

## LAW AND FREEDOM IN THE OLD TESTAMENT

### INTRODUCTION

Debates among Christians about the nature of the law in the Old Testament are certainly as old as the Church herself (Acts 15) and, among Jews, older than the formative post-exilic period of early Judaism. From ancient times to modern, the extremes of legalism to antinomianism continue to make their presence felt.

The Lutheran theological tradition addresses the issue of the law within the context of the Gospel. In this way, the Lutherans of the 16<sup>th</sup> century operated from a distinctly different perspective than did those of the Swiss reformation. For Calvin, the third use of the law shone as the brightest of lights, bringing with it the sanctification of Christianity and the establishment of theocratic inter-human relationships. The Lutherans, on the other hand, feared that an overemphasis on the third use of the law would turn the Gospel itself into a new law.

Karl Barth, the prominent 20<sup>th</sup> century Swiss theologian, particularly challenged Luther and the Lutherans at the heart of Lutheran theology in an article significantly titled, “Gospel and Law.”<sup>1</sup> The reversal of the familiar “Law and Gospel” was fully intentional on Barth’s part; the law according to Barth does not rival the Gospel but is another form of it. The law must follow the Gospel. Thus, Barth’s own involvement in the political world after WW II. More familiar to American Lutherans is the indirect influence of Barth in much of modern preaching. Part I: the 2<sup>nd</sup> use of the law. Part II: the

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<sup>1</sup> Karl Barth, “*Evangelium und Gesetz*” ET “Gospel and Law”, *Community, State and Church* (Gloucester, MA: P. Smith, 1968) 71-100.

Gospel. And then the real point of the sermon in Part III: the third use of the law. In other words, the Gospel becomes the empowerment to lead godly lives.

For the Lutheran reformers, the law served three purposes, known popularly among Lutherans as curb, mirror and guide.<sup>2</sup> Each of these is studied as distinct from the others, although that distinction is not always clear. But they also are collectively and individually distinct from the Gospel itself. The Lutheran confessors wrote:

The distinction between Law and Gospel is an especially brilliant light which serves the purpose that the Word of God may be rightly divided and the writing of the holy prophets and apostles may be explained and understood correctly. We must therefore observe this distinction with particular diligence lest we confuse the two doctrines and change the Gospel into law.<sup>3</sup>

This is far removed the perspective of Calvin and Barth, for whom law and Gospel are not all that distinct, as well as for modern preachers whose three part sermons culminate in what I prefer to call “the 3<sup>rd</sup> use of the Gospel”.

Contemporary New Testament scholarship focuses great attention on Paul and the law and Jesus and the law.<sup>4</sup> Old Testament scholarship approaches the topic of law in the Old Testament in quite a different way,<sup>5</sup> often in isolation from the broader canon of Scripture and at other times seeking a diachronic reading of the Hebrew Canon.<sup>6</sup>

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<sup>2</sup> FCSD VI:1

<sup>3</sup> FCSD V:1

<sup>4</sup> There is a rich bibliography of study of the law and the New Testament. Among other scholars, E.P. Sanders (*Paul and Palestinian Judaism* [Philadelphia: Fortress, 1977]; *Paul, the Law and the Jewish People* [Philadelphia:Fortress, 1983]) appears to be the major contributor. See also Heikke Raeisaenen, *Paul and the Law* (Tuebingen: Mohr, 1983) and Francis Watson, *Paul, Judaism, and the Gentiles: A Sociological Approach*, SNTSMS 56 (Cambridge: Cambridge University, 1986).

<sup>5</sup> See, for example, F. Crusemann, *The Torah: Theology and Social History of Israelite Law* (Minneapolis: Fortress, 1996) and D. Patrick, *Old Testament Law* (NY:John Knox, 1985).

<sup>6</sup> J.G. McConville (*Law and Theology in Deuteronomy* JSOTSS 33 [Sheffield:University of Sheffield] 1984) criticizes what he sees as tendency to read Deuteronomy’s laws as only one stage in historical development. As the title indicates, he understand Deuteronomy’s laws as theological statements.

I continue to find the work of Brevard Childs to be thought provoking and valuable, although I fundamentally dissent from his historical critical methodology. His emphasis upon the final form of the text in its canonical shape provides a marvelous balance to the splintering of the canon by traditional historical critical studies.

Childs recent work entitled *Biblical Theology of the Old and New Testaments. Theological Reflection on the Christian Bible*<sup>7</sup> provides an important corrective within the discipline of Old Testament theology. He constructs an intriguing analysis of law and Gospel in both Testaments, including a five part “theological characterization of Old Testament law.”<sup>8</sup> The law becomes something, which is (in Childs’ words) the “grounds of Israel’s identity as the people of God”...“the sign of her election”...the will of God “transforming Israel into the people of God.” It appears to me that Childs has understood the law of the Old Testament from the perspective of a Reformed theologian; that is, the law as something external to the nation of Israel. If it is external, then the law itself is the redeeming act of God in the election and formation of Israel as people of God. Thus, the old Lutheran versus Reformed debate about the proper role of law and Gospel is renewed under quite different terminology.

I propose that the law of the Old Testament is not external to Israel as the people of God but actually constitutes their identity. It is not the law that brought about their election, nor is it the law that transforms them into the people of God. Rather, the grace of God alone called them into being and formed them into His people. The law flows into and from that reality because in, with and through the Lord’s gracious call the law

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<sup>7</sup> Brevard S. Childs, *Biblical Theology of the Old and New Testaments. Theological Reflection on the Christian Bible* (Minneapolis: Fortress, 1992).

<sup>8</sup> Childs, *Biblical Theology of the Old and New Testaments* 536-7.

becomes essential to them. The law does not transform them *into* the people of God but rather transforms them *as* the people of God.

It is in this way that the law of God becomes the means through which true freedom is realized. It does not restrict or coerce the elect; rather it marks the boundaries of safety and freedom for them. To step outside those boundaries is to enter into idolatry and thus outside the very essence of their identity. In other words, an identity rooted in God and lived in His character is concomitant with the call of God to be His people.

Brevard Childs is frustrated with the disfunctionalism of critical scholarship. I understand that frustration and share it. But I also am frustrated with much of conservative scholarship where Biblical study is confined to morphological, grammatical and technical analysis and in which the meaning of the text is never clearly stated. I do not intend to engage in such safe endeavors in this paper. Nor do I intend to simply cite the positions of various contemporary scholars and merely position them one against another, as equally safe as that process might be. Rather, this paper is designed to begin a Biblical theological analysis of the function of Old Testament law within the Christian context with all the risks inherent in such an undertaking. It thus represents an initial probe into a canonical reading of the biblical witness to the function of the law.

## I. THE CHARACTER OF GOD AS PARADIGM

As Francis Pieper states in his *Christian Dogmatics*, two points must be maintained in any discussion of the attributes and essence of God:

In God, essence and attributes are not separate, but the divine essence and the divine attributes are absolutely identical, because God is infinite and above space (1 Kings 8:27) and time (Ps.90:2,4).....Second, since finite human reason cannot

comprehend the infinite and absolute simplex, God condescends to our weakness and in His Word divides Himself, as it were, into a number of attributes which our faith can grasp and to which it clings.<sup>9</sup>

As it is with God, so it is to be among his people; or, to put it another way, as God is, so his people are to be, “You shall be holy, for I the Lord your God am holy” (Lev 19:2). Holiness is both of the divine essence and of the divine attributes. It is thus also the essence of His people and is to be identified as an attribute of those elect.

If the people of God are to be holy as He is holy, then the laws of the Scripture must relate to the very character of the God of Israel. An intriguing paper entitled “Law is Grace-At Least Sometimes: Theological Reflections on Old Testament Redemption Laws”<sup>10</sup> by the distinguished Old Testament scholar Robert Hubbard of North Park Theological Seminary approaches this same search for the inter-relatedness of divine attributes and Old Testament law. Hubbard argues from the Covenant Code (Exod 21-23), the law of the Firstborn and the Kinsman-Redeemer that the character of God can be observed in the Old Testament law. He states that “as a mirror of God’s character, law offers us glimpses of God that deepen our understanding of him.”

Hubbard’s methodology is helpful, yet I would choose a different path. Rather than argue from the law to the attributes of God, I would argue from the attributes of God to the law. To do so is intended to conform this study to the starting point of theology, which is God Himself. Our Lutheran theological heritage speaks of God’s attributes from several perspectives, of course. In this paper, I will exclude the “negative attributes” of God (Unity, Simplicity, Immutability, Infinity, Omnipresence, Eternity), as described by

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<sup>9</sup> Francis Pieper, *Christian Dogmatics* (St. Louis: Concordia, 1950) 428.

<sup>10</sup> Robert L. Hubbard Jr., “Law Is Grace-At Least Sometimes: Theological Reflections on Old Testament Redemption Laws”, <http://www.npcts.edu/sem/resources/lawgrace.html>.

Pieper,<sup>11</sup> as these may be said only of God Himself and not of mortals. On the other hand, three positive attributes related to will of the God of Israel<sup>12</sup> may serve as points of theological reflection: the holiness of God, the justice of God and the power of God.

*The Holiness of God (Sanctitas Dei)*

We begin with the assertion that God is holy. By this we refer both to His supreme majesty and absolute transcendence, as well to his ethical purity. In Him is found no sin nor can any sinful thing stand before him. He is not a reflection of human culture with its proclivity toward all things impure, a mere theological construction each generation is free to recreate in their own image. He is the God before whom Isaiah could only proclaim, “Woe is me! For I am lost! For I am a man of unclean lips and I dwell in the midst of a people of unclean lips” (Is 6:5).

*The Justice of God (Iustitia Dei)*

God is just. It is impossible to charge Him with any injustice because He is outside the law and is Himself creator of the law. Moses, in his great Song, exulted, “The Rock, his work is perfect; for all his ways are justice. A God of faithfulness and without iniquity, just and right is he” (Deut 32:4). God’s justice is legal, rewarding the good and punishing the evil.

Yet it is also evangelical in its unilateral declaration of righteousness for the sinner who fails to conform to God’s absolute norm of perfection. The justice of God

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<sup>11</sup> Francis Pieper, *Christian Dogmatics* I:437-47.

<sup>12</sup> Francis Pieper, *Christian Dogmatics* I:456-60.

cannot be viewed apart from His other attributes. Though His justice is perfect, he is still the God of mercy (*miser cordia*) and grace (*gratia*). Before Him Israel could sing, “If You, Lord, should mark iniquities, O Lord, who could stand? But there is forgiveness with You, that You might be feared” (Ps 130:3-4). He is long-suffering (*longanimitas*) towards the world, waiting 120 years before sending the great Flood and sending prophet after prophet before raising the Babylonians against Judah.

### *The Power of God (Potentia Dei)*

God’s absolute power is nowhere more clearly demonstrated than in the opening verse of Scripture, “In the beginning, God created the heavens and the earth” (Gen 1:1). By divine *fiat* all things come into existence; nothing exists apart from His power. Throughout the Old Testament, the God of Israel demonstrates His power. He creates. He destroys through the Flood. He delivers the children of Israel from Egypt through mighty signs and miracles. He so orders the course of nations that Israel both takes the land in the Conquest and loses it to Babylon.

The entire world remains under His eye and power. Certainly Israel knew His watchful presence as the Lord of their history. Yet they could never forget that His power extended to every nation of the earth. Though the post-deluvian history quickly passes from the story of the Flood (Gen 6-9) to the calling of Abraham (Gen 12), two chapters intervene with genealogies of the other descendants of Noah (Gen 10-11). The call of Abraham itself is not in isolation from the concern of God for all His created humanity—it was through Abraham that *all* the families of the earth would be blessed. In the great genealogies of the post-exilic 1 Chronicles, the simple beginning “Adam, Seth, Enosh...”

(1 Chr 1:1) introduces a listing of all the nations of the world. Though the focus is upon Israel (1 Chr 2-9)—and, indeed, upon Judah and the Davidic line in particular—every human being is a creation of God and falls under His power.

## II. THE LAW AS REFLECTION OF THE DIVINE CHARACTER

How then do these specific characteristics or attributes of God relate to the law of the Old Testament?

### *Israel is to be Holy as the Lord is Holy*

If God is holy, the people are to be holy. Herein lies the cultic law of the Old Testament. The nation of Israel was to be a kingdom of priests with the first-born of every Israelite woman dedicated to the Lord. The law of the first-fruits applied not only to Israel's possessions, but also to their sons. But, as the Lord of Israel Himself would do in time with His own Son, He provided a substitute—the tribe of Levi (Num 3:11-13).

The Levites, sanctified to the Lord, were to represent all Israel within the sanctity of the cult.<sup>13</sup> Only they were to offer incense and sacrifices on behalf of others and to teach the law of the Lord to Israel (Deut 33:8-11). Only they were to enter into the presence of God in the Holy of Holies, and then only one of their number on the Day of Atonement. The myriad of laws and regulations pertaining to the cult in Israel all derived from one reality: the character of God. He is above all impurity; the cult must be above

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<sup>13</sup> There is a long and complicated critical debate about the nature of the Levites and the priesthood. Among the major contributors have been Julius Wellhausen, *Prolegomena to the History of Ancient Israel* (NY:Meridian, 1957) 121-51; Aelred Cody, *A History of Old Testament Priesthood* (Rome: Pontifical Biblical Institute, 1969); Menahem Haran, *Temples and Temple Service in Ancient Israel* (Oxford: Clarendon, 1978); A.H.J. Gunneweg, *Leviten und Priester* (Goettingen: Vandenhoeck & Ruprecht, 1965).

all impurity. The Temple and its rites did not symbolize the chasm between God and humanity; rather, they demonstrated the desire of God to be present with His people. But that presence was to be on His terms, not Israel's.

It is within the cult the people of God most clearly live out their identity. The cultic law of the Old Testament demands precise representation of the Lord's own holiness. So deeply ingrained in ancient Israelite religion was the holiness of the cult and the identity of the people within that holiness that later Judaism redefined itself according to a cult which no longer existed. Of the numerous sects of Judaism in the first century A.D., only one could survive the catastrophes of the destruction of the Temple in A.D. 70 and the defeat of Bar Kokhba 65 years later. That was the tradition of the Pharisees, whose religious system in the Mishnah transferred the holiness of the Temple to the home and village.<sup>14</sup>

The holiness of the people outside the cult was not a tremendous jump to make by the Pharisees. Already, in Old Testament law, the external expressions of identification with the holiness of God were ingrained into the lives of the people. It has been said that no Israelite male could forget the covenant because his very body bore the mark of circumcision. It has been said also that the most common activities of human beings were regulated in order that Israel could never forget who they were. In particular, complex laws existed in two arenas shared by human beings with the animals: reproduction and food. For Israel, these were regulated in order that they might never

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<sup>14</sup> See Jacob Neusner, *Judaism. The Evidence of the Mishnah* (Chicago: University of Chicago, 1981). Neusner writes, "This still would be what the cult-centered vision had perceived: a holy nation in a holy Land living out a holy life and deriving sustenance from the source of life, through sanctification set apart from death and uncleanness" (*Mishnah*, 112).

forget that they were unique and different both from the animals and, especially, from other nations. The law was an inescapable presence.

*Israel is to be Just as the Lord is Just*

Israel's God is not only holy but also just. So too are His people to be just and the civil laws of the Old Testament provide precisely that application of justice. Every person is to be protected and treated with equity. In distinction to the surrounding cultures, women are treated with respect and legal protection from abuse<sup>15</sup> and from betrayal of the marriage covenant.<sup>16</sup> Property rights are protected<sup>17</sup> and inheritances secured.<sup>18</sup> No person is to be exploited or oppressed<sup>19</sup> Every person is guaranteed a fair trial<sup>20</sup> and all, including the king, are equally subject to the law.<sup>21</sup>

Many of the civil laws of the Old Testament criminal code appear to be brutal and cruel, leading some to reject the Old Testament altogether, as did the ancient heretic Marcion. Yet they were necessary in a brutal and cruel age, especially among a people who were to reflect the sinlessness of their God. Moses, in describing the administration of justice in Deut 17, states that difficult homicide cases, law-suits and other legal proceedings are to be referred to the Levitical priests or judges who are in office. Ultimately, their verdict must be obeyed. "Thus you shall purge the evil from Israel"

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<sup>15</sup> Exod 21:7-11, 20, 26-32; 22:16-17; Deut 21:10-14; 22:13-30; 24:1-5

<sup>16</sup> Exod 20:14; see also Lev 18:6-23; 20:10-21; Deut 22:13-30

<sup>17</sup> Exod 20:15; 21:33-36; 22:1-15; 23:4-5; Lev 19:35-36; Deut 22:1-4; 25:13-15

<sup>18</sup> Lev 25; Num 27:5-7; 36:1-9; Deut 25:5-10

<sup>19</sup> Exod 22:21-27; Lev 19:14, 33-34; 25:35-36; Deut 23:19; 24:6, 12-15, 17-18; 16:18-20; 17:8-13; 19:15-21

<sup>20</sup> Exod 23:6,8; Lev 19:15; Deut 1:17; 10:17-18; 16:18-20; 17:8-13; 19:15-21

<sup>21</sup> Deut 17:18-20

(Deut 17:12). It is because Israel is a holy nation that civil laws must remove evil from their midst.

Yet, as with divine justice, so the law given to Israel was tempered with mercy. The prophet Micah speaks of the offering of sacrifices, even the giving of the first-born for rebellious acts, but contrasts these to the more important act of mercy:

He has told you, O man, what is good;  
And what does the Lord require of you  
But to do justice, to love mercy  
And to walk humbly with your God. (Micah 6:8)

When Jehoshaphat instituted reforms, it began with the merciful teaching of the law, followed by judicial reforms. Jehoshaphat began as a cultic reformer and then immediately sent teachers of the book of the law of the Lord out to the cities of Judah (2 Chr 17:1-9). He later implemented judicial reforms (2 Chr 19:4-11), appointing judges and warning them:

Consider what you do. For you judge not for man but for the Lord; he is with you in giving judgment. Now then, let the fear of the Lord be upon you; take heed what you do, for there is no perversion of justice with the Lord our God, or partiality, or taking bribes. (2 Chr 19:6-7)

Further, the “Supreme Court” in Jerusalem, according to the law of the Lord, is instructed to instruct appellants in order that they not incur guilt and wrath. Justice in Israel, as with the Lord Himself, must be impartial, merciful and long-suffering.

*Israel is to Trust in the Power of God*

The Old Testament law also instructs Israel how they are to reflect His omnipotence in the world. A clear example of this is the law of war in Deut 20. There,

Israel is instructed about how to fight; or, more precisely, to see the Lord fight for them.

The priest is to instruct them:

Hear, O Israel, you are approaching the battle against your enemies today. Do not be fainthearted. Do not be afraid or panic or tremble before them, for the Lord your God is the one who goes with you to fight for you against your enemies, to save you (Deut 20:4).

As Israel conquers the land, it is indeed God who exercises his power over their enemies.

As Israel fights battle after battle throughout her history, it is God who defeats the enemy in Holy War.<sup>22</sup> The same King Jehoshaphat who instituted teaching and judicial reforms also meets a fearsome enemy in battle only to have the Lord destroy the enemy for him. The result was that the “fear of God was on all the kingdoms of the lands when they heard that the Lord had fought against the enemies of Israel” (2 Chr 20:29).

Israel’s political viability depended completely upon the Lord, the God of Israel. His power was their power, for indeed they had none of their own. Alliances with other nations regularly brought disaster when Israel relied upon foreign power rather than the power of their God. Because they are to trust the Lord, they are to not be afraid<sup>23</sup> of any enemy.

### III. “I WILL BE YOUR GOD AND YOU SHALL BE MY PEOPLE”

God is holy, just and powerful. Israel, composed of fallen human beings, is to find identity in Him and reflect His character. How does such a thing take place? Herein lies,

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<sup>22</sup> “Holy War” is a term not found in Scripture. It does describe a phenomenon of divine action in Israel’s warfare. Although not original with him, it has become a technical term through the work of Gerhard von Rad, *Der Heilige Krieg im alten Israel* (Goettingen: Vandenhoeck & Ruprecht, 1958).

I believe, an often-ignored purpose of the law of the Old Testament: it allowed Israel to live out what they in fact already were. God had called and redeemed them—they were His elect people. With them He had established His everlasting covenant in order to bring all of the children of Adam into relationship with their Creator.

To get at this fundamental question one must first ask what it means to be the people of God. The refrain “I will be your God and you shall be my people” (Exod 6:7; Lev 26:12; Jer 11:4; Ps 95:7) reflects a complex but essential relationship between the Lord and His people.

Israel was a chosen people, called from the nations of the world to bear a unique and special relationship to God. Deuteronomy provides a clear explication of that identity granted in the calling of the Patriarch Abraham (Gen 12):

For you are a holy people to the Lord your God; the Lord your God has chosen you to be a people for His own possession out of all the peoples who are on the face of the earth. (Deut 7:6).

When God called Abram, He did not predicate that call upon the holiness of Abram. There was nothing remarkable about the man; he simply was one man, chosen by grace, through whom the Creator would bring about the redemption of the creation.

From this flowed the salvific work of God in redeeming Israel from Egyptian bondage:

You yourselves have seen what I did to the Egyptians and how I bore you on eagles’ wings, and brought you to Myself. Now then, if you will indeed obey my voice and keep my covenant, then you shall be My own possession among all the peoples, for all the earth is Mine; and you shall be to Me a kingdom of priests and a holy nation. (Exod 19:4-6a).

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<sup>23</sup> The phrase “fear not” is common in the Hebrew Bible and significant in describing reliance upon God. See Edgar W. Conrad, *Fear Not Warrior*, Brown Judaic Studies 75 (Chico, CA: Scholars, 1985).

This people, though not numerous or powerful, nevertheless bore a unique identity with the Lord who ruled all the earth.

Israel was to find no other identity in the world other than that of people of God. The Lord was always “your God” and Israel was always “His people.” The prophet Isaiah, in comforting his people, reminds them that they are the servants of the Lord, chosen in Jacob, descendants of Abraham (Is 41:8). King Abijah, facing the rebellious Northern tribes of Israel in battle, identifies the very throne of Judah as “the Kingdom of the Lord in the hands of the sons of David” (2 Chr 13:8).

For Israel, there was no other identity than that of the people of the Lord God of Israel. This was not external to their identity—it constituted their identity. Of no other people does God say, “You shall be holy, for I the Lord your God am holy” (Lev 19:2). The very character of the Lord of Israel was to be the character of the people of the Lord.

The law of God for Israel thus called His people to life according to the very essence of His own being. Through the law, they were to live out the “image of God” given to the human race at Creation, lost in the Fall and being restored through grace. His holiness, justice and power—indeed, all His attributes—are inseparable from His essence. Israel, in living out His laws of holiness, justice and power, were to share His attributes and, thus, His essence in the world.

The “moral law” of the Old Testament is given to the entire human race and is explicitly restated in the New Testament, with the exception of the Third Commandment.<sup>24</sup> On the other hand, because of Israel’s unique relationship to God, the

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<sup>24</sup> First Commandment: Exod. 20:3-4 Thou shalt have no other gods before me  
Matt. 4:10; Eph 5:5; 1 Jn 5:21  
Second Commandment Exod. 20:7 Thou shalt not take the name of the Lord, thy God, in vain

civil and ceremonial laws given to Israel were unique to that nation. In some cases, this is expressed quite explicitly, as in Deut 14:21:

You shall not eat anything that dies of itself; you may give it to the alien who is within your gates, that he might eat it, or you may sell it to a foreigner; for you are a holy people to the Lord your God.

Israel is different from the surrounding nations because they are a people set apart, a nation holy to the Lord.

Freedom for Israel meant understanding that their life was shaped not by the world around them but by their own essence; that is, by what they actually were. When Israel suffered, they did not suffer because they failed to live like other nations. Rather, they suffered precisely because they did live like other nations. The Chronicler, looking back at the rise of Babylon and the destruction and captivity of Judah, noted two reasons why this happened to his people:

Moreover all the elders of the priests and the people transgressed more and more, according to all the abominations of the nations, and defiled the house of the Lord which He had consecrated in Jerusalem. And the Lord God of their fathers sent warnings to them by His messengers, rising up early and sending them, because He had compassion on His people and on His dwelling place. But they mocked the messengers of God, despised His words, and scoffed at His prophets; until the

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James 5:12  
Third Commandment Exod. 20:8-11 Remember the Sabbath, to keep it holy.  
Col. 2:16-17 (N.B.: This Commandment is set aside by Col. 2:16-17)  
Fourth Commandment Exod. 20:12 Thou shalt honor thy father and thy mother  
Matt. 19:17-19; Eph. 6:1-3  
Fifth Commandment Exod. 20:13 You shalt not kill  
Matt. 5:21-22; 19:17-19; Rom. 13:9-10  
Sixth Commandment Exod. 20:14 Thou shalt not commit adultery  
Matt. 5:27-28; 19:17-19  
Seventh Commandment Exod. 20:15 Thou shall not steal  
Matt. 15:16; 19:17-19; Rom. 13:9-10  
Eight Commandment Exod. 20:16 Thou shalt not bear false witness against thy neighbor  
Matt. 15:16; 19:17-19  
Ninth and Tenth Commandments Exod. 20:17 You shall not covet thy neighbor's house, ect.  
Luke 12:15; Rom. 13:9-10; Gal. 5:21

wrath of the Lord rose against His people, till there was no remedy. Therefore He brought against them the king of the Chaldeans....(2 Chr 36:14-17a)

The Lord, who called these rebellious people His own and who exercised astounding patience in sending prophet after prophet because of His compassion, finally brought the Chaldeans against Jerusalem in order to give the people what their own actions had brought upon them: captivity. They had refused to live according to God's own attributes and thus had left the safety of the law. God's law was not primarily Torah as legal restrictions, but as instruction and teaching in the way of life.

#### IV. THE LAW FULFILLED, NOT DESTROYED

The law of the Old Testament marked the boundaries of safety and freedom for ancient Israel. But does it anything at all to do with the Church in the 21<sup>st</sup> century? This is not an unimportant question, just as the events of the exodus were not unimportant for Paul in instructing the Corinthians, "Now these happened as an example, and they were written down for our instruction, upon whom the ends of the ages have come" (1 Cor 10:11). Luther, in his explanation to the only part of the Decalog set aside in the New Testament, still finds instruction for the Christian:

##### **The Third Commandment**

Remember the Sabbath day, to keep it holy.

*What does this mean?* We should fear and love God that we may not despise preaching and His Word, but hold it sacred and gladly hear and learn it.

In other words, the civil and ceremonial laws of the Old Testament, though not applied to the Christian as legal restrictions, still retain their status as Torah in teaching and instruction.

*Avoiding Modern Antinomianism*

Thus, two extremes are to be avoided. First is modern antinomianism. The “Third Use of the Law” is still operative, and Lutherans confess with the Epitome:

Accordingly we condemn as dangerous and subversive of Christian discipline and true piety the erroneous teaching that the law is not to be urged, in the manner and measure above described, upon Christians and genuine believers, but only upon unbelievers, non-Christians, and the impenitent.<sup>25</sup>

God’s law continues to function in the Christian Church, despite the influences of modern and post-modern relativism and the resultant desire to be more “open” and “accepting” of alternative morality and ethics.

*Avoiding Modern Legalism*

Second is modern legalism. In some cases, as in the so-called Christian Reconstructionist movement, the argument is made that the government of a nation such as the United States should impose the civil law of the Old Testament on the modern, secular state. Rather than a serious or helpful reading of the biblical law, this movement fundamentally misunderstands the nature of the Church, the two kingdoms and the role of the Old Testament law. In other cases, the Old Testament law and compliance to its

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<sup>25</sup> EP VI:8

provisions are demanded within religious communities, such as Seventh Day Adventism and some fundamentalist sects.

*Embracing the Law as Freedom*

The Lutheran confessors, in the *Epitome*, rightly understood the law as related to the freedom to be who we are:

We believe, teach and confess that although people who genuinely believe and whom God has truly converted are freed through Christ from the curse and the coercion of the law, they are not on that account without the law: on the contrary, they have been redeemed by the Son of God precisely that they should exercise themselves day and night in the law (Ps. 119:1).<sup>26</sup>

Yet this exercising themselves in the law occurs not because they are extorted and coerced by punishment and God's wrath—those would be merely works of the law.<sup>27</sup>

Rather, the *Epitome* stresses:

Fruits of the Spirit, however, are those works which the Spirit of God, who dwells in the believers, works through the regenerated, and which the regenerated perform in so far as they are reborn and do them spontaneously as if they knew of no command, threat or reward. In this sense the children of God live in the law and walk according to the law of God. In his epistles St. Paul calls it the law of Christ and the law of the mind. Thus God's children are "not under the law, but under grace" (Rom. 7:23; 8:1,14).<sup>28</sup>

To be one redeemed by Christ from the power of the law is to live a paradox: both freed from the law and yet subject to the law.

What is at issue, it seems to me, is not the application of the moral law, at least among those who take seriously the Bible as the Word of God. Rather, it is the role of civil and ceremonial law and these as Torah—that is, teaching and instruction. This is

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<sup>26</sup> EP VII:2

<sup>27</sup> EP VII:5

<sup>28</sup> EP VII:7

precisely where Luther and his explanation to the Third Commandment are so helpful. Though the keeping of the Sabbath is no longer required of the new Israel (the Church) as it was of old Israel, nevertheless Luther finds important principles in the Commandment.

It is with this perspective from Luther that the Old Testament law marks the depth and breadth and height of the freedom won through Christ. That which defined old Israel—their identity as the people of God—also defines the new Israel. The Church has no other identity. Nor is that identity any different than it was for old Israel—it is essential, not external. The life of the elect is the life of God. His attributes are to be their attributes. His character is to be their character as a called and holy people. To live in freedom is to live within the life that is His.

*The Church is to be Holy as the Lord is Holy*

Thus, as God is Holy and Israel was to be holy, so the Church is to be holy. Her holiness, like Israel's, is not of and from herself. It is a holiness derived from the Lord of the Church. It is an election by grace, a separation from the peoples of the earth to be to the Lord a holy nation and a kingdom of priests.

Within the Holy Church are found those who are to represent the community to the Lord and Him to the community. Though qualitatively different from the Old Testament priesthood, the New Testament ministry bears points of resemblance to those who served before: they are to preside in the cult and they are to teach the Torah of the Lord. It was never the people of Israel or their priests who sanctified the cult of the Old Testament. It was always the presence of the Lord within the cult. So it is that it is His

presence in the Sacraments, His presence in the proclaimed Word, His presence in the divine absolution that sanctifies the people of God.

It is His cult, not ours. Thus the cult of the Church is to reflect His essence; that is to say, His holiness. Israel was not to worship as did the nations of the world. Nor can the Church dare to adopt aspects of the culture of death surrounding her, reducing the liturgy of the Church to heathen ceremonies with a few religious words thrown in. The presence of God in the divine Service is of the essence of the Church for through it His holiness, His essence, is communicated to humanity.

*The Church is to be Just as the Lord is Just*

The Lord is just. Israel was to be just. The Church is to be just. A major difference is, of course, the distinction between ancient Israel as both people of God and political entity, on one hand, and the Church, on the other hand, as people of God without a political identity. It is to the kingdom of the left rather than the kingdom of the right that the administration of civil and criminal law is now committed.

But within the Church and among her people there is to be justice because God Himself is just. The value and dignity of individual human beings is to be maintained. Women and children are to be protected. Marriage is to be honored and upheld. The Church's voice is to be raised in defense of those who suffer, who are oppressed, whose lives, born or unborn, are at risk.

But justice is always to be tempered with mercy. The repentant sinner is to be received as the merciful God receives the repentant. As the Lord, for Christ's sake, cannot but pour out His absolution even before it is requested, so too the Church cannot

but say to the sinner that his sins are already forgiven. Once given, the justice of God is complete and the sin is remembered no more. The culture of death around us never forgets the sins of others but rather plots for revenge and then they call it “justice.”

When the Church and her members live like the world, they surrender freedom for chains. When the Church fails to do justly, love mercy and walk humbly with her God, she enters the way of death. She and her members then bind themselves to the greatest captivity of all: the bonds of not being what she in fact is. Israel suffered not because they did not live like the culture surrounding them. They suffered precisely because they did live like those nations. So the Church suffers bondage precisely because she fails to live according to her very essence.

*The Church is to Trust in the Power of God*

Finally, the power of the Lord is the power of the Church. Israel, in their more lucid moments, realized that their continued existence was not dependent upon themselves or upon the alliances they made with other nations. Their trust in God inevitably brought victory; reliance on others brought defeat. Their identity was to be so intensely that of the people of God that they relied solely upon Him and His power.

So too the people of God, the Church, cannot but live in His power. It is not by alliances with others that Church finds security. Adopting the management models of corporate America and replacing the vocabulary and language of the Church for more contemporary expressions in harmony with the culture of the world may appear to give security to the Church. But in fact they do the opposite. They vivify the Church with a

life that is not her own and thus not the life of the Lord of the Church. They lead to bondage, not freedom.

## CONCLUSION

The law of the Old Testament tells us about God's will for His people. Yet it does more. The law is derived from God's own attributes and essence and thus defines the character and essence of his elect people. The law is more than directions on how to live and what to do—it is about who we are.

In this way the law functions as a marker of freedom and life for both ancient Israel and the Church. Inside the law, we live in freedom because we then live as what we in fact are. The Church continues to need the preaching of the second use of the law because the old Adam continues to cling to us and the people of God share with all the fallen children of Adam the weaknesses of the flesh. We are called to a life of repentance and restoration.

But the people of God also need the proclamation of the third use of the law. This is not, however, a use of the law which threatens and coerces. It is a use that gives definition to life in God. It is teaching and instruction that have meaning only for the Baptized, for in Baptism everything changed. There we died. There we were buried. There we rose again in Christ's own Resurrection. There we were united to Him and to His holy people and called to a life which is no longer our own. There we became the people of the Lord, a people who know the freedom of bearing the image of God, once lost in Eden, now being restored in us.

