

# CONCORDIA THEOLOGICAL QUARTERLY



Volume 82:1-2

January/April 2018

## *Table of Contents*

---

---

|  |     |
|--|-----|
| <b>Is Law Intrinsic to God's Essence?</b><br>David P. Scaer .....  | 3   |
| <b>Johann Gerhard, the Socinians, and Modern Rejections<br/>of Substitutionary Atonement</b><br>Jack D. Kilcrease .....                            | 19  |
| <b>Luther on Vocation and Baptism: A Correction<br/>to Charismatic and Situational Ways of Discerning God's Call</b><br>Benjamin T. G. Mayes ..... | 45  |
| <b>Paradise Regained: Placing Nicholas Hopman's <i>Lex Aeterna</i><br/>Back in Luther's Frame</b><br>Nathan Rinne .....                            | 65  |
| <b>The Theology of the Cross and the Lutheran Confessions</b><br>Andrew J. Preus .....   | 83  |
| <b>The Catholic Paul: Allegory and Perspicuity<br/>in Irenaeus's Reading of Scripture</b><br>James G. Bushur .....                                 | 105 |
| <b>God Is My Strength and My Song: History and Practice<br/>of Old Testament Canticles</b><br>Andrew Gerike .....                                  | 127 |

|                                   |     |
|-----------------------------------|-----|
| <b>Research Notes</b> .....       | 139 |
| Misquoting Gieschen               |     |
| <b>Theological Observer</b> ..... | 143 |
| Billy Graham                      |     |
| Sermon for Easter Tuesday         |     |
| <b>Book Reviews</b> .....         | 149 |
| <b>Books Received</b> .....       | 159 |

## Paradise Regained: Placing Nicholas Hopman's *Lex Aeterna* Back in Luther's Frame

Nathan Rinne

Academic disputations, which featured men engaged in the vigorous exchange and debate of ideas, were a common feature of university life in the Middle Ages. As certain aspects of Scholasticism were challenged in Martin Luther's time, he also eagerly embraced the practice of holding these disputations, as he believed they were critical to the defense of the truth. When the church went off the tracks and the gospel of Jesus Christ became obscured, Luther's *Disputation on the Power and Efficacy of Indulgences* (the 1517 Ninety-Five Theses) and *Heidelberg Disputation* (1518) were the result. From 1537 to 1540, Johann Agricola (1494–1566), one of Luther's colleagues, maintained that the Christian only needed the gospel and not the law—the law with its coercion was only for the civil sphere. Luther responded with his Antinomian theses and disputations. Unlike the other disputations, however, there were six sets of Antinomian theses and four disputations about them (the third and fourth set were not debated publicly). Perhaps by virtue of their being available only in Latin, the four disputations have only recently been made available, translated and edited by Holger Sonntag and published by Lutheran Press in 2008.<sup>1</sup>

### I. A Brief Introduction to Nicholas Hopman's Article

In his article "Luther's *Antinomian Disputations* and *lex aeterna*," Nicholas Hopman tackles Luther's statement that "only the Decalogue is eternal."<sup>2</sup> Hopman makes the case that the idea that the law is eternal, what other theologians have called the *lex aeterna*, has little to do with the concrete reality that Christians experience.<sup>3</sup> What *can* be rooted in concrete reality, however, is the law that is felt when it accuses us in our hearts. In fact, the essence of the law is that it accuses of sin. Luther, Hopman claims, defines the law by its effect.<sup>4</sup> This is the foundation for the rest of Hopman's article and influences how he sees Luther's theology in the *Antinomian Disputations* and beyond.

---

<sup>1</sup> Martin Luther, *Solus Decalogus Est Aeternus: Martin Luther's Complete Antinomian Disputations*, trans. and ed. Holger Sonntag (Minneapolis: Lutheran Press, 2008), 11–21.

<sup>2</sup> Luther, *Solus Decalogus*, 129; WA 39/1:413.16–18.

<sup>3</sup> Nicholas Hopman, "Luther's *Antinomian Disputations* and *lex aeterna*," *Lutheran Quarterly* 30, no. 2 (2016): 167, 172.

<sup>4</sup> Hopman, "Luther's *Antinomian Disputations*," 157.

Hopman concludes his article “in agreement with Gerhard Forde”<sup>5</sup> and claims that “Christ’s fulfillment of the law is total and it ends the law . . . (Rom. 10:4).”<sup>6</sup> For, if the static *lex aeterna*, “a theological projection of divine, eternal, objective order,”<sup>7</sup> “becomes the framework for the whole theological system, [it] destroy[s] the inherently eschatological nature (Rom. 10:4) of the law-gospel distinction.”<sup>8</sup>

Hopman’s article brings to our attention several important matters that deserve our reflection and discussion. In this piece, I will first summarize the content of his article and then show that Luther’s *Antinomian Disputations*, particularly when read side by side with Luther’s Genesis commentary from around the same time period, present in the final analysis a view of God’s law as both eternal and grounded in God’s original creation. This, in turn, affects how Luther sees and treats the law in the life of the Christian in the present, as one looks to the life to come.

## II. The Eternal Law in Hopman’s Luther

Essentially, Hopman makes two core claims about Luther’s view of God’s law that we will examine and begin to critique in this section. First, in Luther’s thought, a definition of God’s law devoid of an accusation of sin is inconceivable.<sup>9</sup> After all, in the *Antinomian Disputations*, Luther says that “the essence of the law . . . is its condemning office,” and that “‘the office of the law’ is . . . ‘whatever shows sin, wrath, and death.’”<sup>10</sup>

Second, “The law, even and most especially ‘the Decalogue itself,’ demands Christ and it demands sinners become new creations in Christ. Therefore, Christ and his redeemed are the *res* [or thing,] of the Decalogue, the *res* which remains eternally apart from and greater than the law, ‘even the Decalogue itself.’”<sup>11</sup> A corollary of this claim about God’s law is that an orthodox Lutheran view of the

---

<sup>5</sup> Hopman, “Luther’s *Antinomian Disputations*,” 172.

<sup>6</sup> Hopman, “Luther’s *Antinomian Disputations*,” 165.

<sup>7</sup> Hopman, “Luther’s *Antinomian Disputations*,” 153.

<sup>8</sup> Hopman, “Luther’s *Antinomian Disputations*,” 172.

<sup>9</sup> Hopman, “Luther’s *Antinomian Disputations*,” 164.

<sup>10</sup> Hopman, “Luther’s *Antinomian Disputations*,” 154. Hopman also states that for Luther, the law, sin, and death are inextricably connected: the law “is essentially [a] threatening and condemning personal force”; a “law that does not condemn is a fake and counterfeit law, like a chimera or a goat stag”; and “there is no distinction between the law’s requirement/demand (*exactio*) and the law’s accusation/condemnation (*accusatio*)” (see Hopman, “Luther’s *Antinomian Disputations*,” 153, 155, 159).

<sup>11</sup> Hopman, “Luther’s *Antinomian Disputations*,” 165.

eternal law, in other words, that “the law in the most proper sense is internal to God,”<sup>12</sup> causes a “binary distinction in the doctrine of the law.”<sup>13</sup>

To counter this kind of distinction, Hopman’s own working definition of *lex aeterna* is “any concept of law defined apart from sin and the law’s attack on sinners.”<sup>14</sup> In adopting this unique definition of *lex aeterna*, Hopman wants to make clear that as Luther defines it, the law always relates to sin,<sup>15</sup> and he “purposefully (knowingly and dogmatically) equates the law’s being and its effect.”<sup>16</sup> Luther, per Hopman, “literally defines the law’s very being as synonymous with its [condemning] office (not distinguished from it).”<sup>17</sup> Again, “Law and showing sin, are, in fact and in concrete reality, synonymous.”<sup>18</sup> For example, he quotes Luther stating in the twentieth thesis of the “Second Set of Antinomian Theses”: “The law and the showing of sin, or revelation of wrath, are synonymous terms as are man and risible and rational.”<sup>19</sup> In sum, Hopman is keen to emphasize repeatedly that Luther himself says that when we speak about the law, we speak about “the law’s proper effect . . . you always ought to remain in the chief (principal) definition of the law, that it works wrath and hatred and despair.”<sup>20</sup>

Hopman’s Luther also teaches, without any qualification, that “the content of the commandment/law is always a weapon attacking human sin.”<sup>21</sup> The gospel, however, changes all of this. “The fulfillment of the law actually empties the law of all its content, namely, its threatening teeth,”<sup>22</sup> and then, due to this action from our Lord, “where there is no accusation, there is no law.”<sup>23</sup>

---

<sup>12</sup> Hopman, “Luther’s *Antinomian Disputations*,” 162. He also complains that those who have used the doctrine of *lex aeterna*, or the eternal law, “have not defined [it] very precisely” (153). But perhaps, in line with the various ideas of the law they had received from their posterity, they considered the matter to be rather straightforward. A fuller definition than the one given above might be akin to the following: God’s law, in line with his holy character, sums up his will that his creatures dwell in harmony with him and his creation, fearing, loving, and trusting in him and what he commands above all things; and, to paraphrase from the Small Catechism, that we do not despise or anger him, but honor him, serve and obey him, love and cherish him (see the explanation of the fourth commandment). Clearly, something like this is at the heart of God’s will and is therefore not merely temporal.

<sup>13</sup> Hopman, “Luther’s *Antinomian Disputations*,” 152.

<sup>14</sup> Hopman, “Luther’s *Antinomian Disputations*,” 153.

<sup>15</sup> Hopman, “Luther’s *Antinomian Disputations*,” 155.

<sup>16</sup> Hopman, “Luther’s *Antinomian Disputations*,” 156.

<sup>17</sup> Hopman, “Luther’s *Antinomian Disputations*,” 154.

<sup>18</sup> Hopman, “Luther’s *Antinomian Disputations*,” 156.

<sup>19</sup> Hopman, “Luther’s *Antinomian Disputations*,” 155.

<sup>20</sup> Hopman, “Luther’s *Antinomian Disputations*,” 157.

<sup>21</sup> Hopman, “Luther’s *Antinomian Disputations*,” 159.

<sup>22</sup> Hopman, “Luther’s *Antinomian Disputations*,” 160.

<sup>23</sup> Hopman, “Luther’s *Antinomian Disputations*,” 164. A corollary of this in Hopman’s work would seem to be that “only where there is freedom from law . . . can there be love of the law,” for “the law and delight in the law are two mutually exclusive realities” (167). He states that “the

Hopman's statements about the law's content being emptied demand more engagement on our part. When he speaks about this, what specifically does he mean? Since in his view, Luther sees the law's essence primarily as something that "accuses," "pricks," "burns," and "terrifies," Hopman also assumes that its content is its "teeth" or "stinger." What does this mean? When Luther speaks about the fulfilled law as an "empty law,"<sup>24</sup> Hopman states that "the law's stingers or teeth are this commandment or that commandment, natural law, a dry leaf, and so on."<sup>25</sup>

This brings us to Hopman's claim that Christ and his redeemed are actually the *res*, of the Decalogue. When the law becomes "empty"—finally fully in heaven—God's moral commandments, both as written and as inscribed on the heart, disappear as what they were pointing to is revealed.<sup>26</sup>

In order to follow Hopman's argument, it is important specifically to look at what Luther says about the eternal law:

The Decalogue . . . is greater and better [than things like circumcision and even baptism] because it is written in the heart and minds of all and will remain with us even in the coming life. . . . Only the Decalogue is eternal—as such, that is, not as law—because in the coming life things will be like what the Decalogue has been demanding here.<sup>27</sup>

The word that Holger Sonntag translates as "as such" is the Latin word *res*. Hopman says it should be translated as "as fact of course, not as law."<sup>28</sup> What, therefore, is the thing or fact *outside of the law* that it demands? Hopman's answer is Christ and his new creation, the believer. When they are present, the law ceases and is removed.<sup>29</sup>

Here, comments from one of the towering Lutheran figures of the nineteenth century, Theodosius Harnack, the father of Adolf von Harnack, are very interesting. Hopman mentions Harnack and deals with him in some detail. He relies on Robert C. Schultz to cast a shadow on Harnack's basic distinction between the law's essence

---

Christian, in faith alone, is beyond the law" (160), and that "the law is present only where Christ is absent" (164). In fact, the Christian is successful against sin because the Christian and Holy Spirit are not law (171); the Holy Spirit is, in fact, "the opposite of the law" (166).

<sup>24</sup> Luther, *Solus Decalogus*, 161, from Martin Luther, *Die Thesen gegen die Antinomer 1527–1540*: vol. 39/1:433.2, in *Luthers Werke: Kritische Gesamtausgabe [Schriften]*, 73 vols. (Weimar: H. Böhlau, 1883–2009), hereafter WA.

<sup>25</sup> Hopman, "Luther's *Antinomian Disputations*," 159.

<sup>26</sup> Hopman, "Luther's *Antinomian Disputations*," 157, writes of the law on earth, "The law is natural, summarized in the Decalogue, [and] comes in specific commandments."

<sup>27</sup> Luther, *Solus Decalogus*, 127, 129; WA 39/1:413.16–18. For Hopman's utilization of the quotation, see Hopman, "Luther's *Antinomian Disputations*," 164.

<sup>28</sup> Hopman, "Luther's *Antinomian Disputations*," 166.

<sup>29</sup> Hopman, "Luther's *Antinomian Disputations*," 164.

and office.<sup>30</sup> However, simply looking at a concrete example Harnack cites from one of Luther's sermons shows that the latter cannot be dismissed so easily. In a 1526 sermon on Luke 2, Luther, utilizing Galatians 4, distinguishes between the law as it is and the work that happens in our heart by faith. The basic distinction between the essence and work of the law are already contained in the Latin-German sermon transcript:

Not on account of the law in itself. For the law is good and holy, but on account of the office it carries out in our hearts. Thus, when Paul speaks about the law in this way [i.e., as a tyrant and disciplinarian, Gal. 4], we are to understand this concerning the office it carries out, and not concerning its essence.<sup>31</sup>

Noting that Luther made statements like "love is the law" and even "love is the empress over the law,"<sup>32</sup> Harnack says that, ultimately, one must distinguish "between law and law"<sup>33</sup> in Luther. On the one hand, there is "the law in itself, by itself or substantively, according to its essence," and on the other is the law's actual functioning in time (he says Luther calls it its "office"), that is, as it relates to human

---

<sup>30</sup> Hopman, "Luther's *Antinomian Disputations*," 174nn13–15, 176n43.

<sup>31</sup> WA 20:244, cited by Theodosius Harnack, *Luthers Theologie mit besonderer Beziehung auf seine Versöhnungs- und Erlösungslehre* (Erlangen: Theodor Bläsing, 1862), 1:499. All quotations from Harnack have been made available to me by Holger Sonntag. The Luther references in Harnack are to the eighteenth-century edition by Johann Georg Walch, ed. *D. Martin Luthers sowol in Deutscher als Lateinischer Sprache gefertigte und aus der letztern in die erstere übersetzte Sämmtliche Schriften*, 24 vols. (Halle: J. J. Gebauer, 1740–1753), here at 11:2883 (hereafter Walch).

<sup>32</sup> Harnack, *Luthers Theologie* 1:494–495; Walch 9:534, 293; 11:2260; 12:489. More from Harnack, *Luthers Theologie*: "However, when you ask why God then did not let the one commandment of love be sufficient, I answer: the single commandment is certainly sufficient, but it was necessary to indicate to man where he should show this love, lest man seduce himself with false opinion and trust in himself, imagining that he has the love he does not really have." Harnack supports his position by quoting Luther, "Thus, this commandment of love is a short commandment and a long commandment, a single commandment and many commandments; it is no commandment and all commandments. It is short and single in itself; it is quickly understood. However, it is long and many according to practice, for it comprehends and masters all commandments. And it is no commandment when you consider the works because it does not have a particular named work, but it is all commandments because the works of all commandments are, and are to be, love's works. Thus, love abrogates all commandments and yet establishes all commandments, all this because we should know and learn that we are not to keep or observe any commandment, any work further than love demands it (12:495ff.; cf. this entire sermon; also 19:2030)" (Harnack, *Luthers Theologie* 1:493, 494–495).

<sup>33</sup> Harnack, *Luthers Theologie* 1:495.

beings throughout the stages of history:<sup>34</sup> “what man was, what he became, and what he shall and can become again.”<sup>35</sup>

Harnack, therefore, insists that Luther speaks of a “norm of man’s essence and behavior,” which, depending on the “epoch” in time, takes on different manners and forms of the law.

[For example], regarding the last epoch, “when we will be perfect as a new creature of God,” [Luther] teaches that “one cannot actually say that there the law will be fulfilled because there will be no law then, but rather the very thing which the law demanded in this life.” And he immediately adds that one “may only speak so roughly and ineptly, according to the weak understanding in this life,” about that condition—by applying the term “law”—to understand the matter more clearly. “For what is by nature the way it should be cannot and does not need a law to be or become like that.” This is why “then the law, as law, will perish and be abolished” [Walch 19:1770].<sup>36</sup>

Although it might appear as if Hopman has Harnack’s full support here, one should not be too hasty in that evaluation. Harnack also points out, with several examples from the reformer’s writings, that Luther consistently “equate[d] enmity against the law and enmity against God.”<sup>37</sup> For Luther, he says,

[The law is]—and he puts the greatest emphasis on this everywhere—“God’s eternal, immovable, unchangeable will,” his “eternal, unchangeable judgment,” which is also why he repeatedly calls it “God’s will and commandment, God’s truth, word, and doctrine,” stating that it is “as almighty as God himself who gave it and imprinted it in the heart of man . . . that is, it is the expression of God’s will” that is implanted in the heart of all men by creation.<sup>38</sup>

Harnack says, in a helpful summary,

In a word, the law is the expression of the basic relationship between God and man established permanently in and by creation. This relationship is unchangeable in and by itself and it, regardless of man’s behavior,

---

<sup>34</sup> Harnack, *Luthers Theologie* 1:495–496. This is, as Harnack, *Luthers Theologie* 1:495–496, puts it, “The law in its absolutely identical and abiding essence and unity, generality, and general applicability that was ‘implanted in man in and through creation,’ ” which, he says, for Luther, is distinguished from “ ‘the law according to its office’ or the law defined ‘actively, passively, and neutrally’ [Walch 11:2883; 8:2456].”

<sup>35</sup> Harnack, *Luthers Theologie* 1:496.

<sup>36</sup> Harnack, *Luthers Theologie* 1:496.

<sup>37</sup> Harnack, *Luthers Theologie* 1:491.

<sup>38</sup> Harnack, *Luthers Theologie* 1:491.

accompanies, and towers above, the various stages and changes of humanity's history as that which always remains the same and always remains in force.<sup>39</sup>

Regarding "humanity's history," he also writes that "that norm [of man's essence and behavior at] first takes on the manner and form of the law, properly and strictly speaking, as a result of the happening of sin."<sup>40</sup>

What, more specifically, does this mean? Again, while much of what Harnack writes above might conceivably give one a reason to think his views are in line with Hopman's, the following section will begin to show that there are aspects of Luther's thought that need to be considered more deeply in relation to these questions.

### III. The Overriding Significance of Eden

In the *Antinomian Disputations*, Luther says that we are all ultimately convicted "not because the Decalogue was handed down and written for us, but so that we know even the laws which we brought with us into this world"<sup>41</sup> and that the law describes "who we were before and who we will be in the future."<sup>42</sup> What are the full implications of these statements? Should we talk about the Decalogue as being something less than eternal, as something ended in Christ? These questions will be dealt with in this section, with the implications of the same for the Christian's life on earth being covered in the following section.

Many of the things Harnack says above about Luther's view of the law of God can be reinforced by statements from Luther in his *Antinomian Disputations*. In Luther's view, law is love, and yet it is also trumped by love while still being called law: "In heaven there will [once again] be no debt or any demand, but the finished work of the law and the highest love."<sup>43</sup> Further, even though Luther in one place insists that the law, properly defined, is that which accuses, he also says that "law in Paul simply and properly means the law which is not yet fulfilled but which is to be fulfilled."<sup>44</sup>

---

<sup>39</sup> Harnack, *Luthers Theologie* 1:492. Harnack also states that "[for] Luther, the law is an objective force, not only in the sense of a phenomenon of the common human spirit, but in the sense of a divine force that is willed and established by God and that is absolutely inviolate" (1:491).

<sup>40</sup> Harnack, *Luthers Theologie* 1:496.

<sup>41</sup> Luther, *Solus Decalogus*, 321; WA 39/1:540.11–12.

<sup>42</sup> Luther, *Solus Decalogus*, 321; WA 39/1:539.15. See also, e.g., Luther, *Solus Decalogus*, 149, 183, 189, 229, 239, 291, 293, 295.

<sup>43</sup> Luther, *Solus Decalogus*, 61; WA 39/1:374.12–14.

<sup>44</sup> Luther, *Solus Decalogus*, 283; WA 39/1:510.13–14. In addition, also in the *Antinomian Disputations*, note that Luther speaks about "a very appropriate and very joyous definition of the law" (Luther, *Solus Decalogus*, 171), namely, how the law terrifies consciences in an "evangelical" way by instructing toward Christ. And this naturally brings this passage to mind: "Christ took our place and supplied what we lack, and erased with his blood the handwriting of the decree which

Nevertheless, the *Antinomian Disputations* make it clear that, for Luther, the law or commandment not only orders our lives on earth but also brings threat and accusation. Given what Luther writes above, the Scripture's affirmation that the law is good (Rom 7), and the fact that God created us "very good" (Gen 1), one naturally asks "Why?"

Hopman touches on the all-important answer when he says, "When Luther says in the *Antinomian Disputations* that the being of the law is to reveal sin, he speaks of the postlapsarian world."<sup>45</sup> This, of course, makes perfect sense. Law and the showing of sin are synonymous for Luther, with their "oppression of the heart," as Hopman puts it,<sup>46</sup> because of the law's true content: that who we once were and what we should be is written on our hearts: "Who will eliminate that living law inscribed in the hearts (cf. Rom. 2:15)"<sup>47</sup> of those who ultimately will "do by their nature what the law requires (cf. Rom. 2:14)?"<sup>48</sup> Indeed, for Luther, because of the fall into sin, which marred the image of God, "The order of the matter is that death and sin are in nature before life and righteousness."<sup>49</sup>

At the same time, though, Hopman himself does not explicitly draw this conclusion from his observation about Luther's concern to distinguish a pre-fall from a post-fall world. Instead, the point that he wants to make is that in the pre-fall context, the law that existed had an element of threat:<sup>50</sup> "Both [the law before and after the fall] threaten, both are related to sin, meaning, the law in Eden prevents sin

---

was against us, until the law was finally satisfied by one in the stead of all of us. This is what we mean by law" (Luther, *Solus Decalogus*, 163; WA 39/1:434.14–17). Luther also talks about the law being fulfilled by imputation, delivering the benefits of Christ's work, and then also "formally," as the Christian, in line with Romans 8:3–4, fulfills the law as well (see, e.g., Luther, *Solus Decalogus*, 159 and 163–169). In sum, "The saints are under the law and without the law" (Luther, *Solus Decalogus*, 161; WA 39/1:433.1).

<sup>45</sup> Hopman, "Luther's *Antinomian Disputations*," 161; see also 173n4.

<sup>46</sup> Hopman, "Luther's *Antinomian Disputations*," 158.

<sup>47</sup> Luther, *Solus Decalogus*, 233; WA 39/1:352.5.

<sup>48</sup> Luther, *Solus Decalogus*, 163; WA 39/1:435.3.

<sup>49</sup> Luther, *Solus Decalogus*, 37; WA 39/1:347.1–2.

<sup>50</sup> Hopman, "Luther's *Antinomian Disputations*," 161, states that "for Luther a threat is so essential to the law that the presence of God's threat in Eden, before Adam or Eve sinned, proves the presence of his law in Eden." Hopman's statement rings true when he notes that sin's connection with the law is so close that the threat of punishment proves to Luther that there is law in the garden. After all, we recognize that the law makes specific requirements and backs them up with the threat of punishment from God. When Christ comes, however, this "requiring" ceases in him. See Luther in Luther, *Solus Decalogus*, 71; WA 39/1:379.16–17, 380.1–2, "The law and the prophets last till Christ. When he is present, they cease, since he fulfills the law. And then, since the law condemned him as an innocent, he removed the entire power of the law, which consists in requiring, accusing, and terrifying." Again, note that prior to the fall, accusing and terrifying was not the function of the law.

whereas the law after sin also condemns and increases sin (Rom. 5:20), and both are related to death.”<sup>51</sup>

So, what is the real significance of the postlapsarian aspect of the law? The answer to this question, again, relates to the “*res* of the Decalogue” and whether it “remains eternally apart from and greater than the law, ‘even the Decalogue itself,’ ” as Hopman claims.<sup>52</sup> In truth, as we will see, his limited view of the Decalogue’s *res* prevents him from understanding its significance in creation and, ultimately, in the Formula of Concord.

Hopman states that “in faith alone [believers] are beyond the ordered demand of the law that God has placed in his old earthly creation.”<sup>53</sup> But what, more specifically, is the nature of this “ordered demand of the law” of which he speaks? This is a particularly interesting question, given that he says, “Whatever eternity [the law] will have in God’s kingdom will be defined by its lack of ‘lawness.’ ”<sup>54</sup>

Here, it is important to look at what Luther says about God’s original creation of man and his giving man the law. In the *Antinomian Disputations*, we read that originally, without sin in the garden,<sup>55</sup> man obeyed God’s commandment perfectly, and the law was “not only something possible, but even something enjoyable.”<sup>56</sup> It is only after Adam and Eve were “infected by the venom of Satan”<sup>57</sup> that man (without a gospel-like motivation by which his conscience “may intend the good”) could no longer “intend good.”<sup>58</sup> As Luther notes in his Genesis commentary, it is for this reason that “the Law given to the unrighteous is not the same Law that was given to righteous Adam.”<sup>59</sup>

With regard to how this first law differs from law subsequently given, Harnack explains Luther’s position more:

[Luther] wants a “difference to be made between the law given before sin, when Adam was still perfect, pious, and righteous, and the law given after sin.” This

---

<sup>51</sup> Hopman, “Luther’s *Antinomian Disputations*,” 162; see also 161. It is important to note that when Luther deals with the law increasing sin in the *Antinomian Disputations*, he speaks about it being “increased” in the sense of its being more fully revealed and brought to light, not as the law as the efficient cause of creating more sinful activity (Luther, *Solus Decalogus*, 69, 337–345).

<sup>52</sup> Hopman, “Luther’s *Antinomian Disputations*,” 165.

<sup>53</sup> Hopman, “Luther’s *Antinomian Disputations*,” 163.

<sup>54</sup> Hopman, “Luther’s *Antinomian Disputations*,” 166.

<sup>55</sup> Luther, *Solus Decalogus*, 83; WA 39/1:386.5–7.

<sup>56</sup> Luther, *Solus Decalogus*, 47; WA 39/1:364.10–11. See also Luther, *Solus Decalogus*, 291, 293.

<sup>57</sup> Luther, *Solus Decalogus*, 277; WA 39/1:505.4.

<sup>58</sup> Luther, *Solus Decalogus*, 33; WA 39/1:345.28–29.

<sup>59</sup> Martin Luther, *Lectures on Genesis 1–5* (1536): vol. 1, p. 109, in *Luther’s Works, American Edition*, vols. 1–30, ed. Jaroslav Pelikan (St. Louis: Concordia Publishing House, 1955–1976); vols. 31–55, ed. Helmut Lehmann (Philadelphia/Minneapolis: Muhlenberg/Fortress, 1957–1986); vols. 56–82, ed. Christopher Boyd Brown and Benjamin T. G. Mayes (St. Louis: Concordia Publishing House, 2009–), hereafter AE.

is why he says that only “this law, given to the unrighteous, was not given to righteous Adam; however, since a law was given to righteous Adam, it follows that it was a different law (that is, a different kind of law)” than the latter one. For there was “one law before sin and a different one after sin,” just as “being righteous was much different before sin than after sin” (1:196ff.). Thus, his [Luther’s] opinion is that Adam, to be sure, was not without law in the state of innocence—the same law considered substantively—but that there can be, concerning Adam, no talk of the law in the latter sense “which prohibits sin” since he still was without sin and the law was still one with his essence and being that completely corresponded to the divine likeness. For “Adam was created in a way that he did not need a commandment” (3:87). This is why “you must separate by far the commandment (not to eat of the tree) from all other commandments subsequently given; for Adam was still without sin” (ibid.).<sup>60</sup>

If Harnack is right in his summary of Luther, one can see that the reformer by no means intends to imply the law given in Eden did not, like the Ten Commandments, tell man to fear, love, and trust in God above all things. By making this distinction, Luther is keen to show that the law was different because Adam was different.<sup>61</sup> In other words, contrary to Gerhard Forde’s insistence, the fall really does matter.<sup>62</sup>

As Harnack puts it, Luther is talking about “the same law considered substantively,”<sup>63</sup> as illustrated in the last section of this article. This makes sense if one believes that right from the beginning, God’s law would take into account certain social and material parameters built into his creation—constraints that, when violated, do not increase trust, love, and loyalty, but instead dissolve these things. In other words, in commanding loyalty to God alone—who commands the love of neighbor in specific ways—the Decalogue and the natural law written

---

<sup>60</sup> Harnack, *Luthers Theologie* 1:497.

<sup>61</sup> Harnack, *Luthers Theologie* 1:498: “[Luther] wants to have the manner and form, in which this self-identical moral norm presently appears and operates and which is that of the outward law or, as he puts it, ‘the manner of Moses,’ ‘separated by far’ from the form which it had originally and which it will have again in the future. It was then and will then be ‘no law’—to be sure, of one substance with the law, but not of the same ‘manner’ and ‘office,’ strictly speaking. The norm becomes the law first under the impact which it suffers from the sinner and which it inflicts on the sinner—actively and passively, as Luther puts it. As violated by the sinner, that norm becomes one that encounters the sinner externally, that is, it becomes the law. And only this law in this stage of its history conditioned by sin is what Luther talks about negatively.”

<sup>62</sup> See, e.g., Gerhard Forde, *The Captivation of the Will: Luther vs. Erasmus on Freedom and Bondage* (Grand Rapids: Eerdmans, 2005), 70. See also, Gerhard Forde, *Theology Is for Proclamation* (Minneapolis: Fortress Press, 1990), 48–55.

<sup>63</sup> Harnack, *Luthers Theologie* 1:497.

on men's hearts show us what love looks like in any age, directing us to the highest expression of God's unchanging desires for those created in his image.

Here, Hopman may well agree, for, as he says, "The law is natural, summarized in the Decalogue, [and] comes in specific commandments," and so on.<sup>64</sup> The critical question here, though, is whether the radical nature of the gospel means that we should preach and teach that the law no longer has any content at all. In other words, whether we, in proclaiming the gospel, should say the law has ended, not only as regards its accusation, but also as regards commands that are in fact eternal.

On the one hand, it seems that the answer might be yes. After all, Luther seems eager to distinguish the written law from the love that fulfills the law, first in Christ and then in the Christian. This can be seen when Harnack quotes Luther saying, for example,

In short, before sin the law was a law of the Spirit, "which is not written by any letters, which is not spoken by any word, which is not comprehended by any thought, but which is precisely the same living will and the experiencing life; it is absolutely the very thing that is written in the heart with the finger of God" [9:121].<sup>65</sup>

On the other hand, the strongest case can be made that Luther ultimately would not have God's servants do this! For instance, regarding the quote above, we note that when it comes to the *content* of the natural law, Luther never strictly distinguishes between an internal natural law written on the human heart and an external law written with letters, words, and sentences. Here, one must keep in mind that Luther himself was quite clear about the difficulties we often have with human language not being wholly sufficient for communicating the richness and depth of divine truths. There is also more that can be said, outlined, for example, in the three points that follow.

First, for Luther, true eternal life is found in the Holy Spirit, who works in us in love, and "the one who loves another has fulfilled the law. . . . Love is the fulfilling of the law" (i.e., the Decalogue) (Rom 13:8, 10).<sup>66</sup> In other words, love's very definition is obedience to the law (negatively and positively). It is for this reason alone that the word *love* can be used to summarize each table of the Decalogue! At the same time, our flesh desperately wants to avoid this definition of love, thereby avoiding suffering and the cross. Luther will have none of this. Throughout the *Antinomian Disputations*, when he does not talk about the doctrine of justification

---

<sup>64</sup> Hopman, "Luther's *Antinomian Disputations*," 157.

<sup>65</sup> Harnack, *Luthers Theologie* 1:497.

<sup>66</sup> Unless otherwise noted, all Scripture quotations are from The Holy Bible, English Standard Version<sup>®</sup> (ESV), copyright © 2001 by Crossway, a publishing ministry of Good News Publishers. Used by permission. All rights reserved.

being administered to those with terrified consciences, Luther states time and again that the natural law/Decalogue does not cease; it is not abrogated or abolished like the rest of the law.<sup>67</sup> He even makes statements like this: “These true disciples of Satan seem to think that the law is something temporal that has ceased under Christ, like circumcision.”<sup>68</sup>

Second, in the *Antinomian Disputations*, Luther contrasts the law “taken simply” with the law that accuses us. For the angels and saints in heaven, “The law is empty speech, because they do with joy the things of the law.”<sup>69</sup> It is neither credible nor responsible to put forth an interpretation here that suggests Luther could say these things while denying that the law’s content points to a form or way of life that conforms to God’s will now and forever. Hopman must be challenged when he solely associates the law’s/commandments’ content with its “stingers or teeth” and goes so far as to associate this with the natural law itself.<sup>70</sup>

Third, Luther’s words in the *Antinomian Disputations* seem to suggest that commandments in the way of love would not be out of place in the life to come: “[The saints in heaven will not say] I should love the Father” but rather “I love the Father” and “as he has given me command, thus I do.”<sup>71</sup> In sum, it is difficult to avoid the conclusion that for Luther, the content of the natural law, which Moses recorded and Jesus Christ embodied and fulfilled, is not only God’s unchanging commandments but also a seemingly eternal or even “static” righteousness and goodness itself—love itself!<sup>72</sup>

What the Formula of Concord states about the law of God makes sense: it is to be fully identified with the will of God (FC Ep VI 7). After all, when the one who writes the blueprints of the house sees that the house is finished, his blueprints no longer “demand,” for they have been fulfilled. It would, however, be wrong to conclude that the blueprints no longer represent the will, or desire, of the builder. The “norm” Harnack identifies in Luther remains.

While Luther did speak of the law in Eden in terms of threat, an evaluation of his Genesis commentary reveals that in no sense did this law actually accuse or terrify Adam and Eve.<sup>73</sup> The law was not meant to drive by force; rather, it was meant

---

<sup>67</sup> See Luther, *Solus Decalogus*, 61, 63, 71, 73, 83, 165, 385.

<sup>68</sup> Luther, *Solus Decalogus*, 141; WA 39/1:350.5–6.

<sup>69</sup> Luther, *Solus Decalogus*, 161; WA 39/1:433.2.

<sup>70</sup> Hopman, “Luther’s *Antinomian Disputations*,” 159.

<sup>71</sup> Luther, *Solus Decalogus*, 61; WA 39/1:374.9–10.

<sup>72</sup> Hopman, “Luther’s *Antinomian Disputations*,” 159, quotes Luther in the *Antinomian Disputations* saying that the law ceases to demand—and hence is “empty”—in the ultimate sense, when, in heaven, we will render what it demands freely and willingly, “out of love of righteousness and goodness and of God himself.”

<sup>73</sup> See Luther, *Lectures on Genesis 1–5* (1536), AE 1:62–63, 65, 111.

to inform them of and keep them from very specific dangers, in addition to spurring them on to right worship.

Reflecting on these matters further, one might postulate, in line with the first table of the Ten Commandments, that this warning from the law was meant in part to make them hunger for a day when they, fully mature in their relationship with the Lord, would not feel temptation in the least—a day when it would not be possible for them to sin. In any case, if God meant for “very good” Adam and Eve to be prevented from sinning via such warnings, how much more might this be true for us who are and remain sinners?

Hopman’s essay, although sometimes based in scriptural truth, succeeds admirably in summing up only “half of the story.” That said, there are areas where he has deviated from Luther’s fuller understanding. More important, he has not taken fully into account the significance of Eden, and this influences the way he sees the Christian life in the present.

The law is abolished in that, as in the garden, it no longer condemns us—and faith confirms and establishes the law.<sup>74</sup> It comes as no surprise, then, that Luther uses the law not only with the intent to kill and condemn, insofar as we remain sinners, but also to admonish the Christian by the mercies of God.<sup>75</sup>

#### IV. Facing up to Luther’s “Other Simul”: Victorious and Militant

As we can see from the previous section, when Hopman writes that “one can imagine a distinction that creates a non-condemning eternal aspect of the law, but such a law remains a counterfeit in reality,”<sup>76</sup> he oversimplifies the issue that we face. Even as Luther distinguishes senses of the law, he gives no indication that it should be thought of as temporal in any sense.

Therefore, our loving obedience in heaven will be more like that which once was in Eden, where the original law given in the garden was meant to direct God’s people in right worship. As Luther illustrates in his Genesis commentary, it is

<sup>74</sup> Luther, *Solus Decalogus*, 249, 385; WA 39/1:357.37–38; 39/2:130.5–8.

<sup>75</sup> Luther, *Solus Decalogus*, 211, 213; WA 39/1:474.29–475.6. In short, this is because the Christian lives by grace. *Qua* new man, he, under Christ and cooperating with the Spirit, begins to see the law as something enjoyable (Luther, *Solus Decalogus*, 47, 61, 63; WA 39/1:363, 374, 375). Therefore, he can, for example, say, “The believer does not ‘serve the law,’ in one sense, even as ‘with the mind, I serve the law of God (Rom 7:25)’ ” (Luther, *Solus Decalogus*, 301; WA 39/1:523.2–3). The law “taken simply” can be contrasted with the law that accuses us: for the angels and saints in heaven, “The law is empty speech, because they do with joy the things of the law” (Luther, *Solus Decalogus*, 161; WA 39/1:433.2). As Luther puts it elsewhere regarding the angels (which also applies to the saints in heaven, per other parts of the *Antinomian Disputations*), “The law ‘Yield fruit!’ is empty to the fertile and fruit-bearing tree, since it yields fruit by its own nature” (Luther, *Solus Decalogus*, 163; WA 39/1:435.4).

<sup>76</sup> Hopman, “Luther’s *Antinomian Disputations*,” 155.

certainly true that Adam and Eve had to fight temptation actively and consciously, consenting to the work of God's Spirit through his word within them:

This tree [of the knowledge of good and evil] in the middle of the garden would have been like a temple in which this Word would be preached: that all the other trees were wholesome, but that this one was destructive. Therefore they should have learned to obey God and to render Him the service of refraining from eating of it, since God had forbidden it.

In this way uncorrupted nature, which had the true knowledge of God, nevertheless had a Word of command which was beyond Adam's understanding and had to be believed. Moreover, this command was given to Adam's innocent nature that he might have a directive or form for worshipping God, for giving thanks to God, and for instructing his children. Since the devil sees this and knows that this command is beyond the understanding of the human being he tempts Eve so that she herself may not proceed to ponder whether this is God's command and will or not. This is the beginning and the main part of every temptation, when reason tries to reach a decision about the Word and God on its own without the Word.<sup>77</sup>

In short, this commandment did not bring accusation but was an opportunity for Adam and Eve, who were already at peace with God and accepted by him, to cling to his word. The commandment, connected with this special tree, was an invitation to grow in their fear, love, and trust in God above all things.

Hopman's chosen frame of minimizing the importance of the fall in time, and focusing exclusively on accusation, skews and masks the fullness of the law that Luther describes here and in the *Antinomian Disputations*. As Adam and Eve would have enjoyed obeying God's commandment and therefore fighting temptation, Christians, redeemed by Christ, can be eager to fight not only temptation but also sin in all forms. For Luther, the Christian in the current time, or epoch, is righteous in two primary ways: on the one hand, by passive imputation, and on the other hand, formally, in the Christian's Holy Spirit-driven life of repentance, which continually purges sin.

This issue, like so many of the other topics dealt with in the *Antinomian Disputations*, is complex. Christians are, in a sense, totally saints and totally sinners. Like the apostle Paul, who called himself the chief of sinners (see 1 Tim 1:15), Christians can never cease to see themselves as sinners without ceasing to be Christians. Christ only comes for sinners. On the other hand, in the context

---

<sup>77</sup> Luther, *Lectures on Genesis 1-5* (1536), AE 1:154. See also AE 1:227, where Luther explains that the tree had a "death-dealing" power because of the word of God coupled with it, much like the serpent that was raised up in the wilderness had "life-giving" power to save.

of Christians' growth or sanctification—what the Formula of Concord calls our renewal (FC SD IV 7)—it is also sometimes appropriate to talk about them being partially saints and partially sinners. Here is the idea that there is an old Adam that is to be increasingly purged from the Christian's life by the power of the Holy Spirit. Hopman mentions that Luther sometimes states the Christian is *partially* a sinner and *partially* a saint, but he does not explicate how this is consistent with Luther's views.<sup>78</sup>

Christian pastors and teachers especially owe it to those they serve to have these things worked out in their minds in some detail. For Luther, the fact that the Christian can repress his old man in an attempt to drive out sin in part due to a sinful fear shows that at times it is best to understand the sinner-saint reality in this partial sense.<sup>79</sup> Even if he is born of a spontaneous love, the good intentions and works that characterize the “new man” will be tainted by sin even as that sin is covered by Christ's blood.

While the Christian's primary identity before God is saint, in order to be a saint, one must see oneself as a sinner. In like fashion, when we talk about the new man, we may speak, perhaps, of not necessarily needing the law for instruction at all times (even as the new man always delights to hear it and says, “Amen”!).<sup>80</sup> On the other hand, Christians on earth still need the law for instruction and admonition.

Hence, while Hopman proclaims only a justification note, namely, “The law is to be preached to Christians as fulfilled, not needing to be fulfilled,”<sup>81</sup> Luther preaches the following kind of sanctification note: “The law is not to be taught in such a way among the pious, so as to accuse and condemn, but so as to admonish to good. . . . The law then is to be attenuated for them and is to be taught them by way of exhortation.”<sup>82</sup>

And this brings us to yet a third way of looking at Christian anthropology and the Christian life: the Christian as victorious and militant at the same time. Even though there is some overlap in the sinner-saint ideas above—particularly as the “saint” relates to the “victorious” Christian—this concept is different in that the aspect of sin is not used to describe one of the “sides” or “natures” of the Christian.

---

<sup>78</sup> Hopman, “Luther's *Antinomian Disputations*,” 168.

<sup>79</sup> Luther, *Solus Decalogus*, 269, 275; WA 39/1:500, 504.

<sup>80</sup> See FC SD VI, 11ff. Here, it is also relevant to consider that as a child, even our Lord “increased in wisdom and in stature and in favor with God and man” (Luke 2:52), and, as a part of this experience, gladly heard teachers of the law and, undoubtedly, his parents. This aspect of our creatureliness should surely be kept in mind versus any interpretation of the new man, which, improperly elevating passages like Jeremiah 31:34; 1 Corinthians 2:15–16; and 1 John 2:27, might insist that the new man never learns through teaching (seeing this as synonymous with coercion!).

<sup>81</sup> Hopman, “Luther's *Antinomian Disputations*,” 160.

<sup>82</sup> Luther, *Solus Decalogus*, 211, 213; WA 39/1:474.29–475.2.

For some reason, Luther believed introducing this unique concept was important. What was that reason?

Here, in Luther's telling, the Christian actively runs back to Christ to receive not only perpetual pardon, or justification, but also the corresponding gift of power (the Holy Spirit) to fight the constant dangers posed by the world, devil, and flesh. He speaks of this battle and God's help in quite vivid terms:

"Yet Christ," they say, "has removed your sin. Why are you sad?" This is why they continue to do what they do in an utterly secure manner. They translate the merit of the passion of Christ and of the remission of sins into luxuriousness. . . Christ fulfilled the law, but it needs to be added: "Later see to it that you lead a holy, pious, and irreproachable life, as it is fitting for a Christian. This is what you have heard so far: Be forgiven. But lest you complain that you are utterly forsaken, I will give you my Holy Spirit, who makes you a soldier; he will even produce mighty and unspeakable cries against sin in your heart, so that you thus finally do what you wish." But am I not unable? "Pray that I may hear you, and I will make you able."<sup>83</sup>

Presumably, Luther can say all this while also stating elsewhere that "the law is neither useful nor necessary for justification or for any good works, let alone salvation."<sup>84</sup> This is a passage that Hopman understandably emphasizes in his own article. On the other hand, when it comes to dealing with this battle the Christian faces—this battle that Luther delves into deeply—Hopman only deals with it in the most cursory of fashions: "The law alerts Christians to the presence of sin and the need to continue to struggle."<sup>85</sup>

#### V. Christ as the "End" of the Law

Hopman concludes his argument by stating, "This study argues, in agreement with Gerhard Forde, that Christ is the end of the law (Romans 10:4)."<sup>86</sup> Indeed, Christ is the *telos* of the law, but what does this mean for the law?

The critical question, of course, is how Luther, following the Scriptures, treats the matter of God's law. Luther says that the law's accusation ceases and that Christ is the end of the law for righteousness: "After sin has been taken away, the law has

---

<sup>83</sup> Luther, *Solus Decalogus*, 303, 305; WA 39/1:526.2–8.

<sup>84</sup> Luther, *Solus Decalogus*, 239; WA 39/1:354.7–8, as quoted in Hopman, "Luther's *Antinomian Disputations*," 170.

<sup>85</sup> Hopman, "Luther's *Antinomian Disputations*," 171.

<sup>86</sup> Hopman, "Luther's *Antinomian Disputations*," 171.

no right to accuse us, so that he now ‘is the end of the law for righteousness to everyone who believes.’”<sup>87</sup>

## VI. Conclusion

When Hopman claims at the beginning of his article that making “distinctions within the law itself affect[s] the proper distinction of law and gospel,”<sup>88</sup> he is exactly right. As has been demonstrated in this article, however, law and gospel cannot be properly understood without reference to God’s original intention for man in the Garden of Eden. God’s Holy Spirit accuses us with the law only because what went wrong there affects us still today.

The law, therefore, must be positively stated in line with what Luther calls “the good.”<sup>89</sup> Positively stated, he views the law in line with the eternal righteousness and goodness of Christ, which the redeemed increasingly come to know through his word operating in his creation.<sup>90</sup> And particularly in those through whom he brings his kingdom, namely those created in and growing in accordance with his moral character or image. More specifically, God’s law, in line with his holy character, sums up his will that his creatures dwell in harmony with him and his creation—fearing, loving, and trusting in him and what he commands above all things. To paraphrase the explanation of the fourth commandment in the Small Catechism, God’s law is that we do not despise or anger him but honor him, serve and obey him, love and cherish him.

As Luther puts it in a passage from the *Antinomian Disputations*,

Peter explains in Acts 15 how it is to be understood that neither the ceremonial law—with which he deals there chiefly—nor the moral law, is to be imposed on the neck of the brethren; obviously because Christ has come in order to fulfill the law, which neither the fathers nor their offspring were able to bear; and to liberate all who believed in him from the curse of the law. Since, therefore, its office is to terrify and condemn, its yoke is to be removed from the necks of the believers, Gentiles as well as Jews, and Christ’s yoke is to be imposed on them, so that they may live under him in peace who rendered the owed obedience required by the law and gave it to those who believe in him. It is nonetheless to be fulfilled by the pious also, to mortify the works of the flesh

<sup>87</sup> Luther, *Solus Decalogus*, 51; WA 39/1:366.3–4.

<sup>88</sup> Hopman, “Luther’s *Antinomian Disputations*,” 152.

<sup>89</sup> Hopman, “Luther’s *Antinomian Disputations*,” 33.

<sup>90</sup> And of course, this is not to say, as Hopman does (“Luther’s *Antinomian Disputations*,” 153), that “the law is one thing in eternity, or heaven, or in God himself, while it is quite different in its earthly temporal relationship with sinful human beings.” Nor that the law exists in God “apart from creation and human beings” (172). It is, however, to say that it certainly did exist and will exist apart from the sin of human beings!

by the Spirit, in order to purge out the old leaven (Rom. 8:13; 1 Cor. 5:7). Thus, the law remains, but its burden or yoke does not weigh down the necks of those upon whom Christ's burden is imposed, because it is easy and light (Matt. 11:30).<sup>91</sup>

---

<sup>91</sup> Luther, *Solus Decalogus*, 73; WA 39/1:380.19–381.10.