

Law and Gospel in the Lutheran Confessions

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Introduction

It is a theological insight of Dr. Luther that “as soon as reason and the Law are joined, faith immediately loses its virginity.”¹ Here Luther recognizes how easy it is for the faithful to find themselves slipping into the way of the Law. In fact, he observes that in a Christian’s life the Gospel is “a rare guest” but the Law is “a constant guest” in our conscience.² Instead of seeing the greatness of the forgiveness of sin Luther observes that we are even unaware of the danger of losing the Gospel.³ Luther left us this warning in one of his Table Talks (1531):

There’s no man living on earth who knows how to distinguish between Law and Gospel. We may think we understand it when we hear a preaching, but we are far from it. Only the Holy Spirit knows this. Even the man Christ was so lacking in understanding when he was in Gethsemane. An angel had to comfort him. Though he was a doctor, yes from heaven, he was strengthened by the angel. Because I have been writing so much and so long about it, you’d think I’d know the distinction, but when a crisis comes I recognize very well that I am far, far from understanding. So God alone should and must be our holy master.⁴

We learned of the distinction between Law and Gospel in confirmation classes. We have studied it further at the seminary. Daily we attempt to properly distinguish between them in the work of the *Predigtamt*. But these words humble us so that we may speak with Luther in his *Great Galatians*: “When a man has finished, he is just beginning.”⁵

As we keep learning this important doctrine we do not do so for ourselves, but for the sake of the church. Pastoral care was behind the thinking of the confessors of the Formula of Concord when it teaches that the distinction between Law and Gospel, which is called “a particularly glorious light,” not only needs to be preserved (SD V, 1) but “must continually be taught in the church of God with all diligence” “until the end of the world” (SD V, 24). Why does it say so? Because the confessors learned from Luther that when such a distinction is lost, “the merit and benefits of Christ are easily obscured” and Christians are robbed of true comfort (SD V, 27). “Faith loses its virginity.”

¹ Quam primum autem Lex et ratio coniunguntur, statim virginitas fidei violata est. WA 40 I, 204, 17–18; AE 26:113.

² Sed quando ad experientiam venit, tum invenis Evangelium rarum et e contra legem assiduum esse hospitem in conscientia. WA 40 I, 209, 20–22; AE 26:117.

³ WA 40 II, 6, 10–11; 7, 15–16; AE 27:6, 7.

⁴ WA, TR 2:3, 20–4, 5, no. 1234; AE 54:127. Cf., AE 26:115.

⁵ ‘Homo cum consummaverit, incipiet.’ WA 40 I, 39, 27–28; AE 26:3.

The proper distinction between Law and Gospel is a uniquely Lutheran confession. Late Dr. J. A. O. Preus in his article, “Chemnitz on Law and Gospel,” observed that Chemnitz, who was “probably the greatest student of patristic Lutheranism has ever produced,” made no use of the church fathers to support the doctrine of Law and Gospel.⁶ When Chemnitz did cite the Fathers he did it only to show their gross error. It should be noted that other leading theologians of the Lutheran Orthodoxy declined to quote the Fathers at all in this matter. Rome never confessed it correctly. Neither did the enthusiasts, the Anabaptists, and the sacramentarians. Calvin has no locus on the subject in his *Institutes*.⁷ Dr. Preus observed: “the doctrine of the proper distinction between Law and Gospel is a doctrine which developed almost entirely and only on Lutheran soil.”⁸

Does the Book of Concord have many articles on Law and Gospel, then? Our hymnals, both *The Lutheran Hymnal* and *Lutheran Worship*, do not present hymns under the heading of Law and Gospel. How about our Confessions? There are more than sixty topics treated in our Confessions, from “On God” at the beginning of the Augsburg Confession to “the erroneous articles” of the Anabaptists, Schwenckfelder, and Anti-Trinitarians at the end of the Formula of Concord. Only one of these is labeled as “Law and Gospel.” One might argue that it deals less with the actual distinction of Law and Gospel than with the definitions of the terms.⁹ But such observation is misleading. Law and Gospel is not simply one topic among many in the Lutheran Confessions. Rather it is found in everywhere.

For example, the major contribution of Luther in his Catechisms is the doctrine of Law and Gospel.¹⁰ Luther inherited the late medieval catechisms’ three essential parts. But he changed the order from the traditional the Lord’s Prayer, the Creed, and the Ten Commandments to the Ten Commandments, the Creed, and the Lord’s Prayer. Late medieval piety was based on the Sacrament of Penance, which became mandatory at the Fourth Lateran Council of 1215. The particular order of the medieval catechism expressed the system of work righteousness. The more you obey the commandments, the better your faith and the more effective your prayers.

⁶ J. A. O. Preus, “Chemnitz on Law and Gospel,” *Concordia Journal* 15 (October 1984): 409.

⁷ Hermann Sasse observes: “The difference lies in the fact that the Reformed believe that both Law and Gospel are parts of Christ’s real work, and consequently are essential functions of the church; the Lutheran Church, on the other hand, teaches that the preaching of the Law is the ‘strange,’ and the preaching of the Gospel is the ‘real,’ work of Christ, and that accordingly, although the church must also preach the Law—how else could it proclaim the Gospel?—the only thing which is essential to its nature as the church of Christ is that it is the place, the only place in all the world, in which the blessed tidings of the forgiveness of sins for Christ’s sake are heard.” *Here We Stand: Nature and Character of the Lutheran Faith*, trans. Theodore G. Tappert (Adelaide: Lutheran Publishing House, 1966), 129.

⁸ Preus, 409.

⁹ Cf., Robert Kolb, “Law and Gospel in the Lutheran Confessions,” In *The Beauty and the Bands*, Ed. John R. Fehrmann, Daniel Preus, Bruce Lukas (Crestwood, MO: Luther Academy and Minneapolis, MN: Association of Confessional Lutherans, 1995), 44–45.

¹⁰ Cf., Charles P. Arand, *That I May Be His Own: An Overview of Luther’s Catechisms* (St. Louis: Concordia Publishing House, 2000); Janz Denis, *Three Reformation Catechisms: Catholic, Anabaptist, Lutheran*, Texts and Studies in Religion vo. 13 (New York and Toronto: The Edwin Mellen Press, 1982); Gottfried G. Krodel, “Luther’s Work on the Catechism in the Context of Late Medieval Catechetical Literature” *Concordia Journal* 25 (October 1999): 366–404; Timothy J. Wengert, “Wittenberg’s Earliest Catechism” *Lutheran Quarterly* 7 (Autumn 1993): 247–60; idem, “Forming the Faith through Catechisms: Moving to Luther and Today” in *Formation in the Faith: Catechesis for Tomorrow*, Symposium Papers Number 7 (St. Louis: Concordia Seminary, 1997), 25–48.

Conversely, the less you obey the commandments, the poorer is your faith, and the less effective are your prayers. Over against this anthropocentric view, Luther changed the order by focusing on what God does and gives, moving from the Law (the Ten Commandments) to the Gospel (the Creed), and the expression of the faithful (the Lord's Prayer). Moreover, sections of Baptism and the Lord's Supper were added for the first time in his Catechisms. The Ten Commandments prepare the catechumens to expect everything from God alone as gifts. The idolatry is unbelief which refuses to receive the Lord's gifts (LC I, 22). Through the Creed the gifts are bestowed. In the Lord's Prayer the faithful seek all the gifts from God alone. Not praying is an indication of unwillingness to receive anything from the Lord (LC III, 25).

The Formula of Concord says: "Dr. Luther emphasized this distinction (between Law and Gospel) with particular diligence in nearly all his writings" (SD V, 22). So it is with the Lutheran Confessions. You just can't get away from it. No matter where you start, you are in for it. Similarly, just as one cannot escape the doctrine of Law and Gospel in both Luther and the Confessions, so one cannot ignore the proper *distinction*.

Our consideration of the given title, "Law and Gospel in the Lutheran Confessions" will have the following subtopics: (1) Luther's Break-Through; (2) The Proper Office of the Law; (3) Man's Attempt to make a Transition; (4) The Proper Office of the Gospel; (5) Some Examples of Being Slipped into the Way of the Law; and concluding remarks on "what the Proper Distinction between Law and Gospel Mean?"¹¹ Our main source would be the Book of Concord. However, Luther's *Great Galatians* will also be consulted throughout our discussion because both Chemnitz and Walther cite the *Lectures on Galatians 1531* more than any other writings of Luther.¹² We also recognize that at the Lichtenberg Conference of February 16, 1576, which was the preparatory meeting for the Torgau meeting of the Torgau Book fame, which then was reedited by Andreä, Chemnitz, Selnecker, and Chytraeus as the Bergic Book, or better known as the *Solid Declaration of the Formula of Concord*, recommended the adoption of Luther's *Great Galatians*.¹³ It would be helpful to hear from Luther in this monumental work. When otherwise noted, therefore, all quotations of Luther outside of the Book of Concord in this paper come from the *Great Galatians*.

I. Luther's Break-Through

In the *Great Galatians* commentary, Luther convincingly states: "A proper distinction between the office of the Law and that of the Gospel keeps the entire genuine theology in the correct use."¹⁴ And he goes on to teach that such a distinction will have fruition in good works, vocation, and even judging the doctrine. When pure doctrine of faith flourishes, true liturgy or

¹¹ I am indebted to Dr. Norman Nagel in his lecture at *Opus Dei* of Concordia Seminary for the structure of this outline as well as theological insight.

¹² Cf., Preus, "Chemnitz on Law and Gospel"; Robert Kolb, "Singing the Lord's Song in a New Land: Luther's Influence on C. F. W. Walther's *The Proper Distinction of Law and Gospel*," *Lutheran Synod Quarterly* 28 (March 1988): 1-36.

¹³ F. Bente, *Historical Introductions to the Book of Concord* (St. Louis: Concordia Publishing House, 1921, 1965), 246.

¹⁴ WA 40 I, 511, 31-32; AE 26:331. Hoc proprium discrimen officiorum legis et Evangelii conservat in vero usu universam sinceram Theologiam.

the Divine Service will also flourish.¹⁵ This is exactly the opposite position of Rome when Luther observes in his Smalcald Articles: “if the Mass falls, the papacy falls” (SA II, II, 10).

Luther’s certainty of his confession of Law and Gospel increased over the years.¹⁶ When he looks back, he recalls in his 1542–43 Winter Table Talk how things came clear for him:

I learned to distinguish between the righteousness of the Law and of the Gospel. I lacked nothing before this except that I made no distinction between Law and Gospel. I regarded both as the same thing and held that there was no difference between Christ and Moses except the times and their degree of perfection. **But when I discovered the distinction—namely, that the Law is one thing and the Gospel is another—then I was found in breaking-through.**¹⁷

Here we observe that the distinction between Law and Gospel is another way of saying the doctrine of justification. Moreover, we recognize that Luther found the distinction between the righteousness of the Law and the righteousness of the Gospel, or active righteousness and passive righteousness, when he found that the “Law is one thing and the Gospel is another.”¹⁸ They are mutually exclusive relationship with each other. Where then does such difference derive from?

First, the difference does not come from **who** is giving it out. It is not as though man’s wisdom carries one to a certain extent, and then God works the rest of the way. Then, it is running a single track in which the Gospel is viewed to be the completion of the Law. It is running an unbroken, progressive line, a gradual movement toward the goal. We see this, for example, in the error of synergism. FC I & II.

Law and Gospel come from the same God.¹⁹ It is not that God of the Old Testament is the Law, and God of the New Testament is the Gospel. The extreme case of playing Law and Gospel games like this is found in the Marcionite form: a nasty God in the Old Testament gets much nicer in the New. With this thinking, the Gospel is seen better and higher than the Law. The New Testament was seen as better than the Old Testament. Dispensationalism addressed the contradiction of Law and Gospel not by a multiplicity of gods, but by positing periods or epochs

¹⁵ WA 40 I, 39, 25–26; AE 26:3.

¹⁶ WA 40 II, 135, 24–136, 8; AE 27:106–107. “What I have believed and taught since the beginning of our cause about justification, about the sacraments, and about all the other articles of Christian doctrine I still believe and profess today, except with greater certainty; for it has deepened through study, practice, and experience, as well as through great and frequent temptations. Every day I pray Christ to keep me and strengthen me in this faith and confession to the day of His glorious coming. Amen.”

¹⁷ WA, TR 5:210, 12–16, no. 5518; AE 54:442. . . . aber do ich das discrimen fande, quod aliud esset lex, aliud euangelium, da riß ich her durch. Riß is reißen: to burst through, break chains, door fly open, his breaking-through. I indebted to the Luther study of Dr. Norman E. Nagel for this quotation from the Table Talk with his insights.

¹⁸ Cf., “Preface to the Complete Edition of Luther’s Latin Writings, 1545,” AE 34:336–37.

¹⁹ Luther also talks almost of two Gods- the Law God and the Gospel God. This is getting in to the Bondage of the Will. The hidden and revealed God: the hidden God is almost treated as the Law God, while the revealed God is the Gospel God. Luther was not a Marcionite. It seems that Luther’s distinction between Law and Gospel is so radical and complete that it almost sounds as if there are two Gods but he confesses one and the same God.

of different revelations.²⁰ A similar approach may be observed in the *Religionsgeschichtliche Schule* where Christianity is studied in comparison with other ancient religions according to an evolutionary process of man's search for God, or of man's creation or imposition of his self-image on God as he evolves. James Dahl observes that Schleiermacher assumed that the religion of the Law in the Old Testament was inferior to the Gospel of the New.²¹ The Semi-Pelagians, the Marcionites, the Dispensationalists, the *Religionsgeschichtliche Schule*, Schleiermacher, and synergism all view Law and Gospel as a single track, running an unbroken progressive line. Certain period of time were applied there. As we will observe later, such is with the American Evangelicalism as well.

Secondly, the difference of Law and Gospel does not derive from **whom** they are targeted. The target is you. The object is us. Not just a piece of us: the Law takes care of us outside, but the Gospel deals with our inside which is really important. Man often supposes that if there is a God He must be surely there "for me." But God is there for the whole show, the range of Law and Gospel is the whole show. The Lord does not deal with us fragmentarily (SA III, III, 37).

In his article, "Luther's Augustinian Understanding of Justification in the *Lectures on Romans*,"²² David Maxwell observes that at the time of his *Lectures on Romans* in 1515–16, Luther drew heavily on Augustine, citing mostly his anti-Pelagian writings, and *De spiritu et littera* in particular. Commenting on 2 Corinthians 3:6: "for the letter kills, but the Spirit gives life," Augustine understood that the letter is the Law which kills, while the Spirit is the Holy Spirit who heals the sinner and enables him to keep the Law. For Augustine, the Law kills because it is *external*. Its demands can be kept externally, but the Law lacks the power to enable one to do these works from the heart. The distinction between Spirit and letter for Augustine is a distinction between internal and external. The Law is external, while the Spirit, grace, and love are internal. The Spirit does not contradict the letter, but provides a more inward and more powerful version of the same thing. This inward movement is also an upward movement toward God.

Maxwell observes here a Neoplatonic tendency of Augustine in which the soul rises to an ever higher state by a more intimate participation with the One. The Neoplatonic assumption is that anything external is at a distance from the One. Because of this distance, externality implies lack of unity and therefore lack of power. The letter kills not because it commands works, but because it is external and therefore powerless to enable the works to be fulfilled. The letter is empty and lacking since it is external, and therefore at a distance from the source of being. The Spirit fills up what the letter lacks because the Spirit is more interior and hence closer to the source of being. The forgiveness of sin is viewed a progressive driving out of sin. The sinner undergoes a change that may be expressed negatively as the expulsion of sin, or positively as the infusion of grace. These expressions assume that justification is a healing process.

²⁰ David P. Scaer, "The Law and the Gospel in Lutheran Theology," *Logia* 3 (Epiphany/January 1994): 29.

²¹ James Dahl, "Friedrich Schleiermacher and His Renunciation of the Old Testament," a lecture delivered and distributed at the Midwestern Conference of the Evangelical Theological Society at Grace Theological Seminary, Winona Lake, Ind., March 20, 1992. Quoted by David Scaer, *ibid.*, 33, fn. 22.

²² David Maxwell, "Luther's Augustinian Understanding of Justification in the *Lectures on Romans*," *Logia* 5 (Reformation 1996): 9–14.

In Augustine, we see both problems that we observed above. Since the Spirit does not contradict the letter but merely more powerful because it works internally; salvation is pictured in a one-way, progressive line. And since there is a division between the external Law and the internal Spirit, the Law is not supposed to deal with what is internal, inherited sin, and the Spirit is not allowed to reach what is external, the body. The target of both Law and Gospel is you. It is not that the Law takes care of outside and the Gospel inside. Both Law and Gospel address both outside and inside—not just soul, internal “religion,” but the entire person.

So, the difference is not in who is doing it, or who is getting it done to. The difference of Law and Gospel is the work that is being done. And for the two different works, there are two different means and instruments.

James A. Nestingen in his article, “Distinguishing Law and Gospel: A Functional View,” claims that the Formula of Concord supplemented its definitions of Law and Gospel by moving from content to function. He writes: “The description of what Law and Gospel are is not considered complete until they have also been defined in terms of what they do.”²³ This observation implies that the Formula confesses more theologically with Luther and less philosophically with later Melancthon.

The Solid Declaration focuses on the different jobs that Law and Gospel do: “Everything that **preaches** something about our sin and God’s wrath is the **preaching** of the Law, however and whenever it may take place. On the other hand, the Gospel is the kind of **preaching** that points to and gives nothing other than grace and forgiveness in Christ” (SD V, 12).²⁴

What Nestingen calls “a functional definition” of Law and Gospel may be better phrased as the *preaching* of the Law and the *preaching* of the Gospel. When we understand Law and Gospel in this way, we may also come to a recognition that the proper distinction between Law and Gospel is the proper distinction between the preaching of the Law and the preaching of the Gospel. Preaching comes to us from outside. Hearers are at the receiving end of both the Law preached and the Gospel preached. In this way, we may less tempted to confess Law and Gospel in a single, unbroken track, running a progressive line.

The Smalcald Articles are confessed in the way of the means of grace. What Luther calls, “the chief article” in Part II, Article I (justification, work and of Christ’s atonement) was not complete without confessing how benefit of Calvary might be distributed. Since Luther saw the abuse of the Lord’s way of giving it out in the sacrifice of the Mass, Luther called the Roman Mass as “the greatest and most terrible abomination” of the chief article. Christ was not distributed. The Office of Preaching and Giving-out of the Sacrament was turned into the Office of Offering Sacrifices to God in Rome.

When understood as preaching, not as mere functions, Law and Gospel do not need to be defended from a possible objection that the functions of both are separated from “some prior content.”²⁵ When the “function” of the Law is separated from its content the Law may be heard

²³ James Arne Nestingen, “Distinguishing Law and Gospel: A Functional View.” *Concordia Journal* 22 (January 1996): 31.

²⁴ Es ist alles des Gesetzes Predigt, was da von unsern Sünden und Gottes Zorn prediget, es geschehe wie oder wenn es wolle. Wiederumb ist das Evangelium eine solche Predigt, die nicht anders denn Gnade und Vergebung in Christo zeigt und gibt.

²⁵ Nestingen, 32.

without proper authority. The “function” of the Gospel without its content may become a generic word of acceptance. Those existential pitfalls may be avoided when we translate words of our Confessions and of Luther *Amt/officium* as office, rather than function. Luther and the Confessions talk about the office of the Law and the office of the Gospel. Preaching of the Law and preaching of the Gospel are both Christ’s words. Through the man he put there in the *Predigtamt*, Christ delivers his words with different jobs and with different means.

II. The Proper Office of the Law

In the Smalcald Articles, we confess: “The foremost office or power of the Law (*das fürnehmste Ampt oder Kraft des Gesetzs, Praecipuum officium et energie legis*) is that it reveals inherited sin and its fruits. It shows men into what utter depths their nature has fallen and how completely corrupt it is” (SA III, II, 4). Man is indifferent and regards sin as something trivial, a mere nothing. We suppose that it has so little weight and force that some little work or merit of ours will remove it.²⁶ But there comes the hammer of which Jeremiah speaks: “My word is a hammer that breaks a rock in pieces” (Jer 23:29), Luther’s favorite passage which he uses not only in the Smalcald Articles (III, III, 2),²⁷ but also in the *Great Galatians*²⁸ and his lecture on Psalm 51 (1538).²⁹ Among those three, if the reference in the Smalcald Articles is the “Epitome,” the *Great Galatians* gives the “Solid Declaration”:

Therefore the proper and absolute use of the Law is to terrify with lightning (as on Mt. Sinai), thunder, and the blare of the trumpet, with a thunderbolt to burn and crush that brute which is called the presumption of righteousness. Hence God says through Jeremiah (23:29): “My Word is a hammer which breaks the rock in pieces.” For as long as the presumption of righteousness remains in a man, there remain immerse pride, self-trust, smugness, hate of God, contempt of grace and mercy, ignorance of the promises and of Christ. The preaching of free grace and the forgiveness of sins does not enter his heart and understanding, because that huge rock and solid wall, namely, the presumption of righteousness by which the heart itself is surrounded, prevents this from happening. Therefore this presumption of righteousness is a huge and a horrible monster. To break and crush it, God needs a large and powerful hammer, that is, the Law, which is the hammer of death, the thunder of hell, and the lightening of divine wrath. To what purpose? To attack the presumption of righteousness, which is a rebellious, stubborn, and stiff-necked beast. . . . Then the Law is being employed in its proper use and for its proper

²⁶ Imo remorsu etiam conscientiae veniente, tamen cognitamus peccatum non esse tam magnum, quin aliquo opusculo vel merito possimus illud abolere. WA 40 I, 84, 17–19; AE 26:33.

²⁷ “Now this is the thunderbolt of God, by means of which he destroys both the open sinner and the false saint and allows no one to be right but drives the whole lot of them into terror and despair. This is the hammer of which Jeremiah speaks: ‘My word is a hammer that breaks a rock in pieces’ [Jer. 23:29]. This is not ‘active contrition,’ a contrived remorse, but ‘passive contrition,’ true affliction of the heart, suffering, and the pain of death.”

²⁸ WA 40 I, 482, 12–483, 15; AE 26:310.

²⁹ WA 40 II, 334, 35–36; AE 12:316.

purpose. Then the heart is crushed to the point of despair. This use and office of the Law is felt by terrified and desperate consciences.³⁰

The proper office of the Law is to kill.³¹ It makes us guilty. It humbles us. It leads us down to hell.³²

When the Law has done its job, then every mouth is stopped and silenced before God. There is nothing more you can say to him. The Law strikes you dumb. “The Law does not make a sinner. It seeks the sinner, and it inerrantly and infallibly finds, judges, and kills the sinner it seeks.”³³ It strips the self-righteous, self-excusing, sinner of every credential and covering. The possibility of having a ground of confidence located in you has been wiped out by the Law. It is not much fun to be destroyed. The Lord would destroy in you everything that blocks him off from you, and that can be pretty painful. In the Lecture on Psalm 51 Luther teaches “a lawyer speaks of man as an owner and master of property, and a physician speaks of man as healthy or sick. But a theologian discusses man as a SINNER (PECCATORE).”³⁴ The word, SINNER (PECCATORE), is found written in Weimar edition in capital letters for emphasis.

III. Man’s Attempt to Make a Transition

As long as man is mouthing off at God, the Law has not yet brought him to that point. Until then man is left with some strength to attempt to make a transition from the Law into the Gospel. The classical ways of doing this is Luther’s three ladders: ethics, feelings, and reason.³⁵

First, we consider the ladder of ethics. Luther gives us the following vivid parable:

I wish that you students of Sacred Scripture would equip yourselves with such parables, in order to retain the distinction between Law and Gospel better, namely, that trying to be justified by the Law is like counting money out of an empty purse, eating and drinking from an empty dish and cup, looking for strength and riches where there is nothing but weakness and poverty, laying a burden upon someone who is already oppressed to the point of collapse, trying to spend a hundred gold pieces and not having even a pittance, taking clothing away from a naked man, imposing even greater weakness and poverty upon

³⁰ WA 40 I, 482, 12–483, 13; AE 26:310.

³¹ Legis ergo officium est tantum occidere. WA 40 I, 517, 26; AE 26:335.

³² Quare legis proprium officium est nos reos facere, humiliare, occidere, ad infernum deducere et omnia nobis auferre. WA 40 I, 529, 11–12; AE 26:345.

³³ William M. Cwirla, “The Law, the Gospel, the Liturgy,” *Modern Reformation* 5 (January/February 1996): 22. Cf., Luther, *Heidelberg Disputation 1518*, Thesis 23. WA 1, 354. 25–26; AE 31:41.

³⁴ Sic Iureconsultus loquitur der homine possessore et domino suarum rerum, Medicus loquitur de homine sano et aegro, Theologus autem disputat de homine PECCATORE. WA 40 II, 327, 19–21; AE 12:310.

³⁵ I am indebted to Dr. Norman E. Nagel for this understanding. See “Luther’s Understanding of Christ in Relation to his Doctrine of the Lord’s Supper,” unpublished Ph.D dissertation, University of Cambridge, 1961. Cf., Adolf Köberle, trans, John C. Mattes, *The Quest for Holiness: A Biblical, Historical and Systematic Investigation*. Reprinted by Evansville, IN: Ballast Press, 1995.

someone who is sick and needy, etc.³⁶

The section, “Concerning the False Penance of the Papists,” in the Smalcald Articles is another example of how this ladder of ethics works (SA III, III, 10–45).³⁷ Since the original sin is not confessed by the papists (SA III, III, 10), “they only do penance for actual sins” by way of contrition, confession, and satisfaction (SA III, III, 12–23). The problem that Luther saw in this system is that people are not sure how much contrition is enough: Have they confessed their sins enough? Or how much should be done for each individual sin? On the basis of such uncertainty and lack of forgiveness, Rome established indulgences, jubilee years, more jubilee years, and so on. And still people are directed blindly to seek comfort in their own works.

Such a system of Penance already includes the second ladder of emotions. We recall what had happened between Agricola and Melancthon during the so-called Antinomian controversy. The issue was on the motivation of a sinner for repentance, whether it comes from the fear of punishment or from love of God. The dispute came to a peaceful settlement, at least so it seemed then, in the meetings at the Torgau Castle in late November 1527. Luther delivered both positions from an inward journey. “Am I really fearful of punishment?” “Do I really love God?” “Is God merciful?” These questions are inward looking, and emotional exercises. Luther directed their attention to outside—*externum verbum*—, the preaching of the Law and the preaching of the Gospel.

We also observe the ladder of emotions in Karlstadt, who emphasized the “burning remembrance of Christ” and “the passionate tasting of the suffering of Christ” in the Lord’s Supper.³⁸ Instead of looking outside of himself, he fixed his eyes inward, focusing on his own feelings and actions. As a result, he removed the statues, the crucifix, altars, vestments, and other remnants of the Papacy from the churches. Next he referred to himself as “Brother” instead of “Pastor.”

Still another example of the ladder of emotions may be observed in our preoccupation with our own spiritual life, or even worse, of spirituality. When one does not feel good about his own spirituality, he works more at it, only to find that he is getting worse.

Finally, there is a ladder of reason. Zwingli may be seen as a prime example when he tried to impose what is fitting for God in his understanding of the Lord’s Supper. Concerning Law and Gospel, the reason would say, “it is unjust for God to damn me.” When the Law has not done the job yet, there remains a possibility to keep asking God such a question. For example, when there is no killing of the Law, man supposes that God must still be gracious to him. So he finds or creates a false faith in himself. It is man himself who must gather his inner strength to make a decision to believe in God. Since it is not God-given faith, man cannot keep up his faith forever in reality. On the other hand, the Law keeps blaming him for not having faith. As a result, he has to return to himself to try to find faith again. Since man supposes that he has already been saved, the Gospel is no use to him. And since the justification belongs to the past, he is no longer under the curse of the Law, or so he thinks. Left without either Law or

³⁶ WA 40 I, 617, 24–30; AE 26:406–407.

³⁷ Cf., Ap., XII, 98–178.

³⁸ AE 40:213f.

Gospel, he is by himself, continuing to live under the Law. We may observe that such is what happens in the American Evangelicalism. It is found at least in the Protestant churches in Japan.

These three ladders: ethics, feelings, and reason are all one track. They work by way of ethical necessity, emotional necessity, or logical necessity. When we lay on God something that is necessarily so, then, we are not talking about God, for only creatures can be controlled by necessity. It is we who take control over what should happen on the basis of our works, our inward preparation, or our logical reasoning. These are all one-track view of Law and Gospel as a gradual movement or progression from sinner to sainthood. The way it works is found not only in Rome, Karlstadt, and Zwingli, but also in Schleiermacher, the *Religionsgeschichtliche Schule*, the Dispensationalists, the Marcionites, the Semi-Pelagians, and also Augustine in his *Spirit and letter*.

IV. The Proper Office of the Gospel

While the proper office of the Law is to kill, and increase sin by exposing it, the Smalcald Articles confess that the proper office of the *Gospel* (*das egentliche Ampt des Evengelii, proprium officium evangelii*) is the preaching of the forgiveness of sins (SA III, IV). The *Great Galatians* commentary uses slightly different language when Luther says: “*iustificare peccatorem sit solius Christi proprium officium*,” that is, “it is the proper office of Christ alone to justify the sinner.”³⁹

The Gospel makes man alive; it vivifies. Sinful man, exposed by the Law, is now clothed by the Gospel. The Gospel does not seek the saint. It creates the saint it seeks. The Gospel does not look for saving faith. It creates and sustains saving faith.⁴⁰

The way we are dealt with in the Gospel is the opposite of the way of the Law, the way of coercion. Reason said, “It is unjust for God to damn me.” If this is true, then it is even more vastly unjust for him to forgive me, because somebody took it in my place. “Against my sin, which accuses and devours me, I find there another sin,” says Luther. “But this other sin, namely, that which is in the flesh of Christ, takes away the sin of the world.”⁴¹ Christ preaches through the mouth of his sent-one, the pastor, that my sin is now located on the Lamb of God. What he does has no reason in us, no ethical necessity, no emotional necessity, and no logical necessity. Indeed our reason can only say why he shouldn’t do it. God is free. He is free to do whatever he wants with his creation. He is free to be such a God, who puts himself in our place, which is the reverse of our putting ourselves in his place. Such is the way of Calvary. On Calvary we see God he is. He suffers himself to be rejected. Christ became “the greatest thief, murderer, adulterer, robber, desecrator, blasphemer.”⁴² We are not left speculating the Divine

³⁹ WA 40 I:406, 24–25; AE 26:259.

⁴⁰ Cwirla, 22. Cf., Luther, *Heidelberg Disputation 1518*, Thesis 28. WA 1, 354. 35–36; AE 31:41.

⁴¹ Ibi peccatum aliud invenio contra meum peccatum quod me accusat et devorat. Peccatum vero aliud, scilicet in carne Christi, quod tollit peccatum totius mundi, omnipotens est, damnat ac devorat peccatum meum. WA 40 I, 273, 18–21; AE 26:159.

⁴² Et hoc viderunt omnes Prophetae, quod Christus futurus esset omnium maximus latro, homicida, adulter, fur, sacrilegus, blasphemus etc., quod nullus maior unquam in mundo fuerit. WA 40 I, 433, 26-28; AE 26:277.

Majesty, the God of wrath, but with the Man Jesus who alone justifies the sinner.⁴³ We are no longer at the receiving end of his coercion, but only at his pouring out the gifts.

The job which the Gospel does is different from the Law. It comes to us as a resistible gift; it comes in a gift-giving way in such lowly things as words, water, bread and wine. There he gives out at a location outside ourselves, apart from us. There is no reason in us that he should be pouring in his gifts. That's the Gospel. There is every reason in us to be at the receiving end of the Law.

The Smalcald Articles confess that the Gospel comes in “more than one way” (SA III, IV). Next comes the articles on Baptism, the Sacrament of the Altar, the Keys, and Confession and Absolution (SA III, V–VIII). Those who deny that God gives forgiveness apart from the external word: preaching, baptism, the Lord's Supper, Absolution, are called *Schwärmer*, which includes not only Müntzer and others like him, but also the papacy, even Adam and Eve (SA III, VIII, 3-13).

“We have the work of God among us,” says Luther in the *Great Galatians*, “that is, the Word and the sacraments.”⁴⁴ “The heavenly Jerusalem is the church here in time.”⁴⁵ The Blessed Exchange happens only passively.⁴⁶ We receive, only receive.

One of Luther's evangelical contributions in his Small Catechism was the way he structured the Third Article. The Apostle's Creed has simply listed a series of items: Holy Spirit, church, forgiveness of sins, resurrection, and eternal life. Luther restructured this in a form parallel to that of the Second Article by subordinating the latter items to the Holy Spirit. In the Large Catechism, he explains: “Just as the Son obtains dominion by purchasing us through his birth, death, and resurrection, etc., so the Holy Spirit effects our being made holy through the following: the community of saints or Christian church, the forgiveness of sins, the resurrection of the body, and the life everlasting” (LC II, 37). The church here on earth is “the heavenly Jerusalem” where “the work of God among us” is seen in his giving out of the forgiveness through preaching, baptism, and the Lord's Supper. It is the work of the Holy Spirit through the external word, as confessed in AC V.

But it is also the work of Christ among us because it is Christ who through the Holy Spirit distributes forgiveness, life, and salvation (AC III). It is the work of the Holy Spirit to bring us to Jesus. This is why the Holy Spirit seemingly has little prominence in Lutheran preaching. When the Holy Spirit is doing his job, all we see and hear of is Jesus. When you clearly hear Jesus then you know that the Holy Spirit is at work. Thus, when the Smalcald Articles confess that the proper office of the Gospel is the giving out of the forgiveness of sins in more than one way, it confesses at the same time that to justify the sinner is “the proper office of Christ alone.”

⁴³ WA 40 I, 77, 11–78, 26; AE 26:29.

⁴⁴ Divina opera habemus nobiscum, scilicet verbum et Sacramenta, Ea faciunt nos sanctos. WA 40 I, 70, 8–10; AE 26:25.

⁴⁵ Quare Hierusalem, quae sursum est, id est, coelestis, est Ecclesia in hoc tempore. WA 40 I, 663, 12–13; AE 26:440.

⁴⁶ WA 40 I, 443, 23–24; AE 26:284.

At the end of the First Article in the Small Catechism, Luther concludes: “For all of this I owe it to God thank and praise, serve and obey him” (SC II, 2). His creation out of nothing leaves us in a debt of gratitude. In writing the Second Article, Luther says that Jesus “has done all this in order that I *may be* his own” (SC II, 4). But the result of the Third Article is not *I owe*, or *I may be*, but *the Holy Spirit has*, for he “has called me through the Gospel, enlightened me with his gifts, made me holy and kept me in the true faith. . . .” (SC II, 6).⁴⁷ The gifts have been received. The Lord has left us in no doubt of our forgiveness. Faith can talk only about what it is given, and who has given it. Any anthropocentric reference is excluded. There is nothing good in us. I cannot by my own reason or strength believe in Jesus Christ my Lord or come to him. It is all a pure gift.

V. Some Examples of Slipping into the Way of the Law

In his *Lectures on Galatians 1531*, Luther frequently warned his students that as soon as the proper distinction between Law and Gospel is confessed that temptation and hardship immediately follow. For example, he says: “Whenever the doctrine of the Gospel flourishes in the church, there is always (this) persecution, that the sons according to the flesh persecute the sons according to the promise.”⁴⁸

What is at stake in the doctrine of the proper distinction between Law and Gospel, first and foremost, is the Gospel, and our danger of losing this precious gift. We have noted that even though we have understood this doctrine, it is so difficult to hold it at the time of temptation and great crisis in our conscious. Luther confessed that even he himself was not a master of this doctrine in practice.

Luther warns us: “therefore Satan continually mounts a new battle against us.”⁴⁹ The devil “often suggests a false Christ to me.”⁵⁰ Such new battles in the history of the church may be observable as we read Dr. Ronald Feuerhahn’s article, “Confusions in Law and Gospel—A Study in Prolegomena.”⁵¹ There he lists the ways Law and Gospel continued to be confused: (a) the overall confusion: Gospel & Law; (b) the medieval confusion: Faith & Love; (c) the 16th century confusion-Calvinism: *Proprium officium & Alienum opus*; (d) the pietist confusion: justification & sanctification; (e) the Enlightenment confusion of authority: doctrine & life (and love); (f) the “ecumenical” confusion: faith (*fides quae*) & faith (*fides qua*); and g) the continuing confusion: external & internal.

⁴⁷ Here I am indebted to seminarian Bryan Wolfmueller in one of his theological papers at CTS.

⁴⁸ Haec persecutio semper existit in Ecclesia, florente doctrina Evangelii, quod filii carnis persequuntur filios promissionis. WA 40 I, 680, 32–33; AE 26:454. Cf., WA 40 II, 54, 17–18; AE 27:43.

⁴⁹ Quare subinde novam pugnam nobis movet Satan. WA 40 I, 318, 12; AE 26:193.

⁵⁰ Sed subinde suggerit mihi Diabolus falsum Christum. WA 40 I, 321, 32–33; AE 26:196.

⁵¹ Ronald Feuerhahn, “Confusions in Law and Gospel—A Study in Prolegomena,” in *All Theology Is Christology: Essays in Honor of David P. Scaer*, ed. Dean O. Wenthe, William C. Weinrich, Arthur A. Just Jr., Daniel Gard, and Thomas L. Olson (Ft. Wayne, IN: Concordia Theological Seminary Press, 2000), 259–76.

Another consequence which we must observe is that when the proper distinction between Law and Gospel is lost, not only the Gospel but also the Law will be lost.⁵² Thus, the problems of old and new Antinomianism. Dr. Ulrich Aendorf listed some modern examples of it as: liberation theology, civil rights, homosexuals, feminism, anti-authoritarian upbringing, self-realization, and a society free of oppression.⁵³ It is worthwhile to hear from Luther who saw both dangers on the right and the left:

The matter of the Law must be considered carefully, both as to what and as to how we ought to think about the Law; otherwise we shall either reject it altogether, after the fashion of the fanatical spirits who promoted the peasants' revolt a decade ago by saying that the freedom of the Gospel absolves men from all laws, or we shall attribute to the Law the power to justify. Both groups sin against the Law: those on the right, who want to be justified through the Law, and those on the left, who want to be altogether free of the Law. Therefore we must travel the royal road, so that we neither reject the Law altogether nor attribute more to it than we should.⁵⁴

There are new battles of confusing Law and Gospel or Antinomianism both old and new. But closer to home, it may be helpful to add two more observations in view of the danger which we face every day.

First, I would like to draw our attention again to the very first quotation from the *Great Galatians*, namely: "as soon as reason and the Law are joined, faith immediately loses its virginity."⁵⁵ The problem is our unwillingness of being at the receiving end of both Law and Gospel. There is nothing so humbling as to be nothing but given to. We always like to or are ready to find reasons why people should bother about us. The moment we find reasons in ourselves why God bothers about us, we have gone into the Law. The worst misuse of the Gospel is unbelief, refusing to receive his gifts (LC V, 16, 35).

In his exposition of the First Commandment, Luther explained that although there are more obvious idols as great learning, wisdom, power, prestige, family, honor, St. Apollonia, St. Laurence, St. Sebastian or Roch, the **greatest** idolatry is found in the religious life (LC I, 22). So, it is the same today. Faith, at the receiving end of such an indescribable gift of forgiveness, talks about nothing but the gifts. Faith-talk with anthropocentric reference is slipping back into the Law. The moment we find reasons in ourselves why God should deal with us, we are in "a great wickedness" of making "Christ useless."⁵⁶ The Law is what we are born into, and so all of

⁵² Si vero ista duo confundis et ponis legem in conscientiam et promissionem libertatis in carnem, fit confusio, qualis fuit in Papatu, ut nescias, quid lex, promissio, quid peccatum, quid iustitia sit. WA 40 I, 469, 29–31; AE 26:302.

⁵³ Ulrich Aendorf, "Old and New Antinomianism," in *The Beauty and the Bands*, ed., John R. Fehrmann, Daniel Preus, Bruce Lukas. Crestwood, MO: Luther Academy and Minneapolis, MN: Association of Confessional Lutherans, 1995, 108–109.

⁵⁴ WA 40 I, 527, 33–528, 5; AE 26:343.

⁵⁵ WA 40 I, 204, 17–18; AE 26:113.

⁵⁶ Dicitur autem non potest, quanta indignitas sit Christum ociosum reddi. WA 40 II, 11, 12–13; AE 27:10.

the bondage, prison-house, slavery, all coercive terms. If that is the way we want it, that is the way we will get it. Religious idolatry is the worst abomination of the chief article, because it makes Christ useless by refusing to receive gifts from him alone.

Secondly, it is crucial for us to always keep in mind that we are *simul*, at the same time, *iustus et peccator*, righteous and a sinner.⁵⁷ The doctrine of the proper distinction between preaching of the Law and preaching of the Gospel go together with the doctrine of *simul iustus et peccator*. When the latter is obscured or denied, there occurs a misunderstanding in the area of the so-called Third use of the Law. The two-track-ness of the Lord's work will be in danger. We will be back to the single-track movement of a gradual progression from sinner to sainthood. And as the phrase itself implies, when confession of Law and Gospel is right, the confession of the original sin is right, and of the human will, good work, Christ, the means of grace, the church, baptism, the Lord's Supper, the liturgy, etc. Luther said that the "doctrine must be one eternal and round golden circle, in which there is no crack; if even the tiniest crack appears, the circle is no longer perfect."⁵⁸ He said it against the error of the sacramentarians, quoting James 2:10 in this context: "Whoever fails in one point has become guilty of all of the Law." This theological observation certainly applies to our day.

Conclusion

So, what does it mean to distinguish Law and Gospel? This distinction means to be at the receiving end of what God serves out. There are two different jobs, and there are two different instruments. Listen to what Luther says: "The Law *demandis*: 'Do this! The promise *bestows*: 'Receive this!'"⁵⁹ The language, "receive this" evokes the Words of Institution of the Lord's Supper ("take [receive] I abete, eat, this is my Body") and the Lord's breathing on his apostle in John 20 ("receive I abete the Holy Spirit.")

Any one-track ways of our attempts to make transition from the Law to the Gospel is denied. Any running of an unbroken and progressive line is rejected. Just as when the Lord first brought us into his kingdom by forgiving our sin was our Lord's two track work of holy baptism: to kill and to make alive, so our Christian life is the ongoing baptismal life. In this life, the Christian remains a total sinner-total saint. In the liturgy, the Christian stands before God as an empty-handed beggar calling out, "*Kyrie, eleison*. Lord, have mercy."

The Law demands with coercion in order to silence our mouth before God. But the Gospel gives us the forgiveness, by saying, "receive this!" As if baptism and the preaching of the Gospel were not enough, he invites us in the most friendly way imaginable to come to eat and drink his body and blood. There, all Law, works, worthiness, reason, inward movement, upward movement, "spiritualization," and compulsion are excluded. We have not made transition ourselves. It is all his show. Our Lord Jesus did not come to be served, but to serve

⁵⁷ Sic homo Christianus simul iustus et peccator, Sanctus, prophanus, inimicus et filius Dei est. WA 40 I, 368, 26–27; AE 26:232. Cf., WA 40 I, 371, 33–34; AE 26:235.

⁵⁸ Debet igitur doctrina esse unus quidam perpetuus et rotundus aureus circulus, in quo nulla sit fissura; ea accedente vel minima, circulus non est amplius integer etc. WA 40 II, 47, 17–19; AE 27:38.

⁵⁹ Lex enim exigit: Fac hoc! Promissio donat: Accipe hoc! WA 40 I, 472, 17–18; AE 26:303.

and give his life as a ransom for many (Mt 20:28). He now serves you at the Lord's Table by giving you his body and blood to eat and to drink.

“The distinction between Law and Gospel is a particularly glorious light,” confesses the Formula of Concord (SD V, 1). We are called not only to preserve it, but also to continue to teach it with all diligence until the end of the world” (SD, V, 1, 24). Only then, the sinners are comforted by the *proper office of Christ alone*.