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# THE LAW AND THE GOSPEL

## IN ETHICAL DECISION-MAKING

*Frank Morgret*

### INTRODUCTION

The ethos of a community is the characteristic spirit or overarching tone of feeling of that community,<sup>1</sup> especially insofar as that spirit speaks to the morality of the conduct of that community.<sup>2</sup> Ethics is the normative study of what the ethos of a community should be as well as what that ethos is.<sup>3</sup> Christian ethics, then, is the normative study of what the Christian ethos is and should be. When we discuss Christian ethics, we are discussing the norms for morality of Christians, i.e. of those who acknowledge Jesus Christ as Lord. Because we acknowledge the Lordship of Jesus Christ, our ethics is necessarily theological; that is to say, Christian ethics necessarily proceeds from a theocentric foundation. Christian ethics uses God's norms, and it pronounces God's judgment upon the moral quality of the Christian life.<sup>4</sup> That being the case, Christian ethics is vitally interested in God's revelation of Himself and of His Will recorded in Holy Scripture, for it is this revelation that provides those norms whereby Christian ethics measures the Christian ethos.<sup>5</sup>

However, the fact that Christian ethics stands firmly rooted in the Scriptures does not allow us to reduce the Bible to merely a divinely given rule book for correct living. Such a reduction ignores two salient facts concerning the Christian ethos.

Such a reduction ignores the nature of the Christian who is living out the Christian ethos in his life in this world. Specifically, it ignores his status as *simul justus et peccator*<sup>6</sup> The Christian is a sinner who breaks the divine Law. He remains a sinner to

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1. *The Compact Edition of the Oxford English Dictionary*, 1971 ed., s.v. "ethos".

2. Werner Elert, *The Christian Ethos* trans. by Carl J. Schindler (Philadelphia: Fortress Press, 1957), p. 3.

3. *The Compact Edition of the Oxford English Dictionary*, 1971 ed., s.v. "ethics".

4. Elert, p. 7.

5. 2 Timothy 3:15-17; in this regard see also *Formula of Concord*, Comprehensive Summary, 3.

6. Martin Luther, *Lectures on Galatians, 1535* trans. by Jaroslav Pelikan, vol. 26 of *Luther's Works, the American Edition* ed. by Jaroslav Pelikan and Walter A. Hansen (Philadelphia and St. Louis: Fortress Press and Concordia Publishing House, 1956- ), p. 232-34. Further references to this set will designate it by the abbreviation "Am. Ed."

his death. To reduce the Bible to a rule book is to reduce the Christian ethos to an acceptance of divine imperatives. But the Christian, because he is a sinner, does not accept the divine imperatives. Therefore for the Christian ethicist to reduce the Bible to a rule book is for him to postulate and to attempt to study a Christian ethos that does not exist.<sup>7</sup>

Such a reduction also ignores the revelation of God's will that is found in Scripture. God reveals His righteous immutable will in His Law which tells us what we are to do and what we are to refrain from doing.<sup>8</sup> However, God also reveals His gracious will for us in the Gospel which tells us what God has done and what He continues to do for our salvation.<sup>9</sup> To make the Bible a mere catalogue of moral rules ignores the Gospel, the revelation of God's gracious, saving will that is found there.

Therefore, the Christian ethicist turns to Scripture mindful that God there pronounces upon man a judgment that is found in both Law and Gospel.<sup>10</sup> He remembers that "the doctrinal content of the entire Holy Scriptures, both of the Old and the New Testament are made up of two doctrines differing fundamentally from each other, viz., the Law and the Gospel."<sup>11</sup> This knowledge is basic to the Christian's use of Scripture in reaching ethical decisions.<sup>12</sup>

## THE LAW IN ETHICAL DECISION-MAKING

Christian ethics is concerned with determining God's judgment on the moral quality of Christian life. One criterion of that judgment is the Law of God.

In times past, it has been the custom of Lutheran theologians to speak of three uses of the Law.<sup>13</sup> Although this division, as well as the definitions of each use of the Law, have been misunderstood,<sup>14</sup> it is still useful for our purposes.

The first use of the Law is that use which Luther called the *usus politicus*, its use to maintain outward discipline and order among human society. Of this use, Melancthon wrote in the *Apology*, ". . . God wishes those who are carnal to be restrained by civil discipline, and to maintain this, He has given laws, letters, doctrine, magistrates, penalties. And this righteousness reason, by its own strength, can, to a certain extent, work, although it is often overcome by natural weakness, and by the devil impelling it to manifest crimes."<sup>15</sup>

Luther called this use the *usus politicus* because in this use the Law is employed to

7. Cf. Elert, p. 14.

8. *Formula of Concord*, Thorough Declaration, V. The Law and the Gospel, 17.

9. *Ibid.*, 21-22.

10. Elert, p. 17.

11. C.F.W. Walther, *The Proper Distinction Between Law and Gospel* trans. by W.H.T. Dau (St. Louis: Concordia Publishing House, 1928), p. 6.

12. See also the discussion of Thielicke concerning the fact that the Christian lives simultaneously in two aeons; that is to say, they live "in the flesh" but not "according to the flesh." He makes this point quite clear in his *Theological Ethics, Volume 1: Foundations* trans. & ed. by William H. Lazareth (Philadelphia: Fortress Press, 1966), pp. 39-47.

13. *Formula of Concord*, Epitome, VI. Of the Third Use of the Law, 1. See also *Formula of Concord*, Thorough Declaration, VI. Of the Third Use of God's Law, 1.

14. See, e.g., *Ibid.*, 2-3.

15. *The Apology of the Augsburg Confession*, IV, 23-24.

protect and support society. In this use, the Law acts as a curb, preventing, to a degree, gross outbreaks of sin.

David Hollaz described this first use of the Law in his *Examen Theologicum Acroamaticum* where he wrote, “*The political use of the law consists in the preservation of external discipline, that wicked and licentious men may be turned away from heinous offenses, by presenting before them the penalties and rewards. According to this use, the Law is a bridle or barrier by which sinners are restrained.*”<sup>16</sup>

This first use of the Law applies, as Melancthon and Hollaz noted, to unbelievers. They possess the Law not by revelation but rather by a natural knowledge of the Law, given them by God. Paul mentioned this knowledge of the Law when he wrote, “. . . when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: which shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another.”<sup>17</sup>

The Christian employs the Law of God according to its first use when the Law dissuades him from sinning for fear of the punishment that sin will bring down upon him. Fear of punishment is not the primary motive for the Christian’s keeping of the Law. However, because the Christian is still in this flesh and subject to the temptations of this flesh, there are times when the threats of the Law must be applied to him in order that he not fall into sin. The Christian needs the Law applied to him in this way not because he is a believer but because the sinful flesh still inheres in him; he is still *peccator*.<sup>18</sup>

The second use<sup>19</sup> of the Law is as a mirror in which the Christian looks to see his true condition as a sinner before the Almighty God. As Graebner has written, “To convince the sinner of his innate sinfulness and of his manifold offenses against the holy will of God, of the guilt incurred by original and actual sin, and of the righteous wrath of God, is, since the fall of man, a chief purpose of the divine law.”<sup>20</sup>

When the Christian measures his actual conduct against the conduct that God

16. David Hollaz, *Examen Theologicum Acroamaticum*, p. 1021, quoted in Heinrich Schmid, *The Doctrinal Theology of the Evangelical Lutheran Church* trans. by Charles A. Hay and Henry E. Jacobs (Minneapolis: Augsburg Publishing House, 1899), p. 515.

17. Romans 2:14-15.

18. R. Herrmann, “The Decalog and the Close of the Commandments” in Theodore Laetsch, ed., *The Abiding Word*, 3 vols. (St. Louis: Concordia Publishing House, 1958), 1:133. In this regard see also *Formula of Concord*, Epitome, VI, The Third Use of the Law, 4, “. . . although they are regenerate and renewed in the spirit of their mind, yet in the present life this regeneration and renewal is not complete, but only begun, and believers are, by the spirit of their mind in a constant struggle against the flesh, that is, against the corrupt nature and disposition which cleaves to us unto death. On account of this old Adam, which still inheres in the understanding, the will, and all the powers of man, it is needful that the Law of the Lord always shine before them, in order that they may not from human devotion institute wanton and self-elected cults; likewise, that the old Adam also may not employ his own will, but may be subdued against his will, not only by admonition and threatening of the Law, but also by punishments and blows, so that he may follow and surrender himself captive to the Spirit, I Cor. 9:27; Rom. 6:12; Gal. 6:14; Ps. 119:1ff; Heb. 12:1.”

19. *Formula of Concord*, Epitome, VI. Of the Third Use of God’s Law, 1.

20. A.L. Graebner, *Outlines of Doctrinal Theology* (St. Louis: Concordia Publishing House, 1898), pp. 79-80.

demands of him, he sees quickly how woefully short he has fallen of what he should be. Paul spoke for all Christians when he wrote, “. . . we know that the Law is spiritual: but I am carnal, sold under sin. For that I would do I allow not; but what I hate, that I do. If then I do that which I would not, I consent unto the Law that it is good. Now then it is no more I that do it, but sin that dwelleth in me. For I know that in me (that is, in my flesh,) dwelleth no good thing: for to will is present with me; but how to perform that which is good I find not. For the good that I would I do not: but the evil which I would not, that I do. Now if I do that I would not, it is no more I that do it, but sin that dwelleth in me. I find then a law, that, when I would do good, evil is present with me. For I delight in the Law of God after the inward man: But I see another law warring against the law of my mind, and bringing me into captivity to the law of sin which is in my members.”<sup>21</sup>

The Law always performs this second function for the Christian. As the *Apology* tells us, the law always accuses.<sup>22</sup> Thus, whatever other use the Christian makes of the Law, it is important for the Christian to see that he has *not* kept the Law. It is important for him to understand that “men by their own strength cannot fulfill the Law of God, and all are under sin, and subject to eternal wrath and death . . . .”<sup>23</sup>

It is vital for the Christian to remember that he cannot keep the Law, that the Law always accuses him of sin. Otherwise, he will be tempted to fall into a false security. He will be tempted to think that it is by virtue of his attempts to obey the commandments that God adjudges him to be good. To come to this conclusion is to fall from the grace of God into the deadly trap of works righteousness. It is to deny that “by the deeds of the Law shall no flesh be justified in His sight; for by the Law is the Knowledge of sin.”<sup>24</sup> If the Christian denies this, then he has denied the necessity of the sacrifice of Christ for his sins and is no longer deserving of the name “Christian.”

The second use of the Law serves to keep the Christian engaged in ethical decisions mindful of his own nature. It reminds him of his fallibility and of his past failures. It reminds him that he, too, stands daily in need of the forgiveness that comes to him alone through faith in Jesus Christ as His Lord and His Saviour. Thus the second use of the Law serves the Christian by helping him to keep the Law in the appropriate perspective as he goes about making an ethical decision. At the same time, the Law shows the Christian the absolute standards of behaviour that are demanded by God and his own inability to live according to these standards. That being the case, the Law, in its second use, reminds the Christian of his paradoxical nature as both sinner and saint.

The third use of the Law is that use by which Christians are guided as they serve their Saviour. In this use, the Law serves as a guide to the Christian, telling him what conduct is pleasing to his God and what conduct his God abhors. In this respect, the Law guides the believer even after he has come to faith in the Lord Jesus. Concerning this third use of the Law, the Confessions say, “. . . when man is born anew by the Spirit of God, and liberated from the Law, that is, freed from this driver, and is led

21. Romans 7:14-23.

22. *Apology of the Augsburg Confession*, IV., 38. Melancthon here quotes Romans 14:15, “The Law worketh wrath,” in support of his argument that the Law always accuses man.

23. *Ibid.*, 40.

24. Romans 3:20.

by the Spirit of Christ, he lives according to the immutable will of God comprised in the Law, and so far as he is born anew, does everything from a free, cheerful spirit; and these are called not properly works of the Law, but works and fruits of the Spirit, or as St. Paul names it, *the law of the mind* and *the Law of Christ*. For such men are no more under the Law, but under grace, as St. Paul says, Rom. 8:2.<sup>25</sup>

It is the third use of the Law that has been debated most often, and it is this use that has been most often misunderstood as well. Some theologians have argued that Christians do not need the Law for they are the temples of the Holy Ghost and do by nature that which the Law requires.<sup>26</sup> Others have held that the Christian is moved to do what God desires when he hears or reads the Law and that the Law is to be preached in order to motivate Christians to do that which God desires.<sup>27</sup>

The *Formula of Concord* dealt with this matter, for the antinomian controversy had made it an issue in the church in the latter half of the sixteenth century. The formulators of the *Formula* wrote, "For the explanation and final settlement of this dissent we unanimously believe, teach, and confess that although the truly believing and truly converted to God and justified Christians are liberated and made free from the curse of the Law, yet they should daily exercise themselves in the Law of the Lord, as it is written, Ps. 1:2; 119:1: Blessed is the man whose delight is in the Law of the Lord, and in His Law doth he meditate day and night."<sup>28</sup>

The Christian is freed from the curse of the Law. No longer is the Law of God a burden to the person who trusts in the sacrifice of Christ for the forgiveness of his sins. However, the Law continues to serve the believer as a guide. It shows him what God desires and what God abhors. Although the Christian has the Law written upon his heart, that knowledge of the Law is imperfect. In order to know correctly and completely what God desires his conduct to be, the Christian must make use of the Law as it has been revealed in Scripture.<sup>29</sup>

The authors of the *Formula of Concord* were also aware of the fact that some were teaching that the Law motivates the Christian to perform good works. In regard to this error, they wrote at some length. ". . . the Law says indeed that it is God's will and command that we should walk in a new life, but it does not give the power and ability to begin and do it; but the Holy Ghost, who is given and received, not through

25. *Formula of Concord*, Thorough Declaration, VI. Of the Third Use of God's Law, 17.

26. *Ibid.*, 2.

27. John Calvin, *Institutes of the Christian Religion* trans. by Henry Beveridge (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1964), I, 309. "Then, because we need not doctrine merely, but exhortation also, the servant of God will derive this further advantage from the Law: by frequently meditating upon it, he will be excited to obedience, and confirmed in it, and so drawn away from the slippery path of sin. In this way must the saints press onward, since however great the alacrity with which, under the Spirit, they hasten toward righteousness, they are retarded by the sluggishness of the flesh and make less progress than they ought. The Law acts like a whip to the flesh, urging it on as men do a lazy sluggish ass. Even in the case of a spiritual man, inasmuch as he is still burdened with the weight of the flesh, the Law is a constant stimulus, pricking him forward when he would indulge in sloth."

28. *Formula of Concord*, Thorough Declaration, VI., Of the Third Use of God's Law, 4.

29. Thus Paul wrote, "I had not known sin, but by the law: for I had not known lust, except the law said, Thou shalt not covet" (Rom. 7:7).

the Law, but through the preaching of the Gospel, Gal. 3:14, renews the heart.”<sup>30</sup>

Concerning this subject, Walther wrote, “. . . the Word of God is not rightly divided . . . when an endeavor is made, by means of the commands of the Law rather than by the admonitions of the Gospel, to urge the regenerate to do good.”<sup>31</sup>

In his explanation of this statement, Walther referred to Gal. 3:2, “This only would I learn of you, Received ye the Spirit by the works of the Law or by the hearing of faith?”<sup>32</sup> He elaborated, “A person who has a real understanding of the love of God in Christ Jesus is astonished at its fire, which is able to melt anything in heaven and on earth. The moment he believes in this love he cannot but love God and from gratitude for his salvation do anything from love of God and for His glory. It is a useless effort to try to soften with laws and threatenings such hearts as are not melted by having the love of God in Christ Jesus presented to them.”<sup>33</sup>

Thus, when we speak of the third use of the Law, we speak of the fact that the Law of God serves as a guide to the believer, showing him what is right and what is wrong in the eyes of God. However, the Law does not go beyond that. In particular, the Law does not call forth those works that are good and pleasing to God. This is the task of the Gospel.

## THE GOSPEL IN ETHICAL DECISION-MAKING

As we have seen, it is the Gospel, the message that in Jesus Christ God shows a gracious will toward man, that motivates the believer to do that which is ethically correct. The believer serves God out of love, a love that is called forth by the knowledge of God’s prior love toward him.<sup>34</sup> The message of God’s love toward mankind is found in the Gospel.<sup>35</sup> The Christian, then, ensures that he makes good use of the Gospel so that he will have the motivation and the strength to do that which is right in the eyes of his God. He also remembers to encourage other believers with the Gospel rather than lashing them with the Law when he wishes to encourage them to do that which is right and good in the eyes of God.

The Gospel serves another purpose for the Christian as he tries to live an ethical life in this sinful world. It comforts the Christian, assuring him that his sins are forgiven.

All too often it happens that we who know of the love of God fail to respond to that love in acts of love toward others. Instead of doing that which is ethical and good, we sin against our neighbour and against our God. The Gospel reminds us that in the blood of Jesus Christ there is forgiveness for our sins. The Gospel reminds us that Christ came into the world to redeem sinners such as we are.

The knowledge of the Gospel does not lessen the seriousness with which we regard our own sins. Quite the contrary. It is only when one realizes that his sins have made necessary the crucifixion of the Lord of glory that he can see the true magnitude and gravity of his sins. Only when one realizes that it is his own sins that

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30. *Formula of Concord*, Thorough Declaration, VI., Of the Third Use of God’s Law, 11.

31. Walther, p. 4.

32. *Ibid.*, p. 385.

33. *Ibid.*, p. 389.

34. 1 John 4:19.

35. John 3:16-17.

caused Jesus Christ to be nailed to a cross can he gain an estimate of the true weight of his own guilt.

The Gospel does not lessen the weight of one's sins. Instead, it places that weight on the Lamb of God, and it assures the sinner that the blood of Jesus Christ cleanses him from all of his sins.<sup>36</sup> The believer needs this assurance of forgiveness that is to be found in the Gospel, for making ethical choices is not so easy as it seems.

## THE BORDERLINE SITUATION

In his *Theological Ethics*, Helmut Thielicke describes what he calls the borderline situation.<sup>37</sup> Reduced to its bare essentials, a borderline situation occurs when one finds oneself in a situation where all of the choices at one's disposal are contrary to the Law.<sup>38</sup>

Thielicke points out that while most ethical problems arise in borderline situations, most discussions of ethics avoid borderline situations entirely, if at all possible. Thus, most discussions of ethics deal with situations that seldom if ever arise.

An example will show how correct Thielicke is in this regard. Seldom, if ever, is a pastor consulted concerning an ethical issue that is a clear-cut choice between right and wrong. Thus, probably no one has ever seriously approached his pastor to ask, "My neighbour insists on playing his stereo loudly late into the night; may I shoot him?"

Instead of clear-cut choices between right and wrong, far too often we are confronted with vexing choices between wrong and wrong, that is with a borderline situation. When the wife seeks the pastor's advice concerning whether or not she should seek a place in a senior citizens home for her aged parents who now live with her, her husband, and their children, she is involved in a situation that has no ethically good outcome. If she is successful in placing her parents in a senior citizens home, the result will be that she will then show them less care, less attention, and less affection than would be the case were they to remain in her home. On the other hand, if she abandons her efforts, the presence of her parents will continue to exert the disrupting influence on her home that moved her to consider placing them in a home in the first place.

Thus, the wife finds herself in a borderline situation, in a situation where she no longer has any "good" choices. This is the essence of her problem and of the problem any Christian faces in a borderline situation. In a borderline situation, the believer is no longer confronted by a choice between good and evil. He, instead, faces a choice between two evils. Regardless of what choice he makes in a borderline situation, he will sin.

Thielicke points out that this characteristic of the borderline situation is the result of the sinfulness of the world and the sinfulness of the person in the borderline situation.<sup>39</sup> Thus, when I am faced with a borderline situation, I cannot blame my

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36. I John 1:7.

37. Thielicke, pp. 578-647.

38. *Ibid.*, pp. 594-600.

39. *Ibid.*



plight upon all the other people in the world. I am a sinner, too. Moreover, it is often the case that when I discover myself in a borderline situation I can see how my own sins have brought me to this point.

What do Law and Gospel have to say to the believer facing the agony of deciding what to do in a borderline situation?

First, the Law does not allow him to deny the reality of the situation. Far too often, we attempt to solve a borderline situation by setting aside the Law of God. Thus, if I am at the home of a friend who undergoes a serious injury requiring the immediate aid of a physician, and I discover that I do not have my driver's license when he asks me to drive him in his car to the hospital, I cannot escape the borderline situation by saying that it will be all right for me to drive without a license this time. As a Christian, I am required by God to be subject to the laws of the land.<sup>40</sup> The requirement that I have a valid operator's license with me when I operate a motor vehicle upon the roads and highways of the province is established by law. Thus, while I shall certainly break the fifth commandment if I do not come to the aid of my friend in his time of critical physical need, I shall certainly break the fourth commandment when I do so by violating the law of the land. To deny this is to set aside the Law, something that cannot be done.<sup>41</sup>

Thus the Law does not let the believer trapped in a borderline situation take his predicament lightly. The Law underlines the wrongness of mankind and the wrongness of the individual in every borderline situation that occurs. The Law opposes the individual's attempt to avoid blame in the borderline situation with its unyielding demands and prohibitions. Perhaps it is in the borderline situation more than in any other situation that the believer learns the stern truth that the Law *always* accuses.

However, if the Law always accuses, the Gospel always proclaims God's forgiveness of the believer. Forgiveness and eternal life are the believer's present possession, even as he lives as a sinner in this sinful world.

The forgiveness proclaimed by the Gospel does not somehow mitigate the seriousness of the sin; were it to do so, it would set aside the Law. The Gospel, in pointing to the Cross, acknowledges the seriousness of the sin even as it announces the forgiveness for the sin.

However, the Gospel comforts the Christian trapped in a borderline situation with the assurance that his sin—even his sin committed knowingly, the wrong he has chosen over the wrong he has avoided—is forgiven. The Gospel tells the Christian that God knows him to be the sinner who he is and that nevertheless God has done that which was necessary so that he might be forgiven.

If the Law is not set aside by the fact of the borderline situation, neither is the Gospel negated by it. The Christian who finds himself trapped (all too often, in a trap of his own making) with no right choice left to him can know the comfort of God's forgiveness even in the very moment of his disobedience. Far from taking sin lightly, this knowledge of the Gospel in the midst of the borderline situation is a knowledge

40. *Apology of the Augsburg Confession*, XVI, 55; Rom. 13:1.

41. Isaiah 40:8.

that comes only from a sober understanding of the weight of the sin, a knowledge made possible by the Law as well as by the Gospel.

When it is first described, it may seem that the borderline situation is the case in which the Law and Gospel have little or nothing to say to the Christian. A closer examination reveals that this is not the case. In the borderline situation, the harsh condemnation of the Law speaks to the believer with all of its finality. The conduct of the believer is condemned, regardless of what choice he makes, insofar as the Law is concerned. However, the Christian stands within the grace of God. To the Christian trapped in the borderline situation the Gospel speaks with all the greater power and clarity, "Be of good cheer; thy sins be forgiven thee."<sup>42</sup>

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42. Matt. 9:2.