



The Beauty
The Bands

THE BEAUTY *AND* THE BANDS

Papers Presented at
CONGRESS ON THE LUTHERAN CONFESSIONS
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April 20-22, 1995

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FOREWORD

The Association of Confessional Lutherans and the Luther Academy are pleased to present this collection of essays given at the Free Conference, held April 20-22, 1995 in Chicago, Illinois.

The proper distinction between Law and Gospel is not merely an academic exercise. It marks all theology which can rightly be called pastoral. What you hold in your hands is pure pastoral theology. You will find here food for the soul. Surely the "green pastures" into which the Good Shepherd leads us are the very words of forgiveness imparted to sinners whose consciences have been smitten by the radical requirements of God's Law, and surely we who identify ourselves as "Confessional Lutherans" do so for more compelling reasons than to find a fitting label for our particular church political faction. We are Confessional in both of the common theological meanings of that term. We have been taught to confess our sins and offenses against God. And we have been given to confess the truth of the Gospel of the forgiveness of sins. We confess the same Gospel which we personally believe -- the Gospel we personally need -- for it has saved us from hell.

The free conferences of the past several years which the Association of Confessional Lutherans has sponsored have succeeded in bring a clear theological voice to address compelling issues facing the church during an increasingly non-theological age. The essays contained herein are, above all, theological. As you read them, we hope that you will find not only timely treatment of current issues, but more importantly, refreshment for your soul.

Sincerely in Christ, the Lamb of God

Rev. Rolf D. Preus

Chairman, Association of Confessional Lutherans

FOREWORD

The Luther Academy exists "for the purpose of the promotion of Confessional Lutheran theology and research" (Articles of Incorporation, IV). In this spirit, the Congress on the Lutheran Confessions, Luther Academy Lecture Series No. 2, is published and presented.

The enclosed essays are more significant than the modest appearance of this small journal might suggest. They deal with the subject of Law and Gospel and the centrality of this subject to the theology of Luther, Melancthon, the Lutheran Confessions, and Lutheran dogmaticians ever since the 16th century. The need for a proper distinction between Law and Gospel was not a discovery of C.F.W. Walther, his book on the subject notwithstanding. The essays here presented demonstrate that Walther's emphasis has been typical of orthodox Lutheran theologians from the time of the Reformation on, nor has this emphasis been limited to Lutheranism but can be discerned early in Calvin's writings as well. The authors of these essays demonstrate such emphasis on the subject of Law and Gospel is not the idiosyncrasy of isolated Christian dogmaticians; rather, it reflects a focus on the very heart of Christianity -- Man's need for a Savior and the justifying life, work, death and resurrection of Jesus Christ, the Son of God.

Each year as they select the topic for presentation and discussion at the Congress on the Lutheran Confessions, the Luther Academy and the Association of Confessional Lutherans attempt to identify and study a topic of importance and concern to the church of our day. In considering the topic of Law and Gospel, we have focused attention once again on a subject which is not merely important to the church today, but one which will be at the very center of her life and faith until the return of our Lord.

Rev. Daniel Preus
President, Luther Academy
Editor

FOREWORD

The following essays were presented from April 20-22, 1995, at the annual conference of the Luther Academy and the Association of Confessional Lutherans, held at Nordic Hills Resort and Conference Center in Itasca, Illinois. The reader will note that volume 1 of these essays was also dated "Spring 1995," which reflects the date of publication. Since the present volume is appearing in the spring of 1997, soon to be followed by volume 3, the editor thought it wise to date the volumes to reflect the year in which each of the conferences was held.

Please note that this editor made a concerted effort to fill in the details of incomplete annotations, but there were some resources that he simply could not find, or did not have convenient access to. The essayists varied in their references to the American Edition of Luther's Works, some abbreviating it as AE, others as LW. This difference was let stand.

Additional copies of this book are available. Write to Luther Academy, 9228 Lavant Dr., Crestwood, MO 63126, and, Association of Confessional Lutherans, P.O. Box 581073, Minneapolis, MN 55458-1073. Any corrections or criticisms of this document should also be addressed to either of these two addresses.

Finally, the author wishes to thank the Revs. Daniel Preus and John Fehrmann for the privilege to edit the enclosed essays, and the gentleman from Flatbush who first put me on to the opportunity. It was not only an honor to edit the works of such esteemed scholars; the editor also benefitted personally from reading each essay thoroughly.

Bruce Lucas
Ida, Michigan
February 19, 1997
Editor

INTRODUCTION

*I will feed the flock of slaughter, even you,
O poor of the flock.
And I took unto me two staves;
the one I called Beauty,
the other I called Bands;
and I fed the flock.
Zechariah 11:7*

The members of the Association of Confessional Lutherans and the Luther Academy, together with the editors, are happy to present this copy of Congress papers, *The Beauty and the Bands (The Law and The Gospel)*.

Dr. C.F.W. Walther, in his book, *The Proper Distinction Between Law and Gospel*, commenting on Zechariah 11:7 states:

“A real, spiritual shepherd has two staves, or rods. The rod Beauty is the Gospel, and the rod Bands is the Law. He must be well informed as to the persons to whom he is to apply either the one or the other of these staves. The Messiah -- who is the speaker in this passage -- says that He used the rod Bands against the flock of slaughter, that is, against sheep which were to be slaughtered and not to be led to the pasture. The ‘poor of the flock’ represent poor sinners. Among them He uses the comforting staff and rod of the Gospel. Most preachers make the mistake of hurling the rod Bands among the sheep and using the rod Beauty for wicked knaves.”¹

¹ C. F. W. Walther, *The Proper Distinction Between Law and Gospel*, tr. W. H. T. Dau (St. Louis: Concordia Publishing House, 1928), 34.

Properly distinguishing between the Beauty and the Bands, the Gospel and the Law, and making proper application of the Law and the Gospel to souls are lifetime tasks. Seeking to always properly distinguish between the Law and the Gospel is a hallmark of Confessional Lutheranism. This *Congress on the Lutheran Confessions* sought to address the issues before the church relative to properly distinguishing and applying the Beauty and the Bands.

We thank all of you for your faithful support, your continual words of encouragement, and, no less, for your kind suggestions and criticisms. We believe the Luther Academy represents some of the best theological minds in Confessional Lutheranism in the world today. We believe the goals and objectives of the Association of Confessional Lutherans to be consistent with the theology and practice of the Lutheran Confessions.

I personally thank my secretary, Wendy Schwarzkopf, for all her copy editing and proof reading. Without whom the work of the Association and the Academy would have greatly languished these past years. I also thank the congregation, The Lutheran Church of the Triune God, where I serve as pastor, for their loyal support and encouragement to me and my family as we invest our time and talents for the cause of Confessional Lutheranism.

Should you have interest in supporting the work of the Luther Academy, owner and publisher of *Logia* and *Logia Digest*, please contact the Luther Academy at 9228 Lavant Dr., Crestwood, MO 63126, c/o Rev. Daniel Preus, President (Telephone 314-849-6125).

If you have questions relative to membership in the Association of Confessional Lutherans, and should you desire to support the work of the ACL, please address your correspondence to the ACL, PO Box 581073, Minneapolis, MN 55458-1073.

Rev. John R. Fehrmann
Program Director, Association of Confessional Lutherans
Editor

LAW AND GOSPEL IN EARLY LUTHERAN DOGMATICS

from Melanchthon to the Formula of Concord

Robert Preus
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Blessed are the dead which die in the Lord from henceforth: Yea, saith the Spirit, that they may rest from their labors; and their works do follow them.

Introduction

The topic of Law and Gospel forms the basis and framework of the first works in dogmatic, or what was later called systematic, theology written by Luther and Melanchthon. Already in his 1521 *Loci Communes* Melanchthon discusses the topic thoroughly, and his original exposition of the topic becomes a pattern for subsequent dogmatic studies and books for the next two hundred years. The Augsburg Confession, which (like all the Lutheran Confessions) is a project in dogmatic theology, is structured according to the framework of Law and Gospel, Article IV on justification constituting the middle and high point in a classic delineation of the chief articles of faith. The Apology of the Augsburg Confession is structured according to the same pattern, the subject of Law and Gospel and the proper distinction between these two topics (*loci*) being brought pointedly into the discussion of the crucial articles of justification and repentance. In fact, Melanchthon makes it clear that justification and repentance can only be presented and understood within the context of Law and Gospel. We see Luther following the same procedure implicitly in the Large and Small Catechisms, and expressly in the Smalcald Articles. In Part II of the Smalcald Articles he subjects all doctrine and practice to the scrutiny of the Gospel of redemption and justification (Christ and faith) as the *Hauptartikel* of the entire Christian

body of doctrine.¹ In Part III, he organizes his discussion of the articles of faith according to a pattern similar to Melanchthon's arrangement in the Augsburg Confession. We see the same procedure in the Formula of Concord which, however, addresses only the controverted issues of the day. The arrangement of the articles addressed is essentially according to the outline of the Augsburg Confession. The distinction between Law and Gospel is explicitly treated in Article V and underlies and permeates the exposition of the other articles.²

We can only conclude that the topic of Law and Gospel plays a paramount role in the rationale and production of the Lutheran symbols as well as of the many and often massive dogmatics books of the sixteenth and seventeenth centuries which were written in conscious conformity with these symbols. One can also not fail to note that the practical teaching and preaching of Law and Gospel was a primal factor in the life of the church during those two centuries as the Gospel was preached and the Sacraments administered.

Such is not the case in respect to the Reformed Confessions. These symbols display no conscious attempt to follow any theological hermeneutic based upon the proper distinction of Law and Gospel. True, the earlier Calvinistic Confessions (The First Helvetic Confession of 1536 and the Heidelberg Catechism of 1563) generally follow Melanchthon's outline in his *Loci Communes* or the Augsburg Confession. But that is all. And the Westminster Confession of Faith written in the next century (1644) significantly departs from Melanchthon's outline in a number of ways, not only by ignoring the topic of Law and Gospel, but notably by introducing the topic of predestination to "everlasting life" and "eternal death" immediately

¹ See Robert Preus, "How is the Lutheran Church to Interpret and Use the Old and New Testaments?" *Lutheran Synod Quarterly*, 13, 4 (December 1973).

² See Robert Preus, "The Hermeneutics of the Formula of Concord" in *No Other Gospel*, ed. Arnold J. Koelpin (Milwaukee: Northwestern Publishing House, 1980), 328-332.

after the article on the Trinity before any of the other themes pertaining to Law and Gospel are presented.³

Philip Melanchthon

There is no Lutheran book in systematic theology which does not treat the subject of Law and Gospel, but the subject is treated at various points and in various ways in the many dogmatics books published during the sixteenth and seventeenth centuries and thereafter. In his *Loci Communes* of 1521⁴ Melanchthon treats the topic early on after his discussion of free will and sin. He makes no direct reference at this point to the relationship between Law and Gospel or even to the Gospel. In his treatment of sin he mentions only in passing that sin is against divine Law. Sin—he is speaking of original sin—is defined as an "innate propensity", an impulse (*impetus*), and active power (*energia*) propagated from Adam upon all mankind and drawing all into sin.⁵ Scripture does not distinguish between original and actual sin, but calls both the propensity, the vice (*vitium*, "flesh" in Scripture), and the overt

³ Hermann Sasse, in *Here We Stand*, [tr. Theodore G. Tappert (New York: Harper & Brothers, 1938), 137ff] comments on the far reaching significance of what he believes is the Calvinistic replacement of the *articulus stantis et cadentis ecclesiae*, namely the article of justification by grace, with the doctrine of predestination as taught by the Westminster Confession and Calvin himself. This Calvinistic replacement amounts to a different way of speaking about God, Sasse avers, and it substitutes Luther's frightful *Deus absconditus*, the God "who makes us responsible for demands which we cannot fulfill, who asks us questions we cannot answer, who created us for good and yet leaves us no other choice than to do evil" (Werner Elert), the God of predestination and "pitiless sovereignty"—substitutes this God for Luther's *Deus revelatus*, the God of love who steps out of profound darkness and becomes incarnate, our brother, whose name is Christ, "of Sabaoth Lord, and there's none other God." To Sasse Calvinism at this crucial point has substituted Law for Gospel as the dominant principle to organize the articles of faith into a dogmatics book or a confession of faith.

⁴ *Melanchthons Werke*, 2 (Guetersloh: C. Bertelsmann Verlag, 1952), 1-163.

⁵ *ibid.*, 17.

activity sin. Original sin is an activity, an "active depraved desire." This means that fallen man is without the Holy Spirit, without heavenly light or life, loving only himself, seeking only his own desires and despising God.

Law and Sin

To Melanchthon the topics of Law and sin entail each other. He chooses to discuss Law in the context of sin, not vice versa, although of necessity the power of sin is discerned only when the Law reveals it.⁶ Why? Because every preachment of sin is a preachment of Law, and every pronouncement of Law is a pronouncement against sin; for the precepts of the Law cannot be obeyed. Fallen man without the Spirit can do nothing but sin (*non posse nisi peccare*). Thus, the Law shows that fallen man is a sinner and that God, the giver of the Law, is angry with him. Melanchthon's treatment of sin becomes a proclamation of Law before he even treats the topic of Law.

As he proceeds to treat the locus on Law in the broad sense Melanchthon says at the outset, "The locus on laws will more clearly show the power and behavior of sin, for the Law provides the knowledge of sin."

Formally the Law is a determination, or judgment (*sententia*) whereby good things or actions are enjoined and evil things or actions prohibited. Some laws are natural, some divine. Natural laws are drawn up by reasoning. God has also placed in man an innate conscience to confirm that certain actions are good or bad. Melanchthon concedes that no one has successfully drawn up a consistent content for all natural law, although he can accept what the lawyers refer to as natural law. Romans 1 and 2 teach that natural law is a legitimate category.

⁶. *ibid.*, 30.

Natural Law and Divine Law

Melanchthon affirms four principles of natural law.⁷ 1) God should be worshiped. Melanchthon can assert no more than just this generality, since who God is and how He is to be worshiped is known only by divine revelation. 2) We are born into and we live in a definite public society in which no one should be injured, but rather all should be helped and served. 3) Within human society all things should be used for the common good. If injury must take place, the smallest number of people should be injured, and this by the removal of those who disturb the public peace and the punishment of the same by magistrates authorized to do so. 4) Possessions (*res*) should be shared for the sake of the public peace. In reference to other matters pertaining to social life some can arrange to support others in need. These principles are quite general, but they can be applied to all kinds of specific situations such as marriage, redress, ingratitude, hospitality and the perpetuation of wealth. But Melanchthon can be specific at times, even when Scripture is silent. For instance, he says, "What is more alien to natural law than the servitude of slaves?"

Melanchthon defines divine Law as that which has been ordained by God in Scripture. There are three orders of divine Laws: moral, judicial and ceremonial. Moral Law is summed up in the Ten Commandments. The first table of moral Law, which enjoins all people to fear, love and trust in God above all things, cannot be known by the light of reason, by a contemplation of nature or the orders of creation, nor by conscience, but only by divine revelation. The second table of moral Law corresponds to natural law which heathen sages and philosophers have in part and imprecisely figured out. True, we must submit to civil magistrates according to natural law; however, in so doing we not only obey natural law, but also the Fourth Commandment

⁷. *ibid.*, 44.

of the moral Law, which perfectly agrees with and perfectly interprets natural law at this point.

The agreement between natural law and moral Law in reference to human social behavior is fundamental to the practical preaching of the Law. Natural law is able to convict man of his sin just as effectively as the second table of the moral Law for they are identical; they are both God's Law. Because fallen man, blinded by sin, perverts and obscures natural law, God throughout the Old Testament era repeatedly propounded His Law to His people, and this Law has been handed down to our day. So the many injunctions and explications of the Law throughout Scripture clarify natural law.⁸

Among the Jews in the Old Testament God commanded civil and ceremonial laws through Moses, and in this sense added to natural law.⁹ But such laws do not apply to us today. Today the papists invent new laws, called counsels or exhortations, which are above God's moral Law and natural law, and which, they say, man is free to obey or not. Actually, these counsels (loving our enemies, resisting evil, abstaining from suing in civil court, etc.) are no more than God's Law of love, which applies to everyone. By teaching that such "counsels" may or may not be obeyed the papists are denying the force of God's moral Law and blunting the preachment of the Law. By teaching that such "counsels" can be obeyed the papists are denying the concupiscence of original sin and blunting the preachment of the Law. The papists also urge vows of obedience and poverty and the like, teaching that they are laws of perfection, higher than God's moral Law. But these laws are nothing at all and foster only Pharisaism.

⁸. *ibid.*, 67.

⁹. See Luther on the scope of Mosaic law in "Against the Heavenly Prophets," [*Luther's Works*, 40 (Philadelphia: Fortress Press, 1958), 97ff.] where Luther affirms that disobedience to civil law, murder, theft, etc., are forbidden not merely because they are contrary to the Decalog given to Moses, but because they violate natural law, which God has written into the heart of man in creation.

The Gospel

On the heels of his comprehensive discussion of Laws, Melanchthon follows with an equally extensive treatment of the locus on the Gospel. As the Law pertains to sin, the Gospel pertains to grace.¹⁰ And "as the nature (*ratio*) of sin is not understood except from the prescription of the Law, so the power of grace is not recognized except from the report (*descriptio*) of the Gospel." Then, before defining materially what the Gospel is, Melanchthon states the hermeneutical principle which later introduced and gave form to his classic discussion of justification in the Apology of the Augsburg Confession (Ap. IV, 5ff.):

In Scripture as a whole there are two parts, the Law and the Gospel. The Law shows us our sin, the Gospel God's grace. The Law points to the sickness, the Gospel to the remedy. The Law is the minister of death, to use Paul's words; the Gospel the minister of life and peace. "The strength of sin is the Law" [1 Cor. 15: 56], the Gospel is the power of salvation to all who believe.

Melanchthon is speaking of Law and Gospel functionally in terms of the power of both and of their goals and effects. He proceeds to point out that both the words of the Law and the promises of the Gospel are scattered throughout Scripture, and, against any chiliastic or dispensational notions of his day, he adds that there are no successive periods of Law and Gospel (judgment and grace) in history.

¹⁰. *Melanchthons Werke*, 66ff.

Excursus: The Gospel Hermeneutic, Law and Gospel

We must pause at this point to address briefly Melanchthon's hermeneutical principle just cited. When he asserts that the teaching of the Law and Gospel pervade the entire Scriptures, he is not speaking of Scripture distributively, as if every passage or pericope or chapter or even book of the Bible necessarily contains assertions of either Law or Gospel. Such an understanding would be nonsense. Rather, he is speaking of the Scriptures collectively, of the Scriptures as a whole.¹¹ He is simply saying that throughout the Scriptures the themes (*loci*) of Law and Gospel recur. And in his statement in the Apology he adds that to recognize these themes and to distinguish (*distribui*) between them is necessary for the correct understanding and application of the doctrine of justification, which is the chief article, or topic, of the Gospel. When Melanchthon says that the whole of Scripture "ought (*debet*) to be divided" into Law and Gospel, he is not saying that Scripture divides itself into Law and Gospel, but that the Christian reader of Scripture ought to distinguish between the Law and the Gospel. By so doing the theologian will view all of Scripture from a proper perspective. The distinction between Law and Gospel constitutes a posture as well as a dogmatic viewpoint from which the theologian and exegete interprets and applies the Scriptures. But never does Melanchthon intimate that distinguishing between Law and Gospel is a hermeneutical cipher or a substitute for grammatical exegesis.

In his *Loci Theologici* Chemnitz treats the theme of Law and Gospel within his lengthy discussion of justification, just as Melanchthon did in the Apology. As far as I can determine all the later Lutheran dogmaticians accept and apply Melanchthon's hermeneutical principle.

Melanchthon then defines the Gospel. It "is not the Law," but the promise of divine grace and mercy, the promise of forgiveness and God's love "through Christ" (See Ap. IV, 5). All the promises of the Gospel, starting with the "first Gospel" of Gen. 3:15, reveal Christ and "must be referred to Him." In fact, the promises can be understood only as they refer to Christ. The promises of Christ are nothing else than the Gospel, and the Gospel is nothing else than the promises of Christ. What was promised in the Old Testament the New Testament proclaims to be revealed and fulfilled in Christ (Rom. 1:1-2).

Melanchthon belabors with much evidence and exegesis the fact that Law and Gospel, sin and grace, are clearly included and proclaimed in both Old and New Testaments. He does so to rebut the common notion among the papists that Christ was a second Moses, who brought to the world a new and better Law than Moses, a Law called the Gospel. Such a notion betrays an utter confusion of Law and Gospel and turns the Gospel into Law. Melanchthon's presentation of what the Gospel is constitutes a necessary polemic against a legalistic understanding of Christ's saving mission and work.

His presentation also establishes another hermeneutical principle, inextricably related to the dividing of Law and Gospel as a canon of exegesis, namely the Christocentricity of Scripture. This second principle was also followed by Chemnitz and all subsequent Lutheran dogmaticians for two centuries and became fundamental in their production of Christian dogmatics and their presentation of the articles of faith.

In his delineation of the Gospel, Melanchthon at several points refers to the relationship between Law and Gospel and the proper distinction between the two. Law and Gospel must be distinguished, but they belong together. "Grace cannot be preached without the Law."¹² For the Law by revealing our sin and God's wrath and fury against sinners (Ps. 92: 2ff; Isa.

¹². *Melanchthons Werke*, 71.

11:13; Ps. 75:9) shows us our need of a Savior. "For without the Law sin cannot be understood, and unless we perceive our sin, we will not understand the power and fullness of grace. Therefore Law and Gospel ought to be preached at the same time, and both sin and grace ought to be made known."

The Power of the Law and the Power of the Gospel

Melanchthon dwells at some length on the power, or work, of Law and Gospel as they are preached and taught. The power of the Law is to show sinful man his sinful nature and works, his total corruption and willful rebellion against God, to show him that its demands are impossible to obey and that he is a hypocrite for presuming that he can do so, to terrify and confound him because of his sin, to condemn him and mortify him, to show him God's wrath against sin and sinners. This is the power and "first work" (*primum opus*) of the Law, or rather of God powerfully working through the Law, to reveal our sin and all its features and horrible consequences.

The power of the Gospel is to console and encourage by the promise of divine grace and mercy those who have been terrified and condemned by the Law. From beginning to end the Scriptures offer examples of those with afflicted consciences being brought to faith by the promise of the grace in Christ, and then being resuscitated and revived by faith. Examples of this are Adam and Eve, David, Peter, and all those who came to Jesus for help and salvation. From these examples one learns the power of the Law and the power of the Gospel.

The Law terrifies; the Gospel comforts. The Law is the voice of wrath and death; the Gospel is the voice of peace and life . . . And he who is encouraged by the voice of the Gospel and believes God's promise, that person is already [*iam*] justified. Christians know full well how great joy and gladness this comfort [of the Gospel] affords (Exod. 19-20; 2 Cor. 3:13ff; Matt. 17:4; John 3:14ff.).

To Melanchthon the power of both Law and Gospel are in their "voice," their word of condemnation and of forgiveness.

Melanchthon's discussion on the power of Law and Gospel introduces explicitly his fundamental concern about the proper distinction between Law and Gospel, a concern which is definitely apparent throughout the remainder of his *Loci Communes*. And this discussion of Law and Gospel leads directly into a lengthy discourse on the subject of justification, which is the chief topic (*praecipuus locus*) of Christian doctrine (Ap. IV, 2). To Melanchthon an understanding of the proper distinction between Law and Gospel is a hermeneutical necessity for the correct teaching on justification and all the articles of faith. He measures all theology according to the criterion of the right understanding of Law and Gospel and then organizes all Christian doctrine around the central article of justification. His very opening words in his lengthy section on justification in the *Loci Communes* weld together three closely correlated theological themes that entail each other: Law and Gospel, justification, and repentance.

We are justified, [he says], when, having been put to death by the Law, we are restored to life by the word of grace that is promised in Christ, or in the Gospel which remits our sins and to which we cling in faith, not doubting that Christ's righteousness is our righteousness and that Christ's satisfaction is our means of atonement and His resurrection our resurrection. Put briefly, we are justified when we have no doubts that our sins are forgiven and that God already loves us and is compassionate toward us.¹³

Clearly, Melanchthon here is not defining what justification is, but is describing what happens when a sinner is justified through faith in Christ and

¹³ *ibid.*, 88.

how justification, or, more precisely, our acquisition of justification, takes place in the context of the works of Law and Gospel.

It might be helpful at this point to mention that both Luther and Melancthon in their prolific discussions on justification spoke of God's declaration of justification from two different biblical perspectives, or approaches. The two perspectives, or biblical paradigms, complemented each other and are both absolutely necessary if one is to teach the Gospel of justification correctly. The two paradigms, or contexts, are usually found together in the biblical presentation of justification. First, the grace of God and Christ's work are mentioned in the context of the biblical portrayal of the justification of the sinner as the basis of God's verdict of justification. Second, the biblical account almost always links faith to justification: faith is man's response to the Gospel of justification, the vehicle, or means (*organon leptikon*), which receives God's verdict. What is significant in this regard is the fact that neither Luther nor Melancthon formulated or employed any distinction between a) justification as it was acquired by Christ's work of redemption and based upon Christ's obedience and b) justification as it is received by faith in Christ and His work. The two motifs are simply lumped together in both their positive and their polemical presentations of justification.¹⁴ It remained for later generations of Lutheran dogmaticians to articulate sharply the conceptual distinction between the cause of salvation and justification (which is the grace of God and the merits

¹⁴ As late as the Formula of Concord (SD III, 25) there seems to be no distinction made between the two motifs in the discussion of justification. The statement is simply made, "The only essential and necessary elements of justification are the grace of God, the merit of Christ, and faith which accepts these in the promise of the Gospel, whereby the righteousness of Christ is reckoned to us and by which we obtain the forgiveness of sins, reconciliation with God, adoption, and the inheritance of eternal life." cf. SD III,9 and Ap. IV, 214, 217; XII, 72, 76. In these and countless other statements in the Confessions, Luther and all the Lutherans through the time of the Formula of Concord clearly state the role of the biblical *sola gratia*, *propter Christum*, and *sola fide* in the justification of the sinner and in the presentation of the doctrine of justification.

of Christ) and the means through which the sinner receives the benefits of Christ's work and is justified (which is faith). This distinction led to the later distinction between Christ's acquiring salvation for the entire race of sinners and the individual sinner's appropriation of Christ's merit, and later still to the distinction between objective and subjective justification.¹⁵

The Gospel and Christian Dogmatics

In the Augsburg Confession Melancthon clusters all the articles of the faith around Article IV on justification and arranges them as either antecedent or consequent to it. This procedure becomes clearer in the Apology of the Augsburg Confession and in the later editions of his *Loci Communes*. There Melancthon incorporates an explanation of the differences between Law and Gospel within his treatment of justification and demonstrates that the article of justification cannot be rightly taught apart from a correct understanding of the different works of Law and Gospel.¹⁶ For

¹⁵. See Kurt Marquart, "Justification, Objective and Subjective: A Translation of a Doctrinal Essay Read at the First Convention of the Synodical Conference in 1872" (Fort Wayne: Concordia Theological Seminary Press, n.d.). The essay contains copious citations from the seventeenth century Lutheran theologians.

¹⁶. See especially Ap., IV, but also Philip Melancthon, *Loci Communes*, 1543 edition, tr. J. A. O. Preus (St. Louis: Concordia Publishing House, 1992), 81ff. Throughout the locus on justification Melancthon weaves the theme of Law and Gospel into his portrayal of the doctrine. As the later editions of the *Loci Communes* address the topics of Law and Gospel, little of substance is added to what was said in the 1521 edition. However, Melancthon becomes more articulate as he rewrites his dogmatics book. In his final 1559 edition he links the work of Christ more directly and emphatically to the content of the Gospel (see *Melancthon's Werke*, vol. 2, 344ff.). The promises of the Gospel are gratuitous and unconditioned just because they are based upon the work of Christ the propitiator. If there is to be a promise of pardon, reconciliation, and justification, a sacrifice must be made for us. Only when based upon such a foundation do the promises of the Gospel become certain. "Therefore Christ was given for us and made an offering for us, in order that, on account of Him, we might with certainty have a status which pleases God" (*Melancthon's Werke*, 345).

this locus [on grace and justification] contains the sum and substance of the Gospel. It shows us the special blessings we have in Christ [*beneficium Christi proprium*], it offers a firm comfort to pious minds, it teaches the true worship of God, true invocation, and it especially distinguishes the church of God from other people.¹⁷

In his 1543 edition of the *Loci Communes*¹⁸ and again in his 1559 *Loci Praecipui Theologici*,¹⁹ Melanchthon adds a new dimension to his definition of the Gospel. It has three distinctive benefits (*beneficia propria*), or parts (*membra*). He says 1) that our sins are remitted freely for Christ's sake, 2) that we are freely declared righteous, that is, reconciled to God and accepted by Him, and 3) we become heirs of eternal life. The remainder of Melanchthon's discussion of Law and Gospel deals with these three components, or effects, of the Gospel. And then Melanchthon launches immediately into his discourse on justification by faith. The discussion, as in the first edition of his *Loci Communes*, centers upon the meaning of grace and faith and the role of faith in the sinner's justification. It comes far short of his classic discussion in Apology IV with its strong emphasis on Christ the Propitiator as the basis of our justification and the object of justifying faith. But again this treatment adds something to what he had said in Apology IV, namely, a brief definition of what justification is. "Justification means the remission of sins and reconciliation, or the acceptance of a person into

In the Apology of the Augsburg Confession, where Melanchthon subsumes the discussion of Law and Gospel under the locus on justification, he bases the justification of sinner before God solely on the work of Christ, the "Mediator and Propitiator" (Ap., IV, 42, 46, 53, 81, 82, 211, 212, 213, 221, 230, 238, 246, 387; XII. 76; XXIV, 57). This is what it means to be justified by grace.

¹⁷. Melanchthon, *Loci Communes* (1543), 85.

¹⁸. *ibid.*, 82.

¹⁹. *Melanchthons Werke*, II, 346.

eternal life."²⁰ What is remarkable about this definition of justification is that it parallels Melanchthon's description of the benefits and effects of the Gospel. To Melanchthon the Gospel is in its essence the doctrine of justification, understood in its broad sense.

Jacob Heerbrand

After Melanchthon, the most significant Lutheran book in dogmatics to be written before the appearance of the Formula of Concord and Chemnitz' *Loci Theologici* was the *Compendium Theologiae* of Jacob Heerbrand, first published in 1573 in Tuebingen.²¹ Like Chemnitz, Heerbrand was a student of Melanchthon and patterned his *Compendium* after Melanchthon's order and rationale. But he does not parrot Melanchthon. When he discusses Law and Gospel he correlates the two topics much more closely than Melanchthon did, and addresses many new questions related to the subject. All in all, his treatment is quite innovative.

Natural Law and Divine Law

Like Melanchthon, Heerbrand begins by defining God's Law and distinguishing between divine and natural law. He then launches out anew, listing the three kinds of Mosaic law: moral (which is either judicial or forensic), political (*Weltlich Recht*) and ceremonial, encompassing biblically supported church law and church order (*Kirchenrecht / oder Kirchenordnungen*) in Heerbrand's day. God is the author of moral Law, which has been given by God that man might know His will and conform to it by love (1 Tim. 1:5). In effect, the Law not only shows man God's will, but reveals man's inability to obey it, as well as God's judgment upon all who

²⁰. *Loci Communes* (1543), 86; *Loci Praecipui Theologici* (1559), in *Melanchthons Werke*, II, 385.

²¹. See Jacob Heerbrand, *Compendium Theologiae* (Wittenberg: 1582), 332ff.

disobey His commandments. Accordingly, the Law, which acts as a school master and shows man his sin and God's wrath and judgment against sin, tacitly, as it were, drives us to seek Christ as our Mediator, whom the ceremonies and sacrifices of the Old Testament Law foreshadowed.

The Law and Justification, Under the Law and Free from the Law

Heerbrand's brief allusion to the work of the Law immediately leads to the critical question of justification.²² Can sinful man be justified before God by obedience to the Law? "Absolutely not" (Rom. 8:7; 3:20; Gal. 2:16; Acts 15). Why? "Because no one can perfectly satisfy the Law of God" (Gen. 6:5; 8:21; Ps. 14:1; Rom. 3:19-20). The papists deny this, according to Heerbrand, and claim that man by his own powers can love God above all things and his neighbor as himself. They claim the Law can be satisfied by performing the "substance" of the act commanded. They even claim that man can do more than the Law requires and thus perform works of supererogation.

Here Heerbrand enters into debate with the Roman Catholics, a practice that by then had become an integral component of Lutheran dogmatics. If we cannot satisfy the demands of the Law, then God is unjust to demand impossible things of us, the papists argued. Why would God issue commands which are impossible to obey? Heerbrand replies to these arguments by referring to the three "effects", or uses, of the Law: 1) to restrain gross sins and preserve order within the political realm, even among the regenerate, 2) to show men their sin and God's wrath against sin, and thus to prepare men to receive the Gospel of Christ, and 3) to teach Christians what worship and works are pleasing to God, namely those which are done out of gratitude and faith in Christ. We observe that Heerbrand at this point has advanced beyond Melancthon's treatment of the Law by repairing to the threefold use of the Law in his refutation of the Roman error, a category later

²². *ibid.*, 350ff.

introduced by the Formula of Concord (cf. Ep. VI, 1) and accepted and employed by all Lutheran dogmaticians thereafter.

The obverse of the Roman Catholic view, that the Christian was obligated to obey the Law and could actually do so, was the opinion of the Antinomians (John Agricola, *et al.*), already in Luther's day, that Christians, renewed by the Spirit, no longer needed the preachment or direction of the Law. The Antinomians, Heerbrand insisted, denied not only the third, but also the second use of the Law.

Heerbrand responds that insofar as all Christians still labor with the flesh they are never completely renewed in this life; they need the prodding of the Law, which, together with crosses and afflictions of God's sending, mortifies the Old Adam. This "ministry" of the Law, worked by the Holy Spirit, is the first part of repentance which marks the life of a Christian. Unless this work of the Law takes place and the Christian is cast down and condemned by his sin, the Gospel, whose ministry is to work faith and salvation, will not take effect. There is a sense, however, in which the Law has been abrogated:

Christians through Christ and on account of Him are free from the condemnation and guilt exacted by the Law (Rom. 8). "You are not under the Law, but under grace" [Rom. 6:14]. In like manner, "There is no condemnation to those who are in Christ" [Rom. 8:1]. And again, "Christ has redeemed us from the curse of the Law, being made a curse for us" [Gal. 3:13]. Furthermore, Christ has abrogated the vexation and weariness involved in the highest obedience to the Law. And so, even if we feel in our members the Law being resisted, still the Law of God delights us according to the inner man.²³

²³. *ibid.*, 359.

Heerbrand presses the point that Christians are never free to disobey the Law, but are always under obligation to obey it:

Because the decalog is the immutable and eternal will of God and is an explication of the law of nature, therefore all men are obligated to obey it. Christ said, "Not one dot or iota will pass from the Law until all things are fulfilled" [Matt. 5:18].

But by the same token,

The decalog has been abrogated by Christ for Christians, and Christians are free from it in respect to its accusations and condemnations. Christians are not condemned even if they cannot satisfy the Law perfectly. You see, Christ took that intolerable yoke of the Law from our shoulders when He made satisfaction to the Law in our place. He did this by doing and suffering all things which the Law required. In this way the Law is established by Christ when He fulfills it for our sake. Furthermore, the Law is also fulfilled in us by faith through imputation, and it is fulfilled in us incipiently in this life, and it is fulfilled in us perfectly in the future life. But it is not abrogated in respect to our obedience, for Christians are always obligated to observe it in that respect. We are not debtors to the flesh. For if we live by the flesh we shall die.

It is clear from the course of Heerbrand's discussion that a Lutheran dogmatician cannot present the doctrine of the Law without reference to the Gospel. Law and Gospel differ from each other in respect to their content and their effects, but they are correlative to each other and entail each other, and neither can be understood or applied correctly apart from the other. An error in teaching the Law will inevitably result in a false doctrine of the Gospel, and vice versa. Rome erred in contending that a Christian could

obey the Law. Antinomianism erred in contending that a Christian did not need the Law. Both obscured and distorted the Gospel.

Heerbrand goes on. What does it mean to be under the Law? It means to be under its curse. But we who believe in Christ and belong to Him are not under the Law, but under grace. That means that the Law by its own authority (*sui jure*) cannot condemn us, even though we cannot obey it. "For we have a God who has been propitiated and pacified by Christ and for the sake of Christ who fulfilled the Law for us. Hence, we are certainly not under the Law. Nevertheless, we live in the Law and delight in it". Again we note how Heerbrand observes the organic connection between Law and Gospel and is constrained to describe the Christian's relationship to the Law in the light of his relationship to Christ and the Gospel.

He follows the same practice as he addresses the question how the Law is fulfilled. It is fulfilled in two ways, he says. First, by imputation. Christ obeyed and fulfilled the Law in our place, and His perfect obedience is imputed to us who believe in him, just as if we had made satisfaction to the Law ourselves. The Apostle Paul expounds this when he says that Christ is the end of the Law unto righteousness to all who believe (Rom. 10:4).²⁴ Second, the Law is obeyed incipiently. This happens when God for Christ's sake accepts the incipient obedience of His children as a perfect obedience. "For the perfection of His Son covers our imperfection." In both kinds of obedience the Law is fulfilled by grace, in the one case by imputation of Christ's righteousness to the believer, in the other by the indwelling of the Spirit helping the believer.

There is nothing new in what Heerbrand has said. Melancthon discussed all these points in his brilliant discourse on justification by faith in the Apology to the Augsburg Confession. What is new is that Heerbrand

²⁴ *ibid.*, 362. Here Heerbrand cites St. Augustine's well known statement [*Retractationes*, I, 19, 3, in *Patrologiae*, Series Latina, ed. J. P. Migne, 32 (Paris: Migne, 1844-1891), 615] cited by Melancthon (Ap. IV, 172), "All the commandments of God are kept when what is not kept is forgiven."

incorporates these Gospel motifs as a necessary element in his treatment of the locus on the Law, something Melancthon had not done at this early point in his *Loci Communes*, although he and Luther had advocated such a general procedure.²⁵ Neither is there anything new in Heerbrand's using both the papists and Antinomians as foils in his treatment of the Law and other theological loci. This was the common procedure among the post Reformation dogmaticians. What is new is the way in which Heerbrand sets the locus on the Law and the other loci within the context of the doctrine of Christ and His work.

And so, Heerbrand concludes against the Antinomians that the Law must be taught and preached in the church, for only then will repentance be preached in the church.

Ceremonial Law and Christ's Work

As Heerbrand addresses the subject of ceremonial law, he again applies the Lutheran hermeneutic of viewing all articles of faith under the aspect of Christ's saving work. With the advent of Christ and His perfect redemption through His sacrificial oblation the entire Law was fulfilled and the ceremonial law repealed. No longer are the children of God required to observe the Old Testament ceremonial "laws," which in their most important aspect were promissory and therefore not Law at all, but Gospel. The Levitical sin offerings adumbrated Christ's atoning death and applied the benefits of His work retroactively to the Israelites. Christ by His death established a kingdom and a New Testament, which rendered all the Old Testament ceremonial laws obsolete and ineffectual.

Civil Law

²⁵ See Ap. IV, 2 (German text), where Melancthon subjects Scripture, and therefore also all Christian doctrine, to the scrutiny of the Gospel of justification. See also footnote 1.

Like the Old Testament ceremonial law, the Mosaic civil law pertained only to the Israelites and does not apply to Christians today. However, as the Israelites were required to obey the civil laws of Moses, so Christians today are obliged to obey civil law. The Gospel today does not abolish or abrogate civil law and civil government when these laws "agree with the natural law and reason," but the Christian is to honor government and its laws (Matt. 18:15ff.). Meanwhile the Gospel brings about a spiritual and inner righteousness, the righteousness of faith. Heerbrand points out that when a sinner is justified, he is acquitted of infractions not only against ceremonial (church) law and civil (forensic) law, but also and especially of moral Law and the decalog. Only this Law reveals the enormity of our sin and our deep concupiscence (Rom. 7).

The Gospel

Heerbrand then turns to the topic of the Gospel and discusses it briefly. His discussion is brief because he has already addressed the subject repeatedly and because the entire remainder of his *Compendium* deals largely with Gospel themes (e.g. the rule of Christ, faith, justification, election, church and ministry, the sacraments, etc.). He has already spoken many words about what the Gospel is and its power, but now he offers a pithy definition of the Christian Gospel:

It is a doctrine and promise from heaven, revealed from the heart (*sinu*) of God the Father by His Son. It sets forth the gracious mercy of God, the forgiveness of sins, liberation from the tyranny of Satan, hell and eternal death. It proclaims righteousness, confers the gift of the Holy Spirit. The Gospel is freely promised and offered to all to be received in faith by those who truly believe in Christ. It is offered and given through Christ and for His sake.

Having defined the Gospel in terms of its nature (promise) and the content of its promises (forgiveness, the gift of the Spirit, eternal life), Heerbrand proceeds to address the critical subject of the *causae evangelii*. Heerbrand now employs a scholastic presentation of the basis, rationale, nature, content and effects (goal) of the Gospel, an approach to these important aspects of the doctrine that was first emulated only two generations later by John Gerhard and then by all the subsequent Lutheran dogmaticians.²⁶ The basis of the Gospel, the *causa efficiens et principalis*, is the Son of God, who being in the bosom of the Father, has "described" (*enarravit*) God to us through the Gospel (John 1:18). That which prompted God to give us the Gospel (the *causa impulsiva interna*) is the Father's immeasurable love and mercy. "The Father, who fashioned man in His own image, is unwilling that mankind perish in sins." It was the terrible plight of sinful man, the misery and damnation of the human race on account of sin, that as an external cause (*objectum externum*) prompted the Father and the Son to reveal the Gospel to lost mankind. The instrumental cause, the medium through which the Gospel is declared, are the preachers of the Gospel (*ministri Evangelii*) "who, having received this doctrine from God through the Holy Spirit, propagate it." Such ministers are the patriarchs, prophets, and apostles, and their true successors today.

The Gospel and Justification

As his exposition of the Law was directed consistently at the correlation between Law and Gospel, so Heerbrand's briefer development of the doctrine of the Gospel is focused at the relationship between Gospel and Law. This theological bent is clearly noticeable as Heerbrand addresses the promises

²⁶ Chemnitz, Hutter and even Brockmand, who often imitated Heerbrand, stick with the Melancthonian pattern, which refrained from the use of scholastic terminology. But they all presented the same substantive material, as did Heerbrand, and, as a matter of fact, in much greater detail.

of the Law and of the Gospel. Both Law and Gospel promise eternal life, but there is a world of difference between the promises of the Law and those of the Gospel. The promises of the Law are conditioned upon our perfect obedience to it. The promises of the Gospel are unconditional. This is a very important issue to Heerbrand. He is well aware of the conditional construction of the grammar in Rom. 10:9 and elsewhere in Scripture which says if one believes the Gospel, one will be saved. And the Gospel in the nature of the case requires, or solicits, faith. But, strictly speaking, faith is not a condition, nor is it required by the Gospel "as a condition". Heerbrand explains:

Justification is not promised or offered because (*propter*) of our faith's dignity or value or insofar as faith is a work, for faith is imperfect. Faith is rather, in a sense, a means (*modus*), a blessing which has been bestowed upon one and has been given by Christ and for His sake. In this sense it is an instrument, like one's hand, receiving Christ and His benefits offered in the Gospel and applying these benefits to oneself. When a beggar stretches forth his hands to receive alms and receives them with his hands, we do not call his hands a condition by which he accepts the alms, but rather a means and instrument whereby he receives the alms.

Heerbrand has said nothing in this succinct statement that had not already been said repeatedly and in far greater detail by Luther and Melancthon and later in the Formula of Concord (FC SD, III, 13. cf. III, 38, 43). What is new is that he makes the statement in his delineation of the Gospel. He cannot speak of the Gospel without speaking also of how it is received and applied, without pointing to its material content, without referring to the doctrine of justification. To him the doctrine of the Gospel is the doctrine of justification. And faith is the *organon leptikon* of the Gospel, just as [it] is the means and instrument that receives the righteousness of Christ and God's

verdict of justification (cf. FC SD III, 34). This simple pattern of doctrine is central to Christian dogmatics.

To Heerbrand, justification by grace and salvation in Christ are correlative. To be saved is to be justified. This fact is brought out as he focuses his attention on the explicit promises of the Gospel: the promises center in forgiveness (justification) in this life and in salvation and eternal life in the future. Again he anticipates the Formula of Concord (FC SD, V, 1ff; cf. Ap. IV, 5ff; 53, 57) in stressing the fact that the Gospel promises are the same for all sinners in all times, for God's people in the Old Testament as well as in the New (Acts 10:43).

Therefore it is a horrendous error when the scholastics taught that the patriarchs were justified and saved by observing natural law, the Jews by complying with Mosaic law, and Christians by obeying a new and evangelical law. For no new law is propounded in the New Testament. Rather the Law in the Old Testament which was distorted by the Pharisees was explained in the New Testament. Nor are men justified before God by the observance of any law, deserving of the name.

And so the "doctrine of the Gospel" and faith in the Gospel were the same in the Old Testament as in the New. The difference is only in reference to time. The Old Testament believers trusted in the promises of a Messiah to come, the New Testament believers in a "more clear and distinct doctrine" of a Savior who has come.

The promises of the Gospel are universal (Ezek. 18:23; Matt. 11:28; John. 3:16; Rom. 10:12; 11:32; 1 Tim. 2:4). How often do the Scriptures tell us that the Gospel is offered to "all." We see again how Heerbrand adjusts his presentation to the Formula of Concord and its concerns (SD XI, 15-23), in this case against Calvinism.

The Differences (Distinctiones) between Law and Gospel

The distinction and division (*discrimen*) of Law and Gospel was emphasized anew by Luther, according to Heerbrand. The two teachings must be diligently distinguished, lest "a confusion of all theology" ensue, and the central doctrine of justification be obscured and lost, and sinners be led to despair. What are the differences between Law and Gospel, which it is so crucial to discern?

First, the Law is known by nature, for the moral Law of Moses is no different from the law of nature. Since the Fall of our first parents, the Law has been obscured and distorted, but it has not been completely extinguished. The Gospel, on the other hand, is a mystery, it is wisdom hidden from our age, a wisdom God has predestined from eternity to reveal to us for our glory (1 Cor. 2:7). The message of Christ crucified is foolishness to the Jews and a stumbling block to the Gentiles (1 Cor. 1:23).

Second, the content of the Law differs radically from the content of the Gospel. The Law teaches and tenders precepts, and demands that we obey them, that we do this and omit doing that. The Law accuses and condemns all who do not obey it and conform to it perfectly. "The Gospel, on the other hand, is the promise of the forgiveness of sins and of eternal life to be given us for Christ's sake. It offers and gives everything freely to all who believe it."

Third, Law and Gospel differ in respect to the nature of their promises. The Law promises eternal life and good things in this life. But its promises are conditioned on our perfect inward and outward obedience to its precepts and fulfillment of it. The only promise given those who disobey it is God's curse (Gal. 3:10; Luke 10:28). The Gospel's promises, however, are both free and universal. They are offered always for the sake of the "obedience and merit" of Christ "who gave himself a ransom for our sins." The Gospel promises issue alone from the goodness and mercy of God and offer us forgiveness of sins, righteousness, and eternal life (John 3:16; Rom. 1:16; 3:24).

Fourth, the Law and the Gospel differ in respect to their consequences. The Law reveals our sin and our inability to comply with its demands. It proclaims the wrath of God and His punishment upon all who do not perfectly obey Him, but never provides man with the power to keep the Law. The Gospel confers remission of sin and eternal life through faith in Christ. Through it the Holy Spirit ministers, comforting consciences terrified by the voice of the Law. The Gospel "displays" Christ the Mediator (John. 1:29; Matt. 11:28).

Fifth, Law and Gospel differ in respect to those to whom they are to be preached. The Law is to be preached to secure and impenitent sinners, Epicureans and hypocrites, showing them the corruption, enormity, and shamefulness of their sin. The Gospel is to be brought to terrified sinners, who have felt the wrath of God, come to their senses, and acknowledged their lost condition. Such poor sinners are no more to be frightened by the Law, but "encouraged and comforted by the sweet promises of the Gospel concerning Christ"; and this in order that weak and broken reeds do not be dismayed and lose hope (Is. 42:1-8; 61:1-3).

Sixth, the distinction between Law and Gospel must be diligently observed in presenting the doctrine of justification. In this article, Law and Gospel oppose each other. The "doctrine of the Gospel" justifies sinners, not the voice of the Law. We are justified by faith in the Gospel, not by the Law. We receive the Holy Spirit by the hearing of faith, not by the deeds of the Law.

It is to be expected that Heerbrand's locus on Law and Gospel will differ from Melanchthon's in many ways, even though he patterns his treatment after that of his teacher. Although Luther and Melanchthon had been gone only a generation, a tremendous amount of debate and study had been expended during that short time by the second generation confessional Lutherans as they sought to present their Reformation theology. This was particularly the case as they addressed the subjects of Law and Gospel and the relationship and distinction between the two. Thus, we find some significant innovations in the presentation by the students of Luther and

Melanchthon. And the innovations are all propitious. Heerbrand introduces a summary of the similarities and of the radical differences between Law and Gospel, which became standard in all later Lutheran dogmatics. He brings the doctrine of justification and the obedience of Christ into his treatment of Law as well as his exposition of Gospel. He stresses the crucial fact that the promises of the Gospel are not conditional, contingent on man's response. And we notice throughout Heerbrand's discussion the close nomistic and forensic correlation between Law and Gospel more distinctly enunciated than in Melanchthon's *Loci Communes*. Like all who wrote in the time of the Formula of Concord, he introduced the subject of the threefold use of the Law into the discussion, a notion which proved to be helpful in combating the errors of Romanism and Antinomianism. What Melanchthon had initiated by structuring dogmatics according to the pattern of Law and Gospel was faithfully continued and improved by Heerbrand and the succeeding Lutheran dogmaticians.

Martin Chemnitz and the Formula of Concord

As we trace the development of Lutheran dogmatics in the sixteenth century we cannot fail to perceive that the *Loci Theologici* of Martin Chemnitz was the most excellent and enduring contribution in that emerging field of theological endeavor. At the same time that Jacob Heerbrand was publishing his brief and pithy compendium, Chemnitz was hard at work producing his monumental and definitive dogmatics work, which, more than any other contribution he made, gained for him the title "The Second Martin."²⁷ Both Heerbrand's and Chemnitz' books, so different from each other in format, became the two most popular and influential dogmatics books of the late sixteenth century. Until the appearance of Calov's massive *Systema Locorum*

²⁷. This judgment is well established by J. A. O. Preus in his excellent book on Chemnitz, *The Second Martin, The Life and Theology of Martin Chemnitz* (St. Louis: Concordia Publishing House, 1994).

*Theologicorum*²⁸ and the introduction of the analytical method of doing systematic theology, Chemnitz' *Loci Theologici* reigned as the dominant paradigm for all Lutheran involvement in writing dogmatics books. Leonard Hutter, Jesper Brockmand, and John Gerhard, just to mention the most celebrated dogmaticians to write according to the synthetic method, all follow rather closely Chemnitz' general outline and pattern of words, also in their treatment of Law and Gospel. But the Formula of Concord, especially in Article V, exerted a far greater influence on subsequent dogmatics as the later dogmaticians treated the topic of Law and Gospel. So we turn to Chemnitz' chief contribution to the subject in the Formula of Concord.

Article V of the Formula of Concord, of which Chemnitz was the chief author, exerted a greater influence on the course of the discussions of Law and Gospel in Lutheran dogmatics than any other theological work. It was the Formula of Concord which secured the subject of the distinction between Law and Gospel as a locus in all subsequent Lutheran dogmatics. All dogmatics works after the Formula of Concord incorporated the motifs which are found in the Formula. For the next century and a half, the Formula became a norm and pattern for later treatments of the themes pertaining to Law and Gospel.

Unlike Chemnitz' *Loci Theologici*, which was first published three years later, Article V of the Formula of Concord is written within a confined theological situation. As a result, the confessional exposition of the distinction between Law and Gospel focused on the controversies of the day and was more narrow in scope than the larger dogmatic treatises, which encompassed the whole biblical teaching on the subjects of Law and Gospel.

The Formula of Concord stresses at the outset the importance of the distinction (*Unterschied, discrimen*) between Law and Gospel. The distinction is a "brilliant light" in dividing the Word of God, the Scriptures (SD V,1; Ep. V, 2; cf. 2 Cor. 3:7-9; 2 Tim. 2:15). To distinguish between Law and Gospel in Scripture is a hermeneutical task essential for the correct

²⁸. Abraham Calov, *Systema Locorum Theologicorum* (Wittenberg: 1655-77).

interpretation and application of Scripture, and therefore also for the confession of the church. To understand and correctly expound the Scriptures one must recognize what in Scripture is Law and what is Gospel. In doing so the interpreter imposes nothing upon the Scriptures, but discerns and applies what is already there. For therein are recorded two proclamations that have been set forth in the church of God from the beginning of the world (SD V, 23). And to the end of the world the two teachings (*beide Lehren, duo doctrinae Christianae capita*) must be urged constantly and diligently in the church, but always properly distinguished from each other. Only then will the Law serve to convict the sinner of his sin and the Gospel minister to comfort, strengthen, and forgive him (SD V, 24; Ep. V, 3-4).

Actually, the distinction between Law and Gospel in FC V is as much practical advice as a statement of faith, as much a norm for applying the Scriptures as for interpreting them, as much a guide for doing dogmatics as for doing exegesis. And so the Formula states a number of important observations which enable the Christian to divide Law and Gospel:

1. In Scripture and ecclesiastical usage the terms "Gospel" and "repentance" are used in a narrow and in a broad sense (SD V, 3-9; Ep. V, 6). Sometimes the term "Gospel" refers to the good news in Christ in contrast to the Law; sometimes it refers to the whole body of doctrine. Sometimes the term "repentance" refers to contrition and sorrow over sin only; sometimes it refers to contrition and faith in Christ.
2. The Gospel is never a proclamation of God's wrath, but only of His grace and forgiveness (SD V, 12; Ep. V, 9-10). If the passion and death of Christ are preached in such a way as to condemn the

- sinner and portray God's anger against sin, then this is not the pronouncement of Gospel, but of Law.²⁹
3. If only the Law were preached, people would be led into despair or presumptuous pride (SD V, 10).
 4. The Holy Spirit's alien work (*opus alienum*) through the "ministry" of the Law is to convict the sinner of sin and preach God's wrath. The Spirit's appropriate work (*opus proprium*) through the ministry of the Gospel is to comfort and to preach grace to poor sinners (SD V, 11-12; cf. Ap. XII, 49-53).
 5. Only the Law reproves unbelief, although the Gospel sheds light on this matter (SD V, 19 *passim*).
 6. Law and Gospel are taught throughout Scripture, the Old Testament as well as the New, and the content of both teachings is the same in both testaments (SD V, 23; cf. Ap. IV, 5-6; XII, 53-54).
 7. Law and Gospel differ in several ways.
 - a. As to their functions: The Law condemns; the Gospel raises up and comforts.
 - b. As to their objects: The Law is preached to impenitent and hardened sinners; the Gospel is preached to penitent and frightened sinners.
 - c. As to their goals: The Law is preached to drive the sinner to despair; the Gospel to comfort and bring forgiveness.
 - d. As to their didactic function: The Law is a "divine doctrine" that teaches the "righteous and immutable will of God" and teaches

²⁹. The Formula cites Luther at this point: "In fact, where is there a more earnest and terrible revelation and preaching of God's wrath over sin than the passion and death of Christ, his own Son? But as long as all this proclaims the wrath of God and terrifies man, it is not yet the Gospel nor Christ's own proclamation [*eigene Predigt*], but it is Moses and the law pronounced upon the impenitent. For the Gospel and Christ are not ordained and given us to terrify or to condemn us, but to comfort and lift upright those who are terrified and disconsolate." WA, 15:228.

that man's nature, thoughts, words, and deeds are corrupt (SD V, 17); The Gospel teaches the grace of God, that He forgives sinners for Christ's sake (SD V, 21).

Every point included in the Formula of Concord was discussed in all dogmatics books from that time on, and a greater awareness and occupation with the distinction between Law and Gospel became common.³⁰ The formula of Concord, Article V (and VI) influenced and standardized the systematic and exegetical theology of the next century. One might almost say that all Lutheran dogmatics published after 1580 consisted mainly of footnotes to Melanchthon's *Loci Communes*, Heerbrand's *Compendium*, and the Formula of Concord. It can safely be said that faithfulness to the doctrinal pattern of Article V on Law and Gospel helped more than any other single factor to keep the later dogmaticians committed to all the articles addressed in the Formula of Concord and unite the Lutheran Church doctrinally. For all the articles of faith were correlated to the distinction between these two contrary words of God.³¹

30. This is especially the case in the many works in symbolics that were written after 1580. Such books comprised either historical studies on the Lutheran symbols or doctrinal commentaries on them, or both. The most notable of such studies are the following: Nikolaus Selnecker, *Erinnerung vom Concordienbuch* (Leipzig, 1581); Nikolaus Selnecker, *Erklärung etlicher streitiger Artikel aus der Concordienformel* (Leipzig, 1582); Leonard Hutter, *Augustanae Confessionis Analysis Methodica* (Wittenberg, 1602); Leonard Hutter, *Libri Christianae Concordiae: Symboli Ecclesiarum Nvissimo hoc Tempore, Longe Augustissimi; Explicatio Plana & Perspicua* (Wittenberg, 1609); Leonard Hutter, *Concordia Concors, de Origine et Progressu Formulae Concordiae Ecclesiarum Confessionis Augustanae* (Wittenberg, 1614); John Kromayer, *Epitome Christianae Concordiae* (Leipzig, 1620); John Benedict Carpov, *Isagoge in Libros Ecclesiarum Lutheranarum Symbolicos* (Leipzig, 1665); Sebastian Schmidt, *Articularum Formulae Concordiae Repetitio* (Straßbourg, 1696).

31. This fact is brought out in Abraham Calov's *Consensus Repetitus Fidei Vere Lutheranae* (Wittenberg, 1666), which the author intended to be a formal confession of faith to settle certain controversies raging between confessional Lutherans and Lutheran Syncretists (Georg Calixt, John Latermann, Christian Dreier, et al.). In this confession Calov follows the

outline of the Augsburg Confession (the entire Book of Concord had not been accepted in Helmstedt, where many of the Syncretists were located). However, as he discusses AC V ["The Office of the Ministry"], he devotes himself only to a presentation of the theology of FC V on the subject "The Word of God: Law and Gospel," a locus not explicitly dealt with in the Augsburg Confession. He says,

We confess and teach that there is a difference between God's Word of Law and His Word of Gospel. This difference must be guarded and maintained with careful diligence lest the two teachings be confused or the Gospel be changed into Law. Should that happen, the merits of Christ would be obscured and the sweetest comfort of the Gospel would be snatched away from those whose consciences are disturbed. This comfort is in the Gospel of Christ when it is faithfully preached. By this Gospel sinners sustain themselves when they are in the most intense temptations before the terrors of the Law. Strictly speaking, the Law is a doctrine, divinely revealed, which teaches what is right and acceptable to God. It also opposes whatever is sin and contrary to God's will. The Gospel, on the other hand, must be treasured as a doctrine which teaches what a man, who cannot satisfy the Law and is therefore damned by it, should believe. He should believe this, that Jesus Christ has taken all sins upon Himself and made satisfaction for them, He has forgiven sinners, established His righteousness before God and has procured eternal life for sinners not by any intervention of theirs, but by his merits alone (Jer. 31:31-34; Heb. 10:8-13; 2 Cor. 3:9; Gal. 3: 11-12).

Calov then proceeds to reject just one antithesis, the error of Conrad Hornejus and Georg Calixt. Hornejus taught that both Gospel and Law were premised on conditions. The Law required the "condition" of good works. The Gospel, in addition to bestowing grace and forgiveness, "sets forth" a "condition" with which man must comply, namely the "new life." To Calov such a conditional Gospel made the Gospel into Law, which was the most perilous confusion of Law and Gospel one could make. This deep concern of Calov, which echoes Heerbrand's position (cf. *Compendium*, 379), was shared by all the later dogmaticians and discussed at length. Johann Andreas Quenstedt *Theologia Didactico-Polemica sive Systema Theologiae* (Wittenberg, 1685, P. III, C. 2, S. 2, q. 2, 64ff.) devotes attention to the question, "Whether the Promises of the Gospel are Conditional". Responding at length in the negative, he contends that the Gospel is conditioned only by the grace of God in Christ, not by anything in respect to us - not even faith. He says, "We state that faith is required, but as an organ of

apprehending [the Gospel] and a medium of divine arrangement (*taxis*) rather than as a condition." Faith does not condition the Gospel, but receives it. The truth, efficacy, and message of the Gospel obtain, whether it is believed or not. This crucial point was simply misunderstood or denied by Papists, Arminians, Socinians and "Novations" (Lutheran Syncretists), according to Quenstedt.