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Law and gospel in context—response to 'A hermeneutical challenge: the context contesting the text'

Kathryn A Kleinhans

Rev Dr Kleinhans is professor of religion at Wartburg College, Waverly, Iowa, USA. Her paper is a response to Rev Dr Joseph Randrianasolo, 'A hermeneutical challenge: the context contesting the text'. Dr Kleinhans is a pastor of the Evangelical Lutheran Church in America.

It's a privilege to be with you these days, and I'm very grateful to the Lutheran Church of Australia for the invitation to participate in this symposium. In preparing for this trip, I've learned that your history and my history intersect. In its early years, the Lutheran Church in Australia received missionary pastors both from Hermannsburg and from Neuendettelsau. My own great great grandfather August Kleinhans trained for the ministry at Hermannsburg before being called to work among German immigrants in the state of Wisconsin in the 1860s. And I teach at Wartburg College, which was founded by missionaries from Neuendettelsau in 1852. So in coming to Australia I feel as though I'm meeting distant relatives, a branch of the same missional family tree.

In responding to Dr Randrianasolo's paper, I've tried to address not only the main themes of our assignment but have also lifted up for examination several of the theological principles which were important in his paper, including the third use of the law, the two kingdoms, and the ordering of creation. When I first received the focus questions, I had not intended to address the questions of feminist theology or women's ordination directly lest I play into some sort of stereotype as the only female presenter at this symposium; but, as Dr Humann noted yesterday in response to my question, one does need to respond to the paper one has been given.

Dr Randrianasolo used the theme 'The context contesting the text' as part of his title. I've chosen to title my response 'Law and gospel in context'.

God's law and the Christian

One of the earliest references in Martin Luther's own writings to what is later termed the proper distinction between law and gospel is found already in the Heidelberg Disputation of 1518. In thesis 26, Luther writes: 'The law says, "do this", and it is never done. Grace says, "believe in this", and everything is already done'.¹

¹ Martin Luther, *Luther's Works*, 55 vols, ed Jaroslav Pelikan and Helmut Lehmann, Fortress, Philadelphia and Concordia, St Louis, 1955–1986; hereafter cited as LW with volume and page number. LW 31:41.

This passage emphasises several key differences between the law and the gospel. First, the law takes the form of an imperative ('do this'), instructing our behaviour, while the gospel invites us to trust, evoking our faith. Second, and perhaps most important, the law shows us our inability to keep it ('it is never done'), while the gospel is received as gift ('everything is already done'). The law shows us God's will, but it does not give us the ability to keep it.

Article VI of the Formula of Concord, Solid Declaration, offers this definition and description of the law: 'For the law is a mirror that accurately depicts the will of God and what pleases him. It should always be held before the faithful and taught among them continuously and diligently'.² It is important for us to note that this is not a description only of the theological use of the law; it is offered as a description of the law in its entirety. The law as a mirror of God's will shows us God's intent for regulating human society. The law as a mirror of God's will shows us our sinful unwillingness and inability to fulfil God's will. The law as a mirror of God's will is intended for all people, believers included.

Despite the heading of Article VI, the Formula does not develop an understanding of some new 'third' use of the law that is unique to Christians.³ It answers the question of whether the law still applies to Christians after justification—which it does in precisely the ways it did before justification: it shows us what God's will is and it shows us that we cannot (even as Christians!) fulfil God's will through our own efforts.⁴ When Christians do 'live and walk in the law',⁵ it is not because they have used the law effectively as a guide but because the Holy Spirit is bearing fruit in their lives. This is not to say that the law is irrelevant for Christians but that the law does not help us to live a God-pleasing life. In the oft repeated words of the Apology, the law always accuses.⁶

Mark Mattes, in the article to which Dr Randrianasolo's paper helpfully calls our attention, argues that the law's ability to serve as a guide for the Christian is seriously compromised by the Christian's status as *simul iustus et peccator*. Mattes emphasises the need to shift our attention from the uses of the law to the user of the law: 'given our sinful nature, it [the law] never informs as a neutral guide. The distinction between information and accusation is never tidy'.⁷ Mattes raises the concern that emphasising

2 Robert Kolb and Timothy J Wengert, eds, 2000. *The Book of Concord: the confessions of the evangelical Lutheran church*, Fortress Press, Minneapolis; hereafter cited by referring to the confessional document, article number, and section number. Formula of Concord, Solid Declaration, VI, 4.

3 Robert Kolb, in a footnote to his translation of the Formula in the Kolb and Wengert edition of *The Book of Concord*, notes that the number '3' which appears in the 1580 Dresden printing is lacking in the manuscripts of the Formula (Kolb and Wengert, 587).

4 FC, SD, VI, 20,21.

5 FC, SD, VI, 1.

6 Apology IV, 38; Apology IV, 128; Apology IV, 204; Apology IV, 270; Apology XII, 88. Cf also Apology XII, 33, 'The law only accuses' (Apology IV, 270 is found in the Tappert edition of *The Book of Concord* but not in the Kolb and Wengert edition, which uses a different text of the Apology as the basis for its translation. The passage also appears in *Concordia Triglotta*, Concordia Publishing House, St Louis, 1921, where it is enumerated as *Apologia confessionis*, III, 149.)

7 Mark C. Mattes, 'Beyond the impasse: re-examining the third use of the law', *Concordia Theological Quarterly* 69 (2005), 277.

the so-called third use of the law may seduce the sinner into a new reliance on his or her own good performance as a now-justified Christian.

But the law always accuses, even the regenerate, even while it continues to instruct regarding God's will. Because the Christian, in life, is *simul iustus et peccator*, 'the Holy Spirit uses the law to instruct the reborn and ... reproves them through the law'.⁸ As this passage from Formula VI shows, it is not that the law is used in a new and different way for the regenerate, but rather that because the justified Christian remains *peccator*, the law still applies as it did before, as a mirror that reflects both God's will and God's judgment on human sin.

God's law and the world

Let me suggest that an underdeveloped theme in our conversation is the civil or political use of the law.

Formula VI contrasts the law as a driving force for human sinners with the way in which God's will is at work in the natural world. If we were without sin, our compliance with God's will would be natural, 'just as in and of themselves the sun, the moon, and all the stars follow unimpeded the regular course God gave them once and for all, apart from any admonition, exhortation, impulse, coercion, or compulsion'.⁹ Humans need the law, however, because of sin.

The law is a mirror of God's will not only for my life but for the well-being of the world. The sun, the moon, and the stars may follow the course God has laid out for them without coercion, but this is not true of human society, which requires temporal authority to restrain sin and to promote the general welfare so that it might reflect God's will. For this reason, the Lutheran Reformers, unlike the Anabaptists, insisted 'that all political authority, orderly government, laws, and good order in the world are created and instituted by God and that Christians may without sin exercise political authority'.¹⁰

Not only are Christians subject to temporal authority as a form of God's law, they are called to be participants in it, indeed, stewards of it. God has given us the ability and the responsibility to participate in the ordering of the world according to God's will. This call to participate in God's ordering authority yields insight into what has traditionally been referred to as 'the orders of creation': home and family, civil government, and church.¹¹

8 FC, SD, VI, 12.

9 FC, SD, VI, 6.

10 Augsburg Confession, XVI, 1.

11 Some may find it striking that Luther includes the church within this category. However, identifying the church as a setting within which temporal authority is enacted does not at all undermine Luther's definition of the church as 'holy believers, and "the little sheep who hear the voice of their Shepherd"' (Smalcald Articles, Part 3, article XII, 2). Just as the Christian is simultaneously saint and sinner, so too is the church simultaneously a means of God's (right-handed) grace and an institutional structure through which God's (left-handed) authority is at work in the world.

Edward Schroeder demonstrates that the phrase 'orders of creation' is a relatively late usage in Lutheran theology and that it has come into English-speaking Lutheranism in a form that is influenced much more heavily by Calvin than by Luther.¹² Moreover, 'order' or 'orders of creation' is a mistranslation. The word coined by Adolph von Harless in the 19th century and used (although only once) in the *Christian Dogmatics* of Franz Pieper in the early 20th century is not *Schöpfungsordnung* (the order or arrangement of creation) but *Schöpferordnung* (the Creator's ordering).¹³

Schroeder's analysis is consistent with Luther's explanation of the first article of the Creed in the catechisms. Luther is not particularly concerned with how God ordered creation 'in the beginning'. Rather his focus is on how God has ordered, or arranged, the created world so that it continually sustains God's human creatures. In Luther's understanding, if not in the understanding of later Lutheranism, the so-called orders of creation are not static. The concept refers not to some fixed and inviolable blueprint but rather to the necessity of certain kinds of structures to carry out the functions intended by the Creator, namely, that created life be sustained and preserved.

In 'On the councils and the church' (1539), Luther describes the three orders or governments in terms of their God-given roles and responsibilities in providing for human well-being:

The first government is that of the home, from which the people come; the second is that of the city, meaning the country, the people, princes and lords, which we call the secular government. These embrace everything—children, property, money, animals, etc. The home must produce, whereas the city must guard, protect, and defend. Then follows the third, God's own home and city, that is, the church, which must obtain people from the home and protection and defence from the city.¹⁴

In 'Confession concerning Christ's supper' (1528), Luther explains that Christian love calls us to serve our neighbours through these three orders.¹⁵ Such passages in Luther support Schroeder's conclusion that, 'in Luther's rhetoric, *Ordnung*, *Stand*, and even *Beruf* are interchangeable'.¹⁶ All three of these terms—order, station, and calling—indicate places wherein God intends a person to live as God's faithful person.

There is, I think, a clear relationship between this understanding of the orders, or ordering, of creation and the civil and theological uses of the law. The orders, according

12 Edward H. Schroeder, 'The orders of creation – some reflections on the history and place of the term in systematic theology', *Concordia Theological Monthly*, vol 43, no 3 (March 1972), 170.

13 I use a variety of terms for the German *Ordnung* here in order to avoid the overly simplistic English equation of 'order' with 'command'. Luther himself uses a variety of terms, referring to the three orders of home and family, civil government, and the church sometimes as orders, sometimes as governments, sometimes as religious institutions.

14 LW 41:177.

15 LW 37:365.

16 Schroeder, 172.

to Schroeder, serve two functions: they are means through which the Creator keeps the creation going (civil use) and they are places where God's judgment encounters us in the specificity of our existence (theological use). This analysis leads to an understanding of the role of the world that, in my opinion, differs from Dr Randrianasolo's understanding. He claims that feminism has forced the agenda of 'the kingdom of the world ... into the Kingdom of God'.¹⁷ But is this dualistic claim Lutheran?

In his treatise 'On temporal authority', written in 1523, Luther divides humanity into two categories that seem to be mutually exclusive: 'true believers' in Christ belong to the kingdom of God while 'all who are not Christians belong to the kingdom of the world'.¹⁸ At least by 1525, Luther had given up that naïve view. In 'Against the robbing and murdering hordes of peasants', it is clear that, for Luther, Christians are themselves subject to temporal authority and not just for the sake of service to their neighbour. The Christian, who is *simul iustus et peccator*, lives simultaneously in both realms, under both authorities—and exercises his or her vocation within the structures of the world in service of God's will for the world. The human world, unlike the sun, moon, and stars, does not naturally comply with God's will. It needs the ordering of the law through the stewardly action of God's people. Is it possible that Christian feminist theologians, by raising the questions they raise, are not imposing an alien agenda on Christianity but rather are fulfilling a God-given calling by challenging the church to reorder itself so that it may more closely reflect God's will in this particular place and time?

An alternative reading of text and context

All feminist theologians and theologies cannot be lumped into a single category. True, some feminists have rejected the Christian faith, but many Christian feminists are committed to working within the Christian theological tradition. I find it surprising and unhelpful that Dr Randrianasolo's critique of feminist theology relies heavily on the work of Catholic and Evangelical women. There are Lutheran feminist theologians working explicitly within the Lutheran theological framework,¹⁹ and failure to engage this body of work results at best in something of a caricature of feminist theology.

In the 'Sola scriptura' section of his paper, Dr Randrianasolo asserts, 'Christologically speaking, his [God's] choice to become a male and not a female in the incarnation carries historical meaning and goal'.²⁰ While the incarnation of course has the goal or *telos* of redemption, my colleague fails to explain how the maleness of Jesus relates specifically to that goal. Personally I don't know any feminist theologians who would deny the *historical* fact of the maleness of Jesus. But is it the maleness or the

17 Randrianasolo, 6.

18 LW 45:88, 90.

19 See, for example, Mary J Streufert, ed, 2010, *Transformative Lutheran theologies: feminist, womanist, and mujerista perspectives*, Fortress, Minneapolis; Deanna A Thompson, 2004, *Crossing the divide: Luther, feminism, and the cross*, Fortress, Minneapolis; Mary M Solberg, 1997, *Compelling knowledge: a feminist proposal for an epistemology of the cross*, State University of New York Press.

20 Randrianasolo, 11.

humanity of Jesus which is essential *theologically*? After all, in the Greek of the Nicene Creed, the confession is that Jesus was made *anthropos* (human), not *aner* (male). When orthodox Christian feminists raise questions about the patriarchal history of Christianity, are they in fact 'contesting the text' (whether scriptural or creedal), or are they rather contesting centuries of unexamined male bias in translating and interpreting the text? Are they rejecting the authority of the word of God, or are they wrestling with it as Jacob wrestled at the river Jabbok, in order to wring forth God's blessing? Context—the context of the text and the context of the hearers and interpreters of the text—is essential to the hermeneutical task precisely because misunderstandings of texts and contexts can become (and have become!) obstacles to the hearing of God's word.

Just as the hermeneutical task is directed toward the effective hearing of God's word, so too is the office of the ministry. Article V of the Augsburg Confession states that God established the office of the ministry, which it defines in terms of gospel and sacraments. Surprisingly to some readers, there are no human ministers in article V on the ministry; the active subject of ministry is the Holy Spirit, working faith in those who hear the Gospel. Nothing is said about the ministers themselves until article XIV: 'no one should publicly teach, preach, or administer the sacraments without a proper [public] call'.²¹

Let us return to Luther's identification of church as one of the three ordering structures of God's creation. The reformers reordered the church's understanding of ministry in their day, training and ordaining candidates as ministers of the gospel. They explicitly assert their authority to do so in Apology XIV, claiming that the then-current ecclesial structures of the Catholic Church were insufficient for the purpose of fostering evangelical ministry (although I will not follow their lead in blaming the bishops for the situation). As stewards of God's created order, can we follow their example in our own time and place, reordering the office of the ministry for the sake of the wider proclamation of the gospel?

Although I do not argue that Luther himself would be a proponent of women's ordination, nonetheless there are some surprisingly contextual aspects of Luther's interpretation of 1 Corinthians 14 and 1 Timothy 2. In 'The misuse of the mass' (1521), for example, Luther claims that one reason 'Paul forbids women to preach in the congregation where men are present who are skilled in speaking' is that the Holy Spirit was working through this limitation to 'rouse the men to preach!' Luther does not hear Paul's words as an absolute prohibition; it seems more strategic. Luther contextualises Paul's text in service of the gospel: 'Therefore order, discipline, and respect demand that women keep silent when men speak; but if no man were to preach, then it would be necessary for the women to preach'.²²

21 Augsburg Confession, XIV. The bracketed word 'public' is included the Kolb and Wengert edition of The Book of Concord, with the note that the word appeared in the 1531 Editio princeps as well as the 1580 Book of Concord. Kolb and Wengert, 46, n 78.

22 LW 36:152.

The liveliness of a law–gospel hermeneutic²³

As the previous example suggests, it is my contention that what Lutherans need to say today will not always be the same as what Luther and the reformers said in the sixteenth century. Nor should it be. But that need not make it any less authentically and confessionally Lutheran. The image I frequently use with students to convey this dynamic understanding of Lutheran theology is the image of computer software. Inputting different data into a computer program yields different results, and yet these results are no less authentically an expression of the program than the earlier results. The program is designed to process the data in a consistent way, not to produce the same result every time. Similarly, applying the principles of law and gospel in our own contexts, whether temporal, geographical, or cultural, will doubtless result in different expressions of Lutheranism, but this should not keep us from recognising our common theological heritage.

Guillermo Hansen makes a similar argument regarding what he calls 'the Lutheran code'.²⁴

Hansen identifies the theology of the cross, justification by faith, and the doctrine of God's twofold governances as core elements of the Lutheran code. He further argues that the system 'operate[s] through the law/gospel meta-code with an energy that is simultaneously decentering (law) and re-centering (gospel)'.²⁵ As this dynamic language suggests, the Lutheran theological code is not static, nor does it function primarily as a litmus test of orthodoxy. It is a system for processing data—life—theologically. Hansen makes a helpful distinction between the grammar and the vocabulary of the Lutheran code, arguing that a sound grammar (the code) is capable of accepting new lexicons and thus of allowing new things to be said. Within the global Lutheran network, Hansen concludes, the core elements of the Lutheran theological code function to shape and sustain a shared religious identity in which 'a plurality of [authentic and contextually-appropriate] interpretations'²⁶ is possible.

It is precisely in the process of interpreting and applying our Lutheran confessional heritage in new contexts that reason and experience play a role, not as external sources sitting in judgment over the Scriptures and the Confessions but as important resources for us in our theological work. Luther himself did not exclude the legitimate use of reason and experience in interpreting the Scriptures. Luther's appeal at the Diet of Worms in 1521 to 'scripture or clear reason' is not an isolated instance but a recurring reference in his writings. Luther does not acknowledge reason as an independent authority equal to the

23 Parts of section IV of this paper are adapted from Kathryn A Kleinhans, 'The Word made words: a Lutheran perspective on the authority and use of the Scriptures', *Word & World* 26:4 (Fall 2006), 402–411, and from Kathryn A Kleinhans, 'Sources of authority in the Lutheran tradition: back to the future', *Journal of Lutheran Ethics*, September 2011.

24 Guillermo Hansen, 'Resistance, adaptation and challenge: the versatility of the Lutheran code', in *Transformative theological perspectives*, 2010, ed Karen L Bloomquist, Lutheran University Press, Minneapolis, 23–38.

25 *Ibid.*, 29,30.

26 *Ibid.*, 26.

Scriptures. Rather, his point is that Christian teaching need not be found verbatim in the Scriptures but can be arrived at by rational deduction from the Scriptures (*homoousios* being a case in point). I think this approach is appropriate for the Confessions as well. Reason, while never in and of itself a warrant for doctrine, is useful—even essential—in the interpretation and application of the Scriptures and Confessions in new contexts.

Similarly, human experience, while not an independent authority for Christian teaching, is nonetheless indispensable for the task of scriptural interpretation. Scott Hendrix argues persuasively that Luther 'joined the interpretation of scripture to the experience and theological orientation of the interpreter'.²⁷ Luther's recollection of his 'breakthrough' discovery of the evangelical meaning of Romans 1:17 illustrates well how the context and personal experience of the interpreter can be factors in finding legitimate new insight in a familiar text.²⁸ Elsewhere Hendrix describes this as 'tuning oneself to the text' and concludes that 'there was for Luther a sense in which Scripture was not fully interpreted until it encountered and illumined the life of the addressee'.²⁹

The role of reason and experience in interpreting and applying the Scriptures need not undermine the confessional commitment to the Scriptures as 'the one true guiding principle'.³⁰ To repeat the point I made earlier, Luther models for us the use of reason and experience not as external sources sitting in judgment over the Scriptures and the Confessions but as important resources for us in our theological work.³¹ As we engage in this theological work, Luther instructs us that 'the gospel itself is our guide and instructor in the scriptures' because 'all the scriptures point to Christ alone'.³² The US Lutheran-Catholic dialogue on Scripture and tradition offers a fresh way of articulating the *sola scriptura* and its relationship with the other reformation *solas*: 'For Lutherans *solus Christus* radically entails *sola gratia*, *sola fides*, and *sola scriptura*, all of which must be taken together as part of an integrated whole that proclaims how persons come to the salvation that God has appointed for them: only Scripture can make clear that it is Christ alone, by grace, through faith, who saves sinners'.³³

Just as we continue to grow in our understanding of the Scriptures and their relevance for our life as church today, so too we grow in our understanding of the Confessions and

27 Scott Hendrix, 'The interpretation of the Bible according to Luther and the Confessions, or did Luther have a (Lutheran) hermeneutic', in David C Ratke, ed, 2006, *Hearing the Word. Lutheran hermeneutics: a vision of life under the gospel*, Lutheran University Press, Minneapolis, 15.

28 Martin Luther, 'Preface to the complete edition of Luther's Latin writings' (1545), in LW 34:336-337.

29 Scott Hendrix, 'Luther against the background of the history of biblical interpretation', in *Interpretation* XXXVII:3 (July 1983), 235, 236.

30 FC, SD, Binding Summary, 1.

31 See Kleinhans, 'The Word made words', cited earlier, for a fuller elaboration of the meaning and function of *sola scriptura*.

32 Martin Luther, 'A brief instruction on what to look for and expect in the Gospels' (1521), LW 35:123; Martin Luther, 'Avoiding the doctrines of men' (1522), in LW 35:132.

33 Harold C Skillrud, J Francis Stafford, and Daniel F Martenson, eds, 1995, *Scripture and tradition: Lutherans and Catholics in dialogue IX*, Augsburg, Minneapolis, 38. Note how closely this formulation echoes 'by grace for Christ's sake through faith' in Augsburg Confession IV.

their relevance for our life as church today. Fidelity to the Scriptures and the Lutheran Confessions is not merely repristination of what was said in the sixteenth century; fidelity requires interpretation and application for our own time and place.

Lutherans will not always agree with each other. Thus one of the core points of the Confessions for the global Lutheran communion is the *satis est* of Augsburg Confession VII. Except for those times when an issue rises to the level of *status confessionis*, different interpretations and applications need not be church dividing. A plurality of interpretations need not signify a loss of our heritage or a rejection or diminution of our commitment to the Scriptures and the Lutheran Confessions. Rather, new interpretations and applications can be profound embodiments of the Lutheran heritage in new and changing contexts.

'The law says "Do this" and it is never done'. For the sinner, this is a word of judgment. Let me suggest that for the church as an institution, as an 'earthen vessel', this may be understood as a word of encouragement. The Lutheran church is not finished yet. God is not finished with the Lutheran church yet. As American practical theologian Loren Mead puts it, 'God is always calling us to be more than we have been'.³⁴ The question for us is not 'What would Jesus do?' That we know already from the cross. The question rather is 'What would Jesus have us do in order that the good news be heard and that God's will be done on earth as in heaven?'

I close with the words of the hymn writer Fred Pratt Green:

The church of Christ in ev'ry age, beset by change but Spirit led,
Must claim and test its heritage and keep on rising from the dead.

34 Loren Mead, 1991, *The once and future church*, Alban Institute, 1.