

“Third Use of the Law: Resolving The Tension”  
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In preparing for this presentation a pastor reminded me that I had spoken on this topic several times and that today’s title may have been anticipated in the paragraph heading, “Overcoming the Contradiction Between the Law and the Gospel,” in a previous essay.<sup>1</sup> He also added that it was unlikely that I could say anything new and hardly significant. This is especially true in light of the recent publication of *The Law in the Holy Scripture*,<sup>2</sup> a collection of essays originally given at the 16<sup>th</sup> Annual Symposium on Exegetical Theology in 2001. Since the Law and Gospel is arguably the most characteristic of all the Lutheran doctrines, it often deteriorates into a cliché type of existence. Mention of the phrase is passed off as if this itself was their proclamation. Correct definition does not guarantee that it has been proclaimed. Those who are incapable of its definition can actually proclaim it. Since the Reformation Lutheran understandings have shifted in various degrees between antinomianism and legalism and so we are never relieved of addressing. In the 1970s the ordination of women and in the 2000s the ordination of homosexuals and same-sex marriages keep the Law and Gospel distinction in the middle of the theological debate. These practices are allowed, it is argued, because the Gospel frees one from moral and ethical restraints. So the inebriated peasant who lives within the security of legalism rights himself up only to fall into antinomianism’s lack of restraint.

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<sup>1</sup>David P. Scaer, “The Law and the Gospel in Lutheran Theology,” *Logia* III/1 (Ephiphany/January 1994):27-24.

<sup>2</sup> Ed. Charles A. Gieschen (Saint Louis: Concordia Publishing House, 2004).

## A One Sided Coin: Gospel Alone

Antinomianism is the belief that Christians are by faith free from all moral and ethical standards. If certain biblical citations disallow women pastors, the Gospel takes precedence, so it is argued. Consecration of a gay, divorced priests as bishop in the Anglican Communion and proposals to legitimize the ordination of homosexuals and same-sex marriages in Evangelical Lutheran Church in America (ELCA) keep the issues alive.<sup>3</sup> Such proposals are not on LCMS horizon, but like a bad penny the ordination of women continues to surface. Recently an emeritus pastor claimed that some pastors, whom he identified as confessional, are antinomian in not giving enough attention in their sermons to Christian sanctification which he described as crucifying the flesh, putting down the old man and putting on the new man. Without names or details, we can only respond to how he defines antinomianism. Crucifying the flesh and putting down the old man are never past tense, but they are the work of the Law. Putting on the new man is the work of Christ (Gospel) and is the real sanctification.<sup>4</sup> We do not put on an abstract holiness or morality, but we put on Christ—his life, his works, his Sacraments, his death, his absolution, his resurrection, ascension, and session at the Father’s right hand. These things are ours by a Baptism into his death and resurrection and by faith we are sanctified. The things of Christ that are ours by faith have nothing to do with the Law’s threats. Guilt is prior to and necessary for faith and sanctification, but has no place in faith and sanctification by which Christ lives in us and we live in him. After coming to faith by the Gospel, the Christian is revisited by

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<sup>3</sup> This was also the issue with Faculty Walkout from Concordia Seminary, Saint Louis in February 1974. Dr. Schroeder who then was on the faculty writes the following: “The second heresy was on the so-called ‘third use of God’s law,’ a constant hot potato among Lutherans ever since the 16th century. Our ‘false teaching’ on the law’s ‘third use’ was that we opted for Elert’s Gospel-grounded interpretation and not the one the LCMS had supposedly ‘always’ taught.” *Sabbatheology Newsletter* (Thursday Theology #336 [November 18, 2004]).

<sup>4</sup> Desperation worked by the Law so that the believer loses the sense of God’s presence belongs to sanctification. The cry of dereliction, “My God, my God, why hast thou forsaken me” (Matt 27:46; Mark 15:34) is eminently the cry of Christ, also of Adam, David and every believer. This sense of abandonment is a holy work of

the Law and his sense of guilt will increase especially in light of Christ's holy life. The Spirit's *opus alienum* increases his sense of inadequacy and makes him more miserable as he copes a reality he cannot escape.

#### Wisdom, Justification, Sanctification, and Redemption as Prior Christological Realities

God's sovereignty is neither enhanced nor satisfied because of the sinner's suffering or death. He takes pleasure in the sinner's dilemma only in the sense that self-mortification prepares for the Gospel. Human misery does not make God happy. He is not impassive or detached from man's fallen condition. Quite to the contrary. Whenever the sinner is brought to Christ, joy escapes its divine boundaries and echoes in the mouths of angels (Luke 15:7). Good works please God first because they come from him and are established in and done by Christ, who did them freely because of what God made him:

[God] is the source of your life in Christ Jesus, whom God made our wisdom, our righteousness [KJV: justification] and sanctification and redemption; therefore, as it is written, "Let him who boasts, boast of the Lord." (1 Cor 1:30-31).<sup>5</sup>

God is the source of our wisdom [Gospel of the crucified Christ], justification, sanctification and redemption, because he placed these things in Christ. Only because they are found in and done by him can they be found in and accomplished by us by faith in him. Good works are done freely without compulsion by Christians just as they were done freely by Christ. Call this "subjective sanctification," if you want. Just as the church, the *una sancta*, is the prior reality to every congregation, so our sanctification is a prior reality before we come to faith and do its works. "For we are his workmanship, created in Christ Jesus for good works, which God prepared beforehand, that we should walk in them" (Eph 2:10). Thoughts of moral or ethical

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God, dare we see the holiest, because in that moment we have no choice but to flee to Christ alone who is our wisdom, our justification, our sanctification and our redemption.

<sup>5</sup> ἐν δικαιοσύνη τε καὶ ἁγιασμὸς καὶ ἀπολύτρωσις

self-appreciation, inventory, quantification and admiration are annulled by the words, “Let him who boasts, boast of the Lord,” a passage describing a scene of bodies decomposing into fertilizer. In a situation of human misery and depravity God’s glory is the only act in town (Jer 9:22-24).<sup>6</sup> At the heart of the Lutheran Reformation is our moral failure and inability of ourselves to do good works. This applies as much to our justification by which we face God with confidence as it does to our sanctification by which we face the world. Our sanctification is not only patterned after Christ’s works (moral theory of the atonement), but is already present in him in the same way wisdom (Gospel), justification and redemption are. By faith sanctification becomes a personal, existential reality for the Christian. Neither in Christ nor in us are these disconnected *things*, but in the one moment of the cross God has made him to be our wisdom, justification, sanctification, and redemption—they are what God made Christ, what Christ is and did, what he does in us. He who hears God’s wisdom and believes has redemption, justification, and sanctification.

Lutheran arguments with Rome were not about redemption—the doctrine that Christ made atonement for sin—but about justification; however, by denying the sole agency of God in justification, Rome compromised its doctrine of redemption by depriving believers of its benefits. Grace became a quality in us instead a description of how God in Christ relates to the world. Justification was collapsed into sanctification. One became indistinguishable from the other and both were placed within the grasp of human achievement. Yet Christ is as much our sanctification as he is our justification and redemption. Sanctification is God’s work in us for

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<sup>6</sup> “Thus says the LORD: ‘The dead bodies of men shall fall like dung upon the open field, like sheaves after the reaper, and none shall gather them.’” 23 Thus says the LORD: “Let not the wise man glory in his wisdom, let not the mighty man glory in his might, let not the rich man glory in his riches; 24 but let him who glories glory in this, that he understands and knows me, that I am the LORD who practice steadfast love, justice, and righteousness in the earth; for in these things I delight, says the LORD.”

others.<sup>7</sup> For Paul “Let him who boasts, boast of the Lord,” applies not only to the atonement but to the Gospel, that divine wisdom, justification, sanctification, and redemption. Just as there can be no subjective justification in faith without a prior justification in Christ (objective justification), so there are no good works that the Christian does which Christ has not already done. Christ is on both sides of sanctification equation. He does the good works in us and he is their recipient.<sup>8</sup>

### **Lutheran and Reformed: Same Terms, Different Content**

Both Lutherans and Reformed have a place for the Law’s accusatory function (Second Use) in preparing for the Gospel<sup>9</sup> and directives for the Christian life (Third Use), but each sees the relation of the Law and the Gospel differently. One Reformed theologian writes: “Reformed theology affirms a polarity but not an antithesis between the Law and the Gospel,”<sup>10</sup> the latter a reference to the Lutheran position. Condemning Law and the forgiving Gospel have a simultaneous impact on the Christian, who for life remains as much a believer as he does an unbeliever. His condition is described as *simul iustus et peccator*.<sup>11</sup> For the Reformed “the Law

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<sup>7</sup> See David P. Scaer, “Sanctification in Lutheran Theology,” *Concordia Theological Quarterly* 49 (April-June 1985): 181-89; “Sanctification in the Lutheran Confessions,” *Concordia Theological Quarterly* 53 (July 1989): 165-82.

<sup>8</sup> Matt 25:44-46: “Then they also will answer, ‘Lord, when did we see thee hungry or thirsty or a stranger or naked or sick or in prison, and did not minister to thee?’ Then he will answer them, ‘Truly, I say to you, as you did it not to one of the least of these, you did it not to me.’”

<sup>9</sup> So Luther. “The foremost office of power of the law is that it reveals inherited sin and its fruits. It shows human beings into what utter depths their nature has fallen and how completely corrupt it is” (SA III.ii.4).

<sup>10</sup> Bloesch, “Law and Gospel in Reformed Perspective,” 181.

<sup>11</sup> See Jan Rohls, *Reformed Confessions: Theology from Zurich to Barmen*. Tr. John Hoffmeyer. Columbia Series in Reformed Theology (Louisville, Kentucky: Westminster John Knox Press, 1998), 193-197. In preparing for the Gospel Lutheran and Reformed theologies have called the Law’s accusatory function its pedagogical use. Pieper notes that some Lutheran theologians spoke of four uses of the Law, a distinction with which he had no difficulty: (1) *usus politicus* or *civilis*; (2) *usus elencticus* [accusatory]; (3) *usus paedagogicus*; (4) *usus didacticus seu normaticus*. In this scheme the second and third uses are customarily seen as carrying out the same function as a prerequisite for the Gospel (3:238, n. 29). The Reformed see the second use of the Law pointing to Christ and thus favor calling it the *usus paedagogicus*. “Pedagogical” has its roots in Greek and refers to the servant or the slave who takes the child to school, but he is not the child’s teacher. In Lutheran theology it is used of the accusatory function of the Law in preparing for the Gospel.

awakens the consciousness of the need of redemption,”<sup>12</sup> a problematic view for Lutherans for whom the Law offers no hope and only more misery.

Differences also surface on the Third Use of the Law.<sup>13</sup> In Reformed thought the Law accuses the unbeliever (Second Use), brings him to Christ and “is a rule of life for believers, reminding them of their duties and leading them in the way of life and salvation” (Third Use). Thus Law along with faith generates good works. The new man remains lazy and needs the Law to remind him of his duty.<sup>14</sup> Law and grace are mixed.<sup>15</sup> Contrast this with Luther for whom faith

is also a very mighty, active, restless, busy thing, which at once renews a man, gives him a second birth, and introduces him to a new manner and way of life, so that it is impossible for him not to do good without ceasing. For as naturally as a tree bears fruit good works follow faith.<sup>16</sup>

For Lutherans Law is the standard of good works as suggested by the Latin phrase *usus didacticus seu normaticus* for the Third Use, but does not motivate them.<sup>17</sup> One influential Reformed theologian understands the Lutheran position that the Law as regulation and

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<sup>12</sup> L. Berkhof, *Systematic Theology* (9th printing; Grand Rapids: Eerdmans, 1965), 615.

<sup>13</sup> Michael S. Horton makes every attempt to make the Reformed position appear similar to the Lutheran one; however, his references to Beza’s idea that the Spirit works through the Law and that after the Gospel has brought about conversion, the Law can provide directions suggest an entirely different world view. “Calvin and the Law-Gospel Hermeneutic.”

<sup>14</sup> *Institutes* 2.7.12. See also Walter C. Kaiser, Jr., “The Law as God’s Gracious guidance for the Promotion of Holiness,” *Five Views on Law and Gospel*, ed. Stanley N. Gundry (Grand Rapids: Zondervan Publishing House, 1996), 175-99. A letter written by Jeffrey Dirk Wilson in *First Things* 140 (February 2004): 5-6 under the title “Calvin and the Commandments” presents an enumeration of the Law’s uses which is as new as confusing to this Lutheran. The First Use has two parts. It convicts humans of their depravity and convinces them to turn to God for a remedy. By threat of civil punishment The Second Use helps those who are not seeking God’s holiness towards it. The Third Use “guides humans toward holiness of Christ in Christ.” The writer claims that he has shown Calvin and Luther to be in agreement on the civil uses [!] of the Law.

<sup>15</sup> The Reformed are aware that their view is seen as legalism by Lutherans. Henrikus Berkhof, *Christian Faith: An Introduction to the Study of the Faith*, tr. Sierd Woudstra (Grand Rapids: Eerdmans, 1979), 454 Elert saw the Third Use of the Law as intrusion of Calvinism into Lutheranism. So Scott R. Murray: “Calvin’s contention that the Law itself gives motivation for Christian holiness is absolutely irreconcilable with the Lutheran structure of Law and Gospel where the Gospel is the sole motivation for good works.” *Law, Life, and the Living God: The Third Use of the Law in American Lutheranism* (Saint Louis: Concordia Publishing House, 2002), 95.

<sup>16</sup> Weimar Edition, 10 III, 285.

<sup>17</sup> SD VI. 18. “[Believers] live and walk in the law of the Lord and yet do nothing because of the compulsion of the law.”

condemnation serves only to keep believers as sinners in check (Second Use) and does not promote holiness. Another theologian claims that for Lutherans Christ and not the Law is the norm of righteousness<sup>18</sup> and so antinomianism lurks in Lutheran theology,<sup>19</sup> a not infrequent accusation from Rome. For Lutherans the Law does not stand alone but fulfilled in and by Christ it is normative for Christian life and can be fulfilled (Third Use). As sinners, Christians like others are threatened by the Law to do works that may be good according to external standards, but from faith they also do works pleasing to God. They are the works of Christ spontaneously motivated by the Spirit flowing from faith (SD VI, 17).<sup>20</sup> Divine wrath as a motivation for works pleasing to God is for Lutherans a confusion of the Law with the Gospel. The Law's prohibitions and threats belong in the Second Use and not the Third, according to which Law is transformed by Christ so that it expresses God's original intentions to the world. Christians as unbelievers can never escape the Law's prohibitions and threats (SD VI, 23-24). Simultaneously and often with the same deeds they live under the Law and the Gospel as enemies and friends of God. They live a Nestorian-like existence with two incompatible forces at war with no communication between saint and sinner: *simul iustus et peccator* (SD VI, 7-9).<sup>21</sup> Ironically one

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<sup>18</sup> So L. Berkhof. "It is not surprising that this third use of the Law occupies no important place in [the Lutheran] system. As a rule they treat of Law only in connection with the doctrine of human misery." *Systematic Theology* (9th printing; Grand Rapids, Michigan: Eerdmans, 1965), 615. Richard A. Muller claims that the Lutheran position on the Third Use of the Law was a reaction to work righteousness. "The Law, for Lutheranism, can never become the ultimate norm for Christian living but, instead, must always leads to Christ who alone is righteous." *Dictionary of Latin and Greek Theological Terms* (Grand Rapids, Michigan: Baker, 1985), 321. These observations contradict Luther objections to Agricola's claim that the Law had no function in the Christian life (Pieper, *Christian Dogmatics*, 3:227). The Formula of Concord is quite definite in saying that the Law does function in the Christian life. "However, when people are born again through the Spirit of God and set free from the law (that is, liberated from its driving powers and driven by the Spirit of Christ), they live according to the unchanging will of God, as comprehended in the law, and do everything, insofar as they are born from a free and merry spirit." SD VI.17.

<sup>19</sup> For example, see Walter C. Kaiser, Jr., "The Law as God's Gracious guidance for the Promotion of Holiness," *Five Views on Law and Gospel*, ed. Stanley N. Gundry, (Grand Rapids, Michigan; Zondervan Publishing House, 1996), 185. Also his "Response to Douglas Moo," *Five Views on Law and Gospel*, ed. Stanley N. Gundry, (Grand Rapids, Michigan; Zondervan Publishing House, 1996), 399.

<sup>20</sup> For a presentation of the Lutheran position see, Murray *Law, Life, and the Living God: The Third Use of the Law in American Lutheranism* (Saint Louis, MO: Concordia Publishing House, 2002), 198.

<sup>21</sup> In Luther's theology saint and sinner are distinct realities within one person. For the Reformed these personal realities are blended so that Luther's distinction plays no role. Within the dimension of this "Eutychian"

work can flow from two motivations. Calvin sees the Christian as a composite person who is not zealous to good works and needs the Law to prod. Conversely in Lutheran theology the sinner is caught between two realities: the same God who rejects him accepts him in Christ. He believes but is never relieved from divine accusation. Conversion is a one-time occurrence but its experience of going from unfaith to faith is repeated each day. He never moves far from Baptism but each the old man is drowned a new man comes forth. For the Reformed conversion initiates a process of moral improvement advanced by both the Law and the Gospel and can be charted.<sup>22</sup> In contrast the Lutherans hold that the Law as prohibition and condemnation provides neither a negative nor a positive motivation for the specifically Christian life. As sinner he remains subject to divine wrath (Second Use), but as a believer his works are not motivated by the Law's threats but by faith (Third Use).<sup>23</sup> Sanctification is characterized not so much as absence of moral blemish (which is impossible),<sup>24</sup> but by the freedom to do good works to assist and help the neighbor. He begins again to live that life destined for him in paradise (the first "First Use") and helps others as God in Christ did (Third Use). Good works are those God

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definition of human personality so the Christian as Christian is not distinct from his sinful nature, Law can be used to prod the believer. "[Calvin] acknowledged that the Law is also a tutor that leads one to Christ, but he was equally emphatic that the Law is also a divinely-given standard that keeps us in conformity with the will of God revealed in Christ." Bloesch, "Law and Gospel in Reformed Perspective," *Grace Theological Journal* 12/2 (Fall 1991), 180. According to this definition Law and Gospel are not as distinct in their functions as they are for Lutherans.

<sup>22</sup> See Wayne Grudem, *Systematic Theology* (Grand Rapids, Michigan: Zondervan Publishing House, 1994), 748-51. For a presentation of the Lutheran position and a critique of the view that sanctification involves verifiable progress, see Steven Hein, "Getting Clear on Sanctification," *Issues Etc. Journal* 3/3:12-14; 17. Hein says that sanctification "is not a separate work of God from justification. Rather, both are simply different aspects of God's saving work through the same saving grace which is ours through faith" (16). The opposing view is that justification and sanctification are different works of God. Justification is accomplished by grace and then "we are sanctified by the grace of the Spirit's power that energizes a holy obedience to the precepts of the Law." Greater levels of obedience to the Law are then reached (12). In contrast Jonathan Trigg makes the following assessment of Luther. "At this early cate Luther contends that progress achieved in righteousness when objectified (made an object of trust by the individual) is not righteousness at all - but a snare." *Baptism in the Theology of Martin Luther* (Boston and Leiden: Brill Academic Publishers, 1994), 163.

<sup>23</sup> The Reformed view of the Third Use of Law reinforces their concepts of the sovereignty of God. His glory is seen in the moral rectitude of his rational creatures. In Lutheran theology God's glory is seen in believers who faced with the Law constantly repent by turning away from their sins and being justified by faith in Christ.

<sup>24</sup> SD VI.7.

destined for him in creation and done by Christ and then by the believer. Sanctification is rooted in creation and redemption and displays both.

We return to the Reformed critique: “The Law, for Lutheranism, can never become the ultimate norm for Christian living but, instead, must always lead to Christ who is righteousness.”<sup>25</sup> It all depends. Law as accusation is not the norm for Christian life; however, now fulfilled in Christ (Gospel) Law does direct the Christian’s conduct (Third Use). Without the Law’s threats faith that performs good works or better Christ himself is doing these good things in believers. The Third Use deals not with impossible possibility but with the reality of Christ himself. Impossible imperatives become descriptive of what already Christians are and already do. They exercise their mind on good things (e.g., Pss 1; 119).

Reformed theology rightly sees the Third Use of the Law as the ultimate goal for the Christian in this world, but their definition includes self-reflective, measurable moral improvement. For Lutherans Law is the goal, but it is the completed Law which is fulfilled in Christ without threat. Paradoxically the Christian has no internal sense that he is fulfilling the Law; when he does, he turns his faith from Christ to himself. By divorcing sanctification from Christ, the Christian creates his own idol. Rather than seeing himself progressing towards a greater autonomous holiness, he becomes increasingly aware that he stands *coram deo* as a sinner.<sup>26</sup> His experiences of moral inadequacies contradict the righteousness he is in God’s eyes. As faith increases, so does the awareness of sin and the sense of unrighteousness. By looking at himself from the position of who he is in Christ, the believer becomes increasingly aware of his miserable condition. Melancthon: “if we had to believe that after our renewal we must become

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<sup>25</sup> Richard A. Muller, *Dictionary of Latin and Greek Theological Terms* (Grand Rapids, Michigan: Baker, 1985), 321.

acceptable not by faith but on account of keeping of the law, our conscience would never find rest” (Ap IV, 179). Christians hear the Gospel and by faith are perfected in Christ and share his righteousness (Third Use), but within the reality of their own experience they see themselves more and more as sinners condemned by Law (Second Use). We live and die as sinners (Second Use) pleading only for God’s mercy in Christ (Gospel). For the Reformed God’s majesty is seen in his electing some for salvation and leaving others under the Law’s curse.<sup>27</sup> In Lutheran theology Law as accusation (Second Use) belongs to God’s pity for sinners, because without this, the Gospel is without effect. The Lutheran doctrine of the Third Use of the Law is then rooted in the article of justification and confirms the article on good works.<sup>28</sup>

### ***Lex Semper Accusat, The Two-Edged Sword***

Lutherans have been caught between legalism and antinomianism over the question of whether and why good were works necessary. This problem can be explained by reference to the Apology that “the Law always accuses us (*semper accusat*), it always shows us that God is wrathful.”<sup>29</sup> When the Law’s threats are inserted into the life of faith, the Third Use becomes indistinguishable from the Second Use, a view similar to the Reformed understanding and appearing in some Evangelical causes (Billy Graham rallies, Promise Keepers, Purpose Driven Life), independent Bible churches, and Evangelical-styled colleges. In the face of the moral

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<sup>26</sup> SD VI.8 demonstrates this point with four references from St. Paul: Rom 7:18; 7:15; 7:23 and Gal 5:17. The quotation of the first will suffice. “On this subject the Apostle wrote, “For I know that nothing good dwells within me, that is in my flesh [Rom 7:18].

<sup>27</sup> This is evident in the first edition of the *Institutes* (1536), 1.1.1-2.8.3. So Jan Rohls, *Reformed Confessions: Theology from Zurich to Barmen*. Tr. John Hoffmeyer. Columbia Series in Reformed Theology (Louisville, Kentucky: Westminster John Knox Press, 1998), 151. “. . . God wills to reveal divine glory in the election of some human beings and the rejection of others.”

<sup>28</sup> “For we do not abolish the law, Paul says [Rom 3:31]. But we establish it, because when we receive the Holy Spirit by faith the fulfillment of the law necessarily follows, through which love, patience, chastity, and other fruits of the Spirit continually grow” (Ap XX, 15).

<sup>29</sup> *Lex semper accusat nos, semper ostendit irasci Deum* (Ap IV, 128).

breakdown in society and church, these are attractive options, which satisfy in identifying which moral bases have been touched.

Opposite from a step by step legalism is the antinomian view that the Law's accusations apply to the Christian as sinner, *lex semper accusat*, and not to Christian life. Challenges to the Third Use of the Law or the use of this phrase rest on this understanding. Things once prohibited by the Law are now allowed by the Gospel. This position was known as "Gospel reductionism," a phrase now rarely heard. Since some prohibitions are presently up for discussion in the ELCA, some of its congregations and clergy persons are evaluating their continued association with that denomination. Some are already on board Peter's bark. Others are donning the life vest and heading for the lifeboats.

Of the three uses of the Law, the Second is predominant in Lutheran thought, because the Law is juxtaposition to the Gospel. Law and Gospel is Lutheran cliché. The origins of both legalism and antinomianism can be explained in relation to the Second Use of the Law. Legalism merges the Law with its prohibitions and threats (Second Use) into the Third. For antinomianism, the Second Use exhausts the meaning of Law for Christians as sinner and hence concludes the Law has no place in Christian life. In Lutheran theology the First and Second Uses resemble each other in functioning negatively. In the First Use God through temporal threats maintain order. Threats of the Second Use are eternal and are directed by the revealed Word to the conscience. Since Lutherans see the Law in such negative terms, they may not see that the Law is positive.

In commenting on the governmental structure from Hammurabi up until 19<sup>th</sup>-century England, Percy Miller gives what appears to be a definition of a First Use of the Law from a non-theological stance. He notes that these systems "specify those actions which people should not

perform and punishments to be imposed upon those among them.” Law is “an instrument for restraint, for inhibition.”<sup>30</sup> A recent essay argues that the First Use has to do with divinely implanted structures embedded in the creation before the fall and now taking form or reemerging for Christians in the Third Use.<sup>31</sup> Thus the Third Use is more than a matter of removing the curse attached to the Second Use, which is inherent in a Christological interpretation of the Third Use, but it is a return to or restatement of how things were before. Things that should have been, but were not, now take form in Christian life. God does not set arbitrary moral standards for good and evil, but good works are an extension of who or what he is and revive what is already inherent in creation and corrupted by sin. Defined in this way the Law does not stand in an antagonistic relation with the Gospel. This is not simply a return to paradise to what the Law was then, but a republication of the Law in Christ. In fulfilling the Law in Christ the church is really a new creation. Works done from faith (Third Use) correspond to works done according to the First Use. This understanding is suggested by the Latin terms for the First Use, *usus politicus* or *civilis*, that is, they describe how people relate to one another because they are first related to God by Law.

*Lex semper accusat* is absolute in the world of sin and its threatening horrors were accentuated by Christ coming to rescue sinners. It did not occupy this place of prominence in Paradise or will it in the resurrection. Christ’s death had universal dimensions (1 John 1:2). In raising him from the dead God found Jesus to be the *righteous man* and *divine righteousness*

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<sup>30</sup> Perry Miller, *The Life of the Mind of America: From the Revolution to the Civil War* (New York: Harcourt, Brace & World, Inc., 1965), 207.

<sup>31</sup> Piotr J. Malysz, “The Third Use of the Law in Light of Creation and the Fall,” *The Law in Holy Scripture*, ed. Charles A. Gieschen (Saint Louis, Missouri: Concordia Publishing House, 2004), 211-37. “The third use of the Law is none other than the first use without the latter’s plaguing vagueness and hostile undercurrents, without its alien character. It is a return to creation in its primeval beauty, with order being maintained not merely externally but also internally through the bond of love and trust between a self-giving God and a reciprocating and socially and vocationally self-giving man. This radical change has been made possible by the reality of redemption.”

*itself* and hence the Law can no longer accuse him.<sup>32</sup> The *lex semper accusat* brought Christ to crucifixion and by that death was destroyed. Its accusatory power for Christ and for those Christ was removed by God's raising from the dead. The believer, *because and in so far [quia et quatenus] he is in Christ*, is no longer accused by the Law and is raised to a new life,<sup>33</sup> but his experience does not let him escape.

The problem—and it is the real problem because he can never escape it—the Christian lives in two realities. In Christ he is righteous, but in his body he sees something else at work. It is almost as if he was never converted.<sup>34</sup> He trembles before the Law and runs from it. If believes he has fulfilled it, he comes face to face with its condemnations and is spiritually mutilated. His life is one of frustrated misery. Seeing complete failure, he awaits divine judgment. In the moment of moral deficiency, the moment of dereliction, in which the prayer, “My God, My God, why hast thou forsake me?” he flees to Christ and finds a completely different reality in which Christ is as much his sanctification as he is his redemption and justification. Sanctification is a one step back to Eden and still another step beyond Paradise to a holiness that was still a hope for our first parents. The dilemma of how our good works are inevitably God's and his alone was resolved by anonymous writer:

Now may the God of peace who brought again from the dead our Lord Jesus, the great shepherd of the sheep, by the blood of the eternal covenant, *equip you with everything good that you may do his will, working in you that which is pleasing in his sight*, through Jesus Christ; to whom be glory for ever and ever. Amen (Heb 13:12-13).

The dilemma of the Law and the Gospel is capable of a theologically harmonized but not experientially. The Christian lives within the contradictory realities of having a God who has

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<sup>32</sup> “For we know that Christ being raised from the dead will never die again; death no longer has dominion over him. He death he died he died to sin, once for all, but the life he lives he lives to God” (Rom 6:9-10).

<sup>33</sup> “So you also must consider yourselves dead to sin and alive to God in Christ Jesus (Rom 6:11).

<sup>34</sup> Romans 7:23 “But I see in my members another law at war with the law of my mind and making me captive to the law of sin which dwells in my members.”

given him all things which in attempting to reach eludes his grasp. This is the great Lutheran contradiction.

### **The Third Use of the Law in the Gospels**

The Third Use treats of man in that moment which exists in faith rather than in real time, when he is without sin and sees the Law not as demand but as fulfilled. When he stops to consider whether he has fulfilled the Law, faith is lost. Because the word “Law” is used in the phrase, “Third Use of the Law,” this use can be understood as a negative factor in the Christian’s life. As such, we may have good reason for removing it from theological discourse. The Third Use, however, presupposes the Gospel and extends it into the life of the Christian. In fulfilling the Law according to its Third Use, the Christian is doing what he believes. Faith and works are harmonious parts of one reality. If Christology can be constructed out of the positive affirmations of the Ten Commandments, then some objections to the Third Use may be removed. Christ has suffered the Law’s penalties and has fulfilled its positive commands. He loves the neighbor more than himself. The Creed is embedded in the first three commandments. Idolatry, a form of unbelief, is replaced by a faith that fears, loves, and trusts in God above all things (SC I, 1). Such faith proves itself by calling upon this God especially in times of distress (Second Commandment) and hearing and believing God’s Word (Third Commandment). In crying out from the cross Christ did these things and gave us an example to follow. Luther’s explanations of the Commandments take us as sinners from the Law’s prohibitions to the Gospel’s invitation making us believers. From the posture of faith, the Christian proceeds to live (Third Use).<sup>35</sup>

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<sup>35</sup> Luther’s explanation of the First Commandment in the Large Catechism is an exposition on faith and life. For example, “Learn from these words, then, how angry God is with those who rely on anything but Himself, and again, how kind and gracious He is to those who trust and believe Him alone with their whole heart” (LC I, 32). “He makes no other demand of us than a hearty trust in Him for all blessings” (47). Most importantly for the third use of the Law, “For, as I said before, where the heart is right with God and this commandment is kept, fulfillment of all the other will follow of its own accord” (48).

In his explanations Luther overcame the radical contradiction between the Law and the Gospel in the moment of the believer's faith without eradicating the contradiction between believer and unbeliever, the *simul iustus et peccator*.<sup>36</sup> Christians who can view themselves only as sinners accomplish the good things that only Christ can do. Luther's "we should fear, love, and trust in God above all things" matches his explanation of the introduction to the Lord's Prayer: "Here God would encourage us to *believe* that he is truly our Father" (Tappert, SC III, 2; Emphasis added). Christ transforms the Law's prohibitions and threats into Gospel.<sup>37</sup> The Reformer was not playing fast and free with the commandments, since they begin with God's redemptive claim on Israel: "I am the Lord your God who brought you out of the land of Egypt, out of the land of bondage" (Ex 20:2).<sup>38</sup> Israel's craving for foreign gods may have put the weight of the commandment on preventing idolatry, but the other side of the coin was faith in God. Since God made Israel his people, he excluded other gods from their devotion. The prohibition confirmed Israel's faith in the God of Abraham who delivered them.

In response to a scribe's question, Jesus defined the true religion as loving God and the neighbor (Matt 22:34-40; Mark 12:28-34).<sup>39</sup> Closely related to these passages is the pericope of the rich young man (Matt 19:16-22; Mark 10:17-31; Luke 18:18-30). Both episodes revolve around obtaining eternal life. These passages entered the Reformation debate in the Lutheran objections to their use by Roman Catholic opponents to introduce works into the article on

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<sup>36</sup> The Formula of Concord (SD VI, 6). Perfect renewal in this life is impossible, so the moment where faith exists without sin is as real as it is elusive. Christians "spontaneously, without any instruction, admonition, exhortation, or driving by the Law they would do what they are obligated to according to the will of God, just as the sun, the moon, and all the stars of heaven regularly run their courses according to the order which without any admonition, exhortation, compulsion, coercion, or necessity, and as the holy angels render God a completely spontaneous obedience." See my "The Law and the Gospel in Lutheran Theology,." "The law and the gospel did not express a chronological sequence by an existential awareness of God I which Lutheran found himself as saint and sinner at the same time" (28).

<sup>37</sup> "As I have often said, the trust and faith of the heart alone make both God and an idol. If your faith and trust are right, then your God is the true God" (LC I, 2).

justification (Ap IV, 122-182). Later liberal theology defined the religion of Jesus as doing good. In reaction some Lutherans may be tempted to list commands to love God and the neighbor as the Second Use of Law. This step may not be necessary. In a preliminary way it can be noted that Luther sees love as a dimension of faith (SC I, 1). Works performed by Christians are done out of love and not according to the compulsion of the Law (FC VI). The passages should be looked at in detail.

Jesus makes love both the content of the Old Testament and the key to its interpretation. “On these two commandments [loving God and the neighbor] depend all the Law and the prophets” (Matt 22:40). Since he fulfills the Law and the prophets (Matt 5:17), these commandments are descriptive of his preaching and that of the apostles (1 Cor 13:13; Eph 1:4; 1 John 4). These commandments then are not peripheral but define Christianity. Both love of God and of neighbor pertain to faith. In doing them the Third Use of the Law is fulfilled. This use is not an embarrassing appendage to the characteristic Lutheran definition of the Law as divine accusation, but the glorious triumph of the Law reaching its destined goal in the Gospel.

The pericope of the rich young man elucidates this. He has heard the Gospel, believed, and by his own admission renounced sin. Renunciation of sin (Law), faith, and his determination to lead a moral life bring him to the edge of discipleship. In Mark 10:18 there is even the suggestion that he recognizes Jesus for who he really is. Faith and morality are not enough, but must be supplemented by his providing for the poor. Only then will he find treasure in heaven. This, however, the young man cannot do and goes away in sorrow. Providing for the neighbor (Third Use), which is the sign that he has understood who Jesus is and what he requires, proves to be more difficult than an external morality which refrains from overt evil (First Use). The

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<sup>38</sup> Some early editions of the Catechism kept the words “I am the Lord your God” at the introduction of the Decalogue. Tappert, 342, n. 2.

latter he has accomplished. In the Small Catechism Luther touches upon this theme in saying that the Seventh Commandment requires that we financially advance our neighbor's lot (SC I, 13). By helping the poor, the rich young man would have done precisely that. Again, Luther: "We shall be richly rewarded for the help and kindness we show to our neighbor, as King Solomon teaches in Proverbs 19:17, 'He who is kind to the poor lends to the Lord, He will repay him for his deed'" (LC I, 272). In loving the neighbor one loves God. Love of the neighbor is the natural extension of faith, though it is not a reason for God justifying the sinner (IV, 152-154)

Though earlier confessions do not know the phrase "Third Use of the Law" and there remain differences about its continued use in theology, the idea is included in the fundamental Lutheran belief that faith by itself necessarily produces good works. More significant than anything else is that Jesus identifies love of God as "the great commandment" (Matt 22:36-38). Love of the neighbor is not only next in importance, but "is like it" (v. 39). Together they comprise the Law and the prophets.<sup>40</sup> Loving God and the neighbor are distinguished by love's objects and not by their emotional intensity. So 1 John 4:20-21: "We love, because he first loved us. If anyone says, 'I love God,' and hates his brother, he is a liar; for he who does not love his brother whom he has seen, cannot love God whom he has not seen. And this commandment we have from him, that he who loves God should love his brother also." When faith exists without loving the neighbor, it is only historical knowledge (Ap IV, 50-52). As "trust" faith is immediately active in performing good works (Third Use).

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<sup>39</sup> These references are not used in the Lutheran Confessions.

<sup>40</sup> In the New Testament the Greek word for hang, *kremasthai*, is used of physical hanging. A millstone is hung around the neck (Matt 18:8). Jesus is hung from a cross (Luke 23:39; Gal 3:13). The intention here is that the loving God and the neighbor provide the structural support for the Scriptures. Love is prior to the Scriptures and provides them with their form and content. See Louw & Nida, *Greek-English Lexicon*, 2 vols. (New York: United Bible Societies, 1988): I, 222.

At first glance a contradiction may exist between identifying love of God and others as the Scriptures' content (Matt 22:40), and asserting that Jesus is (Matt 5:17; Acts 10:43). As long as the commands to love God and the neighbor are understood as unfulfilled Law (Second Use), the contradiction stands. Commands to love God and neighbor, however, are trinitarian in origin. Love is the fundamental unity by which the three persons of the Trinity are bound to each other (John 15:9-10, 12-13; 17:24) and thus the determinative factor in motivating the creation, incarnation, redemption, and sanctification. God's love in sending the Son for our redemption originates in who he is (John 3:16). In loving God we are only assuming the same attitude he shows with us. Commands to love him are not moral abstractions but invitations to believe in him as a God who is love. He can be approached in love rather than in fear of wrath. The imperative to love God creates that love. This the Law cannot do (Second Use). Loving God is not a level higher than faith, but describes faith as trusting in God. Arminianism, Methodism, and the Holiness groups see love as a level that perfects faith and is beyond it.<sup>41</sup> Love is *a something beyond faith* and informs what they think of sanctification. Love defined in this way is nothing else than Law!<sup>42</sup> This higher level of commitment is often called "discipleship," a condition in which faith is said to be taken more seriously. This is a fiction of its own creation and only creates Pharisees.<sup>43</sup>

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<sup>41</sup> John Wesley, Sermon 26, "The Law Established by Faith," II, 1. Quoted from Donald Dayton, "Law and Gospel in Wesleyan Tradition," *Grace Theological Journal* 12.2 (January 1991), 233-243, esp. 240-241. 236. ". . . faith itself, even Christian faith, the faith of God's elect, the faith of the operation of God, still is only the handmaiden of love. As glorious and honorable as it is, it is not the end of the commandment. God hath given this honor to love alone." Love in Wesley's thought is sanctification which is more important than faith.

<sup>42</sup> Dayton says that Wesley's making sanctification the central theme of theology is a return to Catholicism. "Law and Gospel in Wesleyan Tradition," 235. Agreed!

<sup>43</sup> Wesley's much publicized conversion by reading Luther's *Commentary on the Romans* covers over his dislike for the reformer's opinion on reason and Law. "How does he (almost in the words of Tauler) decry reason, right or wrong, as an irreconcilable enemy to the Gospel of Christ . . . blasphemously does [Luther] speak of good

Loving describes the emotional intensity with which one believes and trusts in God and helps the neighbor. Love of God requires all your heart, soul, and mind (Matt 22:37). These are not parts of a person, but different descriptions of the inward self. Faith is never partial but complete and total. The God who by His demand for love creates that love is not anonymous; he is the God who raises from the dead (Matt 22:23-28) and comes as the Son of David (22:41-46). Loving God is nothing else than trusting in the God who reveals himself in Jesus, whom the church confesses in the creed and approaches in the Lord's Prayer. In loving the neighbor the believer places him on the same level of importance as himself. Love which esteems the other person higher than oneself can only be divine and in its perfect form exists first in the God who begets and sends the Son. By that love God makes man his neighbor and provides the source and pattern for our loving him and our neighbor. "Greater love has no man than this, that a man lay down his life for his friends" (John 15:13). Christians put themselves at risk for the neighbor and so they become reflections of Christ, "who *for us* men and our salvation came down from heaven . . . and He was crucified *for us* under Pontius Pilate." Here is the heavenly Samaritan who risks his life for stricken pilgrims. What Jesus requires of us he does himself (Luke 10:25-37).<sup>44</sup> The command that we should also do as he did is not Law, but a description of what the

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works and the Law of God; constantly coupling the Law with sin, death, hell, or the Devil! teaching that Christ delivers us from all alike." *Journal*, Monday, June 15, 1741. Quoted from Dayton, "Law and Gospel in Wesleyan Tradition, 237.

<sup>44</sup> Luke places the commands of loving God and the neighbor in context of a lawyer asking Jesus about eternal life (10:29-37). When Jesus asks about the great commandments, the lawyer correctly responds loving of God and neighbor. Problematic for the lawyer is not the formulation of the faith in loving God and the neighbor, but the identification of the neighbor as the Good Samaritan. He is "the one who showed mercy on him." Jesus does not leave the conclusion up to the lawyer's good will, but requires similar behavior: "Go and do likewise." In a similar but not identical section in Matthew (22:34-40), Jesus identifies loving God and the neighbor as the chief commandments. Luke's pericope (10:29-37) resembles the one of the rich young man in all three synoptic gospels (Matt 19:16-22; Mark 10:17-22; Luke 18:18-23), because the interrogator is required by Jesus to do something. The lawyer must show mercy to the stricken and the rich young man must give to the poor. A key in joining the

Christian *in Christ* actually is and does. Or better, it is what Christ is doing in us. What Christ did may be described as his fulfilling the Third Use of the Law. Certainly we do not want to enter this category into dogmatics, but it does clarify things. We could say with . Paul that Christ is our sanctification.

Jesus identified love of God and neighbor not only as the Law's greatest commandments, but also as the ones into which all the Law is assumed. Law in all its functions determines relationships between men with God and with each other. By assuming the entire Law into love, Jesus showed that the Law in its first and final form has no negatives. Love as the content of the Law (Scriptures) is not a matter of arbitrary divine choice, but reflects what God really is. In requiring love of us, God only asks us to become like him.<sup>45</sup> God loves the neighbor whom we are commanded to love. "In this is love, not that we loved God, but He loved us and sent His Son to be the expiation for our sins. Beloved, if God so loves us, so we ought to love one another" (1 John 4:10-11).

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pericopes of the lawyer of Luke 10:29-37 to the rich young man of Matthew 18:18-23 is what each must do. The lawyer must show "mercy" (Luke) and rich young must be "perfect." This follows the pattern of Matthew 5:48 where the command to be perfect corresponds to the command to be merciful in Luke 6:38. God's perfection is His mercy. This quality, perfection or mercy, is required for believers (third use of the Law). All three qualities—mercy, love, and perfection—originate in God and are found in believers (third use of the Law). Perfection in Matthew does not mean moral perfection, though of course the idea is included, but contentment and satisfaction. God is satisfied with the world through the atonement and exacts no punishment, but does good. So Christians as children of God do the same (Third Use of the Law).

<sup>45</sup> Louw and Nida note that while law (*nomos*) carries the sanctions of society, commandment (*entole*) carries only the sanctions of the one issuing it. In submitting itself to God's command, Israel agrees to accept laws (*Greek-English Lexicon*, 2:426). The commands to love God and neighbor are over-arching principles. Laws can differ according to specific circumstances. In the section on terminology, it was discussed how "law" can be used of the Scriptures and even the Gospel itself. There is good reason to conclude that command (*entole*) not be equated in every instance with commandments with prohibitions and threats. In Matthew 28:20 where the verb is used, "teaching them to keep all things whatsoever I have *commanded*," the reference is to the teachings of Jesus in which the Gospel predominates. In Matthew 5:19, with its warning about breaking "the least of these commandments," the

## Elert on Law and Gospel

In reaction to Karl Barth's placing the Law after the Gospel, Werner Elert went on to deny the third use of the Law.<sup>46</sup> In analyzing Barth's inversion Gerhard Forde surveys the German response to both theologians.<sup>47</sup> Elert remained in Lutheran bonds for criticizing Barth for not keeping Law and Gospel distinct. In Helmut Gollwitz's opinion, "Elert starts from the false presupposition that wrath, judgment, and punishment have an eternal Law of retribution as their basis to have any validity. This would mean that God is wrathful because He is a God of Law, and if this is followed to its logical conclusion it would have to mean that Law of retribution is the fundamental standard by which man's relationship is regulated, and that it was given before and not after the fall as the original form of man's relationship between God and man which was not one of love, therefore that the Gospel could not be the reestablishment of the original relationship." Gollwitz is right! In Lutheran theology the Law's prime purpose is revealing man's wretched condition (SA III.ii.4), but this purpose is defined by man's present condition. The tension exists in man and not in God, whose nature is love. Making Law, wrath, and vengeance part of God's essence before the fall contradicts His love, but also might make it hard to distinguish Elert's position from Calvin's, where hate and love exist side by side in God. As we have said elsewhere, Law and Gospel can be read back into God in the same way.

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reference seems to be not to the Ten Commandments, but the Old Testament Scriptures which Jesus has come to fulfill (vv. 17-18).

<sup>46</sup> Werner Elert, *Law and Gospel*, tr. Edward Schroeder (Philadelphia: Fortress, 1967), 40, 38-43.

<sup>47</sup> "Zur Einheit von Gesetz und Evangelium," *Antwort* (Zuerich: Evangelischer Verlag, 1956), 303. Quoted in English translation from *The Law-Gospel Debate*, 152-153.

## Gospel over Law: A Resolution in Pieper

If there ever was a theologian of the Gospel, it was Francis Pieper, who never tired of saying that the Gospel is a Word of God superior to the Law.<sup>48</sup> This forced him to wrestle with how contradictory words could both claim to be God's Word. The dilemma was a the *crux theologorum*, a questions which theologians are incapable of answering.<sup>49</sup> His argument is taken over from the one offered on election. This matter first appeared at the beginning of his first volume, thus it was not an incidental matter for him. He denied the claims both of the Calvinists, that the Gospel was not universally intended, and of the synergists, that man's response determined God's attitude.<sup>50</sup> Eventually synergists have little use for God at all, since man's will has taken the place of God's.

Pieper opposed any attempt to set down a higher principle from which both Law and Gospel are derived.<sup>51</sup> The Reformed and more recently Karl Barth have resolved the difference in favor of the Law. Universalism resolves this in favor of the Gospel. Though Pieper offers a disclaimer in looking for a higher principle, he describe the Gospel as a higher word of God. God is doing what he really wants to do in the Gospel, while in the Law (the Second Use) he is doing only what he has to do. An answer is already present in the definition of Law as *opus alienum*, God's foreign or strange work.<sup>52</sup> Condemnation and threat no longer belong to his essence. Gospel is never *opus alienum*. This is basic to any doctrine of universal atonement and objective justification. Claiming that God counts sin against the world denies both the

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<sup>48</sup> Francis Pieper, *Christian Dogmatics* 3 vols (Saint Louis: Concordia Publishing House, 1953):3:232.

<sup>49</sup> Pieper, 3:249-250.

<sup>50</sup> Pieper, 3:247-249.

<sup>51</sup> Pieper, 3:249-250.

<sup>52</sup> Pieper, 3:235.

atonement and justification. By Christ's atonement all mankind appears to God as righteous. This is the presupposition for the Gospel, which the synergists do not recognize.<sup>53</sup> The Gospel informs man of something that has *already* happened and not something that is happening when the message is heard. In subjective justification "the Gospel, however, pronounces the unrighteous man righteous,"<sup>54</sup> but subjective justification has no life of its own, but makes personal objective justification, which is only a facet of the universal atonement. Whoever denies objective justification reduces justification to the act of believing and does not believe in it at all. Logically he denies the atonement and preaches that man is responsible for his sins. Such a person preaches salvation by the Law, *opinio legis*.

Pieper recognizes that the discussion on the Law and the Gospel is really about justification. "The Christian doctrine of justification is virtually identical with the discrimination of the Law and the Gospel. *Moreover, the elimination of the Law from the article of justification must be absolute.*"<sup>55</sup> The judgment of all unrighteousness has taken place in the cross. For the hearer God's condemnation of the world comes to him in the Law. From this Pieper consistently and logically makes the Gospel God's important and final word.<sup>56</sup> In order to keep the Gospel free of condemnation—a characteristic that belongs to the Law—he sees unbelief as sin against the Law.<sup>57</sup> This view is not without difficulty because it makes the Law the last or eschatological Word of God in the judgment. This means that for unbelievers God reinstates the Law. This would nullify the atonement and deny objective justification; however, these are fixed

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<sup>53</sup> Pieper, 3:248-249

<sup>54</sup> Pieper, 3:229

<sup>55</sup> Pieper, 3:244. Emphasis added

<sup>56</sup> Pieper, 3:226.

<sup>57</sup> Pieper, 3:233-234

realities with God. If they were not, Christ would lose His place of prominence as the all-in-all. The answer to this dilemma lies in seeing unbelief as not one sin among others, but the final sin (and in a sense the only sin) by which the unbeliever cuts himself off from salvation. This Pieper does make clear in his locus on “Eternal Election,” especially the section “No Election of Wrath or Predestination to Damnation.”<sup>58</sup> For example, “the unbelief of the obdurate Jews is not traced to a predestination to unbelief or damnation, but to their opposition to the earnest and efficacious gracious will of God in the Word...”<sup>59</sup> Their sins, especially their external ones, serve on the last day as evidence of their unbelief, their rejection of God’s gracious invitation in the Gospel. God’s final verdict on them only confirms the path they have chosen for themselves. The world that does not believe is convicted by the Spirit because of this unbelief (John 16:9).<sup>60</sup>

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<sup>58</sup> Pieper, 3:494-501)

<sup>59</sup> Pieper, 3:495.

<sup>60</sup> Here Raymond Brown provides clarification. “The first element (vs. 9) in the Paraclete’s forensic activity is to prove to the disciples that the world is guilty of sin—the basic sin which consists in refusing to believe in Jesus. . . . The Paraclete will focus on the expression of disbelief that culminated in putting Jesus to death, but those who are guilty are a much wider group than the participants in the historical trial of Jesus. Those participants are only the forebears of men in every generation who will be hostile to Jesus.” *The Gospel according to John* (xiii-xxi), Anchor Bible (29), 712. This is the greatest sadness, since they were included both in the atonement and the Gospel’s invitation.