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Law and Gospel and the Doctrine of God: Missouri in the 1960s and 1970s

Scott R. Murray

The christological character of the divine word has not always been adequately recognized in the Missouri Synod. In “the battle for the Bible” that raged during the 1960s and 1970s the lines were drawn between “Bible believers” on the one hand and the “Bible doubters” on the other. Sometimes these two parties approached theological issues with the single-minded narrowness characteristic of political battles, rather than of adequately nuanced systematic theology. The fight was ham fisted and imprecise. The right noses were not always bloodied and theological hobby horses were ridden into the ground.

One of the notorious theological hot spots of this time was the third use of the law.¹ This issue demonstrates, perhaps better than any other, the laser-like narrowness of the theological method in vogue in the Missouri Synod in the 1960s and 1970s. It also demonstrates the deep interconnectedness of the points of theology. One cannot practice theology with a narrow concern, sometimes an unecumenical concern, ruling all the points of theology.

Certainly, Christian theology has to have a center that holds and that center is none other than the article of justification. But the center is not to be a mere mathematical point. The center of theology has some breadth and that breadth ultimately draws in the whole counsel of God, the doctrine and all its articles.² Without that breadth supporting justification,

¹This article is a condensation of a chapter in Dr. Murray’s upcoming book, *Law, Life, and the Living God* (Saint Louis: Concordia Publishing House, 2001) to be released later this year. The third use of the law is no longer a theological lightning rod. For example, at the request of the Commission on Theology and Church Relations (CTCR), President A. L. Barry removed from the docket of requested opinions an assignment on the relationship of the third use of the law and freedom of conscience that dated from 1973 and had been placed on the CTCR’s assignment docket by then President, J.A.O. Preus. The President of Synod no longer saw a need for a CTCR opinion.

²FCSD X:31 in *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, edited by Theodore Tappert (Philadelphia: Fortress Press, 1959). Hereafter cited as

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the christological mystery can be made peripheral, undoing the work of the Chalcedonian fathers.

Valparaiso Theologians

In the 1960s and 1970s The Lutheran Church — Missouri Synod (LCMS) was racked by a war between two basic schools of thought on the third use of the law. One was made up of theologians whom we might call “old” Missourians,³ and one consisted of the theologians connected with Valparaiso University, the so-called “Valparaiso theologians.”⁴ We will review the teaching of the two LCMS parties and assess the impact that their views on law and gospel had on the doctrine of God.

The teachings of the Valparaiso theologians of this period can be summarized under the following three headings: (1) gospel reductionism; (2) Decalogue, law, and *parenesis*; and (3) doctrine, church authority, and law. Each of these points highlights a crucial aspect of their teaching that affects or is affected by the third use of the law.

Gospel Reductionism

“Gospel reductionism” was a term coined in the Missouri Synod during the 1960s.⁵ The term had its birth in the battle over the normative nature and extent of the law-gospel principle implicit in Lutheran theology. In the 1960s the Valparaiso theologians began to invoke law-gospel as the ruling or the only hermeneutical presupposition in Lutheran theology. They adopted this hermeneutic as a replacement for the old inspiration doctrine, which they decisively abandoned in this period. The adoption of this method by the Valparaiso theologians spurred a critical response by John Warwick Montgomery, Ralph Bohlmann, and Robert Preus.⁶

Tappert.

³“Old” only in the sense that they were defenders of the traditional Lutheran doctrine of the third use of the law as taught by the Formula of Concord.

⁴For the purposes of this study the significant Valparaiso theologians of this period were Edward H. Schroeder, Robert W. Bertram, Walter J. Bartling, Robert J. Hoyer, Paul G. Bretscher, Walter R. Bouman, and Robert C. Schultz. Of these, Schroeder, Hoyer, Bretscher, and Schultz taught at Valparaiso University during their careers.

⁵Edward H. Schroeder specifically called the term a “neologism.” Edward H. Schroeder, “Law-Gospel Reductionism in the History of The Lutheran Church-Missouri Synod,” *Concordia Theological Monthly* 43 (April 1972): 233.

⁶Bohlmann and Preus were both members of the faculty minority at Concordia

Montgomery toured the synod during the spring and fall of 1966 delivering papers opposing the doctrinal aberration that he called "Law/Gospel reductionism" among others.⁷ Montgomery published his essays in book and pamphlet form and disseminated them widely in the LCMS and beyond. In time "Law/Gospel reductionism" became known by the more compact moniker, "gospel reductionism." Edward Schroeder responded to Montgomery's charges against "gospel reductionism" in his 1972 article, "Law-Gospel Reductionism in the History of The Lutheran Church—Missouri Synod." It was universally agreed that gospel reductionism could make a major impact on the doctrinal basis for the very existence of the LCMS.⁸ For Schroeder, gospel reductionism became more than just a way of denominating the Lutheran habit of judging doctrine based on meta-theological themes, such as justification, which is the obverse of the law and gospel coin.⁹ Law and gospel was *the* biblical hermeneutic of the Lutheran Church for Schroeder. This approach generated a firestorm of opposition.

How could such an apparently Lutheran approach to theology generate such significant opposition? The principle of gospel reductionism itself was not the problem. The problem of gospel reductionism revolved around its meaning, extent, and relationship to other points of Lutheran theology. The Valparaiso theologians used gospel reductionism as a

Seminary, Saint Louis.

⁷Schroeder, "Law-Gospel Reductionism," 232. The essays presented at this time were collected into *Crisis in Lutheran Theology*, edited by John W. Montgomery, 2 volumes, second edition (Grand Rapids: Baker Book House, 1967; reprint, Minneapolis: Bethany Fellowship, 1973).

⁸In 1975 Paul Bretscher wrote, "Theologians who claimed to derive the authority of the Scriptures from the authority of the Gospel were suspected of 'Gospel reductionism,' and of trying to change the doctrinal basis on which the Synod had stood for 125 years." Paul G. Bretscher, *After the Purifying* (River Forest: Lutheran Education Association, 1975), 7. Schroeder summarized the important contributions made to Lutheran theology by C. F. W. Walther and Werner Elert. However, Schroeder went beyond what Walther and Elert had taught about law and gospel. Schroeder also astutely pointed out that the distinction between law and gospel was ignored in the Reformation studies of both Karl Holl and Ernst Troeltsch and that Werner Elert set out to remedy that lack of attention. Schroeder, "Law-Gospel Reductionism," 233.

⁹For more on this meta-theological import of law and gospel see Scott Murray, "Law and Gospel: The Lutheran Ethic," *Logia* 4 (July 1995): 15-24.

principle of biblical interpretation, indeed, as the only Lutheran hermeneutic.

Schroeder's form of gospel reductionism was criticized because it functioned as a hermeneutical presupposition rather than strictly as a theological principle. For Schroeder law and gospel had become "the hermeneutical touchstone" of the Confessions.¹⁰ Schroeder even defended his position as consistent with a *quia* subscription to the Lutheran Confessions.¹¹ "Thus anyone concerned with his *quia* subscription to the Lutheran Symbols could hardly take umbrage at anyone using the centrality of the Gospel, even 'reducing' issues to Gospel or not-the-Gospel, as his Lutheran hermeneutical key for interpreting the Bible."¹² Schroeder believed that the theologians who wrote the classic confessional documents of Lutheran Reformation had actually functioned with just such a hermeneutical key to Scripture.

The distinction between law and gospel is the operating yardstick whereby the confessors practiced their gospel reductionism. That distinction gave them a theological Occam's razor to keep from multiplying gospels (or from expanding the gospel to include more

¹⁰Schroeder, "Law-Gospel Reductionism," 235; emphasis original. Schroeder said precisely the same of the hermeneutic of Luther. Schroeder commended Luther for what Lindsay Dewar called Luther's "one-sided" interpretation of the Scriptures. Dewar excoriated Luther for the defect of interpreting the Bible from the standpoint of justification by faith. Lindsay Dewar, *The Holy Spirit and Modern Thought* (New York: Harper and Brothers, 1959), 125. Schroeder suggested that this was the correct standpoint for interpreting the Bible. Edward H. Schroeder, "Is there a Lutheran Hermeneutics?" in *The Lively Function of the Gospel*, edited by Robert W. Bertram (Saint Louis: Concordia Publishing House, 1966), 81.

¹¹The *quia* subscription simply means that Lutherans pledge themselves to the content of the Lutheran confessions because they are true and correct expositions of the word of God. The opposite position is that the confessions could be subscribed to in a *quatenus* fashion, that is, in so far as they reflect the Bible's own teaching. This is ultimately no subscription at all. For more on the historic meaning of *quia* confessional subscription, see C. F. W. Walther, "Why Should Our Pastors, Teachers and Professors Subscribe Unconditionally to the Symbolical Writings of Our Church," translated and condensed by Alexander W. C. Guebert, *Concordia Theological Monthly* 18 (April 1947): 241-253; Robert D. Preus, "Confessional Subscription," in *Evangelical Directions for the Lutheran Church*, edited by Erich Kiehl and Waldo J. Werning (Chicago: Lutheran Congress, 1970), 43-52.

¹²Schroeder, "Law-Gospel Reductionism," 235.

and more things that one *must* believe) and to perceive when something was gospel and when something was not. Thus, the distinction is not a doctrine itself. But it is a procedure practiced as an auxiliary theological tool in theology and proclamation to keep the gospel "gospel."¹³

The problem with this characterization of the function of law and gospel in Lutheran theology is that, though it was a basis, it certainly was not the only basis for the confessors' principled rejection of the work righteousness of the Roman Catholics.¹⁴ For example, when Luther and Melancthon were confronted with the need to support their views, they repaired to a grammatical-historical exegesis of the essential biblical texts. Ralph Bohlmann, who inductively drew the hermeneutical principles employed by the Lutheran confessors from the Lutheran confessional documents, has shown this.¹⁵ Thus Schroeder's argument fails to convince because there is no evidence that the Lutheran confessors used the gospel alone as their biblical hermeneutic.¹⁶

Moreover, a serious contention remained over whether or not law and gospel was a *hermeneutical* principle at all.¹⁷ The law-gospel principle

¹³Schroeder, "Law-Gospel Reductionism," 235; emphasis original.

¹⁴Robert C. Schultz pointed out that law and gospel are systematic signposts intended to defend the doctrine of justification at the outset of a 1961 journal article. "The distinction between Law and Gospel is one of the clearest systematic expressions of the doctrine of justification through faith without works formulated by the Lutheran Reformation." Robert C. Schultz, "The Distinction Between Law and Gospel," *Concordia Theological Monthly* 32 (October 1961): 591.

¹⁵Ralph A. Bohlmann, "Principles of Biblical Interpretation in the Lutheran Confessions," in *Crisis in Lutheran Theology*, 2:145-158, 161. See also Ralph A. Bohlmann, *Principles of Biblical Interpretation in the Lutheran Confessions*, revised edition (Saint Louis: Concordia Publishing House, 1983). Holsten Fagerberg pointed out that "the Confessions actually proceed to the interpretation of Scripture, but without telling us which principle is being employed in the process." Holsten Fagerberg, *A New Look at the Lutheran Confessions*, translated by Gene A. Lund (Saint Louis: Concordia Publishing House, 1972), 35.

¹⁶Robert C. Schultz, one of the Valparaiso theologians, considered law and gospel to be a hermeneutical principle of the Lutheran reformers. However, he did not argue that they were their only hermeneutic. See Robert C. Schultz, "The Distinction Between Law and Gospel," *Concordia Theological Monthly* 32 (October 1961): 596.

¹⁷Here hermeneutical principle is being used to refer to a rule applied by an interpreter to the text in order to discover its meaning. Bohlmann, "Principles," 160.

functioned as a principle of theology in the writings of the Lutheran Reformation, but it was not a hermeneutical presupposition in the sense that Schroeder used.¹⁸ Law and gospel was a principle that led the Lutheran reformers to reject certain teachings and practices because they were opposed to the gospel or in conflict with the gospel. For example, in the Augsburg Confession Melancthon used the gospel to reject the imposition of human traditions upon the practice of the church.¹⁹ The practice of the church was to be normed by the gospel, so the practices that contradicted it could not be tolerated when they implied that forgiveness of sins was merited by their observance. This principle was drawn from Scripture. It was not a presupposition used in the interpretation of Scripture or imposed upon Scripture. Strictly speaking, it was not a biblical hermeneutic.²⁰

Holsten Fagerberg, whom Schroeder criticized, pointed this out for the doctrine of justification in the Lutheran Confessions. "But this doctrine is not a general key to the Scriptures. Instead of being the sole principle for the interpretation of the Scriptures, it provides the basic rule which clarifies the Scriptural view concerning the relation between faith and good works."²¹ The same can be said of the law-gospel theme in the

¹⁸The position defended by Schroeder had support in the work of a number of European Lutherans, the best example of which was Edmund Schlink. However, even Schlink did not give the one-sided interpretation to the law and gospel hermeneutic that Schroeder did. "This intense concern with the Gospel suggests that the Gospel is the norm in Scripture and Scripture is the norm for the sake of the Gospel." Edmund Schlink, *Theology of the Lutheran Confessions*, translated by Paul F. Koehneke and Herbert J. A. Bouman (Philadelphia: Fortress Press, 1961), 6. Note that Schlink does not say that the gospel is the norm of Scripture, but rather in Scripture. He also balances this idea with "Scripture as the norm for the sake of the Gospel."

¹⁹AC 15, 3-4 in Tappert; *Die Bekenntnis-schriften der evangelischen-lutherischen Kirche*, (Göttingen: Vandenhoeck & Ruprecht, 1979), 69-70. Hereafter cited as BS.

²⁰Kurt Marquart noted that LCMS moderates defend a false either/or in that, like Schroeder, they pitted the gospel against Scripture. "The 'formal principle' (or Scripture-principle), then, is not something additional, above, and beyond the Gospel and forced onto it from without. It is rather the Gospel's own authority-dimension, the criterion by which the Gospel distinguishes itself from false gospels (Galatians 1:8, 9; Ephesians 2:20)." Kurt Marquart, *Anatomy of an Explosion*, Concordia Seminary Monograph Series, number 3 (Fort Wayne: Concordia Theological Seminary, 1977), 130.

²¹Fagerberg, *A New Look*, 36.

Lutheran Confessions.²² The law-gospel theme had extensive significance in Lutheran theology, but was itself normed by the text of Scripture.²³ Fagerberg stated precisely, "the confessional statements on Law and Gospel do not contain any general orientation for the interpretation of the Bible."²⁴ Kurt Marquart provided a more nuanced criticism of the gospel reductionistic program to use the gospel as the sole norming authority.

Of course justification, or the Gospel in its strictest sense, is the heart and soul of, and therefore the key to, the entire Scripture. And just *because* the Gospel permeates the entire Scripture (always presupposing the Law), the Scripture-principle is Gospel-authority. Hence it is always and only actual Bible texts, that is the "certain and clear passages of Scripture," and not some "Law and Gospel" floating above them, which constitute the "rule" for interpretation!²⁵

The gospel or Scripture choice reflected a false either/or. Therefore, Schroeder's claim that the gospel reductionistic hermeneutic was the hermeneutic of the Lutheran Reformation was gravely flawed.²⁶

The use of gospel reductionism as a hermeneutical tool had significant effects upon the approach to the third use of the law. This result can be seen in the essays of Robert Hoyer in *The Cresset*, the magazine of Valparaiso University. Hoyer stated that law and gospel interprets Scripture, as well as norming preaching and teaching in the church.²⁷ For Hoyer law and gospel are to be used to elicit meaning from the biblical text. The distinction was not just a theological filter, but a biblical hermeneutic.

²²See also Robert C. Schultz, "An Alternative to the Formula of Concord?" review of *A New Look at the Lutheran Confessions*, by Holsten Fagerberg, in *The Cresset* 36 (March, 1973): 13.

²³For more detail on this debate, see Fagerberg, *A New Look*, 36, note 7.

²⁴Fagerberg, *A New Look*, 63.

²⁵Marquart, *Anatomy*, 131; emphasis original.

²⁶"The law and the gospel cannot be looked upon as providing the hermeneutical key to every pericope in the Bible." David P. Scaer, "Law and Gospel in Lutheran Theology," *Grace Theological Journal* 12 (Fall 1991): 176. Robert Preus pointed out that the law and gospel function as a theological hermeneutic to rule out legalism. Robert D. Preus, "The Hermeneutics of the Formula of Concord," in *No Other Gospel*, edited by Arnold J. Koelpin (Milwaukee: Northwestern Publishing House, 1980).

²⁷Robert J. Hoyer, "On Law and Gospel," *The Cresset* 29 (February 1966): 8. Hoyer was a long time member of the LCMS Board of Parish Education.

Gospel reductionism reduced authentication of points of Lutheran doctrine to whether they were "Gospel or not-the-Gospel." With such a sharp single-edged razor of discernment, the third use of the law is ripe for excision. The law immediately comes under scrutiny as "sub-Gospel,"²⁸ and thus, becomes sub-Christian. Schroeder definitely was leading to a decisive break from the Lutheran doctrine of the third use of the law. This use of the law-gospel hermeneutic was set into sharp relief by the writings of Hoyer. The law could only judge and condemn and no more. The law "can not [*sic*] really tell man what to do leading to a proper relationship with God."²⁹ There could be no ethical use of the law whatsoever. In fact, to use it as an ethical tool is rebellion against the law itself. "The ethical use of the law *is* that rebellion."³⁰ Basing his argument on Romans 1, Hoyer asserted that the only ethical causation attributable to the law is rebellion against God.³¹ The law's only purpose is condemnation.³² For Hoyer, not even civil or social righteousness remains for the law. In a short 1968 article, Hoyer advocated anarchy. "Yes, anarchy is what I propose. The proposal may be folly because of human

²⁸Schroeder, "Law-Gospel Reductionism," 235. Schroeder suggested that George Stöckhardt already critiqued the third use of the law using the razor of gospel reductionism in 1887. See Karl George Stöckhardt, *Law and Gospel According to their Several Effects*, translated by Walter H. Bouman, Valparaiso Pamphlet Series, number 9 (Valparaiso: Valparaiso University, Association, 1946), 5, 6, 27. In this article, Stöckhardt attempts to show that he is not supporting law and gospel as a biblical hermeneutic. A great deal of significance was given to the opinions of the "fathers" in the practice of theology in the LCMS in this period. The fathers were the venerated theological professors of the LCMS of previous generations. The primary fathers were Walther, Francis Pieper, and Stöckhardt. Even today it is difficult to criticize the work of these men in LCMS circles.

²⁹Hoyer, "On Law and Gospel," 8.

³⁰Hoyer, "On Law and Gospel," 8; emphasis original.

³¹Hoyer, "On Law and Gospel," 8.

³²Hoyer was by no means unique in his views. John S. Damm denied that the law can be a guide for the Christian ethic. "Thirdly, the law cannot be a *guide* for this ethic. If the law is God's it can only expose our lack of love. And if the *love* is God's then the law is too minimal to serve as any sort of guide. It becomes superfluous for the exercise of love. This is by no means a full discussion of the subject. It is not even an outline. The point here is simply that a third use of the law as a guide for Christian life is impossible." John S. Damm, "Criteria for Evaluating Educational Materials," *The Teaching of Religion* (River Forest: Lutheran Education Association, 1965): 42; emphasis original.

weakness. Grace is the solution to human weakness."³³ The third use of the law has absolutely no place in this program. Not even the first use of the law survives these presuppositions.

The simplicity of the principle of gospel reductionism leads to abuse. Because of its simplicity, theologians can easily use it to criticize central Christian teachings, such as the validity of the law in the life of the Christian, not to mention the permanence of the christological mystery itself. There is a serious threat of a severe reduction of Christian doctrine to a bare gospel, which is no gospel at all.³⁴ A further difficulty implied by the simplicity of the principle is the danger that it can be radically interpreted so as to rule out significant and central Christian doctrines. The lack of an anchoring certainty troubled the critics of the gospel reductionistic techniques of the Valparaiso theologians. For Schroeder, this principle functions without being anchored in authoritative texts, and even functions to judge the meaning and applicability of the text of Scripture. Ironically "law-gospel reductionism" functioned to rule out the third use of the law. Thus, in the end, Schroeder had reduced law-gospel reductionism to be truly only gospel reductionism, and that based on an extremely narrow definition of gospel. This narrow gospel was defined at the expense of other articles of the faith, so that it became a mere "good news for a bad situation."

Decalogue, Law, and Parenesis

The Valparaiso theologians exhibited various approaches to the significance of the Ten Commandments in the life of the Christian. The Lutheran Confessions force theologians to take account of the Ten Commandments. Luther makes the Ten Commandments the first of the six chief parts in his catechism. Stephen Schmidt contended that the commandments are not guides to Lutheran morality. "Lutheran morality, then, could be no code of ethical responses to given rules or new

³³Robert J. Hoyer, "On Second Thought" *The Cresset* 32 (November 1968): 17.

³⁴The Commission on Theology and Church Relations of the LCMS defined gospel reductionism as: "use of the Gospel as the norm of theology in such a way as to suggest that considerable freedom should be allowed within the church in matters that are not an explicit part of the Gospel." *Gospel and Scripture: The Interrelationship of the Material and Formal Principles in Lutheran Theology*, by the Commission on Theology and Church Relations (Saint Louis: Lutheran Church—Missouri Synod, 1972), 4.

stipulations. The Ten Commandments can serve as no guide for Lutheran morality. The law does not serve a gospel function; it can only accuse."³⁵ Schmidt accepted uncritically the Elertian position that if the law always accuses, it only accuses. While Schmidt was interested in social ethics, he made a sharp division between theological ethics and social ethics. "Christians are under the law in every sense by virtue of their creatureliness and their citizenship. Such ethical instruction is not the focus of theological instruction. In theological terms, the law serves only to accuse."³⁶

More troubling, however, is the tendency in those who denied the third use of the law to attribute a norming or exhortative function in the Christian to the gospel ethical life. Schmidt stated indirectly that the gospel is a "guide" to ethical action. Schmidt confused law and gospel by suggesting that it is the task of the gospel to guide the Christian in ethical action. The third use of the law becomes subsumed under the effects of the gospel. At best, this is a confusion of law and gospel.

Robert Hoyer went far beyond the position espoused by Schmidt. He denied any place for civil righteousness or social ethics. The Ten Commandments are an absolute standard, but in this one sense only, that the law's condemnation of the sinner is absolute. "In this sense only it is an absolute standard—not an ethical standard of what we must do, but a judgmental standard of what we are."³⁷ Ultimately the law cannot bring validity to any ethical standard, but functions only to destroy any ethical pattern in the human relationship with God.³⁸ Martin Marty also held that

³⁵Stephen Schmidt, "Law-Gospel: Toward a Model of Moral Education," *Religious Education* 65 (November-December 1970): 478.

³⁶Schmidt made a sharp division between social and theological ethics. Could an argument be made that theological ethics would make no impact upon society, family, or government, or even that theological ethics are not social ethics as well? A short tour through Martin Luther's "Table of Duties" answers the question decisively in favor of the strong relationship between social and theological ethics in Lutheran theology. There is no other plane on which Christian or theological morality can be played out except the social context into which God places the Christian by reason of his vocation. Schmidt, "Law-Gospel," 478-479.

³⁷Hoyer, "On Law and Gospel," 8.

³⁸Hoyer, "On Law and Gospel," 9. Edward H. Schroeder held that law was not immutable only in a functional sense. The law continues to demand and threaten as an expression of God's judging power. Edward H. Schroeder, "A Statement" *A Mistatement* [sic] (Saint Louis: Evangelical Lutherans in Mission, 1972), 2.

the external code of the Ten Commandments has little validity in the context of Christian ethics. While discussing the prohibition of coveting at the end of his section on the Decalogue, he points out the importance of the involvement of the forgiven heart. "The hidden character of the Christian ethic is made evident where action is not involved. The character of the forgiven heart is called into question; the external code is unimportant by comparison."³⁹ While it is true that where there is a heart not made new in Christ, the external code is quite useless, it also remains true that the specific prohibition of coveting clarifies the character of the forgiven heart for the Christian. Marty seems to accept a false either/or that there must be law or freedom. For him, that freedom will not seek to be normed by any external authority, indeed such authority is useless. Gwen Sayler exhibited this attitude toward the law. She denied that the law can provide a norm for holiness. "The Law serves unceasingly to convict the new person of sinfulness and to drive the person back to Christ. Good works are done by the new person on the basis of faith; there are no objective criteria for goodness."⁴⁰ Sayler reflects the strong Elertian bias of the Valparaiso theologians, and draws a radically existentialistic conclusion from the *semper* when she denies that there are any "objective criteria for goodness."⁴¹

While the Valparaiso theologians accepted only a narrow theological field upon which the law could work, that is, as an accuser, they still had to account for the existence of New Testament ethical instruction, especially in the Pauline epistles. For them New Testament *parenesis* replaces the third use of the law. Ethical direction in the life of the Christian begged for a term, simply because there seemed to be such an abundance of ethical instruction in the New Testament. New Testament ethical instruction was denominated by a term taken from the New Testament, namely, *parenesis*. *Parenesis* is "a form in which general hortatory moral maxims are loosely strung together."⁴²

³⁹Martin E. Marty, *The Hidden Discipline* (Saint Louis: Concordia Publishing House, 1962), 32.

⁴⁰Gwen Sayler, "Werner Elert and the Law/Gospel Dialectic," *Currents in Theology and Mission* 2 (February 1975): 42.

⁴¹See also Schultz, "An Alternative?": 13.

⁴²Walter J. Bartling, "Hermeneutics and Pauline Parenesis," in *A Project in Biblical Hermeneutics*, edited by Richard Jungkuntz (Saint Louis: The Commission on Theology and Church Relations of The Lutheran Church—Missouri Synod, 1969), 77.

Walter J. Bartling argued that Pauline *parenesis* required reinterpretation based on leading themes or motifs of Pauline theology. The Pauline agape ethic could be used to interpret the meaning of Pauline *parenesis*. An agape ethic consistently applied to specific ethical instructions would have a major impact on the meaning of Pauline *parenesis*.⁴³ The same could be said of the freedom granted by the Spirit. Thus, actual exhortations are only paradigmatic, and certainly not universally binding. For Bartling this is an essential component in the resolution of the problem suggested by Pauline *parenesis*.⁴⁴ For him the dilemma boils down to striking an appropriate balance between the prescriptive force of Pauline *parenesis* and the kerygmatic motifs of Pauline theology, namely, agape and freedom in the Spirit. How is *parenesis* to be understood and used in the church if indeed, "*parenesis* is

⁴³"The absolutizing of the law of love in a remorselessly situational ethic has a ring of modernity about it, but it is little more than commentary on Augustine's oft-quoted dictum: *ama et fac quod vis*. The original text for both the modern and the Augustinian elaboration of the theme is Romans 13:10: 'Therefore love is the fulfilling of the Law.' The question, 'What should I do?' the argument runs, is not only impossible to answer in the complexities of actual situations but is in principle needless. From moment to moment love must actualize itself within the demands of the given situation." Bartling, "Hermeneutics and Pauline Parenesis," 60.

⁴⁴Closely related to the relationship of *parenesis* and eschatology was the view of Albert Schweitzer that through *parenesis* Paul was taking into account the disjunction between the real and the ideal in his theology. The indicatives represent the ideal and the imperatives the real. This does not satisfactorily consider the fact that for Paul there is no disjunction between the indicatives showing forth the mercy of God and reality. The indicatives are real. The imperatives are more than "merely accommodation to practical necessity," as Bartling contended. Bartling, "Hermeneutics and Pauline Parenesis," 61. See Albert Schweitzer, *The Mysticism of Paul the Apostle*, translated by William Montgomery (New York: Macmillan, 1931), 293-333. A further attempt to deal with the Pauline *parenesis* is based on the changing situation in the early church's life. The church needed to deal with the fact that the apparently imminent return of Christ had been unexpectedly delayed. What was to be done in the interim? This was the impelling force behind the construction of *parenesis*. *Parenesis* was an "in between times" ethic. However, this explanation did not account for what Bartling called the "double emphasis" of Pauline eschatology, that it is both a realized and a waiting eschatology; it lives in time awaiting the parousia. Nor did it account for the fact that even the earliest Pauline literature includes an abundance of parenetic material. Thus even before the apparent realization of a delayed return of Christ there was strong ethical instruction included in the New Testament.

not an ungainly addendum but is as central as the cross itself"? Ultimately, the gospel itself serves to shape the interpreter's understanding of the parenetic material. "The Gospel is the norm for every interpretation of *parenesis* and for any contemporary translation."⁴⁵ This is a variation on the gospel-as-hermeneutic theme championed by Schroeder, Schultz, and others, and attacked by Montgomery. The gospel certainly causes results in the life of the Christian but to call it a "norm" is to risk a confusion of law and gospel.⁴⁶ Here again there is gospel reductionism.⁴⁷

Bartling was willing to point out "evidence on the level of vocabulary usage and the indicative/imperative structure of Pauline *parenesis*." This evidence led him to see parallels between *paraklesis* and gospel, so that law and *paraklesis* mirror the coordination of law and gospel. "*parenesis* is *paraklesis*, and *paraklesis* is *usus practicus evangelii*."⁴⁸ Bartling confused law and gospel by making exhortation parallel to gospel.⁴⁹ Thus Bartling has no problem with the phrase "*usus practicus evangelii*" to describe *paraklesis*. If gospel includes an "*usus practicus evangelii*" then this is perilously close to Calvin's primacy of the didactic use of the law. But for Bartling this didactic use is still called "gospel," rather than "law" as it

⁴⁵Bartling, "Hermeneutics and Pauline Parenesis," 63, 75.

⁴⁶Among the responses of the members of the Commission on Theology and Church Relations this comment was made: "It isn't that the Gospel doesn't create a new ethos of its own, over and above what we might be demanded by the Law. It does indeed. And the shortest summary of that new ethos is, as Bartling says, *agape*. The negative converse of this *agape* in Romans—especially if you read the end of the epistle (chapters 14 and 15) as the paracletic reply to its beginning (chapter 2)—is the new power which the justified have: no longer to pass judgment (14:13). But is that new power available to them merely as a 'norm,' especially if that suggests one more criterion by which their lives are again criticized (*krinein*), evaluated? That the Gospel is not, and the Law is." Bartling, "Hermeneutics and Pauline Parenesis," 79-80.

⁴⁷Although Bartling claims that he intends to avoid the debate about the third use of the law, he cannot avoid the implications for the third use brought to the surface by his study. He is correct that the third use of the law is primarily a problem of systematic theology. "This is rather a historic and systematic problem than a strictly exegetical one." However, if systematic theology is to be biblical, one has to search for biblical or exegetical roots for the third use of the law. Bartling, "Hermeneutics and Pauline Parenesis," 74.

⁴⁸Bartling, "Hermeneutics and Pauline Parenesis," 75.

⁴⁹Bartling, like Schmidt, adds an exhortative element to the gospel. See above, 124-126.

was by Calvin. Bartling's "gospel" has ultimately become law with a norming force! Where there is a diminishment of the law by rejection of a third use the gospel inevitably is infected by law elements such as *parenesis* or exhortation.⁵⁰ The very theologians who charged that the third use of the law was a Calvinistic Trojan horse in the deepest of all ironies taught a most Calvinistic approach by adopting a "*usus practicus evangelii*."⁵¹ This is a reintroduction of Calvin's didactic use of the law, but worse yet, as part of the gospel! Karl Barth had taught that "the Law is the necessary form of the Gospel whose content is grace." Barth cast a long shadow in the Missouri Synod during the 1960s and 1970s.⁵²

Bartling also relegated the Decalogue to an inferior position by arguing that New Testament *parenesis* has no apparent relationship to the Decalogue. If gospel leads only to *paraklesis* and *Gebot* (command), and not to the Decalogue, then the law is relegated to a sub-Christian status. If there is no Christian purpose to the Decalogue, in principle there can be no third use of the law.

⁵⁰For another example of this tendency in the LCMS, see Adalbert R. A. Kretzmann, *Law and Gospel* (Saint Louis: Faith Forward Executive Committee, The Lutheran Church—Missouri Synod, n.d.), 17-19.

⁵¹Scott Ickert perpetuates the myth that the Lutheran doctrine of the third use of the law is basically taken from Calvin, who provides the classic case. "But it is in Calvin's *Institutes* (II. vii. 6-12) that we discover what may be considered the *locus classicus* for the definition of the third use of the law." Scott Ickert, "The Uses of the Law," *Lutheran Forum* 25 (February 1991): 20. A similar point of view was evinced by Hans Schwarz, who quoted Calvin's opinion on the third use of the law and then claimed that "a similar line of thought was pursued by Philip Melancthon." Hans Schwarz, "The Word," in *Christian Dogmatics*, edited by Carl F. Braaten and Robert W. Jenson (Philadelphia: Fortress Press, 1984), 275. Schwarz more strongly connected Calvin's opinion with Melancthon's: "This was also the line of thinking taken by Melancthon, the *Lutheran Book of Concord*, and the theologians of Lutheran Orthodoxy." Hans Schwarz, *Responsible Faith* (Minneapolis: Augsburg Publishing House, 1986). The editors of *Christian Dogmatics* appear to have edited out the stronger statement, which Schwarz added to his later work.

⁵²Perhaps Barth still casts a shadow in the Missouri Synod. For example, the infamous Personal Information Forms (PIF) employed by Missouri Synod District Presidents include a section rating a pastor on a continuum from legalistic to evangelical. This kind of thinking is inspired more by Barth than the Lutheran confession.

Doctrine, Church Authority, and Law

The Valparaiso theologians were deeply suspicious of church authority, especially when that authority enforced doctrinal standards. Often the rigid application of the "Occam's razor"⁵³ of gospel reductionism accompanied or was even occasioned by the rejection of any doctrinal discipline imposed by church authorities.⁵⁴ Edward Schroeder perfected his exposition of "gospel reductionism" in 1972, but as early as 1966 he had championed the view that Melancthon himself had taught that when the hermeneutic of the gospel is applied to Scripture it would "add" things to Scripture. Ultimately this hermeneutic would adjust and correct those texts of Scripture which were themselves law. "So in an exegetical situation which without reference to faith in Christ calls for man to do good works and to please God, faith in the righteousness of Christ *must be added* to the Bible passage *because the Bible demands it*."⁵⁵ Here is a clear description of a hermeneutic that is over the text, rather than interpreting the text. The point of this audacious hermeneutic is to modify the meaning and significance of the law in the Bible. Law ceases to be law under such a method. The law is simply swamped by the radical claims of gospel reductionism upon the text of Scripture.

In the end, having correct teaching or pure doctrine becomes unimportant under this hermeneutical assault on the text of Scripture. Scripture cannot serve to provide an objective witness to inform Christians of the truth. Schroeder ridiculed the catechesis of the church. "The purpose is not that they will have the right answer for the great final examination but rather that they can have that answer happening in their own lives."⁵⁶ True teaching is not as important as the existential experience of making the truth happen. Schroeder is following the pattern set by his American mentor, Richard Caemmerer, who taught this in the previous decade and in whose *festschrift* this viewpoint found such clear expression.⁵⁷ Schroeder was convinced that because the gospel was

⁵³Schroeder, "Law-Gospel Reductionism," 235.

⁵⁴For example, Richard E. Koenig scorned the LCMS tradition of strict doctrinal discipline as rigid and unfeeling. Richard E. Koenig, "What's Behind the Showdown in the LCMS? Church and Tradition in Collision," *Lutheran Forum* (November 1972): 19.

⁵⁵Schroeder, "Is There a Lutheran Hermeneutics?" 95; emphasis original.

⁵⁶Schroeder, "Is There a Lutheran Hermeneutics?" 96.

⁵⁷For more on Richard Caemmerer's role in this debate see Murray, *Law, Life, and*

"promise" in Lutheran theology, the divine word could not be information. He gives a classic expression of this position using terms borrowed from Martin Buber.⁵⁸ "Viewing the Gospel as a promise moves it away from the 'I-it' relationship, as though it were a 'thing'—information, rules, reports, even *divine* information, *divine* rules, *divine* reports—and defines it in terms of an 'I-Thou' relationship."⁵⁹ Promise was a personal relationship, rather than information.⁶⁰ Schroeder accepted completely the relational or existential character of truth. This viewpoint led to a view of lawful church authority that was low indeed. For in principle there could be no church authority apart from the existential character of truth, itself a slippery notion. An existentialistic gospel is not an idea that is susceptible to codification in doctrinal standards or enforcement of those standards. Thus doctrinal orthodoxy is not a piety to be pursued in faithful service to the Lord of the church, but a positive evil to be avoided at almost any cost.

Paul Bretscher commented that because Jesus accepted sinners in the kingdom that He was unconcerned about law. "Jesus must have looked like a 'liberal,' quite careless of law and discipline."⁶¹ Bretscher argued that the gospel should keep Christian teachers from undergoing doctrinal discipline. Such discipline smacked of rationalism and unfaith.⁶²

The ultimate conclusion for Schroeder was that the gospel as defined above did not, indeed could not, forbid the use of the modern, higher critical interpretive tools. He adds this at the end of his 1966 article for the

the Living God.

⁵⁸Martin Buber, *I and Thou*, translated by Ronald Gregor Smith (New York: Scribner, 1937).

⁵⁹Schroeder, "Is There a Lutheran Hermeneutics?" 92.

⁶⁰Holsten Fagerberg identified at least two different ways in which the word "gospel" was used in the Lutheran Confessions. It is untenable that the gospel is only promise in Lutheran theology. One of these usages directly contradicts Schroeder's contention. Fagerberg pointed out that for the Lutheran Confessions, the gospel can be New Testament Scripture and its content. Fagerberg, *A New Look*, 87-96. As one example, the Formula of Concord speaks of the gospel as a doctrine which teaches and therefore has objective content. FC 5, 20 in Tappert. See also LC 4, 29 in Tappert; BS 696.

⁶¹Paul G. Bretscher, "The Log in Your Own Eye," *Concordia Theological Monthly* 43 (November 1972): 645.

⁶²Bretscher, "The Log in Your Own Eye," 680.

Caemmerer *festschrift*. After championing the hermeneutic of Luther and Melancthon he argues that such modern interpretive tools should be permitted.

Perhaps there are other operating procedures for exegesis in our time which are not identical with those the Reformers utilize. There are no *a priori* reasons why one could not use the tools of source criticism and *Formgeschichte* and still be interpreting the Scriptures in keeping with these Lutheran hermeneutic [sic] principles.⁶³

This acceptance of these other operating procedures, for which he has not argued anywhere in the article, is out of place, especially since he has argued so strenuously for the unity of Lutheranism's hermeneutic, the gospel. Now suddenly, like a hermeneutical *deus ex machina*, he posits that the new hermeneutical methods of critical scholarship should not be rejected. Any hermeneutical tool that does not contradict his narrow gospel in its results is acceptable to Schroeder. Any point of theology deemed to be outside this narrow gospel suffers a swift death.

The Valparaiso theologians clashed with church authorities over this point. The law no longer set standards for method or results, because there was no third use of the law.⁶⁴ Therefore there was no objective standpoint from which church authorities could criticize the methods or results of the Valparaiso theologians. If there is no third use of the law with standards for Christian faith and practice, there could be no scrutiny of doctrine within the church or the church practice that emanates from doctrine. For example, Paul Bretscher argued that the gospel itself was the norm for faith and practice and that law had no place here norming the practice of a gospel-centered church. He complained of the abuse of the synod's constitution, which enjoined unity in faith and practice in Article II.⁶⁵

⁶³Schroeder, "Is There a Lutheran Hermeneutics?" 97.

⁶⁴Kurt Marquart aptly pointed out the ultimate end of this process is to banish law and gospel from the theological process by putting it at the mercy of the so-called assured results of higher critical interpretive tools. "The first and foremost point to be made is that any 'Law and Gospel' separated from strict biblical authority hang in the air and, far from 'controlling' higher criticism, are in fact totally at its mercy," Marquart, *Anatomy of an Explosion*, 124.

⁶⁵Lutheran Church—Missouri Synod, "Constitution of the Lutheran Church—Missouri Synod," in *Handbook of the Lutheran Church—Missouri Synod* (Saint

As for the terms "faith and practice" in Article II, "faith" now has to do with holding faithfully to the doctrine of inspiration and inerrancy of the Bible apart from and larger in scope than the gospel. "Practice," in turn, has to do not only with a life of faith, hope, and love through Christ our Lord, but in particular now with methods and exegetical persuasions in biblical study.⁶⁶

The gospel alone was the norm here. The law no longer had any norming authority for the church's practice. No theological space was left to the third use of the law.⁶⁷

A denial of the third use of the law thwarted efforts toward doctrinal unity within the LCMS. The choices were set out in stark contrast: gospel or unfaith, absolute freedom or choking discipline, realistic and loving concern or unloving perfectionism, and gospel normed action or legalistic church practice.⁶⁸ For the Valparaiso theologians this was portrayed in the simple terms of an either/or.⁶⁹ Paul Bretscher was typical in this regard, setting out an either doctrine or authentic faith choice in his *After the Purifying*. "Is the truth and purity of God's Word fixed in a body of doctrine to be taught? Or is our structure of doctrine itself subject to continual purging and renewal through whatever testings the Lord might

Louis: Lutheran Church—Missouri Synod, 1995), 9.

⁶⁶Bretscher, *After the Purifying*, 17.

⁶⁷Bretscher, though a writer of extraordinary beauty, was not always consistent in his presentation. While he at one point advocated a "gospel only" method of determining what was the word of God and what was not, farther along in the presentation he described the word of God as being a law-gospel "Word of God," rather than a gospel only word of God. To further complicate this he adds that this law-gospel word of God must be normed by the gospel. Bretscher, *After the Purifying*, 19.

⁶⁸See for example Robert C. Schultz, "Reflections on the Current Controversy in the Lutheran Church—Missouri Synod: An Attempt to Express Pastoral Concern" *The Cresset* 35 (October 1972): 10 *et passim*; Edward H. Schroeder, "Current Implications of the 'We Condemn' Statements in the Lutheran Confessions," *Currents in Theology and Mission* 2 (February 1975): 5-9; and H. Armin Moellering, "A Rejoinder with Repristinating Notes," *Currents in Theology and Mission* 2 (February 1975): 10-18.

⁶⁹Paul Bretscher accounted for the past acceptance of the both/and of Scripture and gospel. "Everybody still agreed that the 'true treasure' of Lutheranism was *both* the holy inspired Scriptures *and* 'the most holy Gospel of the glory and grace of God.' No one thought of himself as having to 'choose' between these two. . . . It was a matter of 'both. . . and,' not of 'either. . . or.'" Bretscher, *After the Purifying*, 99.

choose to lay upon any or all of His people?"⁷⁰ Could it not be that God's word gives a norm by which we are always being renewed? In any case, doctrinal norms, like any other legal norms, did not fare well at the hands of the Valparaiso theologians.

Summary Analysis and Evaluation

The Valparaiso theologians evinced a new approach to biblical hermeneutics by championing their gospel reductionistic hermeneutic. However, it was an attempt to clear the LCMS hermeneutical field for the freedom to operate with historical critical hermeneutics. This generated a firestorm of opposition among the Missourians. The Valparaiso theologians were not correct in arguing that law and gospel was the biblical hermeneutic in traditional Lutheran exegetical practice. The method had drastic results for the third use of the law by relegating it to a sub-Christian status. The gospel of the Valparaiso theologians simply excluded it from Christian theology as "not-the-gospel." Indeed any objective doctrinal content was given the same *coup de grace*, because it was less than "happening."

With the Occam's razor of the gospel wielded in this way, the Valparaiso theologians had to find theological space for the application of Christian ethics. The approach that Paul Althaus suggested found expression as *parenesis* in the work of Walter Bartling.⁷¹ Others took a more radical approach and advocated what could be taken for moral and theological anarchy. In either case doctrinal standards were lowered in the name of the gospel and discipline was considered a sign of unfaith.

Finally, in varying degrees the defenders of the Valparaiso theology were prone to attribute parenetic purposes to the gospel, so that the law's work was now subsumed under the gospel. The denial of the third use of the law led to a redefinition of the gospel to include legal concepts. The gospel was no longer the gratuitous promises of God to the anxious sinner, but a Calvinistic melange of law and gospel, which was no gospel at all.

⁷⁰Bretscher, *After the Purifying*, 5.

⁷¹Paul Althaus, "Gebot und Gesetz Zum Gesetz und Evangelium," *Beiträge zur Förderung christlicher Theologie*, volume 46, edited by Paul Althaus and Joachim Jeremias (Gütersloh: C. Bertelsmann Verlag, 1952); available in English translation as *The Divine Command*, translated by Franklin Sherman (Philadelphia: Fortress, 1966).

The Missouriians

During the 1960s and 1970s the Missouriians fought to establish the continuing validity of the third use of the law. This and character was a central issue in the theological and political wars that accompanied the conflict over control of Concordia Seminary, Saint Louis and the LCMS itself.⁷² The Missouriians held that there was a major dichotomy of doctrine in the law and gospel dialectic. However, they dealt with the tension between law and gospel by focusing on anthropology rather than eschatology. While Gerhard Forde made the old age-new age dichotomy govern the balance of law and gospel,⁷³ the Missouriians made old Adam-new Adam a ruling theological principle. The Missouriians tried to take the *simul justus et peccator* seriously.

David P. Scaer

David Scaer sharply criticized the gospel reductionism shown by the Valparaiso theologians. Scaer argued that epistemological concerns were at the root of the disagreement between Missouriians and the Valparaiso theologians. Does the theologian begin with the gospel that leads to Scripture, or does he begin with Scripture that leads to the gospel? The Valparaiso theologians defended the former, the Missouriians the latter.⁷⁴

In contrast to the Missouriian position, which began with Scripture and worked toward theology, the Valparaiso theologians began with gospel and worked back toward Scripture. The Valparaiso theologians began with the commitment to the gospel and subjected Scripture to its

⁷²For two representative but opposing views on the ecclesiastical battle in the LCMS see Frederick W. Danker, *No Room in the Brotherhood* (Saint Louis: Clayton Publishing House, 1977); and Marquart, *Anatomy of an Explosion*.

⁷³Gerhard Forde, *The Law-Gospel Debate* (Minneapolis: Augsburg Publishing House, 1969).

⁷⁴Scaer cited the position of J. A. O. Preus as representative of the Missouriian view and the position of Paul Bretscher as representative of the Valparaiso view. Scaer summarized the Preus position. "Scriptures, written, spoken, preached or paraphrased, tell me about sin (Law) and lead me to faith in Christ (Gospel). Dr. Preus certainly would not deny but obviously believes that faith leads one back to Scripture in accord with the command of Christ as Dr. Bretscher also holds by pointing to Luke 24:36-45." David P. Scaer, "The Law Gospel Debate in the Missouri Synod," *Springfielder* 36 (December 1972): 159.

scrutiny.⁷⁵ The Valparaiso theologians began with *solum evangelium*. The result was that the gospel functioned as a limit for the *sola Scriptura* principle of Lutheran theology.

This approach deemed that whatever was outside the gospel became an *adiaphoron*, that is, a matter of theological indifference.⁷⁶ In the judgment of Scaer, everything becomes a matter of theological indifference to the Valparaiso theologians. "In practice, as experience shows, nothing is found contrary to the Gospel."⁷⁷ Thus the first principle in the Valparaiso approach is the gospel, so that the focus is not what Scripture teaches but what the gospel allows.⁷⁸ Scaer argued that the

⁷⁵"The position of Dr. Preus is that the Scriptures are the cognitive principle in theology, for example, they tell us about Christ. Therefore everything taught in the church must be derived from the Scriptures and ultimately serve Jesus Christ. The position of Drs. Bretscher, Schroeder, and Schultz is that the gospel is the basis of theology and whatever is not contrary to the gospel is permissible in the church. The firsts [sic] position has been labeled legalistic and Calvinistic and the second, gospel reductionism," Scaer, "The Law Gospel Debate," 159. For an example, Paul E. Schuessler charged that the LCMS had two competing influences in her theology one Lutheran, the other Reformed. "Like two birch trees growing along side one another, evangelical Lutheranism and evangelical Reformed theology have competed with one another in the Missouri Synod. Since 1969 the evangelical Reformed has gained the ascendancy." Paul E. Schuessler, "Using the Law," *Lutheran Forum* (May 1978): 23.

⁷⁶The Missourians took into account the distinction between a phenomenological approach to theology and a systematic approach. Systematic theology remains second order thinking or reflection on the faith. Thus, systematic theology does not follow the pattern of personal conversion or of apologetic uses. "The theological task, not to be confused with the missionary task of the church, is begun by everyone, orthodox or otherwise, with apriori [sic] opinion of what the Bible is or is not." Scaer, "The Law Gospel Debate," 161. Law and gospel was set in the framework provided by Scripture as a whole. Scripture had priority. Law and gospel was derived from it, not vice versa.

⁷⁷Scaer cites an essay by Horace Hummel, then a member of the Lutheran Church in America (LCA), illustrating this point. "The LCA is a perfect example of what happens when one abandons all possible thought of discipline, refuses to state what is being rejected as well, and appeals to the 'adequacy of the historic Confessions' or simply to 'Gospel': these become code words for *anything* goes; in *practice* anything contrary to the Gospel simply *will* never be found." Horace Hummel, "Law and Gospel in the Old Testament," Mimeographed conference essay, 4; quoted in Scaer, "The Law Gospel Debate," 159; emphasis original.

⁷⁸Scaer, "The Law Gospel Debate," 159.

choice between the gospel and Scripture offered by the Valparaiso theologians is a false either/or.⁷⁹

Scaer and the Missourians were uniformly concerned about the tendency of the Valparaiso theologians to place into the category of adiaphora all theology outside their narrow definition of the gospel. For example, Scaer chided Schroeder for championing the ordination of women, because in Schroeder's opinion it was opposed to the gospel not to ordain women to the office. Once again the law simply disappears from consideration. This is truly gospel reductionism.

Scaer charged that the law is dissolved by the gospel in the gospel reductionistic scheme of the Valparaiso theologians.⁸⁰ For Scaer the nexus between law and gospel is the person and work of Christ, who fulfills the law and pays the penalty for the sin of the world in His vicarious suffering and death. The law is not merely set aside by the gospel, but in Christ, the gospel confirms God's righteousness and holiness in the law.⁸¹ When the nexus between law and gospel is actually dissolved, the person and work of Christ disappears from the theological radar, replaced instead by the politically correct pap of culturally normed religion.

When the third use of the law is denied, gospel is turned into law. The gospel becomes the ethical regulating principle in the life of the Christian. Robert Schultz argued that murder is sin not because it infringes on the fifth commandment, but because it contradicts the gospel.⁸² The law no longer has any power to condemn, but rather the gospel itself has taken over the condemnatory function of the law. Ultimately this is a denial not only of the third use of the law, but also of the second use. Schultz's position also leads Scaer to wonder if the law is binding on non-Christians. If Christians are not under judgment for breaking the law,

⁷⁹"This offer of a choice between Christ and the Bible is not only misleading—it is downright deceptive. It is certainly not suggested by the Scriptures themselves. . . . No real choice can ever be made between Christ and the Bible, simply because the Bible centers in Christ and he submits himself totally to it. Christ is the chief content of the Bible and also the only key to its interpretation." David P. Scaer, "Christ or the Bible?" *Christianity Today* (November 10, 1967), 113.

⁸⁰Scaer, "The Law Gospel Debate," 166.

⁸¹Scaer, "The Law Gospel Debate," 166.

⁸²Robert C. Schultz, "Missouri Synod History and Doctrine: Variant Readings," *The Cresset* 35 (October 1972): 32.

what status can the law have for non-Christians?⁸³ Gospel as defined by the Valparaiso theologians becomes "a *carte blanche* for moral and doctrinal freedom."⁸⁴ Doctrinal and moral anarchy were, according to the Missourians, the real result of the Valparaiso theologians' denial of the third use of the law. Present carping about the doctrinal dissolution of the ELCA in the pages of *Lutheran Forum* and even *First Things* testifies to the prescience of such predictions.

Scaer also charged that when the gospel is treated as the "regulating principle" in the Christian life it has become "little more than spiritualized pragmatism."⁸⁵ The "gospel" had become the basis for all manner of doctrinal deviation.⁸⁶ The third use of the law could not be applied to doctrine. In other words there were no legally based doctrinal norms in the public teaching of the church.⁸⁷

⁸³Scaer, "The Law Gospel Debate," 166. Richard Klann summarized this issue: "The Christian no longer lives *under* the Law (legalism), nor *above* the Law (antinomianism), but in the Law. 'To live in the law' is the equivalent of asserting the congruence of the will of the Christian with the will of God in sanctification. The Christian never asserts any kind of moral or ethical autonomy. Christian discipleship is obedience to God's will." Richard Klann, "Reflections on Disputes Regarding the Proper Distinction Between Law and Gospel," *Concordia Journal* 1 (January 1975): 35.

⁸⁴Scaer, "The Law Gospel Debate," 167.

⁸⁵Scaer, "The Law Gospel Debate," 167.

⁸⁶See also Moellering, "A Rejoinder," 12-13. Moellering defends the importance and validity of doctrinal discipline as not incompatible with love. The Valparaiso theologians commonly contended that doctrinal discipline was unloving and thus incompatible with the gospel. For example, see Edward H. Schroeder, "Current Implications," 5-9; and Waldemar W. Wehmeier, "Missouri and Public Doctrine," *Currents in Theology and Mission* 2 (February 1975): 23-34; see also Hermann Diem, "Is Doctrinal Discipline Possible?" *Lutheran Forum* (February 1971): 11-15; Walter Kunneth, "Responsibility for Doctrine Today," *Lutheran Forum* (February 1971): 8-10.

⁸⁷Horace Hummel, who at the time was professor of Old Testament at the Lutheran School of Theology at Chicago, pleaded for the importance of doctrinal discipline in American Lutheranism in a seminal and much-read article in *Lutheran Forum* in 1969. "The problem of how to take a firm stand against breakdown of discipline and dogmatic aberrations without stifling theological creativity and genuine ecumenical engagement is anything but new. It is, however, especially acute today, especially among those whose concepts of 'freedom' are apparently more informed by certain modern ideologies than by the gospel, and for whom, as a result, the very notion of doctrinal discipline is offensive and to whom virtually any authority represents 'authoritarianism.' The possibilities of miscarriages of church discipline are great (how liberalism loves to highlight them!) and, obviously, everything should be done

Scaer was critical of what he saw as a misappropriation of the law and gospel dialectic. He argued that law and gospel is not a "doctrine" in the same sense as the other articles of the faith, but it is a way of looking at the articles of the faith. Law and gospel is a filter for the articles of the faith. In this way law and gospel does not function independently of the articles of the faith. Law and gospel cannot function to change the meaning or the content of the church's kerygma. The acts of God may be perceived through the filter of law and gospel, but they are not in and of themselves law or gospel.⁸⁸ Any divine act might be law or gospel depending on how it is preached.⁸⁹ The acts of God in the scriptural revelation cannot be mitigated or changed by the law gospel dialectic. The kerygmatic acts of God in the scriptural revelation stand on their own and only become law or gospel in their being preached, whether by the apostolic authorities in the scriptural record or by their successors *viva voce* in the church. For Scaer, acts of God in Christ *become* gospel when the apostolic authorities inform the world that God has acted *pro me*.

Scaer also argues for the continuing validity of the law as inherent in God's creation. Generally, Lutherans have usually been suspicious of the Barthian rejection of natural theology, once again because it sets the word of the law outside the realm of reality. While Lutherans might struggle with the precise content of the natural law, they do argue that the creating God firmly grounds the Ten Commandments in the reality of

to prevent them. But I submit that most recent Protestant history better illustrates the sad results of its absence than its excesses. Any organization maintains some sort of discipline consonant with its *raison d'être*, and if doctrine ceases to be a significant part of the church's discipline, then obviously only factors really extrinsic to the essence of the church are externally holding it together." Horace Hummel, "No Other Gospel!" *Lutheran Forum* (October 1969): 4.

⁸⁸The Formula of Concord quotes Luther, who pointed out that the cross may be a preaching of law or gospel. FC SD V:12-13; BS 955-956.

⁸⁹The practical emphasis on preaching is central to C. F. W. Walther's doctrine of the law and gospel. "Law and Gospel deal with *how* God's creative and redemptive acts are related to God's people in preaching. A bare act of God is not Law or Gospel of itself. God's preaching or explaining his acts is Law and Gospel. The Gospel is the report of the act. Of course Christians recognized the apostolic preaching as the divinely sanctioned explanation of divine actions against which no other explanation in the church is to be tolerated. (*Sola Scriptura!*)" Scaer, "The Law Gospel Debate," 167-168.

creation.⁹⁰ A denial of the enduring validity of the law is tantamount to a denial of reality for Scaer. Law is not only a *lex aeterna* situated in God, but it is also *lex naturalis*.

The Missourians perceived the Valparaiso theologians' view of law and gospel as an attack on the objective content of the faith. "The *for us* in theology rests on the fact *that* God *did something*. If 'Lutheran Barthianism' gains the field, the *for us* will also be lost."⁹¹ A rejection of an objective law implied a rejection of the gospel and its results. The third use of the law must remain where the gospel with a propositional content is to be properly defended.

John W. Montgomery

John Warwick Montgomery was critical of the Valparaiso theologians' method of using law and gospel as an overarching hermeneutical theme. Montgomery himself coined the term "gospel reductionism." He argued that by denying eternally valid categories of thought the Valparaiso theologians were jeopardizing the whole substance of the faith. He warned about the tendency of the Valparaiso theologians to boil down all biblical interpretive issues to law-gospel.⁹² Law and gospel was an extra-biblical *norma normans* now applied not only to theology but also to the text of Scripture.

Montgomery traced the influence of existentialism upon Christian theology and its disastrous results. He argued that existentialistic ethics necessarily leads to ethical relativism. The Protestant existentialist can

⁹⁰"The law, reflecting God's own essence, is the regulatory principle for all of creation and is present in the creation simply because of God's creating activity. Man's abrogation of the law puts him under God's condemnation *ipso facto*. Natural law alerts man that he has stepped outside the boundaries and the law given verbally by special revelation reflects this law negatively to man's sinful nature." Scaer, "The Law Gospel Debate," 168.

⁹¹Scaer, "The Law Gospel Debate," 170; emphasis original.

⁹²"Law-gospel comes to function as an independent philosophical principle (like those of nineteenth century [*sic*] German idealism) by which Scripture is judged; and the Bible takes on the role of a book of illustrations for the principle. Not so the Reformers' view of law-gospel; for them, it derived *from* Scripture, and, like all theological truths, it could only be affirmed on the ground of the total reliability of God's Word." John W. Montgomery, "Current Theological Trends in the Lutheran Church-Missouri Synod," in *Crisis in Lutheran Theology*, 1:121.

never appeal to absolute law; he can only say, "You're free, choose to love." But what does this mean in concrete terms? Theoretically it can mean "anything goes" – an antinomianism indeed – for each existential decision is unique and without precedent.⁹³ Once again the fear of ethical anarchy drove the discussion of the third use of the law by the Missourians. Sanctification in the traditional sense is rendered impossible where there is no absolute ethical standard.

The third use of the law is an essential doctrine for two reasons, according to Montgomery. First, love does not give content to ethical action. In other words, it provides motivation and power to ethical action, but it cannot provide the "what." Only the objective word of God in the law can provide that content.⁹⁴ Second, the third use of the law preserves the doctrine of sanctification. Because of the new birth in Christ, the Christian's relation to the law has changed. The Christian now delights in the law of the Lord.⁹⁵ "Only by taking the Third Use of the Law – the 'law of Christ' (Gal. 6:2) – seriously do we take regeneration seriously; and only when we come to love God's revealed Law has sanctification become a reality in our lives."⁹⁶ The nomological situation of the Christian changes because of the gospel. Montgomery readily concedes that law still accuses the Christian. However, the Christian will also see the biblical law in another light; "as the manifestation of God's loving will."⁹⁷

Kurt E. Marquart

Kurt Marquart was highly critical of the attempt to claim that law and gospel could provide objective controls for the application of higher critical tools of interpretation. As we have seen above, the Valparaiso theologians treated law and gospel as a norming authority for biblical studies. This was unacceptable to Marquart on at least three grounds.

First, like Scaer, Marquart insists on the historical facticity of Bible texts. Marquart considers invalid the method of theology that places the law and gospel dialectic over the text of the Bible as a ruling or controlling

⁹³John W. Montgomery, "The Law's Third Use: Sanctification," in *Crisis in Lutheran Theology*, 1:125.

⁹⁴Montgomery, "The Law's Third Use," 126.

⁹⁵Psalm 119; Psalm 1.

⁹⁶Montgomery, "The Law's Third Use," 127.

⁹⁷Montgomery, "The Law's Third Use," 127.

principle. The “Lutheran-Barthian” approach that separates the Bible’s own story from its grounding in history, so that law-gospel controls it, fails because it leaves the Bible at the mercy of historical critical canons of interpretation. Marquart identifies this with a Bultmannian theological approach where the historical content of Scripture is judged by a law-gospel distinction, without any reference to its facticity.⁹⁸ Thus the Valparaiso theologians champion the gospel content of Scripture above its authoritative character as the word of God. The rejection of the authority of Scripture is a defense of the gospel for the Valparaiso theologians. Marquart suggests that this a false dichotomy; that the principle of Scripture authority is intended to defend the gospel itself. He employs this homey illustration to make his point.

The Scripture-principle, then, is the gospel’s own authority-principle and not something separate on the side! To put it very crudely, the “formal principle” or “Scripture-principle” (that is, Scripture as sole authority, *sola Scriptura*) is simply the door of the gospel’s hen-house. The door is not there for its own sake but precisely to protect the whole house. If it is gone, it would be foolish to say smugly, “O [sic] well, that was only the door—the rest of the hen-house is still safe!” Once the door is gone, the historical critical fox is free to take whatever he pleases. The hen-house will be quite empty eventually, even if not after the first two or three visits.⁹⁹

The principle of Scripture authority is essential to defend not only the gospel but all the teachings of the faith. According to the Missourians, when the hen-house is unguarded, anything goes, including a rejection of the third use of the law. Doctrinal and moral anarchy is the natural outcome of this approach. This line of reasoning demonstrates the close relationship between a traditional, biblical inspiration doctrine and the third use of the law in LCMS theology.¹⁰⁰

⁹⁸Marquart, *Anatomy of an Explosion*, 124.

⁹⁹Marquart, *Anatomy of an Explosion*, 125.

¹⁰⁰Marquart also maintains that there is a distinction between systematic theology and apologetics. Systematic theology, for the Missourians, remains an enterprise of faith, that is, it is begun and carried out only with the presupposition of belief. “The fallacy is to assume that because books on doctrine usually begin, very sensibly, with biblical inspiration as the basis and authority for all doctrine and practice, therefore the intention is to ‘prove’ inspiration in order then to ‘reason’ oneself or others into faith in Christ. This is arrant nonsense. Detailed manuals on Christian doctrine are

Marquart is deeply suspicious of a sharp division between doctrine and the gospel. He argued that in modern Lutheran usage the terms "law and gospel" have been assigned a functional meaning alien to their original intent. "'Law and Gospel' also have been turned into 'a lifeless speculation.' In *chic* Lutheran usage, 'evangelical' means tolerant, and the 'Gospel' is identified with a kind of secular permissiveness."¹⁰¹ In Marquart's analysis law loses its content and gospel is turned into a kind of new law, which provides only permission based on secularized canons of propriety. In such thinking being law oriented is the opposite of the being gospel oriented. Law and gospel are no longer seen in tension with each other, but one simply neutralizing the other, as they do in the LCMS District Presidents' PIF sliding scale of legalistic/inflexible on the one hand and evangelical/flexible on the other. A "gospel" orientation extinguishes any hope of a third use of the law, because the third use of the law is a doctrine hopelessly inured in legalism. Such a view receives a pointed reprimand from Marquart who sees it as an accommodation to secular values.

Summary Analysis

The Missourians believed that to reject the third use of the law would be to risk antinomianism. Characteristically they warned that by denying the third use of the law there was a risk of falling into a denial of the law

normally written to instruct future public teachers of the church in the church's biblical faith. The standpoint of faith and of theology, therefore, can and must be presupposed. The Lordship of Christ is already a certainty from the outset and determines the whole treatment of the Bible; faith in Christ is not something still to be established in the middle or towards the end of the volume or set!" Marquart, *Anatomy of an Explosion*, 129. Systematic theology primarily is the faithful teaching the faith to the faithful. Thus a systematic theologian could correctly begin with the faith-normed presuppositions about the Bible as the starting point of systematic theology. The missionary or apologetic approach is quite different. In mission work the proclamation of law and gospel is the priority. In apologetics putative barriers to the faith are dealt with apart from the presupposition of faith (128). Francis Pieper, often the whipping boy of the Valparaiso theologians, pointedly rejects that an unbeliever must be convinced of the inspiration of Scripture before he can be brought to faith in the salvation won by Jesus Christ. Franz Pieper, *Christliche Dogmatik*, 3 volumes (Saint Louis: Concordia Publishing House, 1917-1924), 1:157-58. Faith is *a priori* to systematic theology, systematic expression of doctrine is *a posteriori* to faith.

¹⁰¹Marquart, *Anatomy of an Explosion*, 137-138.

altogether. Antinomianism threatened both doctrine and life, by risking a dissolution of order. As the 1960s advanced, the theme of the importance of moral and doctrinal order became increasingly significant for the Missourians, who saw themselves fighting a battle for the life of their church body, not to mention Lutheran doctrine itself. The concept of doctrinal discipline was important to that battle and thus the defense of the third use of the law loomed large. Any disregard for the third use of the law smacked of secularism and ethical permissiveness. Doctrinal discipline remained an issue that created fierce contention within the Missouri Synod throughout this period and still does to this day.

The Valparaiso theologians suggested that there was an inherent weakness in the Missourian acceptance of the principle of Scripture authority. They thought it an attempt to coordinate two different principles of authority in Lutheran theology, law and gospel on the one hand, and Scripture authority on the other. Thus the Missourians defended the importance of the principle of Scripture-authority by clarifying the distinction between systematic theology and mission endeavors. The approach to proclamation needed to be different from the approach to systematic theology. They refused to let the gospel dissolve the tight doctrinal relationship among the articles of faith, as they thought the Valparaiso theologians had. For the Missourians every doctrine was intimately related to the gospel. This doctrine or that could not simply be relegated to the position of *adiaphora*. The deeply christological character of the divine word was central to the thinking of the Missourians.

Summary and Conclusions

The Valparaiso theologians employed an existentialistic approach to theology. This approach ruled out the third use of the law as a sub-Christian or as a Calvinistic intrusion into Lutheran theology which entered through Melanchthon's influence and the Formula of Concord and was supported by Melanchthon's students in the period of orthodoxy. Just a whiff of Calvinism was enough to taint the third use of the law as un-Lutheran and un-evangelical among Valparaiso theologians.

The approach to the third use of the law in this period also shows that a denial of the third use of the law inevitably entails an inclusion of the law's content in the gospel. This legal intrusion in the gospel gets a variety of denominations: gospel imperatives, *paraklesis*, *parenesis*,

encouragement, *Gebot*, etc. However, it remains a confusion of law and gospel. The Occam's razor of law and gospel, which led to a wholesale rejection of the law's purposes in the church, failed to account for the way in which theological dichotomies actually cut in different directions across the *corpus* of Lutheran theology. For example, the anthropological dimension of the Christian's life as *simul justus et peccator* can never be left out of the doctrinal equation. The *justus et peccator* dichotomy also cuts across Lutheran theology. The Missourians came down in favor of keeping the *simul* as a constant part of the debate, attempting to emphasize the unitive nature of Christian anthropology, indeed Christian theology as a whole. Ironically, in this period, the defenders of orthodoxy in American Lutheranism approached the question of the place of the law with anthropological concerns at the forefront.

The gospel reductionism of the Valparaiso theologians had a devastating effect on the Christian use of the law. They rejected the third use of the law and in more radical cases rejected any use of the law in the church. The more radical treatments of the law by the Valparaiso theologians might well have been a theological overreaction calculated to shock and irritate the stodgy orthodoxy of the Missourians. As the two groups faced off over momentous issues, the political situation required swift responses, often fraught with too much passion and too little deliberation. The Missourians rejected the hermeneutical implications of the Valparaiso position for methodological reasons, but they could also see the impact gospel reductionism would have on any number of Christian doctrines. Finally, to borrow from a quote by the American patriot, Benjamin Franklin, the points of theology must hang together, or they will assuredly all hang separately. Gospel reductionism was a narrow and unecumenical principle, ruling all the points of theology, and thereby ruling out many points of theology. Here the theological richness of the Christological mystery became peripheral, undoing the work of the Chalcedonian fathers. And so just maybe classic Missourianism's fussiness about purity of doctrine might have its benefits after all.