

The Permission Of Righteousness: The Hidden Component Of The Christian Gospel

According to Philip Melanchthon, the Gospel is “the forgiveness of sins and the beginning of eternal life in the hearts of believers.”¹ The Formula of Concord defined regeneration similarly as “the forgiveness of sins solely for Christ's sake and the subsequent renewal which the Holy Spirit works in those who are justified by faith.”² By contrast, Hermann Sasse, widely regarded as the chief teacher of modern “confessional” Lutheranism, asserted, “The gracious promise of the forgiveness of sins for Christ's sake—this, and nothing but this, is the Gospel.”³ Sasse employed no such category as “Gospel in the broad sense,” and spoke of sanctification solely as a Calvinistic concept. Sasse's narrowed definition of the Gospel results in an expanded definition of the law, which risks the judgment of the Formula of Concord that conversion of Gospel into law would “reopen the door to the papacy in the church of God.”⁴ Since many “confessional” Lutherans in the modern Missouri Synod follow Sasse's system, essential features of our church's theology and practice would appear to be in jeopardy.⁵

A number of secondary matters have contributed to the development of this narrowed Gospel system. Sasse himself fell victim to the fallacy of false dilemma, by which a person assumes that the opposite of an error is necessarily the truth.⁶ Sasse correctly noted that Karl Barth erred in placing sanctification “on the same footing” with justification.⁷ Unfortunately, Sasse thought that the only alternative

¹ AC Ap XVI, 6; Tappert, p. 223.

² FC SD III, 19; Tappert, p. 542.

³ Hermann Sasse, Here We Stand: Nature and Character of the Lutheran Faith (Adelaide, Australia: Lutheran Publishing House, 1979), p. 119.

⁴ FC SD V, 27; Tappert, p. 563.

⁵ The system hereinafter described as “confessional” is one of the more consistent developments of Sasse's definition of the Gospel among LC-MS theologians. It should not be inferred that Sasse himself, all of his devotees, or all clergy who self-identify as “confessional” would agree with every aspect of this system.

⁶ Eutyches made this mistake in challenging Nestorius' christology (FC Ep VIII, 18; Tappert, p. 489). Nicholas von Amsdorf similarly derived “good works are detrimental to salvation” in opposition to Melanchthon's post-confessional slogan, “good works are necessary to salvation” (FC SD IV, 1-3; Tappert, p. 551).

⁷ Sasse, Here We Stand, pp. 120-121.

was to remove sanctification from the definition of the Gospel; it apparently did not occur to him to place it on a different footing, subsequent to justification. A similar phenomenon is occurring today, as many of Sasse's followers present their system as the only alternative to evangelical Protestantism's confusion of justification and sanctification.

In addition, most modern analyses of law and Gospel have concentrated on secondary source research of the Book of Concord, Martin Luther, and various works of systematic theology. Luther and C. F. W. Walther are rare among Lutheran authors in having thoroughly investigated what impact their categories might have on the interpretation of actual biblical texts. Even these eminent theologians were not immune to exegetical error, especially since both were originally trained under legalistic theological systems.

Finally, many of Sasse's followers in the Missouri Synod have been extremely critical of Walther's theology, including his analysis of law and Gospel, because of his views on church and ministry. Many “confessional” clergy have personally suffered in congregations which claim that the supervision of the church's doctrine and practice is in the hands of the laity rather than the pastor, an opinion attributed to Walther by his putative supporters as well as his critics. In fact, Walther taught that the possessor of all ecclesiastical power is the congregation, in which the pastor is “above all.”⁸ The frustration of “confessional” clergy with the supposedly Waltherian polity has led to a denigration of many aspects of early LC-MS teaching and practice.⁹

The primary issue for modern Lutherans nevertheless remains the adoption of correct definitions of law and Gospel. The following study has been undertaken to reveal, both doctrinally and exegetically, the consequences of strict conformity to the Book of Concord's definition of the Gospel cited above.

⁸ Walther's sixth thesis on ministry, quoted in Walther on the Church, John Drickamer, trans. (St. Louis: Concordia, 1981), p. 86, asserted this in connection with a congregation's right to call a pastor, the only right conferred upon the royal priesthood in the Book of Concord (Tractate, 69; Tappert, p. 331). The theory that all believers “supervise” the ministry was an innovation of the Brief Statement of the Doctrinal Position of the Missouri Synod (St. Louis: Concordia, 1932), sec. 30, p. 14, based on a misreading of Colossians 4:17.

⁹ Robert W. Schaibley, “Lutheran Preaching: Proclamation, Not Communication,” Concordia Journal, vol. 18, no. 1 (January 1992), p. 22, criticized “some of the really big names in LCMS history” for their allegedly erroneous approach to sanctification.

The Proper Understanding of Law

The term “law” embraces two essentially different ideas in classical Greek, modern English, and biblical usage. It is employed very broadly to include any principle by which people or things operate; thus the ancient Greeks used νόμος for the melody of a song (e.g. Herodotus 1.24), and modern science proposes “laws” of physics. In Scripture, νόμος can similarly include any scriptural principle, even the doctrine of justification.¹⁰ More narrowly, a law is a principle asserted by some authority (such as secular government) which, when violated, confers some penalty upon the violator. The law of Moses is law in the latter sense, since its contents are governed by the threat, “Cursed is anyone who does not maintain all the things written in the book of the law in order to do them” (Deut. 27:26, quoted in Gal. 3:10).¹¹

Many “confessional” theologians appear to have ignored, and some overtly reject, the distinction between general admonitions and those to which some penalty is attached. The law is defined as “that which has man as its subject,” which would include every imperative and cohortative subjunctive in Scripture. But it should be obvious that an exhortation such as “Do this in remembrance of me” (1 Cor. 11:24) is a completely different kind of statement than an accusation such as “You are cut off from Christ” (Gal. 5:4), just as “Visit your public library” is not law in the same sense as “Violators will be prosecuted.”

The loss of this distinction is in large part due to an erroneous “confessional” evaluation of Philip Melanchthon's approach to this subject. Melanchthon distinguished between “the law and the promises,” the former meaning “the commandments of the Decalogue, wherever they appear in the Scriptures,” the latter being when the Scripture “promises forgiveness of sins, justification, and eternal life.”¹² In his discussion of law, the phrase “the law always accuses” (lex semper accusat) repeatedly appears.¹³ According to “confessional” writers, this is

¹⁰ Francis Pieper, Christian Dogmatics, vol. III (St. Louis: Concordia, 1953), p. 223, quoting Luther, gave as an example, “The law will come out of Zion” (Is. 2:3), which law would convert and grant peace to the nations.

¹¹ This curse governs not only the legal material in Deuteronomy, but also in Exodus through Numbers. Scripture speaks consistently of “the book,” not “the books,” and similarly “the law,” not “the laws,” of Moses. Genesis, however, is not included in the law of Moses. The word “law” nowhere appears in its text, and citations from it are nowhere introduced by such phrases as “the law says” or “Moses said.”

¹² AC Ap IV, 5-6; Tappert, p. 108.

¹³ The first is AC Ap IV, 38; Tappert, p. 112.

an absolute principle governing any use of anything which may be termed “law.”¹⁴ But Melanchthon himself employed this phrase only of man prior to justification; after referring to “faith in Christ,” he stated, “Without this, the law always accuses us.”¹⁵ The loss of the initial phrase is crucial, for it enables the misreading as accusation of large sections of Scripture which have no such intended function for Christians.

Confusion of narrow and broad senses of law also results when Melanchthon's “law/promise” dialectic is viewed as a comprehensive system for organizing the entire contents of Scripture, equivalent to the “law/Gospel” distinction of the Formula of Concord and Walther. Melanchthon's concern was to show how a person obtains forgiveness of sins, or justification, and thus enters into a right relationship with his Creator. Accordingly, that which pertains to achieving that relationship (divine promise) is contrasted with that which is erroneously thought to achieve it (human activity), with other topics of Holy Scripture left out of consideration. Melanchthon himself noted that “the ceremonial and civil laws of Moses” are neither commandments of the Decalogue nor promises. Furthermore, the promises which are to be preached to the person seeking justification hardly include all the articles of the Gospel. Holy Communion, the church and its ministry, and eschatology are certainly Gospel topics, yet are not rightly preached until a person has already heard the word of justification and received Holy Baptism as the sacrament of justification.

Melanchthon's definition of law is thus far broader than the Formula of Concord's “law in the strict sense.” The latter always contains two elements: a statement of the “immutable will of God,” and an overt threat of divine wrath, which coerces obedience and punishes disobedience.¹⁶ But Melanchthon's definition of the law as “the commandments of the Decalogue, wherever they appear in the Scriptures” includes many statements of God's will for man which are not attached to any threat (e.g. “Let us do that which is good to all, especially to the kinsmen of the faith,” Gal. 6:10). Similarly, Melanchthon's definition of promises is far narrower than either his or the Formula of Concord's “Gospel in the strict sense.” The latter excludes only one type of statement: the “proclamation of contrition and reproof.”¹⁷ But Melanchthon's promises, as was

¹⁴ Schaibley, “Lutheran Preaching,” p. 22; Robert D. Preus, Justification and Rome (St. Louis: Concordia, 1997), p. 41.

¹⁵ AC Ap IV, 167; Tappert, p. 130. The Latin original is alioqui (“otherwise”) lex semper accusat.

¹⁶ FC SD V, 17; Tappert, p. 561.

¹⁷ FC Ep V, 7; Tappert, p. 478.

shown above, exclude also the proclamations of grace which are not directly related to justification.

Contributing to this confusion is a major shift in later Lutheran definitions of the various senses of the Gospel. As has been seen, “promise” indicates the article of justification, “Gospel in the strict sense” indicates the Gospel in all its articles, and “Gospel in the broad sense” indicates the entire preaching of Jesus Christ, including his “strange deed” of rebuking.¹⁸ Francis Pieper, by contrast, denied that “Gospel” ever includes the preaching of rebuke, and then used “Gospel in the wider sense” to mean what the Formula of Concord called its strict sense, and “Gospel in the proper sense” to mean what Melanchthon called the promises.¹⁹ The result is that narrow promises are opposed to a broad definition of law, instead of the Gospel in its entirety being opposed to the preaching of rebuke.

That Melanchthon's definition of law is not rightly set in opposition to the Gospel is demonstrated when one considers Walther's eighth thesis on law and Gospel, “the Word of God is not rightly divided when the Law is preached to those who are already in terror on account of their sins or the Gospel to those who live securely in their sins.”²⁰ If law here means the Decalogue, the result would be that the Ten Commandments would never be preached to Christians. Walther also taught in his seventh thesis, “the Word of God is not rightly divided when the Gospel is preached first and then the Law.”²¹ Again, if law here means the Decalogue, God himself confused law and Gospel when he gave the Decalogue (Ex. 20:1-17) immediately after declaring that its hearers were “a royal priesthood and a holy nation” (19:6), and when he introduced its commandments with a reminder of Israel's liberation in the Exodus (20:2). Martin Luther's assertion that “anyone who knows the Ten Commandments perfectly knows the entire Scriptures”²² confirms that the Decalogue is not law in the proper sense, for the knowledge of something which excluded the Gospel certainly could not explain the entire Scriptures.

¹⁸ FC SD V, 11; Tappert, p. 560.

¹⁹ Pieper, Christian Dogmatics, vol. III, pp. 222-223. Pieper, following Quenstedt, rightly questioned the Formula of Concord's dubious assertion that the Scriptures ever employ the word εὐαγγέλιον to include the preaching of reproof. The latter is nevertheless a well-established ecclesiastical usage, as in the titles of the first four books of the New Testament.

²⁰ C. F. W. Walther, The Proper Distinction between Law and Gospel, W. H. T. Dau, trans. (St. Louis: Concordia, 1928), p. 101.

²¹ Walther, Proper Distinction, p. 89.

²² LC Preface, 17; Tappert, p. 361.

It is nevertheless possible to employ Melanchthon's categories to construct a satisfactory tripartite division of the Scriptures: accusatory law, promises (including those following justification), and non-accusatory law. This is the scheme attempted by the LC-MS catechisms of 1943 and 1986, which discuss a threefold purpose of the law as curb, mirror, and rule or guide, the first two of which precede the promises as coercion and accusation, the third which follows the promises, free of any coercion or accusation.²³ This particular attempt, however, is highly misleading at best. Their selection of proof texts demonstrates that the catechetical authors had confused the distinction between law and Gospel with the distinction between sanctification and justification.²⁴ By retitling Melanchthon's promises as Gospel, they failed to present the third purpose of the Law, involving as it does “the beginning of eternal life in the hearts of believers” and “the subsequent renewal which the Holy Spirit works in those who are justified by faith,” as part of the Gospel in the strict sense. As a result, the order is “Gospel first, law (third use) second,” which is irreconcilable with Walther's system. The impression is further created that everything which may be called law in the broad sense is intended to be used in all three ways. This would permit the insertion of accusations into non-accusatory texts.

It comes as little surprise that Walther does not discuss three purposes of the law, for the law in the proper sense has only one intended purpose: to accuse us of sin and thereby drive us to Christ.²⁵ Sadly, Walther did not always recognize the consequences of his own system. He observed that “when the Israelites, at Mount Sinai, were given the Ten Commandments, they were all a-tremble,” but he erroneously ascribed this to “the effect of the Law.”²⁶ In fact, it was the awesome manifestation of God's presence which generated their fear (Ex. 20:18), as happened to the disciples at the Transfiguration (Mark 9:6) and the women at

²³ A Short Explanation of Dr. Martin Luther's Small Catechism: A Handbook of Christian Doctrine (St. Louis: Concordia, 1943), pp. 85-86; Luther's Small Catechism with Explanation (St. Louis: Concordia, 1986), pp. 94-95. These are also called the three uses or functions of the law (FC SD VI, 1; Tappert, pp. 563-564).

²⁴ Both catechisms present “Your word is a lamp to my feet and a light for my path” (Ps. 119:105) as a “third purpose of the law” text (1943, p. 86; 1986, p. 95). Such a sentence, with God as its subject and offering a blessing, would not be law even in the expanded “confessional” definition.

²⁵ Galatians 3:24 states the law's purpose precisely: “The law became our παιδαγωγός to Christ.” A παιδαγωγός was a slave who escorted a child to school, akin to a modern truant officer.

²⁶ Walther, Proper Distinction, p. 15.

Christ's tomb (Mark 16:8). Similarly, Walther misread Jesus' discussion of the second table of the Decalogue with a rich young man (Matt. 19:16-22) as an accusation of the law: "since He is dealing with a miserable, secure and self-righteous person, He does not preach one word of Gospel to him."²⁷ On the contrary, Jesus' last statement to this young man ("come, follow me," v. 21) combined Gospel invitations which Jesus offered to Lazarus (δεῦρο, John 11:43) and his disciples (ἀκολουθεῖ μοι, Matt. 9:9). "Lutheran" exegesis has never been able to explain how, if the young man were really "secure and self-righteous" at this point, Jesus could have "looked at him and loved him" (ἠγάπησεν αὐτόν, Mark 10:21). The young man's true error was his subsequent refusal of the Gospel, which would have liberated him from the numerous burdens associated with "having many possessions" (Matt. 19:22; Mark 10:22). Had Walther consistently viewed "the commandments of the Decalogue, wherever they appear in the Scriptures," as law, he would have had to judge Galatians 6:10, clearly a summary of the second table of the Decalogue, as a violation of his seventh thesis, since as the last sentence in the formal body of Galatians it follows rather than precedes the Gospel.

To use the law in the proper sense correctly, one must first identify the targets of a given text. Accusations of an audience (in the second person) must be carefully distinguished from accusations of others (in the third person). "The Lord will not cleanse the one who receives his name in vain" (Ex. 20:7) is certainly law in the proper sense, but not for its original hearers, else it would have read, "will not cleanse you." Similarly, Paul did not violate Walther's "law first, Gospel second" principle when he discussed God's wrath against unregenerate sinners (Rom. 1:18) immediately after the Gospel (Rom. 1:16-17). In addition, potential accusations must be distinguished from actual ones. At the moment it was spoken, "on whatever day you eat from it, you will die" (Gen. 2:17) was not law in the proper sense for Adam. It rather accused a person who did not yet exist, namely, the Adam who might someday violate it.

It is also crucial to maintain the distinction between the intended sense of a passage, and the usage of a passage for other purposes. Any text of Scripture can be "used" for purposes wholly unintended by its author, as when "Believe on the Lord Jesus, and you will be saved" (Acts 16:31, clearly a Gospel text) is employed to derive the law in the proper sense, either "If you do not believe, you will be damned" (coercive use) or "You have not believed, and therefore you will be damned" (accusatory use).²⁸ Such inversion of biblical statements is made

²⁷ Walther, Proper Distinction, p. 116.

²⁸ Walther, Proper Distinction, p. 282.

possible by the fact that the law and the Gospel are always opposites.²⁹ For example, whether the Exodus is a law or a Gospel event depends on which side of the Red Sea one stands. Whereas it is a legitimate homiletical exercise to invert Gospel texts into law in order to determine what a passage would mean in the absence of faith, the inversion dare never be regarded as the actual purpose of the text.

How law texts might properly be inverted into or otherwise employed as Gospel requires consideration of the correct definition of the Gospel, and its impact on those who have previously been coerced and accused by the law.

The Plenary Definition of the Gospel

There can be no doubt that Walther did not agree that only forgiveness of sins or justification is the Gospel, since his seventh thesis, which requires the law to be preached before the Gospel, also requires justification to be preached before sanctification.³⁰ Walther here created a tripartite division of the Scriptures whose clarity exceeded even that of the Book of Concord: the accusations of the law, the absolutions of justification, and the admonitions of sanctification. He avoided the pitfalls of the later LC-MS catechisms by labeling both of the latter categories “Gospel.” The third category, explained in Walther's twenty-third thesis,³¹ includes those sections of Scripture called paraenesis, the imperatives and cohortative subjunctives which dominate such texts as the concluding chapters of the Pauline epistles.

Walther, quoting Luther, cited Romans 12:1 as a prime example of this “second half” of the Gospel.³² According to the “confessional” system, “I encourage you, brothers, through the compassions of God, to present your bodies as a sacrifice which is living, holy, and well-pleasing to God,” would be a law text, since man is the subject of such sacrificing. Under the assumption that “the law always accuses,” the passage's real purpose would be to accuse us of not having performed such sacrifices, that we might seek pardon based on Christ's sacrifice. This would mean that the law in the proper sense is rightly preached after the Gospel (justification having been thoroughly developed earlier in Romans), and that Christians (“brothers”), concerning whom there is no evidence of misbelief or misdeed, are nevertheless to be accused of sin. Consistently maintained, this system overturns the doctrine of justification, inasmuch as it offers

²⁹ Pieper, Christian Dogmatics, vol. III, p. 228.

³⁰ Walther, Proper Distinction, p. 89.

³¹ Walther, Proper Distinction, p. 381.

³² Walther, Proper Distinction, p. 388.

condemnation to those who are in Christ Jesus (Rom. 8:1).

The only well-known alternate view of such a passage is that embraced by the majority of nominal Christians, who attach some coarse or subtle coercion to this verse.³³ The description of this text as a “duty” or an “injunction”³⁴ inevitably calls to mind the image of an army or a courtroom, in which dire consequences arise for disobedience. This also places the law in the proper sense after the Gospel, and overturns the doctrine of justification by making human behavior one of its prerequisites.

Escape from this dilemma occurs when paraenesis is viewed as neither coercive injunction nor accusation, but as invitation.³⁵ Such texts contain several important markers: they follow rather than precede the preaching of justification; they are addressed solely to the believing community; they contain no stated penalty for declining the invitation; the behavior which they affirm is presented very broadly, meaning that many different specific acts would constitute an acceptance of the invitation.

Walther illustrated the difference between an invitation and an injunction when he noted that a hungry person does not hear the imperative, “Come, sit down at my table and eat,” as a coercive command which he might be tempted to disobey.³⁶ This illustration clarifies Walther's immediately preceding remark, “The Law tells us what we are to do. No such instruction is contained in the Gospel. On the contrary, the Gospel reveals to us only what God is doing.” Paraenesis is not rightly viewed as commanding “what we are to do,”³⁷ but as

³³ One may ask whether the translation of παρακαλέω, “encourage,” as “beseech” (KJV), “appeal to” (RSV), or “urge” (NIV, NASB) more easily permits a coercive understanding of this verse. The New Testament use of this word and its cognates, especially παράκλητος (“Comforter” or “Advocate,” used of Jesus' saving work, 1 John 2:1, and the Holy Spirit's revelation of same, John 15:26), is decidedly unrelated to the concept of making and enforcing laws.

³⁴ John Murray, The Epistle to the Romans, vol. VI in The New International Commentary on the New Testament, F. F. Bruce, ed. (Grand Rapids: Eerdmans, 1968), p. 109, entitled this chapter of Romans, “Manifold Practical Duties,” and on p. 111 spoke of 12:1 as an “injunction.”

³⁵ καλέω, the root verb of παρακαλέω, is often used in Scripture of invitations to a dinner (e.g. Matt. 22:3).

³⁶ Walther, Proper Distinction, p. 9.

³⁷ The original German text, Die rechte Unterscheidung von Gesetz und Evangelium (St. Louis: Concordia, 1901), p. 8, at this point reads “was wir thun sollen,” and the modern translation of Herbert J. A. Bouman, Law and Gospel (St.

inviting us to participate in what God is doing, both in his work of salvation and his creation. By the verb “present” in Romans 12:1, Paul is not commanding us to turn our bodies into sacrifices by any effort of our own, but is inviting us to regard our bodies as already constituting living, holy, and well-pleasing sacrifices because God has declared them to be such. This verse turns out to be an affirmation that human physicality is acceptable to God just as it is, in the face of the innumerable demands of human religions and philosophies for the altering of bodily conditions and the abandonment of bodily functions.

Romans 12:1 further reveals that sanctification, like justification, is a forensic act; we are not being commanded to make ourselves holy, but are being invited to view ourselves as holy. This is possible only because God has first declared us to be holy in justification. The relationship between the two is stated most familiarly by Paul, who invited believers “to be reconciled to God” because “God was in Christ, reconciling the world to himself” (2 Cor. 5:19-20). The former is not our act of completing the latter, but our act of regarding the latter as complete. Neither is faith required to complete the work of reconciliation. Faith is the prerequisite to sanctification, not justification; it is the acceptance of God's invitation to view ourselves as fit to accept all other invitations. The misreading of invitations to faith as prerequisites to justification is simply a subdivision of the practice of inserting coercions into all biblical invitations.³⁸

Had Hermann Sasse and his followers defined the Gospel with the Greek word ἄφεσις rather than the German “Vergebung” and the English “forgiveness,” they might well have arrived at the correct understanding of law and Gospel. Unlike its translations, ἄφεσις means both “forgiveness” (most New Testament occurrences, such as Mark 1:4) and “liberty” (during the jubilee year, Lev. 25:10; from captivity, Luke 4:18, quoting Is. 61:1 and 58:6). Its parent verb ἀφίημι occurs when Jesus “remitted” or “forgave” the sins of a paralytic (Matt. 9:2), and when John the Baptist “permitted” or “allowed” Jesus to fulfill all righteousness in his baptism (Matt. 3:15).³⁹ In the latter sense, ἄφεσις is the purpose of biblical

Louis: Concordia, 1981), p. 15, reads “what we must do.”

³⁸Luther (SC II, 3-5; Tappert, p. 345) divided the Gospel into redemption (equivalent to justification, God's act of declaring us holy) and sanctification (our response to all biblical invitations, including faith). Other theologians call the first “objective justification,” distinguish the invitation to faith as “subjective justification,” and label our response to all other invitations as sanctification. The latter scheme is more precise, but it may have enabled the view that faith is the completion of a process merely begun or proposed by God.

³⁹The German Bible translates ἀφίημι in the latter verse as “geschehen

paraenesis; Paul's encouragement to present our bodies as sacrifices constitutes permission to view our physical nature as holy. Sasse's definition of the Gospel thus requires only a slight revision: "The gracious promise of ἄφεσις for Christ's sake—this, and nothing but this, is the Gospel." As forgiveness of sins, the Gospel takes away what is harmful to man; as permission of righteousness, it confers what is beneficial to man.

Understanding the Gospel as plenary permission for human life requires clear exposition of Christ's atonement. The latter is typically described as "vicarious" or "substitutionary," but these terms are not true synonyms. A vicar in the LC-MS is a seminary student who serves together with an ordained clergyman in order to gain experience in various pastoral tasks. The vicar is not a substitute for the pastor; he does not act instead of the pastor as his replacement, but in the stead of the pastor as his associate. In the New Testament, the idea of substitution is indicated by the preposition ἀντί ("instead of" or "as a replacement for"), as when Archelaus replaced Herod the Great as king of Judea (Matt. 2:22). By contrast, the preposition ὑπέρ ("in the stead of" or "in the same place as") is exclusively employed in connection with Christ's atonement (e.g. Rom. 5:6; 1 Pet. 3:18).⁴⁰ The incarnation, suffering, and death of God the Son placed him into the same condition as fallen humanity, thus achieving reconciliation and communion between God and man.

Unfortunately, the inconsistent rendering of ὑπέρ in English versions, especially by such ambiguous expressions as "for the sake of" or "on behalf of," and the superficial similarity of the phrases "instead of" and "in the stead of," has led many nominal Christians to overwrite ὑπέρ with the entailment of ἀντί. Jesus is presented as replacing mankind by transferring the curse of the Mosaic law solely to himself, which leaves him in a different status from, and thus unreconciled with, other humans. To overcome this, it is presumed that Jesus, unlike others, can do something to get himself out from under the curse. This is held to have been accomplished by his perfect obedience of God's commands; in other words, Jesus himself was justified by works. Inevitably, such a scheme

lassen," literally, "to let happen."

⁴⁰ Jesus' declaration that the Son of man came "to serve, and to give his ψυχὴ as a ransom ἀντί many" (Matt. 20:28; Mark 10:45) is not an exception to this. The Son of man gives (not "gives up") his interior life or consciousness (especially his own faith and will) to men, which liberates them from their various oppressors. Here ἀντί means "as a replacement for the deficiency of," as it does in other monetary expressions (e.g. Peter paying a tax by giving a coin ἀντί himself and Jesus, Matt. 17:27).

turns the imitation of Christ by believers (1 Cor. 11:1; 1 Thess. 1:6) into a similar program of meritorious works. The only way to avoid the latter is to eliminate the imitation of Christ, and thus the article of sanctification, from the Christian program.

Paul however repeatedly stated that it is impossible for anyone to get himself out from under the curse of the Mosaic law. “By works of law, no flesh will be justified in his sight” (Rom. 3:20; see also Gal. 3:11), and that includes the Word made flesh. The only alternative is “the righteousness of God through the faith of Jesus Christ” (Rom. 3:22), which refers not to our faith in Jesus, but to Jesus' own faith in his Father. Specifically, Jesus believed that the Father was well-pleased with him (Mark 1:11), even when the entire experience of his crucifixion indicated otherwise. Were God to have enforced the specific curse which had befallen Jesus (“cursed is everyone who hangs on a tree,” Deut. 21:23, quoted in Gal. 3:13),⁴¹ he would have had to break up the Trinity, consigning both the Son and the Holy Spirit who had descended upon him (Mark 1:10) to hell. It was thus a necessity for God to save Jesus. Jesus' sinlessness did not merit his salvation; it was instead the evidence of his divine nature, the effect rather than the cause of his approved status.⁴² Since arbitrarily saving one but not others under the same curse is unjust, it is similarly a necessity for God to save all those who are ὑπὲρ Χριστοῦ (Phil. 1:29), in the same place as the cursed Christ. Such necessity is of course not a coercion for God, since he willfully sent his Son into the world for this very purpose: to prove once and for all to human beings that he had no intention of enforcing the curse against them. This proof is made visible in Jesus' resurrection, when God permitted his Son to live again in spite of the curse. The imitation of Christ is then Christ-like faith that God is well-pleased with us despite the experience of our various crosses, and that we are permitted to live in the knowledge that the curses of the Mosaic law no longer apply to us.

⁴¹ This seemingly minor parenthesis in Moses' discussion of the burial of executed criminals is the key to the entire plan of salvation. It is apparently the only way a person can become cursed by the Mosaic law without personally sinning, thus providing the means by which God can fully share the curse of fallen men without forfeiting the divine attribute of holiness.

⁴² Jesus' minimization of his approved status, sometimes referred to as the “messianic secret” (e.g. “Why do you call me good?” Mark 10:18), thus does not reveal an “historical Jesus” who thought of himself as a mere prophet, but the theological Jesus whose faith, like ours, is directed at the God without (his Father), not the God within (his own divine nature and its works).

The Use of the Law as the Gospel

Because Christ cancelled the effects of the curse of the law, it is now possible for Christians to apply the law in the proper sense to themselves as Gospel. When Christ “blotted out the handwriting against us” (Col. 2:14), he literally erased all of the coercive and accusatory statements in the Mosaic law. What remains are descriptions of how God designed the earth and its people to function, and invitations to interact with God, the earth, and other people in ways which will benefit everyone. Stripping the law of its coercions in this way is what the Book of Concord meant by the “third function” of the law. As previously noted, the law, “strictly speaking,” combines the “immutable will of God” with threats of “God’s wrath and temporal and eternal punishment,”⁴³ but in its “third function” the law is simply the “immutable will of God.”⁴⁴ As a result, “works of the law in the strict sense,” which are “extorted by the law,” are contrasted with “works and fruits of the Spirit,” which proceed “from a free and merry spirit.”⁴⁵ The distinction is that the Christian “is free from this driver,” meaning the law’s coercions and threats. It must be remembered however that the law in the proper sense was never intended to function in this way; rather, it has been fundamentally altered by the doctrine of justification. The failure to keep this alteration in mind may account for the confusion of the third function of the law with the first (the widespread preaching of coercion to Christians) or the second (the “confessional” Lutheran preaching of accusation to Christians).

Justification also permits Christians to view accusations of others as evidence that they are not themselves under such accusations. Jesus’ condemnation of the Pharisees in Matthew 23 is clearly law for them, but not for the disciples and crowds in whose presence this is uttered. To specify the characteristics of the condemned is to declare that those who do not possess these characteristics are free from condemnation. The Exodus illustrates this principle; the destruction of the Pharaoh’s troops is itself the salvation of the Pharaoh’s enemies. Another example is the flood of Noah, in which the water which killed the wicked is said to have saved Noah and his family (1 Pet. 3:20).

This use of the law provides the answer to the problems raised by the concept of predestination in Scripture. God reconciled all mankind (2 Cor. 5:19), but predestined only those who believe in this reconciliation (Rom. 8:28-30). John Calvin, influenced by Stoic philosophy,⁴⁶ taught a second predestination of

⁴³ FC SD V, 17; Tappert, p. 561.

⁴⁴ FC SD VI, 15; Tappert, p. 566.

⁴⁵ FC SD VI, 16-17; Tappert, pp. 566-567.

⁴⁶ A. A. Long, Hellenistic Philosophy: Stoics, Epicureans, Sceptics (Berkeley:

unbelievers to damnation, overturning the doctrine of universal reconciliation. Most nominal Christians assume that the predestination of believers occurs intuitu fidei (“in view of their faith”), meaning that God in eternity looked into the future, saw who would believe, and then confirmed them in their faith. This overturns the doctrine of reconciliation solely by God's grace, inasmuch as it makes human faith a prerequisite to reconciliation. Lutherans have generally despaired of any explanation of these matters.⁴⁷ The solution is to regard the predestination of believers and the condemnation of unbelievers as the same act. Since God wants all people to be saved (1 Tim. 2:4), the entire world should have been predestined. But in eternity, God looked into the future, saw that some would reject his salvation despite repeated invitations, and then confirmed them in their freely chosen godless status intuitu infidelitatis (“in view of their unbelief”). This is the same thing as “hardening their hearts,” which God did to the Pharaoh of the Exodus (Ex. 14:8). Such hardening establishes a border (ὁρίζων) between believers and unbelievers, thus this process in eternity is described by the verb προορίζω, usually translated “predestine,” but literally meaning, “mark a border beforehand.” This border does not create the redeemed community, but merely reduces its size. Because it was erected intuitu infidelitatis, it neither arbitrarily excludes the lost nor includes the saved on account of any act of their own. Instead, it assures those who do not stubbornly oppose God's grace that they are destined for eternal blessings.

Good Works as the Results of Permission

Misunderstanding the permissions of the Gospel inevitably results in an erroneous evaluation of the works which they describe. Roman Catholicism openly makes good works prerequisite to faith, as in its familiar slogan fides caritate formata, “faith formed by love,” and then makes this prerequisite to justification. Protestants generally claim to reject this, but by retaining faith as a prerequisite to salvation, they propose a slightly different set of works (e.g. commitment to Christ, acquiring various “spiritual gifts”) to complete the justification process, amounting to fides pietate formata.⁴⁸ Both groups have an optimistic appraisal of the ability of people to accomplish such works in a way

University of California Press, 1986), p. 239.

⁴⁷ Pieper, Christian Dogmatics, vol. III, p. 502.

⁴⁸ Francis Pieper, Christian Dogmatics, vol. II (St. Louis: Concordia, 1951), p. 520, accused Protestants “who, like Rome, make 'the transformation of man' a factor in justification,” of teaching fides formata. The specification of this as fides pietate formata is my own coinage.

which will gain God's approval. "Confessional" Lutheranism overreacts to these systems by denigrating all good works, even those performed by believers. All three systems have lost sight of the distinction between coercive and accusatory statements directed solely at unbelievers or secure sinners, and paraenesis directed solely at believers or repentant sinners.

Philippians 2:12b, commonly translated, "Work out your own salvation in fear and trembling," has long been quoted in favor of some version of fides formata, often to the embarrassment of Lutherans. In fact, this text has all the markers of paraenesis: addressed to those already saved, devoid of coercion, unspecific, and following one of Paul's most famous expositions of Christ's vicarious atonement (2:5-11). As a result, it could not possibly mean "work out your salvation," meaning to complete it, much less "work for your salvation," meaning to merit it. In Genesis 2:15, Adam was placed into the garden "to work it" (ἐργάζομαι followed by an accusative object), that is, to use it or cultivate it. Adam did not work the garden in order to acquire it, but acquired it in order to work it. Similarly, Christians acquire salvation in order to work it (κατεργάζομαι, merely an intensive form of ἐργάζομαι, similarly followed by an accusative object), that is, to use it for the experience of everything God permits. Such use is done "in fear and trembling," in the knowledge that salvation is a free gift, without which the effects of the curse would remain in force.

While other systems change invitations to the saved into coercions for the potentially saved, the less well documented "confessional" system redirects accusations intended for secure sinners to the repentant community. The antecedent of the pronoun in "All our righteousness is filthy rags" (Is. 64:6) is held to include believers, but according to the very next verse it is those who did not call on God's name. Paul did not so regard the works of the Thessalonians (1 Thess. 1 :2-7, 4:9-12) or Philemon (Phlm. 4-7), and "filthy rags" could not serve as "testimonies of the Holy Spirit's presence and indwelling."⁴⁹

The "confessional" opinion is frequently justified by the slogan simul justus et peccator, "at the same time righteous and sinner."⁵⁰ Apparently it has not been noticed that this statement is a verdict of the law. Such a verdict remains true for the Christian ("if we say we have no sin, we deceive ourselves," 1 John 1:10), but all of its consequences have been set aside ("you are not under law but under grace," Rom. 6:14). As a result, the fact that a believer's works are never perfect according to the law is irrelevant to the question of their value under the Gospel. The very definition of justification, "to declare righteous," proves that under the

⁴⁹ FC Ep V, 15; Tappert, p. 477.

⁵⁰ This phrase nowhere appears in the Book of Concord.

Gospel believers are simply righteous. To add et peccator to the Gospel's verdict is to teach simul justificatus et peccator, “at the same time justified and sinner,” which would mean that justification remains incomplete in this life.

The refusal to preach the law in the proper sense to penitent Christians has been attacked as “antinomian,” but as the Book of Concord makes clear, antinomianism is the refusal to use the law in the proper sense under any circumstances, even against manifest and impenitent sinners.⁵¹ The Christian pastor certainly does rebuke unbelief and obvious violations of the Decalogue. He also discusses the law in the proper sense with his believing audience so that they may fully appreciate the horror from which the Gospel has delivered them, discern the true will of God imbedded in the law, and consider for themselves whether any amendment in their behavior is appropriate. But the indiscriminate preaching of the law, which is rightly called anti-evangelical, is as harmful to the church as the antinomian refusal to preach it at all.⁵² The proper distinction in the preaching of the law is presented in the final occurrence of νόμος in the Pauline corpus, “the law is not laid down for a righteous person, but for lawless persons” (1 Tim. 1:9). According to v. 11, this distinction is based on the definitions of the Gospel, not the law. “Righteous” thus here means “justified,” and “lawless” means rebellious against the actions commanded in the Decalogue, which the Gospel also encourages.

Those who follow the Book of Concord in regarding good works as evidence of their salvation are also accused by many “confessional” Lutherans of seeking “assurance” in their works. Here an ambiguous English word has been employed to confuse works as a cause of salvation with works as an effect. “Assurance” is often synonymous with “insurance” or “guarantee,” as in, “The mechanic assures us that the car will move.” By contrast, a speedometer cannot insure or guarantee that the car will move, but it can assure or indicate to us that the car is moving. Similarly, good works have nothing to do with causing or guaranteeing salvation, but they do indicate that salvation is present and active. The obvious solution to this confusion is to eliminate the word “assurance” from the lexicon of law and Gospel discussions, and instead to speak of justification as the sole guarantee or cause of divine blessings, and good works as the indicators or results of those blessings.

Both the English and the German versions of the Bible have, however

⁵¹ FC SD V, 15; Tappert, p. 561.

⁵² Anti-evangelicalism may also be defined as any system which teaches “that even true believers are still under the spell of ruling sins and are sinning purposely” (Walther's eighteenth thesis, Proper Distinction, p. 318).

unwittingly, obscured the true nature of good works. In the New Testament, two different expressions are translated “good works” or “gute werke,” both of which occur fifteen times. The phrase ἀγαθὰ ἔργα is employed in the Pauline epistles, once in Acts, and once in Hebrews. Most of these are general references, but the specific ones (Dorcas' charity, Acts 9:36; submission to temporal authority, Rom. 13:3; poverty relief, 2 Cor. 9:8) indicate that these are actions commanded in the Decalogue.⁵³ By contrast, the phrase καλὰ ἔργα, found in the Gospels, the Pastoral epistles, once in Hebrews, and once in 1 Peter, is regularly associated with activity unrelated to the Decalogue. The anointing of Jesus' head with perfume (Matt. 26:10; Mark 14:6), Jesus' own miracles (John 10:32-33), the pastoral office (1 Tim. 3:1), and childrearing (1 Tim. 5:10) are certainly beneficial actions, but the failure to do such things cannot be considered sinful.⁵⁴ Unfortunately, none of the καλὰ ἔργα texts are ever discussed in the Book of Concord. As a result, many Lutherans have erroneously assumed that “Let your light shine before men so that they may see your good works” (Matt. 5:16) commends only the works of the Ten Commandments. Since the latter are outwardly performed by Christian and non-Christian alike, it is difficult to see how they could serve as “testimonies of the Holy Spirit's presence and indwelling.” But the καλὰ ἔργα, which include many works permitted by God but forbidden by human religions and philosophies, would indeed reveal the work of the Holy Spirit in convincing a person to look solely to the inspired Word as the guide for his behavior.

This understanding of good works provides the key for solving the apparent discrepancy between Paul and James. In Romans 3:28, Paul asserted, “For we reckon a man to be justified by means of faith (πίστει), without works of law,” while James (2:24) declared, “You see that a man is justified as a result of works and not only as a result of faith (ἐκ πίστεως).” In addition to the divergent prepositions governing “faith” and “works,” the most obvious difference between the two texts is that Paul speaks negatively of “works of law,” while James speaks positively of “works.” Those who define law in a broad sense and who do not

⁵³ The Formula of Concord (FC SD VI, 12; Tappert, p. 566) proposed this definition in connection with a general ἀγαθὰ ἔργα text, Ephesians 2:10.

⁵⁴ Both phrases occur in 1 Timothy 5:10. After a reference to καλὰ ἔργα, specific works are listed, the last of which are ἀγαθὰ ἔργα. This suggests that the latter is a subdivision of the former; all works commanded in the Decalogue are beneficial, but many beneficial works are not so commanded. The καλὰ ἔργα include δόγματα (temporary commands issued by God, Col. 2:14, secular government, Luke 2:1, and the church, Acts 16:4) and ἀδιάφορα (indifferent matters, nowhere commanded or forbidden).

distinguish between ἀγαθὰ ἔργα and καλὰ ἔργα would assume that the same works are in view in each case, which leads either to overwriting Paul with James (Roman Catholicism and others) or decanonizing James (Luther at one point, and some “confessional” Lutherans). Fortunately, James gives two specific examples of which “works” he has in mind, and neither are works commanded in the Decalogue. Indeed, Abraham's attempted sacrifice of Isaac (Jas. 2:21, from Gen. 22) was superficially in violation of the Fifth Commandment, and Rahab's assistance of Israelite spies (Jas. 2:25, from Josh. 2) was superficially in violation of the Fourth. There is no evidence that any penalty would have resulted from the failure to engage in either act. As a result, the Jacobean “works” are those which cannot otherwise be performed except by divine permission, whereas the Pauline “works of law” are those which are performed only as a result of divine or human coercion. The former “justify” or “declare righteous” in the same way that a pastor declares a sinner righteous when he offers forgiveness. Pastoral absolution is not an alternate source of justification, rivaling the work of Christ, but an instrument of justification, agreeing with the work of Christ. Good works similarly join together with faith in declaring that a person truly possesses the righteousness which is from God.

Permission as the Remedy for Original Sin

No definition of the Gospel may be regarded as correct unless one can show how all effects of the original sin are thereby overcome. Not surprisingly, the understanding of original sin among modern Christians is as confused as their understanding of law and Gospel. It is all but universal to define the original sin as disobedience of the command to eat the fruit of the tree of knowing good and evil (Gen. 3:6).⁵⁵ The underlying error of Adam and Eve is held to have been their desire to become like God by acquiring such knowledge.⁵⁶ The basic defect inherited by their descendants is thus the failure to acknowledge God's supremacy over mankind and the desire to violate his stated injunctions. Actual sins occur when people do the opposite of what God commanded: killing instead of preserving life, lying instead of telling the truth, etc. Salvation involves seeking

⁵⁵ For example, Catechism of the Catholic Church (Vatican City: Libreria Editrice Vaticana, 1994), p. 100.

⁵⁶ Dallas Theological Seminary and Wheaton College professor Henry C. Thiessen, in Lectures in Systematic Theology (Grand Rapids: Eerdmans, 1979), p. 181, defined the basic temptation of man as “to have what God had forbidden, to know what God had not revealed, and to be what God had not intended for him to be.”

pardon for such sins and, generally, some program to compel future obedience of previously disobeyed commands.⁵⁷ This definition of sin creates a conflict between scriptural assertions of the universality of sin (Rom. 3:23) and the perception of most humans that they do not in fact commit flagrant sins, such as those mentioned in the Ten Commandments, and therefore do not need pardon for sins which they never committed or a program for compelling obedience to commands which they already obey. The common solution to this dilemma is to increase the number of activities considered to be sinful so as to cover all humans. For example, from “Thou shalt not kill” (Ex. 20:13) are derived prohibitions of capital punishment, war, animal slaughter, and violent entertainment, as well as commands to diet, exercise, and obey the prescriptions of medical professionals.

Ironically, the latter proposed remedy for original sin is the very thing which constituted the original sin. Few seem to have noticed that the disobedience of God's command regarding the fruit was in fact the second sin; the first occurred when Eve added the phrase “neither shall you touch it” to God's command (Gen. 3:3). From the standpoint of human reason, this addition appears to be a logical deduction. One must touch the fruit in order to eat it, thus banning the first would appear to aid in the avoidance of the second. But in fact, Adam and Eve could have touched the fruit for purposes which would not have resulted in violating God's command; for example, there was no prohibition against their feeding such fruit to animals. As Eve's own behavior demonstrated, the expansion of divine law, far from strengthening it, leads to disrespect for it. The God of the expanded law appears to be an arbitrary prohibitor of harmless or even beneficial activities, a vengeful judge who is looking for excuses to condemn people. This provides a pretext for hating such a God and rejecting all of his procedures as unjust. In 1 Corinthians 9:20-21, Paul discussed these opposite but equally sinful categories under the terms ὑπὸ νόμον (“under law,” coerced by accusation and legalistic expansion) and ἄνομος (“lawless,” rebellious against legitimate law as well as its expansion). Over against both, the Christian is ἐννομος Χριστοῦ (“legal according to Christ”); he conforms to the genuine commands of God because he agrees with the inherent goodness of the commanded behavior, not merely because he wants to avoid a penalty.

The expansion of divine law beyond its biblical definitions is ubiquitous among the world's religions, philosophies, and political systems. Thus Jesus, while

⁵⁷ “Confessional” Lutheranism would not agree to the latter, since its program of converting Gospel invitations into accusations denies the possibility of any meaningful obedience in this life.

certainly not approving the overt lawbreaking of such people as tax collectors and prostitutes, reserved his greatest wrath and lengthiest condemnations for those who expanded the law, specifically the Pharisees, who were “teaching as doctrines the commandments of men” (Matt. 15:9, quoting Is. 29:13). It is the pardoning and overturning of this tendency, in addition to overt lawbreaking, which the Christian Gospel must accomplish. This indeed is the result of the “second half” of the Gospel, which permits behavior approved by God despite its disapproval by men. One familiar example of this occurs in Mark 7:19, where Jesus “declared all foods clean,” thus overturning innumerable ancient and modern dietary regulations. Under the “confessional” system, it is uncertain whether this would be a Gospel text, since it does not forgive sins, but according to the plenary definition of the Gospel, it is the permission of one form of righteousness which original sin, with its insistence on expansion of divine law, would take away from us. Sadly, many churchmen are eager to limit the application of Jesus' declaration to the Old Testament dietary laws, so that “Christian” rules regarding fasting and abstinence might be retained.⁵⁸ The root cause of this expansionist instinct is lack of faith that God's comparatively minimal procedures are sufficient to confer benefits and prevent evil. This was the true error of Adam and Eve, not that they desired the knowledge of good and evil, or the likeness of God which it provided, but that they obscured by expansion and then overturned the divinely appointed means to receive it.⁵⁹

God certainly did intend for Adam and Eve to receive the knowledge of good and evil; otherwise, the creation and placement of its tree in Eden cannot be

⁵⁸ The Catechism of the Catholic Church, p. 149, deduced from Mark 7:19 that “Jesus perfects the dietary law, so important in Jewish life,” but drew no application to modern life. None of the biblical permissions in this regard (e.g. Col. 2:20-23) play a role in subsequent discussions of fasting (p. 494) and “the abuse of food, alcohol, tobacco, or medicine” (p. 551).

⁵⁹ Luther specified the divinely appointed means as “the external, spoken Word,” equated with the Scriptures (SA VIII, 3; Tappert, p. 312) and the sacraments (SA VIII, 10; Tappert, p. 313). Its opposite is “enthusiasm,” literally, “possession of an internal god,” involving all personal and collective attempts to make human sensation, experience, and reason the rule and norm of life. Eve dramatically manifested the latter when she ate from the tree after noticing “that it was pleasing for the eyes to see and beautiful to contemplate” (Gen. 3:6). Enthusiasm may be viewed as synonymous with original sin, since “it is a poison implanted and inoculated in man by the old dragon, and it is the source, strength, and power of all heresy” (SA VIII, 9; Tappert, p. 313).

accounted for without converting God into some sort of satanic tempter. God had originally created man “according to his image and likeness” (Gen. 1:26-27), and the knowledge of good and evil was part of that likeness (Gen. 3:22). It should be obvious that this did not involve the knowledge of moral good and evil. Adam already knew moral good when he received the original command, and Eve knew moral evil when she expanded that command. Likewise, the first result of the tree's knowledge, the donning of clothing, was neither the fulfillment nor the rejection of a moral category. It was instead the knowledge of aesthetic good and evil, the distinction between beauty and ugliness, manifested in the identification of certain body parts as less pleasing to the eye (Gen. 3:7).⁶⁰ Tragically, neither Adam nor Eve inquired of God concerning how this knowledge could have been obtained without sin.⁶¹ Eve concluded that the command was an arbitrary prohibition, which could then be arbitrarily amended and abolished. Human history might have been radically different had she considered not only what was prohibited but also what was permitted by God. It still can become radically different, if seeking the permissions of God rather than coercing the expansions of men is viewed as the way to gain his blessings.

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July 16, 1998

Presented at Concordia Seminary, St. Louis, Missouri, on January 16, 1999

Revised on April 28, 1999

⁶⁰ The Hebrew טוב and the Greek καλός of Genesis 2:17 are both commonly used for aesthetic goodness or beauty (as in Gen. 1:4 and 6:2) as well as moral goodness (as in Mic. 6:8). The case for understanding the knowledge conferred by the fruit as morality would have been enhanced had the Septuagint employed ἀγαθός (which never indicates mere aesthetic beauty), or had both versions employed a term such as “righteousness” or “godliness.”

⁶¹ There are indeed many other ways in which the tree's knowledge might have been conferred, including merely touching its fruit, or making some use of its leaves, as is done with the tree of life (Rev. 22:2).