

Distinguishing Law and Gospel: A Functional View

James Arne Nestingen

As both Luther and Walther insisted, the proper distinction of Law and Gospel is fundamental to sound preaching. The contemporary experience of the church bears out the truth of their arguments.

When Law and Gospel are improperly distinguished, both are undermined. Separated from the Law, the Gospel gets absorbed into an ideology of tolerance in which indiscriminateness is equated with grace. Separated from the Gospel, the Law becomes an insatiable demand hammering away at the conscience until it destroys a person.

When Law and Gospel are properly distinguished, however, both are established. The Law can be set forth in its full-scale demand, so that it lights the way to order and through the work of the Spirit drives us to Christ. The Gospel can be declared in all of its purity, so that forgiveness of sins and deliverance from the powers of death and the devil are bestowed in the presence of our crucified and risen Lord.

Yet even within the Reformation itself, the church experienced difficulty with the distinction. This occurred most publicly in the 1540s, when Melancthon proposed to include the preaching of repentance within the realm of the Gospel. Flacius, ever vigilant, challenged quickly, arguing that this in fact transforms the Gospel from a gift of grace into another command. During the ensuing controversy, the issue shifted back and forth between the question of the relationship of Gospel with repentance and the manner of definition.

Pastors also experience difficulty with the distinction. It happens both ways, with Law and Gospel. A preacher goes into the pulpit intent on declaring a word of Law and discovers that rather than constraining and accusing, the proclamation appears to be comforting and encouraging the hearers. On the other side, there is the dreadful dilemma of attempting to speak a word of hope and joy, only to realize that the hearer is unmoved or descending even deeper into despair.

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Taken historically and pastorally, then, there is ample reason to look into the proprieties of distinguishing Law and Gospel, specifically the manner of definition. In what follows, this will be attempted at two levels: first of all historically, through analysis of Article V of the Formula of Concord, and then secondly, pastorally, with some consideration of the situation of the preacher.

I

The controversy settled in Article V differs from others that preceded the Formula of Concord in that it is more compact and consequently has the appearance of being somewhat less complicated.

At least the history of the controversy can be summed up quickly. In a disputation held in one of the most difficult years in Lutheran history, 1548, Melanchthon offered the opinion that the Gospel must be involved in repentance. Always alert to Philip's theological experimentation, Matthias Flacius Illyricus promptly challenged. Flacius argued in classical Lutheran terms that to tie repentance to the Gospel was effectively to qualify it, thereby depriving the Gospel of its true comfort.¹

Familiar as he had been with this type of argument, Melanchthon shifted ground. He backed away from the substance of what he had argued in the disputation, taking cover in theological method. He had used the term Gospel in a wider sense, he said, one that would include the whole doctrine of Christ and His work. Thus, repentance would be included.

Melanchthon's explanation appears to have satisfied Flacius, who backed off and let the matter rest until a similar argument was made, this time in the even more acrid theological atmosphere of 1556. Once again, the spark was struck off in a disputation, Melanchthon returning to the substance of what he had argued in 1548. But this time Philip did not back down. Instead, his students took up the conflict, arguing amongst other things that since there is no commandment in the decalog that explicitly sets out a requirement for repentance, the Gospel must be added to set forth the demand.

Flacius led the attack again, equating Melanchthon's arguments with Johann Agricola's earlier, antinomian attempts to derive repentance from the preaching of the Gospel. Flacius was joined by Nicholas von Amsdorf and Johannes Wigand, the controversy carrying right into the early part of the 1570s.

¹There is a fine summary of the controversy in F. Bente, *Historical Introductions to the Book of Concord* (St. Louis: Concordia, 1921, 1965), pp. 171ff.

If the conflict itself was fairly simple, however, the Formula of Concord's sophistication in handling it appears when the settlement is examined closely.

The Formula settled the controversy by entrenching Melanchthon's first reply to Flacius. It acknowledges a legitimate, Biblical use of the term Gospel in a wider sense, to include "the entire doctrine of Christ,"² while at the same time holding out for a more specific sense of the term when the Law and the Gospel are opposed to one another. The Gospel, "strictly speaking," is "precisely a comforting and joyful message that does not reprove or terrify but comforts consciences that are frightened by the Law, directs them solely to the merit of Christ, and raises them up again by the delightful proclamation of God's grace and favor acquired through the merits of Christ."³

Two features of this settlement, both of them commonly passed over, should be noted. To begin with, the Formula allows the substance of Melanchthon's earlier argument to stand, unrepudiated. Luther and Melanchthon had both made statements that the Gospel, "strictly speaking," is necessary if there is to be genuine repentance. Luther argues the point in the Antinomian Disputations, Melanchthon in Article IV of the Apology.⁴ But neither of them went beyond their assertions to spell out a specific doctrinal relationship.

Aware of earlier discussions, the authors of the Formula are careful to carry them forward.⁵ They clearly repudiate the excesses of the later Philippist polemics, insisting that the Gospel cannot be considered a "proclamation of conviction or reproof," that it must be "exclusively a proclamation of grace."⁶ But they also specifically acknowledge a contribution of the Gospel to repentance, holding that "both doctrines are always together, and both of them have to be urged side by side, but in proper order and with the correct distinction."⁷ The Gospel properly defined is an unconditional word of pardon and release in Christ. No

²BC 478, 6.

³BC 478, 7.

⁴In the first of the six disputations against the antinomians, Luther argues that the Gospel is necessary before a person can make the good resolve, the second part of repentance, WA 39.11,345. In the Apology, Melanchthon argues that the preaching of the Law is not enough to produce repentance, that the Gospel must be added, BC 144, 257; 145, 260.

⁵The Solid Declaration quotes one of Melanchthon's statements from the Apology, and a couple of paragraphs later cites the Antinomian Disputations, BC 561, 15, 17; WA 39. 1, 348. The citation to the disputations is not footnoted as such in the Tappert edition of the Book of Concord.

⁶BC 479, 11.

⁷BC 561, 15.

demand, even for repentance, can be allowed to compromise it. But at the same time, the Gospel clearly contributes to the realization of repentance in its hearers.

The specific nature of the relationship between the Gospel and repentance should be more fully explored by contemporary Lutheran theologians and preachers. For at this point, as commonly elsewhere, the Biblically grounded theological reflection of the Lutheran confessors also has experiential warrant. Left bereft of any hope of God's grace, a sinner will flee judgement rather than come to terms with it in repentance. Similarly, the Gospel has a way of intensifying a believer's sense of inadequacy even as it declares the sufficiency of Christ's work—the closer you get to the light, the more you see! Further theological and pastoral analysis of the contributions of the Gospel to repentance would break down some of the common stereotypes and contribute to the vitality of Law-Gospel preaching.⁸

There is another matter that should be noticed in Article V of the Formula. Attempting to escape Flacius' critique, Melancthon took refuge in theological method. The authors of the Formula accepted his wider definition, but taking up the method, go Melancthon one better.

In the cases of both Law and Gospel, the authors of the Formula begin with definitions that specify the content. The Law "is a divine doctrine which teaches what is right and God-pleasing and which condemns everything that is sinful and contrary to God's will"; the Gospel is "the kind of doctrine that teaches what a man who has not kept the law and is condemned by it should believe, namely, that Christ has satisfied and paid for all guilt and without man's merit has obtained and won for him forgiveness of sin, the 'righteousness that avails before God,' and eternal life."⁹

But having defined Law and Gospel by their different content, in both cases the Formula moves to an additional level of definition in which verbs and adverbs are used to describe the way Law and Gospel actually work or function.

The definitive activity of the Law is that it condemns sin, a mark so characteristic that having described it the Formula will say, "Everything which condemns sin is and belongs to the proclamation of law."¹⁰

Similarly, the Gospel is a "*comforting* and joyful message which *does not reprove or terrify* but *comforts* consciences that are frightened by the Law, *directs* them solely to the merit of Christ and *raises* them up again

⁸For some further consideration of the connection, see an article by the author, "Preaching for Repentance," *Lutheran Quarterly* 3.3 (Fall 1989): 249-266.

⁹BC 478, 3 and 5.

¹⁰BC 478, 4.

by the delightful proclamation of God's grace and favor acquired through the merits of Christ."¹¹

To put it in a phrase, the Formula of Concord supplements its definitions of Law and Gospel by moving from content to function. The description of what Law and Gospel are is not considered complete until they have also been defined in terms of what they do.

In the case of the Law, in fact, the function is so idiosyncratic that it pushes out the limits of definition by content. As "a divine doctrine," the Law certainly contains specific requirements—its content cannot be obviated. But in a fallen world, among endlessly inventive sinners, the Law must continually be shutting down the exceptions. Thus, anything and therefore also everything that participates in the definitive function—condemnation, accusation; crushing or exposure—is part of the Law's proclamation.

Under this definition, the term law is being given a wider sense than Melancthon accords it in the Apology. "By 'law' in this discussion," he wrote, "we mean the commandments of the Decalogue wherever they appear in Scripture."¹² A pedantic use of this equation may have been part of the difficulty for the Philippists. Either way, the Formula clearly broadens the sense. It takes up what had been a test case, a dispute over whether the passion story is Law or Gospel, to point out that other Biblical words besides the commandments can also condemn.¹³ And it invokes Luther's authority to show that the Law is more all-encompassing, "Everything that preaches about our sin and the wrath of God, no matter how or when it happens, is the proclamation of the law."¹⁴

Taken in the broad sense given to it by Luther and the Formula, the Law cannot be confined to the Ten Commandments. Just as "anything that does not proceed from faith is sin" (Rom. 14:23), so anything outside of Christ is under the Law. Moral requirements, the law of the state, familial pressures, personal expectations—even a blown leaf, to take one of Luther's favorite examples—can all preach the Law. For each one of them can condemn, the rustling leaf probably most effectively because it makes its threats implicitly, letting the imagination fill them out.

The Gospel also functions. It is comforting and joyful; it comforts consciences and raises them up again. But where the Law's functions press the limits of definition by content, the Gospel's function points back to its source, the one who is the essential content of the Gospel, Christ Jesus. He is both Alpha and Omega, the beginning and the end. There

¹¹BC 478, 7; emphasis mine.

¹²BC 108, 6.

¹³BC 560, 12.

¹⁴Ibid.

can be no gift without the giver; theologically, there can be no function without the content.

This is true of both Law and Gospel. A functional definition of Law, even one as broad as Luther's and the Formula's, will work only as long as there is some prior content. If the Law is merely arbitrary, detached from life or the necessities of relationship, it loses its authority. By the same token, when the function of the Gospel is separated from the content, the Gospel turns Christless—it becomes a generic word of acceptance which, having been detached from its source, gets applied willy-nilly to serve the purposes of its purported preacher. No one will ever be saved by the notion of inclusiveness or universal good will.

The problem that develops when a functional definition is detached from a definition by content appears in existential theologies. The Law is no longer a divine requirement but a category of existential analysis. Likewise, faith is detached from Christ and becomes a form of authentic existence.

This difficulty is also evident in current preaching. Christ gets treated as a concept, grace as a disposition or policy, and the Gospel as idea. The *extra nos* is lost, the crucifixion and resurrection of Jesus of Nazareth, born of the Virgin Mary, being rendered theoretical.

The Formula of Concord hold content and function together, moving to the level of function to fill out the definition more concretely. As the authors of the Formula knew, they had precedent for their method. They cite Luther directly, using his language to describe the functions of both Law and Gospel.¹⁵ The troubles the older Melanchthon and his students ran into illustrate what happens when content alone is used to define Law and Gospel; the Formula uses Luther's more balanced functional view to bring an essential corrective.

II

When Article V of the Formula of Concord is examined for its implications for preaching, it introduces an additional level of consideration in distinguishing Law and Gospel.

At its basic level, the distinction is grammatical-doctrinal. The Law speaks with the voice of Moses, saying, "thou shalt," "thou shalt not," "you haven't," "you did," "if you wouldn't." The Gospel rings with the voice of Christ, saying, "I am the good shepherd. The good shepherd lays down his life for the sheep." "No one shall snatch you out of my hand." "Nothing shall separate you from the love of God in Christ Jesus our Lord."

¹⁵BC 560, 12; 561, 17.

“Nothing shall separate you from the love of God in Christ Jesus our Lord.”

Now much would be gained if preachers would simply mind this fundamental level of definition. Then texts that set forth the Law would be proclaimed as such. And texts that declare the promise of Christ would bring Him home to the hearer, in all of His grace and goodness.

Standing in a heritage that includes Luther, the younger Melancthon, Flacius, Chemnitz, Bach, Walther, Koren and the rest, this should be a bare-minimum expectation. If grammatically-doctrinally a text has the sound of Moses about it, there can be no turning a deaf ear. The Law claims the pulpit. On the other hand, when Christ is at work in the Word to bring comfort and peace, there should be no lectures on the possibility. The preacher’s job then is to bestow Christ’s gift, in the words and images of the text.

But now when it re-introduces a functional definition, the Formula takes the preacher to the other level of consideration. If the first level examines the original grammar and doctrine of the text, the second level examines the way the word functions for the hearer, that is, its effect.

For example, the Sacraments and the absolution would be at the grammatical-doctrinal level unquestionably Gospel. Yet their very intensity has a way of stirring the conscience of the believer so that people become profoundly self-aware in their participation. As such, just because they are such powerful expressions of the Gospel, the Sacraments and the absolution can gain the effect of Law.

It is for this reason that writing in the Small Catechism, Luther takes up the question of worthy participation in the Lord’s Supper. He had dealt with a deep sense of his own unworthiness during his earlier days as a monk. In his ministry, he had had to serve people who experienced anxiety about their faith in reception of the Sacrament. With such first-hand knowledge of the difficulty, Luther used the fourth question in the explanation to encourage those caught in themselves to simply turn to the words “given and shed for you for the remission of sins.” Experience had taught him to tend the Gospel in the Sacraments rather than simply assuming its presence.

A faithful pastor, sensitive to the function of the Word in the congregation, learns to guard the consciences of the faithful, just as Luther did. “There is many a slip ’twixt cup and lip”; just so, there may be worlds of difference between the preacher’s mouth and the hearers’ ears. What is grammatically, doctrinally without question the pure word of the Gospel may become the harshest word of condemnation if the function is not also discerned.

Not so long before he died, I had opportunity to talk about this topic with Alvin Nathaniel Ragness, formerly president of Luther Seminary in

St. Paul. He began to reminisce, as older people sometimes do, about sermons he had heard on joy, calling them the most annihilating voice of the Law in his experience. It is easy to see how this happens. Given a text like Philippians 4, “rejoice in the Lord always, again I say, rejoice,” the preacher sets out to meditate on the joy of the Gospel. But in fact, something different happens in the heart of the hearer.

Accepting the preacher’s premise, the hearer says, “Yes, it is only right; I should have this joy. But I don’t have it. It must be because I am not devout enough, sincere enough, or haven’t given myself completely.” The voice which in the pulpit is perceived to be full of grace enters a disquieted conscience and turns vicious.

Thus the proper distinction of Law and Gospel must move beyond stereotypes, those within the Lutheran community as well as beyond it. The distinction begins grammatically, doctrinally, in recognition of the textual differences between command and promise. But taking up the grammar or doctrine, as important as such a step is, is just the beginning. Knowing the traditions, circumstances, and struggles of the hearers, a faithful pastor also seeks to discern—with the help of Article V of the Formula, amongst others—how the text will work for the hearer. If it is grammatically a word of Law, it should be the same functionally, so that the hearer has no doubt about the one to whom the Word is being addressed. More difficultly, if the Gospel is going to be the Gospel it must really do the Gospel’s work, imparting Christ’s gifts to the hearer.

Such consideration is only possible in the knowledge and conviction that ultimately, it is the Spirit who wields Law and Gospel in the hearts of our hearers. Yet at the same time that this relieves us of the final responsibility, it shows us our penultimate duties. We cannot bring about repentance or create faith. But we can use words in a neighborly way, seeking with them to be of service to both the Word and the hearer.

This is the awesomeness of our calling. We are called to be craftsmen, to handle rightly the word of truth, so that God’s Word of truth takes form on human lips and enters the hearing of our congregations fit for their ears. May God grant us the wisdom and discernment necessary to such a calling.



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