

# Seeking New Directions for Lutheranism

Biblical, Theological,  
and Churchly Perspectives

Edited and Introduced by  
Carl E. Braaten

Preface by  
Paull E. Spring

ALPB Books  
Delhi, New York

# Authority in the Church

## A Plea for Critical Dogmatics

Paul R. Hinlicky

Which Christ (Mark 13:5)?

What Gospel (Gal. 1:6-9, 6:15-16)?

Whose Spirit (1 John 4:1-3)?

### A Spiritual Battle

**T**here will be no more problem of authority, neither in the church nor in the world, on that great and awesome day. Then, in the ecstasy of the Spirit, every knee will bow and tongue confess that Jesus Christ is Lord to the glory of God the Father (Phil. 2). That is one articulation of the good news: we may live now in the sure and certain hope of the unveiled Reign of the Triune God. Until that great day of God, however, Christ reigns as One embattled, until he subdues every enemy under foot, (1 Cor. 15), even as his believers battle not against flesh and blood, but against spiritual forces of wickedness in high places (Eph. 6). That's bad news, it seems: the reign of Christ continues to be contested in this present age, not only by the unbelieving world, but also in the unbelieving heart of you and me, and to that extent in the unbelieving church of you and me. In either case, however, we are dealing with *news*, an external word, a teaching, even then a "dogma"—something that we cannot already know or tell ourselves, but something we must learn from outside of ourselves—or miss altogether! To indicate this latter aspect of Christian theology, we retrieve the venerable word, "dogmatics," that is, the sacred teachings given with the gospel that we must learn. To indicate the contested nature of these dogmas, and our struggle to receive them, we may utilize a potent, modern word for

a probing, testing method, "critical." *Critical dogmatics*, that is, theology which asks in the fog and smoke of spiritual battle: Which Christ? What Gospel? Whose Spirit?

In fact, the struggle for faith true to the faithfulness of Jesus Christ has been with us from the beginning<sup>1</sup> and will not be definitively resolved until it is resolved forever by the coming of God's kingdom. In the gospel's continuing history, challenges to the saving lordship of Jesus Christ come in new and old ways and must be met and mastered ever anew by the hard work of theology—that is, the kind of theology that I will describe and for which I plead. That is theology for our situation of the *unsolvable problem of authority between the times*. This is the time when the claim to the saving lordship for Jesus Christ is made by the gospel but not yet verified in all and for all to see, the time then when true lives in Christ consist in ever new turning towards the returning Lord in repentance and faith, critically distinguishing him and his Word for the present hour from imposters and impersonators, as is taught in the 13th chapter of the Gospel of Mark.<sup>2</sup>

Perhaps that is not such a bad problem. Maybe attempts to resolve the matter of authority here and now, once and for all—think of infallible papacy or inerrant Bible, but also of new revelations of the Spirit or of the quest for the historical Jesus—always end up in the disaster of trying to bring in the kingdom by force, turning the treasure into the earthen vessels which bear it, robbing God of his glory, as Luther used to say, and robbing us of true consolation. If those hopes of the first generation for the Parousia had been realized (e.g., Mark 13:30), after all, the world would have ended, the mission to the nations would never have been undertaken, the good of our existence, including also our current struggles, would not be. Maybe then this unsolvable problem of authority, as I have sketched it, is a good problem, willed by God during this interregnum. Perhaps it is one of those creative tensions which, honestly owned, generates progress in the life of the church for the sake of the world.

Certainly by progress we cannot mean an end to struggle. The struggle of faith for faith true to the gospel has just been described as interminable until the promised eschaton of God. Rather, progress can only mean progress in that spiritual battle itself. There is, as I will show, a classic Lutheran contribution to coping with this unresolvable problem of authority between the times. It is the understanding of the theological task—in an intentionally theological church—that in recent works I am calling "critical dogmatics."<sup>3</sup> By this term no defensive apologetic justification of our little piece of divided Christianity is intended, but rather a bold, confident assertion of core Christian belief—"Take away assertions and you take away Christianity," wrote Luther, in a great work of critical dogmatics which exemplifies this understanding of the theological task.<sup>4</sup> This is critical thinking under the Word and in the Spirit to test the spirits in the present hour to see whether they are of God. But to appreciate that, we have first to spend time in penitential mode, diagnosing the mess that we are in.

### **Our Whole Life—Theology too—is Repentance**

The following words were penned by the eminent 20th century French Catholic theologian, Henri De Lubac, whose work stood behind the great reforms of the Second Vatican Council:

Christianity must be given back its strength in us, which means, first and foremost, that we must rediscover it as it is in itself, in its purity and its authenticity ... it is not a case of adapting to the fashion of the day. It must come into its own again in our souls. We must give our souls back to it ... we must rediscover the spirit of Christianity. In order to do so we must be plunged once again into its wellsprings, and above all in the Gospel. The Gospel that the Church unvaryingly offers us is enough for us. Only, always new, it always needs to be rediscovered.<sup>5</sup>

The “spirit” of Christianity, to which De Lubac points, is the Holy Spirit of Jesus and his Father, who leads us into “spiritual battle,” as he first led the Lord arising from the baptismal waters of the Jordan (Mark 1:12-3), if it is truly he who is leading us. If that is the case, if such a “spiritual battle” is the state of permanent emergency into which the gospel “in its purity and authenticity” puts us, if at all costs we must *not* now return to business as usual but rather awaken anew to “the battle for the kingdom of God which takes place, first of all, in the life of its representatives, the churches,”<sup>16</sup> a penitential tone is fitting indeed. As was famously written nearly 500 years ago in the first of the 95 theses: “when our Lord Jesus Christ said, Repent!, he meant for the whole life of the believer to be one of repentance.”<sup>17</sup> Our whole life in Christ is repentance—turning anew toward the Lord who will return in power and great glory—theology too. No, theology especially, theology preeminently, is the *metanoia*, change of mentality, wrought in us by the imminence of the Reign of God. Such penitent turning of our hearts and minds in the ecstasy of the Spirit is the *sense* of our baptism into Christ (Rom. 6), and thus the *way* in which and on which the Sacrament unites believers—not then *magically*, by the mere—Spiritless!—performance of the work. I will return in conclusion to this crucial point.

If so, we who have been taught by Martin Luther to pray, “Lord, keep us steadfast in your word!,” may also pray with Henri De Lubac: “Lord, if the world is seduced by so much enchantment, if there is such an aggressive return of paganism today, it is because we have let the salt of your doctrine lose its savor. Lord, today as yesterday and as at all times, there is no salvation except in you—and who are we that that we should dare to discuss or revise the teachings? Lord, keep us from such delusions and restore to us, if need be, not only a submissive faith but an ardent respect for your gospel!”<sup>18</sup> Amen.

In such a properly penitential tone, we should also be freed to acknowledge the injustice and tragedy that attend

our situation of “impaired fellowship” in the ELCA, as Prof. David Yeago of Southern Seminary has precisely put the matter.<sup>9</sup> We regret very much that the line of this battle has been drawn on the necks of a vulnerable sexual minority. We acknowledge that there are many good people, good Christians and good theologians who find themselves opposed to the deliberations taking place here, as we gather to seek new directions for Lutheranism. In their ranks, to be sure, are fanatics who despise us and would be happy to see us leave.<sup>10</sup> We may leave it to those good Christians and theologians just mentioned to call the fanatics in their camp to account. No doubt there are also fanatics among us, namely, those who would demonize opponents. We should forswear such invective.<sup>11</sup> “Respecting the bound conscience” of our opponents in this dispute does not mean an end to the spiritual battle, however, but calling just these opponents to true repentance along with ourselves (as will happen in the critiques that follow). That is what we are doing, then, by gathering here in these days: collectively we are declaring that the church struggle—not over a tottering liberal Protestant denomination but for an orthodox Christianity in North America and beyond—now begins in earnest.

A correlate: in sovereign Christian freedom we may ignore the decisions of August, 2009 and the actions following from them, since by these decisions and actions the ELCA—not the people nor the congregations but the denominational institution—makes itself irrelevant, if not a hindrance to the aforementioned struggle of the Spirit for the church in North America and beyond teaching true to the gospel. Here is a thought experiment for you to demonstrate the point. What if the decision of August, 2009 had been intellectually honest, morally brave and charitable towards dissenters? It would have then sounded something like this: We teach that God loves gay as gay, that God desires homoerotic desire. Furthermore, we confess that Jesus was wrong in Mark 10, that Paul was wrong in Romans 1, that the Augsburg Confession was wrong in Article 23, with all that

such weighty error, reinforced for centuries in the name of Christian orthodoxy, entails for Christian self-understanding, Lutheran theology and the ecumenical hope. But we believe in a new thing that the Spirit is doing, beyond those old and restrictive biblical words. Just so we acknowledge the conscience of those who cannot follow us in this venture due to their commitment to the meaning and authority of Holy Scripture's *verbum externum* (external Word), according to the 16th century Lutheran confession. These we release in peace. God must judge between us. They may go their own way—along with their property—free to act on their consciences. How do we, after all, respect someone's conscience if we do not free them to act on it?

That is *not* what has happened, of course. The best defense that most pastors make of the ELCA decision is the lame and cowardly line, "This does not affect us here." That is deception, if not self-deception. In reality, the bureaucracy, the seminaries, and the candidacy committees have moved with haste to make the decision of last summer institutionally irrevocable.<sup>12</sup> After being admonished year after year after year that "we have to talk about this," we are now suddenly informed that we are sick of talking about this and want to move on. Implementing these church-divisive, if not church-dividing decisions, our (for some, erstwhile) denomination mocks its own principle of interdependency and will in time enforce the new policies with massive but unflinching hypocrisy. As to the people and congregations of the ELCA, with one stroke last August each one of us had now to decide what her own individual theology and policy will be on sex, marriage, and the family. *De facto* we were reduced to congregationalism, or something even less. Well, we here are merely acting on this new reality of massive denominational dysfunction.

My thought experiment, however, reveals the deeper issue behind the "bound conscience" fraud: in that Social Statement, which actually states nothing on the contentious issue but only describes our theological confusions, *the ELCA os-*

*tensibly gave up on theology.* It could not find a way forward, so it jettisoned normative teaching on human sexual being and well-being at the point of controversy and thus the obligation to state God's Word anew and with authority today. When we cry, "Fraud!"—we, who still remember that the Lutheran Reformation was concerned to rehabilitate the lifelong marriage of one man and one woman with prospect of children as the creative divine mandate to which the justified of God are directed instead of to self-chosen works without God's Word and command<sup>13</sup>—we are met with incomprehension by opponents. To this extent and in any vital sense, the concrete teaching of the Lutheran Reformation is but a dim memory in the ELCA. Yet this "one-flesh" (Gen. 1-3) union of man and woman is the biblical and confessional norm. It is a norm, by the way, which judges equally if not with greater force heterosexual behaviors and mentalities today. Whatever we might go on to say about sex, marriage, and the family today, including the volatile question of homosexuality, is to be said by the light of this norm, if we are in any meaningful sense to speak in continuity with the Bible, the Great Tradition and the Lutheran Confessions. Just that, however, is what the Social Statement declined to do.

And that is why we may now *move on* to the real new thing the Spirit is doing, which is the realignment of North American Christianity and beyond, with LutheranCORE in partnership with other forces of Christian orthodoxy at the theological center. There is no need *for us* to burn bridges. If this prognostication is right, our collapsing *denomination* will do that for us. It will *have* to drive real dissent out, as it desperately strives to survive this self-inflicted wound even as the broader American denominational system all around us continues to collapse of its own theological pointlessness. That is why for many in the ELCA, the present and foreseeable future is a time of discernment, in the sense of 1 John 4:1, "Beloved, do not believe every spirit, but test the spirits to see whether they are of God; for many false prophets have gone out into the world." We would be wasting time trying

to make any further sense of the Social Statement's incoherent teaching on bound conscience. It is, as just said, the mere reflection of a profounder ecclesiastical dysfunction. But we are here because our consciences are bound to the Word of God. With this commitment to the prophetic and apostolic writings as the only source and norm of teaching for the Church of the Reformation on faith and life, our genuine and urgent theological task begins.

To conclude this first section: the important point is that the ELCA's Social Statement of last summer gave up on theology, especially theology as the paradoxical solution to the unsolvable problem of authority which the Reformers offered to the church on its pilgrim way, that is, for the church "without emperor or pope" (Bonhoeffer) but in mission to the nations, called out by the gospel of God to the new life of turning toward the returning Lord in repentance and faith. I will therefore next demonstrate how the actual authority of theology between the times is its Spirit-led testing the spirits by the Word of God. I will show that the apparent surrender to theological pluralism in the Social Statement's teaching on bound conscience is a masquerade. In its shadows lurks another, false gospel which uses theological pluralism on human sexuality as its stalking horse. I will show that in reality the ELCA gave up on the official theology of its Constitution, Chapter Two, and in the vacuum lets quite another kind slip in. In the final section, I will then argue that the new direction for Lutheranism and beyond is to establish *critical dogmatic theology as institutionally decisive* in the life of the church. In the conclusion I will suggest some ways this might be done and raise some questions about pursuing them.

### **Testing the Spirits:**

#### **The Actual Authority of Theology between the Times**

The modern academic discipline of "systematic theology" has brought disrepute on itself as speculation alternately esoteric and abstruse or trendy and edgy, in either case quite

distant from the life of the struggling-to-be-faithful church. Like Luther, however, by "theology" we do not mean philosophical speculation or metaphorical construction, but the intellectual labor of faith to understand and confess the God of the gospel by means of close reading of the Scriptures as a canonical whole in accordance with the baptismal rule of faith, the Creed,<sup>14</sup> and the Reformation's confession of the sinner's justification by faith alone in Christ alone. This understanding of the theological task gives not only *what* we believe, teach and confess, but *how* we are to believe, teach and confess in our situation between the times: by mutual admonition, by common deliberation, by patient argumentation in the trust that the Spirit who recalls to us the Word of Jesus leads us to the truth we need step by step on our pilgrim way. The effective authority of this normative theology between the times very much depends on observing this "how," that is, gaining of the right or justification in lucid argumentation to teach sacred things in God's name as the church, and thus also, as needed, to expose imposters and frauds who mislead the church.

The distinction between the normative "what" and the argumentative "how" is biblical. Holy Scripture distinguishes between *power* and *authority*. Power is the ability to cause effects in the world. For this the New Testament uses the Greek word, *dynamis*, as in Romans 1:16: "the gospel is the *dynamis* of God for the salvation of those believing." Authority, on the other hand, translates the Greek word, *exousia*; this designates the *right* by which power is exercised, as in the risen Lord's victorious announcement in Matthew 28:18ff: "All *exousia* in heaven and earth has been given to me. Go, therefore...." The distinction means that the transcendent *power* to save belongs alone to the God of the gospel so that this God in his promise to save is *what* we believe. On the other hand, the *right* to speak this saving word in God's name is the *authority* that properly attends the church in mission, and this right, established in the Easter vindication of the crucified Son of God, governs *how* we

are to speak God's word, namely, in the Spirit of Christ's resurrection "to convince/convict the world concerning sin and righteousness and judgment" (John 16:8). This Spirit-led convincing and convicting under the Word is the "how" of theology, which always grounds whatever the church says in the present hour in that Easter vindication of the crucified One, who first greeted the hiding disciples with a word of pardon and peace and a commission likewise to bind and retain sins (John 20:22). Teasing out this crucial biblical distinction in its culminating Article 28, the Augsburg Confession<sup>15</sup> calls this authority entrusted to the church *potestas clavis, der Gewalt der Schlüssel*, usually translated as the "power of the keys." Making its public case by this very means of lucid argumentation, Article 28 was able to expose and reject false authority in the life of the church and assert true authority.

To explain this metaphor of the keys about locking and unlocking the doors to the kingdom of God, the Augsburg Confession further distinguished temporal authority from spiritual authority. Corresponding to the familiar distinction of law and gospel, it made this further distinction in order to return the power of salvation to God alone (God's free grace not meritorious human works!) and accordingly to return the church to its true authority in the office of the keys over against a papal misappropriation, which had claimed right of jurisdiction also over civil society and temporal matters. Temporal authority, Article 28 teaches, is the right and power of the state to punish and deter crimes that undermine the moral order of civil society. But this authority with its power of coercion is limited to this present age: "secular power does not protect the soul but, using the sword and physical penalties, it protects the body and goods against external violence." Spiritual authority in distinction is the aforementioned "power of the keys" to bind and loose, that is, to forgive or retain sins in the field of the church as of those called out by the gospel to live in anticipation of the kingdom's coming. The keys, then, are no *power* other than the Word and Spirit

of God, which as such are to be used *rightly* to afflict the comfortable and comfort the afflicted. They are the church's *right use* of the law and the gospel to rule itself as the eschatological congregation of God. "According to the gospel the power of the keys or of the bishops is a power and command of God to preach the gospel, to forgive or retain sins, and to administer and distribute the sacraments."<sup>16</sup> And again, "to judge doctrine and reject doctrine that is contrary to the gospel, and to exclude from the Christian community the ungodly whose ungodly life is manifest."<sup>17</sup>

The authority given to the church in the name of her risen Lord is this right to proclaim the promise of the forgiveness of sin made in Christ and effective in repentance and faith by the Holy Spirit. Critically, the retention of sin is but the logical inverse of the forgiveness of sins. It is the spiritual authority to name and explain sin as sin, to "convince/convict the world concerning sin and righteousness and judgment,"<sup>18</sup> hence *even to exclude* those who impenitently persist in sin,<sup>19</sup> so that others in the community are not endangered and so that those who have fallen back into sin's grip may come to their senses and return again to the Lord (Matt. 17 and 1 Cor. 5). This has not only to do with individual cases of church discipline; more broadly, the office of the keys maintains the border between church and world as between those living in anticipation of the Reign of God and those still dead to the God whose kingdom comes.

In this light, we can see more precisely why we have a crisis of authority in our denomination and in American Christianity in general. Significant numbers now decline to call sin sin (usually on the left) or theologically explain why they do so (usually on the right). Both, as we shall see, are theological victims of biblicism, that is, of a mere appeal to what the Bible says apart from its theological reading as critical dogmatics. Therewith each also gives up both the need to protect the community of faith from scandal and gives up the possibility of forgiveness for those convinced of their need of repentance. Many of these are merely confused, victims

of woefully inadequate Christian education. But we have an immediate crisis on our hands, because we in the ELCA are now being asked to treat a principled and articulate *antinomianism* as a respectable theological possibility in our midst. Antinomianism, as Dr. Braaten explains in his contribution to this volume, teaches that the Ten Commandments are not God's holy, just and good will for humanity in God's fallen-but-to-be-redeemed creation, as the Lutheran Confessions, especially Luther's Catechisms, teach. Rather in antinomianism Christ is said somehow to abrogate the old, literal commandments and/or replace them with a new and better, more spiritual and liberating law or principle. Rather than giving us the One who fulfills the law *for* helpless sinners and then by the gift of his Spirit fulfills the law *in* them as new-born children of God, this antinomian move ironically ends up making Christ into a new, supposedly better Moses, i.e., a superior lawgiver or moral example, not a savior and redeemer of those in bondage to sin. So, irony of ironies, in antinomianism we end up back under the law in all its tyranny, as in the ELCA's culturally accommodated and all-too-predictable "political correctness."

Please note carefully that for the analysis I am making in this section, it does not matter that the line of division in the current crisis is marked by dispute over the moral status of homosexuality. Homosexuality is a volatile symbol of the severance of sexual love from procreation in this rapidly decaying culture of pornography and violence. That is why it is such a flash-point in the culture wars. Symbols, however, are never completely fair to the people represented by them. Surely many gay and lesbian persons do not support the utter severance of sexual love from procreation, in that they seek public recognition for their unions in analogy to marriage. By the same token, all too many contemporary heterosexuals celebrate the severance of love from babies. Holy Scripture, in any event, commends neither heterosexuality nor homosexuality, but marriage of one man and one woman in prospect of children, and commends such

marriage, not as an individual right, but as a public office and personal duty. We must be mindful of this, and in the critical dogmatic mindset not be swept away by the demagogic abuse of social symbols.

In reality, homosexuality is only, as the therapists say, the presenting issue, the symptom of a profounder rupture, which is theologically an outbreak of the oldest "Lutheran heresy," John Agricola's antinomian teaching that already now, between the times, the gospel replaces the divine law.<sup>20</sup> This is a renewal of ancient Christianity's similar dalliance in the Gnosticism which Dr. Braaten analyzes for us in his contribution to this book. What is really dividing us today is a new outbreak of "cheap grace," the "preaching of grace without repentance," in Bonhoeffer's oft-quoted but rarely understood critique of liberal Protestant theology—that 19th century amalgam of post-Kantian German Lutheranism and resurgent Gnosticism, fueled by traditional Christian anti-Judaism and morphing into the "positive Christianity" of Hitler's admiring *deutsche Christen*.<sup>21</sup> (What an amazing thing that self-described "progressive Christians" today are repeating all the theological missteps of their liberal Protestant ancestors in the Germany of the 1930s! But that would be another lecture entirely!)

Cheap grace means grace as a doctrine, a principle, a system. It means the forgiveness of sins proclaimed as a general truth, the love of God taught as the Christian "conception" of God. An intellectual assent to that idea is held to be itself sufficient to secure remission of sins. The Church which upholds the correct doctrine of grace has, it is supposed, *ipso facto* a part in that grace. In such a Church the world finds a cheap covering for its sins; no contrition is required, still less any real desire to be delivered from sin. Cheap grace therefore amounts to a denial of the living Word of God, in fact, a denial of the Incarnation of the Word of God.<sup>22</sup>

Notice how Bonhoeffer raises the issue to the level of Christology to achieve clarity, when he concludes his critique



of antinomianism by reference to a “denial of the Incarnation...,” meaning denial of the Jew Jesus—that son of the Covenant who calls us to be holy as the heavenly Father is holy—as divine Son of God and savior of sinners. As we shall see, this christological move hits the nail on the head.

I am happy to be able to confirm this analysis of our real theological division with the express words of an opponent, Professor emeritus Philip Hefner of the Lutheran School of Theology at Chicago. In the most recent issue of *dialog, A Journal of Theology* he editorialized thusly: “The issue is exclusion, whether or not acceptance is available for anyone and everyone *on the basis of simple, shared humanity.*” Hefner asks polemically: “Is the normative tradition of the church, to which we are accountable, a devotion to God’s freely extended grace or to a grace with prior conditions?” That is an interesting way to frame the question, to which I will shortly return. But Hefner rightly then comments: “We are experiencing neither a struggle between theology and no-theology, nor between adherence to tradition versus disregard for tradition. We are caught up in a contest between two alternative theologies of grace, and between two expressions of tradition.” I am gratified to read these words, for they echo what I have been saying now for some time. As we listen to the debates of recent years, the real but obfuscated division is between competing theologies of reconciliation.<sup>23</sup> The underlying issue, as Hefner *rightly* concludes a little later (albeit in verbal contradiction to what was said earlier as quoted above), “is not permissiveness or exclusion, it is grace—the divine outreach incarnate in a man who went to the cross in the name of boundless grace that tolerates no hindrances.”<sup>24</sup> *Rightly* understood, who would disagree?<sup>25</sup>

But Hefner does not understand grace *rightly* in accord with the Bible as understood by the Lutheran Confessions. In the sphere of the church, which is the eschatological congregation, we are one and all accepted, not on the basis of some alleged “simple, shared humanity,” but on the basis of our baptism into the Spirit’s holy struggle against the world,

the devil and our sinful selves by uniting us with Jesus Christ in whom we die to sin and rise daily to newness of life—as any child knows who has memorized Luther’s Catechism. By contrast, what notion of grace does Hefner invoke with his supposed “simple, shared humanity?” As he himself appeals to alternative church tradition, this is recognizably grace according to liberal Protestantism, as H. Richard Niebuhr so precisely captured its operative theology of a “God without wrath who brings men without sin into a kingdom without judgment through the ministrations of a Christ without a cross.”<sup>26</sup> Verbally, Hefner of course mentions the cross, but he does so in purely Abelardian fashion, that is, as moral exemplification of “grace as a doctrine, a principle, a system.”<sup>27</sup>

Compare Hefner’s teaching on grace to what Martin Luther actually said about the antinomians of his day,<sup>28</sup> who had craftily exploited his own language about God’s free grace and distorted his meaning, even “claiming to be more faithful to the spirit of the early Luther than Luther himself.”<sup>29</sup>

It is most surprising to me that anyone can claim that I reject the law or the Ten Commandments... To be sure, I did teach, and still teach, that sinners shall be stirred to repentance through the preaching or contemplation of the passion of Christ, so that they might see the enormity of God’s wrath over sin, and learn that there is no other remedy for this than the death of the Son of God. This doctrine is not mine, but St. Bernard’s. What am I saying? St. Bernard’s? It is the message of all of Christendom, of all the prophets and apostles. [Citing Isaiah 53, Luther asks,] [T]ell me, my dear fellow, does this proclamation of Christ’s suffering and of his being stricken for our sin imply that the law is cast away...? If there is no sin, then Christ is nothing. Why should he die if there were no sin or law for which he must die? It is apparent from this that the devil’s purpose in this fanaticism is not to remove the law but to remove Christ, the fulfiller of the law.<sup>30</sup>

In Luther's probing analysis of antinomianism, he raised the erroneous separation of law from grace to the level of Christology to achieve real clarity. We have, Luther is saying, *different* Christs. This is the insight that Bonhoeffer picked up on, just as those who actually still study and learn from Luther know very well that the grace of the Christ who innocently bore the sin of the world on the tree is poured out on sinners—only on sinners; His healing of the sick—only the sick; his life donated to the dying—only the dying. And if we will not concretely reckon ourselves among these, we remain uncovered, unrepentant, unreconciled,<sup>31</sup> “simply sharing” with the rest of “humanity” its perverse blindness (SA III:1:3) to our sin (AC III) as to the real barrier between us and the holy God whose kingdom comes.

It is a semantical ploy then to speak of grace “without prior conditions,” as Hefner does, if it robs grace of the paradox of the justification of the *ungodly*, the *scandal* of the crucified Son of God bearing the sin of the world in his innocent person of godforsaken soul and tortured flesh, if it robs us in turn of the “severe mercy” (Augustine) of true repentance. Of course, our supposed good works are no precondition of God's mercy. On the contrary, they are nothing but roadblocks thrown up to fend off the God who comes in sovereign mercy. But just so, our repentance is analytic of true and justifying faith since, as the Apology makes abundantly clear, “faith is no idle knowledge [i.e., of “grace as a doctrine, a principle, a system!”], nor can it coexist with mortal sin, but it is a work of the Holy Spirit...” (Apology IV:112-5). If Hefner's meaning were that at great cost to God we are accepted in spite of continuing sinfulness, when in faith we accept our acceptance (AC IV) as narrated in the passion of the Son of God (AC III), so that we too may rise up in the Spirit's power to newness of life (AC VI), we could speak of grace as “unconditional.” That would mean that the Triune God is unconditionally committed to us by the cross of the Son, with the consequence that the Father who has begun a good work in us continues it in the Spirit's war against the

flesh who will bring it to completion on the last day. But when the inference is drawn from an abstract and speculative notion of “boundless grace” to a gospel of indiscriminate inclusiveness on the supposed “basis of simple, shared humanity,” there is need neither of a crucified Son of God nor of a Spirit who is holy nor for that matter of baptism and *ecclesia*. We have been hoodwinked into some other narrative than the gospel's. We are being given some other Christ than Scripture's Jesus; we are being betrayed to the original Lutheran-liberal Protestant-ancient Gnostic heresy of grace so cheap that it leaves us dead in our sin (albeit with a happy conscience).

The effective authority of theology between the times lies in such “testing” as we have just witnessed, that is, its actual capacity in just this analytical and argumentative way to penetrate the fog of obfuscation and confusion in the life of the church to disclose what is really at stake in deviant interpretations of the gospel: “the devil's purpose in this fanaticism is not to remove the law but to remove Christ, the fulfiller of the law.” Lip-service—even to the man on the cross—does not unite us. Scratch the surface and you will see that the revisionists have nothing to offer us but Christ as a human example of love, not the divine savior who out of love saved the loveless by loving the unlovable. At all times, we have to discern who Jesus really is, what message among the contending messengers today therefore is authentically his, which Spirit is really holy and can make us holy. The deeper truth for a community that still would draw its name from Luther is that our whole life consists in repentance. Here the holy and divine work of the law of God is to instruct about sin and righteousness and judgment, so that we may be delivered from God's wrath on those mentalities and behaviors that block us from fulfilling God's creative and redemptive intentions for us. We are delivered by the Word and the Spirit from *both* the guilt *and* the power of sin, even as the struggle of the Spirit against the flesh persists till the making new of all things. Christian theology is part and parcel

of this holy struggle of the Spirit to change our minds about sin and righteousness and judgment, or it has nothing whatsoever to do with Jesus Christ.

Hence, although Hefner is wrong about what grace is in the Bible and Lutheran theology, he is right about what is at stake in this controversy: we are not involved in some pesky dispute about peripheral moral matters which distract us from all that unites us. Rather, we are disputing about who Jesus Christ is and why—with what right and authority—we proclaim him as God's justice which justifies even us ungodly and faithless people, provided only, as the early Luther wrote, "that our sin displeases us."<sup>32</sup> We are disputing the right by which we affirm as good and redeemed creatures those who disciple also their sexual lives so that they do not fall again into the darkness and confusion of self-chosen works, without the command and promise of God.

A real issue remains. It is one which we could still fruitfully discuss with the confused or even opponents who are not principled antinomians. It goes like this. The gospel in its history has entered again and again new cultures and new epochs. Again and again it has had to come to terms with the cultural relativism of which today we are well aware. Theology has had to discern therefore again and again what sin really is so as not to confuse Adam's rebellion against God's law with our own historically conditioned mores and/or culturally relative preferences. In the early years, the Lutheran Reformation encountered this problem in the figure of Karlstadt, who wanted to replace Saxon civil law with Levitical legislation. How are we to decide here?

Luther approached that question by asking the scholarly question of theological hermeneutics: "To whom in any given biblical text is God speaking?" Luther, scholar, professor, translator, knew that much mischief is wrought by uneducated reading of the Bible. He answered the question about the authority of biblical law by lifting up the Decalogue, as interpreted by Jesus in the Sermon on the

Mount and Paul's teaching in Romans 12-13; this, he taught, is the Bible's divinely clarified statement of the natural law written into the heart of every human being made in the image and likeness of God, although profoundly obscured by sin and thus in need of biblical teaching to achieve clarity.<sup>33</sup> Continuing Luther's tradition into today's emergent global church, we must further ask how the Ten Commandments, so interpreted, apply in differing cultural situations. How are we to negotiate the Word of God's constant need for contextualization and modernization?<sup>34</sup> That brings us to our final section. How might we institutionalize the normative theology of canon, creed and confession to which we are committed by confirmation and ordination vows, not only as a "what" (to which an obfuscating lip-service may be paid, as we saw) but more importantly as the "how" which makes Word-formed and Spirit-led theological deliberation the very matrix of who we are as church and what we do in God's name?

### **New Directions: Towards a Theological Church**

Under what conditions would theology as critical dogmatics flourish as the church's process of faithful decision-making between the times for the sake of the right use of the office of the keys? At a time when an unprecedented departure from Christian tradition has been justified as "the new thing the Spirit is doing" by a polity in which inexperienced and unaccountable voters, shaped by a quota system informed by the liberal Protestant gospel of unconditional inclusiveness, and instructed, if not badgered for twenty years by a partisan bureaucracy to do the "right thing," even so finally succeeding on account of a well-funded campaign by a political action committee, even then only by the ruse of giving up on theology as the church's deliberative process under its confessional norms (but really sneaking in another gospel of "common, shared humanity"), we do well to heed anew an analysis that my fellow speaker, Robert Jenson,

made 25 years ago in the debates surrounding the formation of the ELCA.

Jenson talked about two possibilities for democratic polity in the church: "A group's decision may represent an average of the opinions held anyway by the individuals who make up the group. Or a group's decision may be a new thought created by discourse in the group—the conclusion of a common mind that does not exist except as the group argues within itself..."<sup>35</sup> The latter procedure, of course, is the "how" of the Spirit entailed by the "what" of the Word in a church polity where theology is not doctrine put on an altar to be adored but then ignored, but is rather the very mechanism of its life together on the way to the kingdom. In a paragraph worth quoting in full, Jenson argued that the choice between these two "is one of the few that are unambiguously decided for Lutherans by their confessional position" on the *verbum externum*.

The Reformation-era "enthusiasts" taught—as have all their like before and since—that the Spirit comes to each individual of the elect equally, privately, and in principle independently of the outward word, that is, of actual discourse among believers. The Lutheran Reformation found in this understanding a perversion worse than any at Rome, and vehemently attacked it, also in confessional writings. The Spirit, said the Lutherans, is the Spirit of the actual outward word, spoken by believers to each other and the world, and comes to no one independently of this discourse in and of the church. On the basis of enthusiasm, it will indeed be possible to discover the mind of faith by polling the opinions of individual believers. But by Lutheran understanding, what could thus be discovered would be at best the mind of the religious Old Adam; the church's mind, the mind of the Spirit, is given only as the living mutual word of the gospel constitutes an actual congregation of the Spirit.<sup>36</sup>

Let me try to anchor Jenson's analysis here with a small sample of such discourse from Luther in another exemplary instance of what I am commending to you as the process of critical dogmatics: the opening discussion in Luther's treatise, "This is My Body." Here Luther defends but also clarifies the Scripture principle against the biblicism of opponents who were denying the gift character of the Lord's Supper, where the gift given is Christ himself in his own crucified but risen body and blood.

This treatise is instructive because at the very outset Luther had to deal with what we may call the biblicistic misunderstanding of the Bible. The Bible is Bible, *verbum externum*, because it tells of something we cannot tell ourselves, something that must be learned from outside the self and its existing forms of religion. The written word of the Bible is the "outward word" of the gospel as the news from God constituting the Christian community. If we forget that this is what the Bible is and how the Bible speaks, we will instead take the Bible magically, i.e., as a treasure chest of proof texts for whatever we already know and want to tell ourselves, according to our existing self and its forms of religiosity. Thus the devil, Luther says, has "wormed his way in" and created "a real brawl over Scripture," producing "many sects, heresies, and factions among Christians. Since every faction claimed Scripture for itself and interpreted it according to its own understanding, the result was that Scripture began to lose its worth, and eventually even acquired the reputation of being a heretic's book, and the source of all heresy, since all the heretics seek the aid of Scripture."<sup>37</sup> Thus Luther knows our familiar problem of mere biblicism, both on the left and on the right, which falsely tries to resolve the unsolvable problem of authority between the times by asserting a private and sectarian "God said it; I believe it; that settles it." This really means: "I am sovereign; I decide; are you with me or against me?" The difficulty, of course, is that such people ignore the hermeneutical question previously mentioned, "To whom is God speaking? How might you be,

or not be, the object of this biblical discourse?" Hence private interpretation also ignores the canonical principle that theologically Scripture must interpret Scripture in being read as a narrative whole, centered in the gospel of Christ, hence according to the creedal rule of faith and the Reformation's chief article on the sinner's justification by faith. But they pick and choose texts which, as they say, "speak to them," revealing more about themselves than about the message of the Bible. But—note well—to point out this set of problems is only half of Luther's solution.

For Luther sees that to stop here with a critical refutation of mere biblicism results only in new forms of ecclesiastical tyranny to fill the vacuum. "When we wish to deal with Scripture, [the devil] stirs up so much dissension and quarreling over it that we lose our interest in it and become reluctant to trust it" and go looking after other forces to keep us together. Isn't this exactly what happened in the ELCA last summer, when, ostensibly giving up deliberation under the norms of theology, the issue was *forced* institutionally by *requiring* a formal doctrinal pluralism in our teaching about human sexuality (but in reality therewith institutionally legitimated same-sex unions as a respectable theological possibility)? The better solution to which Luther came in "This is My Body," however, is the one with which we began this lecture: the controversy over the right reading of Scripture in and as critical dogmatics simply is the Spirit's struggle for a church true to the gospel, "a divine quarrel wherein God contends with the devil...." Luther counters the alternative of doctrinal pluralism and ecclesiastical coercion which the ELCA now unwittingly embraces this way: "Choose, then, whether you prefer to wrestle with the devil or whether you prefer to belong to him."<sup>38</sup>

If Luther sinned in his approach, I would like to note with emphasis, it was because he gave up on opponents as those possessed by the devil.<sup>39</sup> We should not follow him in this respect. The alternative to demonizing opponents, however, is not the Social Statement's fraudulent

respect, but calling them out with persistent, frank and logically rigorous argumentation even as we bear witness against soul-destroying error by refusing any longer to cooperate with institutional dysfunction. Indeed, such "tough love" is the brotherly-sisterly thing to do in the time of Johannine *krisis*—crisis, judgment, division over who Jesus really is for us. Thus we can and should follow Luther in grasping that the theological task is the ever-new contention for the right reading of Holy Scripture, where what is at stake in the right reading of Holy Scripture is God deep in sinful and mortal human flesh, in order to deliver us in our true, not fancied, plight. This is our theological task in the time between Easter and Eschaton, since it is this external Word from God of the resurrection of the Crucified which speaks to us the justification of the godless, hence the Word that both powerfully authors and rightfully authorizes Christian community in this still hostile and uncomprehending world. Never mind pious but phony appeals to unity, Luther says, which obscure what this divinely intended conflict between God and devil is about. "A faithful Christian knows clearly that God's Word concerns God's glory, the Spirit, Christ, grace, everlasting life, death, sin and all things."<sup>40</sup>

Critical dogmatics<sup>41</sup> as a discipline is the argumentative process by which the church under the Word tests the spirits which speak in the present hour to see whether they are of God. This is what we should be doing when we come together in assembly, not the sugary diet of cotton candy Christianity-lite to which we are accustomed. Critical dogmatics probes the words of God to find the Word incarnate, the sense which the Spirit intends.<sup>42</sup> In the pilgrim church on the way to the Reign, there is no other solution to the outstanding problem of the contested lordship of Jesus Christ than this demanding, on-going work of the Spirit's battle for our minds, reading Scripture rightly that we may believe, teach and confess Jesus Christ as Lord to the glory of God the Father, in every new day, in every new neighborhood.

## Concluding Questions

How institutionally might that be put into practice? The opportunity before us is to use the present disintegration of the American denominational system for the forging of a new and vibrant evangelical and catholic Christian orthodoxy here and beyond. How do we get there?

One moral of the story is that not everyone is competent.<sup>43</sup> That is clear enough from the manipulation of the guileless that occurs at every ELCA assembly. It is also a question for us: what would credential a person as a competent theological interlocutor, recognizing that the laity and the clergy need different forms and levels of theological discourse? Certainly it would entail a far more serious confessional subscription (*quia*, not *quatenus*) and a far more serious theological education than currently we practice—also for the laity, such as we see modeled by the cutting-edge Institute of Lutheran Theology (see [ilt.org](http://ilt.org)) and can read quarterly in *Lutheran Forum* (see [lutheranforum.org](http://lutheranforum.org)).

Thank God for the faithful laity! They have had it and they aren't going to be dumb sheep anymore at the mercy of company men posing as pastors! In this we see the first stirrings of the renewal and realignment we are seeking. "My sheep hear my voice and will not listen to the voice of a stranger," Jesus says. The laity have the baptismal right and duty to judge doctrine for its fidelity to Jesus. By the same baptismal token, however, note well: this right is not a private or unqualified right on the basis of "simple, shared humanity." It is the right and duty of the *baptized*, as those who have been *evangelized* and *catechized*, who *know what they are talking about* in the Spirit's struggle against the world, the devil, and our sinful selves. This then presupposes another, deeper question. Are we really willing to work for theological community, where the process of theology decides questions rather than otherwise; where, as Jenson noted, we might actually be led to *new* thoughts rather than the uncomprehending repetition of past thoughts in the form

of mere slogans that reinforce old failures; where utilizing our Lutheran theological heritage is a service on behalf of the ecumenical hope of our Lord's high-priestly prayer that "they may be one," not a defensive circling of the wagons to shore up an ever-shrinking cultural legacy?

Another moral of the story is that you can't have deliberation without the substantive ground rules of critical dogmatics: 1) canon, saying what the story of God's saving Word tells; 2) creed, saying who the saving God is, and 3) confession, saying how we sinners are included in the foregoing by repentance and faith. This is a question for us: what is really wrong with ELCA Presiding Bishop Mark Hanson's appeal to our baptism as uniting us no matter what, *ex opere operato*, as if baptism were a trump card that abrogates the doctrinal ground rules as just laid out?<sup>44</sup> Why is this appeal to unity not only bogus, not only a shameless ideological abuse of the sacrament of God to shore up a denomination tottering from its own self-inflicted wounds, but in the merely logical sense of question-begging? Baptised into whom? Baptized for what? Last August we *broke* baptismal bonds with the vast majority of Christendom across the world and through the ages. For God's sake, clarity! We have been baptized into the one, holy, catholic and apostolic church of Jesus Christ, not into the ELCA!

My final moral of the story then is you can't have a debate without a mutually trusted umpire, even if umpires will be as fallible as you and I. This is a question for us: how could we have genuinely churchly deliberation, which not only assumed trust in the referee, but worked to build among the debaters true community in the gospel rightly taught? My brief comment on this is that we have had phony bishops, as measured by the teaching of AC 28. We have bishops in name but not in reality, as they have proved in the past year by their collective non-leadership and individual partisanship in this embarrassing debacle. So I leave you with a final question: what would an evangelical episcopate be, which ruled the church according to the gospel, as per AC

28? I don't care whether we call them referees, umpires, adjudicators, superintendents, presidents or bishops. The Lutheran point of AC 28 is that the episcopal function of oversight for the sake of true unity is an exercise of evangelical authority. It is the use the office of the keys to credential the competent, to uphold the doctrinal ground rules of churchly discourse and to lead ever fresh deliberation forward through the *consensus fidelium* to the discernment of the Spirit's meaning, who speaks from the Scriptures by the Word Incarnate Jesus Christ to the glory of the Father. So be it. Amen.

## Notes

1. Walter Bauer, *Orthodoxy and Heresy in Early Christianity*, ed. R. Kraft and G. Krodel (Philadelphia: Fortress, 1971; reprint Sigler Press, 1996) is wrong about many things, but about this he is correct!
2. Paul R. Hinlicky, "The New Language of the Spirit: Critical Dogmatics in the Tradition of Luther," Chapter Three, Bielfeldt, D., Mattox, M. & Hinlicky, P., *The Substance of the Faith: Luther's Doctrinal Theology for Today* (Minneapolis: Fortress, 2008), 131-190.
3. Paul R. Hinlicky, *Luther and the Beloved Community: A Path for Christian Theology after Christendom*, with a Foreword by Mickey L. Mattox (Grand Rapids, MI: Eerdmans, 2010), 7-17. See also # 2 above.
4. Martin Luther, *The Bondage of the Will*, trans. J.I. Packer & O. R. Johnston (Fleming H. Revel, 2000), 67.
5. Henri De Lubac, S.J., *The Drama of Atheistic Humanism*, trans. Edith M. Riley, Anne Englund Nash & Mark Sebanc (San Francisco, Ignatius, 1995), 127.
6. I am not much given these days to citing Paul Tillich, but this *bon mot*, reflecting his residual Lutheranism, comes from the dim and unread recesses of the third volume of his *Systematic Theology*, 3 volumes (Chicago, IL: University of Chicago Press, 1967), III:381.
7. *Luther's Works* [hereafter LW], ed. J. Pelikan et al (St Louis: Concordia), 31:25.
8. *Ibid.*, 128.
9. Remarks delivered to the South Carolina Synod, ELCA, February 6, 2010 and posted on the CORE website.
10. Consider the testimony of Mark D. Hanson in "ELCA house is sadly and irreparably divided," an open letter to Bishop Freiheit about the "jeering" at the Central Southern Illinois Synod, published in *CORE Con-*

*nection* (July, 2010): "The most damaging remark was rather loudly stated, 'Then why don't you just leave!' In that moment, with that hateful comment, my hope for the ELCA died."

11. See "Appendix: The Problem of Demonization in Luther's Apocalyptic Theology," in *Beloved Community*, 379-385.
12. See Rev. Marshall E. Hahn's letter of resignation as Iowa Synod Secretary to Bishop Ullestad in the July, 2010 *CORE Connection*.
13. For the case in detail, see *Beloved Community*, Chapter 6, 179-220.
14. For the full argument see Paul R. Hinlicky, *Divine Complexity: The Rise of Creedal Christianity* (St. Paul: Fortress, 2010).
15. Wilhelm Mauer, *Historical Commentary on the Augsburg Confession*, trans. H. George Anderson (Philadelphia: Fortress, 1986), 59ff.
16. Citing John 20:21-3; *The Book of Concord*, ed. Robert Kolb & Timothy J. Wengert (Minneapolis: Fortress, 2000), 92.
17. *Ibid.*, 94:84, German text.
18. "... not only the crude and notorious sins," Luther writes in the *Smalcald Articles* [hereafter SA], "but also the subtle, secret ones that only God knows" (Kolb & Wengert, 321:7:1). Just this spiritual gift of discernment — a participation in God's knowledge — Luther attributes to the keys as "an office and authority given to the church by Christ" (*Ibid.*)
19. Accordingly to Brecht, Luther endorsed the "so-called lesser ban, i.e. excluding the unworthy from receiving the Lord's Supper and from serving as baptismal sponsors. But the church should make no use of the "greater ban," with its exclusion from society and from political life, because it could not be employed without the cooperation of the government. Such intervention by political power in the matter of church discipline was especially undesirable, because of the separation of the two kingdoms." Martin Brecht, *Martin Luther: The Preservation of the Church, 1532-1546*, trans. J. L. Schaaf (Minneapolis: Fortress, 1993), 30. This is confirmed by the SA (in Kolb & Wengert, 323:9).
20. See Timothy J. Wengert, *Law and Gospel: Philip Melancthon's Debate with John Agricola of Eisleben over Poenitentia* (Grand Rapids, MI: Baker Books, 1997).
21. For ample evidence of this claim, see the theologically confused but empirically rich study of Richard Steigmann-Gall, *The Holy Reich: Nazi Conceptions of Christianity, 1919-1945* (Cambridge, UK: Cambridge University Press, 2003).
22. Dietrich Bonhoeffer, *The Cost of Discipleship*, trans. R. H. Fuller (New York: Simon and Schuster, Touchstone Edition, 1995), 43.
23. As I wrote in a *Lutheran Forum* blog in June of 2009: "In listening to the debate at my Synod assembly in Virginia, an old insight returned to me with fresh clarity. It came during debate on a memorial to be-

come a 'Reconciling in Christ' Synod. Listening, I realized that the dispute before us is not an otherwise manageable disagreement about the interpretation of a few Bible passages within the framework of a common faith and confession. What the debate about homosexuality reveals is that in fact we in the ELCA are conflicted about what the gospel is and what it means for us today. It is thus a potentially church-dividing debate, as it must be, if indeed it is about what the gospel is and what it means for us today. Naturally, many of us have resisted seeing this deeply—I too have been motivated up until now by a desire to preserve the unity of the ELCA, even my 'harsh words' meant as a wake-up call to forestall the eminently foreseeable train wreck coming in August. As I listened, however, I heard two contending, if not conflicting theologies of reconciliation sounding in our midst. According to the first, God was in Christ reconciling the world to himself, not counting their trespasses against them. The reconciliation pertains first of all to the Holy God and sinful humanity in preparation for the coming of his Reign, and is thus truly but as yet imperfectly realized in the fellowship of penitent, but believing sinners in the church militant. Here, all who are contrite, confessing rather than protesting their sins, are welcomed and included, until the Kingdom comes in fullness and power from above to make us whole. According to the second, God is progressively realizing through human history more and more inclusive forms of fellowship, overturning the prejudices, bigotries and stereotypes of the past. Here, all who have been stigmatized are welcomed and included with the good news that they are accepted just as they are, since they have been created by God as such. Here, the historical Jesus is prophet of radical welcome and the authentic church of Jesus is the vanguard of progressive history, leading secular society on to its divinely intended destiny. So it is imperative that the church itself manifest such perfect love in its own ranks, to show society the way, by the full inclusion of gay and lesbian persons. Version One, which is classical Lutheran and Augustinian theology, can include aspects of Version Two, but Version Two, if taken as normative, excludes Version One. Version Two, of course, is classical Liberal Protestantism."

24. *dialog*, vol. 49, No. 2, (Summer, 2010), 89-90.
25. Of course, it is not easy to understand Hefner because he verbally, if not conceptually contradicts himself, when he tells us that the issue is "not exclusion..." What he means is that we don't get to the root of the conflict when we line up as permissive liberals and exclusionary conservatives in America's culture wars. Agreed.
26. H.R. Niebuhr, *The Kingdom of God in America* (NY, Evanston & London: Harper Torchbook, 1959), 193.
27. Albrecht Ritschl is in the background here; see his *The Christian Doctrine of Justification and Reconciliation: The Positive Development of*

*the Doctrine*, trans. H.R. MacIntosh & A. B. Macaulay (Clifton, NJ: Reference Book Publishers, 1966). Hefner's first book was on Ritschl. See Philip Hefner, *Faith and the Vitalities of History: A Theological Study Based on the Word of Albrecht Ritschl* (New York: 1966).

28. Or compare David Lotz's critique of Ritschl to Hefner's approbation in the former's *Luther and Ritschl: A Fresh Perspective on Albrecht Ritschl's Theology in the Light of His Luther Study* (Nashville: Abingdon, 1974).
29. Martin H. Betram, Introduction, "Against the Antinomians" (1539) in LW: 47: 105, fn #4.
30. LW 47:109-10.
31. I.a., see LW 26: 314.
32. Luther: *Lecture on Romans*, trans. Wilhelm Pauck (Philadelphia: Westminster, 1961), 121.
33. See "How Christians Should Regard Moses," LW 35: especially 138ff.
34. The question becomes acute and unavoidable when friends in the Missouri Synod and opponents in the ELCA alike ask us how we can justify an innovation like the ordination of women but draw the line against the ordination of sexually active GLBT persons. I have made an effort to answer in "Whose Church? Which Ministry?" *Lutheran Forum*, vol. 42, No. 4 (Winter 2008), 48-53.
35. *The New Church Debate: Issues Facing American Lutheranism*, ed. Carl E. Braaten (Philadelphia: Fortress, 1983), 48.
36. *Ibid.*, 49.
37. LW 37:13-4.
38. *Ibid.*, 17.
39. See note # 11 above.
40. LW 37: 26.
41. I am deliberately using an archaic, even offensive word, "dogmatics," since what theology produces is not speculative concepts as happens in philosophy, but dogmas, that is, teachings, rules and articulations of the faith for the purpose of sustaining our life together as the creature of the Gospel.
42. I have argued this in Paul R. Hinlicky "Luther's Anti-Docetism in the Disputatio de divinitate et humanitate Christi (1540)" in *Creator est creatura: Luthers Christologie als Lehre von der Idiomenkommunikation*, ed. O. Bayer & Benjamin Gleede (Berlin & NY: Walter De Gruyter, 2007), 139-185.
43. "During the time in which the church and the culture are separating but not separated, this ambiguity cannot be avoided or denied. Much of the late modern church has dealt with the ambiguity by capitulat-



ing to it, by mitigating the church's liturgy, morality, and theology to accommodate "seekers" and incompetent members. That way lies apostasy from the faith, which in broad stretches of Western Protestantism has already occurred. However it is to be managed in times of uncertain boundaries, the church must not dilute or estrange her sacramental culture but instead train would-be believers in its forms, not dispense with God's *torah* but instead reform would-be believers' moral structure, not succumb to theological relativism but teach would-be believers the doctrine of the Trinity." Robert W. Jenson, *Systematic Theology*, 2 vols. (New York and Oxford: Oxford University Press, 1997), 2:305.

44. In a letter dated July 1, 2009, Bishop Hanson wrote: "Sometimes, when I hear concerns about division in the ELCA, I worry that they express a fear that unity depends on the actions of church leaders or assemblies. Our unity, however, comes to us because God gives it freely and undeservedly in Jesus Christ. Although everyone in leadership shares responsibility for stewarding our unity in Christ, *it will not be won or lost at the churchwide assembly in a plenary session vote*. Rather, it will be received as a gracious gift from God when the assembly is gathered each noon by the Word and Sacrament through which God gives us unity, making us one in Jesus Christ. We hold in common this confession that God makes us one in Jesus Christ, *but it is not making this confession that makes us one*. Rather, because God unites us to Jesus Christ in Baptism we are also united to each other in one body that transcends any other difference." In an open letter in response, published on the *Lutheran Forum* blog, I replied: "Since I am one of the ELCA's Teaching Theologians who has in fact repeatedly and publicly warned since at least 2005 on the danger of a 'church-dividing decision,' and since I unhappily confess to reading your disavowal of partisanship on the matters before us with suspicion, I take this opportunity to reply to the remarkable reasoning in this letter, unprecedented to my knowledge, in the history of ecclesiology or ecumenism... [I here cited the foregoing words]. What is remarkable in your reasoning here is that you apply this theology of our God-given unity in Christ through baptism into His death and resurrection, not to the one, holy, catholic and apostolic church, but to an American Protestant denomination, the ELCA, on the cusp of an institutional catastrophe. This is egregious category confusion. But it is far worse than a merely intellectual mistake. To apply this wonderful theology of unity given in Christ to a separated denomination, contemplating a decision that will seal a sectarian stance and burn bridges to Christians through 2000 years of history, across the range of ecumenical relations opened up in the last generation since Vatican II, and indeed within the world-wide Lutheran communion, in my mind is an act bordering on blasphemy of the holy Sacrament. I mean that strictly and rigorously: your letter uses the

theology of holy baptism to serve the institutional interests of a separated American denomination, rather than to challenge a separated American denomination to deal with the real implications of its baptismal bonds to other Christians. If what I have just said is not clear to you, permit me to ask you in turn: Why should I trade my baptismal unity in Christ with Catholics, Orthodox, Evangelicals, the *consensus fidelium* through the ages, and indeed the vast majority of member churches of the LWF in order to stay in an American Protestant denomination which increasingly asks me to support things I conscientiously judge to be heterodox, indeed, at variance with baptismal faith itself in the Father, the Son and the Holy Spirit?" I never received a reply.