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Justification as the Starting Point of Doing Theology?

David P. Scaer

In popular theological proposals, justification has taken center stage. This is not without reason in a Lutheran context, in which it is said that it is the doctrine by which the church stands or falls.¹ Of course, this could be better said of the resurrection of Jesus (1 Cor 15:12–19). Scott R. Murray notes that C. F. W. Walther lectured on the law and the gospel without attention to the third use of the law.² Francis Pieper made salvation by grace the principle in choosing Lutheranism as the true religion.³ Joshua C. Miller commends Oswald Bayer for his view that “the heart, basis, and boundary of all theology is God’s justification of sinners by his effectual word of promise in the gospel of Jesus Christ.”⁴ In the older dogmatic tradition, this corresponds to subjective justification, distinct from objective justification, which Mathew C. Harrison says “was rendered in the death and resurrection of Christ.”⁵ Like subjective justification, recent proposals have existential dimensions in that the reality of justification is experienced by its effect in relieving sinners of their guilt.

In response to the 1970 Lutheran World Federation (LWF) convention, at which there was no agreement on justification, I wrote: “Lutherans cannot escape the historical burden that they have been associated with the Pauline-Lutheran

¹ The origin of the exact phrase is unknown, but the phrase is descriptive of Luther’s thought (<https://www.thegospelcoalition.org/blogs/jjustin-taylor/luthers-saying>). Cf. Ap IV 2; XII (V) 11; XII 59; XXIV 46; SA II 5.

² Scott R. Murray, *Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism* (St. Louis: Concordia Publishing House, 2002), 26–27. The lectures were published after Walther’s death and not intended by him to be a formal theology.

³ Francis Pieper, *Christian Dogmatics*, 3 vols. (St. Louis: Concordia Publishing House, 1950–1953), 1:7–19.

⁴ Joshua C. Miller, “Introduction,” in *Promising Faith for a Ruptured Age*, ed. John T. Pless, Roland Ziegler, and Joshua C. Miller (Eugene, OR: Pickwick Publications, 2019), xi.

⁵ Matthew C. Harrison, “It All Rests on Christ,” *The Lutheran Witness* (January 2020): 24.

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doctrine of justification through faith. It is the *sine qua non* of our existence.”⁶ Even without an agreed-upon definition, it remains central.

The Gospel Principle: It All Began with Werner Elert

Werner Elert proposed justification as the unifying principle of the Augsburg Confession—or at least most of it. Rather than advancing its arguments by biblical exposition, this Confession gives justification the lead role in interpreting the separate articles. Articles after Article I, which stands alone, revolve around forgiveness. Justification is already introduced in Article II on original sin, in which mankind for its sin is placed under God’s wrath, for which a solution is provided in Article III in setting forth Christ’s death as the propitiation for sin (AC III 2). Article IV shows how the benefits of Christ’s propitiation for sin are applied by God justifying believers through faith. While justification has been considered the key to this Confession, Article V is often seen as the core of theology by seeing preaching in the center.⁷ Should this be so, justification would be understood existentially, in that by hearing law and gospel one experiences condemnation and then psychological relief from the law. Even according to the old definition, law and gospel are relational and existential doctrines in describing how the sinner stands condemned *coram deo* and then in Christ *coram deo* he is declared righteous.

Werner Elert noted that the doctrine of the Trinity in Article I of the Augsburg Confession was hardly different from that of medieval theology and did not fit his law-gospel paradigm.⁸ Brought up in Prussia where Reformed and Lutheran views had equal standing, Elert had an aversion to the Reformed teaching that the law

⁶ David P. Scaer, *The Lutheran World Federation Today* (St. Louis and London: Concordia Publishing House, 1971), 15. See Mark C. Mattes, *The Role of Justification in Contemporary Theology* (Grand Rapids: Eerdmans, 2004), for the place of justification in the thought of contemporary Lutheran theologians.

⁷ Oswald Bayer, “Justification,” *Lutheran Quarterly* 24, no. 3 (2010): 337. See also Oswald Bayer, *Living by Faith: Justification and Sanctification*, trans. Geoffrey W. Bromiley, Lutheran Quarterly Books (Grand Rapids: Eerdmans, 2003), 44–45. “It [AC V] is the decisive factor for the understanding of justification in Article IV and of good works and the new obedience in Article VI; it tips the balance.” See also Gerhard Forde, *Theology Is for Proclamation* (Minneapolis: Fortress Press, 1990).

⁸ Werner Elert, *The Structure of Lutheranism especially in the Sixteenth and Seventeenth Centuries*, trans. Walter A. Hansen (St. Louis: Concordia Publishing House, 1962), 200–202. “Here the ship of Reformation, which has just recently departed from land, seems to be sailing back into the harbor of the medieval church, which produced laws of faith and demanded obedience to them. Faith itself, the most precious treasure, seems to be betrayed! One must say that here of all places it was a mistake to combine the concept of the ‘decree’ (decretum) with the ‘must be believed’ (credendum) in the Latin text. . . . But this is actually an isolated mistake on the part of the Augsburg Confession” (202).

along with the gospel incited good works.⁹ As a corrective, he denied the third use of the law and in its place put the *evangelischer Ansatz*, “the impact of the gospel,”¹⁰ as the impetus for good works and as the core of Lutheran theology.¹¹ For some, “gospel” has come to mean little more than telling people their sins are forgiven. This is now popularly paraphrased as “good news,” an umbrella phrase that can embrace most any felicitous report, like “I have good news for you. You got a raise.” In the New Testament, “gospel” has to do with the oral or written proclamation of the life, death, and resurrection of Jesus. When Mark writes “the beginning of the gospel of Jesus Christ” (1:1), he is referring to his written record of Jesus’ life, death, and resurrection. Matthew also spoke of his document as the gospel which would be proclaimed both within and beyond the boundaries of the Roman Empire (Matt 24:14; 26:13; cf. Mark 14:9). The gospel for which Paul was set aside is about Jesus’ descent from David and his resurrection (Rom 1:1–4), which are also found in Matthew and Luke. Gospel in the New Testament is substantive, concrete—a flesh and bones kind of a thing, corresponding with the creed’s second article.¹² By the preaching of the gospel, which tells what God has done in Jesus, faith is effected in the hearer, who is thereby justified. Elert made the gospel’s effect, what it accomplished, what he called the *evangelischer Ansatz*, “the impact of the gospel,” determinative: “As soon as the Gospel is understood in the sense of its impact (*Ansatz*), it is not necessary to prove that in the church of the Gospel doctrine must really be of decisive significance.”¹³ Preaching takes precedence over doctrine, a view proposed by George Lindbeck and then adopted by Gerhard Forde.¹⁴ This was not new. Rudolph Bultmann proposed that justification was little more than living a more authentic life, a view he coupled with his hermeneutical method of demythologizing the gospels.¹⁵

⁹ See David P. Scaer, *Law and Gospel and the Means of Grace*, Confessional Lutheran Dogmatics (St. Louis: Luther Academy, 2008), 81.

¹⁰ This is Walter A. Hansen’s translation of the phrase in Elert, *The Structure of Lutheranism*. Alternatively, the phrase can mean the “gospel approach” to theology.

¹¹ David Yeago notes that Elert came up against a blank wall with the first article of the Augsburg Confession, which demanded faith in the triune God quite apart from the law-gospel paradigm. Yeago, “Gnosticism, Antinomianism, and Reformation Theology,” *Pro Ecclesia* 2, no. 1 (1993): 43. See above, note 8.

¹² Scaer, *Law and Gospel and the Means of Grace*, 11–13.

¹³ Elert, *The Structure of Lutheranism*, 201.

¹⁴ Jack D. Kilcrease, *The Doctrine of Atonement from Luther to Forde* (Eugene, OR: Wipf & Stock, 2018), 2–15; Jordan Cooper, *Lex Aeterna: A Defense of the Orthodox Lutheran Doctrine of God’s Law and Critique of Gerhard Forde* (Eugene, OR: Wipf & Stock, 2017), 115–120.

¹⁵ The law-gospel distinction appeared in Bultmann as the letter/spirit distinction, as it did also in Paul Tillich. “Paul Tillich’s ‘Protestant principle,’ according to which the ‘finite forms’ of religious symbolism must always be relativised by the very grace which they mediate, likewise

Justification is a principle for preaching, as Walther held.¹⁶ But even in the Augsburg Confession it is not a stand-alone doctrine, but derives its content from Article III, that the “one Christ, true God and true man . . . [was set forth] to be a sacrifice not only for original sin but also for all other sins and to propitiate God’s wrath.”¹⁷ So also Paul. Justification is the effect of Christ’s atonement and finds its certainty in the resurrection of Jesus: “if Christ has not been raised, then our preaching is in vain and your faith is in vain” (1 Cor 15:14).¹⁸ If we cannot come to grips with the fact that the one who was *crucifixus sub Pontio Pilato* was resurrected under the watch of his tomb guards, every other theological proposal, regardless of its effusive Lutheran terms, rests on an inaccessible theorem. The justifying word of the gospel is not a self-contained, autonomous word of God, but it is a word of God whose content is informed by Christ’s sacrifice to God to satisfy his wrath over sin. Faith is created by proclamation, but its substance is derived from the historical event of the cross on which it focuses. *Sub Pontio Pilato* directs faith to the historical event of crucifixion,¹⁹ and through it to the atonement, where God through Christ is reconciled to the world. When Paul showed up in Corinth, he preached a composite message that Christ died for sins, was buried, and was raised on the third day (1 Cor 15:1–7). These things were foundational for his apostleship, the message he preached, and the church.

Confusion over justification emerged at the 1963 Helsinki LWF convention and has not ebbed. Then the president of the World Council of Churches (WCC) and former LWF president, Bishop Hanns Lilje, said differences on justification were real and not just imagined or semantic.²⁰ Yeago notes the current fascination with Luther’s writings to show the chief understanding of Luther among modern interpreters is epistemological.²¹ This is done by cherry-picking the reformer’s writings in which his earlier writings are authentically preferred over later ones. In hearing the justifying word, hearers are relieved of guilt and can begin to live worry-

reproduces the law/gospel structure in the register of letter and spirit.” Yeago, “Gnosticism, Antinomianism, and Reformation Theology,” 39.

¹⁶ Scaer, *Law and Gospel and the Means of Grace*, 56–61.

¹⁷ AC III 2–3. Theodore G. Tappert, ed., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Philadelphia: Fortress Press, 1959), 29–30.

¹⁸ Unless otherwise noted, all Scripture quotations are from the ESV® Bible (The Holy Bible, English Standard Version®), copyright © 2001 by Crossway, a publishing ministry of Good News Publishers. Used by permission. All rights reserved.

¹⁹ Oswald Bayer, “The Word of the Cross,” in *Justification Is for Preaching: Essays by Oswald Bayer, Gerhard O. Forde, and Others*, ed. Virgil Thompson (Eugene, OR: Pickwick Publications, 2012), 193. “The narrative of the crucified God . . . rivets attention to the historical fact of the crucifixion of Jesus of Nazareth in its temporal and spacial determination and does not allow itself to be pried loose from the texts in which it was originally recorded.”

²⁰ Scaer, *The Lutheran World Federation Today*, 15.

²¹ Yeago, “Gnosticism, Antinomianism, and Reformation Theology,” 37–38.

free lives. Debatable is whether this is so. Rather than producing a cornucopia of good feeling, things often appear worse to the believers, as they did to the psalmists. The heart of the gospel as the justifying message is not its effect on the hearers, but Christ's propitiation for sin. Current views put the weight of justification on the relational aspects of what the justifying word does for the believer. In this view, the words "for you" in preaching turn raw facts into gospel, and in distributing the sacrament accentuating "for you" adds to its salvific value.²² For John the apostle, atonement is the cause and justification its effect or result (1 John 2:2) and the order dare not be reversed. The tail cannot be burdened down in wagging the dog. Now if justification is dependent on, and an extension of, the even more profound doctrine of atonement, as it is in the Augsburg Confession and the New Testament, the question moves back to locating atonement and justification in God as Trinity. If incarnation is the *mysterium mysteriorum*, how much more of a mystery the Trinity is.

For example, being in a political office requires explaining one's action. Politicians have to justify themselves continually. Similarly, Bayer understands the human predicament as one in which people attempt to justify themselves in order to be free from accusation.²³ If self-justification belongs to what it means to be human, we can ask if this principle applies to God. Does he have to justify himself to be free of accusation? In justifying us, God proves he is righteous, because Christ has assumed the penalty we deserve. In loving us, he does not set aside his righteousness but confirms it. His justifying of sinners does not compromise, offend, set aside, or ignore his righteousness, but affirms it. God affirms his righteousness by sacrificing his Son as an atonement. By absolving the sinner without payment, he would be unrighteous in exempting himself from rules he imposes on us. What's good for the goslings is first good for the goose. Our forgiving others in the Lord's Prayer assumes God has already forgiven them, and so we forgive sins God already has forgiven. If God forgave without atonement, Satan would have reason to accuse God of unrighteousness, but he doesn't. Not through an act of omnipotence, but through the blood of the lamb, the accuser has been thrown down (Rev 12:10). Since in making atonement God shows us that he is righteous in himself, his promises to deliver his saints can be trusted, as was the case of Job and Jesus, to whom God

²² Cooper, *Lex Aeterna*, 115. In the Autumn 2010 issue of the *Lutheran Quarterly*, three articles advance the view that justification has to do with believers living in a world free of accusation. Vitor Westhelle, "Justification as Death and Gift"; Klaus Schwarzwaller, "Justification and Reality"; Oswald Bayer, "Justification," *Lutheran Quarterly* 24, no. 3 (Autumn 2010): 249–262, 292–310, 337–340.

²³ Bayer, "The Word of the Cross," in *Justification Is for Preaching*, 189. "What is universally intelligible, is the urge to justify oneself by works or deeds."

responds to his cry of dereliction by raising him from the dead, so proving that he was righteous. Since justification is commonly understood as the declaration that sins are forgiven, it might be off-putting to speak of God justifying Jesus, but that's what Paul says: Jesus "was justified in the spirit" (see 1 Tim 3:16), that is, God showed that he was righteous in raising Jesus, who was wrongly put to death for crimes he did not commit. In justifying the sinner, God is not acting arbitrarily or contrary to who he is, but in accord with who he is. An absolution or any word of justification or forgiveness spoken without atonement, as was advocated by Gerhard Forde,²⁴ is "a noisy gong or a clanging cymbal" (1 Cor 13:1), and Satan could charge God with unrighteousness.

God's justification of the sinner originates from within his trinitarian existence. In love, the Father, who is love in himself, begets the Son in an eternal act of love. The Son's being begotten by the Father has both ontological and moral components in that by the Son's sharing in the Father's being, he also shares in the Father's love, not as if God's being could ever be separated from his love.²⁵ The Son is the personification of the Father's love. In begetting the Son, the Father gives entirely of himself so that the Son possesses everything the Father is and has. So the divine giver shows himself to be eternally the Father and the divine receiver to be eternally the Son. Each is distinct from the other in that the Father begets Son and the Son is begotten by the Father. In completely giving of himself in begetting the Son, the Father sets down the form for his giving of the Son in the atonement, through which we gain a glimpse into the inscrutable mystery of the Father's eternal begetting of the Son. Love is intrinsic to God's trinitarian life, into which Christ's atonement is the window. In atonement, God is not acting against but in accordance with who and what he is. The God who gives of himself in begetting the Son gives of himself again in the atonement and justification. "In Christ God was reconciling the world to himself, not counting their trespasses against them, and entrusting to us the message of reconciliation" (2 Cor 5:19). The message of reconciliation is dependent on and distinct from the actual act itself of God's reconciliation to the world. Thus the message of reconciliation dare not be confused with the act of reconciliation in the atonement by crucifixion, to which faith is directed. Reconciliation between God and the sinner is accomplished within God's trinitarian existence in which God shows himself to be righteous by satisfying his wrath over sin by the sacrifice of his Son. Our being reconciled happens through faith, created by the word that depends on and is an extension of the greater mysteries of the atonement and the Trinity. God does not ignore but affirms his righteousness in forgiving sins. In law and

²⁴ For an evaluation of Forde's view, see Kilcrease, *The Doctrine of Atonement*, 118, 139–141.

²⁵ "From God's viewpoint there is no distinction between the various divine attributes for they constitute His indivisible essence itself." Pieper, *Christian Dogmatics*, 1:452.

gospel, God does not speak against himself. God is not capable of moral bifurcation so that he says one thing at one time and another thing at another time.

Well known is John 3:16, that God so loved the world that he gave his Son. That love is an extension of the eternal love that the three divine persons have for one another and by which each is joined to the other in Trinity. From love, the Father spoke the word by which the world was created, and this love was extended again by his sacrificing his Son as a propitiation for the sin of the world he had created. By the Spirit who aided Christ in his propitiatory death, God creates faith, and thus the old creation is replaced by the new one. In recognizing God's propitiatory love in Christ, believers come to recognize God not only as Redeemer but Creator. No longer does God lurk as the *deus absconditus* in the dark shadows of human existence as a horrifying unknown, but he comes as *deus revelatus*, who, as Jesus says, is indiscriminate in doing good to believers and unbelievers alike (Matt 5:45). So says Paul Gerhardt in the hymn "I Will Sing My Maker's Praises": "For in all things I see traces of his tender love to me."²⁶ God who was once hidden in the world by our unbelief can be seen by us through faith in Christ.

Morality, Sanctification, and the Third Use of the Law

If morality, sanctification, and the third use of the law are not precise synonyms, they are overlapping realities. They have to do with behavior, and each has a foundation in the love that defines God's trinitarian existence. From this trinitarian love, God created and redeemed the world, and Christians love one another: "In this is love, not that we have loved God but that he loved us and sent his Son to be the propitiation for our sins. Beloved, if God so loved us, we also ought to love one another" (1 John 4:10–11). "Beloved, let us love one another, for love is from God, and whoever loves has been born of God and knows God. Anyone who does not love does not know God, because God is love" (1 John 4:7–8). Connecting the dots, John sets forth in reverse order: the doctrine of God, that is, theology in the narrow sense, that God's essence is love, then Christ's death as an expiatory sacrifice for sin, and in conclusion the Christian life, the section in dogmatics called sanctification or in the Formula of Concord the third use of the law (FC VI). Though we customarily say with sound biblical and confessional reasons that faith produces good works (Ap IV 122–182), faith is not an autonomous, self-contained source of good works. Rather, they originate in God's trinitarian existence, which is eminently recognizable to us in Christ's sacrifice for sin. The good that Christians do is really God working in them (Heb 13:20–21). The love that defines who and what God is

²⁶ TLH 25:1. *The Lutheran Hymnal* (St. Louis: Concordia Publishing House, 1941).

comes to expression in Christians loving one another. Descriptions of believers as being born or begotten of God have a subtle trinitarian and incarnational substructure, in that our regeneration is patterned after the Son's eternal birth from the Father and his conception by the Holy Spirit of the Virgin Mary. The Son's being begotten by the Father, his conception by the Holy Spirit, and our conversion are pure monergism, things only God can do. Paul makes the correlation between regeneration by Baptism and the Son's relation to the Father (Gal 4:4–6).

Arguments that the love Christians have for one another originates within the trinitarian life are at the heart of Jesus' final discourse in the Gospel of John. The Father's love, with which he loved the Son, is the love that dwells in believers (John 17:26). The love that binds the Father to the Son and that initiates the atonement is the substructure for the third use of the law, of which the foremost good work is martyrdom. "This is my commandment, that you love one another as I have loved you. Greater love has no one than this, that someone lay down his life for his friends" (John 15:12–13).²⁷ Things that belong to the Father also belong to the Son and are given by the Spirit (John 16:13–16). What God accomplishes within his trinitarian life is made available to believers by the Father and the Son dwelling in believers (John 14:23). This new, divine life in believers is described by the law's third use.

Taking the Argument to the Synoptic Gospels

The Synoptic Gospels also place the origin of Christian morality or the third use of the law in God. Serving our purposes are the accounts of the rich young man (Matt 19:16–22; Mark 10:17–22; Luke 18:18–23) and the Pharisees asking Jesus which is the chief commandment of the law (Matt 22:34–40; Mark 12:28–34; cf. Luke 10:25–28).

The rich young man asks Jesus about eternal life. Some Lutherans may desire to impugn his motives by pointing out that he is at heart a synergist seeking affirmation for good behavior. This may be a Lutheran rush to judgment. Mark's description of him as running after Jesus and kneeling (Mark 10:17) suggests that he had been haunted for some time by the question of how to obtain eternal life. According to Ecclesiastes, this question haunts everyone (3:19–20). Jesus is satisfied that the man has kept the commandments and so sees him as a person of good reputation, a necessary prerequisite for the kingdom and maybe also for the ministry of the apostleship—so, it seems, is the real intent for inclusion of the account (Matt 19:27–29). Though expositions on the account zero in on the word "inherit,"

²⁷ In his *Christian Dogmatics* 1:447–465, Francis Pieper places God's love as a subcategory of God's goodness among his communicable attributes (those that are in contrast to the incommunicable attributes, like immutability and eternity).

Matthew omits it. Intentionally or unintentionally, later copyists inserted it so that Matthew's version would correspond with Mark's and Luke's accounts. Often heard is that inheritances are not earned, an argument that does not fit Matthew's judgment scene in which Jesus specifies the works believers have done to inherit eternal life and others have not done to be excluded (Matt 25:31–46). To get ahead of our argument, the works of the third use of the law are feeding the hungry, giving drink to the thirsty, welcoming strangers, clothing the naked, and seeing the sick and imprisoned and visiting them. These anticipate Luther's explanations of the commandments, that the law is ultimately fulfilled in doing good things. This is what the third use of the law is all about and what the man is to do in giving to the poor. By listing the good things the redeemed do, Jesus excises the accusatory function from the law so that it no longer threatens the believer. Eternal life, which the young man craves (Matt 19:16), is given at the judgment to those who have done good works (Matt 25:46).

In Mark's and Luke's accounts, Jesus asks the man to explain why he called him "good teacher." Only Matthew continues with Jesus asking him, "Why do you ask me about the good?" A grammatical alternative would allow the Greek word *ἀγαθὸν* to be rendered not as "the good thing" but "the good one," that is, God. So it would read, "Why do you ask me about the good one?" that is, God. In Matthew, Jesus adds, "One there is good," and in Mark and Luke adds, "No one is good but God." All are expositions of the *Shema*, "Hear, O Israel: The LORD our God, the LORD is one" (Deut 6:4). Israel's God is not merely the only God, but he is morally good. Forbidden behaviors in the kingdom are murder, adultery, theft, and giving false witness. Required is honoring one's parents (Matt 19:18–19). If Jesus was dissatisfied with the man's response that he had indeed kept them all, this would have been the place to say so, but he does not. At the end of the list in Matthew, Jesus adds the interpretative summary, "You shall love your neighbor as yourself" (Matt 19:19), which embraces the commandments of the second table as a positive command and description, not as condemnation and threat. In this manner, they originally existed in God. They were not prohibitions but descriptions of the lives of the godly, who live their lives before God, a point Luther makes in his explanations and, more importantly, so did Moses and Jesus before him.²⁸ Jesus follows up with the command to sell all his possessions and to give the proceeds to the poor not simply because it is the right thing to do, but because it is a mirror image of what God does in giving himself first in Jesus as a propitiation for sin (Matt 20:28) and doing good to all. In terms of the Formula of Concord, this is the third use of the law.

²⁸ Paul also summarizes that the commandments are fulfilled by loving the neighbor (Rom 13:9). This might suggest he knew Matthew and was dependent on him.

All three synoptic evangelists omit the enumeration of the first three commandments, which deal with one's relation to God; however, these are subsumed in Jesus' question to the young man about what is good or why he called him good. Jesus was, in effect, asking him to examine his own words, in which he wittingly or unwittingly acknowledged that Jesus was in some sense divine, which the evangelists clarified in writing their gospels. This is especially so in Mark where the young man kneels before Jesus (Mark 10:17). Each evangelist captures the man's emotional conflict in contemplating his possessions going on the auction block with the proceeds ending up in the hands of the outcasts of society. In having to choose between Jesus and his wealth, the man's trauma borders on clinical depression (Mark 10:22). Serving both God and wealth is impossible, and for that excruciating moment the young man is caught in a dilemma. Another dimension is what is meant by "if you want to be perfect" (see Matt 19:21), which corresponds to the Sermon on the Mount, "You therefore must be perfect, as your heavenly Father is perfect" (5:48). Since in the Lord's Prayer the followers of Jesus are to ask continually to be forgiven (Matt 6:12, 14; Luke 11:4), absolute moral perfection is not in view. Helpful for what is intended by perfection is Luke's parallel: "Be merciful, even as your Father is merciful" (6:36). By giving his wealth to the poor, the young man would begin to show the mercy and do the good that God himself does and, like God, no one owes him anything. At this point, the third use of the law kicks in: believers do the good things God does. What we believe about God (theology in the narrow sense) is the source of our sanctification, how we live our lives in this world. Law stripped of its accusations is descriptive of the good things God and believers do. This is the third use of the law.

Loving the neighbor takes on an even greater significance in the pericope of the great commandment. Loving God and neighbor are like two pylons on which the Old Testament Scriptures are suspended (Matt 22:34–40; Mark 12:28–34). In the final disputations between Jesus and his adversaries, it is placed after the question of the Sadducees about the resurrection (Matt 22:23–33; Mark 12:18–27), and before Jesus asks them how David's son can be his Lord (Matt 22:41–46; Luke 20:41–44; Mark 12:35–37). Together they form a dogmatic trilogy of resurrection, God and sanctification, and how God manifests himself in a son of David (incarnation). Jesus places loving God and loving the neighbor side by side, almost as equals—and in a way they are. A failure in the latter points to a defect in the former (cf. 1 John 4:20). This thought has already been introduced in the account of the rich man who in failing to aid the poor has not come to terms with his faith in God. The pericope of the great commandment is the more existential of the two accounts in describing the intensity of faith with which God is to be loved—heart, soul, mind—to which Mark adds "strength," a word having to do more with the body, indicating faith has

a physical aspect (Matt 22:37; Mark 12:30). Then comes an equally existential command, that the love of others must equal love of self (Matt 22:39; Mark 12:31). The young man's unwillingness to follow Jesus' directive of divesting himself of what he owns for the sake of others reveals a fatal fissure in his relation to God (Matt 19:22).²⁹

Both accounts, that of the young man and that of the great commandment, have to do with Christian behavior and are built on the substructure of what God is in himself and how he relates to us as love. He is the source of how we relate to him and others. In contrast to Islam and classical unitarianism, the trinitarian God is a relational God in that he does not exist as a monad isolated from his creation. God does good, and so the followers of Jesus must also do good. His goodness is expressed in the lives of Christians, who put the interests of others first. This thought is developed by Paul in Philippians (2:3–4) and belongs to our doctrine of sanctification and the third use of the law. Even though Article VI of the Formula devotes most of its space to description of the law's function as accusation, its stated purpose is that Christians do the good works in accordance with the law.

Law Is Not All That Bad

Even law in the first and second uses is not devoid of benefits. A society held together by law is more likely to prosper and is preferable to one that is not.³⁰ Sinners, by seeing their wretchedness, are prepared for the gospel. The argument that law has no place in how Christians live their lives, based on the Latin words *lex semper accusat* in Ap IV 38, is itself contextually flawed because it does not take into

²⁹ Mark includes the account of an anonymous scribe who commends Jesus and then repeats word for word what Jesus had just said about loving God and the neighbor. He adds that loving the neighbor is more important than sacrifices (Mark 12:32–33). Technically the scribe is anonymous, but it is not unlikely that he is known to Mark and so this might be an allusion to Matthew and his Gospel, in which Jesus in his self-defense when he dined in the house of Matthew with tax collectors (Matt 9:11) cites Hosea: "I desire mercy, and not sacrifice" (9:13). In his own Gospel, Matthew appears as the anonymous scribe who, trained for the kingdom of the heavens, takes out of his treasure both old and new things (Matt 13:52). In giving up his wealth, Matthew had done what the rich young man was not yet able to do but would later do. If this argument is plausible, then Mark is acknowledging Matthew as one whom he followed. Luke does not have the account of the great commandment, but he includes it in the lawyer's question as prelude to the parable of the Good Samaritan (Luke 10:27).

³⁰ A positive twist is put on the Decalogue by Rémi Brague, professor emeritus at the Sorbonne and currently at the Ludwig Maximilian University of Munich. He points out that the commandments were given to the Israelites who were being set free from bondage. He writes, "Worshiping another god would bring human beings back to slavery. No other god than the one who sets mankind free should be adored." Rémi Brague, "God as a Gentleman," *First Things* 290 (February 2019): 40. Luther also sees the First Commandment in a positive sense.

consideration paragraphs 122 to 132, which appear in the same article under the heading “Love and the Keeping of the Law.” In spite of the law’s initial encounter with the sinner as an overwhelming horror that accuses and condemns him, law is simply the description of what God has always been in himself.³¹ Law is not an untamed force external to God arousing horror, even though this is the sinner’s first perception. As accusation, law is functional and relational in how man relates to God. Law as accusation does not belong to God’s essence. It has no life of its own that can be destroyed. Being created in the image of God, Adam by nature did the things of the law without a sermon. As God’s conversation partner, he conversed with God about the law, which was on both sides of the conversational equation, first in the mouth of God, the divine speaker, and then in the ears of man, the human hearer. God and Adam were conversation partners. When Adam and Eve found a more delightful conversation partner in the serpent, who promised to elevate them to a divine status above and beyond what they already possessed, divine promise became accusation, and so the second use of the law was conceived. Before God accuses Adam, Adam accuses God and assumes the place of God, who is the only lawgiver and judge.³² This was not simply disregarding one of the Ten Commandments, but an egregious affront against God himself in that the creature put himself in the place of his Creator, a theme picked up in the Epistle of James: “Do not speak evil against one another, brothers. The one who speaks against a brother or judges his brother, speaks evil against the law and judges the law. But if you judge the law, you are not a doer of the law but a judge. There is only one lawgiver and judge, he who is able to save and to destroy. But who are you to judge your neighbor?” (Jas 4:11–12). By assuming the law’s accusations and penalties to himself, Christ deprived the law of the sting of its accusations, and so believers come to see law as a positive good as it eternally describes God and as that to which the christological component was added. This is exactly the teaching of the Apology: “The law always accuses us, it always shows that God is wrathful. We cannot love until we have his mercy by faith. Only then does he become an object to be loved” (Ap IV 125). The Apology calls the Old Testament passage quoted by Jesus, “You shall love the LORD your God with all your heart” (Deut 6:5), “the eternal law” (Ap IV 130).

³¹ Roland Ziegler, “Foreword,” in Kilcrease, *The Doctrine of Atonement*, x.

³² Gen 3:12: “The woman whom you gave to be with me, she gave me fruit of the tree, and I ate.” Gen 3:17: “And to Adam he said, ‘Because you have listened to the voice of your wife and have eaten of the tree of which I commanded you, ‘You shall not eat of it,’ cursed is the ground because of you; in pain you shall eat of it all the days of your life.’”

The Triumph of the Third Use of the Law

One casualty in making the law-gospel paradigm the overarching principle of theology is the third use of the law, for which Melancthon is made the whipping boy.³³ If in this law-gospel scenario, law is no longer the standard of good works for believers, it need not apply to God, who would then have no need of atonement to forgive sins. That's the second causality, as is seen in the title of the book, *Luther's Outlaw God*.³⁴ What applies to believers also applies to God. By itself, the denial of the third use may not seem that important. In the massive Book of Concord, it is far removed by page count from the doctrine of the Trinity in the Creed. So like an appendectomy, nothing is really lost by its removal, as some may think. We are agreed that the gospel is the impetus for good works, but law provides the skeletal structure on which the flesh of the gospel hangs. It might be that the New Testament devotes more space to the third use of the law than to the second, but who's counting?

Wherever *lex semper accusat* remains in place as an absolute principle for preaching and theology, the doctrine of God is compromised and the definition of the law is perverted.³⁵ Adam is responsible for turning God's goodness inside out so that now in the law God appears as an overwhelming negative that no one can escape. Presentations of the third use of the law, even by those committed to the Confessions, inevitably come with the demur that the second use, the law as accusation, is its chief use. It would be politically incorrect to say otherwise. So what is given in one hand is taken away by the other. According to Murray, the ascendancy of law and gospel as a principle of theology is of recent origin. "Thus except for Walther's pastoral approach, American Lutheranism before 1940 ignored Law and Gospel and, therefore, ignored the third use of Law."³⁶ Law and gospel is the most existential and necessary of doctrines for sinners. Everyone stands *coram Deo* as a sinner for accusation and a believer for justification. No one is exempt. In contrast to law as accusation, the third use lasts forever. Law in its third use points beyond itself to that time when the second use will pass away and sanctification will

³³ Attempts to prove this are described by Murray, *Law, Life, and the Living God*, 27.

³⁴ Steven D. Paulson, *Luther's Outlaw God, Vol. 1: Hiddenness, Evil, and Predestination* (Minneapolis: Fortress Press, 2018).

³⁵ Murray, *Law, Life, and the Living God*, 26–27, 36–37 n. 90; also Scaer, *Law and Gospel and the Means of Grace*, 56–61, esp. 61. We need look no further than Paul Speratus's hymn, "Salvation unto Us Has Come," in which the horrors of the law are laid out in glowing detail. However, it lays out the necessity of Christ's atonement: "Christ came and has God's anger stilled, . . . And thus the Father's vengeance stayed" (*LSB* 555:5), a thought not found in the current proposals of justification but the one on which salvation itself depends.

³⁶ Murray, *Law, Life, and the Living God*, 26.

replace it as the determinative reality between God and man. Paul said the same: “So now faith, hope, and love abide, these three; but the greatest of these is love” (1 Cor 13:13). We will see what we believed in and receive for what we hoped, and so faith and hope will have outlived their purposes. Then the love by which we now love God and neighbor will reach its perfect and intended goal in the resurrection. The third use of the law is a preview or the trailer of the life to come when, unlike an old car, the third use will no longer slip gears into the second. At that time, the law-gospel paradigm will give way to the triumph of the third use of the law as the overarching reality according to which the redeemed will live under God. “We know that when he appears we shall be like him” (1 John 3:2). That’s the third use of the law. The third use of the law remains forever.