

The Divine Command by Paul Althaus

Introduction

[1] What is the role of the law in the Christian life? This has been and remains today an issue that lies close to the heart of Christian ethics, as may be seen, for example, in the recent conversations between Lutheran and Reformed theologians in America. Superior biblical exegesis and improvements in historical research have facilitated some heartening breakthroughs on issues that have divided these communions in the past. Among the theological problems still unresolved, however, is that which is the subject of the present treatise: the relation between law and gospel.¹

[2] For example, are the Ten Commandments still binding on believers in Jesus Christ? If so, which “ten” — as counted by the Lutherans or by the Reformed? What about the dietary rules and cultic regulations in Leviticus? Or the theocratic law in I Samuel? What about the apostolic admonitions regarding slavery, lawsuits, and even women’s hair styles in I Corinthians?

[3] In his own day, Jesus freely broke with Sabbath observance, commanded obedience to a pagan Caesar, and was accused by more legalistic Jews of being a glutton and a drunkard. Yet he could also warn, “Think not that I have come to abolish the law and the prophets; I have not come to abolish them but to fulfill them” (Matt. 5: 17).

[4] Is the clue to this paradox to be found in Jesus’ insistence that “all the law and the prophets” — and that includes the Decalogue — depend on the inseparable coupling of the “two great commandments” of love to God and neighbor (Matt. 22:37 ff.)? If not, how could his apostles proclaim, “We are not under law but grace.... Christ is the end of the law” (Rom. 6:15; 10:4), and “The law was given through Moses; grace and truth came through Jesus Christ” (John 1: 17)? But even if we insist in the name of Christian freedom that “the law is not laid down for the just but for the lawless and disobedient” (I Tim. 1:9), we dare never forget, “If we say we have no sin, we deceive ourselves and the truth is not in us” (I John 1:9).

[5] Paul Althaus, the distinguished professor emeritus of systematic theology at Erlangen University, offers a fresh approach to these problems in the illuminating essay before us. It was written in response to wartime attacks made by the Swiss Reformed theologian, Karl Barth, against the wide-spread capitulation of German Lutheranism to Nazism.² Since the controversy between Althaus and Barth is rooted in their differing theological backgrounds, it may prove helpful to sketch the conflicting views of the Reformers in this critical area. For Luther, the law and the gospel stand in dialectical opposition to each other. In the soteriology of his “theology of the cross,” law and gospel represent the two radically different ways in which the triune God relates himself to a fallen man- kind. Luther writes:

According to the apostle in Romans 1 [:3-6], the gospel is a preaching of the incarnate Son of God, given to us without any merit on our part for salvation and peace. It is a word of salvation, a word of grace, a word of comfort, a word of joy, a voice of the bridegroom and

the bride, a good word, a word of peace.... But the law is a word of destruction, a word of wrath, a word of sadness, a word of grief, a voice of the judge and the defendant, a word of restlessness, a word of curse. For according to the apostle, “The law is the power of sin” [Cf. I Cor. 15:56], and “the law brings wrath” [Rom. 4: 15]; it is a law of death [Rom. 7:5, 13].³

[6] Through the demands of the law, God accuses sinful men of their unfaith and disobedience. Through the promises of the gospel, he grants faithful men the forgiveness of sin, life, and salvation. Condemned by the law, sinners are crucified with Christ; redeemed by the gospel, saints are resurrected in Christ. It follows that Christian salvation and service can take place only when men pass from the work-righteousness of the law to the faith-righteousness of the gospel.

[7] In Luther’s reading of biblical eschatology, the triune God rules the “two kingdoms” of creation and redemption by the power of his sovereign Word through the continual interaction of the law and the gospel. As redeemer and sanctifier, God employs the gospel (1) to reckon the “righteousness of Christ” to faithful men in the realm of redemption, and (2) to empower the “Christian righteousness” of loving men in the realm of creation. As creator and preserver, God is at the same time employing the law (1) to prompt the “civil righteousness” of rational men in the realm of creation, and (2) to judge the “self-righteousness” of sinful men in the realm of redemption.

[8] Of special interest to us is the incisive way in which Luther develops this “double use of the law” (*duplex usus legis*) in his *Lectures on Galatians* of 1531. He writes:

Here one must know that there is a double use of the law. One is the civic use [*usus civilis*]. God has ordained civic laws, indeed all laws, to restrain transgressions. Therefore every law was given to hinder sins. Does this mean that when the law restrains sins, it justifies? Not at all. When I refrain from killing or from committing adultery or from stealing, or when I abstain from other sins, I do not do this voluntarily or from the love of virtue but because I am afraid of the sword and of the executioner.⁴

[9] The other use of the law is the theological or spiritual one [*usus theologicus*], which serves to increase transgressions. This is the primary purpose of the law of Moses, that through it sin might grow and be multiplied, especially in the conscience. Paul discusses this magnificently in Rom. 7. Therefore the *true function and the chief and proper use of the Law* is to reveal to man his sin, blindness, misery, wickedness, ignorance, hate and contempt of God, death, hell, judgment, and the well-deserved wrath of God. Yet this use of the Law is completely unknown to the hypocrites, the sophists in the universities, and to all men who go along in the presumption of the righteousness of the Law or of their own righteousness.⁵

[10] To protect Christian freedom from the threats of moralism and legalism, Luther firmly concludes: “And that is as far as the law goes.”⁶

[11] In direct contrast, Philip Melanchthon introduced a “three-fold function of the law” (*triplex usus legis*) for the first time on Lutheran soil in the 1535 edition of his *Christian Doctrine* (*Loci*

Communes). In addition, and therefore in contradiction, to its civil and theological functions, the law is now acknowledged to have also a “didactic use” (*usus didacticus*) for the moral instruction of the regenerate: “...that saints may know and have a testimony of the works which please God.”⁷

[12] After decades of controversy on this crucial point, the Formula of Concord (1577) finally sided with the followers of Luther against those of Melancthon. The freedom of the Christian man was undergirded by confessional authority against the unevangelical alternatives of antinomianism (license) and legalism. The official decision: insofar as Christians remain sinful, they are still completely subject to the civil and theological demands of God’s law (vs. antinomianism).⁸ But insofar as Christians are already righteous, they are completely free from the bondage of the law to live in love under the guidance of the Spirit (vs. legalism).⁹ Though rejected by Luther and the Lutheran confessions, Melancthon’s view of the law received strong support from an unexpected quarter: the ethic of John Calvin. In his highly influential *Institutes of the Christian Religion* (1536 ff.), Calvin defended the position that the gospel and the law share in a substantial unity with each other.¹⁰ Calvin writes:

“Paul therefore justly makes contraries of the righteousness of the law and of that of the gospel.... But the gospel did not so entirely supplant the entire law as to bring forward a different way of salvation. Rather, it confirmed and satisfied whatever the law had promised.... Where the whole law is concerned, the gospel differs from it only in clarity of manifestation.... The covenant made with all the patriarchs is so much like ours in substance and reality that the two are actually one and the same. Yet they differ in the mode of dispensation.”¹¹

[13] Against the background of this conception of salvation history, Calvin deals with the role of the law in the Christian life. First he treats the law’s civil and theological functions (though in reversed order) along the familiar lines of Luther.

[14] Calvin then employs Luther’s own language from the *Lectures on Galatians* to praise the didactic, rather than theological, use of the law. In other words, that function of the law specifically rejected by Luther — “Christ is no new Moses!” — is now lauded by Calvin as “the *principal use*, which pertains more closely to the *proper purpose* of the law.”¹² Furthermore, when related to the faithful “in whose hearts the Spirit of God already lives and reigns,” the law of God is said by Calvin to offer a twofold advantage: (1) its instruction will bring Christians to a better understanding and confirmation of God’s will, and (2) its exhortation and meditation will excite Christians to obedience, confirm them in it, and restrain them from the slippery path of disobedience.¹³

[15] We now have before us the contrasting views of the two Reformers. For Luther, the law plays only a negative and regulative role for the Christian insofar as he is still sinful. For Calvin, however, the law also plays a positive and normative role for the Christian insofar as he is already righteous. Can these divergent positions be reconciled?

[16] In irenic fashion, Emil Brunner attempts to live with this dilemma by resorting to a rather specious appeal to divine providence: “It is good, and willed by God, that Zwingli and Calvin stand alongside of Luther, in order that Luther’s doctrine of the liberty of the children of God should not be degraded into the ‘freedom of the flesh.’ And it is also good that Luther stands alongside Calvin and Zwingli, in order that the obedience of faith and emphasis on the instruction of the law should not once more slip into legalism.”¹⁴

[17] In our present essay, Paul Althaus offers a more creative solution. While he cannot follow Calvin (or Melancthon) on the law’s alleged “didactic function,” he would also freely admit, with the most recent Lutheran-Reformed report, that “the Lutheran description of law as ‘always accusing’ (*Apology* IV, 38) restricts the meaning of the term ‘law’ more severely than is the case either in the totality of Scripture or in the Calvinistic tradition.”¹⁵ There is consequently an urgent need for a new theological formulation which preserves the purity of a law-free gospel, and which yet is able to maintain the dialectical relation of radical correction and fulfillment between the Old and New Testaments. Althaus’ provocative suggestion for such a formulation: “command, law, and gospel.”

William H. Lazareth
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Translator’s Note

[15] The key terms in the present essay are, in the original German, *Gebot* and *Gesetz*. Concerning the translation of *Gesetz* there is no problem; its equivalent in English is clearly “law.”

[16] *Gebot*, however, could be translated either “commandment” or “command.” The latter rendering has been preferred, as being less encumbered by legalistic connotations, and by the same token, more capable of conveying the meaning of a direct, personal address of God to man that the author wishes to attach to the word *Gebot*. “Commandment” has been used, however, where the text of the Old or New Testament is cited, since the standard English translations of the Bible employ that term.

[17] Readers who are familiar with the works of Emil Brunner and Karl Barth will have noted that the same procedure has been followed in rendering the term *Gebot* where it occurs in their writings. See especially Brunner, *The Divine Imperative*, trans. Olive Wyon (Philadelphia: Westminster, 1947), Bk. II, “The Divine Command”; and Barth, *Church Dogmatics*, Vol. II, Pt. 2, trans. G. W. Bromiley et al. (Edinburgh: Clark, 1957), chap. 8, “The Command of God.” Another word that perhaps calls for comment is *Urstand*, a term referring to the condition of man “before the Fall.” We have translated it as “the primal state.” “Primitive state” or “primeval state” would also have been possible, but would easily have created the impression that the state referred to is locatable in the dawn of history, whereas the author’s view is that this state or condition in one sense precedes all history, and in another sense continues to underlie all history. Compare what he says on p. 12 below: “We have fallen, *and continually fall*, out of God’s

original relationship to us, out of the primal state.” For a thorough discussion of the meaning of this and similar terms such as *Ursunde* (primal sin) and *Uroffenbarung* (primal revelation), see Althaus’ systematic theology, *Die Christliche Wahrheit: Lehrbuch der Dogmatik* (6th ed.; Gutersloh: Bertelsmann, 1962), or, for a briefer treatment, his *Grundriss der Dogmatik* (5th ed. Bertelsmann, 1960).

[18] I should like to acknowledge with gratitude the assistance of the Rev. Gunther Reim, pastor of the German-speaking Lutheran congregation in Oxford, in the making of this translation.

F.S.

Introduction Endnotes

1. “We are agreed that the new life of faith in Christ involves obedience, but there is some question concerning the place and meaning of law in the new life.” Cf. Summary Statement on “Gospel,” point 3, in *A Reexamination of Lutheran and Reformed Traditions*, published jointly by representatives of the North American Area of the World Alliance of Reformed Churches holding the Presbyterian Order and the U.S.A. Committee of the Lutheran World Federation (New York: National Lutheran Council, 1963).
2. Barth charged in an open letter to the French Protestants in 1939 that the German people “suffer from the legacy of the greatest of all Christian Germans, from the error of Martin Luther with respect to the relationship of law and gospel, of worldly and spiritual power, by which its natural paganism has not been so much limited and restricted, as rather ideologically transfigured, confirmed and even strengthened.” The full text of the letter is printed in Karl Barth, *Eine Schweizer Stimme*, 1938-1945; (Zollikon-Zürich: Evangelischer Verlag, 1948), p. 113; the translation of the quotation is my own. The letter appeared in an English translation by E. L. H. Gordon and R. H. Fuller in *Theology*, XL (March, 1940), 209-17, and was reprinted as an appendix to Karl Barth, *This Christian Cause — A Letter to Great Britain from Switzerland*, trans. E. L. H. Gordon and George Hill (New York: Macmillan, 1941).
3. “Explanations of the Ninety-five Theses,” *Luther’s Works*, American Edition, Vol. 31, ed. Harold J. Grimm (Philadelphia: Muhlenberg, 1957), p. 231.
4. *Luther’s Works*, American Edition, Vol. 26, ed. Jaroslav Pelikan (St. Louis: Concordia, 1963), p. 308.
5. *Ibid.*, p. 309. Italics added.
6. *Ibid.*, p. 313. This is the same position that Luther took in the Smalcald Articles of 1537 (Pt. III, Art. II on “The Law”); translated in Theodore G. Tappert (ed.), *The Book of Concord* (Philadelphia: Muhlenberg, 1959), p. 303.
7. *Melanchthon on Christian Doctrine*, trans. and ed. Clyde L. Manschreck (“Library of Protestant Thought”; New York: Oxford, 1965), chap. 7, “Of Divine Law,” p. 127.
8. “Since, however, believers are not fully renewed in their life but the Old Adam clings to them down to the grave, the conflict between spirit and flesh continues in them. . . . As far as the Old Adam who still adheres to them is concerned, he must be coerced not only with the law but also with miseries, for he does everything against his will and by coercion, just as the unconverted are driven and coerced into obedience by threats of the law (I Cor. 9:27; Rom. 7:18,19).” Formula of Concord, Solid Declaration, Article VI, “The Third Function of the Law,” in Tappert (ed.), *op. cit.*, p. 567.
9. *Ibid.*, pp. 566-67: “But when a person is born anew by the Spirit of God and is liberated from the law (that is, when he is free from this driver and is driven by the Spirit of Christ), he lives according to the immutable will of

God as it is comprehended in the law and, in so far as he is born anew, he does everything from a free and merry spirit. These works are, strictly speaking, not works of the law but works and fruits of the Spirit, or, as St. Paul calls them, the law of the mind and the law of Christ. According to St. Paul, such people are no longer under law but under grace (Rom. 6:14; 8:2).”

10. Cf. Heinrich Ott, *Theology and Preaching* (Philadelphia: Westminster, 1965), p. 29: “With Calvin and unlike Luther, [the Heidelberg Confession] treats the Decalogue after the Apostolicum; hence it places the law, regarded as the *tertius usus legis*, after the gospel.”
11. John Calvin, *Institutes of the Christian Religion*, ed. John T. McNeill, Vol. I (“Library of Christian Classics,” Vol. XX [Philadelphia: Westminster, 1960]), Bk. II, chap. 9, sec. 4, and Bk. II, chap. 10, sec. 2.
12. *Ibid.*, Bk. II, chap. 7, sec. 12. Italics added.
13. *Ibid.*
14. Emil Brunner, *The Divine Imperative*, trans. Olive Wyon (Philadelphia: Westminster, 1947), p. 81. Incidentally, it is noteworthy that in this book, the German original of which dates from 1932, Brunner still believed (cf. n. 6, p. 605) that “Seeberg is certainly right in saying that ‘in Luther’s teaching the threefold use of the law is assumed.’” By 1937, however, Brunner had reversed both his appraisal of Luther and his own defense of the law’s third (didactic) use. His new position is stated in *Man in Revolt*, trans. Olive Wyon (Philadelphia: Westminster, 1947), p. 524.
15. Cf. Summary Statement on “Law and Gospel,” point 1, in *A Reexamination of Lutheran and Reformed Traditions* (New York: National Lutheran Council, 1965).

1

THE PROBLEM OF LAW AND GOSPEL

[19] The problem of law and gospel, which is the classic theme of all truly evangelical theology, today has once more become a focal point of theological reflection. To the traditional formula “law and gospel,” Karl Barth has opposed the converse, “gospel and law.”¹ Lutheran theology has seen a revival of the question of the so-called *tertius usus legis*, the third function of the law. Scholars such as Werner Elert² and Gerhard Ebeling³ have made a strong case for the thesis that Luther knew nothing of any such “third function,” and Ragner Bring⁴ maintains that it is lacking even in the Formula of Concord, despite all appearances. The concept is incompatible with the Lutheran understanding of law and gospel, Elert declares, and can be allowed no place in an ethic that wants to be evangelical. On the other hand, the question arises whether the traditional doctrine of the *tertius usus* may not contain an element of truth, an element that can easily fail to receive its due if this doctrine is rejected. What is in question is the twofold truth that (a) there are, after all, imperatives implied by the gospel itself, and (b) the ethical teachings of the Bible are surely of significance for the Christian life. Precisely this may be the element of truth involved in Barth’s proposal, even if his gospel-law sequence as such is unacceptable.

[20] It is this set of problems with which the present study is concerned. Its thesis is as follows:

If the law is clearly understood and strictly defined as the contrary of the gospel, then it is no longer possible to speak of a third function of the law, or to endorse the formula “gospel and law.” What is legitimate in these formulations, from the standpoint of the gospel, must be expressed in some other manner. My own proposal is that we draw a distinction between “command” [*Gebot*] and “law” [*Gesetz*]: that is, between God’s will for us, and the special form of that will. We can only do justice to what is really at stake in this discussion if we replace the two-term formula “law and gospel” with the three-term formula “command, law, gospel.”

2

LAW AND COMMAND IN THE NEW TESTAMENT

[21] A distinction between command and law such as the one here proposed cannot be derived from the inspection of the terms as such; this we freely admit. The distinction has a synthetic, not an analytic, character. According to customary religious language (based on the Bible), the law of God consists in a given number of commandments. A commandment is a part of the law. Thus, so far as their contents are concerned, “law” and “command” or “commandments” are synonymous.⁵ This is Paul’s usage, for example, in Romans 7:7ff. Likewise the Lutheran confessional writings use the terms *lex* and *praecepta* interchangeably.

[22] But we can see already in the New Testament the beginnings of a terminological distinction. It is true that there seem to be no signs of this in Paul. “The law” is for him “holy,” and “the commandment is holy and just and good” (Rom. 7: 12), no doubt for the reason that its content is the eternal, permanently valid will of God for man. Thus the apostle can summarize the very

purpose of God's saving deed in Jesus Christ in such terms as these: "that the just requirement of the law might be fulfilled in us, who walk not according to the flesh but according to the Spirit." The Christian life involves fulfillment of the law, through love; love is "the fulfilling of the law" (Rom. 13: 10; Gal. 5: 14). Indeed, since love to neighbor is the real meaning of the law, in all its various commandments, the same Paul who finds in Christ the end of the law (Rom. 10:4) can speak, paradoxically, of the "law of Christ" (Gal. 6:2). He speaks of himself as *ennomos Christou*, "under [literally, 'in'] the law of Christ" (I Cor.9:21). Here the term "law" is retained, to be sure, but only in order to express all the more sharply the contrast with the Jewish and Judaistic notion of law. Insofar as the term law is used at all, an element of continuity is implied (Jesus does not, according to Paul, bring any new law); but at the same time, the phrase "the law of Christ" implies a basic transformation. If anyone is in Christ, the new has come (II Cor. 5: 17); as the law of Christ, therefore, the law is something new. Paul no longer lives "under the law," but neither does he live "without law"; rather, he lives "in the law," namely, the law of Christ. He lives in the law because he lives in Christ. And what is true of him is true of all Christians (Gal. 5: 18; Rom. 6:14, 8:2).

[23] Paul gives further evidence of the great transformation that has taken place in that when he deals with the question of norms for the life of the Christian and of the church, he very seldom refers to the law, and then only in a secondary way (I Cor. 9:8 f., 14:21, 34).⁶ In the ethical chapters of the letter to the Romans (chaps. 12 ff.), the term law does not occur, except at the one place already mentioned (13:8 ff.), and there Paul, in effect, substitutes for it the command to love as its equivalent. Neither is there any mention of the law in the letters to the Thessalonians or in II Corinthians. Instead, Paul speaks in his admonitions to the believers of "the will of God," just as Jesus had spoken of "the will of my Father" (Matt. 7:21, 12:50, cf. 6:10). Not that this formula is original with Christianity; the phrases "to do the will of God" or "to do the will of the Father in heaven" were familiar to the Palestinian synagogue.⁷ Nevertheless it is significant that Paul in these passages seems to make it a point to avoid using the term "law." Thus in Romans 12:2, he sums up the whole body of Christian ethical insight as a matter of "proving what is the will of God" (cf. Col. 1:9). In I Thessalonians 4:3, he writes that the sanctification of Christians is "the will of God," as is the rejoicing always, praying constantly, and giving thanks in all circumstances (5:18) . Closely related to this, or even synonymous with it, is the notion of what is "acceptable to God" or "pleasing to God" (e.g., Rom. 12:1f.; Col. 3:20).

[24] The use of terms in the deuteropauline literature is similar. In Ephesians, the law appears only as "the law of commandments and ordinances" which Christ has abolished (2:15). Elsewhere in the epistle we find, as in Paul, references not to the law but to "the will of God" (5: 17, 6:6), or "what is pleasing to the Lord" (5:10). The situation is no different in I Peter: the term "law" is completely lacking; the writer refers instead to "the will of God" (2:15, 4:2, cf. 3:17, 4:19). As to the book of James, one sign of its special position in the New Testament is that it does speak of a fulfilling or keeping of the "law" (2:8 f.). Surely it is not by chance that Paul, in his remarks on the relations of Jewish and Gentile Christians in I Corinthians 7:19, speaks not of "the law," but of "the commandments": "Neither circumcision counts for anything nor uncircumcision, but keeping the commandments of God." In the Book of Hebrews, similarly, the term "law" is used only to refer to Old Testament law; as for Christians, they are to "do the will

of God” (10:36, 13:21).

[25] We have seen thus far that in practically all the passages which deal with the question of norms for the Christian life, the term “law” is avoided. The implication of this is clear: a distinction is being made between God’s eternal will, on the one hand, and “the law” on the other.

[26] The Johannine usage is still more consistent and terminologically explicit. In the Gospel of John, “law” always signifies the law of Moses. God’s will (or Christ’s will) for the believers, like God’s will for Christ himself, is invariably designated by the term “commandment,” never by “law” (see especially John 10: 18, 13: 34, and repeatedly in chaps. 14 and 15). Likewise in the Johannine epistles, the term *nomos* is entirely lacking; the mark of true Christian faith is rather “keeping the commandments” of God or of Christ. John does speak, just once, of “keeping the law,” but here he is referring to the Jews: “Did not Moses give you the law? Yet none of you keeps the law” (John 7:19). The phrase “keeping the law” is never used with reference to Jesus’ disciples. The same is true in the Book of Revelation: the term *nomos* does not occur at all. Christians are designated as “those who keep the commandments of God and bear testimony to Jesus” (Rev. 12:17), or “those who keep the commandments of God and the faith of Jesus” (14:12). We see, then, that John makes a strict terminological and theological distinction between law and commandment. The law was given by Moses (John 7:19), or by God through Moses (1:17), and it was given only to the Jews; but now God gives — both to his Son and through him — the commandments.

[27] Thus we do have some basis in New Testament usage for our proposal that a theological distinction be drawn between “law” and “command.” What impels us to make the proposal is the same factor that seems to underlie the consistent Johannine usage, namely, the fact that the “law,” as Paul delineates it in contrast to the gospel, is not precisely the same as the eternal, unalterable will of God for man. Rather, the law must be seen as one limited and temporal form of this eternal will — a form that in Jesus Christ has been superseded and abolished.⁸ It does not matter what term is used to refer to this permanent will of God, as distinguished from the law. What is important is whether this needful distinction is in fact made, and is clearly expressed in the terminology employed. Some other word than “command” could very well be used to designate the will of God as distinguished from the law. But there is much to be said for following the Johannine usage. We shall accordingly refer to God’s will for man, insofar as this is not identical with its form as law, as the divine “command.”

[28] This distinction is of fundamental importance for a proper understanding of the several epochs in the history of God’s dealings with mankind, and with each man.

“IN THE BEGINNING”: THE DIVINE COMMAND

[29] In the beginning, in the primal state from which we all derive, is the divine command [*Gebot*]. It is present as the reverse side of the offer [*Angebot*] with which the eternal love of God originally encounters man. Love’s offer says: God wants to be for me; he wants to be my God. He has created me as man, and this means, for personal fellowship with him — for participation in his life in the partnership of love. Just as he, my God, freely gives himself to me, so he calls me also, in his offer, to free self-giving. Thereby he calls me to be his image. Such is his love.

[30] God’s offer, therefore, is at the same time a summons, an appeal, and a command: namely, that I should let him be what he, in his love, wants to be — my God. The command is grounded wholly in the offer; it is wholly borne by God’s gift to us. It is this gift that stands at the beginning: God’s wanting to be for us. The offer, not the command, is primary. But precisely because this is an offer made in love — love that seeks me as a person — this offer, this gift, necessarily (with the necessity of God’s love) becomes also I summons. God cannot be my God in a saving way unless I let him be my God. Otherwise the nature of the personal relationship, as God himself intends it, would be contradicted. He calls me to trust him above all things. This is offer (*promissio*) and at the same time summons, command, and call.

It might well be asked whether it is advisable, from the theological point of view, to designate this appeal of God which accompanies his gracious offer to man by the word “command” — whether the connotations of this term are sufficiently distinct from those of “law.” Emil Brunner speaks in this connection of God’s “claim on man,” or his “summons”: “Man cannot receive the love of God save through being commanded to accept it, and in being *claimed* by God.”⁹ Our use of the term “command” corresponds to the usage in I John 3:23, where faith in the name of Jesus Christ is indicated as the content of “God’s commandment.” According to John, the gospel of Jesus Christ is at one and the same time a gospel and a commandment. This is to say that faith, although it is won from man by God’s love, is nevertheless also man’s personal act, in and through which he gives, and must give, God the glory (Rom. 4:20). It is in this respect that faith is obedience (Rom. 1:5, 10:3). The notion of “command,” then, corresponds to a basic element in the gospel; and if the term is appropriate here, then it surely is appropriate also to describe God’s original relationship to man. However, we shall find it useful to substitute the word “appeal” or “summons” for “command” from time to time, in order to indicate all the more clearly the contrast with law, and to remind ourselves of the original meaning of the divine command as the reverse side of God’s offer.

[31] Thus the command promises life; it is a commandment *eis zōēn* (Rom. 7:10). It calls me into life with God; that is, into freedom from the world, and into love, which is true life. So the command itself is a memorial of God’s love for me.

[32] “Command”: this implies that another will confronts me, which puts my own will under a claim. There is not as yet any opposition between the two, but there clearly is a duality. Unity

between God's will and my own is something that has to be realized, ever and again; it is not presupposed. The command is a word that stands over me, a word spoken to me. My situation, therefore, is that of one who has to ask, who has to listen, for a word which I myself cannot speak. The fact that God's will confronts us as command is not a condition that arises through sin, or on account of sin; it is an ordinance of the Creator. For God is my Lord. What exists "in the beginning," in the primal state [*Urstand*], is not a mystical oneness with God, nor an identity of will, but rather a duality: a duality, however, that in every moment is in the process of becoming a unity. But this "becoming a unity" takes place only in obedience. The command does not originate after the fall; it exists already before the fall. It is not infralapsarian but supralapsarian.

[33] Yet my response to this will that stands over me and confronts me as an other is to greet it with an inward "Yes," with joy. For I am created for this will. I perceive that it desires only life, my life. The law of my own being is such that I can only have true life by reposing in God's love, in utter trust and self-surrender. The divine command is not a strange word of God, a *verbum alienum*, but the most proper word of his love, a *verbum proprium*. His call to me has the character of permission, of freedom, of an open door, of access to that life with God which is my bliss. His demand — the "shall" ("You shall love the Lord your God") — is really a permission: "You may."

[34] This is the explanation of the joy in God's commandments expressed by the Old Testament, in the Psalms (e.g., Ps. 19:8ff.; Ps. 119). Quite possibly what we have in these passages is, in the first instance, the expression of a postexilic Torah piety. But this does not exhaust their meaning and significance. As Rudolf Kittel has observed, in commenting on Psalm 19, "the thought that the law is a grievous burden is entirely unknown" to the Old Testament. No doubt this strikes us as being, on the one hand, the reflection of a certain naivete, a pre-critical stage at which the inexorable depths of the law were not yet understood. But on the other hand, we have to recognize in this also a "primal" element, which continues even among men who have become sinners. To use the terms we have suggested: the "law" does not cease to be also "command." And insofar as it does remain command, the law can still be man's joy and his desire.

[35] Just as we have been created for God, so we have been created for his command. Our love for the divine command is love for life, for truth, for God himself.

[36] To be sure, the command has a very stern aspect as well. If it is an open door to life, precisely this, my life, is in question. To reject the command, therefore, means death; it means utter lostness. The joyous "I may" includes within itself the urgency of an "I must." "I can do no otherwise," for God's sake, for the sake of life. Thus the divine command is received at once with highest joy and with deepest earnestness.

[37] The command, therefore, has a critical significance for man. This must not be misunderstood, however. It is not the case that fulfillment of the command effects that fellowship with God which is man's salvation — although this is indeed the way in which sinful man understands God's will as "law" — but rather, such fulfillment is the *receiving* of salvation.

Salvation is wholly grounded in God's love. But it can be appropriated only by surrender to this love, the surrender which the command has in view. Fulfillment of the command, therefore, is not to be understood as the moral precondition for true life, but rather as the appropriation of this very life. What can be said of one who fulfills the command is, not that he will live, but that he lives. For the love and freedom into which God calls us are the true life for which we were created.

4

THROUGH THE FALL, COMMAND BECOMES LAW

[38] We have fallen, and continually fall, out of God's original relationship to us, out of the primal state. Through lack of faith, we have become guilty vis-a-vis God's offer, his offer to be my God; and ever and again we incur this guilt anew.

[39] When this happens, "command" becomes "law." The command is supralapsarian, the law infralapsarian. The law is the form that God's will for man must take on account of sin!¹⁰ In this sense, the law has really "come in between." This is true not only of the law of Israel, the Torah, understood in the most obvious sense, as in the Pauline theology of history, according to which the law followed long after the promise to Abraham (Rom. 5:20); it is true in a fundamental sense of the role of law as such in God's relationship to man. The command is primal and original; law is not.

[40] If, however, we consider the question of the contents of the law, then we have to say that the law, in this respect, is essentially identical with the command. For the law, too, expresses the one, unalterable will of God for man. It is for this reason that the law is "holy" (Rom. 7:12). But the form of the will of God as law is fundamentally different from its form as command.

[41] The command is wholly positive: "Give me your heart, my son" and "You shall love the Lord your God. . . ." It is wholly encompassed in God's loving offer. To be sure, there is always a negative element corresponding to this positive one; there is always a prohibition corresponding to the command. When a man surrenders to God, he *ipso facto* gives up the possibility of grounding himself upon himself, or upon the world. But in the original relationship, there is no expression of this negative element, even though it is clearly implied (as the shadow, so to speak, of the positive element). The negative element need not be expressed because sin is not yet present, and therefore does not have to be negated. In the face of God's self-giving, seeking love, sin is so "impossible" that it is not mentioned.

[42] All this changes radically because and insofar as we have become sinners. Now the command has become the law. The law can no longer be stated in terms of an all-embracing, positive summons. Because it finds us with our feet already set upon the way that leads from God, it must be negative; it must be a prohibition of the path on which we are already traveling. This is evidenced by the Decalogue: all of the so-called commandments except the third and fourth are in fact prohibitions. The imperative is drowned out by the prohibitive: "You shall not. . ."

. !” The law is a memorial to our sin.

[43] The second distinction between command and law is closely related to the first. The command can be expressed in one sentence: “Let me be your God.” Or: “Trust yourself to my love.” Or, equivalently: “Give me your love.” This one sentence has, of course, an inexhaustible content, as rich as the plenitude of occasions and relationships which God prepares for us — in his creation and through his providence — as opportunities for love. But here St. Augustine’s word is valid, *dilige et fac quod vis*: love, and do what you wish! The command does not need to be subdivided into specific admonitions. If only the will to love is present, what love requires for its expression can readily be recognized in each situation. There is really only one divine command.

[44] The eternal, positive will of God is expressed also in the law, but refracted now through our own multiform resistance to this will, through the innumerable ways of flight and of denial that we pursue. The law receives its concrete contents, its specific stipulations, through the countless forms of our own sin. The law, therefore, of necessity confronts us as a multiplicity of prohibitions. It cannot be expressed in one sentence. Even in its very form, the law is an accusation against man. Just as the existence of a shadow witnesses to the sun, so the law still witnesses to the original will of God, to the command — but in the form of the shadow cast by our sins. The law is the shadow of our godlessness.

[45] The divine command speaks only of the love of God, and of the fact that we are made for this love. The law, unfortunately, must also speak continually of our iniquities. The command presupposes, as the indicative on which it rests, only the love of God as expressed in his creation of mankind. The law presupposes also the indicative of the fall, of sin. Thus the command is, in its form, determined purely theocentrically; but the form the law takes is determined also anthropocentrically.

[46] The divine command addresses me in a wholly personal way. Through it, the love of God seeks to bring me into fellowship with him. The relationship is wholly personal in character: God wants me, and I should want him. The First Commandment is the key-signature, as it were, of all commanding, and the element that gives all particular commands their meaning. The concrete details are simply ways in which the one great command is refracted through the infinite variegation of the reality that God, day by day, sets before me afresh.

[47] The law, in contrast, encounters us as sinners, who have abandoned that one center of surrender to God’s love which comprehends all concrete contents, and who in consequence have distorted and perverted also the realities of God’s world which were meant to be the vehicle for the expression of this surrender. Our relation to ourselves, to other men, and to the world — all are affected by this distortion. The law, therefore, no longer has the personal and unitary character of the command. It falls apart into the multiplicity of specific prohibitions that are necessitated by our transgressions. For these transgressions ravage God’s creation. But God wills to preserve his creation (this is the “political” function of the law, *politicus usus legis*). Therefore he must

protect the creation against man.

[48] In the law's prohibitions, God's eternally loving will is still at work, protecting man against himself. But now that will must take the form of protection, restriction, limitation; now it is indeed a *verbum alienum*, a "strange word" of God. To be sure, when looking back from the vantage point of faith, we know that even this strange word is intended to lead onward to God's "proper word," the original and authentic word of love's offer and its summons. But under the law, this ultimate intention remains hidden.

[49] From the standpoint of the command, the law appears as an expression of a certain renunciation or resignation on God's part. The gracious offer has been refused, and now there is no going back. The command, with all that it means for man's wholeness, is superseded by the fearsome fact of man's self-will and its consequences. Now only law remains, i.e., the prohibitions that prevent man from ruining God's creation.

[50] It would not be correct to state flatly that this law, consisting in a set of divinely-established prohibitions, is unfillable. It can be fulfilled in the dimension of the relative, in the realm of law and morals so far as these pertain to human inter-relationships; that is to say, in the realm of "civil righteousness" (Augsburg Confession, Art. 18), in the "political" sense (*veritas politica* — Luther). And God desires this righteousness. He desires it because it serves as a defense against the disintegration of his creation into chaos.

[51] But in the radical, theocentric dimension, the law of prohibitions is not fulfillable. For it forbids not only the outward destruction and perversion of our relations to our fellowmen and to the world, but the destructive inner desires as well: "You shall not covet. . . ." (Rom. 7:7). What it asks for, in this indirect form of a prohibition, is purity of heart. But thereby it becomes a ringing accusation against the man who covets. The law is an accusing and condemning law, *lex accusans et condemnatrix*, already by virtue of the sheer fact that it exists at all, the fact that such prohibition proves to be necessary.¹¹

[52] Man, however — and this is another feature of life under the law — fails to understand this situation. He conceals from himself the character of law as a strange word of God — its negativity, its secondary and prohibitive character, its meaning as a sign and shadow of our own past and continuing sin. He thinks that he can use the law in a positive way. The very law which in its form is an expression of the rejection and loss of salvation, and hence of man's state of hopelessness, is treated by man as if it were a means of salvation. He vainly imagines that through fulfilling the law he can repair his shattered relationship to God, that he can become righteous before God. He treats the law, in Luther's word, as *justificatrix*, as justifying.¹²

[53] But this is not only a complete misinterpretation of the situation, an illusion (for no one, given the covetousness of the human heart, has been able, since man's fall from fellowship with God, to fulfill God's law); this very effort is itself further sin against God. Indeed, it is the repetition of the primal sin by which man fell away from God, namely, the effort to live before God by something other than God's own love, the love that precedes all our acting. This

constitutes a misinterpretation not only of man's situation as sinner, but also of God's godhood and of man's creaturehood. God is God, and wills to be God — that is, to be solely and absolutely the Creator; the Creator not only of our existence but also of the worth and value that we have before him. Because God is God, the only possibility of man's living before him and having some significance in his sight derives from God's own free, unearned, unmerited favor. It is not only the sinner who is wholly dependent upon grace; the same is true of the righteous man — if there is or could be such. To deny this was and is the sin of the pharisee.

[54] The effort to recommend oneself to God and put oneself right before him by one's own achievements is blasphemy, as Luther put it plainly. It is an attack on the divine majesty of him who is and wills to be always the Creator, not only of our natural life, but also of our place as children in his house.¹³ Human ethics can never play the role of securing or preserving man's position before God. This position is something given to him by God's love; it is not earned, nor can it be earned. And this is true not only at the outset, but always; God's saving grace is always prevenient grace. Ethical righteousness as a pathway to salvation is not only an impassible, but also a forbidden, pathway. For to follow this pathway would be to surrender the relationship of childlike trust. This way can only serve inevitably to confirm again and again man's inevitable sinfulness. From beginning to end, it is an expression of his sin, indeed of the basal sin by which he fell and continually falls away from trusting faith in God's love.

[55] Man finds it possible to treat the law as a means of salvation, as a *lex justificatrix*, only so long as he remains in an innocent state of self-delusion concerning the severity of the law's demands. The moment this innocence is shattered, it becomes simply impossible to use the law any longer in a positive sense as a means toward righteousness before God. Now the law reveals itself for what it is: an accusation of man. For the law requires freedom of the heart from all evil desires, and this, man never achieves. Therefore life under the law offers no other prospect than the utter condemnation of man through the law, a hopeless captivity and subjection to the dynamics set in motion by man's separation from God, his rejection of God's loving offer. Whoever has truly realized this, and no longer wants to deceive himself, finds it impossible to rejoice in the law or to love it. Quite the contrary, his life under the law is a life of anxiety, of sighs and laments, indeed of cursing and hatred of the law as his bitter enemy and tormentor.

[56] This thought recurs frequently in Luther. In taking this attitude, man is quite right; and yet, precisely in doing so, he incurs further guilt against God. For even in the law, God's holy will addresses us, in however broken a fashion. Hatred of the law is therefore hatred of God, who blocks the way of man's unruly desires and thwarts his self-seeking. Man should rather hate himself. For the fact that God's will must now confront us in this manner, as *lex accusans et condemnatrix*, a law that accuses us and slays us, it is only the expression, the shadow and effect of man's own godlessness.

[57] All this holds true not only where, as in Israel, God's law is known in written form; it is true universally. In his treatment of law and gospel, St. Paul begins by juxtaposing life under grace, or life in Christ, and the life of the Jews under the Mosaic law. Paul contrasts the "written code" (in Luther's translation, the "letter") with the "Spirit" (II Cor. 3:6; Rom I 7:6, etc.). But the

contrast that he draws between law and gospel is surely not limited to the Jewish law. The distinction between the formulated Torah of Moses (Rom. 2:20) and the “requirements of the law written on the hearts” of the Gentiles (Rom. 2:15) is not unimportant, but it does not affect the really decisive point. Even if the law is written on the heart, it is and remains law, according to Paul. We must beware of equating his contrast between letter and spirit with the preference shown in Greek (and especially Platonic) thought for the “unwritten law” (the *nomos agraphos* given by the gods). This “unwritten law” is by no means “Spirit” in the Pauline sense, but only another variety of law. From the Pauline point of view, even a law that it posited by reason or that exists only as an ideal has the same essential character as the “written code that kills.” For the deadliness of the law derives not from its being written, but from its character as law. And the “law of nature” described in Romans 2 also has this character.

[58] In his book *The Jewish-Christian Argument*,¹⁵ Hans Joachim Schoeps maintains that Paul’s doctrine of the law is a misunderstanding of the significance that the law actually has for Israel. But unfortunately (according to Schoeps) this private theology of Paul was accepted by the church. Israel is well aware that the law is unfulfillable, for it is God’s law. But the law has nothing to do with merits or with the effecting of righteousness before God. This thesis of Schoeps would mean that the Reformers’ theology as well, which involved a renewal of the Pauline view of the law, was based on a misunderstanding at its very center.

[59] Our reply to this is as follows: (1) Certainly it is true that the Old Testament, and therefore Israel, is not governed wholly by the notion of the law with which Paul joined issue. Paul himself acknowledges this, as may be seen in the way he interprets the figure of Abraham. On the other hand, it cannot be denied that late Judaism had to no small extent surrendered the prophetic heritage, and had become a religion of law — one which in many ways anticipated features of Roman legalism.¹⁶ Furthermore, it is plain that there is one line, at least, of Old Testament thought to which this development could attach itself. (2) In any case, what Paul uncovered — the problematic of life under the law — is something that extends far beyond the realm of Judaism: it is the plight of every man who finds himself confronted by God’s law.

[60] For us sinners, the command has become law. Even as a sinner, however, I still remain God’s creature, made for him. Therefore, even after the fall, I can still hear, in and through the law, God’s loving word of command. Through and beyond the *verbum alienum* I hear the original *verbum proprium*. The splendor of the divine command, which leads to life, still rests upon the law insofar as this is a form of the eternal, good will of God. Man therefore never stands simply under the law; he always continues to stand also under the original command, God’s word of love. The will of God confronts him simultaneously as command and law, just as he himself is at the same time a man made for God and a sinner.

[61] Therefore, man’s original love for the will of God as command does not cease either. Even man under the law “delights in the law of God in his inmost self” (Rom. 7: 22), for in terms of its contents it is a form of the eternal good will of God. Man loves the law insofar as the command is contained and hidden in it. He loves in it his own primal state and his own final destiny, the voice of his origin and home.¹⁷

[62] But insofar as the command has become the law, man, as we have seen, cannot love it but only suffer under it, as a law that accuses and condemns. In the same breath in which Paul speaks of his delight in God's commandments, he sighs and laments and groans under the burden of a law that he cannot fulfill (Rom. 7). He calls the state of man under the law a state of slavery, characterized by anxiety and fear (Rom. 8: 15). Love for the command, anxiety under the law: Paul speaks of both of these in describing man's situation under the law, apart from Christ. The dimensions of man's plight under the law are shown in this, that he stumbles and is shattered on what itself is "holy and good"; that "what is good" is converted by sin into "death" for him (Rom. 7:10 ff.). "The very commandment which promised life proved to be death to me." Thus when man stands before the law, he discerns life and death together — life in the command that he perceives in and through the law, but death in the law as such. This is the depth of his plight: he stands in an irreconcilable conflict with God's will, as law, which at the same time, as command, he is impelled to love.

[63] Paul speaks of both these factors — this love and this servile fear under the law. Luther speaks only (so far as man's situation apart from Christ is concerned) of hatred of the law. He finds it possible to apply the apostle's word in Romans 7:22 about delighting in the law of God only to the regenerate, not to man apart from Christ. Thus the contradiction in the life of man is not expressed so fully by Luther as it is by Paul.¹⁹

5

THE GOSPEL AS END OF THE LAW

[64] Christ is the end of the relationship between God and man determined by the law. He is "the end of the law" (Rom. 10:4). In him we have freedom from the law. In what does this freedom consist? In what way is Christ the end of the law?

[65] Insofar as the law is identical with the command — that is, in terms of its content, which is "spiritual," a product and expression of the Holy Spirit (Rom. 7:14) — its validity does not cease (Rom. 3:31), even for Christians. Precisely in the Christian life, what the law intends and desires is to be filled, through love (Rom. 8:4, 13:9 f.). In terms of the distinction that we have proposed, Christ is indeed the end of the "law," but not of the "command."

Christ is the end of the law insofar as the law differs from the original command and has distorted this command.

[66] This means, in the first place, that the law as accusing and condemning law is abolished for those who are in Christ. The law ceases to be a *lex accusans et condemnatrix*.²⁰ For Jesus Christ now stands as the one who has been accused and sentenced in our stead, *Christus condemnatus*, but at the same time also as the one who has been vindicated and glorified through his resurrection, Christ who has been justified for us all, *Christus justificatus*, and hence who justifies us all, *Christus justificans* (Rom. 8:34). The law condemns us as sinners; but "for those who are in Christ Jesus, there is now no condemnation" (Rom. 8: 1). The law declares that the

unclean cannot stand before God, only the clean. The gospel declares: God accepts the unclean! He does not let his relationship to man be determined by the law, under the governance of which man's own sin and guilt has led him. God proves himself to be greater than his own law. He breaks through it; he deals with man *supra legem*, according to a higher order than that of the law, indeed *contra legem*, doing what from the standpoint of law is unheard of, indeed is impossible. God's action in the gospel is sheer miracle.

[67] This implies the second aspect in which Christ is the end of the law. God's accepting of man as he is, quite contrary to the law, means the abolition of man's illusion that he could or should become righteous before God by means of the law. The law is also abolished as a *lex justificatrix*. Only in Jesus Christ is man justified and righteous before God. All that he has to do is to let this miracle of God's grace happen to him, and to entrust his life to it. This is the second miracle of grace, that God leads the man whose whole thinking has been determined by law, and who knows only the either/or of proud achievement or despair, quite beyond both these alternatives to a life of unconditionally trusting surrender to the gospel of free grace.

[68] What this means is that God leads man, through the gospel accepted in faith, back into the basic relationship that had been lost through sin and law; back into the primal state in which God makes his unconditional offer of love and man responds with unconditional childlike faith. To be sure, it is not simply the original relationship that is restored. There is no possibility of a return to the primal state as such. When the prodigal son comes home again, the relation between him and his father is not precisely the same as it was before he went away. It is affected by the cleavage that has occurred, i.e., by sin. In the beginning stands God's free giving; but now, after sin and the law, his giving must take the form of forgiving. The new childlike trust (unlike the original) is interwoven with the pangs of penitence, of self-knowledge, of repentance — but also with the joys of homecoming, of which the elder son, who remained in his father's house, knows nothing.

[69] Man's original humble submission to his Creator and Lord, to the word of his love, and his humble acceptance of the gospel, are not identical. Any attempt to assert that they are identical, or to live as if they were, could only proceed from a failure to appreciate the seriousness of man's fall and of the guilt incurred by it. Of this seriousness the law serves to remind us—not only once, at the beginning of the life of faith, but throughout the whole of the Christian life. This is the “theological” function of the law, the *usus theologicus or elencticus*. It teaches us to receive the grace of forgiveness, of the new child-relationship to God, not as something to be taken for granted, or merely as a special instance of original grace, but as what it is: an incomprehensible miracle, which man has no right to expect, but can only adore.

[70] So we see that the law, little as it can serve directly as means of salvation (as man under the law imagines), nevertheless, in an indirect way, has its place and role in God's plan of salvation. The law has come in on account of sin but now, as an instrument in the hand of God's love, it must serve (quite differently than it does in the hand of sinful man) to lead to redemption, by shattering man's self-assertion against God. This is the strange work that God does in order that he might then do his proper work. Strange as it is, when compared with the character of the

primal encounter with God, the law has to serve the function of restoring man to that original relationship. It blocks our route of escape from God's love into moralistic self-assurance or self-realization.

6

THROUGH THE GOSPEL, LAW ONCE AGAIN BECOMES COMMAND

[71] The gospel brings the God-man relationship determine by law to an end. Now the original relationship comes into effect again, God's loving offer which is at the same time his appeal and summons to man. Law once again becomes command. Luther expresses this in his explanation of the The Commandments by introducing each commandment with the words "We should fear and love God so that. . . ."

[72] The command as it exists in the realm of the gospel is different in one important respect, however, from the origin: command. It is addressed to men who, though standing under the gospel, have not ceased to be sinners. The old man re mains. Thus the command is no longer supralapsarian; and hence it must have one feature in common with the law: it must express the positive will of God also in the negative form of prohibitions.²¹ Surrender to God's love is now no longer possible except in the form of struggle against the power of sin, and renunciation of the old manner of life. It is for this reason that the ethical teaching of the New Testament presents both positive and negative imperatives in close conjunction with one another, as for example in Romans 6:12f. Inasmuch as we have become and remain sinners, our being called to obedience to God necessarily implies, as its reverse side, our being called to forsake the life of disobedience, i.e., of surrender to sin. But in the realm of the gospel, even these warnings and prohibitions are no longer law (despite the analogy of form and the identity of contents), but command.

[73] This is true of the man who lives by faith in the gospel: what for others is law becomes, for him, command. Conversely, what is for him command, on the basis of the gospel, has for others the character of law. Even the words of Jesus and of the apostles, for the man who is not living by faith in the gospel, are law — law that accuses and kills. Whether God's will is law or command for me depends entirely on my relation to the gospel. The content, as we have emphasized above, is identical. It becomes command for him who believes the gospel, law for him who does not believe.

[74] It is not helpful, therefore, to speak of "gospel and law," maintaining that this sequence is required by the facts of the matter and declaring that "the law is nothing other than the necessary form of the gospel, whose content is grace."²² This, to say the least, introduces confusion into the use of terms required by Paul's assertion that "Christ is the end of the law." Strictly understood, the law can never have its place after the gospel, but only before the gospel, before Christ — "before" in an essential sense. For Christ redeems us from the dominion of the law. To be sure, in the primal state, as our discussion above will have made plain, it is God's love — his wanting to be for us, so that we may be for him — which is the basis of all his commanding. But this original love of God must not be called "the gospel." The term "gospel"

must retain its specific meaning as the word of God's gracious dealing with the sinner. In the beginning is the grace of the primal state, not the gospel; and from this primal grace there springs not the law, but the divine command — God's loving call, his wooing claim upon our hearts. Barth rides roughshod over these important distinctions between primal grace and the gospel, between command and law — not only in his terminology but also in the substance of what he says. It is this failure to distinguish between the several epochs of God's dealings with mankind that governs also Barth's doctrine of revelation, and that is the real theological root of his disregarding of God's basal or primal revelation. But the statement that the law is nothing other than the necessary form of the gospel is not only theologically, but even logically, untenable. For the gospel is *promissio*, offer; its "necessary form," therefore, is an indicative. To be sure, there is posited at the same time — as an expression of God's love — an imperative, an appeal, an exhortation; this, however, is no longer "law," but "command," and even as such is not the primary form of the gospel.

[75] Thus we say, not "gospel and law," but "gospel and command." The Christian is free from the law, but not from the command. The divine command, which under the law has been estranged from itself, through the gospel returns to itself again,²³ to its original position as flowing from God's love and asking to be interpreted in terms of that love.

[76] Gospel and law: these two stand in strict disjunction and antithesis. Inasmuch and insofar as we stand under the gospel, we stand no longer under the law. The gospel, as Luther put it, takes place *contra legem*, and the law stands *contra evangelium*. But the relationship of gospel and command is entirely different. Here there is no "contra." The God of the gospel is against the law (*contra legem*), but not against the command (*contra mandatum*). Rather the gospel itself points toward the command and its fulfillment.²⁴

[77] Moreover, the command is in fact an element in the gospel itself, namely, the challenge to accept the proffered freedom, to live in and from God's love. This imperative involved in the gospel is fundamentally different from the imperative of the law. It is an imperative of the grace of God, an invitation into the life of the children of God, the life of blessedness. The salvation made accessible to me in the grace of the gospel can become a reality in my life only as I concretely view and treat myself, my neighbor, and the world in the light of this love of God that calls me. To this extent, the gospel necessarily confronts us in the form of a command. But this command is itself gospel; that is, an actual empowering to live here and now wholly from God's love, and therefore in that love. This is what Werner Elert calls an "imperative of grace."

[78] Faith and action, salvation and new life therefore belong most intimately together. If it is a question of the "works of the law" (*opera legis*) in the sense of works that are supposed to count as an achievement, or lead to salvation, then of course faith and works stand in the sharpest opposition to one another. But this opposition is strictly limited to the question of justification. In the realm of the gospel, these pairs — faith and works, salvation and new life — belong inseparably together. Works are nothing other than the concrete enactment of faith, a concrete grasping of salvation in that ever-changing reality of our life and its relationships.

[79] There is, to be sure, an objection that could be raised against this line of thought. Is not faith, one might well ask, something quite different from an act? Is it not a pure receiving wherein one simply lets something happen to oneself and undergoes God's holy and gracious judgment? As such, does it not precede all our acting; is it not present quite apart from all works? And if one were to maintain that faith is present only in its concrete enactment as works, would this not violate its character as a reposing in God's gracious word, without reference to my own attitude and action? Would it not destroy faith's character as certainty of salvation?

[80] To this objection our reply would be as follows. Faith is passive, it is a pure receiving, only in a relative sense, not absolutely; i.e., it is passive solely with respect to the question of salvation, or justification. Faith does appear relatively passive when measured against the false activism of the man who wants to gain salvation by his works, i.e., against the effort to "accomplish something" of man under the law. In this respect, faith is a renunciation of works, indeed of oneself as a "work," i.e., as an achievement or an asset. Such renunciation is the qualitative prefix, as it were, to every element in the Christian life. But there is more to faith than this. The very same faith that in the question of salvation is pure renunciation and receiving is at the same time a most lively act of rejoicing in the fact that God is love, of surrender to this love, i.e., of readiness to be moved and grasped by it, as by true life. If the matter is viewed from this perspective, then the objections to our statement that faith lives only in its concrete enactment as works fall away.

[81] It would be more true to say that faith in God's forgiveness itself is not genuine faith, and therefore conveys no certainty of salvation, if it is not expressed in readiness to forgive one's brother. "If you do not forgive men their trespasses, neither will your Father forgive your trespasses" (Matt. 6:15, 18:35). Faith that lacks this readiness is false faith; and the same is true of certainty of salvation. St. Paul reminds the Gentile Christians in Rome that they are in danger of falling from faith if they become proud over against unbelieving Israel, instead of standing by her and for her as a brother, in humility and fear of God (Rom. 11:20 fl.). Faith in forgiveness lives and has its validity only in a definite way of acting towards others. If this latter is lacking, "certainty of salvation" is worthless, since this lack shows that one does not really believe the gospel — for there is no such thing as believing purely for oneself or in isolation from the concrete acts of one's life — but rather is denying the gospel, and thereby has fallen back again under the law, which now will be executed in all its severity.

[82] The gospel is simultaneously and unalterably command; faith is immediately and unavoidably deed, behavior. Does this assertion lead us back under the law again? No! For under the gospel it is not the case that the Lord God demands works that are pure and whole and, if we cannot achieve them (and this will prove true also in the Christian life), proceeds to damn us.

[83] Rather, we live — with all our partial, fragmentary, sin-stained actions — under God's protection and forgiveness, for the sake of Christ. Under the law, everything must be whole and unstained. Under the gospel, God freely reckons our meager obedience and works as whole and pure on account of Jesus Christ and our abiding in him. What he asks of us is not the integrity and totality of the new life, but our readiness for it; he wants our action, paltry and fragmentary

as it may be, as a sign that we are really serious, that we really want to live by and in his love. Thus the very same deed of a Christian that requires God's forgiveness on account of its fragmentary and sinful character is at the same time a work or an enactment of faith, and, as such, life in salvation. Through the gospel, the law is done away with, but the command is set in motion — not in spite of the gospel, but because of it. For the gospel does not want to lead us into a merely illusory salvation that would be simply a means of shelter against God's good and holy will, but into genuine salvation, which consists in oneness with his will.

[84] For these reasons, the traditional formulas asserting that faith effects works, or that works follow from faith, are inadequate. Faith lives in works, in concrete behavior, and not without it or apart from it.

7

THE CHRISTIAN LIFE AS LIFE UNDER THE DIVINE COMMAND

[85] The life of the Christian no longer stands under the law, but it does stand under the divine command. It is meant to be a fulfilling of the commandments (I Cor. 7:19).

[86] This fulfilling of the commandments does not, however, constitute the whole of the Christian's life and action. For his life is governed by love; but love does not show itself only in doing what God explicitly commands. Like God's own love, which is its source and prototype, the Christian's love is a holy dynamic, an infinite impetus to give and to offer, to spend and be spent, far beyond obvious need or necessity. Love does not only what is necessary, but also, beyond this, what its own character impels it to do. It not only fulfills all existing obligations; it posits new ones. It has something of the originality and initiative of God's own love. Love does involve an imperative; this is not, however, an imperative of "ought" but an imperative of "is." It must do what it does because it can do no other. Love does "far more abundantly" than what is commanded. This is not a question of something like "supererogatory merits," or moral overtime, which God would be required to pay extra for. But it is a matter of action "above and beyond the call of duty." Love knows an "I may" which is also, to be sure, subjectively an "I must," but not an "I have to." The New Testament gives us examples of this spontaneous activity of love in the story of the woman who was a sinner, of the widow's mite, of the anointing in Bethany, and likewise in St. Paul's attitude in freely giving up, out of love, his apostolic right to be supported by the churches. This action of love can be described only in the indicative (love "does" such and such), not the imperative. For love's inward impetus is something other than an imperative. The latter is imposed by an authority but love, in activity such as we have alluded to, issues orders to itself.

[87] In such cases as these, life lived on the basis of the gospel goes beyond life under the command. Nevertheless, it must be said that this is something extraordinary in Christian life. The normal situation is that life lived on the basis of the gospel, or "in the Spirit," is expressed in the fulfilling of the commandments.

[88] This means, objectively, that God's command holds good also for me as a Christian, for it embodies the eternal, unalterable will of his love, which wants to win me for participate in his life. Subjectively, this means that even for the Christian insofar as he is the new man, the man "in Christ" or "the Spirit," there is still a duality, a confrontation of God's will and my will. There is therefore still a distinction (but not an opposition) between what I ought to do and what I want to do; and God's will still has the form of a command. The Christian, too, has God as Lord over him. So it was with Jesus himself, even though he was "the Son." He received "commandments" from the Father (John 10: 18).

[89] This implies, in the first place, that since the will of God is the will of him who is our Lord, we cannot know this will beforehand in such a way as to have it at our disposal, but rather must wait expectantly for it and seek for it. To be sure, we do know this will in its essentials. God always asks one and the same thing of us. All his commandments have one and the same meaning: that we should live by trust in God's love, and hence live in this love. But what this means in the concrete situation, in the here and now of this time and place, we do not know beforehand. God gives evidence of his Lordship over me in the very fact that his will, in the concrete sense, confronts me ever and again as something new.

[90] The Christian knows the will of God in the Holy Spirit. But this does not mean that he is excused from waiting and seeking for the content of God's present commanding. There is, no doubt, in the Christian life an element of immediate inspiration, of inspired understanding of the hour and of the command. The New Testament is well aware of this. But this is by no means the normal or permanent situation. Knowledge of what God commands can take the form of an unshakable certainty, granted beyond all our understanding; but far more often it remains a matter of seeking and asking, again and again — a seeking that will not be rewarded with complete certainty in every instance, but may well remain in a state of groping. The presence of the Holy Spirit does not in any way guarantee that one will be delivered from this situation. The Spirit's presence is not evidenced in a psychological immediacy of knowledge, a sort of infallible Christian instinct; it can equally well show itself in the earnestness and humility of one's seeking. We will, surely, when we ask sincerely, eventually come to know what God requires of us (Phil. 1:9). But it can also be a mark of coming to maturity as a Christian that one is no longer so sure of one's own knowledge of the will of God as one was at the beginning, but rather is humbly aware of the limits of one's knowledge. A mature Christianity will not speak of "guidance" so easily and with such a deadly sense of security as a certain brand of pietism does. In and through this not-knowing we come to know the most important thing — namely, that God's will remains something that stands over us, for which we are obliged to seek.

[91] We too, as Christians, have God as Lord over us: this means, in the second place, that just as life "in the Spirit" does not relieve us from awaiting and asking after God's command, but rather encourages us so to wait and ask, likewise the character of the Christian life as a life lived on the basis of the gospel, as life in the Spirit, does not eliminate the note of concrete obedience. On the contrary, it serves to make obedience a reality.

[92] Basically, to be sure, the Christian, in faith, is at one with God's loving will and rejoices in it. There is nothing he desires more ardently than that God's good and gracious will should be done in us and through us. But this basic oneness of my will with what God wills must become a matter of concrete experience in an ever new enacting of this oneness. The basic surrender must be expressed in ever new concrete acts of surrender. For the duality remains, the otherness and newness of the concrete will of God in contrast to my human expectations and desires. Again, this becomes plain to us in the figure of Jesus Christ. Even for him who as the Son lived in an unbroken fellowship of love with the Father, "my will" and "thy will" were two different things, as the prayer in Gethsemane reveals. Even though throughout his life he was of one will with the Father, nevertheless in every concrete instance he had to become one with the particular will of the Father, moving to such unity from the duality of "my will" and "thine." The fact that this was so even in Jesus' case demonstrates that this basic duality, this distinction between what we ought to do and what we wish to do, is not as such to be attributed to, or regarded as an expression of, the sinfulness of our will. Rather it is given in and with the very fact that Creator and creature, Father and son, Lord and servant stand over against one another. Although Jesus "knew no sin," God's will still confronted him as an other — not implying that he was a sinner, but only that he too stood under God as his Lord. God's will is an "other" not only vis-a-vis our sinful desires, but also vis a-vis our natural desires as creatures.

[93] This becomes especially clear when God's will calls on us to suffer. It is not the Creator's will that anyone should deliberately wish for suffering and death, weakness and failure. Nevertheless, God may sometime ask this of us, as he did of Jesus. It is in connection with such a command of God, calling on us to suffer, that the duality of his will and ours becomes especially clear. "Thy will be done": this implies the renunciation of my own will, insofar as it would have desired otherwise. Therein we experience God's commanding as the expression of a will that is strict and strenuous. This is not only true, however, when God calls us to suffer; it is equally true when he lays great burdens of responsibility and work upon us.

[94] This unity of one's own will with the will of God is what we call obedience. The Christian life is a life of obedience. This is true not only at the beginning of this life (as if obedience were the stage of immaturity); rather, it remains thus, indeed becomes more and more thus. Coming to maturity as a Christian consists in one's life becoming ever more clearly and completely a life of obedience.

[95] No special proof is needed that what we have been saying corresponds to the view of the New Testament. But what of the reformation theology of Luther and the Lutheran Confessions?

[96] Following the example of the New Testament, Luther and the Augsburg Confession speak of the new life, of good works, of the fulfilling of the commandments, as the "fruit" of the state of salvation, or of faith which receives salvation. What is this picture of the fruit meant to convey, in the thought of the reformers? First, the fact that the state of salvation is prior to the new life and activity of the Christian. Just as the fruit presupposes the tree, so the new moral life implies that man has already been transplanted, through faith, into the fellowship of love with God. First righteousness, then ethics — not the reverse!

[97] The second implication of the description of the new life as fruit is this: that just as fruit proceeds necessarily from the tree, so too the new life has an inner necessity. The fellowship with God established by faith presses, by virtue of its own inner impetus, toward loving surrender to his will. It cannot do otherwise than translate itself into loving action. This is shown by the inner freedom and joyfulness of life under the gospel.

[98] “Fruit” is a biological term, a parable from nature. And one can speak of the life of nature only in indicatives. In this realm, there is no question of what ought to happen, but only of what does in fact happen. It is not the case that the sun ought to shine, but that it shines. Luther frequently used such images from nature to express the inner necessity with which faith in the gospel presses us and leads us to perform “good works.”²⁵ This necessity is thereby characterized as a necessity of “is,” not of “ought.” It would seem then that there is no longer any place in the life of the Christian for a command, for an imperative. The Christian life would apparently therefore have to be described wholly in the indicative: the Christian acts in such and such a manner; he can do no other.

[99] We find, however, that the same Luther who employed these images from nature to express the inevitability with which faith leads to good works by no means refrained from using imperatives. “We should fear and love God. . . .” Luther spoke in such terms not only to the sham Christians, the great masses, with an eye to instructing them; he addressed in this manner also Christians who heard and believed in the gospel. The Ten Commandments, as Luther understands them, aren’t merely a mirror for repentance, meant to lead to Christ via the knowledge of sin. These commandments are dealt with in the first part of the Catechism; but in reality, according to Luther, their place is not only before the gospel, but also in the gospel, and therefore *after* or subsequent to the gospel.

[100] The view of the Augsburg Confession as expressed in Article 6 corresponds to that of Luther. “It is also taught among us that such faith should produce good fruits and good works and that we must do all such good works as God has commanded, but we should do them for God’s sake. . . .” At first sight, this statement appears to be a hopeless confusion of imperatives of “is” and imperatives of “ought.” On the one hand, works are referred to as “fruits”; but on the other hand, it is stated that faith “should” produce them, that we “must” do them. The necessity referred to in the image of the fruit is that which inheres in faith. The basis of the “should” and “must,” on the other hand, is indicated by the phrase “for God’s sake,” or in the Latin version, “because it is God’s will” (*propter voluntatem Dei*), implying that this is not a matter of inner necessity, but rather of God’s will for man.²⁶ Why does the Augsburg Confession not confine itself to speaking of fruit, which grows of itself? Why does it add the “should” and “must”? Is this a compromise between an evangelical and a legalistic basis for Christian action? Is there here a failure to think solely from the standpoint of the gospel, the clarity of the evangelical approach to ethics having been beclouded by an intrusion of the law? Or could it be that there is good reason for this dual line of thought, indeed that it is theologically necessary? How do the two series of expressions fit together?²⁷

[101] In our opinion, this juxtaposition is an expression of the peculiar character of all human existence before God, and hence also of Christian existence. Paul's words in Philippians reflect this same duality: "Work out your own salvation with fear and trembling, for God is at work in you, both to will and to work for his good pleasure" (2:12 f.). This means (1) we know that faith, and with it, the new life, remains always God's gift; and yet (2) we know always that we are called and are responsible to have such faith and to walk in this newness of life. Our being Christians is at every moment a gift of God, and likewise in every moment, from our standpoint and with respect to us, a task. Insofar as it is God's gift, we may and must describe our state as Christians as a state of being, which now simply operates and out of the power of God brings forth "fruit." This is a matter of the indicative. But faith and the new life — which from God's standpoint constitute a state of being — are from the human standpoint only realized in that we are called day by day to act in accordance with the new manner of life, i.e., to live in faith and love.²⁸ Here the imperative element appears. It is not the case that we simply live and act as new creatures; rather, we are constantly called anew into this newness. What we have the privilege of knowing as a state of being, insofar as it is God's gift, is realized ever and again (in accordance with the way God has made us as persons) only as an act required in this moment.

[102] We may speak of fruits, whose appearing may be taken for granted, if we are thinking of the faithfulness of God (I Thess. 5:23 f.; I Cor. 1:8 f.). He has begun a good work in us and will bring it to completion (Phil. 1:6). It is he who makes me fruitful. But this trust in God does not abolish our own responsible character as persons, nor does it negate God's challenge to us, which calls for a response in continually new acts of decision.

[103] Thus our Christian life stands at all times under the double aspect of being and act, gift and assignment. The "being" is real only in terms of personal "act." But the very act demanded of us, we beg and receive from the faithfulness of God. It is this faithfulness on which the continuity of the new life is based.

[104] All this is true of faith as well, as we have already indicated. It too bears this double character. God effects faith in me; and yet the New Testament presents also the imperative: "Only believe!" (Mark 5:36; Luke 8:50). "Have faith in God!" (John 14: 1). Faith itself is the object of an appeal, an imperative.

[105] We conclude, therefore, that the relationship between faith and works is not a causal one. Faith is not, from the human perspective, a state of affairs that simply works itself out in such a way as to lead with causal inevitability to the new life as its "fruit." This could not be the case, since I am continually called to have faith, and not to persist in unbelief. Faith itself stands under the same imperative as does action. It exists only in ever-repeated enactment. This enactment, however, takes place in terms of concrete deeds, of works. Faith proves itself in works, because in works it is enacted. So it is not a relationship of causality that prevails between faith and the new life, but rather a relationship of immanence. As we have already stated, works do not follow from faith; but, rather, faith lives in works, in attitude and action.

[106] Therefore, if the new life of the Christian is pictured as “fruit,” this must not be taken to imply an ethical automatism in the believer. Faith does not lead to action by virtue of a psychic compulsion.²⁹ Such an interpretation would be a misuse of the image of fruit. This image can only serve to indicate the inherent necessity with which the gospel, as grasped by faith, presses to deeds of love. This necessity, however, does not take effect automatically, but only by means of personal decisions and acts of men. This means that we stand continually, even as Christians, under the “should” and “must” of which the Augsburg Confession speaks, and hence under the divine command which is implied in the gospel’s offer. The Christian life retains the character of obedience, of repeated new decisions for the holy dynamic that lays hold of us, the dynamic that proceeds from God’s own love, and that presses us on to deeds of love.

[107] So we see that there is, in fact, good reason for the juxtaposition of the two types of necessity, of “is” and “ought,” in Luther and in the Augsburg Confession; theologically, it is quite correct. The Christian life is a life of obedience: this corresponds with the “ought” necessity. But

it is a life of *free* obedience, by virtue of the “is” necessity. One cannot, therefore, simply call the Christian life an “ethos of ‘is’” and set this over against an “ethos of ‘ought.’” It exists in both modes, as we have already stated. If one wishes to speak of this life, both indicatives and imperatives are required. Thus it is in the first epistle of John, which speaks of love in both these ways. Love is an undeniable reality in the new community in Christ, a reality created by God’s love (3:14 — “We love the brethren”), and yet, as such, it is also the content of a continually reiterated appeal, the command to love (3:11 — “We *should* love one another”; cf. 3: 16, 4: 11). The Christians love — and they are enjoined to love.

8

SIGNIFICANCE OF THE BIBLICAL MORAL TEACHING: A “THIRD FUNCTION” OF THE LAW?

[108] The Christian ethic is an ethic of the Spirit. The will of God is perceived under the Spirit’s guidance and fulfilled through the Spirit’s impetus. This guidance by the Holy Spirit implies that God’s concrete commanding cannot be read off from a written document, an inherited scheme of law. I must learn afresh every day what God wants of me. For God’s commanding has a special character for each individual; it is always contemporary, always new. God commands me (and each person) in a particular way, in a different way than he commands others. And his command is spoken afresh in each situation. He is the Lord not only of yesterday, but also of today. In new times and new circumstances he can ask of us something quite different than he asked of our fathers. He can require of us a line of action that has no precedent either in the New Testament or in the Christian ethical tradition; he can call us to something as yet unheard of. In the realm of the relationship between men and women, for example, or in the question of one’s relation to the state, Christianity has been led far beyond the early Christian understanding of God’s will. Today still further questions are set before us, problems for which the traditional answers of the church are not sufficient. We must search for new answers that will be genuinely our own. As Luther put it boldly in his Disputation Thesis for September 11, 1535: “For if we have Christ, we can easily establish laws and we shall judge all things rightly. Indeed,

we would make new decalogues, as Paul does in all the epistles, and Peter, but above all Christ in the gospel.”³⁰ This is the freedom of a Christian, the Spirit-given power for a new understanding of God’s will, for insights hitherto undiscerned.

[109] But Luther does express a reservation. “Nevertheless,” he writes, “since in the meantime we are inconstant in spirit, and the flesh wars with the spirit, it is necessary, also on account of inconstant souls, to adhere to certain commands and writings of the apostles, lest the church be torn to pieces. For we are not all apostles, who by a sure decree of God were sent to us as infallible teachers. For that reason, it is not they, but we, since we are without such a decree, who are able to err and waver in faith.”³¹ This means that in principle the freedom to discern God’s will oneself is given to every Christian, since he is led by the Spirit of God (or as Luther puts it, “since he has Christ”). But not everyone has the Spirit in the same measure, and therefore this process of discernment in the Spirit is often paralyzed and brought into question by the fact that we still are “flesh” as well, still self-willed and self-seeking men.

[110] A Christian may claim, with perfectly good intentions, to be guided by the Spirit of God to a knowledge of what God requires. But this is a delusion; he is confusing God’s Spirit and his own spirit, co-determined as this is by the flesh. So it is possible even for a Christian to be quite thoroughly mistaken about what God’s will really is. It is for this reason that we are well advised to pay attention to the moral teachings of the New Testament, to the apostolic imperatives. We need these as the norm and corrective for our own apprehension of the will of God for us today. The same is true of the Ten Commandments. God’s Spirit teaches me through my attending to the moral directives of the Bible.

[111] It is at this point that the older theologians spoke of the *tertius usus legis*, the third function of the law. Melancthon was the first to use this formula; then one finds it especially in the Formula of Concord, in Lutheran orthodoxy, and also in nineteenth-century theology, for example in F. H. R. Frank.³²

[112] We find it impossible to retain this concept. There are a number of reasons why it should be given up. In the first place, the notion of “law” in theology has been decisively stamped by the contrast of law and gospel, the idea of the law as accusing and condemning, or as justifying. It is best to allow it to retain this pregnant meaning. For this reason we distinguish between “law” and “command.” We speak, therefore, not of a third function of the law (and still less of “gospel and law”), but rather of a function of the biblical commandments and moral directives in the Christian life.

[113] In the second place, the term “law” can easily imply the notion of a legalistic regulation of the Christian life. But this is precisely what must not be implied. The ethical admonitions of the Scriptures are misused if they are applied as legal prescriptions. They are meant as aids towards one’s own personal discernment of what God, the Lord, asks of me now. The living and spiritual character of the knowledge of what God requires of me in the present moment must not be destroyed by rules and regulations. At this point we must remind ourselves once again of the Pauline contrast between “letter” and “spirit.” The “letter,” i.e., the written code, belongs to the

state of servitude under the law. The status of sonship, under the gospel, is marked by the freedom of the Spirit (Rom. 7:6).

[114] In the third place, the notion of “the law” can also easily imply that it is only the imperative element in the Scriptures that provides moral directives for the Christian. But the Christian finds help for his own discerning of the will of God — help which he needs to avoid falling prey to his own illusions — not only in the biblical imperatives, but also in the biblical personages, in the life of our Lord and of his apostles. Not only Jesus, but also Paul speaks of himself as an example for the church (I Cor. 11:1; Phil. 3:17a). Their express admonitions belong together with the living example that they themselves provide. And furthermore, we are not limited to the biblical personages, to our Lord and his apostles, either for moral teaching or moral example (cf. Phil. 3:17b). We have the whole of church history as well, with its array of witnesses. To be sure, all subsequent Christian teaching and living is to be measured by the Scriptures, by whether it proceeds from the Spirit of Christ. But if this does prove to be the case, then such later teaching and example has its own particular significance for us. So, in seeking for God’s will, we should do so always with an open Bible, and in company with the teachers and “saints” of Christendom, both earlier and later ones — the community of fathers and brethren. This procedure cannot be adequately comprehended in the old formula of “the third function of the law.”

[115] The Spirit of God wants to teach us. But the Spirit does this in no other way than through the Christian’s own reflection and judgment. No biblical or church directives, no biblical or churchly models, can relieve me of the necessity of making my own decision. But because I have good reason to be suspicious of the conclusions I reach on my own, since “flesh” and “Spirit” can so easily be confused and interchanged, I should listen, and I want to listen, to the voice of Scripture and of Christendom, and look to the figure of the Lord as well as his apostles, and to the “saints” — those human beings in whom Jesus Christ has clearly taken form. These will sharpen my sight and hearing for my own perception of the will of God as it pertains to me in my own situation. They are aids and correctives. The fact that everyone is called to a personal and fresh discernment of the divine command does not imply an autarchy of the isolated individual. Evangelical ethics is thoroughly personal; but it is not individualistic or autonomous.

[116] So in place of the formula “third function of the law” we must say rather that the Holy Spirit leads us to knowledge of the will of God also by means of the moral directives and realities in the Bible and in the Christian tradition. The Spirit does not teach me in an ahistorical manner, but rather sets me into the midst of the community of fathers and brethren in the faith. He uses the Scriptures and the church, the teaching and personal example of God’s witnesses in both Scripture and church — not as “law” but as the means by which, in a living and personal manner, he himself teaches us.

Endnotes

1. Karl Barth, "Gospel and Law," trans. A. M. Hall, in Will Herberg (ed.), *Community, State and Church: Three Essays by Karl Barth* (New York: Doubleday Anchor Books, 1960).
2. Werner Elert, *Zwischen Gnade und Ungnade: Abwandlungen des Themas Gesetz und Evangelium* (Munich: Evangelischer Presseverband, 1948), p. 162; *The Christian Ethos*, trans. Carl J. Schindler (Philadelphia: Muhlenberg, 1957), sec. 46.
3. Gerhard Ebeling, "On the Doctrine of the Triplex Usus Legis in the Theology of the Reformation," in *Word and Faith*, trans. James W. Leitch (Philadelphia: Fortress, 1963).
4. Ragnar Bring, *Gesetz und Evangelium und der dritte Gebrauch des Gesetzes in der lutherischen Theologie* ("Zur Theologie Luthers: Aus der Arbeit der Luther-Agricola-Gesellschaft in Finnland," No.1; Helsinki, 1943).
5. Karl Barth, for example, employs "law," "command," "demand," and "claim" as synonyms (*op. cit.*).
6. W. Gutbrod's comment on this feature in Paul's thought is very much to the point: "Even if a given line of behavior does in fact correspond to one of the demands of the law, it is not sufficient to appeal to the law to establish its validity for the Christian congregation. Rather, it is only what proceeds from faith and obedience to Christ that is legitimate and that must be observed. . . . Now it is no longer what is not derived from the law, but what does not proceed from faith, that constitutes sin. (Article "nomos," *Theologisches Wörterbuch zum Neuen Testament*, ed. Rudolph Kittel [Leipzig: Kohlhamner, 1933 if.], IV, 1070.)
7. G. Schrenk, article "thelema," *ibid.*, III, 54.
8. This has long since been recognized and stated by theologians. Cf. for example Carl Stange, *Die Heilsbedeutung des Gesetzes* (Leipzig: Dieterich, 1904); Friedrich Goganen, *Weltanschauung und Glaube* (Berlin: Furche, 1937), pp. 74 f.; Emil Brunner, *The Christian Doctrine of Creation and Redemption* (Dogmatics, II), trans. Olive Wyon (Philadelphia: Westminster, 1952), pp. 221 f.; Helmut Thielicke, *Theologische Ethik, I: Dogmatische, philosophische, und kontroverstheologische Grundlegung* (Tübingen: Mohr, 1951), pp. 239 ff.
9. Brunner, *op. cit.*, pp. 220 ff.
10. As observed already by Stange and Goganen, and now also by Thielicke, *op. cit.* Stange and Goganen, however, do not make any terminological distinction between command and law. Thielicke contrasts the "law" with the "command of creation" (pp. 240 f.). In Roman Catholic literature, cf. Ernst Michel, *Der Partner Gottes: Weisungen zum christlichen Selbstverständnis* (Heidelberg: Schneider, 1946), and *Renovatio: Zur Zwiesprach zwischen Kirche und Welt* (Stuttgart: Klett, 1947). Michel arrives at the same view — surely under the influence of Luther. This writer has understood the Epistle to the Galatians as no Roman Catholic before him has ever done. Actually he pushes his thesis too far in the direction of antinomianism.
11. For these terms, see Luther's comments in the Disputation of June 1, 1537 (*D. Martin Luthers Werke* [Weimar, 1883 ff.; cited hereafter as W A], 391, 219).
12. *Ibid.*
13. WA 39I, 48, 11. 24 ff.
14. Luther's view is the same; cf. his remark in the Disputation of June 1, 1537: "Christ has abolished the law as executioner, the legal bond, the law that is written in our hearts and condemns us" (W A 39I, 219, 1. 13).
15. *The Jewish-Christian Argument*, trans. David E. Green (New York: Holt, Rinehart and Winston, 1963).

16. Cf. W. Eichrodt, *Theologie des Alten Testaments* (Leipzig: J. C. Hinrichs, 1939, and Berlin: Evangelische Verlagsanstalt, 1948), III, 42, 44.
17. Luther: “[The law] serves the function of bearing witness to the righteousness of faith, and at the same time of showing what kind of creature we were before sin, and are destined to be after sin” (W A 39I 204, n. 3 ff.).
18. Paul, as we have already noted, does not make this distinction between command and law; but what we are trying to express thereby is implied in his statements.
19. Cf. my treatise *Paulus und Luther über den Menschen: Ein Vergleich* (2nd ed.; Gütersloh: Bertelsmann, 1951), pp. 56 ff. A reply to Anders Nygren’s critique of my views (in his *Commentary on Romans*, trans. Carl C. Rasmussen [Philadelphia: Muhlenberg, 1949], pp. 287 ff.) must be reserved for another occasion.
20. Cf. Theses 28-30 put forward by Luther in the Disputation of 1537 cited above: “Thus the law has not been abolished in the sense that it is nothing or that we should do nothing that it stipulates. But the righteousness of the law must be fulfilled in us by the Son of God, as Paul says in Romans 8. Indeed it serves the function of bearing witness to the righteousness of faith, and at the same time of showing what kind of creature we were before sin, and are destined to be after sin.” In the Disputation itself, Luther addresses himself to the question, “How has the law been abolished?” (W A 39I, 219, II. 3 ff.). He replies: “The law is abolished, not in the sense that it is nothing or that we should do nothing that it stipulates. . . but in the sense that the law neither condemns or justifies. . . . For God saves me if I believe, even though this is contrary to the law, which intends that the righteous alone should be saved. But God saves the unrighteous also. He has thus abolished the law, that is to say, the law that condemns and justifies.” Another copy of the Disputation reads: “Accusing and justifying law has been abolished” (*ibid.*, 11. 8 f.).
21. Cf. Thielicke, *op. cit.*, pp. 113 ff., on “The Twofold Meaning of the Imperative.”
22. Barth, “Gospel and Law,” *op. cit.*, p. 80. Cf. his *Dogmatics in Outline*, trans. G. T. Thompson (New York: Philosophical Library, 1949), p. 19: “The Creed is always at the same time the gospel, God’s glad tidings to men. . . and as such it is necessarily also the law. Gospel and law are not to be separated; they are one, in such a way that the gospel is the primary thing, that the glad tidings are first in the field, and, as such, include the law.” For critiques of Barth’s view of the relation of law and gospel, see Werner Elert, “*Gesetz und Evangelium*,” in *Zwischen Gnade und Ungnade* (*op. cit.*), pp. 132 ff.; Helmut Thielicke, “*Zur Frage Gesetz und Evangelium*,” in *Theologie der Anfechtung* (Tübingen: Mohr, 1949), pp. 70 ff., and *Theologische Ethik*, I, 188 ff.
23. Karl Barth, in “Gospel and Law,” p. 98, speaks in similar fashion of the law, since he does not distinguish law and command. In terms of what we both really wish to say, our positions are not far from on another. But Barth’s exposition suffers from his unhappy formulation to the effect that the law is a form of the gospel, and as such is restored by the gospel.
24. Romans 8:4. Cf. Apology of the Augsburg Confession, IV, 348: “We are justified for this very purpose, that, being righteous, we might begin to do good works and obey God’s law.” By “law” is meant here (as in Paul) what we call “command.”
25. The following example may be cited out of many: “We confess that good works must follow faith, yes, not only must, but follow voluntarily, just as a good tree not only must produce good fruits, but does so freely” (“Theses concerning Faith and the Law,” *Luther’s Works*, Vol. 34, ed. Lewis W. Spitz [Philadelphia: Muhlenberg, 1960], p. 111).
26. The Formula of Concord (Solid Declaration, IV, 14 and 16) interprets the “should” and “must” as referring to “what we are bound to do because of God’s ordinance, commandment, and will.” It speaks of “the order of God’s immutable will, whose debtors we are.” The freedom and joy of good works stand in contrast to the

outward “compulsion,” but not to the “order of God’s immutable will.” In the light of this, the summary of the position of the Lutheran Confessions with reference to our problem offered by Elert will not suffice. “In agreement with all the apostles,” he states, “the Confessions insist that good works are necessary because they are inevitable where faith is not dead but alive. . . . It is the nature of faith which makes these works necessary” (*The Christian Ethos*, pp. 249 f.). This is unquestionably correct. But it is not the whole story. When the Lutheran Confessions speak of the necessity of good works, they refer not only to the nature of faith, but also to God’s commands (cf. Apology, IV, 189). The two belong together, “indebtedness to God and the inner necessity of true faith” (Friedrich Brunstäd, *Theologie der lutherischen Bekenntnisschriften* [Gütersloh: Bertelsmann, 1951], p. 109).

27. Compare the similar argument of Helmut Thielicke, *Theologische Ethik*, I, 98 ff. (the section on “The Twofold Motivation of Good Works for the Justified,” and the two following sections). This came to my attention only after I had already completed the present essay. in essentials, in September, 1950, and I am happy to see how great is the extent of our agreement.
28. On “act and being,” see the book of that title by Dietrich Bonhoeffer (Gütersloh: Bertelsmann, 1931; English translation by Bernard Noble, New York: Harper, 1962).
29. Max Lackmann, *Sola Fide: Eine exegetische Studie über Jakobus 2 zur reformatorischen Rechtfertigungslehre* (Gütersloh: Bertelsmann 1949), pp. 49 f., maintains that this is how Luther must be understood.
30. *Luther’s Works*, Vol. 34, p. 112.
31. *Ibid.*, p.113.
32. F. H. R. Frank, *System der christlichen Sittlichkeit*, Vol. I (Erlangen: Deichert, 1884), p. 374.