

## At least the Ten Commandments are God’s revelation, aren’t they? – 4 (Hopman, Mattes, Nestingen, and Paulson vs. Luther and Forde)

### Table of Contents

1. Luther’s catechisms: Traditional and innovative.....	3
2. Key Luther texts on the Decalogue. ....	4
3. Luther does not grant eternal status to the law as law. ....	6
4. What is meant by “the law written on the heart”?.....	11
5. We have access to God’s eternal law. No, we don’t. ....	13
6. The third use of the law.....	15
7. The spontaneity of the Christian life = freedom from eternal law. ....	17
8. Law and the <i>Book of Concord</i> .....	18
9. The two kingdoms doctrine is intrinsic to the proper distinction between law and gospel.....	19

---

The LGBTQ agenda is wreaking havoc on the modern world, undermining the father-mother family, the basic unit of society. What do we Lutherans have in our arsenal to fight this agenda? A word from the Lord? A definitive, divine answer? Something that puts us above the fray of public debate? Perhaps the ten commandments? Are they God’s eternal law?

Among Lutherans there are some who “have misused the law/gospel distinction to promote **an allegedly more liberated sexual ethic,**” write Albert Collver III, James Nestingen, and John Pless in their preface to *The Necessary Distinction. A Continuing Conversation on Law and Gospel*,<sup>1</sup> which reports on the official discussions among the Lutheran Church-Canada (LCC), the *North American Lutheran Church* (NALC), and the *Lutheran Church-Missouri Synod* (LC-MS). These Lutherans are seeking unity and a common hermeneutic with which to fight the LGBTQ agenda.

If antinomianism is the disease, is inerrancy the cure? Was that Luther’s answer to the antinomian disputes of his day? Preach the law, meaning God’s eternal law!?

The thesis of this fourth post on the ten commandments is that noted friends of Gerhard Forde, particularly Nicholas Hopman, Mark Mattes, James Nestingen, and Steven Paulson **are misrepresenting Luther and Forde on the law**, specifically the ten commandments, creating confusion among those in the NALC and *Lutheran Congregations in Mission for Christ* (LCMC), who look to Forde’s legacy for

---

<sup>1</sup> *The Necessary Distinction. A Continuing Conversation on Law and Gospel*. Eds. Albert B. Collver III, James Arne Nestingen, and John T. Pless (St. Louis: Concordia Publishing House, 2017). Bolding added here and below for emphasis.

leadership. Though these friends of Forde may differ with the LC-MS on the ordination of women, in the battle against the LGBTQ agenda they want **to use the Bible as inerrantists do**.

To counter antinomianism today with eternal law, these Forde friends appeal to Luther in the *Antinomian Disputations* of the late 1530s. Nicholas Hopman even claims that the *Antinomian Disputations* should be the definitive texts for understanding Luther on the law:

“Luther dealt **most directly** with the role of **the law** in the Christian life in the *Antinomian Disputations*. **More than on any other occasion** he was forced by the Antinomians, quite late in his life, to praise and support the preaching of **the law** in the church.”<sup>2</sup>

The superlatives “most” and “more than on any other occasion” indicate that if the later Luther wrote in support of the Decalogue as God’s eternal law, then that should be regarded as his definitive, mature view. The title of a recent translation of the *Antinomian Disputations: Solus Decalogus Aeternus*<sup>3</sup> – “only the Decalogue is eternal”<sup>4</sup> – seems to seal the deal. But the title is a classic example of the verdict first, evidence second, fallacy. The title delivers the verdict: The Decalogue is God’s eternal law. No need to review the evidence. Nothing to see here folks, move along.

The problem is: The evidence conflicts with the verdict. The evidence shows that Luther did not grant eternal status to the law as law. Rather, the evidence shows that the later Luther, like the early Luther, taught that law, even the Decalogue, is always natural, not supernatural, that is, not God’s eternal law.

Moreover, the *Antinomian Disputations* are not some long buried, recently rediscovered evidence for inerrancy and eternal law. Forde knew these texts which his friends now claim as proof of eternal law. Forde even dealt with them long ago in his 1972 *The Law-Gospel Debate*. In his 1987 essay, *Radical Lutheranism*, Forde notes how Lutheranism “has resorted mostly to a **dogmatic absolutism** largely dependent on a view of **scriptural inerrancy**, which usually brought with it **disguised moral absolutisms** of various sorts as well.”<sup>5</sup>

Yet today, because ELCA Lutherans “have **misused the law/gospel distinction** to promote an allegedly more liberated sexual ethic,”<sup>6</sup> some of Forde’s friends are proposing to regard the ten commandments as God’s eternal law, thus embracing “**scriptural inerrancy**” with its “**disguised moral absolutisms**.” This move is a false solution to antinomianism, a retreat into the errors of yesterday. As Forde writes:

---

<sup>2</sup> Nicholas Hopman, “Antinomian Disputations and *lex aeterna*,” *Lutheran Quarterly* 30 (2016) 172. See also, Steven Paulson, “Forde Lives!” *The Essential Forde. Gerhard O. Forde. Distinguishing Law and Gospel*. Eds. Nicholas Hopman, Mark C. Mattes, and Steven D. Paulson (Minneapolis: Fortress Press, 2019) 25. Paulson twice inserts quotes from the *Antinomian Disputations* to imply that by law Luther means God’s eternal moral law.

<sup>3</sup> *Solus Decalogus Est Aeternus, Martin Luther’s Complete Antinomian Theses and Disputations*. Ed. Holger Sonntag (Minneapolis: Cygnus, 2008).

<sup>4</sup> *Solus Decalogus Est Aeternus*, 129. First Disputation, Thirty-Fourth Argument.

<sup>5</sup> Forde, “Radical Lutheranism,” *Lutheran Quarterly* 1 (1987) 12-13.

<sup>6</sup> Albert B. Collver III, James Arne Nestingen, John T. Pless, “Preface,” *The Necessary Distinction*, 10.

“Where the gospel of justification by faith is not comprehended in its full eschatological sense, as bringing end and new beginning, death and new life, there will be **trouble with the law. Where the gospel is not grasped, the law will not be grasped either.**”<sup>7</sup>

“Precisely the proper distinction between law and gospel **limits and humanizes the law.**”<sup>8</sup>

Which brings us to the problem at hand: What is “the law”? Are the ten commandments God’s eternal law? Or is law always natural and human? Forde shows that there are **two ways of defining law**, and they lead to two very different theologies.<sup>9</sup> Therefore, below, after introductory comments on the ten commandments and a few Luther texts on the Decalogue, there is a series of tables contrasting the position of Hopman, Mattes, Paulson, and Nestingen (the Decalogue is eternal law; left-hand column) with Forde’s position (the law is always natural, not supernatural; right-hand column).

As Forde notes below, where the law is eternal as law, there will be a **one-kingdom** theology, governed by the “**revealed law**” of the Bible. Where the gospel is rightly understood to “limit and humanize the law,”<sup>10</sup> Luther’s **two kingdom theology** will come into view as a **necessary consequence** of the gospel itself, along with Christian freedom with down-to-earth implications, including the proper use of common reason as the moral arbiter in God’s left-hand kingdom.

## **1. Luther’s catechisms: Traditional and innovative.**

Prior to the printing press only the well-educated, social elite had access to prayer books and catechetical materials. For the wider population instruction in the Christian faith was done through sermons, stained glass windows, pageants, miracle plays, and even statues.

The invention of printing in the fifteenth century, however, dramatically increased both the supply and demand for catechetical materials in the language of the people. These booklets employed a variety of formats. Some were based on a threefold scheme: Faith, hope, and love (the creed, the Lord’s Prayer, and the ten commandments). Others were based on the seven vices and seven virtues. And still others included the Hail Mary, the creed, the Lord’s Prayer, and the art of dying well. In short, the format of catechetical materials prior to Luther varied widely and was not a neat package, presented in a set fashion.

---

<sup>7</sup> Gerhard O. Forde, “Justification and this world,” *Christian Dogmatics*. Eds. Carl E. Braaten and Robert W. Jenson (Philadelphia: Fortress Press, 1984) 2:448.

<sup>8</sup> Forde, “Forensic Justification and the Law in Lutheran Theology,” *Justification by Faith. Lutherans and Catholics in Dialogue VII*. Eds. H. George Anderson, T. Austin Murphy, Joseph A. Burgess (Minneapolis: Augsburg Publishing House, 1985) 301.

<sup>9</sup> Forde, *The Law-Gospel Debate*, 185: “The theological systems which result from these two ways of defining law are also quite different.”

<sup>10</sup> Forde: “Forensic Justification and Law in Lutheran Theology,” *Justification by Faith. Lutherans and Catholics in Dialogue VII*, 301.

In addition, the quality of prayer books varied widely. Some were highly regarded, and many others were based on extravagant claims. Luther realized that what people needed was material of better quality in a format they would recognize and easily accept.

Therefore when Luther produced his own *Little Prayer Book* (1522), he chose a format common in the better prayer books of the Roman church, although he reduced their complex catalogue of sins to the ten commandments alone. He adapted this same format in his catechisms of 1528-29, refining and honing the content with an ear to current needs. For example, a dispute between Agricola and Melanchthon over how frequently believers should repent for their sins also influenced how he presented the ten commandments.<sup>11</sup> Agricola feared hammering people about sin, while Melanchthon worried about cheap grace. Luther provided a middle way by presenting the ten commandments as both prohibitions of harmful behavior and then as instruction for good behavior. For example, the explanation for the seventh commandment: “Do not steal,” reads: “We are to fear and love God, so that we neither take our neighbor’s money or property, nor acquire them by offering shoddy merchandise or crooked deals, but instead help them to improve and protect their property and income.”<sup>12</sup> **The commandments** present, as Forde writes, “what anyone who properly consults his or her **reason** would have to acknowledge as good and right—exemplified, say, by **the golden rule.**”<sup>13</sup>

\* \* \* \* \*

## 2. Key Luther texts on the Decalogue.

Below are representative Luther quotes from 1525 and 1535 on the decalogue as natural, human, and changing and also as “God’s greatest gift,” and even eternal, but not as eternal law.

1525: *How Christians Should Regard Moses*:

- “This text [Exodus 20:1] makes it clear that even the **Ten Commandments do not pertain to us.**”<sup>14</sup>
- “The Gentiles are **not obligated to obey Moses.** Moses is the *Sachsenspiegel* for the Jews.”<sup>15</sup>

1528: *Large Catechism*:

- “[W]e should prize and value them [the ten commandments] above all other teachings as the **greatest treasure God has given us.**”<sup>16</sup> [See Forde: “The rejection of monastic vows, and with them the quest for one’s own holiness, meant for Luther a **new understanding of and love for God’s commandments.** What God commands takes us into the natural, created world. Here the proper place of ‘**natural law**’ is to be found. **By natural law most seem to mean ‘supernatural’**”

---

<sup>11</sup> Scott H. Hendrix, *Martin Luther. Visionary Reformer* (New Haven: Yale University Press, 2015) 196.

<sup>12</sup> Small Catechism, 1:13-14; *Book of Concord* (Tappert, 343; Kolb/Wengert, 353).

<sup>13</sup> Forde, “Justification and This World,” *Christian Dogmatics*, 2:454-56.

<sup>14</sup> *LW* 35:165.

<sup>15</sup> *LW* 35:167.

<sup>16</sup> Large Catechism, The First Part:333, *Book of Concord* (Tappert 411; Kolb/Wengert 431).

**law**, a law built into the universe which, if followed, leads to eternal bliss, a kind of built-in permanent escape mechanism. Revealed law is then something like the completion, the clarification of what has been dimmed by the fall, the final extension of the escape ladder. **That is not what Luther meant by it, even when he compared and often identified the commandments of God with ‘natural law.’ He meant precisely *natural* and not supernatural law.”**<sup>17]</sup>

1535: *Theses Concerning Faith and Law*:

- “52. For if we have Christ, we can easily establish laws and shall judge all things rightly. 53. **Indeed, we would make new decalogues, as Paul does in all the epistles, and Peter, but above all Christ in the gospel.**” 54. And **these decalogues are clearer** than the decalogue of Moses, just as the countenance of Christ is brighter than the countenance of Moses [II Cor. 3:7-11].”<sup>18</sup>

1537: *The Antinomian Disputations*:

- “The decalogue, however, is greater and better because it is **written in the hearts and minds of all** and will remain with us even in the coming life. Yet not so circumcision, as baptism also will not remain, but **only the decalogue is eternal**—as such, that is, **not as law**—because in the coming life things will be like what the decalogue has been demanding here.”<sup>19</sup> [See Forde: “Luther argued that the law in the sense of the decalogue can be said to be eternal, but **only because the reality, the *res*, which is its fulfillment, is eternal.** In this case the Antinomians had held that the law, like circumcision, is abolished at a point in time. Luther replied that circumcision, like baptism, is temporal, ‘but only the decalogue is eternal, *in its reality*, however, **not as law**, because in the future life those things which the law demands will be realized.’ **The decalogue remains eternally in the sense that the reality demanded remains, but not as law....The point seems to be that Luther did not want to grant eternal status to the law as law.**”<sup>20]</sup>
- “45. For the law, as it was before Christ, certainly accused us; but under Christ, it is placated by the remission of sins; and then it is to be **fulfilled in the Spirit**. [“Fulfilled in the Spirit” means the law is not eternal as law. The law is for this world. It does not give us a window into heaven.] 46. Thus, after Christ in the coming life, there it will remain as fulfilled, when that, what it meanwhile demands, is brought about—**the new creature**. [“The new creature” is another way of saying that the law is not eternal as law. See Forde below on “the promise of a new content”: “Christ enters in the form of *this* age, ‘under the law. He takes the ‘form of a servant.’ For the time being man has access to the gospel only under this form. But the gospel also involves the fact that Christ could enter the form of this world only to die and **to break the bonds of this**

---

<sup>17</sup> Forde, “Justification and This World,” *Christian Dogmatics*, 2:454-56.

<sup>18</sup> LW 34:112-13.

<sup>19</sup> *Solus Decalogus Est Aeternus*, 127, 129. From the First Disputation, Thirty-Fourth Argument.

<sup>20</sup> Forde, *The Law-Gospel Debate*, 183-84. First Disputation, Thirty-Fourth Argument, the first quote under *Antinomian Disputations* above page 4.

**form by the resurrection.** Christ became the *end* of the old form, and he now offers to faith **the promise of a new ‘content.’ But because of the nature of Christ’s appearance in this world,** faith enjoins man to live for the time being where he is and to become a proper steward of the form of this age.”<sup>21</sup>

47. **For never will the law be removed in eternity,** but it will remain, either as to be fulfilled in those damned, or as fulfilled in those blessed. **[The law is not eternal as law.]**

48. These true disciples of Satan seem to think that the law is something temporal that has ceased under Christ, like circumcision.”<sup>22</sup>

- “40. For Christ came to save what was lost (Matt 18:11), and **to restore everything,** as Peter states (Acts 3:21).  
41. Therefore **the law is not eliminated by Christ, but restored,** so that Adam might become such as he was and even better.”<sup>23</sup> **[The law is restored to its creaturely status. Forde: “Precisely the proper distinction between law and gospel limits and humanizes the law.”<sup>24</sup>]**

\* \* \* \* \*

### 3. Luther does not grant eternal status to the law as law.

Hopman, Mattes, Nestingen, and Paulson: The law is eternal.	Forde: Luther did not grant eternal status to the law as law
<p>The claim Hopman, Mattes, Nestingen, and Paulson make about Luther in the <i>Antinomian Disputations</i>: Law is eternal because it reveals the shape of life God intends for this world and the next.</p> <p>Nestingen: “Terminated by the Gospel, the Law can no longer accuse in the conscience. For faith, it is dead and finished. But <b>its significance continues,</b> in fact, <b>Luther will say for all eternity.</b><sup>13</sup> <b>[See #1 below.] As my longtime friend and colleague Gerhard Forde pointed out,</b> this is the key to understanding Luther’s statements on <b>the eternal quality of the law.</b> The Law is not eternal in the sense of Augustine’s <i>lex aeterna</i> doctrine—then it would displace the Gospel. But <b>it is eternal in the eschatological sense.</b> Its significance points ahead of itself to <b>the shape of life God intends for the creation and the new creation. The significance of the Law</b> is that it</p>	<p>In contrast, Forde argues that for Luther law is an existential power. It is eternal because, like sin and death, it is the way of this world. But law is not an eternal ideal or order known through the miracle of scriptural inerrancy.</p> <p>Forde: “The proper relationship between man and God <b>could not,</b> in Luther’s view, be understood in terms of <b>an objective legal order....</b> This means that law, for Luther, <b>cannot be identified with any set of propositions or prescriptions, be it the decalogue or any other code.</b> Law is <i>anything</i> which frightens and accuses ‘the conscience.’ The bolt of lightning, the rustling of a dry leaf on a dark night, the decalogue, the ‘natural’ law’ of the philosopher, or even (or perhaps most particularly) the preaching of the cross itself—all of these can and do become the voice of the law.</p>

<sup>21</sup> Forde, *The Law-Gospel Debate*, 214-15.

<sup>22</sup> *Solus Decalogus Est Aeternus*, 141. From the Second Disputation, Second Set of Theses.

<sup>23</sup> WA 39/1.354; *Solus Decalogus Est Aeternus*, 239. From the Second Disputation, Fourth Set of Theses (4:40-41).

<sup>24</sup> Forde, “Forensic Justification and Law in Lutheran Theology,” *Lutherans and Catholics in Dialogue VII*, 301.

Hopman, Mattes, Nestingen, and Paulson: The law is eternal.	Forde: Luther did not grant eternal status to the law as law
<p>points ahead to <b>the shape of life</b> when God completes what He has begun in Christ Jesus.”<sup>25</sup></p> <p>Six points:</p> <ol style="list-style-type: none"> <li>1. Nestingen misleads: “But <b>its</b> [the law’s] <b>significance continues, in fact, Luther will say for all eternity.</b>”<sup>13</sup> Footnote 13: “3:40-41, WA 39.1, 354. See also 2:47, 348.” [Nesting does not translate these texts but merely cites them in the <i>Weimar Ausgabe</i> and adds his judgment that Luther regarded the law as eternal.]</li> <li>2. Nestingen omits Luther’s statement that the law is <b>not eternal as law</b>: “[O]nly the decalogue is eternal—as such, that is, <b>not as law.</b>” [See the text in its context on page 5 above, footnote 16.]</li> <li>3. Nestingen gives an incorrect citation (3:40-41) for the first text. It should be 4:40-41: “For Christ came to save what was lost (Matt 18:11), and to <b>restore everything</b>, as Peter states (Acts 3:21). Therefore, <b>the law is not eliminated by Christ, but restored</b>, so that Adam might become such as he was and even better.” [Law is not restored as an eternal order but as that which is human, and changing.]</li> <li>4. Nestingen cites 2:47 but omits the preceding lines which show that Luther did not grant eternal status to the law <b>as law</b>. See below and also Forde in the adjoining column:</li> </ol> <p>“45. For the law, as it was before Christ, certainly accused us; but under Christ, it is placated by the remission of sins; and then it is to be <b>fulfilled in the Spirit</b>. [fulfilled in the Spirit = not as law]</p> <p>46. Thus, after Christ in the coming life, there it will remain as fulfilled, when that, what it meanwhile demands, is brought about—<b>the new</b></p>	<p>“<b>Law</b> remains, in view of its potentially changing appearance, in a certain sense <b>hidden</b>. Its <b>content</b> will depend upon the concrete situation in creation at a given time; man cannot have it <b>in the form of eternal principles in advance of any concrete situation</b>.</p> <p>“This means that for Luther law does not constitute, as it does for orthodoxy, a <b>fixed scheme according to which God and his revelation can be ‘figured out.’</b>”<sup>32</sup></p> <p>“This eschatological understanding of law necessitates a fundamental reorientation at a number of crucial points. First, of course, is it means that <b>the orthodox concept of law is displaced. Law cannot be understood as a <i>lex aeterna</i> in the sense that the orthodox held—an eternal standard which governs the system.</b>”<sup>33</sup></p> <p>“Law is a <i>general</i> term for describing the nature of man’s existence in this age. It is <b>the command which man meets in society, demanding order, and it is also the judgment of his way of life which drives him to the cross</b>. It is defined in a general sense, as that which afflicts the conscience. Nothing <i>material</i> is said about the <i>content</i> of law as such; that, apparently, may depend upon concrete circumstances. Since law is defined in this general way, <b>no great point is made about a distinction between a natural or a revealed law. It is simply taken for granted that law is natural for man.</b>”<sup>34</sup></p> <p>“Luther states in his theses [2:45-47] ... that the law remains to all eternity because it discloses sin,”<sup>35</sup> <b>not that it tells us the shape of life now and in the world to come.</b></p>

<sup>25</sup> Nestingen, “Speaking of the End to the Law,” *The Necessary Distinction*, 175.

<sup>32</sup> Forde, *The Law-Gospel Debate*, 177.

<sup>33</sup> Forde, *The Law-Gospel Debate*, 195.

<sup>34</sup> Forde, *The Law-Gospel Debate*, 194.

<sup>35</sup> Forde, *The Law-Gospel Debate*, 181.

Hopman, Mattes, Nestingen, and Paulson: The law is eternal.	Forde: Luther did not grant eternal status to the law as law
<p>creature.” [new creature = not as law]</p> <p>47. For never will the law be removed in eternity, but it will remain, either as to be fulfilled in those damned, or as fulfilled in those blessed.” [fulfilled in those blessed = not as law]</p> <p>5. Nestingen also misrepresents Forde: “As my longtime friend and colleague Gerhard Forde pointed out, this is the key to understanding Luther’s statements on the eternal quality of the law.” To the contrary, neither Luther nor Forde grants eternal status to the law as law.</p> <p>6. Nestingen throws eternal law out the front door only to sneak it in the back door: “The Law is not eternal in the sense of Augustine’s <i>lex aeterna</i> doctrine... But it is eternal in the eschatological sense. Its significance points ahead of itself to the shape of life God intends for the creation and the new creation.” Nestingen here grants eternal status to the law as law. Forde shows this is not Luther’s position.</p> <p>Paulson: “Luther was even bolder with the law ‘after Christ’. The law did not disappear like smoke in thin air: ‘the law in all eternity will never be abolished but will remain either to be fulfilled in the damned or already fulfilled in the blessed.’ Right there is the difference between being in heaven and being in hell – in hell the law remains forever ahead of you as something that needs yet to be done (like Sisyphus rolling his stone up and down without end); in heaven the law is past. In both cases the law has been completely historicized, and so you are always either ahead or behind it.”<sup>26</sup> [By “historicized” Paulson means that God’s eternal law is always</p>	<p>“Luther argued that the law in the sense of the decalogue can be said to be eternal, but <b>only because the reality, the <i>res</i>, which is its fulfillment, is eternal.</b> In this case the Antinomians had held that the law, like circumcision, is abolished at a point in time. Luther replied that circumcision, like baptism, is temporal, ‘but only the decalogue is eternal, <i>in its reality</i>, however, <b>not as law</b>, because in the future life those things which the law demands will be realized.’ <b>The decalogue remains eternally in the sense that the reality demanded remains, but not as law....</b></p> <p><b>The point seems to be that Luther did not want to grant eternal status to the law as law.</b> Instead, he defined law in its existential sense as that which accuses.”<sup>36</sup></p> <p>When Luther writes that the law must be preached, “he does not mean merely a <i>code of laws</i> but rather that which terrifies the conscience. The statement that Christ by his death fulfilled the law—a statement which ordinarily would be considered gospel—here is accorded the function of law because it <b>threatens the sinner in his self-sufficiency...</b>Law is a power which threatens man because of sin, and remains a power until death.”<sup>37</sup></p> <p>“Closely related is the problem of the ‘third use’ of the law. The idea of law as an <b>eternal ideal</b> and the <b>‘third use’</b> of the law go hand in hand. For if the law is the eternal ideal, it stands to reason that this must be <b>man’s guide even after justification.</b> If the foregoing analysis is correct, however, it would seem that <b>law can never be</b></p>

<sup>26</sup> Steven D. Paulson, *Luther for Armchair Theologians* (Louisville: Westminster John Knox Press, 2004) 129. Internal footnote #2: “2. WA 39/1.349f, translated in James Arne Nestingen, ‘The Catechism’s *Simul*,’ *Word & World* 3, no 4 (1983): 367.”

<sup>36</sup> Forde, *The Law-Gospel Debate*, 183-84. First Disputation, Thirty-Fourth Argument, the first quote under *Antinomian Disputations* above page 5.

<sup>37</sup> Forde, *The Law-Gospel Debate*, 179.



Hopman, Mattes, Nestingen, and Paulson: The law is eternal.	Forde: Luther did not grant eternal status to the law as law
<p><b>“ahead or behind”</b> you. For Paulson the law is God’s eternal moral order.]</p> <p>Paulson: “The <b>law</b> is not just operating in the mode of a ‘function’ when it accuses, but in accusing it is <b>revealing both its essence and existence</b> for us and for itself.”<sup>27</sup> [Its “essence” = <b>the decalogue as God’s eternal law code.</b>]</p> <p>Hopman: “Obviously, Forde could go right around Bultmann and Kant back to Luther to find a properly ‘existential’ (namely, experiential) understanding of the law. This understanding of the law <b>does not exclude the fact that the law is natural, summarized in the Decalogue, comes in specific commandments, tells people what to do</b>, and in God’s first use of it, extracts works which are good <i>coram hominibus</i>. [Hopman mistakenly thinks Forde is saying that God’s eternal law code is experienced (“experiential”) existentially (“properly ‘existential’”). This is not Forde’s position. See Forde in the adjoining column on the conflict between two ways of defining law.]</p> <p>“This fundamental argument in the <i>Antinomian Disputations</i> does not prevent Luther from repeatedly <b>defining the law as the Decalogue</b><sup>29</sup> and mentioning specific sins condemned by specific commandments and natural law including avarice,<sup>30</sup> vainglory, pride,<sup>31</sup> anger, despair, presumption,<sup>32</sup> lust,<sup>33</sup> fornication, adultery,<sup>34</sup> murder,<sup>35</sup> unbelief, despair, hatred of God, and blasphemy.<sup>36</sup> Apparently Luther saw no contradiction in acknowledging <b>the law’s specific commandments</b> and defining it according to its effect.”<sup>28</sup> [Hopman continues to presume that for Luther and Forde “the law” is God’s eternal law given in the Decalogue.]</p>	<p><b>taken merely as an abstract ideal which man can isolate and fix in his ‘system.’”<sup>38</sup></b></p> <p><b>Law cannot be understood as an eternal order because: “This allows man to place himself above the law and to look at it from God’s point of view.</b> The law is therefore disposed of theoretically, and faith consists of man’s ‘understanding’ how this has taken place. An eternal static order is posited which is objectively fulfilled; the paradigm for faith is the act of cognition.</p> <p>“The theological systems which result from these <b>two ways of defining law</b> are also quite different. In the first instance, law ‘in its essence’ remains <b>the basic structure of the system....</b>In the second instance there is a decisive break. The law comes to its <i>end</i> in the eschatological event, the <i>res</i> which the law demands breaks in and brings the law to an end. This means that in place of a <b>one-membered eternal scheme, a two-membered dialectical scheme governs the system.</b> Only by participation in the eschatological event does the law come to its end for the believer. This gives the terminology of the system a basically different thrust, <b>even though that terminology may in many instances be the same.</b>”<sup>39</sup></p> <p>“Christ enters in the form of <i>this</i> age, ‘under the law.’ He takes the ‘form of a servant.’ For the time being man has access to the gospel only under this form. But the gospel also involves the fact that Christ could enter the form of this world only to die and <b>to break the bonds of this form by the resurrection.</b> Christ became the <i>end</i> of the old form, and he now offers to faith <b>the promise of a new ‘content.’</b> But because of the <b>nature of Christ’s appearance in this world,</b> faith enjoins man to live for the time being where he is</p>

<sup>27</sup> Paulson, “Forde Lives!” *The Essential Forde*, 24.

<sup>28</sup> Hopman, “Antinomian Disputations and *lex aeterna*,” *Lutheran Quarterly* 30 (2016) 157.

<sup>38</sup> Forde, *The Law-Gospel Debate*, 180.

<sup>39</sup> Forde, *The Law-Gospel Debate*, 185.

Hopman, Mattes, Nestingen, and Paulson: The law is eternal.	Forde: Luther did not grant eternal status to the law as law
<p>Hopman: “The law’s limit is that while it demands the gospel, it cannot give it. The law (First Commandment) demands faith, which is the presence of the living God, who is not the dead Decalogue (law) written on stone tablets (2 Cor. 3:7). So the <i>res</i> of the law should be understood as something other than the law itself. <b>The <i>res</i> is not an inner eternal core, content, or essence of the law, but something outside of the law.</b> Indeed, it is not just ‘something,’ but nothing less than the Holy Spirit and so Christ. The totality of Luther’s statements in the <i>Antinomian Disputations</i> about the law’s relationship with God’s heavenly kingdom <b>vindicates Forde’s explanation of this passage.</b>”<sup>29</sup> [Hopman gets Forde half right. He sees that the law is limited to this world, but does not see that the gospel, “limits and humanizes” the law. For Hopman the law remains God’s eternal order.]</p> <p>Paulson: “<b>If God shows himself in his law</b>, what else is he withholding? What is this partial revelation, and what remains beyond our grasp? The answer to both of these questions is always the same: <b>God’s divine eternal law</b> presently accuses—but one day it will exonerate.”<sup>30</sup> [The decalogue is God’s divine, eternal law code.]</p> <p>Mattes: “The talk of uses of the law, while helpful, is limited in its helpfulness because we are speaking of <b>one reality, law</b>, but <b>this same law</b> has different effects upon sinners, both believers and non-believers.”<sup>31</sup> [“one reality, law... this same law” = God’s eternal law]</p>	<p>and to become a proper steward of the form of this age.”<sup>40</sup> [“The promise of a new ‘content’” means “the law” is not an eternal order which shapes this life and the next.]</p> <p>“The only way to overcome the problem of the hiddenness of God not preached is by God preached. But that will <b>not happen by attempting to infer God’s will from the law.</b>”<sup>41</sup></p> <p>“The rejection of monastic vows, and with them the quest for one’s own holiness, meant for Luther a new understanding of and <b>love for God’s commandments</b>. What God commands takes us into the natural, created world. Here the proper place of ‘natural law’ is to be found. <b>By natural law most seem to mean ‘supernatural’ law</b>, a law built into the universe which, if followed, leads to eternal bliss, a kind of built-in permanent escape mechanism. Revealed law is then something like the completion, the clarification of what has been dimmed by the fall, the final extension of the escape ladder. <b>That is not what Luther meant by it, even when he compared and often identified the commandments of God with ‘natural law.’ He meant precisely natural and not supernatural law. The commandments of God</b> do not command anything contrary to life, anything supernatural or superhuman, but rather what anyone who properly consults his or her <b>reason</b> would have to acknowledge as good and right—exemplified, say, by <b>the golden rule.</b>”<sup>42</sup></p>

\* \* \* \* \*

<sup>29</sup> Hopman, “Antinomian Disputations,” 167.

<sup>30</sup> Paulson, *Luther’s Outlaw God* (Minneapolis: Fortress Press, 2019) 2:187.

<sup>31</sup> Mattes, “Beyond the Impasse: Re-examining the Third Use of the Law,” *Concordia Theological Quarterly* 69, 278.

<sup>40</sup> Forde, *The Law-Gospel Debate*, 214-15.

<sup>41</sup> Forde, “Postscript to the Captivation of the Will,” *Lutheran Quarterly* 19 (2005) 77, 78. Forde, *The Captivation of the Will. Luther vs. Erasmus on Freedom and Bondage*. Ed. Steven Paulson (Grand Rapids: Eerdmans, 2005) 79.

<sup>42</sup> Forde, “Justification and This World,” *Christian Dogmatics*, 2:454-56.

4. What is meant by “the law written on the heart”?

“Written on the heart” = God’s eternal law	“Written on the heart” = law is a given in this world
<p>Hopman: “Forde’s affinity for defining the law as the law <b>written on the human heart</b> and as its oppression of the heart does not make the law subjective according to human whim; <b>it is the Creator’s law</b> and condemns the creature.”<sup>43</sup>            [The Creator’s law = the decalogue as God’s eternal law code.]</p>	<p>Forde: “It is very significant that Luther, whenever he insisted upon the impossibility of removing the law, always based this on the fact the law is ‘<b>written on our hearts</b>’ and <b>not on a theory about the eternal will of God</b>. The persistence of the law is due to the fact that it is utterly impossible for man to escape it in this life.”<sup>44</sup></p> <p>“For Luther, law is ‘natural’ to man in the sense that it represents the way he naturally thinks and reacts; this cannot be escaped apart from faith. The law is ‘written in the heart.’ But this does not mean that everyone (or anyone, for that matter) has an innate and accurate knowledge of the divine in the form of a timeless moral code; this is ruled out. Law is, on the one hand, ‘in its expressly rational character the form of being of the reality of man as a reasonable creature in this world’; it is also the ‘mask’ through which God works. One may have only a dim knowledge of law, or he may have a highly refined ethical system derived from the philosopher. He may even derive his ethical code from the Bible which is <i>quantitatively</i> more correct. But whatever it is, his code is still law, and <b>on this level there can only be a question of degrees of correctness at a given time</b>. Hence the decalogue is the best statement of the natural law. If man does not know the law, he must be taught. But on this level, within the old age, it remains, it would seem, only a question of <b>the relative appropriateness of a course of action in a given situation</b>. On this level there is no decisive break between what is natural and what is revealed.”<sup>45</sup></p> <p>[The text below, as other Forde texts, has possibly been altered by Forde’s editors, Paulson</p>

<sup>43</sup> Hopman, “Antinomian Disputations and *lex aeterna*,” *Lutheran Quarterly* 30, 158.

<sup>44</sup> Forde, *The Law-Gospel Debate*, 183.

<sup>45</sup> Forde, *The Law-Gospel Debate*, 193.

“Written on the heart” = God’s eternal law	“Written on the heart” = law is a given in this world
	<p>and Mattes.<sup>46]</sup> “For Luther, law is natural in the sense that it was built into creation, simply a statement of the minimal requirements of daily life, a faithful and practical consideration of what works and preserves human society against the wiles of the devil. The natural law, in that sense, was <b>“written on the heart.”</b> To be sure, <b>such law may be obscured by the fall.</b> But, in any case, for Luther, we have a restatement of such natural law in the scriptures, preeminently in the laws of Moses. Luther assumed, it seemed, that since the Creator and the author of the scriptures, the Spirit, are one, there should be no fundamental difference between natural law and the law found in scripture. The touchstone for Luther’s understanding of <b>what is natural</b> is therefore not a theory of <b>natural analogy</b> but <b>rather the Holy Spirit and the doctrine of creation. One cannot trust unaided reason without qualification.</b> But where law is understood within and limited by <b>the story of salvation</b>, there it is, so to speak, naturalized.”<sup>47</sup> [It is possible that this text has been changed by Forde’s editors, Paulson and Mattes. The terms used here, including but not limited to, “law obscured by the fall,” “natural analogy,” “unaided reason,” “the story of salvation,” are <b>not terms Forde</b> used, but they are characteristic of Paulson and Mattes. Moreover, the text’s implicit appeal to inerrancy, and natural law as supernatural law, reflects the theologies of Paulson and Mattes.]</p>

\* \* \* \* \*

<sup>46</sup> See “Forde’s editors have tampered with his sermon – 1,” and “Forde’s editors have tampered with his text – 2,” at [www.crossalone.us](http://www.crossalone.us) under Forde.”

<sup>47</sup> Forde, “Luther’s Ethics,” *A More Radical Gospel*. Gerhard O. Forde. *Essays on Eschatology, Authority, Atonement, and Ecumenism*. Eds. Mark C. Mattes and Steven D. Paulson (Grand Rapids: Eerdmans, 2004) 154-55.

5. We have access to God’s eternal law. No, we don’t.

<p>We have access to eternal law. The Bible gives us God’s eternal law.</p>	<p>Forde: We do not have access to eternal law. We use common reason like everybody else.</p>
<p>Nestingen: “But it [the law] is eternal in the eschatological sense. Its significance points ahead of itself to the shape of life God intends for the creation and the new creation.”<sup>48</sup> [Nestingen means: <b>We have special knowledge. The law tells us the divine shape of life for this world and the next.</b>]</p> <p>Paulson: “[T]he outward office of the Word that utters the two words of God in perfect clarity: first the Law that tells us exactly what to do and judges us; and then the gospel that tells us precisely what Christ thinks of us—apart from the law.”<sup>49</sup> [Paulson means: <b>We have special knowledge. We know God’s law; it has a particular content; it’s right there in the Bible.</b>]</p> <p>Mattes: “This new person in Christ truly delights in God and in His ways, how God has ordered the cosmos and the limits He has established for our behavior which fosters our own well-being as well as the well-being of others.”<sup>50</sup> [Mattes means: <b>We know God’s law and the limits he has established. We have access to God’s eternal law.</b>]</p> <p>Hopman: “Feuerbach’s position was not only picked up by Marxism-Leninism, as it piled up over a hundred million corpses in its pursuit of social justice, but in essence also by mainline Protestantism, which place human political agendas, these days Marxists ones, above God’s law while claiming that they are the gospel itself.”<sup>51</sup> [Hopman means: <b>We know God’s eternal law. It is in the Decalogue.</b>]</p>	<p>It is incorrect to think that “the Christian has some special epistemological advantages over the non-Christian when it comes to ‘knowledge’ of the law. It is precisely faith, however, which tells the believer that this is not so. Faith tells him that law is something he has in common with the rest of mankind. To be sure, the Christian also has the laws of the Bible, but even these <i>as laws</i> are available to the non-Christian, to say nothing of non-Christian parallels of biblical law.</p> <p>“What the Christian is given is a faith that clarifies for him the nature of his existence under the law in this age. Faith tells him that the ‘naturalness’ of the law means that he does not have access to the will of God in the form of some eternal <i>law of being</i>, but rather that in common with the rest of mankind he must use his reason in the context of his situation to work out the best practical solutions to his problems.”<sup>52</sup></p> <p>“Law remains, in view of its potentially changing appearance, in a certain sense hidden. Its content will depend upon the concrete situation in creation at a given time; man cannot have it in the form of eternal principles in advance of any concrete situation.</p> <p>“This means that for Luther law does not constitute, as it does for orthodoxy, a fixed scheme according to which God and his revelation can be ‘figured out.’”<sup>53</sup></p>

<sup>48</sup> Nestingen, “Speaking of the End to the Law,” *The Necessary Distinction*, 175.

<sup>49</sup> Paulson, *Luther’s Outlaw God*, 2:140.

<sup>50</sup> Mattes, “Properly Distinguishing Law and Gospel as the Pastor’s Calling,” *The Necessary Distinction*, 133.

<sup>51</sup> Hopman, “Forde Was for Proclamation,” *Lutheran Forum* 53 (2019) 28.

<sup>52</sup> Forde, *The Law-Gospel Debate*, 211-12.

<sup>53</sup> Forde, *The Law-Gospel Debate*, 177.

<p style="text-align: center;"><b>We have access to eternal law. The Bible gives us God’s eternal law.</b></p>	<p style="text-align: center;"><b>Forde: We do not have access to eternal law. We use common reason like everybody else.</b></p>
<p>For Nestingen, Paulson, Hopman, and Mattes law constitutes, as it does for Orthodoxy, a fixed scheme according to which <b>God and his revelation can be ‘figured out,’</b> as Forde notes in the adjoining column.</p>	<p>“The Lutheran also realizes that theology can only work with the ‘systems’ or <b>the thought forms of this world</b>. He insists, though, that ‘working with the thought forms of this world’ <b>be strictly adhered to</b>—that is, that these be recognized as <b>the thought forms of this world</b> and not of some other world. For the promises of the <b>new age is given in Christ only to faith, not to ‘sight’</b>; this is so because the Christ event itself makes it so. The Christ event is the bearer of absolute judgment and absolute grace; indeed, it is one only because it is also the other. The fact that it is absolute judgment means that <b>man cannot attempt to anticipate the eschatological vision</b> or to translate himself prematurely into the new age. But the fact that it is also <b>absolute grace given here and now means that there is no need for such an attempt</b>. Under the sign of this absolute judgment and grace the believer can be content to remain in this age until God sees fit to change things. Thus, Lutheran theology by its very this-worldliness reflects <b>its belief in the other world, the new age</b>.</p> <p>“Christ enters in the form of <i>this</i> age, ‘under the law. He takes the ‘form of a servant.’ For the time being man has access to the gospel only under this form. But the gospel also involves the fact that Christ could enter the form of this world only to die and <b>to break the bonds of this form by the resurrection</b>. Christ became the <i>end</i> of the old form, and he now offers to faith <b>the promise of a new ‘content.’</b> But because of the nature of Christ’s appearance in this world, faith enjoins man to live for the time being where he is and to become a proper steward of the form of this age.”<sup>54</sup></p>

\* \* \* \* \*

---

<sup>54</sup> Forde, *The Law-Gospel Debate*, 214-15.

## 6. The third use of the law

Yes to third use of the law	Forde: No third use of law
<p>Nestingen: “In the grip of the Gospel, believers <b>do joyfully</b> without the Law <b>what the Law requires.</b>”<sup>55</sup> [“What the law requires” implies the <b>Law is an eternal moral order.</b>]</p> <p>Paulson: “[T]he outward office of the Word that utters <b>the two words of God in perfect clarity: first the Law that tells us exactly what to do and judges us;</b> and then the gospel that tells us precisely what Christ thinks of us—apart from the law.”<sup>56</sup> [This is inerrancy in other words.]</p> <p>Paulson: “God giving his heart in Jesus Christ is not a simple matter. It complicates things for us on earth, especially those of us who are trying hard (sometimes) to live according to <b>God’s divine plan as revealed in his law.</b>”<sup>57</sup></p> <p>Mattes: “Indeed, the best presentation of <b>the third use of the Law</b> is to be found in both of Luther’s <b>catechisms</b>. Especially the Small Catechism is addressed to Christian youth and families. <b>The presentation of Law there is given not as its civil or political use but as a path in which Christians are to walk.</b>”<sup>33</sup> [Internal footnote 33: “<b>By presenting the Ten Commandments before the Creed in the catechisms,</b> Luther situations Law before Gospel in a formal way. However, the content of his interpretation of <b>the Law</b> in both catechisms is <b>clearly that of the third use.</b>”<sup>58</sup> [Note that Mattes presumes “the Law” is an eternal ideal.]</p> <p>Mattes: “The <b>third use</b> indicates that very path and presupposes a new motive (the ‘new</p>	<p>“The idea of <b>law</b> as an <b>eternal ideal</b> and the <b>‘third use’ of the law go hand in hand.</b> For if the law is the eternal ideal, it stands to reason that this must be <b>man’s guide even after justification.</b>”<sup>62</sup></p> <p>“From the eschatological perspective the legitimate concerns badly expressed in the idea of a <b>third use of the law</b> can be sorted out. <b>First,</b> one who has been grasped by the eschatological vision looks on law differently from one who has not. <b>But that is not to say that one sees a ‘third’ use.</b> What one sees is precisely the difference between law and gospel, so that <b>law can be established in its first two uses</b> this side of the eschaton. Before that vision or when it fades, law is misused as a way of salvation, a means of escape. One does not know the difference between law and gospel.</p> <p>“<b>Second,</b> one grasped by the eschatological vision will recognize the continuing need for the law. <b>But this too does not mean a third use.</b> Rather, just because of ‘rebirth’ in faith, one will see how much one is a sinner and will be until the end. One will see that one is not yet a ‘Christian.’ One will see precisely that one has <b>no particular advantages over those who are not yet reborn.</b> One will see one’s solidarity with the rest of the human race and wait in hope until the end, leaving the heroics and pretensions to spiritual athletes.”<sup>63</sup></p>

<sup>55</sup> Nestingen, “Speaking of the End of the Law,” *The Necessary Distinction*, 183.

<sup>56</sup> Paulson, *Luther’s Outlaw God*, 2:140.

<sup>57</sup> Mattes and Paulson, “Introduction: Taking the Risk to Proclaim,” *The Preached God. Gerhard O. Forde. Proclamation in Word and Sacrament*. Eds. Mark C. Mattes and Steven D. Paulson (Grand Rapids: Eerdmans, 2007) 10.

<sup>58</sup> Mattes, “Properly Distinguishing Law and Gospel as the Pastor’s Calling,” *The Necessary Distinction*, 132.

<sup>62</sup> Forde, *The Law-Gospel Debate*, 180.

<sup>63</sup> Forde, “Justification and This World,” *Christian Dogmatics*, 2:450.

Yes to third use of the law	Forde: No third use of law
<p>obedience' as the Augsburg Confession calls it<sup>34</sup>) for walking that path."<sup>59</sup> [Footnote 34: "Article VII." Rather, Article VI is the New Obedience.]</p> <p>Mattes: "The talk of uses of the law, while helpful, is limited in its helpfulness because we are speaking of <b>one reality, law</b>, but <b>this same law</b> has different effects upon sinners, both believers and non-believers."<sup>60</sup> ["one reality, law...this same law" implies the law is a particular heavenly code]</p> <p>Mattes: "<b>The law is relativized, suspended</b>, in the relation of the believer as believer to God (and <b>only in this relation</b>), since it is through Christ that our conscience relates to God. Given that the Christian as both new and old being, <b>the law remains</b> for the old being as <b>a goad and guide</b>."<sup>61</sup> [The clever alliteration of "goad and guide" reflects an Orthodox view of law as an eternal order, a view not shared by Luther or Forde.]</p>	<p>"Only when faith accepts the fact that Christ is the end of the law is law put in its proper perspective, for only then will man realize what it means to live in <i>this</i> world under the sign of the eschatological limit and promise. The gospel means that man's <b>entire hope is given in Jesus Christ</b>; because of this, man can live in faith in this world and apply himself to being a proper steward of <b>God's law</b>.</p> <p>"This means that in the Lutheran view <b>law is</b>, in the good sense of the word, '<b>natural</b>.' That is to say for faith law is divested of its <i>supernatural</i> pretensions and limited to this age. Law is the theological term denoting the manner in which God relates himself to this age. Law is the 'form' of <i>this</i> age. This explains the Lutheran tendency <b>to limit law to the first two uses—civil and theological</b>. The law gives form to this age and it accuses the sinner. As such it is an existential power which will continue to accuse as long as man remains in his sin. <b>Only a living faith in Christ as the end of the law can hold the law in its proper perspective. Faith alone makes and keeps the law 'natural.'</b>"<sup>64</sup></p>

\* \* \* \* \*

<sup>59</sup> Mattes, "Properly Distinguishing Law and Gospel as the Pastor's Calling," 133.

<sup>60</sup> Mattes, "Beyond the Impasse: Re-examining the Third Use of the Law," *Concordia Theological Quarterly* 69, 278.

<sup>61</sup> Mattes, "Beyond the Impasse: Re-examining the Third Use of the Law," 282-83.

<sup>64</sup> Forde, *The Law-Gospel Debate*, 211.



7. The spontaneity of the Christian life = freedom from eternal law.

Spontaneity means joyfully doing what eternal law requires	Forde: The Christian sees the law for what it is, natural, variable, not a means of salvation, but a means for fighting evil in this world.
<p>Nestingen: “In the grip of the Gospel, believers do <b>joyfully</b> without the Law <b>what the Law requires.</b>”<sup>65</sup> [“<b>what the Law requires</b>” = <b>the law remains the basic structure of the system</b>]</p> <p>Mattes and Paulson: “Sanctification is not our ascent to God, but God’s descent as new being to us – <b>rearranging us</b> to become <b>spontaneously</b> a neighbor to those in need.”<sup>66</sup> [“<b>rearranging us to become spontaneously a neighbor</b>” – <b>The obscurity of what is meant by “rearranging us” shows the underlying trouble with the law.</b>]</p> <p>Mattes: “In the noble, indeed royal, freedom of the Christian we may, according to Luther, even seek to <b>develop new Decalogues</b> for serving our neighbor, if need be.<sup>30</sup> Such ethical inventiveness, however, is never arbitrary or self-serving. It is always tied to creation and the fostering of good order and a healthy community in and as creation. Christian freedom must be radically disassociated from the freedom of Kant, Stoicism, Epicureanism, or Utilitarianism, especially in the contemporary forms of these theories....Given that the Christian is both a new and old being, <b>the law remains</b> for the old being <b>as a goad and a guide.</b>”<sup>67</sup> [For Mattes, the “<b>ethical inventiveness</b>” of Christian freedom is “<b>never arbitrary or self-serving,</b>” which implies a capacity to judge actions as well as a purity of motive that is incompatible with the <b>total simultaneity of sin and righteousness.</b>]</p>	<p>“<b>If you lose your ‘virtue,’ what will protect you then?</b> Luther’s advice in such situations was: ‘Be a sinner and sin boldly, but believe even more boldly.’ The point is not to go out and find some sins to commit. The point is rather <b>not to be deceived by the glitter of ideals, of sanctity and piety, by the quest for the Holy Grail. Christ and Christ alone has dealt with sin and saves sinners.</b>”<sup>68</sup></p> <p>“<b>[T]he Christian life will be hidden from this world and inexplicable to it.</b> Sometimes – perhaps most of the time – the Christian life will appear to follow quite ordinary, unspectacular courses, no doubt too ordinary for the world. But sometimes it <b>will appear to go quite contrary to what the world would deem wise, prudent, or even ethical.</b> Why should costly ointment be wasted on Jesus? Would it not be better to sell it and give it to the poor? Should not Jesus’ disciples fast like everyone else? Why should one prefer the company of whores and sinners to polite society? <b>Why should a Christian participate in an assassination plot</b> [Bonhoeffer]? The Christian life is tuned to the eschatological vision, not to the virtues and heroics of this world.... <b>Indeed, the goodness or Christianness of one’s life should be hidden even from oneself.</b>”<sup>69</sup></p>

\* \* \* \* \*

<sup>65</sup> Nestingen, “Speaking of the End of the Law,” *The Necessary Distinction*, 183.

<sup>66</sup> Mattes and Paulson, “Introduction: Taking the Risk to Proclaim,” *The Preached God*, 25.

<sup>67</sup> Mattes, “Beyond the Impasse: Re-examining the Third Use of the Law,” *Concordia Theological Quarterly* 69, 282. Internal footnote 30: LW 34:112. “Theses Concerning Faith and Law.”

<sup>68</sup> Forde, “Christian Life,” *Christian Dogmatics*, 2:438.

<sup>69</sup> Forde, “Justification and Sanctification,” *Christian Dogmatics*, 2:441.

## 8. Law and the *Book of Concord*

<b><i>Book of Concord</i> supports a third use of law</b>	<b>Forde on the <i>Book of Concord</i></b>
<p>Mattes: “In the Confessions, it is clear that <b>the law is informative of God’s will</b> for old beings who are epistemically blinded by sin. It is also confessionally <b>clear</b> in the Large and Small Catechisms that, as believers, we can look at the law as informative and not solely accusing. Harmonizing the second use of this latter truth, we can affirm that although the law always accuses (<i>lex semper accusat</i>), <b>it does not only accuse.</b>”<sup>70</sup></p> <p>Mattes: “Naturally, this raises the question of a third use of the Law which has long been in dispute among Lutherans. We should stand with the <i>Book of Concord</i> on this matter.<sup>32</sup> Otherwise <b>there is no way coherently to read apostolic parenesis</b> throughout the New Testament.”<sup>71</sup> [“there is <b>no way coherently to read apostolic parenesis</b> throughout the New Testament.” The need for coherence comes from the presumption of eternal law. As Forde shows, eternal law and the third use of the law go hand in hand.]</p>	<p>“Especially 5 and 6 of the Formula of Concord concern themselves with <b>the functional understanding of law and gospel</b>. Both the Epitome and the Solid Declaration speak of the ‘office’ of the law and define it functionally over against sin.</p> <p>‘Everything that preaches about our sin and the wrath of God, no matter how or when it happens, is the proclamation of the law. On the other hand, the Gospel is a proclamation that shows and gives nothing but grace and forgiveness in Christ. At the same time it is true and right that the apostles and the preachers of the Gospel, just as Christ himself did, confirm the proclamation of the law and begin with the law in the case of those who as yet neither know their sins nor are terrified by the wrath of God, as he says in John 16:8, ‘The Holy Spirit will convince the world of sin because they do not believe in me.’ In fact, where is there a more earnest and terrible revelation and preaching of God’s wrath over sin than the passion and death of Christ, his own Son? But as long as all this proclaims the wrath of God and terrifies man, it is not yet the Gospel nor Christ’s own proclamation, but it is Moses and the law pronounced on the unconverted.’<sup>31</sup></p> <p>“This passage is especially interesting because it demonstrates that <b>not content but function decides what law or the office of law is</b>. Everything, no matter how or when it is done, that attacks, accuses, and exposes sin is ‘Moses’ and performs the office of law. Even, indeed especially, the passion and death of Christ, which would hardly be accounted as law according to content, nevertheless functions as law as long as</p>

<sup>70</sup> Mattes, “Beyond the Impasse: Re-examining the Third Use of the Law,” 277.

<sup>71</sup> Mattes, “Properly Distinguishing Law and Gospel as the Pastor’s Calling,” *The Necessary Distinction*, 132. Internal footnote 32: “Solid Declaration V.”

<b>Book of Concord supports a third use of law</b>	<b>Forde on the <i>Book of Concord</i></b>
	<p>it proclaims wrath and terrifies. <b>Here it can clearly be seen that ‘law’ designates a function of the word of God.</b><sup>72</sup></p> <p>“Formula of Concord (Article 6) vacillates on the issue. On the one hand, it speaks of a third use of the law to be applied to the regenerate, but then it goes on to say it is necessary because regeneration is incomplete in this life. It is an attempt <b>to have it both ways and thus threatens only to obscure the issue.</b>”<sup>73</sup></p>

\* \* \* \* \*

**9. The two kingdoms doctrine is intrinsic to the proper distinction between law and gospel.**

<b>God’s eternal law, summarized in the Decalogue, governs all.</b>	<b>Forde: The Lord governs his left-hand kingdom through human law codes. Common reason is the arbiter in God’s left-hand kingdom.</b>
<p>For <b>Nestingen</b> the decalogue is natural and supernatural law. This makes his theology “a one-membered eternal scheme,” or a one-kingdom theology. He makes no mention of the two kingdoms doctrine in his essay in <i>The Necessary Distinction</i>, nor does he mention that the law is human and changing, and that common reason is the proper arbiter in God’s left-hand kingdom.</p> <p>For <b>Paulson</b> the decalogue is natural and supernatural law. This makes his theology a “one-membered eternal scheme,” or a one-kingdom theology. He makes no mention of the two kingdoms doctrine in his essay in <i>The Necessary Distinction</i>, nor does he mention that the law is human and changing, and that common reason is the proper arbiter in God’s left-hand kingdom.</p> <p>For <b>Hopman</b> the decalogue is natural and supernatural law. This makes his theology a “one-membered eternal scheme,” or a one-kingdom theology. He makes no mention of the two</p>	<p>“The theological systems which result from these <b>two ways of defining law</b> are also quite different. In the first instance, law ‘in its essence’ remains <b>the basic structure of the system</b>....In the second instance there is a decisive break. The law comes to its <i>end</i> in the eschatological event, the <i>res</i> which the law demands breaks in and brings the law to an end. This means that in place of a <b>one-membered eternal scheme, a two-membered dialectical scheme governs the system</b>. Only by participation in the eschatological event does the law come to its end for the believer. <b>This gives the terminology of the system a basically different thrust, even though that terminology may in many instances be the same.</b>”<sup>76</sup></p> <p>“The gospel as the unconditional promise of the kingdom <b>humanizes and naturalizes the law</b>. No doubt we can say even that it “contextualizes” the law—as long as we realize that the gospel does this and not just the passage of time or historical expediency. The distinction between</p>

<sup>72</sup> Forde, “Law in Lutheran Theology,” *Justification by Faith. Lutherans and Catholics in Dialogue VII*, 294-95, Internal footnote 31: “FC SD 5:12; BS 955-56; BC 560; WA 15:228.”

<sup>73</sup> Forde, “Justification and This World,” *Christian Dogmatics*, 2:460.

<sup>76</sup> Forde, *The Law-Gospel Debate*, 185.

<p style="text-align: center;"><b>God's eternal law, summarized in the Decalogue, governs all.</b></p>	<p style="text-align: center;"><b>Forde: The Lord governs his left-hand kingdom through human law codes. Common reason is the arbiter in God's left-hand kingdom.</b></p>
<p>kingdoms in his essay on Forde in <i>The Lutheran Forum</i> or in his article on Luther in the <i>Antinomian Disputations</i> in the <i>Lutheran Quarterly</i>. Hopman never mentions that the law is human and changing, nor does he lift up common reason as the proper arbiter in God's left-hand kingdom.</p> <p>For <b>Mattes</b> the decalogue is natural and supernatural law. This makes his theology a "one-membered eternal scheme," or a one-kingdom theology. He makes no mention of the two kingdoms doctrine in his essay in <i>The Necessary Distinction</i>, nor does he mention that the law is human and changing, and that common reason is the proper arbiter in God's left-hand kingdom.</p> <p>Hopman: "Luther dealt <b>most directly</b> with the role of the law in the Christian life in the <b><i>Antinomian Disputations</i></b>. <b>More than on any other occasion</b> he was forced by the Antinomians, quite late in his life, to praise and support the preaching of the law in the church. Yet even on this occasion Luther repeatedly and consistently <b>limited the law</b> and taught Christian freedom from the law."<sup>74</sup> [For Hopman, as for his older colleagues, natural law is really supernatural law. The law is limited to this life, but <b>not humanized</b>. It remains God's eternal law. In contrast, Forde: "Precisely the proper distinction between law and gospel limits and <b>humanizes the law</b>."<sup>75</sup>]</p>	<p><b>the two kingdoms</b> or kinds of rule is made precisely to foster such <b>humanization</b>."<sup>77</sup></p> <p>The line between this world and the next is drawn by God's grace. This establishes the world as a place <b>under the law</b> in which man can live, work, and hope. It should establish a sphere in which law can be seen as a good rather than a bad thing....Hope in the world to come creates the faith and patience to life in this world; it gives this world back to us by relieving us of the burden of our restless quests. Freedom from the world makes us free for it. Just so faith in the gospel does not despise the law or destroy it, rather <b>it places the law for the first time on a solid basis</b>....</p> <p>"This world is run by law. When the law is limited by the gospel of God's kingdom to come we can see that it has its proper and just place in the world....We begin to see that its purpose is not to get us to heaven, but to help to take care of this earth, to be used as <b>a weapon in the battle against the tyranny of the devil</b>. So it was that Luther insisted that governmental officials too were God's magistrates on earth. <b>The political realm is ordained by God</b> in that sense to take care of human beings and to restrain the power of evil and the devil....<b>Law belongs to earth, not to heaven. It is natural, not supernatural</b>. It is a servant, not a master.</p> <p>"That is why <b>Luther did not speak of law as something static and unchangeable</b>. Laws will and must change in their form as the times demand. Luther, for instance, refused to grant eternal status even to the laws of Moses. They are strictly 'natural,' he said, not unlike the common law of any nation. <b>Men on this earth</b></p>

<sup>74</sup> Hopman, "Antinomian Disputations and *lex aeterna*," *Lutheran Quarterly* 30, 172.

<sup>75</sup> Forde, "Forensic Justification and the Law in Lutheran Theology," *Justification by Faith. Lutherans and Catholics in Dialogue VII*, 301.

<sup>77</sup> Forde, "Justification and This World," *Christian Dogmatics*, 459.

<p style="text-align: center;"><b>God’s eternal law, summarized in the Decalogue, governs all.</b></p>	<p style="text-align: center;"><b>Forde: The Lord governs his left-hand kingdom through human law codes. Common reason is the arbiter in God’s left-hand kingdom.</b></p>
	<p><b>simply don’t have access to eternal laws.</b> But men do have <b>the gift of reason and the accumulated wisdom of the ages as well as the Bible.</b> Here is the task for man’s <b>reason and created gifts.</b> Once cured of religious and mythological ambitions, they can be put to work as they ought: taking care of men. For in the final analysis, all man’s vocations are to be enlisted in the battle against the devil.”<sup>78</sup></p> <p>“Law is to be used for political purposes, i.e., for taking care of people here on earth in as good, loving, and just manner as can be managed. <b>Reason</b>, i.e., critical investigation using the best available wisdom and analysis of the concrete human situation in given instances, <b>is to be the arbiter in the political use of the law.</b>”<sup>79</sup></p> <p>“For faith in the end of the law leads to the view that its purpose is to take care of this world, not to prepare for the next. That means <b>we do not possess absolute, unchangeable laws.</b> If the law no longer takes care of this world, <b>it can and must be changed.</b> As even Luther put it, we must <b>write our own decalogue to fit the times.</b>”<sup>80</sup></p>

\* \* \* \* \*

<sup>78</sup> Forde, *Where God Meets Man*, 110-12.

<sup>79</sup> Forde, “The Viability of Luther Today,” *Word & World* 7 (1987) 27.

<sup>80</sup> Forde, “*Lex semper accusat?* Nineteenth-Century Roots of Our Current Dilemma,” *dialog* 9 (1970) 274; *A More Radical Gospel*, 49; and *The Essential Forde. Distinguishing Law and Gospel*. Eds. Nicholas Hopman, Mark C. Mattes, and Steven D. Paulson (Minneapolis: Fortress, 2019) 193.

The tables above show that while Hopman, Mattes, Nestingen, and Paulson praise Forde, they also set him aside in order to promote an older view of law as God's eternal order revealed in an inerrant scripture. They may give lip service to the two kingdoms, but they promote a one-kingdom theology based on the Decalogue as God's eternal law. In short, they throw eternal law **out the front door** only to sneak it **in the back door** through the Decalogue.

As Forde wrote: "The theological systems which result from these **two ways of defining law** are also quite different. In the first instance law 'in its essence' remains the basic structure of the system....In the second instance, there is a **decisive break.**"<sup>81</sup> The terminology used in both systems "may in many instances be the same," and yet **Luther's two kingdoms theology has "a basically different thrust."**<sup>82</sup>

That thrust is evident in what Forde writes about the two kingdoms:

- Law belongs to earth, not to heaven. It is natural, not supernatural.
- We don't have access to eternal laws.
- The Lord works through human codes, some better, some worse, to restrain evil.
- Common reason is the moral arbiter in God's left-hand kingdom.
- We are free to use our heads in the battles of life.

---

<sup>81</sup> Forde, *The Law-Gospel Debate*, 185.

<sup>82</sup> Forde, *The Law-Gospel Debate*, 185.