON OLD TESTAMENT LAW

One of the rich sources of information on the position of various church bodies as taken from their historic confessions is Philip Schaff, The Creeds of Christendom. Here we find statements on the difference between God's moral law and the ceremonial precepts from many sources. The following are a few of them: The Second Helvetic Confession (1566), Thirty-nine Articles of Religion of the Church of England (1571), The Irish Articles of Religion (1615), The Westminster Confession of Faith (1647), The Savoy Declaration of the Congregational Churches (1658), Baptist Confession of 1688, Methodist Articles of Religion (1784).<sup>1</sup> In general these statements show that the three-fold distinction of moral, ceremonial, and political law is held to be valid. The basis for the distinction in the overwhelming majority of cases is simply that the Decalogue is designated as moral law. This distinction gives a simple answer to our question, but the answer is not satisfactory since it does not take into account the fact that the Decalogue in the Old Testament includes sections of ceremonial law.

A more sweeping statement of the tendency to legalism already observed in the Reformed teachings is to be found in

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<sup>1</sup>Philip Schaff, The Creeds of Christendom (New York: Harper Brothers, 1877), III, pp. 526-856.



the statement of "The Disciples":

The New Testament is as perfect a constitution for the worship, discipline, and government of the New Testament Church, and as perfect a rule for the particular duties of its members, as the Old Testament was for the Old Testament Church.<sup>2</sup>

The Lutheran answer to such a concept of law, be it in the Old or the New Testament is set forth in our Confessions:

Neither does the Gospel bring new laws concerning the civil state, but commands that we obey present laws, whether they have been framed by heathen or by others, and that in this obedience we should exercise love. For Carlstadt was insane in imposing upon us the judicial laws of Moses.<sup>3</sup>

The danger of the Reformed position on the law is that it leads to a conclusion which is very similar to the Roman Catholic teaching of gratia infusa. In actual practice we see this outcome in the popular emphasis on the Sermon on the Mount as the "great heart of Christian teaching," and other tendencies to speak much of ethics, little of the Gospel of Jesus Christ. While this may not be the starting point, it is often the result of stressing the value of the law for Christians. At times we see this result put into words:

MORGAN--OBEDIENCE BY FAITH.--It is only when grace enables men to keep the law, that they are free from it; just as a moral man who lives according to the laws of the country is free from arrest. God

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<sup>2</sup>F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1954), Part VI, Section V, p. 373.

<sup>3</sup>"Apology to the Augsburg Confession," Article XXIV, Triglot Concordia: The Symbolical Books of the Ev. Lutheran Church (St. Louis: Concordia Publishing House, 1921), p. 331.



has not set aside law, but he has found a way by which man can fulfil law, and so be free from it. The Ten Commandments (1901), p. 23.<sup>4</sup>

There is still another and even greater danger which has come from the liberal Protestant view of the law. Modernism and Higher Criticism have approached the question of Old Testament law from a rationalistic point of view. Infected by the general nineteenth century tendency to look for evolution in many fields, men like Schleiermacher have given their answer to our question by simply saying, "For our ethics, the Old Testament is superfluous."<sup>5</sup> Others have taken the position that the value of the Old Testament is determined by your own religious experience. Theirs is a pragmatic approach which says, "What speaks to you is valid for you."<sup>6</sup> A typical statement of the evolutionists would be:

Notwithstanding the late traditions which represent all Israel's laws as being directly dictated by Jahweh, the Old Testament contains some of the best existing illustrations of the different stages by which law evolved.

Since the religious liberals are still many, and since most of the more popular theological statements come from this camp, it will be of value to set forth an example of their

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<sup>4</sup>Seventh-Day Adventists Answer Questions on Doctrine: An Explanation of Certain Major Aspects of Seventh-Day Adventist Belief, Prepared by a Representative Group of Seventh-Day Adventist Leaders, Bible Teachers, and Editors (Washington, D. C.: Review and Herald Publishing Association, 1957), p. 126.

<sup>5</sup>Oxford House Papers, Third Series (London: Longman's, Green, and Company, 1897), p. 81.

<sup>6</sup>An example of a book which sets forth this position is Emil G. Kraeling, The Old Testament since the Reformation (London: Lutterworth Press, 1955).



approach to law:

Ever since the publication of a most important monograph on Israelite law by Albrecht Alt, it has become customary to distinguish two types of law in the Pentateuch: apodictic and casuistic law. The essential distinction between them is that of form. Apodictic law is best illustrated by the Decalogue itself with its categorical imperatives and prohibitions: "Thou shalt not . . . ." There are other forms as well to which the same term is applied. Among these is the curse form which occurs in a collection in Deuteronomy 27:15-26, and the participle form of Exodus 21:12-17 (e.g., "Whoever curses his father or his mother shall surely be put to death." Alt concluded in his study that the apodictic law is very ancient in Israelite tradition, and maintained that it is unique in the ancient world. Since that study, the latter conclusion has been challenged with good reason. However, the ancient oriental parallels thus far pointed out are not actually parallel in form. They are not in the second person (thou), but in the third. For the Decalogue form we must again turn to the covenants preserved in extra-biblical sources. To give only one example, the treaty between Mursilis, king of the Hittites, and Kupanta-KAL includes the following stipulation: "Thou shalt not desire any territory of the land of Hatti." The similarity both in form and content to the tenth commandment of the Decalogue is obvious, and far more convincing than any of the parallels thus far pointed out. The stipulation of the Hittite covenants are precisely a mixture of case law and apodictic law very similar to the mixture found in the so-called "Covenant Code" of Exodus 21-23.

Why is it, then, that the Decalogue consists only of apodictic law, and those mostly prohibitions? If the present hypothesis is correct, the answer to this question is to be found in the social and political conditions which surrounded the establishment of the covenant itself. It is universally admitted that the groups involved were still nomads or semi-nomads with a tradition of independence. Furthermore, they had just emerged, according to the traditions, from state-slavery in Egypt. Under the circumstances, there must have been a fierce rejection of any infringement of their autonomy. For any set of stipulations to be acceptable, they would necessarily have had to be



of such a sort that they would correspond to the actual needs of a new community and guarantee to them a maximum of self-determination. It has been pointed out that prohibitions only are universal, since they define only the areas which are not permitted, leaving all other realms of action free. A positive command, on the other hand, immediately excludes all other alternatives. The Decalogue imposes only the obligation to observe the Sabbath and to honor parents. It has consequently been regarded as a classical statement of "natural law," those obligations which have often been thought to be universally accepted by all peoples. Regardless of the accuracy of this belief, the fact that it could arise is an indication of the freedom which it guaranteed to the fugitives from Egypt. The covenant relationship itself may very well be regarded as a guarantee of freedom from every other political suzerainty.<sup>7</sup>

Perhaps the most unusual position on Old Testament law is that of the Seventh-Day Adventists. Fortunately for our study they have just put on the market a rather complete statement of their teachings in the form of answers to questions on doctrine. They present at some length the basis for their distinction between moral and ceremonial law.

The Seventh-Day Adventist position on the Ten Commandments is set forth briefly in our statement of "Fundamental Beliefs." Section 6 reads:

That the will of God as it relates to moral conduct is comprehended in His law of ten commandments; that these are great moral, unchangeable precepts, binding upon all men, in every age. Exodus 20:1-17.

The ten commandments spoken by God from Mount Sinai are set apart from all the other commands of God recorded in the Bible by their very nature and the manner of their delivery. They themselves

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<sup>7</sup>George E. Mendelhall, Law and Covenant in Israel and the Ancient Near East (Pittsburgh: The Biblical Colloquium, 1955), pp. 6-7.



are the best evidence of their enduring character. Man's moral nature responds to them with assent, and it is impossible for an enlightened Christian to imagine a condition or circumstance--God still being God, and man still being a moral creature--where they would not be operative.<sup>8</sup>

We feel that there are ample Biblical grounds for making this distinction. The Ten Commandments, of the Decalogue, constitute in principle God's eternal law. Not only is this law eternal, but it is immutable. It is the foundation of His throne; it is the expression of His character. Since it represents His character--or what God Himself is--we believe it is as eternal as the everlasting God.

This thought can be seen in the following qualities inherent in God and in His law:

<u>God Is</u>		<u>His Law Is</u>	
Righteous	Ezra 9:15	Righteousness	Ps. 119:172
Perfect	Matt. 5:48	Perfect	Ps. 19:7
Holy	Lev. 19:2	Holy	Rom. 7:12
Good	Ps. 34:8	Good	Rom. 7:12
Truth	Deut. 32:4	Truth	Ps. 119:142

But while this is true of the eternal law of God as expressed in the Decalogue, it would not be true of the ceremonial law that God gave to Israel. This ceremonial law embraced the types and shadows that entered into the sacrificial system of Israel. All the sacrificial offerings, the feast days, and even the priesthood--all that was typical of the sacrifice and ministry of Christ our Lord--met its end on Calvary's cross. This we believe is what is meant by the apostle Paul when he wrote that Christ "abolished in his flesh the enmity, even the law of commandments contained in ordinances" (Eph. 2:15).<sup>9</sup>

The distinction between the moral law of God--the Decalogue--and the ceremonial law can be seen in the following:

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<sup>8</sup>Seventh-Day Adventists Answer Questions on Doctrine, p. 121.

<sup>9</sup>Ibid., pp. 129-130.



The Decalogue

1. Spoken by God Himself.  
Ex. 20:1, 22.
2. Written by God.  
Ex. 31:18; 32:16.
3. On stones.  
Ex. 31:18.
4. Handed by God, its writer, to Moses.  
Ex. 31:18.
5. Deposited by Moses "in the ark."  
Deut. 10:5.
6. Deals with moral precepts.  
Ex. 20:3-17.
7. Reveals sin.  
Rom. 7:7.
8. Breaking of "the law" is "sin."  
I John 3:4.
9. Should "keep the whole law."  
James 2:10.
10. Because we "shall be judged by this law."  
James 2:12.
11. The Christian who keeps this law is "blessed in his deed."  
James 1:25.
12. "The perfect law of liberty."  
James 1:25. (Cf. James 2:12).
13. Established by faith in Christ.  
Rom. 3:31.
14. Christ was to "magnify" the law and make it honourable."  
Isa. 42:21.
15. "We know that the law is spiritual."  
Rom. 7:14. (Cf. v. 7).

The Ceremonial Law

1. Spoken by Moses.  
Ex. 24:3.
2. Written by Moses.  
Ex. 24:4; Deut. 31:9.
3. In a book. Ex. 24:4,7;  
Deut. 31:24.
4. Handed by Moses, its writer, to Levites.  
Deut. 31:25,26.
5. Deposited by the Levites "by the side of the ark."  
Deut. 31:26, A. R. V.
6. Deals with ceremonial, ritual matters.  
(See parts of Exodus, Leviticus, Numbers, Deuteronomy).
7. Prescribes offerings for sins. (See book of Leviticus).
8. No sin in breaking, for now "abolished."  
Eph. 2:15. (Where no law is, there is no transgression." Rom. 4:15.
9. Apostles gave "no such commandment" to "keep the law."  
Acts 15:24.
10. Not to be judged by it.  
Col. 2:16.
11. The Christian who keeps this law is not blessed. (See, for example, Gal. 5:1-6).
12. The Christian who keeps this law loses his liberty.  
Gal. 5:1,3.
13. Abolished by Christ.  
Eph. 2:15.
14. Blotted "out the handwriting of ordinances that was against us."  
Col. 2:14.
15. "The law of a carnal commandment."  
Heb. 7:16.<sup>10</sup>

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<sup>10</sup>Ibid., pp. 130-131.



The position of the Seventh-Day Adventists, while it strikes one as being unusual, is consistent. If one accepts the basis of distinguishing moral from ceremonial and political law as held by the Reformed bodies and applies it strictly, it would seem that the conclusion of the Adventists would be hard to refute. This is brought out specifically in their statements on the Sabbath.

Inasmuch, then, as the Sabbath was instituted at creation, before the entrance of sin, it was an inseparable part of God's original plan and provision for man. It did not, therefore, have any ceremonial significance by foreshadowing something to come. On the contrary, it has ever had a commemorative significance, for it points back to something already done--the creation of the world and the human race.<sup>11</sup>

God instituted the Sabbath on the seventh day of the first week of time. Thus both aspects of the day--its seventh-day-ness no less than its sabbath-ness--are inseparably linked with creation. Except for some explicit statement of Scripture in evidence to the contrary, to affirm the one and deny the other is clearly inconsistent with the major premises we have surveyed, especially in view of the Protestant position on the supreme authority of Scripture.<sup>12</sup>

The Lutheran answer to this position is that we do not accept the basic premise that the whole of the Decalogue is moral law. A more complete refutation is to be found in this statement:

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<sup>11</sup>Ibid., p. 158.

<sup>12</sup>Ibid., p. 162.



Zum anderen wenden sie ein, das Sabbathsgesetz stehe aber in dem Dekalog, worin doch das Moralgesetz summarisch enthalten sei. Doch das beweist ihre Sache nicht, da in dem Dekalog, wie ihn einst die Juden empfangen haben, Manches enthalten ist, was nur die Juden angeht, z. B. die Worte: "Ich bin der HErr, dein Gott, der dich aus Egypten-land, aus dem Diensthause, geführet hat." Ferner im vierten Gebot: "Auf dasz du lange lebest im Lande, das dir der HErr, dein Gott, gibt." Diese beiden Zusätze beziehen sich, wie sie lauten, nur auf das Volk der Juden und werden deshalb im neuen Testament nicht wiederholt oder doch neutestamentlich verändert: "Auf dasz dir's wohl gehe und du lange lebst auf Erden." Wir schlieszen daher mit Recht: weil Manches im Dekalog steht, das nur die Juden angeht, so kann daraus, dasz die Feier des siebenten Tages im Dekalog befohlen ist, noch nicht bewiesen werden, dasz diese Feier des Sabbath zum Moralgesetz gehöre und also alle Menschen verbinde.<sup>13</sup>

In conclusion of these sections which present the teaching of various churches on the law, it should be stated that we find here one of the most important differences between the Lutheran Church and other churches. The proper distinction between law and gospel has been rightly recognized as being essential for the Lutheran theologian. Furthermore, we should recognize the fact that our present-day emphasis on church co-operation and the neglect of doctrinal discussions puts us in danger of slipping into teaching the law in the manner of the Reformed rather than the Lutheran Church. The author is of the opinion that the grave error of Reformed

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<sup>13</sup>The Lutheran Church--Missouri Synod, Proceedings of the Convention of the Minnesota District, 1888 (St. Louis: Luth. Concordia-Verlag, 1888), p. 29.



teaching on the law has crept in unnoticed and done much damage in not a few of our schools and churches. It would be of great help to re-study the careful statements of some of our outstanding theologians of the past. The keen writing of A. L. Graebner shows clearly the Reformed error and defines our Lutheran position when he says:

The natural law, also the Sinaitic Decalogue, as far as it concerns all mankind and is but a codification of the original moral law, is condemnatory of the natural state and the conduct of every man, notwithstanding the remnant of free will by which man in his depraved state is in a measure capable of a certain outward conformity with some of the Law's demands, vis., of performing the materiale of some of the works prescribed, and of omitting some outward acts prohibited by the Law; for the justification obtained by the application of a part only of the moral rule is so far from being a real justification, that it is rather but another proof of the depth of human depravity, which by the false application of a moral rule pronounces him righteous whom a proper application of that rule must utterly condemn.<sup>14</sup>

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<sup>14</sup> A. L. Graebner, Outlines of Doctrinal Theology (St. Louis: Concordia Publishing House, 1910), p. 89.



## CHAPTER VI

### THE LUTHERAN POSITION ON OLD TESTAMENT LAW

The Lutheran Confessions are very clear in their statements that Old Testament ceremonial law is no longer binding upon Christians. Although the statements regarding the abrogation of Old Testament political law may not appear at first to be so numerous, the student must bear in mind that the Confessions often use the term "law of Moses" to mean both ceremonial and political law of the Old Testament. The following quotations also make it clear that we reject the entire idea of New Testament ceremonial law:

Again, the authors of traditions do contrary to the command of God when they find matters of sin in foods, in days, and like things, and burden the Church with bondage of the law, as if there ought to be among Christians, in order to merit justification, a service like the Levitical, the arrangement of which God had committed to the Apostles and bishops. For thus some of them write; and the Pontiffs in some measure seem to be misled by the example of the law of Moses. Hence are such burdens, as that they make it mortal sin, even without offense to others, to do manual labor on holy-days, a mortal sin to omit the Canonical Hours, that certain foods defile the conscience, that fastings are works which appease God, that sin in a reserved case cannot be forgiven but by the authority of him who reserved it; whereas the Canons themselves speak only of the reserving of the ecclesiastical penalty, and not of the reserving of the guilt.<sup>1</sup>

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<sup>1</sup>"Augsburg Confession," Article XXVIII, Triglot Concordia: The Symbolical Books of the Ev. Lutheran Church (St. Louis: Concordia Publishing House, 1921), p. 89.



Furthermore, the Levitical impurities are not to be transferred to us. [The law of Moses, with the ceremonial statutes concerning what is clean or unclean, do not at all concern us Christians.] Then intercourse contrary to the Law was an impurity. Now it is not impurity, because Paul says, Titus 1:15: Unto the pure all things are pure. For the Gospel frees us from these Levitical impurities [from all the ceremonies of Moses, and not alone from the laws concerning uncleanness]. And if any one defends the law of celibacy with the design to burden consciences by these Levitical observances, we must strive against this, just as the apostles in Acts 15:10sq. strove against those who required circumcision and endeavored to impose the Law of Moses upon Christians.<sup>2</sup>

An analysis of the reason why ceremonial law has been urged in the New Testament gets to the very heart of the matter. This analysis also makes it clear that we must ever be on guard against tolerating such teaching of the law in our midst.

There are monstrous disputations concerning the changing of the law, the ceremonies of the new law, the changing of the Sabbath-day, which all have sprung from the false belief that there must needs be in the Church a service like to the Levitical, and that Christ had given commission to the Apostles and bishops to devise new ceremonies as necessary to salvation. These errors crept into the Church when the righteousness of faith was not taught clearly enough.<sup>3</sup>

Lest we be misunderstood, let us study carefully this statement that the whole law is to be eliminated from our teaching of justification by faith:

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<sup>2</sup>"Apology to the Augsburg Confession," Article XXIV, Triglot Concordia: The Symbolical Books of the Ev. Lutheran Church (St. Louis: Concordia Publishing House, 1921) p. 147.

<sup>3</sup>"Augsburg Confession," op. cit., p. 93.



In the Epistle to the Romans, Paul discusses this topic especially, and declares that, when we believe that God, for Christ's sake, is reconciled to us, we are justified freely by faith. And this proposition, which contains the statement of the entire discussion [the principal matter of all Epistles, yea, of the entire Scriptures], he maintains in the third chapter: We conclude that a man is justified by faith, without the deeds of the Law, Rom. 3:28. Here the adversaries interpret that this refers to Levitical ceremonies [not to other virtuous works]. But Paul speaks not only of the ceremonies, but of the whole Law. For he quotes afterward (7:7) from the Decalog: Thou shalt not covet. And if moral works [that are not Jewish ceremonies] would merit the remission of sins and justification, there would also be no need of Christ and the promise, and all that Paul speaks of the promise would be overthrown. He would also have been wrong in writing to the Ephesians, 2:8: By grace are ye saved through faith, and that not of yourselves; it is the gift of God, not of works. Paul likewise refers to Abraham and David, Rom. 4:1-6. But they had the command of God concerning circumcision. Therefore, if any works justified, these works must also have justified at the time that they had a command. But Augustine teaches correctly that Paul speaks of the entire Law, as he discusses at length in his book, Of the Spirit and Letter, where he says finally: These matters, therefore, having been considered and treated, according to the ability that the Lord has thought worthy to give us, we infer that man is not justified by the precepts of a good life, but by faith in Jesus Christ.<sup>4</sup>

It is of special interest for our study to note that the Lutheran Confessions make wide use of the terms moral, ceremonial, and political in reference to Old Testament law. Nowhere in the confessions, however, is there an article which sets forth the basis of these distinctions. This is of great importance. We do not give doctrinal status to this three-fold distinction because it is not found in Scripture. These dis-

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<sup>4</sup>"Apology to the Augsburg Confession," p. 147.



tinctions are useful for teaching, and they may properly be used as teaching tools, but they are not to be presented as being God-given distinctions!

We cannot agree with the first sentence of the otherwise fine statement which declares:

From Holy Scripture we know with certainty which laws were meant to be temporary and which, on the other hand, all men at all times must obey. Col. 2:16,17; Gal. 5:1-2. The immutable will of God is the Moral Law, which binds all men and obligates them to obedience, Matt.22:37-40; Rom.13:8-10. While the Moral Law is summarily comprehended in the Decalog, the Ten Commandments, in the form in which they were given to the Jews, Ex.20:1-17, must not be identified with the Moral Law, since they contain ceremonial features, Ex.20:8-11; Deut.5:12-15. Only in its New Testament version may the Decalog be identified with the Moral Law, or the immutable will of God, Rom.13:8-10; Jas. 2:8; I Tim.1:5. (Cp. Luther, St.L.,XX,146 ff.)<sup>5</sup>

The Bible passages cited in the first sentence of this quotation certainly are clear in abrogating the laws which are named, but they do not give us a total picture as to which laws are to be temporary and which are binding upon all men of all time.

Looking into Lutheran literature we find that the three-fold distinction of moral, ceremonial, and political law is used in such a manner as to give the impression that the distinction is clear and well-established. This is not the case. Even those who attempt to set forth the basis of this distinc-

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<sup>5</sup>John Theodore Mueller, Christian Dogmatics (St. Louis: Concordia Publishing House, 1934), pp. 212-13.



tion often fail to answer the basic question.

Wesentlich ist also hier die rechte Antwort auf die Frage: Was gehört zum Ceremonial- und was zum Moral-Gesetz? Diese Antwort wollen wir uns von unserm Dr. Walter geben lassen. Der schreibt: "Das Gebot nun, gerade je am siebenten Tage in der Woche von den Arbeiten seines irdischen Berufes abzulassen und diesen Tag ausschliesslich dem öffentlichen und Privat-Gottesdienste zu widmen, mag man nun unter dem siebenten den Sonnabend oder irgend einen anderen der sieben Wochentage verstehen, ist ausser allem Zweifel kein Naturgesetz, kein ewiges Moralgesetz, das dem Menschen schon von Natur in das Herz und Gewissen geschrieben wäre und durch die Erleuchtung, Wiedergeburt, Heiligung und Erneuerung, wo es verblichen war, nur wieder im Herzen aufgefrischt und erklärt würde; sondern ein positives, das heisst, allein auf Gottes Festsetzung gegründetes, so zu sagen, göttlich willkürliches Gesetz. Jeder Theil des Naturgesetzes und jedes Moralgesetz ist der in Gottes Wesen gegründete ewige, unveränderliche Wille Gottes in Betreff dessen, was einer vernünftigen Kreatur, als solcher, gebührend oder nicht gebührend ist und dieselbe zum Gehorsam und im Falle der Übertretung zur Strafe verbindet; und sofern ein solches Gesetz, sei es nun in Gewissen des Menschen oder in Wort und Schrift, geoffenbart ist, ist es ein Abbild dessen, was davon in Gottes Herzen ist. Die summa desselben ist die Liebe Gottes und des Nächsten" . . . (L. u. W. XI, 38f).<sup>6</sup>

Luther's statements on Christian liberty help to clarify the issues which are involved, especially when one understands the background of the statements.

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<sup>6</sup>P. G. Spiegel, "Die Freiheit von dem Sabbath des Alten Bundes, welche die Christen durch das Evangelium haben," The Lutheran Church--Missouri Synod, Proceedings of the Convention of the Michigan District, 1889 (St. Louis: Concordia Publishing House, 1889), pp. 58f.



In his polemics against this Neoplatonic concept, Luther saw with increasing clarity the necessity of maintaining a sharp distinction between justification and sanctification, without, however, in any way separating them. The Romanists maintained that Luther's doctrine of justification by faith alone lacked all dynamics; in fact, undermined morality. Therefore Luther found it necessary to expand the epigrammatic statement: sola fides iustificat, sed fides non est sola. Faith brings true liberty, for--so Luther maintained--it brings liberation from the curse of sin and from the burden of the Law so that man always has a "good conscience" in God's sight. In this liberty the believer is free to serve his fellow man. Thus the entirely free man becomes the servant of all. These insights changed Luther's entire view of the Christian life. His ethics is such that it can be applied only by him who through faith is free from every coercion and whose concept of the Christian vocation is oriented in justifying faith. Thus Christian ethics in Lutheran theology is always spontaneous and requires no legalistic orientation nor motivation.<sup>7</sup>

It seems that our church literature for the last fifty years or so has had very little to say regarding our subject. Going back to the latter part of the last century, however, we find the question discussed at length. Among this literature there is one statement so strikingly different from the rest, and so direct in its approach to the question, that it deserves careful study:

Und ebenso ist es unrichtig, den Dekalog ohne weiteres mit dem Moralgesetz zu identifizieren und ihn als solches dem Ceremonialgesetz und Civilgesetz gegenüberzustellen. Diese schon von Luther als das Wesen der Sache nicht tref-

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<sup>7</sup>F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1954), p. 130.



fende; aber nachher um ihrer didaktischen Bequemlichkeit willen beibehaltene, auch einer gewissen Wahrheit nicht ermangelnde Einteilung des alttestamentlichen Gesetzes scheidet äußerlich, was in der Theokratie und ihrer gesetzlichen Grundlage unzertrennlich miteinander verbunden ist, zu deren Wesen es gehört, dass auch jede Abweichung von den ceremoniellen oder bürgerlichen Vorschriften zugleich eine religiössittliche Bedeutung hat; für welche der Bruch eines ceremoniellen Gebots unter Umständen viel gefährlicher ist und deshalb eine grössere Schuld verwirkt als eine spezifisch sittliche wie z. B. die Übertretung des Sabbatgebotes oder der Blutgenuss im Alter Bunde mit der schwersten Strafandrohung belegt werden; und deren Gesetz darum auch die eigentlich moralischen Gebote und Verbote in einer bestimmten theokratisch bedingten Form, unter theokratisch Hüllen (*involucra Mosaica* nennt sie unsere Dogmatik) enthält. Diese "*involucra Mosaica*" finden sich auch in der ursprünglichen Form des Dekalogs, wie Luther in der Schrift "Wider die himmlischen Propheten" ausführt (es sie nur an das Bildergebot oder an das Sabbatgesetz oder an die Form des vierten Gebots erinnert), so dass er nicht das Moralgesetz an und für sich, vielmehr das Prinzip und den Kern der ganzen Mosaischen Gesetzgebung bildet, aus welchem sich alle Vorschriften derselben entfalten, und mit ihr den provisorischen, zeitgeschichtlichen Charakter teilt. Wenn er darum und mit Recht in unsern Katechismen das Lehrstück vom Gesetz vertritt, so haben wir ihn in neutestamentlich veränderter Gestalt (*"purus decalogus N. T."*, Chemnitz), und die Kirche hat lange Zeit statt desselben das Doppelgebot der Liebe ihrer katechetischen Unterweisung zu Grunde gelegt als ein der neutestamentlichen Stufe entsprechenderes ethisches Kompendium (vgl. v. Zeszschwitz, Katechetik Bd. II, Abteilg. 1, 29-32). Es steht so, dass kein alttestamentliches Gebot als solches schon für den Christen verpflichtende Bedeutung hat, sondern dass es diese erst erhält in Christo und von der Offenbarung des Neuen Testaments aus, welche uns lehrt, die *acterna regula justitiae dei*, die *immutabilis voluntas dei*, den unverbrüchlichen und unveränderlichen Schöpferwillen Gottes unter der theokratischen Hülle des Alten Testaments zu erkennen und von ihr zu lösen; und was



Luther in drastischer Form einmal ausspricht: "Mose ist allein dem jüdischen Volke gegeben und gehet uns Heiden und Christen nichts an" (Walch XX, 203) gilt von der ganzen Sinaitischen Legislatur, den Dekalog nicht aus-, sondern eingeschlossen. Es ist wichtig, dies ausdrücklich hervorzuheben (vgl. Harlesz, Ethik. 6, Aufl. S. 124).

Schon die Propheten des Alten Bundes (vgl. die Grundstelle Jer. 31:31-34 u. Hebr. 8:8ff.) weisen darauf hin, dass die Sinaitische Gesetzgebung nur eine vorübergehende, unvollkommene Phase in der Weltexistenz des göttlichen Gesetzes ist, die wesentlich der Heilsvorbereitung dient und in Christo ihr Ende und ihre Abrogation, weil ihre Erfüllung gefunden hat (vgl. Matth. 5:17f.; Rom. 10:4; Eph. 2:14, 15; Kol. 2:14). Ist das Gesetz ursprünglich und seinem Wesen nach die gottgesetzte Idee des Menschen, und konnte diese Idee in dem Gesetz der Einzelgebote (**νόμος τῶν ἐντολῶν ἐν δόγμασι**) nicht adäquat zur Erscheinung kommen, weil sie eine persönliche Darstellung verlangt, um in ihrer Totalität zur Erscheinung zu kommen, so finden wir eben in Christi Erdenwandel die vollkommene, persönliche Darstellung der Menschheitsidee. Nicht mehr in Vereinzelnung und Zersplitterung erscheinen bei ihm die sittlichen Pflichten und Gebote, sondern als Auswirkungen der gottwohlgefälligen und gottgemäßen Persönlichkeit. In ihm hat das Gesetz Fleisch und Blut und Leben gewonnen: aus dem Schattenrisz ist das vollendete, ausgeführte, farbenreiche Gemälde geworden. Er war das wandelnde Gesetz, weil er die wandelnde Liebe war, und auch alle rituellen und zeremoniellen Vorschriften des Mosaischen Gesetzes finden in seinem Erlösungswerk und in der neuen Menschheit der an ihn Gläubigen ihre Vollendung, werden in ihrem eigentlichen Ziel, das sie symbolisch abspiegeln, erkannt. Das spricht der Herr in der bekannten Stelle Matth. 5:17-18 aus. Zugleich ist er damit, obwohl kein neuer Gesetzgeber (novus legislator), doch der kompetente Interpret des Gesetzes, das er lehrend erklärt und in seiner hohen, geistlichen, göttlichen Meinung deutet. Und weiter: hatte das alttestamentliche Gesetz das Amt, den Menschen von seiner Sündhaftigkeit zu überführen, ihm zu zeigen, dass seine Sünde **παράβασις** d. h. Übertretung des ausdrücklichen Willens Gottes also eine Beleidigung des Höchsten sei (Gal. 3:19), brachte es die ungewohnte Sünde, die sich an seinen Geboten entzündete (Rom. 7, 8), erst recht zum Ausbruch und verhängte zugleich



den Fluch und den Tod als Strafe über die Übertreter (Gal. 3,13; 2 Kor. 3,7), um das Erlösungs- und Heilsbedürfnis zu wecken und lebendig zu erhalten, so hat nun Jesus Christus diesen Fluch gesühnt, indem er an unserer Statt die Strafe des Gesetzes, den Tod, erlitt, so dass dasselbe kein Recht mehr an uns hat und wir ihm nicht mehr verhaftet sind. So sind die, welche an ihm glauben, nun nicht mehr "unter dem Gesetz" (vgl. Gal. 3,25 u.o. im Römer- u Gal.-Briefe), und das Apostelkonzil (Apostelgesch. 15) lehnt es ausdrücklich ab, das Joch des Mosaischen νόμος auf der Jünger d.h. der Christen Häuse zu legen. Aber sie sind doch keine ενομοι Gesetzlose geworden, sondern εννομοι Χριστου (I Kor. 9,21), im Gesetze Christi, im Gesetze des Glaubens, der Liebe, der Freiheit stehende, welche von Christo aus erkennen, was vom Gesetze des Alten Bundes ewig ist und dies erfüllen, so dass das Gesetz Mosis, obwohl durch Christum abrogiert, dennoch seiner Idee nach erst recht aufgerichtet und zur Geltung gekommen (Rom. 3,31) und die ursprüngliche Schrift des Herzens, das Ebenbild Gottes in den Gläubigen erneuert ist (Ephes. 4,24; Kol. 3,10), freilich nur erst anfangsweise, weshalb doch auch sie des positiven, geoffenbarten Gesetzes nicht entraten können und der Lehre und Ermahnung und auch der Strafe aus dem Gesetze bedürfen, wie die paränetischen Abschnitte der neutestamentlichen Briefe beweisen.<sup>8</sup>

The effort to establish a basis for distinguishing moral law from ceremonial and political law goes back in our literature to a very early date. As might be expected, Gerhard writes on this subject at great length. Even for such a great scholar the three-fold distinction presents an impossible problem.

Certum igitur esto, leges forenses Mosaicas

<sup>8</sup> Carl Meusel, Kirchliches Handlexicon (Leipzig: Zweiter Band Verlag von Justus Naumann, 1889), II, 771f.



non minus quam ceremoniales in N. T. abrogatas esse, sed lex moralis, ejus summa in decalogo proponitur, neutiquam per adventum Christi antiquata, siquidem 1. est aeterna et immota sapientia ac regula justitiae in Deo. Baruch 3. c. 39: Hic liber mandatorum Dei et lex, quae est in aeternum, 2. Mentibus hominum in prima creatione est insita et insculpta, cujus tenues quaedam reliquae ac scintillulae etiamnum post lapsum deprehenduntur. Rom. 2, v. 14: Ethnici sibi ipsis lex sunt, qui ostendunt opus legis scriptum in cordibus suis, 3. In paradiso statim primis hominibus patefacta ac repetita est. etenim lex illa primordialis de non comedendo vetitae arboris fructu sanctissimae illius Deo creatori debitae obedientiae, dilectionis et timoris exercitium praescribat. Eccl. 17, v. 9: Legem vitae tradit (Deus primis hominibus) hereditariam. 4. Ab initio mundi etiam ante Moysen vox ejus semper sonuit in ecclesia, ut ostendimus in tractatu praecedente. 5. In ipsa promulgatione per Moysen a ceremonialibus et forensibus est distincta, ut ostendimus superius sect. 2. 6. Christus discrete testatur, se non venisse, ut legem solveret Matth. 5, v. 17. Tantum igitur abest, ut Christi adventus legem moralem sustulerit, ut manifestum potius testimonium sit perpetuitatis illius, quam legi morali assignavimus, Necessarium erat ad justificationem et salutem nostram Christum nostri loco legi se subicere eidemque perfectam obedientiam praestare; ergo lex moralis est aeterna et immota. 7. Prophetiae in V.T. et apostoli in N. vocem legis moralis in suis ad gentes concionibus discrete repetunt, re ipsa igitur ostendunt, normam legis moralis ad omnes homines pertinere. 8. Credentes per Spiritum sanctum renovantur, ut incipiant etiam in hac vita legi morali obedientiam praestare, quae in aeterna demum vita consummata erit ac perfecta. Rom. 3, v. 3: Deus misso Filio suo de peccato damnavit peccatum. v. 4: Ut justificatio legis in nobis impleretur.<sup>9</sup>

In both the study of our literature and many personal

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<sup>9</sup>Joannis Gerhardi, "De Legibus Ceremonialibus Et Forensibus," Loci Theologici (Berolini: Sumtibus Gust. Schlawitz, 1865), III, PART 13, p. 139.



interviews, we find that most theologians have some sort of working basis for making the distinction of moral law. There is by no means general agreement. Most often found were the six statements which follow:

1. "Only those laws which are repeated in the New Testament are binding upon us as moral law."

This statement would eliminate all Old Testament law from consideration. One example should make it clear that this basis will not do. The prohibited degrees of marriage as given in Leviticus 18 have always been considered part of the moral law. They are not repeated in the New Testament. On the basis of the above statement there would be no prohibited degrees of marriage.

2. "Those Old Testament laws which were to be enforced with the punishment of the death penalty are moral law."

This statement overlooks the fact that the punishment for violation of the ceremonial law was often more severe than the punishment for violation of moral laws. Should we still consider working on the seventh day a violation of the moral law? Exodus 35:2 commands, "Whosoever doeth work therein shall be put to death." If all such laws are moral law, then the punishment provided still would be binding also. Shall we put to death the heretic, one who lies with an animal, etc.?

3. "The Decalogue is the moral law."

This is Reformed teaching, not Lutheran.

The Ten Commandments are not the only revelation



of divine Moral Law, because we find such revelation of moral law in very many other parts of the Bible; and in the second place, the Ten Commandments as given by God through Moses, contain some elements that are not part of the Moral Law at all, but rather of the ceremonial and even of the judicial law.<sup>10</sup>

Damit ist bereits die Frage beantwortet, wo das Gesetz Gottes von den neutestamentlichen Zeugen und von allen Christen vernommen wird. Dasz Christus selbst und seine Apostel es nicht nur im Dekalog vernehmen, ist wohl hinlänglich klar geworden. Sie vernehmen es in der gesamten Tora, ja in der gesamten Schrift des Alten Testaments.<sup>11</sup>

4. "The law written in man's heart is the moral law."

Kann man also von einem Gebot nicht beweisen, dasz es schon bei der Schöpfung dem Menschen in's Herz geschrieben worden und ihm daher schon von Natur bekannt sei; dasz es von Gott selbst als ein solches Gebot bezeichnet wird, das alle Menschen im Gewissen verbinde und dessen Uebertretung er an allen ohne Unterschied heimsuchen wolle; dasz es auch von Christo, dem Lehrer der Welt, im Neuen Testament als ein göttlich verbindliches Gebot angeführt wird: so gehört dasselbe nicht in das Naturgesetz.<sup>12</sup>

This statement overlooks the clear teaching of Scripture that the moral law originally inscribed in man's heart has been obscured by man's fall into sin. Paul says, "I had not

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<sup>10</sup>G. C. Koch, Law and Gospel (Adelaide, S. A.: The Lutheran Publishing Co., Ltd., 1925), p. 33.

<sup>11</sup>Werner Elert, Das Christliche Ethos (Tübingen: Furche-Verlag, 1949), p. 79.

<sup>12</sup>P. G. Spiegel, "Die Freiheit von dem Sabbath des Alten Bundes, welche die Christen durch das Evangelium haben," The Lutheran Church--Missouri Synod, Proceedings of the Convention of the Michigan District, 1889 (St. Louis: Concordia Publishing House, 1889), pp. 58f.



known lust except the law had said, Thou shalt not covet."<sup>13</sup>

Natural law, "Lex naturae was then thought to contain definite moral norms . . . But it is not possible rationally to demonstrate a definite content of the consciousness of right."<sup>14</sup>

The natural moral law, which is binding upon all men and was originally inscribed in the human heart, was by the fall of our first ancestors obscured, but not entirely effaced, and, being transmitted from generation to generation as an innate inheritance, though in various degrees obliterated under the influence of sin, is still sufficient to convince man of his sinfulness, especially as the human conscience, though also impaired and more or less perverted and benumbed by sin, is still active in the human heart, bearing witness to the law and its stringency, to man's responsibility for his acts, and to the sinner's just condemnation according to the judgment of an omniscient and almighty God.<sup>15</sup>

5. "Ceremonial and political law were first given to Moses. All commands given by God before the time of Moses are moral law."

The weakness of this statement becomes clear when one finds ceremonial laws which were given and followed before the time of Moses. An example of this is the law of the seventh day.

In the Old Testament it [moral law] is contained for the most part and summed up in the Decalogue.

There is abundant evidence in Scripture itself that many portions of the Mosaic legislation

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<sup>13</sup>Romans 7:7.

<sup>14</sup>Gustaf Aulén, Church, Law and Society (New York: Charles Scribner's Sons, 1948), pp. 63-64.

<sup>15</sup>A. L. Graebner, Outlines of Doctrinal Theology (St. Louis: Concordia Publishing House, 1910), p. 86.



existed and were put in practice long before the time of Moses. E.g. circumcision, Religious observance of the seventh day, all the precepts of the Decalogue.<sup>16</sup>

6. "Laws which were given to the heathen nations as well as the Jews are moral law."

Es ist nun höchst wichtig, sicher beurtheilen zu können, ob ein Gebot zu dem für alle Menschen verbindlichen Moralgesetz gehöre oder nicht. Folgende Regeln sind dabei zu beobachten: Alles das, was dem Menschen in's Herz geschrieben ist und was er aus dem Lichte der Natur als Forderung Gottes erkennen kann, gehört ohne Zweifel zum-Moralgesetz; ferner dasjenige, von dem Gott ausdrücklich sagt, dass es für alle Menschen verbindlich sei, und dass er die Heiden wegen Uebertretung dasselben strafen wolle. So sollten z. B. die Cananiter ausgerottet werden, weil sie gegen die 3 Mos. 18. verbotenen Ehegrade gesündigt hatten. Ferner gehört auch zum Moral-gesetz alles dasjenige, was im neuen Testamente als verbindliches göttliches Gebot angeführt wird.<sup>17</sup>

It is self-evident that commandments given to individual believers (*mandata specialia*), Gen. 22, must not be interpreted as applying to men in general. That the Mosaic laws regarding the prohibited degrees of consanguinity and affinity, Lev. 18, pertained not only to the Jews, but to men in general is indicated by the text itself, Lev. 18:24-30, though the levirate command was temporary, obligating only the children of Israel (Deut. 25:5-10; cp. v. 10): "His name shall be called in Israel, . . ."<sup>18</sup>

This statement only complicates the problem. Certainly

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<sup>16</sup>The Catholic Encyclopedia (New York: Robert Appleton Co., 1910), IX, 71.

<sup>17</sup>The Lutheran Church--Missouri Synod, Proceedings of the Convention of the Minnesota District, 1888 (St. Louis: Luth. Concordia-Verlag, 1888), pp. 25-26.

<sup>18</sup>John Theodore Mueller, Christian Dogmatics (St. Louis: Concordia Publishing House, 1934), p. 213.



we would not be solving the problem by limiting moral law to those laws only which were given to the heathen as well as the Jews. The Decalogue was given to the Jews only. Leviticus 18 states in verse 2 that these laws were to be spoken to the children of Israel. It does not mention the heathen, yet Leviticus 18 is generally considered moral law. If Deuteronomy 25:5-10 was intended for the Israelites only, and so is not part of the moral law, what of verses 13-15 which forbid stealing?

Our conclusion is clear. None of the above six bases often used to distinguish moral law can be consistently applied. Nor will any combination of them give us a sound basis of distinction. Moreover, it should be pointed out that none of these is given in Scripture as a basis for determining which Old Testament laws are binding upon us today. Even if they would seem to solve our problem, which they do not, they would still have to be established by some word of Scripture, since they are advanced as a basis for determining the binding force of Scripture.



## CHAPTER VII

### THE BIBLE ON OLD TESTAMENT LAW

Any attempt to establish a sound basis for distinguishing which portions of Old Testament law are binding upon the New Testament Christian must concern itself with what the Bible itself has to say on this subject. To set up a basis of distinction simply by applying reason might be satisfactory to the rationalist, but must be utterly unacceptable to the serious Bible student. What could be more presumptuous than to declare any portion of Scripture abrogated without having the authority of Scripture itself to establish such a claim? This calls for a careful study of the Bible, and a complete study of pertinent passages would provide material for another paper in the exegetical field. We shall examine briefly only a few of the most important passages from the Old and New Testaments.

In an earlier chapter, reference was made to an attempt to find our three-fold distinction established by Scripture in Deuteronomy 6:1 where it speaks of the "commandments, the statutes, and the judgments" which the Lord gave. As was pointed out, the words used here are synonymous for the most part. A more detailed study of Old Testament terms used for "law" will convince the reader that this passage is of no help to us in making a distinction as to what is binding.

Our study is complicated by the fact that the Old Testament intermingles all kinds of law without making distinction as it passes from one to the next. In Exodus 20 we have the Ten Commandments, but in verses 4, 10, and 11 ceremonial law



is added without any break in the text. In Exodus 21-23 we find political law for the main part, but along with it Chapter 23, verse 24 forbids idolatry saying, "Thou shalt not bow down to their gods, nor serve them, nor do after their works." This we would certainly classify as moral law, but the text does not indicate this in any way. Again, the major portion of the book of Leviticus sets forth the ceremonial law. There is no change in presentation as we come to Chapter 18 which sets forth the prohibited degrees of marriage, yet almost anyone would agree that at least part of Chapter 18 is moral law.

Other problems arise. Deuteronomy chapters 21 through 25 present a lengthy discourse on political law. Some of the provisions of this law we find contrary to the moral law, e.g. 21:14 where it provides that if a man has taken a wife from among captives but finds no delight in her, "Then thou shalt let her go whither she will; but thou shalt ~~not~~ sell her at all for money." Another well-known example of conflict between Old Testament political law and God's will is found in Deuteronomy 24:1 which was used by the enemies of Christ to trick Him into choosing between God's will and Moses' law. It provides, "When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house." The great conflict at the time was whether the "uncleanness" mentioned meant anything which displeased the man, or just certain specified evils in the



wife. Jesus does not hesitate to make it clear that the law of Moses was contrary to the will of God on this point. He re-affirms the life-long sanctity of marriage. Here we find a political law contrary to the moral law, and in the same chapter, Deuteronomy 24:14, we find a moral law set forth, "Thou shalt not oppress an hired servant that is poor and needy." How shall we know when the political law, which is at times even contrary to the will of God, stops, and when the moral law, which is binding upon all men of all ages, starts? They are set side by side in the same chapter.

The Old Testament gives us no answer to the vexing question which it raises. And yet, there are many passages in the Old Testament which state that obedience to certain laws is more important or at least more fundamental than obedience to others. E.g. Amos 5:21-24, "I hate, I despise your feast days, and I will not smell in your solemn assemblies. Though ye offer me burnt offerings and your meat offerings, I will not accept them; neither will I regard the peace offerings of your fat beasts. Take thou away from me the noise of thy songs; for I will not hear the melody of thy viols. But let judgment run down as waters, and righteousness as a mighty stream." The offerings commanded by ceremonial law are not desired. Instead God wants judgment and righteousness which are moral qualities. Evidently already in Old Testament times God let the people know that the moral law was more important than the ceremonial.

Since the Old Testament does not help us with our prob-



lem, let us turn to the New Testament and see what it says.

In studying New Testament passages on the law, it soon becomes evident that it is most important to understand the proper use of the law. If we fail to grasp the current function of the law, we distort the Gospel, and endanger our salvation. This is the burden of a large part of the letter to the Romans.

In the view that Paul thus gives as to the role of the law, there is entire harmony between the law and the gospel. If the law itself could overcome sin, and if righteousness and life could thus come through the Law, the law would be against the promise of God. Then the law would be a way of salvation, competing with the Gospel's way of salvation. But when misunderstood, the Law becomes a power of destruction, along with Wrath, Sin, and Death. It becomes a tyrant which drives man to the fruitless attempt, with his own resources, to break the bondage of the old aeon. But thereby it only binds him more securely to the nature of the old aeon, and hinders him from accepting "the righteousness from God" which Christ brings. It keeps man from entering into the new age, the age of righteousness and life. It is this view of the law that Paul particularly opposes.<sup>1</sup>

Another very important concept is set forth by Luther when he points out that the law is established and fulfilled by faith. Christ obeyed the law perfectly for us, and perfect obedience is what the law demands. Those who teach work-righteousness make the law void in pretending to obey it when they do not. One point of disobedience makes the sinner guilty of all.

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<sup>1</sup>Anders Nygren, Commentary on Romans (Philadelphia: Muhlenberg Press, n.d.), p. 227.



We establish the law Rom. (3:31). The Law is made void if its validity and authority are denied, so that it is no longer obligatory and men may transgress it. The carnally minded might have accused the Apostle of making void the Law, since he said that sinners are not justified by the Law, but that the righteousness of God is manifested and imparted without the Law. On the other hand, the Law is established and confirmed when its demands or injunctions are heeded. In this sense the Apostle says: "We establish the Law"; that is: We say that it is obeyed and fulfilled through faith. But you who teach that the works of the Law justify without faith, make the Law void; for you do not obey it; indeed, you teach that its fulfillment is not necessary: The Law is established in us when we fulfill it willingly and truly. But this no one can do without faith. They destroy God's covenant (of the Law) who are without the divine grace that is granted to those who believe in Christ.<sup>2</sup>

Next we see that the New Testament makes it very clear that Old Testament ceremonial laws are abrogated. There are a large number of passages which establish this beyond a doubt. Some of the more direct ones are: Matthew 12:1-7; Mark 2:18-28; Acts 15:10; Galatians 2:14; Colossians 2:16-17.

Since the Old Testament ceremonial laws have been abolished through the coming of Christ, Gal.4:9-11;5:1-4, they are no longer in force in the New Testament, Col.2:16, so that the immutable will of God which now obligates all men must be identified with the Moral Law, Matt.22:37-40; I Tim.1:5. For this reason we define sin in general as a deviation from the divine Moral Law, no matter whether that Law has been written in the human heart or communicated to man by positive precept. For the Jews in the Old Testament also every deviation from

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<sup>2</sup>Martin Luther, Commentary on the Epistle to the Romans, translated by J. Theodore Mueller (Grand Rapids, Mich.: Zondervan Publishing House, 1954), p. 64.



the ceremonial or political laws constituted a sin; but since the New Testament these laws have been abolished by God's express will, Col. 2:16, it would be a sin to reinstitute them as necessary and binding upon the consciences of New Testament believers, Matt. 15:9; Gal. 5:1-4. The laws which God enacted as temporary man must not declare to be permanent.<sup>3</sup>

Not only are the Old Testament ceremonial laws ended, but we see also that in the New Testament God does not intend to have any ceremonial laws imposed upon Christians. I Timothy 4:1-3; Galatians 4:10-11; Acts 15:20. Our Confessions have a comment on this last passage.

The Apostles commanded, Acts 15:20, to abstain from blood. Who does now observe it? And yet they that do it not sit not; for not even the Apostles themselves wanted to burden consciences with such bondage; but they forbade it for a time, to avoid offense. For in this decree we must perpetually consider what the aim of the Gospel is.<sup>4</sup>

What was Jesus' attitude toward the Old Testament? He made extensive use of it, quoting it often as God's Word. Some understanding of the Old Testament is necessary to gain a full concept of God's plan of salvation.

But the Church was guided to recognize that the attempt to cut adrift from the Old Testament was a refusal to accept Jesus' place in history, and therefore a refusal to believe that the Word was made flesh.<sup>5</sup>

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<sup>3</sup>John Theodore Mueller, Christian Dogmatics (St. Louis: Concordia Publishing House, 1934), pp. 212-213.

<sup>4</sup>"Augsburg Confession," Article XXVIII, Triglot Concordia: The Symbolical Books of the Ev. Lutheran Church (St. Louis: Concordia Publishing House, 1921), p. 93.

<sup>5</sup>Joseph Woods, The Old Testament in the Church (London: S. P. C. K., 1949), p. 110.



Notice carefully, however, how Jesus used the Old Testament. He did not appeal to it for its teaching on law.

The spiritual life of Christ was nourished by these Old Testament Scriptures. To them He appealed as the oracles of God, disclosing to men the way of salvation, and constituting an impressive prophecy of His advent and mission. He appealed to them for nothing else; but in that region He declared them to be authorities.<sup>6</sup>

Jesus' discourses on Old Testament law help us a great deal in determining what our own attitude toward it should be.

Without contesting the authority of the Old Testament, Jesus discriminates between its various precepts. Moses may have permitted divorce, but what God really intends is that marriage should be permanent (Mark 10:2-9). "Woe unto you scribes and Pharisees, hypocrites! for ye pay tithe of mint, anise and cummin, and have omitted the weightier matters of the law, judgment, mercy and faith. Ye blind guides, which strain at a gnat, and swallow a camel." (Matt. 23:23f.). Actually God has revealed His will in the Old Testament, and those who want to know His will are referred to the moral precepts of the Old Testament like the rich man (Mark 10:17-19), and the scribe who inquires which is the great commandment of the law (Mark 12:28-34). The rich man, it is true, only thought he had kept the Law, for he shrinks from giving up everything for God's sake (Mark 10:20-22).

The upshot is that the Old Testament, insofar as it consists of ceremonial and ritual ordinances, is abrogated. Jesus directs a polemic against the legalistic ritualism of the scribes, whose correct external behaviour so often went hand in hand with an impure will. Thus he quotes from the prophets:

"This people honoureth me with their lips, but their heart is far from me.

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<sup>6</sup>A. J. F. Behrends, The Old Testament under Fire (New York: Funk and Wagnalls Co., 1897), p. 91.



In vain do they worship me,  
teaching for doctrines the commandments  
of men (Mark 7:6f)."

"Woe unto you, scribes and Pharisees, hypocrites!  
for ye make clean the outside of the cup and  
the platter,

but within ye are full of extortion and excess.  
Woe unto you, scribes and Pharisees, hypocrites!  
for ye are like unto whited sepulchres,  
which indeed appear beautiful outward,  
but are within full of dead men's bones, and  
of all uncleanness.

Even so ye outwardly appear righteous unto men,  
but within ye are full of hypocrisy and iniquity  
(Matt. 23:25-28)."

How easy it is to pray, fast and give alms in  
order to show off before others! (Matt. 6:1-4,  
5f., 16-18). How easy it is to nullify the  
fifth commandment by claiming priority for the  
ceremonial law! (Mark 7:9-13). The laws of  
purity are meaningless, for "There is nothing  
from without a man, that entering into him can  
defile him: but the things which come out of  
him, these are they that defile the man" (Mark  
7:15). "The sabbath was made for man, and not  
man for the sabbath" (Mark 2:27). Even the  
scribe knows this, but Jesus pushes it to its  
radical conclusion: "Is it lawful to do good  
on the Sabbath day, or to do evil? to save  
life, or to kill?" (Mark 3:4). In other words,  
there is no third alternative, no holy dolce far  
niente. To refrain from action when charity  
demands that we should do something positive is  
to do evil. Unless it be an expression of genuine  
sorrow, fasting is pointless (Mark 2:18f.). That  
is why Jesus consorted with publicans and sinners  
and harlots (Mark 1:15-17; Matt. 21:28-32).  
He is reproached as a "glutton and winebibber"  
(Matt. 11:19), but no matter. He can hold up a  
Samaritan as an example (Luke 10:30-36).<sup>7</sup>

So we see that Jesus abrogated the ceremonial and  
political laws of the Old Testament. What was His attitude  
toward the Old Testament moral law? In the Sermon on the Mount,

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<sup>7</sup>Rudolf Bultmann, Primitive Christianity in its Contem-  
porary Setting, translated by the Reverend R. H. Fuller  
(New York: Meridian Books, 1957), pp. 73-75.



Matthew 5:21-48, Jesus holds forth on Old Testament moral law. He is not satisfied with it. At least not insofar as it was understood and applied by the people of His time. He states the law, "It hath been said," and then proceeds to give a much broader interpretation of it, "But I say unto you . . ." He deals with both moral and political laws in the same way. This much is evident from His discourse, God does not claim men only insofar as his behaviour is covered by formulated precepts, as though outside that area man were free. He wants obedience from the heart which means that we follow Him in the spirit of love, not just in narrow obedience to laws spelled out. Love is the summary of the moral law as we read in Matthew 22:36; Romans 13:10; Galatians 5:14. But this is not to say that the law as set forth in specific commands is all that love will do.

Now it is time to ask a critical question for our study. What is the purpose of the law as set forth in the New Testament? We answer, "To show us our sin and the wrath of God." This is the message of the first chapters of Romans. Romans 3:20, "By the law is the knowledge of sin." Romans 4:15, "The law worketh wrath: for where no law is, there is no transgression." Romans 5:20, "Moreover, the law entered, that the offence might abound." Romans 7:7, "I had not known sin, but by the law: for I had not known lust, except the law had said, Thou shalt not covet." Again in Galatians 3:19, "Wherefore then serveth the law? It was added because of transgression."

In our Catechism we find the statement, "Thirdly, the Law



teaches us Christians which works we must do to lead a God-pleasing life. (A rule)"<sup>8</sup> This so-called third use of the law has led to much confusion. It is a misuse of the term law. The word law is used to mean many different things in the Bible and in literature, and we cannot help expressing regret that other words were not chosen for the sake of clearer distinctions. To call the promptings of the Holy Spirit in the heart of a Christian a use of the law is a contradiction in terms, at least in the mind of the average listener. A good purpose would be served if we would employ a different word. This idea of the "third use" of the law is not Lutheran but Reformed in its origin. Moreover, when Lutheran theologians spoke of a "third use" of the law they did not mean an understanding of how to please God, but rather that since the Old Adam is still alive in the Christian also, he still must hear the law. But the law is speaking to the Christian when he falls into sin in the same manner and with the same purpose as before, namely, to show him his sin and the wrath of God.

The early Lutheran Confessions speak of only one chief function of the Law, to condemn; the later ones speak of two and even of three functions of the Law. The term "third use" of the Law is used primarily to designate the preaching of the Law to the Christian, insofar as and because he is still at all times the sinner.<sup>9</sup>

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<sup>8</sup>A Short Explanation of Dr. Martin Luther's Small Catechism (St. Louis: Concordia Publishing House, 1943), p. 86.

<sup>9</sup>F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1954), PART III, Section IV, pp. 167.



W. Elert declares that the later Lutheran dogmaticians have no ground for appealing to Luther in their view of the "third use" of the law, but that this concept came into Lutheran theology from Calvinistic theology, where the "third use" is considered the primary use of the law.<sup>10</sup> This same fact is brought out by others.

The Calvinistic principle for Christian ethics is nomistic and in a sense atomistic. The idea of obligation predominates. Calvin's ethics operates predominantly with such concepts as law, ordinances, commandments, obedience. An action is ethical and moral not because it conforms to an ethical standard, but because it is an act of obedience. The emphasis on obedience has moved Calvin to teach that the third use of the Law more clearly sets forth the real purpose of the Law than the other two uses.<sup>11</sup>

We think, therefore, of moral law as being the statement of God's eternal commands which has as its purpose to show us our sin. This is the New Testament teaching of the purpose of the law.

The most important group of passages for our study is that which declares that law as law is ended for the New Man in Christ. These passages are not to be interpreted as giving room for the Antinomian heresy for, as we have seen, the Old Adam is still alive even in the Christian, and he too must hear the voice of the law when he falls into sin.

There is, of course, no contradiction between such passages as I Tim. 1:9: "The Law is not made for a righteous man" and those which apply the Law in all its uses to the Christian, e.g.,

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<sup>10</sup>Werner Elert, Das Christliche Ethos (Tübingen: Furchen-Verlag, 1949), pp. 386-397.

<sup>11</sup>Mayer, op. cit., PART IV, Section II, p. 208.



Rom. 7:23-24; I Cor. 9:27; etc. In the former passage the Christian is described according to the new man; in the latter, according to his old, corrupt nature. Luther rightly says: "Ein Christ ist zwischen zwei Zeiten geteilt. Sofern er Fleisch ist, er unter dem Gesetz; sofern er Geist ist, ist er unter der Gnade." (Cp. St. L., IX, 452. 880.)<sup>12</sup>

I Timothy 1:8-11 gives us the purpose of the law which is to condemn the lawless, and says that it must be used correctly. It is not intended for the New Man in Christ.

8. What is the function of the law in the Christian faith? Obviously the problem is the persistent one. In both synagogue and church the law had the status of revelation and therefore a priori had to be held to as "holy and just and good" (Rom. 7:12,16). In the Christian experience of redemption, however, "the righteousness of God has been manifested apart from law, . . . the righteousness of God through faith in Jesus Christ" (Rom. 3:21-22). This problem of dualism the church wisely did not solve by rejecting the old revelation outright, nor yet by insisting on full literal obedience to it. It labored rather with principles of discrimination and reinterpretation. The rejection of the food laws and circumcision by liberal or Gentile Christians constituted virtual abandonment of the law in the eyes of Jews and of many Jewish Christians. This, together with insistence that no man could be saved by works of the law, could only make the church appear to be acting in cavalier fashion with regard to the divine revelation, to be picking and choosing, and professing only a gypocritical faith in scripture. But no matter how much of O. T. law in detail the church abandoned, and even though it asserted insistently and impressively a nonlegalistic conception of religion, nevertheless it insisted that the law is good, if anyone uses it lawfully-- i.e., law has certain functions and its use is valid with reference to them alone. It is not a substitute for the gospel.

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<sup>12</sup>Mueller, op. cit., p. 479.



9-11. There is no need to probe for some mysterious hidden meaning which the law may hold for Christians: the law is for bad people, not for good. It was not laid down for Christians and therefore it has no real importance for them. It does not reach to the level on which they live. Its function is negative, not positive: it will restrain the vicious and the criminal. Since the Christian has advanced beyond any such need for law, any further concern with it is a falling away from the gospel. The sinners for whom the law is said to have been laid down are those who are guilty of the most heinous offenses imaginable. Although the list follows in general the Decalogue, the commandments are paraphrased and made more specific, and the sins named are the grossest possible.<sup>13</sup>

Some have claimed that these passages which speak of the law being ended for the New Man are speaking only of the ceremonial law. This passage makes it obvious that it includes also moral law for it mentions specifically murderers, whoremongers, etc. Furthermore, when the term is used without the article it refers to law in general.

Although νόμος when anarthrous may mean the Mosaic Law, the statement here is perfectly general (so R.V.). The Mosaic Law does not differ in the range of its application, though it may in the details of its enactments, from law in general, of which it is a subdivision. Law is not enacted for a naturally law-abiding man (dative of reference).<sup>14</sup>

Galatians 2:19 again is speaking of law in abstract, not just the law of Moses.

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<sup>13</sup>The Interpreter's Bible (New York, Nashville: Abingdon-Cokesbury Press, 1952), XI, 386-387.

<sup>14</sup>W. Robertson Nicoll, editor, The Expositor's Greek Testament (Grand Rapids, Mich.: Wm. B. Eerdmans Publishing Company, n.d.), IV, 94.



These words give a vivid description of the spiritual revulsion produced by his conversion in the heart of Saul. Whereas, hitherto, his whole mind had been set on fulfilling the whole Law, and he had counted its obligations all in all to him, he now entirely renounced the duty of obedience to its commands and repudiated its authority. And just as death works a final change, and leaves behind an indelible effect, so did his conversion affix a permanent stamp of lifelong change on all his after years: thenceforth he served another Master, owned absolute obedience to His will, listened for His inward voice or outward revelation, and drank of His Spirit.

The absence of the article before νόμῳ is noteworthy; whereas the Law of Moses, being the one revealed Law, is always designated the Law (ὁ νόμος), νόμῳ denotes law in the abstract, so that this clause comprehends emancipation from all control of external law.<sup>15</sup>

This passage sets in contrast living to the law and living to God. You leave the former state to enter the latter.

19. The "I" here is emphatic; am dead expresses the truth of Paul's permanent relation to law but obscures the fact that he had in mind a particular act of disobedience which stood out in his memory as the moment when he was forced to admit that law could not save him (Rom. 7:7-12). The word law is in Greek without the article both times; the law suggests that Paul is giving up only the Mosaic Law, whereas he is repudiating all kinds of legalism.

Dying to law meant ceasing to regard obedience to it as the means to secure acceptance with God. Paul continued to do, or to refrain from doing, many of the things it commanded, but from an entirely different motive: Faith at work through love (5:6). The Pharisees taught that the Torah was the life element of the Jews; all who obeyed would live, those who did not would die (Deut. 30:11-20). But Paul found that

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<sup>15</sup>Ibid., X, 488-489.



the law, instead of enabling him to keep in right relation with God, suspended a curse over the sinner. Living to law was in reality living to self; living to God meant dying to self and bearing one another's burdens (cf. Rom. 6:10-11; 14:7-8; II Cor. 5:15). . . . The movement of faith is from bondage under law to the freedom of personal loyalty and devotion. I . . . died to the law, that I might live to God. To be a son of God and no longer a servant exemplifies the theme of Galatians: freedom in Christ.<sup>16</sup>

Union with Christ annihilates the authority of the law.

He had to choose between the two: and at Christ's word he flung up his office and renounced for ever the service of the Law. *Σὺν νόμῳ*: though under law. The translation of these words in our versions through the law seems to me fatal to the sense: for the death to Law which is here recorded was not due to the instrumentality of Law, but was the immediate effect of the vision and words of Christ; and the express object of this reference to the conversion of Saul is to show how union with Christ annihilates the authority of an outward law.<sup>17</sup>

Hebrews 7:18 probably refers to specific ceremonial commands, but when considered in the light of the entire Epistle it also adds to the conviction that law as law is ended for the New Man in Christ.

The former commandment is set aside because of its weakness and uselessness. These are strong words. But in our hearts we have known their truth. A commandment may show us the upward way, but impart no strength for the rugged climb. A commandment may make our duty plain, yet awaken no love to do our duty. A commandment may threaten us

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<sup>16</sup>The Interpreter's Bible, op. cit., X, 488-489.

<sup>17</sup>Nicoll, op. cit., III, 165.



with fearful penalties, yet leave our hearts unchanged. A commandment may plunge us deep into despair, and leave us there unaided and alone. A commandment may widen the gulf between God and man. Paul said, "When the commandment came, sin revived and I died" (Rom. 7:9). It may do nothing to bridge the gap. Even the commandment to love God is weak until there is a self-imparting that kindles our love.<sup>18</sup>

The entire Epistle to the Galatians breathes the spirit of freedom from the law. Consider Galatians 4:20-31 which tells of the two sons of Abraham. When it says in verse 31, "Cast out the bondwoman and her son: for the son of the bondwoman shall not be heir with the son of the freewoman," it tells us that we are free from the law of Sinai. This includes law of all kinds.

Romans 8:2 speaks also of our freedom from the law. "For the law of the Spirit of life in Christ Jesus hath made me free from the law of sin and death." We have been set free from the law. That means it is no longer binding upon us as law.

The Old Testament law has completely disappeared as law for the New Man in Christ. The Old Adam in us still needs it, but the New Man does not.

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<sup>18</sup>The Interpreter's Bible, op. cit., XI, 669.



## CHAPTER VIII

### AN ATTEMPT TO ANSWER OUR QUESTION

The answer to our question has been suggested by our study of Bible passages as set forth in the last chapter. Now let us state it clearly along with material drawn from the Bible, our Confessions, and the writings of Luther. For the sake of clarity, we present our answer in the form of a number of brief statements.

1. When Christ comes into the heart of man, the law goes out.

The Lutheran Confessions recognize that it is impossible to define the Infinite, chiefly because the transcendent God reveals Himself only as He enters into a personal relationship with man, i.e., God confronts man either as the Law-giver or as the Law Remover. And conversely man's relation to God is either that of being under God's wrath because of man's transgressions or that of being under God's grace because of Christ's redemptive work in freeing man from the demand and the threats of the Law.<sup>1</sup>

Luther says, "It is impossible that Christ and the Law should be able to dwell together in the heart; for either Christ or the Law must depart."<sup>2</sup>

Accordingly, we see that He is not compelling men, but invites them with kind words, saying: "Blessed are the poor," etc. The apostles use terms like these: "I exhort, I beseech, I pray you." All of which shows that the Gospel is not a law-book, but, properly speaking, a sermon concerning the blessings of Christ, given

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<sup>1</sup>F. E. Mayer, The Religious Bodies of America (St. Louis: Concordia Publishing House, 1954), PART III, Section IV, p. 144.

<sup>2</sup>St. Louis Edition, Luther's Works, IX, 619.



us to have as our own if we believe. Moses, however, in his writings drives, compels, threatens, beats, and chastises men in a horrible fashion; for he is a writer and enforcer of the law.

That is the reason why no law is given to believers to make them righteous in the sight of God, as St. Paul says, I Tim. 1:9; for the believer is made righteous, is quickened, and is saved by Christ.<sup>3</sup>

Jesus rejected Hebrew legalism as "a kind of arrested and atrophied religion of history." For this rejection Niebuhr sees three reasons: 1. "No law can do justice to the freedom of man in history." 2. "No law can do justice to the complexities of motive which express themselves in the labyrinthine depths of man's interior life." 3. "Law cannot restrain evil; for the freedom of man is such that he can make keeping the law the instrument of evil."<sup>4</sup>

2. The good works performed by a Christian are not motivated or dictated by the law.

The weakness of so-called good works which are performed only because of demands of law is set forth in striking manner by the following illustration:

True character is not built by obedience to moral precept, however ascetic and strict. That holds for the layman and it holds for the priest. Such outward purity as some folk achieve on one side of their lives, ministers among them, is too often matched by an impurity on some other side not so manifest, perhaps by acidity of disposition, by self-consciousness, by spiritual pride, by jealousy, by a cruel and sadistic temper. There are those who try to make up for secret immoralities of thought and practice by the most meticu-

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<sup>3</sup>Ibid., XIV, 85-85.

<sup>4</sup>Hans Hofmann, The Theology of Reinhold Niebuhr (New York: Charles Scribner's Sons, 1956), p. 211.



ulous habits of physical cleanliness! There are others who find in a sort of hyperorthodoxy an escape from the relentless ethical demands of this troublesome Christ. Whatever else the mind is, it is a highly formidable piece of machinery. All moralists in the pulpit and out of it should make a diligent note of that. You would be amazed to know what latitude "good" people allow themselves off-stage.

Such a puritanical approach to religion, such prim and priggish behavior, never achieves even at best much more than a policing of the riotous, imprisoned forces within. And may heaven guard the public when the police cordon breaks! Herman Melville in *Typee* tells us a ten-day festival held once in Hawaii, at the beginning of the nineteenth century, to celebrate the restoration of the native monarchy. The Connecticut blue laws which had been in force under the watchful eyes of the missionaries were revoked and . . . . the natives almost to a man plunged voluntarily into every species of wickedness, plainly showing by their utter disregard of all decency that though they had been schooled into a seeming submission to a new order of things, they were in reality as depraved and vicious as ever.

It is the constant peril of that Old-Testament view of life which has had such an amazing rebirth in the Christian of our time and which so rarely seems able to turn by way of love into Christianity.<sup>5</sup>

We fail to make the proper distinction between law and gospel if we use the law as a criterion for good works.

A description of good works requires a statement that they are performed by believers. Otherwise you would have to formulate your judgment on good works from the Law. But that is wrong; for viewed in the light of the Law, any good work even of a Christian, no matter

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<sup>5</sup>Paul Scherer, For We Have This Treasure (New York and London: Harper and Brothers, 1943), pp. 36-7.



how good it may appear, is damnable in the sight of God.<sup>6</sup>

Christians are not under the law, and their good works should not be considered works of the law. Here we see from our Confessions that the so-called third use of the law is not a use of the law at all, but the work of the Holy Spirit.

But when man is born anew by the Spirit of God, and liberated from the Law, that is, freed from this driver, and is led by the Spirit of Christ, he lives according to the immutable will of God comprised in the Law, and so far as he is born anew, does everything from a free, cheerful spirit; and these are called not properly works of the Law, but works and fruits of the Spirit, or as St. Paul names it, the law of the mind and the Law of Christ. For such men are no more under the Law, but under grace, as St. Paul says, Rom. 8:2. [Rom.7:23; I Cor.9:21].<sup>7</sup>

3. The tendency of natural man to legalism is seen in action when law is urged upon a Christian as a criterion for good works.

Any attempt to place a Christian under the law is a return to work-righteousness. This is true in regard to sanctification as well as justification. Aulen is wrong when he says that this applies only to justification.

The Law is abolished in loco justificationis, but also only in loco justificationis. Other-

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<sup>6</sup>C. F. W. Walther, The Proper Distinctions Between Law and Gospel: Thirty-Nine Evening Lectures, reproduced from the German edition of 1897 by W. H. T. Dau (St. Louis: Concordia Publishing House, 1919), p. 94.

<sup>7</sup>"The Formula of Concord", VI, Triglot Concordia: The Symbolical Books of the Ev. Lutheran Church (St. Louis: Concordia Publishing House, 1921), p. 967.



wise the Law stands holy and firm in its majesty as an expression of the unchangeable will of God Himself.<sup>8</sup>

As expressing the will of God, the Law is holy and remains holy. Its validity and functions are unbroken in the dominion that really belongs to the Law. The Law is no way to God, but it is the way to all human relationship.<sup>9</sup>

The grave danger of man's natural tendency to fall into the error of legalism and more subtle forms of work-righteousness should be a warning to Christian pastors and teachers especially. The Devil can accomplish his purpose if he can just get us to move back to the old bondage of the law.

We think in this connection of Paul, how he fought and strove that the gentiles might be allowed to become Christians without being circumcised and without conforming to the Jewish law. We think of Luther, how he turned against the false belief of Rome, which held that in order to find favor in the sight of God Christian men and women must first earn God's grace little by little with "good works". And we are comfortably convinced that these things no longer affect us; these times are past. We have long since learned to take a larger view of God, and for that reason we remain Protestants in face of all Jewish and Roman authority; the law no longer troubles us.

And yet, dear brethren, the law by which men would like to win God's favor is still with us; it is part of the iron stock in trade of all pious humanity and of every true religion. The old Jewish law had long been dead in Christendom when Luther fought against the "law of works" of the Church of Rome, and today for us this law of Rome has also long been dead. But--

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<sup>8</sup>Gustaf Aulén, Church, Law and Society (New York: Charles Scribner's Sons, 1948), p. 59.

<sup>9</sup>Ibid., p. 4.



forgiveness of sins before sins are there (i.e., known)? How can one announce life before death is there (i.e., known)? . . . For grace must wage war, and be victorious in us, against the Law and sin, lest we despair. (St. L., XX, 1659. 1656.)

Dr. Bente (Triglot, Hist. Intr., p. 161) says of Antinomianism that it "was a veiled effort to open once more the doors of the Lutheran Church to the Roman work-righteousness which Luther had expelled." He writes: "When Luther opposed Agricola, the father of the Antinomians in the days of the Reformation, he did so with the clear knowledge that the Gospel of Jesus Christ with its doctrine of justification by grace and faith alone was at stake and in need of defense. "By these spirits," said he, "the devil does not intend to rob us of the Law, but of Christ, who fulfilled the Law" (St. L., XX, 1614).<sup>11</sup>

4. The New Testament Christian has one command, and that command is to love. This one command is required of us. No law can be said to have binding power over us.

Love is the theme of the New Testament. God's love to us in Christ Jesus, and our responding love. God is love. We are to live in love. In John 13:34 Jesus says, "A new commandment I give unto you, That ye love one another." Love is the full extent of our obligation to God and our fellow men. If we follow love, no law is needed to bind us to obedience. This is what Paul says in Romans 13:8, "Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law." Furthermore, I Corinthians 13 presents in majestic sweep the great truth that obedience

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<sup>11</sup>John Theodore Mueller, Christian Dogmatics (St. Louis: Concordia Publishing House, 1934), pp. 472-473.



and devotion of any kind is worth nothing unless it comes from a loving heart. These three passages will serve to represent the great mass of material in the New Testament which presents the Christian life as a life of love.

The command to love is sometimes called "the law of love." When this term is used, it must be kept in mind that the word "law" here means something altogether different from what we mean when we use the word in speaking of Old Testament law. The expression "law of love" is simply a way of stating that God's will for us is to live in love. The stipulations of the New Testament are not a system of law to define in detail every obligation in every conceivable circumstance, but the "law of love." In speaking of the duty of a Christian, Luther says:

Nothing is required of him but that he manifest his faith by his works. Indeed, when there is faith, it cannot be restrained; it manifests itself, it breaks forth in good works, it confesses and teaches the Gospel publicly and risks its life in doing so. All that a believer does during his life is made to tend to the advantage of his fellow-men and their aid; not only that his fellow-men may also obtain the grace of the Gospel, but also that he follows the example of Christ and sacrifices his life, possessions, and honor for others as Christ has done for him. That is what Christ means when at the end of His life He gave His disciples no other commandment than this, that they love one another, telling them that thereby men would see who were His disciples and sincere believers. For faith, unless it breaks forth in works of love, is not genuine, and in such persons the Gospel has not yet taken root, nor have they come to know Christ aright.<sup>12</sup>

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<sup>12</sup>Joh. Georg Walch, Compiler, Dr. Martin Luther's Sämmtliche Schriften, St. Louis edition (St. Louis: Concordia Publishing House, n.d.), XIV, 90.



The Christian life is not to be regulated by law. When he falls into sin, he needs the law to show him his sin, but when it comes to guidance for Christian living, he has nothing to do with law as law. In the Old Testament the children of God were in their childhood. Children are unable to grasp broad principles, and need specific direction in various circumstances. God gave Old Testament law to the people of the Old Testament because they were children, and had need of specific directives. In the New Testament God wants His people to grow up in Christ. To us He gives a general command to love instead of giving us detailed laws. This command, of course, covers fulfillment of the moral law, but it goes far beyond the specific laws, and the specific laws are no longer needed to impose demands for Christian living.

So we may summarize by saying that in Rabbinic hands the "summary" of the law was a mere bit of academic piety; in Jesus' hands it was a practical tool by which a man might determine his duty.

I believe it wholly possible that the verse, "Till heaven and earth pass away, one jot or tittle shall in no wise pass away from the Law" is a genuine saying of Jesus. But he said it in a sense peculiarly his own, viewing the Law as an organic whole, in which all parts were visibly subordinated to the ultimate principle of love. In such a scheme the jots and tittles had their appropriate niches, and, under normal Jewish circumstances, their value. But when exceptional conditions arose, the Law itself, by virtue of its final purpose, actually commanded men to brush impeding jots and tittles relentlessly aside.

This principle, it appears, raised no acute problems of practice during Jesus' lifetime and in the earliest ages of Jewish Christianity. But with the first step on Gentile soil



questions came thronging thick and fast. How far is it right to require Gentile converts to buy all their food in Jewish markets? How far is it right to compel them to observe the Sabbath in a society totally unarranged for such observance? And, supremely important, how far is it right to force them to submit to circumcision? St. Paul gathered up all these questions into one, however, when he asked, "Do Christians actually have anything to do with law as law?" Now it is remarkable enough that a first generation Jewish Christian could be found to ask so shattering a question. What is most astonishing of all is that St. Paul could have won the older apostles over to some kind of acquiescence in his position, sufficient to let them give him the right hand of fellowship, and sufficient to enable him in his rebuke of Peter to assume that enough common ground existed to win the latter to his way of thinking. (Gal. 2:9,14)<sup>13</sup>

The situation of the New Testament believer is different from that of the Old Testament believer in that it offers greater freedom and greater responsibility. In the New Testament we are free from the many laws of the Old Testament. Free to serve the Lord from the heart. With this New Testament freedom, however, comes a tremendous responsibility. Our entire life is to be lived in love. No part is exempt from this command of God. We no longer have many laws to regulate much of our conduct. We now have one command which gives direction to our entire life. God wants us to understand and to follow Him. We are not to be slaves or children but mature Christians.

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<sup>13</sup>Burton Scott Easton, "Christ in the Gospels," The Hale Lectures, 1929-30 (London: Charles Scribner's Sons, 1930), pp. 122-124.



With the unintelligibility of many of the precepts and the scope for works of supererogation, it was impossible to entertain a radical conception of obedience. Where the motive of obedience is simply that a certain course of action is prescribed, there is no personal assent to the requirements of the Law. Radical obedience is possible only where the Law is understood and answered by personal assent. So long as there are occasions in life which are directly or indirectly free from God's claim, there cannot be radical obedience. For in radical obedience a man knows himself to be claimed by God in his entirety and in every conceivable contingency.<sup>14</sup>

Here then is the heart of our answer to the question, "Which laws are binding upon us?" None of them. We need not search further for a basis for distinguishing moral law from ceremonial and political law in the Old Testament. These distinctions may be useful for teaching, but they are not needed to determine our obligation to God and our fellow men. In place of these laws we have one command, "live in love."

The law of love is supreme and final. Mat. 22:35-40; I Cor. 13:1. The law is spiritual--Rom. 7:14. . . . The last word has been spoken by the highest authority as to what, in a moral and spiritual sense, is required of human kind.<sup>15</sup>

5. Love determines which Old Testament laws should be followed, not as binding law, but as an expression of love.

Shall we conclude that the Old Testament is of no value

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<sup>14</sup>Rudolf Bultmann, Primitive Christianity in its Contemporary Setting, translated by the Reverend R. H. Fuller (New York: Meridian Books, 1957), p. 69.

<sup>15</sup>G. C. Koch, Law and Gospel (Adelaide, S. A.: The Lutheran Publishing Co., Ltd., 1925), p. 59.



to us? No indeed. It is the Word of God and should be used as such. It is of greatest importance, however, to remember that no Old Testament law may be urged upon a New Testament Christian just on the basis of the fact that it is given in the Old Testament. On the other hand, many Old Testament laws will commend themselves to the Christian who, by the power of the Holy Spirit, is sensitive to the need to love. Luther viewed the Old Testament in this way:

Maechte nun einer sagen: Warum predigst  
du den Mosen, so er uns nicht angeht?

Antwort: Dazer will ich Mosen behalten  
und nicht unter die Bank stecken, denn  
ich finde dreierlei in Mose, die uns auch  
Nuetzlich sein koennen. Zum ersten, Die  
Gebote, dem Volk Israel gegeben, die das  
"ausserliche Wesen betreffen, lass ich  
fahren, sie zwingen noch dringen mich nicht,  
die Gesetze sind todt und ab, ohne soferne  
ichs gerne und willig annehmen will aus dem  
Mose, nicht dass mich Mose sollte swingen,  
sondern dass mir's frei waere, ihm nachzu-  
thun . . . Als, mit dem Zehntengeben, das  
ist ein recht fein Gebot. . . ."16

Luther bezeugt dies ebenfalls. Er schreibt:  
"Dieweil man nicht ohne Gesetz leben kann  
und ist doch Gefahr, mit den Gesetzen umzu-  
gehen; denn das Gewissen fällt bald zu und  
verwickelt sich darinnen; so wollen wir ein  
wenig sagen, wie man mit den Gesetzen soll  
umgehen und wie weit sie sollen gehalten  
werden. Man spricht im Sprüchwort: Es liegt  
alles an einem guten Ausleger; das ist hier  
sonderlich wahr, wenn man mit Gesetzen um-  
gehet; denn wo nicht einer ist, der da die  
Gesetze weisz recht zu deuten und unter-  
scheiden, so ist es schwer und gefährlich,  
damit umzugehen. . . . Darum soll man hievon  
diese Regel wissen und halten, die Christus

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<sup>16</sup>Quoted by the Reverend Erwin Kurth from the St. Louis  
Edition of Luther's Works . . . Vol. X. page unknown.



selbst gegeben und in dieser Historie auch zeigt, dass alle Gesetze, göttliche und menschliche, so von ausserlichem Thun gebieten, nicht weiter binden, denn die Liebe gehet. Die Liebe soll sein eine Auslegung aller Gesetze; wo die nicht ist, so ist es schon aus, so schadet das Gesetz bald, es sei wie es wolle; wie denn in des Pabstes Buch auch stehet: Wenn ein Gesetz gegen die Liebe laufen will, so soll es bald aufhören. Ursach: denn alle Gesetze sind gegeben alleine, dass sie die Liebe aufrichten sollen, wie Paulus Rom, 13:8-10 saget: Die Liebe ist des Gesetzes Erfüllung, item: wir sind nichts mehr schuldig, denn dass einer den andern lieb habe. Denn so ich meinen Nächsten liebe, so helfe ich ihm, beschütze ihn, behalte ihn bei seinen Ehren und thue, was ich mir wollte gethan haben. (Erl. 14, 128)<sup>17</sup>

The extent to which love includes fulfillment of Old Testament law can be seen as one traces references to the summary of the Decalogue.

Das neutestamentliche Verständnis ist erstens gekennzeichnet durch die Zusammenfassung aller Gebote im Liebesgebot. Christus bezeichnet das Gebot, Gott zu lieben, als das grösste und erste und das Gebot, den Nächsten zu lieben, als dem ersten gleich (Matth. 22:36ff). Er spricht da allerdings nicht vom Dekalog, aber da an diesen beiden Geboten "das ganze Gesetz und die Propheten hängen," so ist der Dekalog jedenfalls miteingeschlossen. Paulus beschränkt freilich die Zusammenfassung aller Gebote im Liebesgebot auf die zwischenmenschlichen Relationen (Röm. 13:8ff) und urteilt demgemäss, das ganze Gesetz werde durch die Liebe zum Nächsten erfüllt (Gal. 5:14). Wo sich seine Gedanken in der Richtung des ersten Dekaloggebotes bewegen, ist von Liebe zu Gott nicht

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<sup>17</sup>P. G. Spiegel, "Die Freiheit von dem Sabbath des Alten Bundes, welche die Christen durch das Evangelium haben," The Lutheran Church--Missouri Synod, Proceedings of the Convention of the Michigan District, 1889 [St. Louis: Concordia Publishing House, 1889], pp. 58f.



die Rede (Röm. Kapitel 1 und 2). Wir können diesen Unterschied von der Formulierung Jesu vorläufig ausser Betracht lassen.<sup>18</sup>

The "law of love" is a command given to individuals. It is not the function of the church to attempt to spell out the application of the "law of love" for all people under all circumstances.

The commandment of love is neither a blueprint for society nor a programme for Utopia. Although in practice it may have far-reaching implications for national and social life in general it is addressed in the first place to the individual. It points him to the encounter with his neighbour. In this way it takes the future out of his hands. Thus Jesus' ethic is a transcendental or eschatological ethic. This does not mean, however, that the prospect of future judgment provides the motive for the precept. It is significant that neither the imperatives of the Sermon on the Mount nor the criticisms of the Law are motivated by a reference to the judgment. There is nothing, for instance, like the Old Testament "Do this and ye shall be saved." Nor is there any suggestion of escapism or asceticism about it. Its transcendence is the future of God. His demand is always present anew in each successive encounter with our neighbour.<sup>19</sup>

While we can and should attempt to help one another to learn what love demands of us under certain circumstances, in the final analysis, each individual is responsible for himself before God. In practice the application of the "law of love" is not so difficult as it may seem. God has given

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<sup>18</sup>Werner Elert, Das Christliche Ethos (Tübingen: Furche-Verlag, 1949), pp. 86-7.

<sup>19</sup>Bultmann, op. cit., pp. 73-75.



us a wealth of material in the Bible in both Old and New Testaments which, if carefully studied, will be of great help to us.

And what does God really require? Love. The second commandment, "Thou shalt love thy neighbour as thyself" is inseparable from the first, "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength" (Mark 12:28-34). There is no need for formulated definitions. The parable of the Good Samaritan shows that there is no difficulty in seeing what we ought to do when our neighbour needs our help. The phrase "as thyself" indicates both the unlimited measure and the direction of love as a principle of conduct. We all know how we would like others to treat us if we were in the same situation ourselves.<sup>20</sup>

It may be argued that there will be some who will abuse this great freedom to follow after love which Christ has given us. We agree. Such abuse, however, could not justify any attempt to usurp authority over the conscience of the individual. When the church attempts to do this it sets itself above Christ.

Consider the high privilege and the terrible responsibility of the New Testament Royal Priesthood! As we exercise this priesthood, let no one deceive himself. God is not mocked.

Now I know perfectly well how easily all this may be abused, how facile it is to dress up selfishness in the garb of broad social well-doing, and with Chadband to

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<sup>20</sup>Ibid., p. 75.



say with a cunning eye, "Let us then, my brother, in the spirit of love proceed unto it." The answer is very simple. While the higher principle may at times override the precepts, the burden to prove that it does override is on us, and we must undertake the proof with full consciousness of our responsibility. The sayings are means by which we may search our souls to the very bottom for hidden selfishness. They make clear to us as nothing else can the supreme demand of the commandment to love our neighbor as ourself; a command that warns us that anger in thought is just as truly wrong as anger in act, that the impure look may be as genuinely sinful as impurity consummated, that falseness in our lightest word is so serious a matter that we should rigorously avoid adjurations, since their use tends to weaken our sense of responsibility when they are not employed. When we have made real progress here, it will be time to talk of discarding precepts for the sake of a higher principle.

Confusion as to our duty will arise at times, but not as often as we may think. As Dr. Bultmann has well put it: "I am not obliged to ask what I must actually do in order to love. Who so asks has evidently not understood what it means to love his neighbor as himself; for what it means to love himself he knows very well, and without any theory or system about self. For self-love is not a principle of morals--but the attitude of the natural man. So if a man is to love his neighbour as himself, he obviously knows in the concrete situation the proper direction of his act." Jesus, pp. 106f. (1926). We shall, no doubt encounter here and there cases of real perplexity, and we must school ourselves to choose intelligently. We may gain help from others; especially, perhaps, from the fruits of past Christian experience as embodied in works on Christian ethics, moral theology, and--in the right sense of the word--casuistry. But Jesus puts the final responsibility on us. There is no other way.<sup>21</sup>

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<sup>21</sup>Easton, op. cit., pp. 130-131.



## APPENDIX

### THE LAW IN MESSIANIC TIMES

The question as to the Rabbinic views in regard to the binding character of the Law, and its imposition on the Gentiles, in Messianic times, although, strictly speaking, not forming part of this history, is of such vital importance in connection with recent controversies as to demand special consideration. In the text to which this Appendix refers it has been indicated, that a new legislation was expected in Messianic days. The ultimate basis of this expectancy must be sought in the Old Testament itself--not merely in such allusions as to the intrinsic worthlessness of sacrifices, but in such passages as Deut. xviii. 15, 18, and its prophetic commentary in Jer. xxxi. 31, etc. It was with a view to this that the Jewish deputation inquired whether John the Baptist was "that Prophet." For, as has been shown, Rabbinism associated certain reformatory and legislative functions with the appearance of the Fore-runner of the Messiah (Eduy. viii. 7).

There were, indeed, in this, as in most respects, diverging opinions according to the different standpoints of the Rabbis, and, as we infer, not without controversial bearing on the teaching of Christianity. The strictest tendency may be characterised as that which denied the possibility of any change in the ceremonial Law, as well as the abrogation of festivals in the future. Even the destruction of the Temple, and with it the necessary cessation of sacrifices--if, indeed, which is a moot question, all sacrifices did at once and absolutely cease--only caused a gap; just as exile from the land could only free from such laws as attached to the soil of Israel.<sup>1</sup> The reading of the sacrificial sections in the Law (Meg. 31b; Ber. R. 44)--at any rate, in conjunction with prayers (Ber. 2b), but especially study of the Law (Men. 110a), took in the meantime the place of the sacrifices. And as regarded the most sacred of all sacrifices, that of the Day of Atonement, it was explained that the day rather than the sacrifices brought reconciliation (Sifra c. 8). This party held the principle that not only those Divine, but

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<sup>1</sup>In the Book Cusari (iii 49, ed. Cassel, p. 274) an inference somewhat inconvenient to Rabbinism is drawn from this. If, as it asserts, Levitical uncleanness and holiness are correlative terms, the one implying the other, would it not follow that with the cessation of the Jewish economy the whole ceremonial Law would also cease? See Cassel's note.



even those Rabbinic, ordinances, which apparently had been intended only for a certain time or for a certain purpose, were of eternal duration (Bezah 5b). "The law is never to cease; there are the commandments--since there is no prophet who may change a word in them."<sup>2</sup>

So far were these views carried, that it was asserted: "Israel needs not the teaching of the King Messiah," but that "He only comes to gather the dispersed, and to give to the Gentiles thirty commandments, as it is written" (Zechar. xi. 12), "they weighed me my price, thirty pieces of silver" (Ber. R. 98). But even these extreme statements seem to imply that keen controversy had raged on the subject. Besides, the most zealous defenders of the Law admitted that the Gentiles were to receive laws in Messianic times. The smallest and most extreme section held that, the laws, as Israel observed them, would be imposed on the Gentiles (Chull. 92a); others that only thirty commandments, the original Noachic ordinances, supposed to be enumerated in Lev. xix., would become obligatory<sup>3</sup> while some held, that only three ordinances would be binding on the new converts: two connected with the Feast of Tabernacles, the third, that of the phylacteries (Midr. on Ps. xxxi. 1), (ed. Warsh., p. 30b). On the other hand, we have the most clear testimony that the prevailing tendency of teaching was in a different direction. In a very curious passage (Yalkut ii. 296, p. 46a), in which the final restitution of "the sinners of Israel and of the righteous of the Gentiles" who are all in Gehinnom, is taught in very figurative language, we are told of a "new Law which God will give by the Messiah" in the age to come--thanksgiving for which calls forth that universal Amen, not only on earth but in Gehinnom, which leads to the deliverance of those who are in the latter. But as this may refer to the time of the final consummation, we turn to other passages. The Midrash on Son ii. 13), applying the passage in conjunction with Jer. xxxi. 31, expressly states that the Messiah would give Israel a new law, and the Targum, on Is. xii., 3, although perhaps not quite so clearly, also speaks of a "new instruction." It is needless to multiply proofs (such as Vayyikra R. 13). But the Talmud goes even further, and

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<sup>2</sup>For further particulars I refer to Stein, Schrift des Lebens, i, 319-336 (ch. on "The Messiah"), to the article on the Messiah in Hamburger's Real Encycl., ii, 747, 748, and especially to that most interesting brochure of Rabbi Holdheim, Das Ceremonialgesetz im Messiah-Reich. I have not read a more clear demonstration of the impossibility of Rabbinism, nor--strange as it may sound--a fuller vindication of the fundamental positions of Christianity.

<sup>3</sup>Stein, ut supra, pp. 327, 328.



lays down the two principles, that in the "age to come" the whole ceremonial Law and all the feasts were to cease.<sup>4</sup> And although this may be regarded as merely a general statement, it is definitely applied to the effect, that all sacrifices except the thank-offering, and all fasts and feasts except the Day of Atonement, or else the Feast of Esther, were to come to an end--nay (in the Midr. on the words "the Lord looseth the bound," Ps. cxlvi. 7), that what had formerly been "bound" or forbidden would be "loosed" or allowed, notably that the distinctions between clean and unclean animals would be removed.

There is the less need of apology for any digression here, that, besides the intrinsic interest of the question, it casts light on two most important subjects. For, first, it illustrates the attempt of the narrowest Judaic party in the Church to force on Gentile believers the yoke of the whole Law; the bearing of St. Paul in this respect; his relation to St. Peter; the conduct of the latter; and the proceedings of the Apostolic Synod in Jerusalem (Acts xv.). St. Paul, in his opposition to that party, stood even on Orthodox Jewish ground. But when he asserted, not only a new "law of liberty," but the typical and preparatory character of the whole Law, and its fulfilment in Christ, he went far beyond the Jewish standpoint. Further, the favourite modern theory as to fundamental opposition in principle between Pauline and Petrine theology in this respect, has, like many kindred theories, no support in the Jewish views on that subject, unless we suppose that Peter had belonged to the narrowest Jewish school, which his whole history seems to forbid. We can also understand, how the Divinely granted vision of the abrogation of the distinction between clean and unclean animals (Acts x. 9-16) may, though coming as a surprise, have had a natural basis in Jewish expectancy,<sup>5</sup> and it explains how the Apostolic Synod, when settling the question,<sup>6</sup> ultimately

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<sup>4</sup>Compare on this Holdheim, Das Ceremonialgesetz, p. 46.

<sup>5</sup>The learned reader will find a very curious illustration of this in that strange Haggadah about the envy of the serpent being excited on seeing Adam fed with meat from heaven--where another equally curious Haggadah is related to show that "nothing is unclean which cometh down from heaven."

<sup>6</sup>Yalkut i. 15, p. 4, d, towards the middle. A considerable part of vol. iii. of "Supernatural Religion" is devoted to argumentation on this subject. But here also the information of the writer on the subject is neither accurate nor critical, and, hence his reasoning and conclusions are vitiated.



fell back on the so-called Noachic commandments, though with very wide-reaching principles underlying their decision (Acts.xv. 13-21). Lastly, it seems to cast even some light on the authorship of the Fourth Gospel; for, the question about "that prophet" evidently referring to the possible alteration of the Law in Messianic times, which is reported only in the Fourth Gospel, shows such close acquaintance with the details of Jewish ideas on this subject, as seems to us utterly incompatible with its supposed origination as "The Ephesian Gospel" toward the end of the second century, the outcome of the Ephesian Church-teaching--an "esoteric and eclectic" book, designed to modify "the impressions produced by the tradition previously recorded by the Synoptists."

... New York: Robert Appleton  
 ... Christ in the Gospels, The Bible  
 ... New York, Charles Scribner's  
 ... The Life and Times of Jesus The Messiah  
 ... W. B. Eerdmans Publishing  
 ... Theologiae dogmatis  
 ... Evangelisches Verlagshaus, 1900.  
 ... Die Christliche Kirche  
 ... Verlag, 1899.  
 ... Concordia  
 ... Publishing House, 1902.  
 ... De Logica Sacramentalibus et Patensibus,  
 ... Part 15 in Logica Sacramentalis. Breviarii  
 ... G. G. Schickel, 1897.  
 ... System of Doctrinal Theology. St. Louis:  
 ... Concordia Publishing House, 1900.  
 ... Encyclopedia of Religion and  
 ... New York: Charles Scribner's Sons, 1908.  
 ... The Authority of the Old Testament. London:  
 ... 1907.  
 ... English translation  
 ... London: George Allen and Unwin,  
 ... 1900.  
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