

A tremendous resource! All you want to know about the distinctive Lutheran witness to the proper relation of Law and Gospel is in this volume. It attends to the classic debates within Lutheranism about that relation, with special focus on the third use of the Law. The definitive essay by Stephen Hultgren alone is worth the price of the book.

—Dr. Robert Benne
*Jordan-Trexler Emeritus Professor and Research Associate
in the Religion and Philosophy Department of Roanoke College, Salem, Virginia*

The Necessary Distinction has relevance not only for such American Lutherans as are broadly represented among its authors, but also ecumenical relevance. As non-Lutherans today increasingly become aware of the value of the Law/Gospel distinction, it is incumbent on those who were raised on it to speak out. And they do so here.

—Rev. Dr. des. Jacob Corzine
*Assistant Professor for Systematic Theology, Concordia University Chicago
Secretary, International Loehe Society, English Language Section*

If decisions on human sexuality in recent years illustrate how great segments of Lutheranism have lost their way, the essays included in *The Necessary Distinction* help guide you to anchors we all need. These authors take Christ, the Scriptures, and our confessions seriously. Pastors as well as informed lay theologians will profit from them. What a welcome contribution to the 500th Reformation anniversary year!

—Rev. Dr. Robert Bugbee, President, Lutheran Church—Canada
Vice-Chairman of the International Lutheran Council

For Martin Luther, it was a matter of highest priority to distinguish correctly between Law and Gospel. As Dietrich Bonhoeffer noted, this distinction has come into disrepute. Instead, we promulgate cheap grace. The Gospel is often wrapped into the Law to advance a moralistic message that neither condemns nor frees. Therefore, it is highly commendable that in this volume prominent theologians think through how the much-needed distinction between Law and Gospel can be used for preaching, pastoral care, liturgy, mission, and Christian living. This is a valuable resource for anybody who cares for the liberating voice of the Gospel.

—Hans Schwarz, Dr. theol. Dr. h. c. mult.
*Prof. em. of Systematic Theology and Contemporary Theological Issues
University of Regensburg, Germany*

A first-class resource. Anyone wishing to become more deeply acquainted with practicing a belief in Law and Gospel in the postmodern age does well to acquaint themselves with this primer on the ongoing dialogues between a variety of denominational bodies striving to be faithful American heirs to Luther's theology. Any scholar, pastor, or layman hoping to add his voice first owes it to himself to

imbibe at the feet of these august students of Luther's greatest legacy: the proper distinction.

—Rev. Jonathan Fisk, *on-air personality for KFYO radio, host and creative consultant for Worldview Everlasting, and author of Broken: 7 “Christian” Rules That Every Christian Ought to Break as Often as Possible*

In our day, when many Lutherans seem to have lost their way biblically, this book is much needed. It is for those who preach the Word and those who hear the Word, for the theologically trained and those who aren't. It is a gift to our churches and to all who are committed to the “necessary distinction.”

—The Rev. Dr. David M. Wendel, *Assistant to the Bishop for Ministry and Ecumenism, The North American Lutheran Church*

The Necessary Distinction is a sparkling collection of essays. The writing is done with clarity and conviction and, most of all, with a deep appreciation for the Lutheran tradition. This book is a cool drink for those thirsty for new perspectives on the proper relationship between Law and Gospel. It is a work that is indeed “necessary” for preachers and teachers seeking to proclaim God's radical grace in Jesus Christ.

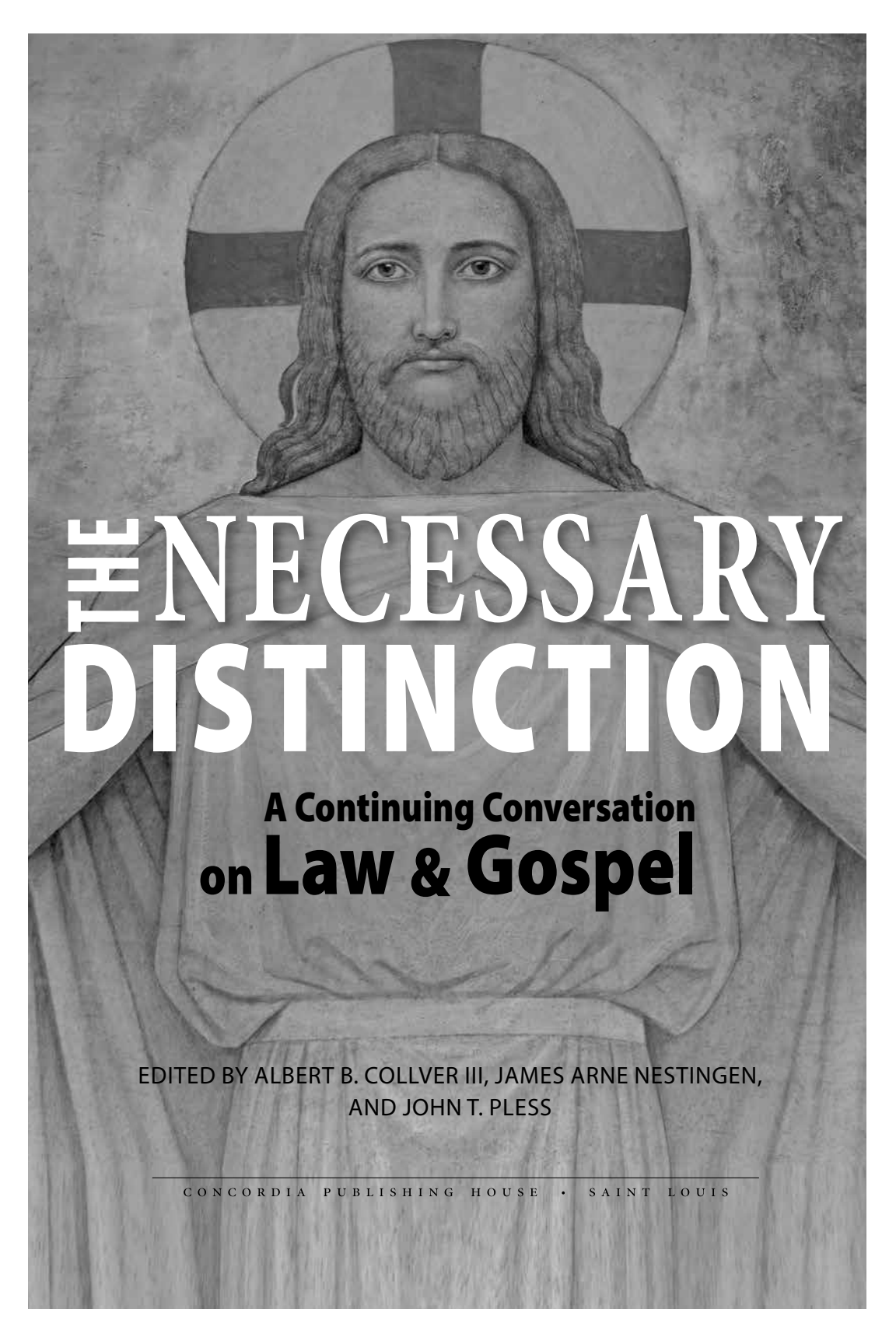
—Dr. Mark D. Tranvik, *Professor of Religion Augsburg College, Minneapolis, Minnesota*

This collection of scholarship by an impressive array of theologians cuts to the heart of genuine Lutheran theology, the distinction between Law and Gospel, and demonstrates why this distinction has been, is, and must be the necessary distinction in biblical preaching and teaching if we are to maintain and proclaim the vibrant, Christian, saving message entrusted to the Church by Christ Himself. Both pastors and laypeople will benefit from the essays contained here, and, given that its relevance is rooted in the timeless treasure of the properly divided Word, it will hold its value on one's bookshelf for decades and beyond.

—Wade Johnston, *PhD, Assistant Professor of Theology Wisconsin Lutheran College, Milwaukee, Wisconsin*

The essays in this book call us back to the center of theological inquiry, pastoral care, and Christian living. When pastors and churches across denominational lines are tempted to cater to the culture or myopically react to it, the distinction between God's Law and Gospel is easily blurred, the Gospel is lost, and troubled consciences are left falsely secure in their own works or in terror of God's judgment. This collection of essays offers the Church at large a timely resource on the proper distinction of Law and Gospel that will challenge, edify, and, by God's grace, bring about repentance and the righteousness of faith in Jesus Christ.

—Dr. Jason D. Lane, *Assistant Professor of Theology Concordia University Wisconsin, Mequon, Wisconsin*



≡ NECESSARY DISTINCTION

A Continuing Conversation
on **Law & Gospel**

EDITED BY ALBERT B. COLLVER III, JAMES ARNE NESTINGEN,
AND JOHN T. PLESS

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The Book of Concord: The Confessions of the Evangelical Lutheran Church, Robert Kolb and Timothy J. Wengert, eds. (Minneapolis: Fortress Press, 2000).

Some quotations from the Lutheran Confessions in this publication are from *THE BOOK OF CONCORD: THE CONFESSIONS OF THE EVANGELICAL LUTHERAN CHURCH*, edited by Theodore G. Tappert, published in 1959 by Fortress Press.

Quotations marked *AE* are from Luther's Works by Martin Luther. *Luther's Works*. American Edition. General editors: Jaroslav Pelikan, Helmut T. Lehmann, and Christopher Boyd Brown. 75 vols. St. Louis: Concordia, and Philadelphia: Muhlenberg and Fortress, 1955– .

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PREFACE

We must bring forth the voice of the law that men may be made to fear and come to a knowledge of their sins and so be converted to repentance and a better life. But we must not stop with that, for that would only amount to wounding and not binding up, smiting and not healing, killing and not making alive, leading down into hell and not bringing back again, humbling and not exalting. Therefore we must also preach the word of grace and the promise of forgiveness by which faith is taught and aroused. Without this word of grace the works of the law, contrition, penitence, and all the rest are done and taught in vain.

Martin Luther, *The Freedom of a Christian* (AE 31:364)

This collection of essays had its genesis in the ongoing discussions between representatives of the North American Lutheran Church (NALC), the Lutheran Church—Canada (LCC), and The Lutheran Church—Missouri Synod (LCMS). Early on in these conversations, we agreed that it would be of benefit to the pastors and laity of all three bodies to have an anthology of essays on the proper distinction of God’s Law from His Gospel. Writers were recruited not only from the NALC and LCMS but from other Lutheran bodies as well who were known for their capacity to think through the implications of this distinction for preaching, pastoral care, liturgy, mission, and Christian living. We have also included “God’s Word Forever Shall Abide: A Guiding Statement on the Character and Proper Use of the Sacred Scriptures” as an appendix to this volume. This statement, adopted by the dialogue committee made up of representatives from the NALC, LCC, and LCMS, asserts the necessity of rightly distinguishing the Law from the Gospel for a proper understanding of the Holy Scriptures.

In our conversations together, we have recognized that the significance of the Law/Gospel distinction is downplayed, questioned, and rejected by some within American Lutheranism. Others have misused

the distinction to promote an allegedly more liberated sexual ethic. The place of the so-called “third use of the Law” remains a contentious issue in some circles. In the Smalcald Articles, Luther notes “that the law was given by God, in the first place, to curb sin by means of the threat and terror of punishment and also by means of the promise and offer of grace and favor” but “the foremost office or power of the law is that it reveals inherited sin and its fruits” (SA III 2).¹ These are commonly identified as the first two uses, or functions, of the Law. The Formula of Concord clarified a dispute that had arisen among Lutheran theologians over the place of the Law in the life of the Christian, asserting in Article VI a “third use” that is a guide to the good works that the Christian is obligated to do in his or her vocation. Several of the essays in this volume take up this topic.

The editors of this book are firmly committed to the Lutheran assertion that the distinction between the Law and the Gospel is a necessity if the Scriptures are, indeed, comprehended according to the mind of the Lord who inspired them. We are convinced that the words of the Apology of the Augsburg Confession are altogether accurate: “All Scripture should be divided into these two main topics: the law and the promises. In some places it communicates the law. In other places it communicates the promise concerning Christ, either when it promises that Christ will come and on account of him offers the forgiveness of sins, justification, and eternal life, or when in the gospel itself, Christ, after he appeared, promises the forgiveness of sins, justification, and eternal life” (Ap IV 5). Likewise, we wholeheartedly affirm the testimony of the Formula of Concord:

The distinction between law and gospel is a particularly glorious light. It serves to divide God’s Word properly [cf. 2 Tim. 2:15] and to explain correctly and make understandable the writings of the holy prophets and apostles. Therefore, we must diligently preserve this distinction, so as not to mix these two teachings together and make the

1 Book of Concord quotations in this preface are from Kolb-Wengert.

gospel into a law. For this obscures the merit of Christ and robs troubled consciences of the comfort that they otherwise have in the holy gospel when it is preached clearly and purely. With the help of this distinction these consciences can sustain themselves in their greatest spiritual struggles against the terror of the law. (FC SD V 1)

We recognize that the right distinction of the Law from the Gospel is not a theoretical abstraction but a functional necessity for preaching and pastoral care lest sinners be left with their own attempts at righteousness, which can only lead to arrogance or despair. It is a difficult art taught by the Holy Spirit in the school of experience, to paraphrase Luther, this business of distinguishing the Law from the Gospel. But it is a necessary art if the Church is to live by faith alone. This art, Hermann Sasse reminds us, is not balancing or coordinating Law and Gospel but distinguishing them.

Each author is responsible for his own essay. They speak for themselves, and we offer this book to our respective church bodies for study, deliberation, and debate.² The essays by their very nature are exploratory. We particularly hope that they might be the basis for conversation and continued study by pastors in the NALC, LCC, and LCMS. If they draw their readers back into a deep look into the Holy Scriptures and the Lutheran Confessions so that Christ Jesus is preached with greater clarity and broken sinners given the full consolation of the forgiveness of sins, we will rejoice that this work has not been done in vain.

Albert B. Collver III

James Arne Nestingen

John T. Pless

The Fifth Week in Lent 2017

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LAW AND GOSPEL: AN LCMS PERSPECTIVE¹

John T. Pless

The assertion that the Law must be rightly distinguished from the Gospel has certainly been a key theme in the history of the Missouri Synod, even as the implications of this distinction have not been without disputation and controversy. Distinctions matter. Where they are improperly made, the results can be deadly. The failure to distinguish between medications can be fatal. Pastor C. F. W. Walther (1811–87) knew that where God’s Law is not rightly distinguished from His Gospel, the spiritual lives of people are endangered, driven either to futility and despair or to Christ-denying self-confidence and arrogance. The end result is the same: unbelief, which condemns. Where the Law and the Gospel are mixed together, faith is endangered and uncertainty rules the day.

Among the many gifts that we received from the Lord through Walther is the biblical truth that God speaks to human beings in two fundamentally different and even opposing ways. The Scriptures identify this twofold manner of speaking as Law and Gospel. The great twentieth-century theologian Werner Elert (1885–1954) observed that Walther was one of only two men, the other being Theodosius Harnack (1817–89), who genuinely grasped what was at stake with this teaching in the nineteenth century.² Walther, a careful student of Luther and the Lutheran Confessions followed the pattern of the Apology of the

1 This paper was originally presented at a meeting of the NALC, LCC, and LCMS Dialogue held in Dallas, Texas, on May 1, 2013.

2 Werner Elert, *Law and Gospel*, trans. Edward Schroeder (Philadelphia: Fortress Press, 1967), 2. Also see Robert C. Schultz, “The Distinction between Law and Gospel,” *Concordia Theological Monthly* (October 1961): 591–97.

Augsburg Confession: “All Scripture should be divided into these two main topics: the law and the promises. In some places it communicates the law. In other places it communicates the promise concerning Christ, either when it promises that Christ will come and on account of him offers the forgiveness of sins, justification, and eternal life” (Ap IV 5).³

In a series of Friday evening lectures for seminary students delivered between September 12, 1884, and November 6, 1885, now published under the title *Law and Gospel: How to Read and Apply the Bible*, Walther echoes the teaching of the Lutheran Confessions when he writes, “The doctrinal contents of all Holy Scripture, both of the Old and the New Testament, consist of two doctrines that differ fundamentally from each other. These two doctrines are Law and Gospel.”⁴ Like Luther before him, Walther knew that the ability to rightly distinguish the Law and the Gospel was a hard and difficult art to learn; one that finally could only be taught by the Holy Spirit through God’s Word as the believer lived under the cross of spiritual affliction. Far more than a technique or method acquired by academic study, the ability to know and apply both Law and Gospel comes only through the experience of hearing and trusting God’s Word even as one lives in constant battle with sin and the devil.

Walther knew of this battle. He had experienced it in his youth as a university student in Germany exposed to the teachings of both Rationalism and Pietism. These two powerful movements blurred the distinction of the Law from the Gospel, leaving people in uncertainty over their standing before God. Rationalism would reduce God’s Law to moral precepts capable of being fulfilled with the aid of natural, human wisdom, leaving no room for a Savior who would fulfill the Law for us in His obedient life and His sacrificial death. Subjecting Holy Scriptures to the judgment of human reason, the biblical Gospel was rejected as obsolete. If God’s Word could not be trusted, then the sinner is left with his own strivings to lead a morally decent life. Ethics become more

3 Book of Concord quotations in this chapter are from Kolb-Wengert.

4 C. F. W. Walther, *Law and Gospel: How to Read and Apply the Gospel*, ed. Charles P. Schaum, trans. Christian C. Tiews (St. Louis: Concordia Publishing House, 2010), 11.

important than doctrine. Pietism would focus on the subjective experience of the believer, directing him to the testimony of his own emotions. Again this deprives struggling Christians of the certainty of salvation through Christ alone. As a young man, Walther had been tyrannized by the uncertainty created in his heart by the demands of Pietism. It was only as he heard the true Gospel of Jesus Christ preached as God's sure and certain promise to be the Lord of real sinners that Walther found peace for his tormented soul.

In his *Law and Gospel*, Walther demonstrates how God's Law is different from His Gospel in the way that they are revealed, in their content, in the way each either threatens or makes promises, in their effects, and in regard to the persons to whom they are to be preached. Walther wants Christians to know that the Law of God is not the way of salvation but that Word of God which reveals divine wrath over sin and threatens unrepentant sinners with condemnation. While the Law of God promises life to those who keep it and threatens punishment to all who break it, it is powerless to make a person righteous in the sight of God. It is only the Gospel that declares sinners to be righteous, not on account of their morality or good intentions but solely because of the work of Jesus Christ, who has fulfilled the Law, suffered under its condemnation in our place, and been raised from the dead as our Brother. Walther was insistent on rightly discerning the difference between the Law and the Gospel so that broken sinners might come to know and to trust God's ultimate word of good news, the promise that Jesus' blood and righteousness alone give us the forgiveness of sins. That is the Gospel, which makes and keeps us Christian, and it is to predominate in all preaching and teaching. Further, Walther sees that the life of good works is rooted in the promises of the Gospel and not the threats of the Law.

The continued use of Walther's *Law and Gospel*, now available in a fresh contemporary English, is evidence of its abiding significance in the life of The Lutheran Church—Missouri Synod. Walther's theses on the proper distinction of Law and Gospel are required reading for the first-year homiletics class at Concordia Theological Seminary. My book, *Handling the Word of Truth: Law and Gospel in the Church Today* (2004)

was an attempt to bring Walther's theses in conversation with contemporary Christians. It was revised and expanded in 2015 to include the 2010 translation of Walther. Although written with a Lutheran audience in mind, *Handling the Word of Truth* has also been positively received in some circles of American Evangelicalism and Reformation-oriented American Anglicanism. The LCMS Sunday School teacher's magazine, *Teachers Interaction*,⁵ featured a "Law Gospel Department," a column which applied Walther's material to teach the faith to children. CPH also published *Law and Gospel: The Lutheran Difference* by Korey Maas in 2005 as an adult education piece to assist laity in learning the Law/Gospel distinction.

Within the last decade or so, there have been significance publications and conferences on Law and Gospel, particularly with reference to the so-called "third use." Scott Murray's doctoral dissertation was printed by CPH in 2002 under the title *Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism*. The Law/Gospel distinction would be part and parcel of the controversies in the LCMS leading up to Seminex in 1974. Even today, the aftermath of that conflict remains.

Law, Life, and the Living God focuses on this controversy. The book itself is well organized, beginning with an opening chapter that identifies the centrality of the Law/Gospel distinction in Lutheran theology, surveys the threat of antinomianism in the sixteenth century, and surveys the content of Article VI of the Formula of Concord. In the first chapter, Murray shows his hand as he identifies Elert as a culprit: "Elert set up a false alternative: Either the Law accuses or it is only didactic."⁶ The bulk

5 *Teachers Interaction* ceased publication in 2014.

6 Scott Murray, *Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism* (St. Louis: Concordia Publishing House, 2002), 29. Unfortunately, in the LCMS, Elert is often interpreted through the lens of those who translated and cited him for their own theological agenda in the 1960s and 1970s. This continues down to the present in some quarters of the LCMS. See Matthew Becker, "Werner Elert in Retrospect," *Lutheran Quarterly* (Autumn 2006): 249–302. Elert needs to be read and assessed independent of these interpreters. This point is made by a former student of Elert, Lowell C. Green. See Green, "The 'Third Use of the Law' and Werner Elert's Position," *Logia* (Eastertide 2013): 27–34. A yet unpublished paper by Roland Ziegler, "What Happens When the Third Use of