

“Scripture and Tradition” in the Lutheran Confessions

Robert W. Bertram

[First draft of Address at the Lutheran-Roman Catholic Dialogue USA, February, 1991. Later printed in *Pro Ecclesia*, Vol. X (Spring 2001) #2, 179-194. Reprinted with permission.]

In the Lutheran Confessions it is not Scripture which is handed on by a post-canonical, credal-confessional tradition so much as it is the Word of God which is handed on (when it is) both by Scripture and tradition. Indeed, a more decisive distinction than Scripture and tradition is the distinction within the Word of God between two disparate “sources,” both of them scriptural and both of them intact in the faithful tradition. These are the two Words of God, the Law and the promises, which it is most important to distinguish lest the latter lose its radical uniqueness. When that distinction is blurred, whether in church tradition or in the original Scriptures, then only the one, the lesser source remains, namely, the Law, and not really much of that, and the other source, the promise, is functionally replaced by an alien source, that imported human prejudice which idealizes the Law as saving. Vigilantly to distinguish the two Words so as to recombine them according to evangelical priorities is faithfully to “tradition” them both, Law as well as gospel, in their native scriptural force. That traditioning, however, requires not only handing on but also “receiving,” which is faith.

Judge and Witnesses

"We [the subscribers of the Formula of Concord] pledge ourselves to the prophetic and apostolic writings of the Old and New Testaments as the pure and clear fountain of Israel, which is the only true norm according to which all teachers and teachings are to be judged and evaluated." But then how in the same breath can these concordists claim that their own recent symbol, the Augsburg Confession, coming more than a millennium after the close of the biblical canon, likewise constitutes "a single, universally accepted, certain, and common form of doctrine" by which all other churchly writings are to be "judged and regulated?"¹ Is Scripture "the only true norm" or does it, after all, share its normativeness with other writings than itself? Answer: yes, to both questions.

1.1. The biblical Word shares its unique normativeness with such post-biblical confessions only because, and if, that is what they are: "con-fession," *Bekennntnus*, *homologia*, a same-saying, a saying-back of that original scriptural Word. According to the concordists, the Augsburg Confession's claim upon our faith ("a genuinely Christian symbol which all true Christians ought to accept") is its scripturalness or, may we say, its

¹ Formula of Concord, Solid Declaration (hereafter: FC SD), Rule and Norm 3 and 10; *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (tr. And ed. T. Tappert; Philadelphia: Fortress, 1959) (hereafter: BC), pages 503-504, 506; *Die Bekenntnisschriften der lutherischen Kirche* (ed. H. Lietzmann and E. Wolf; sixth edition; Goettingen: Vandenhoeck & Ruprecht, 1967) (hereafter: BS), pages 834, 838.

"Wordedness"-- "drawn from and conformed to the Word of God."²

1.2. Actually, the English "conformed to the Word of God" may give the misimpression of a second document standing outside Scripture looking in, trying to emulate it. The German original (*aus und nach Gottes Wort . . . zusammengezogen*) stresses a much more internal connection between biblical Word and confession, almost to the point of identity. The "form of doctrine" (*Form der Lehre*) which defines the confessions is not merely like but is the selfsame form which defines Scripture and which the confessions have simply "drawn together" and "summarized" from Scripture, professedly intact (*Form der Lehre . . . aus Gottes Wort genommen*).³ Thus Scripture and confessions are literally uniform, their common identity being the one Word of God.

1.3. In this context where "Scripture and tradition" means Scripture and *confession*, there are not two magisterial authorities -- for instance, as in canonical text and normative interpreter -- the later, lesser one augmenting the earlier one with some incremental authority of its own. The confessions' doctrinal authority is not original but altogether derivative. On the other hand, that much authority it is, a reassertion of the Scriptures' own authority, whose very "form of doctrine" the confessions are claiming to have "drawn" forth and "taken" to themselves.

1.4. Even that metaphor, the extractive image of "drawing out" and "taking" and "summarizing" is not the concordists' boldest metaphor. If that were all, the reader might still be left with the relatively modest picture of confession-making as the human doing of the confessors themselves: latter-day extractors and quarriers who like archeologists return *ad fontes*, to Scripture as an ancient closed norm, fixed there in its sheer givenness and challenging later reconstructions to fathom it. The Formula of Concord does employ such metaphors, too, portraying Scripture as an independent criterion (*Regel, Richtschnur*) obliging the confessors to adjust to its hard data, its original intentions, its over-and-done-with events.⁴ But the Formula's dominant metaphor, as already hinted by the word "confession," moves in the opposite direction, not from the present back to the past but vice versa. And here the doer, the driving, effectual agent is the Word of God itself, the confessors being but its most recent respondents.

1.5. The biblical Word is pictured as the ever-contemporary "judge," "the only judge" (*der einig Richter*) which in each new age calls forth "witnesses" to itself. The "confessions" (another forensic image) are that judge's witnesses. They are the *Zeugen* in which, as in the ancient creeds, "the doctrine of the prophets and apostles" is again brought to speech "in post-apostolic times" (*nach der Apostel Zeit*) and "in our times" (*dieser Zeit*).⁵ The confessions are what the *judge* evokes -- not merely agrees or disagrees with after hearing them but, typically of the courtrooms of that day, what the judge actively prompts the witnesses to testify. Confessions have been called

² FC SD, Rule and Norm, Preface (4) and 5; BC 502, 504; BS 830, 835.

³ FC SC, Rule and Norm, 10, 4, 5; BC 506, 504; BS 838, 834-835.

⁴ FC SD Rule and Norm, sub-title and 9; BC 503, 505; BS 833, 837.

⁵ Formula of Concord. Epitome (hereafter: FC Ep), Rule and Norm, 7,2,5; BC 465; BS 769, 768.

reverberations, echoes. They are the scriptural Word of God hearing itself coming back, if always in new historical contexts.

1.6. So the biblical Word of God is not first of all a critical "norm." It is that, too, but only secondarily. Primarily the Word is creative and authorial. It is the judge not just judging testimony but, before that, eliciting it and, only insofar as that fails, standing aloof as an external norm. Before the Word is a "norm" (*Richtschnur*) it is "the pure and clear fountain [*Brunnen*] of Israel." Before the Word is a norm it is a "form," and more as an active verb than a noun, formative of and informing its later witnesses with its own unique "form of doctrine," "the pure doctrine of the holy Gospel" -- freely translated, "the fresh teaching of the hallowing Good News."⁶

1.7. What is true of the scriptural Word, that it is formative before it is normative, is true also of the confessions as responses to that Word. "The Symbols," as Piepkorn observes, "can serve as a legal club, in order to enforce conformity with their teaching. . . . But this is certainly an *opus alienum*. Their proper office includes serving as . . . a *confession*, that is, a classic formulation of our own grateful response to the divinerevelation."⁷ A confession, as dogma, "does contain an obligation to teach but," says Elert, "it does not contain an obligation to believe." For that is not how confessions, anymore than their originative Word, evoke faith, namely by obligation.⁸

1.8. The concordists say of the confessions that they came into being *nach Anleitung Gottes Worts*, which again might better be translated not "in conformity with God's Word" but more causally, "under the direction [or the guidance] of God's Word."⁹ By the same token the confessions themselves are not so much doctrinal "standards," as the English puts it, as they are landmarks of the Word's "leading," which same leading (*nach dieser Anleitung*) by the Word of God other future teachers and teachings will realize through exposure to the confessions.¹⁰

1.9. Never mind that this Word of God, the effectual subject of action, is from our viewpoint also an object over which we dispose as subjects. Granted, considered objectively, the prevenient Word of God does come as quite human "writings" (*Schriften*) produced by quite human (*prophetischen und apostolischen*) authors, publicly datable in historical time (*Altes und Neues Testaments*), to which we the confessors, acting as subjects, now in turn "pledge ourselves" (*uns bekennen*) in the form of confessions of our own, which again are objects of human making. In fact, for the confessors this objecthood of the divine subject -- the Word's "externality," as they would describe it -- is not at all an embarrassment but, as we shall see, a mark of the Word's very efficacy.¹¹

⁶ FC SD, Rule and Norm, Preface (3); BC 501; BS 830.

⁷ Arthur C. Piepkorn, "Suggested Principles for a Hermeneutics of the Lutheran Symbols, *Concordia Theological Monthly* 29:1 (1958) 1.

⁸ Werner Elert, *The Christian Faith: An Outline of Lutheran Dogmatics* (tr. M.H. Bertram and W. A. Bouman; Trinity Seminary Bookstore: Columbus, Ohio, 1974), 17.

⁹ FC Ep, Rule and Norm, title; BC 464; BS 767.

¹⁰ FC Ep, Rule and Norm, 6; BC 465; BS 769.

¹¹ FC Ep, Rule and Norm, 1-3; BC 464-465; BS 767-768.

1.10. It must be admitted that confessions do introduce something new which was not previously in the scriptures they echo, if only that be the new heresies which confessions have to combat. And combative a confession surely is, by definition, even though it is spoken not by the court's plaintiffs but by the defendants. Polemic is inherent in the forensic metaphor. As the Word of God, the judge, calls forth witnesses to itself, it does so only in antithesis to those witnesses' current accusers – in the sixteenth century, "the papacy and other sects." In the course of the trial the confessors, who as we said are the ones on trial, can be vindicated only as their "adversaries" are refuted.¹²

1.11. Because the confessors must take into account the new challenges of their day, their confessions are already by that additional component considerably more than a literal, tautological "summary" of Scripture. Nor are they just any meaningful "correlation" between the original kerygma and whatever their contemporary culture might offer, which in some instances might well be benign and opportune. No, here the correlation is decidedly adversarial: "how at various times (*jederzeit*) the Holy Scriptures were understood in the church of God by contemporaries (*von den damals Lebenden*) with reference to controverted articles (*streitigen Artikeln*).s"¹³

1.12. Do these credal and confessional encounters with later heresies yield a new *source* of doctrine, albeit a negative one, over and above that primary source which is Scripture? That is a fair question, especially in any discussion of "Scripture and tradition," where the talk is sometimes about "two sources." The truth is, the concordists do not explicitly say, as later Lutheran church constitutions sometimes do, that Scripture is the "only source" of doctrine. Only norm? Yes. But the question of sole source is not addressed as such. At the very least, creeds and confessions are re-Sources or Source-lets, if such punning conveys that they are reiterations of one and the same Source, the biblical Word. (More on "sources" later.)

1.13. What the concordists do make quite clear is that the church's credal and confessional decisions are compelling for posterity not only in what they affirm but also in what they reject. Historic heresies, post-canonical as they are and of course only as negatives, become definitive of the church's evolving witness to the Word of God. The implication is that the scriptural Word of God has a history. Far from being confined to its canonical epoch, that Word continues to trace out a career in the subsequent life of the church. It encounters along the way always new opposition and sometimes (not always) succeeds in subjecting its opponents to Christ, if only by its anathemas. On a few rare occasions it prevails so memorably that these historic victories of the Word of God, verbalized as creeds and confessions, constrain all later teachers and teachings, formatively as well as normatively.

1.14. What is hazardous about the confessional metaphor is not just that it attributes such prestigious pedigree to admittedly human confessions but that, by such attribution, it is God who is made ultimately responsible for them. What such a claim risks, in other

¹² FC Ep, Rule and Norm, 4; BC 465; BS 768.

¹³ FC Ep, Rule and Norm, 8; BC 465; BS 769.

words, is not just arrogance but blasphemy. That is a meta-cognitive consideration which today's hermeneutics are apt to mute or even find incomprehensible.

1.15. Notice, to say that considerations of blasphemy are meta-cognitive is not to say that the *confessions* themselves are meta-cognitive, and certainly not that they are meta-critical, beyond criticism. The confessions do make truth claims and these are open to criticism. Indeed, to acknowledge the risk of blasphemy is, in a soteriological and not only a methodological sense, critical in the extreme. The concordists never pretend that because their confession came into being *nach Anleitung Gottes Worts* they are thereby absolved from having to document their exegetical and doctrinal claims before the critical forum of church and world. Quite the opposite. Especially in "a time for confessing," confessors, who see themselves on trial *coram Deo*, are impelled by their Lord's word, "Whoever confesses me *before human beings* I also will confess before my Father in heaven." But confessing *coram hominibus* requires exactly that confessors open their books for public audit to expose their scriptural and credal bases.¹⁴

1.16. It is no wonder that the twentieth century Lutheran confessor, Bonhoeffer, rediscovered in the Formula of Concord a major resource, though that fact is seldom acknowledged by either his Barthian or his Lutheran reporters.¹⁵ For he, too, acutely aware of the tensions of the Christian *martys*, felt called to speak out with eschatological certitude, often misperceived by his critics as illiberal and intolerant, yet simultaneously felt committed to their polemical give-and-take to heed their criticisms and to adduce the best theological, ethical and historical arguments he could. He renounced the arbitrariness which he perceived in Barth as "revelational positivism."¹⁶

1.17. Similarly, the Lutheran theologian Pannenberg faults his fellow Lutheran, Bayer, for invoking speech act theory, specifically for construing the proclamation of "gospel and law" as a "performative linguistic act" in such a way as to evade critical accountability. "In this approach the truth of the propositions proclaimed is supposedly not bound to answer the human question of verification or falsification." Inexcusably, that renders "the proclamation immune against critical reflection." The point is well taken, with the additional reminder (perhaps also for Pannenberg) that not only systematic theologies but in their own way also "confessional" theologies are accountable to processes of verification.¹⁷ Especially so.

1.18. Take the Formula of Concord itself. Formally it had no other purpose than to establish consensus among subscribers of the Augsburg Confession as to what that earlier confession actually meant. That limited, in-house aim, one might suppose, could have been met by confining attention to the Augustana's own text and by appeal to only those

¹⁴ FC SD, Article X, 10,17; BC 612,614; BS 1057,1059.

¹⁵ Eberhard Bethge (tr. E. Mosbacher and others), *Dietrich Bonhoeffer* (Harper and Row: New York, 1977), 368.

¹⁶ Dietrich Bonhoeffer (ed. E. Bethge, Tr. R. Fuller and others), *Letters and Papers from Prison. The Enlarged Edition* (Macmillan: New York, 1972), 280, 286, 329.

¹⁷ Wolfhart Pannenberg (tr. M. O'Connell), *Anthropology in Theological Perspective* (Westminster: Philadelphia, 1985) 387. Also Pannenberg (tr. F. McDonagh), *Theology and the Philosophy of Science* (Westminster: Philadelphia, 1976), 271-272, 340-345.

"Lutherans" who by now still had some stake in that text. Instead, the concordists explicate the Augustana not primarily by reference to itself but almost entirely to Scripture and the catholic tradition, thus rendering their confessional stance vulnerable at its very base. Moreover, the concordists, painfully conscious of their dissent from "so many nations" and of the stigma of being called "schismatics," nevertheless submit their case before "all Christendom among both our contemporaries and our posterity."¹⁸ The concordists and even their most "confessional" descendants did not regard their confession as in principle beyond criticism or irreformable.

1.19. At the same time, in view of how momentous and non-postponable is a "time for confessing," and such "times" are exceptional, the confession has to be made with eschatological finality -- not "insofar as" it agrees with the Word of God (*quatenus*) but "because" it does (*quia*). Its confessors expect to be judged in The Final Analysis on the basis of this here-and-now confession. "Nor shall we speak or write anything, privately or publicly, contrary to this confession," so the concordists pledge, "but we intend through God's grace to abide by it." For this "is our teaching, belief and confession in which by God's grace we shall appear with intrepid hearts before the judgment seat of Jesus Christ and for which we shall give account."¹⁹ Jesus Christ: then is that who *der einig Richter* is who all along, through the Spirit, was believed to be prompting the witnesses?

Scripture as Source(s)

"To substantiate our Confession," says Melancthon's Apology of the Augsburg Confession, "and to refute the objections of our opponents, we shall have to say a few things by way of preface so that the sources (*fontes*) of both kinds of doctrine, the opponents' and our own, might be recognized." Given that preface the reader might expect that the "sources" behind this controversy will be, in the case of the confessors' doctrine, Scripture, and in the case of the opponents' doctrine, scripture and tradition. Instead, what Melancthon identifies as the confessors' "sources" (note the plural) are "the law and the promises," both of them squarely within Scripture yet at times, right within Scripture, squarely "opposed." On the other hand, the opponents' "sources" (again plural) are the biblical "law," and that merely in truncated form, plus a second source which is not biblical but also not simply equatable with "tradition."²⁰

2.1. The opponents' second, extra-biblical "source" lies rather in the peculiar "conviction" they harbor *about* tradition (*persuasio de traditionibus*), namely, that the observing of certain traditions "serves to earn grace and make satisfaction for sin."²¹ Many a church tradition, by itself quite edifying, thus becomes tyrannical by the "addition" of this salvational expectation.²² This additive "source" is something alien to Scripture and often alien to churchly "traditions." But being endemic to human interpreters, all interpreters,

¹⁸ FC SD, Article X, 23; BC 615; BS 1061. Article XLL, 40; BC 636; BS 1099.

¹⁹ *Ibid.*

²⁰ Apology (hereafter: Ap), Article IV, 4,5,7,9; BC 108; BS 159-160.

²¹ Augsburg Confession (hereafter: AC) Article XXVI, 1,3; BC 64; BS 101.

²² Ap, Article XI, 1,; BC 180-181; BS 249, 251.

this soteriological illusion cannot help but vitiate their understanding of the thing they interpret.

2.2. That was why the biblical Word needed first to be formative, actually re-formative, not just normative of the church's traditioners, lest through them their built-in soteriological bias become institutionalized for the church as a whole. The extra-biblical *fons* which Melancthon detects in the opponents' doctrine resembles, formally if not substantively, what a later Lutheran, Bultmann, would warn against in the church's interpreters, their reactionary "pre-understanding" (*Vorverstaendnis*), that is, a prejudicial assumption.²³ This soteriological prejudice, according to the confessors, was one very real "source" of some traditions, a pernicious source. It is no secret that Luther suspected this source of having crept into even *that* "tradition" which is the biblical canon itself.

2.3. For Melancthon the reactionary pre-understanding at the root of his controversy was what he, following Luther, referred to as *opinio legis*, which we might roughly translate as "legalistic bias."²⁴ It is humanity's congenital misconstrual of "the law" imbuing our observances of the law with a redeeming value which Scripture does not accord them but does accord the "promises."

2.4. However, if it is indeed the law, the biblical law, which is being misinterpreted, the problem must not lie with the misinterpreters exclusively. Must there not be something about the law itself which, at least in their hands, is amenable to such misinterpretation? The opponents do after all cite Scripture in support of their doctrine, at first glance often plausibly. Though the *opinio* they import is merely that, an unfounded opinion, still what it distorts *is* founded in Scripture, the biblical *lex*. They have elevated to a saving truth what, though it is not saving, is still truth.

2.5. By "law" Melancthon means "the commandments of the Decalogue, wherever they appear in the Scriptures." That definition already brackets from consideration large tracts of legal material in Scripture, like "the ceremonial and civil laws of Moses," material which is obviously biblical yet not a doctrinal "source," even as law.²⁵ The same may be said of similar prescriptions in the New Testament. "So Paul directed . . . that women should cover their heads in the assembly." However, nowadays "no one would say that a woman commits a sin if without offense to others she goes out with head uncovered."²⁶

2.6. But in the opponents' misuse of the law their graver error, graver than their retaining too much of its civil and ceremonial legislation, is in what they leave out. They suppress the law's most demanding features, *coram Deo*. They tend to confine attention to the law's "civil works." "But the Decalogue . . . also requires other works far beyond the reach of reason, like true fear of God, true love of God, true prayer to God, true conviction that God hears our prayer, and the expectation of God's help in death and all

²³ "Is Exegesis Without Presuppositions Possible?" in Rudolf Bultmann (tr. S. Ogden), *Existence and Faith* (Meridian: New York, 1960), 289-296.

²⁴ Ap, Article IV, 265; BC 146; BS 213.

²⁵ Ap, Article IV, 6; BC 108; BS 160.

²⁶ AC, Article XXVIII, 54; BC 90; BS 129.

afflictions."²⁷

2.7. These most critical demands of the law, because they expose our inability to meet them, are ignored through a kind of tacit denial – what a current popularizer of Luther, Justo Gonzalez, calls "avoidance," "selective forgetfulness."²⁸ The radically accusatory law of God in Scripture -- "God's wrath or judgment" -- is toned down to a mere whisper of itself. And by what? By that second, extra-biblical "source" which lulls the opponents' doctrine, namely, their rationalistic, commonsensical assumption that the law must be do-able since it must be saving. "This view naturally flatters," says the Apology, but only at the price of veiling the law of God.²⁹ Soft bias drives out hard Scripture.

2.8. Furthermore, that two-source hybrid of mini-law and *opinio legis* drives out what truly *is* saving in Scripture, its "promises." True, the promises are still dutifully quoted and invoked, if nothing else as "the history about Christ."³⁰ But for all doctrinal and pastoral purposes they now become superfluous, unused, "unnecessary." If all that is being promoted is a sinner's manageable version of biblical law, manageable perhaps through an emergency infusion of grace, then "what need is there of Christ?"³¹ This rhetorical question reflects a basic methodological concern of the confessors. It is the old Aristotelian rule that true science "saves the phenomena," in this case the biblical "sources," and saves them by "showing the need of them." Else, "of what use (*quorsum opus*) is Christ?" -- the embarrassing question which Abelard had raised, and not just rhetorically.³²

2.9. It should be admitted that later Lutherans quite as much as the original pontifical *Confutatores*, not to mention later Protestants generally, operated with grossly reductionistic views of biblical law, thanks no doubt to their own brands of the *opinio legis*. These same Lutherans have settled for equally insipid christologies, under-using, under-necessitating the Christ of the biblical promises. In these theological circles a "legalist," a favorite pejorative, is thought to be someone who has "all law and no gospel." For the confessors that would have been at best a half-truth. For them legalists had also no *law* to speak of, in any authentically biblical sense, and so had to badger people instead with moralisms and by-laws. Legalism was but the converse of antinomianism.

2.10. If the under-employment of Scripture is as perennial as that, doesn't Melancthon's type of "source" analysis, starting with Luther's prior distinction between law and gospel, continue to have a role in the one catholic Tradition long after the original adversarial "trial" at Augsburg between papal and reform Catholics? Granted, the distinction

²⁷ Ap, Article IV, 8; BC 108; BS 160.

²⁸ Justo Gonzales, *Manana: Christian Theology from a Hispanic Perspective* (Abingdon: Nashville, 1990), 79.

²⁹ Ap, Article IV, 9 and 10; BC 108; BS 160-161.

³⁰ Ap, Article IV, 17; BC 109; BS 162.

³¹ Ap, Article IV, 12; BC 109; BS 161.

³² Robert Bertram, "How to Be Technological Though Theological," *Proceedings of the Institute for Theological Encounter With Science and Technology* (Saint Louis: ITEST, 1975), 30, n. 40.

between law and gospel with its use in biblical hermeneutics has come to be seen as idiosyncratically Lutheran. Perhaps it is one of those elusive things which has been labelled a Lutheran "mode of thought."³³ But a law and gospel hermeneutical theology, if it is a "mode of thought," is one with broad and deep doctrinal import.

2.11. The confessors at Augsburg could not explain Scripture without explaining their "accusers." They could not get to the one without passing through the other. Was that only because the accusers happened also to be the ones in power? If that were all we might understand why later Protestants, once out from under the papacy, felt free to ignore the kind of biblical exegesis advanced by large tracts of Roman Catholic tradition. For the Lutheran confessions, however, that Roman Catholic exegesis poses a deeper, abiding challenge. For all of its legalism the opponents' exegesis does present a show of right, biblically. It appears to have a leg to stand on within Scripture itself and so deserves an explanation.

2.12. In the Apology to the Augsburg Confession, Article Four runs longer than all the rest of the Apology because there especially Melancthon takes pains to examine one biblical passage after the other which the opponents have cited "to prove that we are justified by love and works." The passages are not easily dismissed. "You see that a person is justified by works and not by faith alone." (James 2:24) "If I have all faith, . . . but have not love, I am nothing." (I Cor. 13:2) "Love covers a multitude of sins." (I Pet. 4:8) "The doers of the law will be justified." (Rom. 2:13) "Forgive and you will be forgiven." (Luke 6:37) "Redeem your sins by showing mercy." (Daniel 4:27) "Blessed are the merciful, for they shall obtain mercy." (Matt. 5:7) And on and on.³⁴

2.13. The title (added later) to this long fourth article of the Apology reads *De Iustificatione*. It could just as well have read, in Melancthon's own words, How to "praise works in such a way as not to remove the free promise."³⁵ For that is what the confessors had found so appealing about Scripture. It does indeed extol good works and rewards them, but why? Because in Scripture these are always the works of those who believe the promise. It is not because of the goodness of the works as such, which are always at best ambiguous, but rather because the believers who do the works are themselves good. Thanks to Christ they are, who is good *for* them who trust his promise. It is not their works which endear believers to God but Christ endears them to God, works and all. And so, believing that, it is no wonder that they work as well as they do and are rewarded as they are.

2.14. The troublesome passages which the opponents invoke to the contrary, Luther might have called "dark" passages, though the Apology is more apt to ascribe the darkening to how the passages are misinterpreted. Melancthon thought that the passages themselves, especially when read in context, "contain two elements" -- hardly obviously, one should add. The first element "is the proclamation of the law or of

³³ H.G. Anderson, T.A. Murphy, J. Burgesse (eds.), *Justification By Faith: Lutherans and Catholics in Dialogue VII* (Augsburg: Minneapolis, 1985), 49.

³⁴ Ap, Article IV, 218; BC 137; BS 201.

³⁵ Ap, Article IV, 188; BC 133; BS 197.

penitence, which condemns wrongdoers and commands that they do right. The other is a promise that is added."³⁶ Here are the confessors' two "sources," both biblical: *lex* and *promissio*. Both are present in all the key passages, though often only implicitly and in a way which requires augmentation.

2.15. As for the legal element, Melancthon now adds, two simple biblical *regulae* must always apply: "Apart from [Christ] you can do nothing" (John 15:5) and "Without faith it is impossible to please God" (Heb. 11:6).³⁷ Admittedly, such a "regulative" upping of the legal ante, however scriptural, has the daunting effect of stretching some rather straightforward biblical commands ("forgive," "show mercy," "give alms," "love") into virtual impossibilities. For with the heightened demand to do all this in a way that "pleases God" and to do it in "faith," the commands actually become frustrations. As Paul saw, "the law works wrath." The law saps the joy of one's salvation. By itself it does. But then the law need not be by itself. It is only one of Scripture's two *fontes*.

2.16. Enter the second "addition." That is, also the promissory element in the opponents' favorite passages must be "added" to, intensified, in effect rendered more promising. Recall, in Scripture the whole intention is that works should be done in the confidence that the doer delights God, right in the face of God's contrary law which always accuses. How else can that be achieved except we "add the Gospel promise?" In the passages invoked by the opponents there are already promises like "and you will be forgiven," "and the Lord will answer," "for they shall obtain mercy." What remains is to intensify these promises with *the* promise, "the Gospel promise, that for Christ's sake (*propter Christum*) sins are forgiven and that by faith in Christ (*fide in Christum*) we obtain the forgiveness of sins."³⁸

2.17. This "adding" of the "Gospel" promise to Scripture's other, less explicitly evangelical promises is supported by a corresponding *regula*, Romans 5:1, "Since we are justified by faith we have peace with God through our Lord Jesus Christ."³⁹ Is this regulative "addition," "through Christ by faith," in this case a promissory addition, what has been called a "canon within the canon," what a Lutheran like Kaesemann refers to as the scriptures' "key" or "centre?"⁴⁰ Perhaps. However, nowhere does the Apology suggest that the choice of this "rule" is at all arbitrary or privileged, unique, say, to "Lutherans" or to those who are privy to some unusual existential discovery of the Gospel. On the contrary, the "rule" of *propter Christum, propter fidem*, whether from Romans or somewhere else in Scripture, is assumed to be publicly testable, all in the confidence that proof from Scripture and church tradition is at hand. Does that confidence deserve to be put to the test, ecumenically? Or is it now too late for that?

³⁶ Ap, Article IV, 255; BC 144; BS 210.

³⁷ Ap, Article IV, 256, 266, 269, 315, 372; BC 144, 146, 147, 156, 164; BS 210, 213, 214, 220, 230.

³⁸ Ap, Article IV, 257; BC 144; BS 210-211.

³⁹ Ap, Article IV, 91, 195, 217, 304; BC 120, 134, 137, 154; BS 179, 198, 201, 219.

⁴⁰ "Justification and Salvation History in the Epistle To the Romans," in Ernst Kaesemann (tr. M. Kohl), *Perspectives on Paul* (Fortress: Philadelphia, 1969), 75-76.

2.18. The Apology leaves no doubt about what is at stake. Without these "additions," without Scripture "added" to Scripture, without its Law "added" to its laws and its Promise "added" to its promises -- without, as Lutherans used to say, Scripture interpreting Scripture -- good works may still be praised, though then probably only the works of the law's "Second Table." What is worse, through insufficient "need of Christ" the promise will be lost as well. For in the absence of such radicalizing, intra-biblical "additions" what will have intruded instead is an "addition" that is not only extra-biblical but essentially reactionary, that regressive "source," the Scripture-diminishing *opinio legis*.

Reception: "Keeping" the Tradition

The purpose of this law-gospel hermeneutical theology is thoroughly practical. One might call it a hermeneutics of praxis were it not for the Marxist anachronism that term evokes. According to the Apology the goal of the church in interpreting Scripture -- "preaching" Scripture, the confessors would have said -- is to "keep" Scripture's law and promise. Scripture itself is a transmitting (*tradere*) and in that sense is part of the traditioning process, relaying to us what flows from the "sources," God's law and God's promise.⁴¹ We who stand downstream from this "fountain" (*Brunnen*) are to "receive" or "obtain" or "retain" the original law and promises or, as Melancthon likes to say, to "keep" them."

3.1. "Keep" in this case is a fortunate pun, one English word translating several words in Melancthon's original Latin, *facere, retinere, custodire*.⁴² First, to "keep" the law or the promise means to "do" them. Secondly, to "keep" them means to keep custody of them, keep from losing them, for instance by "using" them in one's exegesis or doctrine, scientifically to "save" them in the Aristotelian sense -- as a "hermeneutics of retrieval" might, to keep them from going to waste.

3.2. In the Apology, however, these two meanings of "keep" are inseparable, defying, shall we say, any subject-object antithesis. There is no "keeping" law and promise in theology and preaching, objectively, without that preaching being "kept" in the hearts and lives of hearers, subjectively. Literally, the truth of the preaching lies in the believing of it. Preaching comes true in its being heard and heeded.

3.3. This is directly the case with the biblical "promise," only indirectly with biblical "law." The law is true, "objectively," whether or not we believe it "subjectively." But that is not the case with the promise. It is true, or at least it comes true, only if and as it is believed. The law, recall, is not only commandment but also indictment, a critique (*accusatio*), and that accusation does not depend on the accused to acknowledge it. In a promise, however, the promisor and the promisees are not that separable. The former promises to love the latter, but if they disbelieve the promisor they are not receiving the promised love. They are not "getting loved." The promise does not come to pass. And it is meaningless to speak of a promise as true if it does not materialize.

⁴¹ Ap, Article IV, 186; BC 132; BS 197.

⁴² Ap., Article IV, 256, 270; BC 144, 147; BS 210, 214.

3.4. That inseparable is the promise's truth (*theoria*) from its being believed (*praxis*). "That is why [the promise] depends on faith," says Paul, "in order that the promise may . . . be guaranteed" (Romans 4:16). So Paul, says Melanchthon, "correlates . . . promise and faith."⁴³ This close "correlation," which did not escape the Lutheran Tillich, has often tempted Lutheran pietists and existentialists to fideism, where faith becomes faith in faith itself, and also Lutheran orthodoxy with its opposite retreat into objectivism. Both reactions assume a subject-object antithesis which puts asunder what Melanchthon, following Luther, believed God had joined together. Not only does faith need the promise in order to have something to believe, likewise "the promised mercy correlatively requires faith [*correlative requirere fidem.*]"⁴⁴

3.5. How ironic that even Lutherans have at times inferred from this link between God's promise and our faith that that must diminish God's prevenience or sovereignty? The whole point of Melanchthon's linkage, or Luther's "*Glaubst du hast du,*" was to clinch thereby the "need" of Christ, God's sheer graciousness. That is "why [the promise] depends on *faith*," Paul said. And why is that? "In order that the promise may rest on *grace*."⁴⁵ How does that follow? By a Pauline analogy, grace is to faith the way a promise is to faith. If a promise of love, in order to come true, depends instead on some deservedness within the promisees, that hedges the promise with conditions, but it also hedges any confidence of theirs in that promise. Only an unconditional promise, gratis, such as Christ is, warrants unconditional trust. By the same token only unconditional trust can do justice to an unconditional promise.

3.6. Maybe the real reason Lutherans have sometimes hesitated to let the promise depend on faith lies not in some subject-object antithesis but rather in the fear that faith must then become a new condition for grace. But a moral condition, a "legal" one, a condition of eligibility? That could happen only on the presupposition of the *opinio legis*.

3.7. If that is the case with the biblical promise, that it is true only of those who trust it, how about biblical law? The law as *accusatio*, we noted, holds true with or without the acquiescence by the accused. But the law as commandment is another matter. The commandment does come true, or begins to, depending on the faith or unfaith of the human subject. And by saying the commandments "begin" to be kept, the Apology does not mean they are now being kept only "outwardly." That much keeping can be done by unbelievers. With believers, however, the commandments begin to be kept "inwardly" as well. For instance, one of the law's most ambitious demands is that our life and work should delight God, and that we should be confident it does. Yet isn't that exactly what faith in Christ does believe, that "on account of Christ we please God?"⁴⁶

3.8. As believers "we please God" even in our works, ambivalent and sinful as they are, and fraught with regret as well as joy. Though this "incipient keeping of the law is impure and far from perfect," "it is pleasing to God for the sake of Christ" (*propter*

⁴³ Ap, Article IV, 50; BC 114; BS 170.

⁴⁴ Ap, Article IV, 324, BC 157; BS 122.

⁴⁵ Ap, Article IV, 84; BC 119; BS 177.

⁴⁶ Ap, Article IV, 124-125; BC 124; BS 185.

Christum) "on account of faith" (*propter fidem*). In Scripture even the commandments of the law have promises attached to them. And those promises too, when "added" to by "the Gospel promise," begin to be actualized in those who trust that promise. That is how the Tradition of the Word is received, or "kept, namely, *sola fide*."⁴⁷

3.9. Not all hermeneutics deal in truth claims. Some may content themselves simply with "interpretation," "understanding," "meaning" and suspend questions of truth or falsity. The law-gospel hermeneutical theology in the Lutheran confessions definitely means for its biblical interpretations to be true, and not only true to the biblical texts or its writers or its contexts (that, most immediately) but thereby and finally true to God, *coram Deo*, whose own intention or Word the scriptures "transmit" (*tradunt*). The verb, *tradere*, is significant, for that is what the scriptures are said to do. They are themselves a "traditioning," a handing on. And what they hand on is what comes from the "sources," law and promise, the way a stream proceeds from its "fountainhead" (*Brunnen, fons*).

3.10. So far, it makes little difference whether we say Scripture is a transmitting *from* the Source or we say Scripture is the Source, as long as it is the same "pure and fresh" living water, the same *Form der Lehre* as the original Word of God. Either way, to be true to the Writings is to be true to God or God's Word. If, however, as we have seen, God's Word of "promise" comes true only as its promised Christ is believed, and if only then the Word of "commandment" begins to come true, consider what that entails for a hermeneutics constrained by questions of truth.

3.11. For example, suppose I as an interpreter quoted the biblical text as saying, "I am justified by grace through Christ," yet did not personally believe that. Then my statement, while it may be textually accurate, would be not only insincere but untrue. "I" am *not* "justified by grace through Christ" if I do not *believe* that I am. Linguistically, I may have caught Scripture's "usage," but the Apology would say I have failed to put Christ to "use." Stated positively, the one way finally to "keep" the scriptural law and promise, to "save" them even in the Aristotelian sense, is for us to be saved by them, "by faith." Only that way is the Tradition finally received.

The Word's Externality

If the traditioned Word is finally received only by faith, if only then does it come true, the temptation is to be preoccupied with the believers' subjective reception and to neglect the objective, "external" process of transmission by which the Word reaches them -- and not only to neglect such externality but to derogate it and short-circuit it. This distorting of the *sola fide* into an aversion against all *Aeusserlichkeit*, aversion even against the publicly transmitted Word and sacraments, by the anti-Tradition "Enthusiasts" and "sects" was for Luther perhaps the most grievous miscarriage of the Reformation. For to bypass the Church's external Word and to retreat instead into the immediacy and inwardness of private revelations is nothing short of forfeiting the Holying Spirit, the

⁴⁷ Ap, Article IV, 270; BC 147; BS 214.

very Spirit whom the *Schwaermer* so yearned to possess -- free at last from all human, historic intermediaries.

4.1. In that Lutheran confession called The Smalcald Articles, specifically the article on private absolution, Luther turns his polemic against those "Enthusiasts" who "boast that the Spirit came upon them without the testimony [literally, "the preaching"] of the Scriptures." Luther had been arguing that absolution, the speaking out loud of forgiveness to the penitents, must be retained in the church, because it "was instituted by Christ in the Gospel" but also because it is a powerful "consolation and help against sin and a bad conscience." This saving benefit of the externality of the gospel "should be highly esteemed and valued, like all other functions (*Ampter*) of the Christian church."⁴⁸

4.2. For, as Luther continues, "God gives no one his Spirit or grace except through or with the external Word which comes before." But this prevenient, traditioned "external Word" encounters enormous resistance from that *Enthusiasmus* which "clings to Adam and his descendants from the beginning to the end of the world." Indeed, this perennial Enthusiasm "is a poison implanted and inoculated in man by the old dragon, and it is the source [*sic*], strength, and power of all heresy, including that of the papacy and Mohammedanism."⁴⁹

4.3. Notice, in Luther's diagnosis "Enthusiasm" functions as a "source" (*Ursprung, origo*) of heresy in much the same way as the *opinio legis* had in Melanchthon's diagnosis of the papacy's second, extra-scriptural *fons*. Really, both Luther and Melanchthon are here referring to the same "source," and they both find it vitiating the "papacy" quite as much as it does the "sects." "Muenzer did this. . . . The papacy, too, . . . for the pope boasts that 'all laws are in the shrine of his heart,' and he claims that whatever he decides and commands in his churches is spirit and law, even when it is above and contrary to the Scriptures or spoken Word." Luther calls this *Geistere* or *Schwarngesterei*, "spiritualizing."⁵⁰ That is really just another version of the legalism which, according to the Apology, credits our own religious performance with saving significance but does so only by diminishing God's real demands upon us and, in the process, by diminishing Christ.

4.4. "Enthusiasm," in the bargain, diminishes also the Holying Spirit, who is indispensable to the traditioning of the Word. For the Word uses as its witnesses, as its emissaries in the Pentecostal relay, those fallible human agents who transmit the external Word onward, yes, but only as they themselves are holied or hallowed by that Word. "St. Peter says that when the prophets spoke, they did not prophesy by the impulse of man but were moved by the Holy Spirit, yet as holy men of God." Now "the Holy Spirit would not have moved them to speak while they were still unholy." But neither could they have been made holy except by "the external Word."⁵¹

⁴⁸ Smalcald Articles (hereafter: SA), III:viii, 1-6; BC 312-313; BS 453-455.

⁴⁹ SA III:viii, 3, 9; BC 312-313; BS 453, 455.

⁵⁰ SA III:viii, 3-5; BC 312; BS 453-454.

⁵¹ SA III:viii, 13; BC 313; BS 456.

4.5. Thus the same "form of doctrine" or Word which in-"forms" the Scriptures must by the Spirit re-"form" its witnesses and confessors along the way, disabusing them also of their congenital "Enthusiasm." But if so, their confessions may then be uni-form with the scriptural Source itself (and its Sources) and, because of that, may share in its authority – and its vulnerability to critical scrutiny.

Robert W. Bertram
July, 1992