Concordia Theological Monthly

Volume 21 Article 13

2-1-1950

Brief Studies

F. E. Mayer
Concordia Seminary, St. Louis

Victor C. Frank
Concordia Seminary, St. Louis

W. F. Beck
Concordia Seminary, St. Louis

BRIEF STUDIES

The Function of the Law in Christian Preaching

Article V of the Formula of Concord admonishes us to guard with diligent care "the distinction between Law and Gospel as a special brilliant light." Law and Gospel are mingled when the Gospel is viewed as a continuation of the Law, whereby the Gospel is made a "new law." This is the danger to which those theologians are exposed who place a false emphasis on subjectivism in theology and endeavor to gauge the state of grace by the degree of their sanctification. This invariably leads to activism, a servile subservience to the Law, which is mistaken for Christian activity. Or Law and Gospel are mingled when the Christian liberty from the Law (1 Tim. 1:9) is presented as though the Christian were already completely regenerated and required no preaching of the Law at all. This occurs when Christians, on the basis of a false application of *sola gratia,* ignore the earnest admonitions to crucify the old man. It is true that man can neither add to nor detract from the promises of God's grace, for they are and remain an objective reality regardless of man's attitude. But objectivity of the Gospel dare never be made the basis for a kind of quietism which sees in the Gospel primarily a soft pillow on which the lazy Christian can slumber securely. Antinomianism is in reality a false anticipation of the future glory and will inevitably lead to antigospelism. It is therefore essential for the theologian to maintain at all times the proper distinction between Law and Gospel, and this implies that he has a clear understanding of the two doctrines both in their antithesis and in their conjunction.

I

Wherever Reformed theology with its emphasis on subjectivism and Lutheran theology with its emphasis on objectivism meet, the doctrine concerning the proper distinction of Law and Gospel immediately becomes a major issue. This has become evident on both sides of the Atlantic in recent years, especially in Europe, where the contacts between Reformed and Lutheran theologians are more frequent and closer than in America, at least until quite recently. This accounts in part for the current interest among European theologians in a re-study of the proper distinction between Law and Gospel. Walther's *Gesetz und Evangelium* hardly caused a ripple outside of the Lutheran Church in America, and even the English translation by Dr. Dau in 1929 received

scant notice. In Europe, however, where several thousand copies of Walther's book were distributed since the war, it has been hailed as a very relevant book. Among the several studies on this important doctrine the most recent is presented by Lic. Ernst Kinder,[1] instructor of Systematic Theology at the *Augustana-Hochschule* in Neuendettelsau, editor of the *Evangelisch-Lutherische Kirchenzeitung* and essayist at the Bad Boll Free Conferences in 1948 and 1949. While the presentation at times is somewhat abstract and the German will prove difficult for the younger Lutheran parson, Kinder's study deserves careful attention. Since the subject matter is so relevant for the Lutheran pastor in the proper application of Law and Gospel to himself and to his parishioners, we have expanded the customary book review into a review article.

Kinder presents the problem of Law and Gospel from the viewpoint of the Cross, i. e., from the entire atoning work of Christ as the center of God's dealing with man. He states that Law and Gospel are not two metaphysical concepts, two dialectical ideas, or two psychological categories more or less unrelated to each other, but rather "the cross with its two arms," which in "criss-cross" fashion (*sich ueberkreuzend*) contains both the preaching of the Law and the proclamation of the Gospel. Only the Cross can give to both Law and Gospel their proper cogency and relevance. Only the Cross can establish the proper relation between the *opus alienum* (revelation of God's wrath) and *opus proprium* (the proclamation of God's pardon). Apart from the Cross the *opus alienum* stands as an insoluble paradox to the *opus proprium* (pp. 5—12).[2]

This presentation may seem somewhat novel to American Lutherans, though the Formula of Concord in Article V uses a similar approach when in the exposition of God's *opus alienum* it adduces Luther's sermon for the Fifth Sunday after Trinity as an illustration that the preaching of the Cross is the most terrible declaration of God's wrath (*Trigl.*, 955). It is certainly true, that the Cross shows us clearly both *what man really is* and *what God has done* to save man from his lost

---

[1] *Gottes Gebote und Gottes Gnade im Wort vom Kreuz.* Von Ernst Kinder. Verlag des Evangelischen Pressverbandes fuer Baiern in Muenchen. (No. 7 of the *Kirchlich-theologische Hefte.*) 73 Seiten 6½×9. Preis: DM. 1.50.

[2] Werner Elert in his recent publication: *Zwischen Gnade und Ungnade* presents the relation of Law and Gospel in similar terminology. Cf. also his dogmatics *Der Christliche Glaube, s. v. Gesetz und Evangelium,* especially p. 171: "Gesetz und Evangelium stehen also under der Anwendung der Kategorie der Offenbarung in dialektischem Verhaeltnis. Wenn das eine offenbart, wird das andere verhuellt; und wenn das zweite aufleuchtet, wird das erste dunkel."

condition. But the reason for the Germans' emphasis of the view that the Cross is both Law and Gospel is intended as the answer to the question: Which is the *usus praecipuus* of the Law; *usus elenchticus* as in Lutheranism or *usus normativus* as in Calvinism? The answer to this question will determine whether the theologian can properly distinguish between Law and Gospel. It is Kinder's interest to set forth clearly that this difference is one of the most relevant questions confronting the Lutheran Church today.

II

The charge has been raised against European (and American) Lutheranism that it has failed to speak the decisive word in all the recent world-shaking developments. The chief reason for the Lutheran Church's alleged failure is said to be the indissoluble conjunction which Lutherans have established between Law and Gospel and their insistence that the Law as well as the Gospel is to be preached only for soteriological purposes. In Ecumenical theology as well as in Barthian theology[3] Law and Gospel are presented in relation, not primarily to justification, but to sanctification, more specifically as to their contribution in solving the social problem, a responsibility which is said to rest upon the Church no less than upon the State. In his encounter with Calvinistic theology the Lutheran is therefore confronted with the question: Must the Lutheran pastor preach Law and Gospel only soteriologically or may he do so also sociologically? Since the unbelieving world will not accept the Gospel, should the Church not feel constrained to preach at least "one half" of its message, the Law in its *usus normativus?* The Lutheran must answer that it is impossible so to divide and compartmentalize Law and Gospel, whereby the *chief* and the only purpose of the Law is denied (p. 14).

The manner in which a person views the Law and Gospel indicates where his chief theological interest lies. If Law and Gospel are no longer viewed Christologically and soteriologically, then the entire Christian proclamation concerns itself no longer with the doctrine of justification, and a natural theology has taken the place of the Gospel. If the Law were an independent and self-existing entity, the natural man could quite readily and joyously preach the Law. But shall we defend the right of the Church's existence in the world by becoming engrossed in a secularistic program in which Christ is no longer the

[3] On Ecumenical Theology see Vol. II of *Man's Disorder and God's Design.* On Dialectical Theology see K. Barth: *Rechtfertigung und Recht; Christengemeinde und Buergergemeinde;* H. Diem: *Evangelium und Gesetz.*

center? Shall we adopt a program which fails to evaluate the chief function of the Law in the light of the Cross only because it appeals to the natural man? (P. 21.) Dialectical theology seems to make much of the difference between Law and Gospel, for the very essence of dialectics is the paradox. But, strange as it may seem, dialectical theology has practically eliminated the dialectic between Law and Gospel, by viewing the Gospel only as the correlative of the Law. Thus dialectical theology has no dialectic in the *content*, but only in the *form*, and there is in reality not dialectic at all. If Luther frequently calls reason the "whore," then this must apply to reason in its most tantalizing and cunning form, in dialectics. "Denn mit der Dialektik laesst sich wirklich alles machen." A *theologia crucis*, however, is truly a dialectical theology, for it takes seriously the paradox which Kinder puts into this aphorism: Gott gegen Gott fuer den Menschen; der gnaedige Gott gegen den zornigen Gott uns zugute. (*Ibid.*) Neo-Orthodoxy, also some Neo-Lutherans, seemingly forget that God is the Author both of the verdict which condemns all and of the pardon which frees us all. And both truths are not only presented paradoxically in the message of the Cross, but are also solved there, and only there. All our theological thinking must constantly emanate from the Cross and remain under the Cross. Then we shall maintain the distinction between God's *opus alienum* and *proprium*.

This distinction is the brilliant light which was brought forth in the Reformation. In Roman theology the Cross is viewed as a capstone, not as the foundation stone, of theology, for Rome starts with natural philosophy on which it erects theology only as a superstructure. The Cross is only the final deduction which the theologian has made on the basis of alleged premises (p. 27). But a theology which considers the Cross merely as the solution of the various problems in theology will also find the solution without the Cross. Only the Word of the Cross as the starting point of our theology can lead us out of the straits and despair.[4] At this point Kinder in our opinion overstates his thesis. He maintains that only then is the Law really preached in its true revelatory character when it is brought into relation with a sin-conquering power. "Nur das hat offenbarende Wirkung, was tendenzgebend staerker als Suende ist, was suendenvergebende Kraft hat" (p. 32). We must, however, keep in mind, that the so-called *usus*

[4] Despair is an inadequate translation for the German *Angst*. If memory serves me correctly, Kirkegaard somewhere states that *Angst* is derived from *Enge*, and when so used, *Angst* does justice to the sinner's anxious (*aengstlich*) cry: *"Wo soll ich fliehen hin?"*

paedagogicus, just as the *usus elenchticus*, is still the *opus alienum*. It is *Deus propter peccata damnans* in order that man may see the true character of sin and the absolute need of redemption.[5] It seems that Kinder has this in mind, for he directs himself against such teaching as transforms the message of the Cross into a *theologia gloriae*, forgetting that the Christian always remains under the Word of the Cross with its "Yes" and "No," with its curse and pardon. When Rome ascribes an independent value to the Law and views the "Gospel" only as a complement, or when the "enthusiasts" make the Law the source of good works, both have reduced the message of the Cross to a natural theology. The paradox between the "Yes" and "No" is completely obliterated. When man does not learn to know sin "from the Cross," he not only does not know God, but what is worse, he knows Him falsely (p. 51 ff.). Kinder's concern is to show that the *usus praecipuus* of the Law is to reveal the wrath of God and to convict the sinner of the justice of God's verdict (p. 56 f.). And that must be the concern of every Lutheran pastor.

III

This raises the important question as to the place and significance of the so-called third use of the Law, *usus normativus*. The superscription of Article VI of the Formula of Concord reads: "Of the Third Use of the Law." The title is misleading. This article is directed against Poach and Otto, who said that the Law has no place whatsoever in preaching to *Christians*. The article, therefore, sets forth that in so far as the Christian still has the old man, he requires the preaching of the Law as a curb, a mirror, and a rule. The third use of the Law is not for the new man in the Christian, but for the old man who has rather peculiar notions as to the nature of truly God-pleasing works. The *usus normativus* may be said to be a negative factor in the Christian's new obedience, lest "they hit upon a holiness and devotion of their own and under the pretext of the Spirit of God set up a self-chosen worship." Article VI specifically states that the Law cannot stimulate and produce good works, but in its so-called third use is to serve as a restraint on the Christian's old Adam from going his own way. Since it is, of course, impossible to dissect the Christian biologically into the old and the new man, the pastor will constantly preach the Law to the Christian's total personality in its so-called three uses.

It is the concern of German theologians to show that there is a

[5] Cf. Pieper, *Christliche Dogmatik*, III, 280. The Greek "schoolmaster" in Gal. 3:23 f. was not the teacher, but the servant who kept the son from going astray. Even as "the schoolmaster" the Law can bring the sinner only to the brink of hell.

diametrically different view concerning the third use of the Law between Lutherans and Calvinists. Werner Elert in a recent study[6] shows that Luther never used the term *usus tertius*. The concluding statement of Luther's second disputation against the Antinomians (1538, reprinted in Historical Introductions to the *Triglot*, p. 164) seemingly attributes to Luther the use of this phrase. Textual criticism, however, has shown that the section containing the description of the three uses of the Law is an interpolation. Only two of the nine rescripts contain the statement. The paragraphs in question agree almost verbatim with Melanchthon's *Loci*, who introduced the term *tertius usus* into Lutheran theology. According to Luther, and also according to the Melanchthon of the Apology, *lex* SEMPER *accusat*, and the Law is given to the Christian only in so far as he is still *sarx*. Even for the Christian the Law is never merely informative, but always retains its condemnatory character. — In Calvinism, however, *usus tertius* is made the chief purpose of the Law. Professor Elert claims that Calvin did this consciously and in direct opposition to Lutheran theology, for according to the *Institutes* (II, vii, 13) and the Geneva Confession (1536) the main function of the Law is to bring men to realize their obligation of obedience to their sovereign Lord. The only difference in the application of the Law to unbelievers and believers is that the latter are redeemed from the curse of the Law. Calvin holds that even the Gospel is subject to the final regulation of the Law, since the Gospel does not introduce a new way of salvation, but ratifies what the Law has already promised us. The Gospel differs from the Law only in the clarity with which it is manifested. Barth has accepted this view and speaks of the Gospel as the continuation of the Law in the New Testament. There is, as Elert points out, a diametrical difference between Lutheranism and Calvinism. In the latter the Law stands at the center of theology; in Lutheranism Law and Gospel are always opposed to each other. Lutheran theology is dialectical in the true sense, while the dialectics of Barthian Calvinism is only verbal. The difference between the two theologies comes to the surface particularly in the Church-State relationship. Lutherans teach that since the Law can only condemn, it must be proclaimed as the judgment of the world and not for world betterment. In Calvinistic theology the Church is expected to speak to the world by holding up to it in the name of Christ the Law of God as the only rule of life. It is typically Calvinistic to say that the Kingdom of God can be ushered in by waging wars.

---

[6] *Tertius usus legis in der lutherischen Theologie?* in *Zwischen Gnade und Ungnade* (p. 161 f.). Reprinted in the *Lutheran World Review*, January, 1949.

In his essay, Kinder follows a similar line of argument and shows that any attempt to make the third use of he Law its *usus praecipuus* is in the final analysis an attempt to secularize the Gospel. Only a theology which is oriented in the sovereignty of God can make the *usus tertius* the *usus praecipuus*. Neither in its first use as a curb nor in its third use as a norm is the Law, properly speaking, the Law, for in neither of these two uses does the Law function as that divine revelation which demands, threatens, and convicts the sinner. That is done only in the second use (p. 57). Kinder therefore rightly insists that the Church has no right to preach the Law for any other purpose than the *usus praecipuus*, that is, "from the Cross of Christ," in relation to the Church's *entire* proclamation. Preaching the Law merely as Law does not tell mankind anything new, since men know this from their reason and from history. The Church does not have the duty to prescribe new laws. And since the Church has no authority to preach the Law as an end in itself, it will accomplish nothing by such a message. Let us not be deceived to fall into the temptation as though we want to approximate the theology of the world which is orientated in a this-worldly viewpoint! (Pp. 61—64.) The Law is preached correctly when we keep in mind that, as Luther said, nothing is more intimately related than the wrath and the grace of God. In the light of the Cross, Law and Gospel cannot be viewed as *prior* or *posterior* to one another, but always as indissolubly joined together. In that same light, however, Law and Gospel, though indissolubly conjoined, will be preached unmixed and unmingled (p. 69 f.). This is what Kinder means when he speaks of "die Durchkreuzung des Gesetzes und Evangeliums." "Die Gottesfrage und die Menschheitsfrage werden im Kreuz Jesu Christi kreuzweise mit einander und aneinander aufgerissen und beantwortet zugleich" (p. 10). F. E. MAYER

EZRA'S BIBLE SCHOOL Nehemiah 8—10

The emphasis during several past decades on adult education, also within the Church, has ample Scriptural warrant. For instance, a study of the New Testament word *teleios* (as in James 3:2; Matt. 19:21; Col. 4:12; 1 Cor. 14:20; Rom. 12:2; Heb. 5:14) indicates that the Lord expects a maturing process and then a workable and working maturity on the part of adults. The example from the Old Testament gives us a glimpse of how Ezra conducted a project in adult education with good results. It illustrates again the old adage: Where there's a will, there's a way.

I. The Bible Conference

A. Organization:
1. Time: The Civil New Year.
2. Meeting place: Public square near subterranean water galleries by Ophel.
3. Superintendent: Ezra, the learned doctor of priestly descent.
4. Faculty: Thirteen instructors and their assistants, the Levites.
5. Enrollment: "Men and women and all that could hear with understanding."
6. Attendance: "All the people . . . as one man."

B. Nature of Activities:
1. Devotional Service: Conference began with solemn prayer, to which the people responded with "Amen, Amen" and reverent gestures and posture.
2. Ezra: Reading God's Word from parchment roll, from platform.
3. Assistance and relief from reading by thirteen instructors.
4. Sectional conferences, where read portions were explained to smaller groups by the thirteen and their assistants.

C. Attitude of People:
"Ears of all were attentive."

D. Results:
1. The people welcomed and accepted the instruction.
2. The people grieved over their national and personal sins.
3. The people repented in sincerity.
4. The people reverently supplicated and adored God.
5. The people obeyed and acted.
6. The people rejoiced with holy joy.
7. The people were filled with strength to do God's will.

II. The Teachers' Meeting

A. Aim: To study the Word assiduously and more intensively.

B. Instructor: Ezra, the superintendent and leader.

C. Students:
1. The chief of the fathers of all people.
2. The priests.
3. The religious teachers called Levites.

D. Results:
1. Better knowledge of divine Word and church practice.
2. Enthusiastic celebration over their religious blessings.
3. "And there was great gladness."

III. The Eight-Day Bible Institute

A. Course of Study and Text: "The Book of the Law of God."

B. The Closing Day: Solemn convocation with impressive rites.

C. Results:

1. Deep study of God's Word.
2. A day of prayer and penitence.
3. Confession of opportunities neglected and sins committed.
4. Joy over God's dwelling again in hearts of His people.
5. Social reform — as in the case of mixed marriages.
6. Civil reforms — as in the matter of debts, fallow land, temple tax for upkeep of the sanctuary.
7. Religious reforms: Keeping festivals and Sabbaths, bringing voluntary gifts and "the tithes of our ground."
8. Eighty-three family heads subscribing a written document pledging them to keep covenant with God.
9. Material success and prosperity.
10. Preparation for the coming Messiah.

Application

In this endeavor we observe:

First, *a holy courage in the face of obstinate obstacles,* such as

Growing hatred of the Church (secret strategies against it, open enmity, rude jesting, veiled threats);

Terrible economic and social conditions (usury, divorce, broken homes, low views of chastity, labor-capital strife, hard times, shortages of food, hard credit, mortgages and taxes, political unrest in Syria and Persia);

Terrific misbelief (as today, an era of religious syncretism, pagan cultism, modernist priests, hypocritical worship, low views of ministry, pride of self-esteem, work-righteousness);

Tentacles of indifference in the congregation (neglect of Sabbath, poor financial rating, the finest of everything for private comforts in new homes "while the church can wait" — even leaders guilty; sacrifices cheap in quality; lack of discipline among erring and sinning);

Ezra had a job before which even a stout heart would quail; yet he tackled it with a fervor worthy of wider imitation nowadays. Let us not be broken in spirit. (Cf. Books of Ezra, Nehemiah, and Malachi on above obstacles.)

Second, *an illustration of progressive attitudes and methods* 24 centuries ago, in an era of decline.

Ezra might have said: "We'll hope and pray." If oldsters would prefer to reminisce on the good old days and even shed a few tears over the departed glory, not Ezra; he would offer a constructive, forward-looking program to build his people in the faith and right viewpoints.

Third, *a pattern of emphasis.*

Note that the Word of God is stressed. Ezra refused to twist time-honored doctrines, interpretations, and applications to fit liberalizing trends. And nothing is mentioned about entertainments to "hold the people." In fact, how the vast throng was housed and fed during those days receives no allusion.

Fourth, *an example of meeting a situation.*

Ezra does not excuse or postpone "due to local circumstances," but creates wholesome circumstances himself; does not wait until his fiscal office advances a good idea only to pick it apart, but has an idea himself and goes ahead with it. The local congregation is still the key in the Kingdom. There is no regimentation from the top down. Now, if your parish is a cross section of normal persons, you no doubt have "situations" galore: neglect or spasmodic attention to the means of grace; Communion averages below Luther's mark, where Christianity leaves off and paganism begins; begging and clubbing methods in finances; the attitude by parents of doing you personal service by sending their youngsters to your school; et cetera. Are you doing something about such problems? Doing *something* to magnify the Word *and* Christian life is better than moaning. Have an idea and go ahead with it. Meet *your* situation as *you* have been called to do. Don't wait for official machinery to push you. With your Lutheran doctrinal treasures and your present physical setup, start meeting your particular situation now. Ezra did, and the Church profited.

Blue Hill, Nebr. VICTOR C. FRANK

BASIC BOOKS FOR THE EXEGETE

We submit a partial list of books now available for Old and New Testament studies. The books may be ordered through Concordia Publishing House.

Biblia Hebraica, Rudolf Kittel, American Bible Society, New York.

Novum Testamentum Graece, Eberhard Nestle, 19th edition, Privilegierte Wuerttembergische Bibelanstalt, Stuttgart, Germany.

Septuaginta, Alfred Rahlfs, two volumes, Privilegierte Wuerttembergische Bibelanstalt, Stuttgart, Germany.

Hebrew-German-English Lexicon, Ludwig Koehler, E. J. Brill, Leiden, Holland; only the first installment for the present, but the others will soon follow. (*The Hebrew-English Lexicon* by Brown-Driver-Briggs in a revised form, ready in 1939, was held up by the war and should soon appear; it seems to be a work done quite independently from the Koehler dictionary across the channel.)

Theologisches Woerterbuch, Gerhard Kittel, Kohlhammer, Stuttgart, Germany.

The Vocabulary of the Greek Testament, Moulton and Milligan, 1949, Hodder and Stoughton, Limited, London (for a little more than half the price charged by American firms).

Neutestamentliche Grammatik, Blass und Debrunner, 1943, Vandenhoeck & Ruprecht, Goettingen, Germany.

A Grammar of New Testament Greek, James H. Moulton, 1949, Charles Scribner's Sons, New York.

Apostolic Fathers, two volumes, Kirsopp Lake, Loeb Classical Library, Harvard University Press, Cambridge, Massachusetts.

Bible and Spade, S. L. Caiger, Geoffrey Cumberlege, Oxford University Press, London.

Keil & Delitzsch's Commentary on the whole Old Testament is now available from Wm. B. Eerdmans, Grand Rapids 3, Mich., at $3.50 a volume. Joshua, Judges, Ruth, Proverbs, Ecclesiastes, may be slow in coming. Get Leupold's commentary on Genesis and Daniel, and all the rest in Keil-Delitzsch, and you'll have the best there is on the Old Testament.

The following important books will soon appear on the market:

Concordance to the Greek Testament, W. F. Moulton—being reprinted.

The Four Gospels, B. H. Streeter—being reprinted.

Eusebius, Volume I, Loeb Classical Library—in the binding.

The International Critical Commentary on Kings by the late J. A. Montgomery (who also did the volume on Daniel) may soon be expected. Dr. Bowman of the Chicago University is submitting his commentary on Ezra and Nehemiah to the printer this year; his Aramaic grammar is half done.

St. Louis, Mo. W. F. BECK