

## Is God Really Lawless?

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It was probably in the dust-up in January of 2023 over the publication of a new, mammoth, 752-page edition of Martin Luther's (1483-1546) *Large Catechism* (1529) by the publishing arm of the Lutheran Church-Missouri Synod (LC-MS), Concordia Publishing House (CPH),<sup>1</sup> that the name Steven Paulson (b. 1960[?]) first came to the attention of many within that synod. The inclusion of his contribution to that volume in the form of one of its 50 brief explanatory essays,<sup>2</sup> was questioned by the fact that Paulson was formerly a leading theologian of the Evangelical Lutheran Church in America (ELCA) and now apparently the more recently formed (2010) 445-congregation North American Lutheran Church (NALC), neither of which is in altar and pulpit fellowship with the LCMS. So much concern was expressed on various media platforms on the internet at that time, that the distribution of the *Large Catechism* by CPH was temporarily halted at the request of the president of the LCMS, Matthew Harrison. It was then resumed on February 2<sup>nd</sup> with his full support,<sup>3</sup> as well as that of the Committee on Theology and Church Relations (CTCR) of the LCMS which issued a statement to that effect on February 17.<sup>4</sup> The matter caused enough stir to catch the attention of *Christianity Today*<sup>5</sup> and eventually be taken to the synod's convention in Milwaukee the following summer (Jul. 29<sup>th</sup>-Aug. 3<sup>rd</sup>) in the form of resolution 514-A upon which no action was taken.<sup>6</sup> But it is not that Paulson was unknown in synodical circles. Already soon after the formation of the NALC, Paulson spoke at Concordia Theological Seminary in Ft. Wayne (LCMS) on April 26 & 27, 2011,<sup>7</sup> although still at that time associate professor of Systematic Theology at Luther Seminary in St. Paul, Minnesota. He since has become the Chair of Lutheran Theology for the Luther House of Study at Sioux Falls Seminary (NALC), Sioux Falls, South Dakota, and is currently Senior Fellow in Residence at the non-profit online reality *1517.org*, an assemblage of Lutheran intellectuals of a variety of synods (including the LCMS) whose goal is "to declare and defend the Good News that you are forgiven and free on account of Christ alone"<sup>8</sup>—a laudable goal even if what is intended by it ultimately is the heart of the issue at hand. Before appearing as a contributor to the new CPH edition of the *Large Catechism*, Paulson

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<sup>1</sup> *Luther's Large Catechism with Annotations and Contemporary Applications*, ed. by John T. Pless and Larry M. Vogel (St. Louis, Concordia Publishing House, 2022).

<sup>2</sup> "The Third Commandment: Remember the Sabbath Day to Keep it Holy," pp. 203-207.

<sup>3</sup> <https://reporter.lcms.org/2023/update-from-president-harrison-on-large-catechism/>.

<sup>4</sup> Cf. <https://resources.lcms.org/reading-study/ctcr-statement-on-luthers-large-catechism-with-annotations-and-contemporary-applications/>.

<sup>5</sup> <https://www.christianitytoday.com/news/2023/february/lutheran-catechism-concordia-publishing-critics-matthew-har.html>

<sup>6</sup> Cf. <https://www.lcms.org/convention/national/resolutions>.

<sup>7</sup> Cf. <https://reporter.lcms.org/2011/elcas-paulson-to-speak-at-fort-wayne-seminary/>.

<sup>8</sup> Cf. [www.1517.org](http://www.1517.org).

had already been published by CPH, twice,<sup>9</sup> the reason being undoubtedly the work he has done on the theology of Luther. Published works include *Luther for Armchair Theologians* (2004),<sup>10</sup> *Lutheran Theology* (2011),<sup>11</sup> and *A Brief Introduction to Martin Luther* (2017).<sup>12</sup> Notable also is Paulson's work as editor on a three-volume collection of the writings of Gerhard Forde (1927-2005): *A More Radical Gospel* (2004),<sup>13</sup> *The Preached God* (2007)<sup>14</sup> and the *Essential Forde* (2017).<sup>15</sup> Paulson's work on these three volumes of Forde's writings is notable for in Paulson's most recent work on Luther, a massive 1100-page 3-volume systematic theology entitled *Luther's Outlaw God*,<sup>16</sup> it is hard not to see the influence, even the handprint of Forde. For our purposes this means only that Paulson's approach to Luther is ultimately of a specific school of Luther reception which flows from the question—as the title of his systematic theology suggests—as to what to do with the law. For already in 1969 Forde had asserted that the issue confronting the church in the post-enlightenment era of the 19<sup>th</sup> century was just that:

The critical problem is the manner in which one conceives the place of law in the theological system. Is law, as the [Lutheran] orthodox system implied, the structure through which man is related to God, the expression of the eternal will of God for man, or is it, as [J.C. K. von] Hofmann [1810-1877] has said, only a part of a historical dispensation, so that man's relationship to God must be understood more in terms of the historical realization of the divine will to love?<sup>17</sup>

*Luther's Outlaw God* is Paulson's answer to Forde's question: The law ultimately is *not* "the structure through which man is related to God," nor "the expression of the eternal will of God for man" but is ultimately the "historical realization of the divine will to love." But if that is true, what ultimately does that mean for the life of the Christian in the here and now?

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<sup>9</sup> "A Royal Ass" in *The Necessary Distinction: A Continuing Conversation on Law and Gospel*, ed. by Albert B. Colver III, James Arne Nestingen and John T. Pless (St. Louis: Concordia Publishing House, 2017), pp. 265-284; "The *Simul* and the Two Kingdoms: The End of Time, Twice" in *One Lord, Two Hands? Essays on the Theology of the Two Kingdoms*, ed. by Matthew C. Harrison and John T. Pless (St. Louis: Concordia Publishing House, 2021), pp. 155-173

<sup>10</sup> (Louisville: Westminster John Knox Press, 2004).

<sup>11</sup> (London: T&T Clark, 2011).

<sup>12</sup> (Louisville: Westminster John Knox Press, 2017).

<sup>13</sup> *Gerhard O. Forde Essays on Eschatology, Authority, Atonement, and ecumenism*, ed by Marck C. Mattes and Steven D. Paulson (Grand Rapids: Eerdmans, 2004).

<sup>14</sup> *Gerhard O. Forde. Proclamation in Word and Sacrament*, ed. by Mark C. Mattes and Steven D. Paulson (Grand Rapids: Eerdmans, 2007).

<sup>15</sup> *Gerhard O. Forde. Distinguishing Law and Gospel*, ed. by Nicholas Hopman, Mark C. Mattes and Steven D. Paulson (Minneapolis: Fortress Press, 2019).

<sup>16</sup> Vol. 1, *Hiddenness, Evil, and Predestination* (Minneapolis: Fortress Press, 2018); Vol. 2, *Hidden in the Cross* (Minneapolis: Fortress Press, 2019); Vol. 3, *Sacraments and God's Attack on the Promise* (Minneapolis: Fortress Press, 2021).

<sup>17</sup> *The Law-Gospel Debate. An Interpretation of Its Historical Development* (Minneapolis: Augsburg Publishing House, 1969), p. 69.

## 1. The Tip of the Iceberg: The Denial of the Third Use of the Law

Generations of Lutheran confirmands have been taught that the law of God, simply put, has three uses: A governmental, a theological and a pedagogical use. In the case of the first, the law of God is a *curb* which man uses to govern the nations of the world. In the case of the second, the law is used as a *mirror* to convict man of sin. In the case of the third, the law is a *rule* used to teach Christians how they should live. So the *Formula of Concord* (1577), Article VI, The Third Use of the Law:

The law of God serves (1) not only to maintain external discipline and decency against dissolute and disobedient people, (2) and to bring people to a knowledge of their sin through the law, (3) but those who have been born anew through the Holy Spirit, who have been converted to the Lord and from whom the veil of Moses has been taken away, learn from the law to live and walk in the law.<sup>18</sup>

The rejection throughout Europe in the 19<sup>th</sup> century of the third use of law—understood simply as the idea that there actually was a way in which God wanted Christians to live—arose out of an Enlightenment idealism, which would wrest the moral control of the nations from the church, and thus from churchmen, and even the pope himself, and place it in the hands of man.<sup>19</sup> Helpful in this regard was the intellectual and popular rejection of the Bible as the actual voice of God, the Word of God, for man. For if the Bible was not the Word of God, but simply a collection of ancient stories worked and reworked by later editors for their own purposes, and used by the government and church as a cudgel on society, would it not be better for man to be freed from such ecclesiastical control? The so-called *Kulterkampf*, the seven-year cultural war (1871-1878) between the Kingdom of Prussia, led by chancellor Otto von Bismarck (1815-1898) and the Roman Catholic church, led by Pope Pius IX (1792-1878) over who ultimately had control over both educational and ecclesiastical appointments in that kingdom is one obvious example of this question playing itself out publicly. But what of the theologians, especially Protestant theologians, serving at state universities at that time? How could enlightened nations continue to support the study of a text—the Bible—no longer understood to be authoritative for man, by financing the chairs and schools of theology at their universities? The response on the theologians’ side—in a move that most probably had elements of self-preservation in mind—was to develop theologies which were not Bible-dependent, but still somehow scientifically and societally relevant. Probably the most famous effort in this regard was that of the Reformed theologian Friederich Schleiermacher (1768-1834), who based his systematic theology—entitled not unsurprisingly *The Christian Faith*—not on the Bible as the Word of God for man, but on a “feeling of utter dependence” which man has upon something other than himself, which had to be God. Others, like Hoffmann mentioned

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<sup>18</sup> *The Book of Concord. The Confessions of the Evangelical Lutheran Church*, trans. and ed. by Theodore G. Tappert (Philadelphia: Fortress Press, 1959), p. 563 f.

<sup>19</sup> Cf. the helpful summary of the effects of the Enlightenment upon European society as they appeared initially and flourished throughout the 18<sup>th</sup> century in Karl Barth, *Protestant Theology in the Nineteenth Century*, New Edition (Eerdmans, Grand Rapids & Cambridge, 2002), pp. 19-159.

above, followed suit, each creating a theology non-dependent upon the Bible as the ultimate authority of the mind and will of God but at a minimum, a record of God’s interaction with man in the past. Those 19<sup>th</sup>-century theologians succeeded, and ingeniously so in many cases, but the effect of abandoning the Bible, especially as the source of definition for the way in which God wanted Christians to live, was not without consequence for Europe. It was Friedrich Nietzsche (1844-1900) who prophesied disaster for European culture due to this “death of God” at the hands of men, and the millions slaughtered in World War 1, the societal and governmental insanity of both pre- and post-revolution Russia, and the attempted mass-extinction of a people group which was the Holocaust—perpetrated by intellectuals trained in such a post-enlightenment tradition of lawlessness (!)<sup>20</sup>—bore out his prophecy. In other words, if there was not a God-given right way for man to live, man could live in a way in which he believed to be right. But how then was what was right determined?

Fast-forwarding to the present day, whether or not that right way to live is described by God in His law became a topic of more greater interest within the LCMS in particular with the publication in 2002 by CPH of Scott R. Murray’s doctoral thesis, *Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism*.<sup>21</sup> That book then became the basis for a reassessment of the third use of the law at the annual Symposium on the Lutheran Confessions at Concordia Theological Seminary in Ft. Wayne in 2005, with a number of the speakers questioning its validity.<sup>22</sup> The trouble in a nutshell was the belief that Martin Luther (1483-1546) himself never taught three uses of the law, but Philipp Melanchthon (1497-1560) did, and it was Melanchthon’s approach that was used later in FC VI. And since the theologians from the ELCA (or now the NALC) are not obligated to treat the *Formula of Concord* as they do the *Augsburg Confession*, they felt free to reject the idea of the third use found in the *Formula*. And why would they do that? Well the concern was simply that if the law of God in its theological use always accuses the Christian of sin, how could it ever be considered to be a guide of any sort? Put another way, would not an attempt to guide a Christian with the law after they had already heard the gospel of Jesus Christ and believing it, been forgiven for their sin, and freed them from their guilt and despair, accuse them once again of sinfulness, and send them right back into that guilt and despair? That these two issues—that Luther never taught a third use and that the law should not be preached to Christians—were central to the discussions of Murray’s work in Ft. Wayne in 2005, are obvious in his response in 2008 to its published reviews and the papers given at that symposium.<sup>23</sup>

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<sup>20</sup> So Michael Burleigh notes, *The Third Reich. A New History* (London: Pan MacMillan, 2000), pp. 149-218, as he traces the rise of the Third Reich as a willing embrace of lawlessness.

<sup>21</sup> St. Louis.

<sup>22</sup> Many, but not all of the papers from the conference were reprinted in *Concordia Theological Quarterly* 69 (3/4), July/October 2005.

<sup>23</sup> “The Third Use of the Law: The Author Responds to His Critics,” *Concordia Theological Quarterly* 72 (2008), pp. 99-118.

Incredibly, Luther's very pointed and direct thoughts on the issue as to whether or not the law should be preached to Christians, his six sets of *Antinomian Theses* and then the four disputations held to discuss them (1537, 1538, and 1540) did not appear in print in a modern language until that same year: 2008. Both the theses and disputations had been included in Latin in two volumes of the definitive *Weimarer Ausgabe* (1883-1966)<sup>24</sup> and the theses alone had been available in German translation in the Walch editions (1740-1752; 1880-1910), but no modern German or English translation had ever been prepared—and so obviously had not been included in the initial 55 volumes of the American Edition of Luther's works (1955-86). Their appearance then in 2008 as *Only the Decalogue is Eternal*<sup>25</sup> effectively answered the question as to whether or not Luther taught that the law should be preached to Christians for didactic purposes—it should.<sup>26</sup> A reassessment of the question of two uses or three uses of the law in the writings of Luther which took the Antinomian theses and disputations into account—at least in a cursory fashion—then appeared three years later from CPH in Edward A. Engelbrecht's *Friends of the Law: Luther's Use of the Law for the Christian Life*<sup>27</sup> and was followed in 2020 by the Antinomian theses and disputations finally appearing in the American Edition of Luther's work in yet another new English translation.<sup>28</sup> That the topic of Antinomianism in general—defined as the rejection of the idea that the law should be preached to Christians—continues to be of interest among Lutherans can be discerned from its use as the central topic of a conference being held on the heels of this one in Collinsville, IL entitled *The Law of God is Good and Wise*.<sup>29</sup> There Murray will present a paper entitled: “The Third Use – What? Again?”<sup>30</sup>

For Paulson's part, writing just this last year in a paper entitled *Freedom from the Law and the Experimental “Third Use”*,<sup>31</sup> the issue remains indeed whether or not the law is to be used in such a fashion, that is “as a sure guide for your entire life.”<sup>32</sup> From the outset, however, Paulson couches this question as to the third use of the law within the greater question of the justification of the sinner before God, as in Romans 3:28: “For we hold that one is justified by faith apart from works of the law.” It is a subtle, but jarring move, on Paulson's part.<sup>33</sup> For the law in its third use is not about works done by Christians in order to complete the work of Christ begun on the cross. The works of the third use of the law are those done by Christians who are justified and wish to know then what to do as those who are justified in Christ. Here the example used traditionally are the works urged by John the

<sup>24</sup> WA 39.1:342-358; 360-417; 419-485; 489-584; WA 39.2:124-144).

<sup>25</sup> Edited and Translated by Holger Sonntag (Minneapolis: Lutheran Press).

<sup>26</sup> See here Holger Sonntag's definitive and extremely helpful *God's Last Word. The Third Use of the Law in Martin Luther's Antinomian Theses and Disputations* (<http://wp.production.patheos.com/blogs/justandsinner/files/2014/11/Gods-Last-Word-Holger-Sonntag.pdf>).

<sup>27</sup> (St. Louis: Concordia, 2011).

<sup>28</sup> AE 73 (St. Louis: Concordia), pp. 3-238.

<sup>29</sup> Cf. <https://yourgrandfatherschurch.org/>.

<sup>30</sup> Cf. <https://steadfastlutherans.org/blog/2024/02/faith-of-our-fathers-the-third-use-what-again-by-rev-dr-scott-murray/>.

<sup>31</sup> *Lutheran Quarterly* 37 (2023), pp. 268-289.

<sup>32</sup> *Ibid.*, p. 268.

<sup>33</sup> *Ibid.*

Baptist when asked by various people what they must be doing to do works of repentance.<sup>34</sup> Indeed, that is the very question with which the Antinomian theses begins: What is repentance? “1. According to the testimony of all, and in fact, repentance is sorrow on account of sin *with the added intention of a better life*” [emphasis added].<sup>35</sup> It is that “intention of a better life” that asks the third-use question of the law: “What should I do?” As John the Baptist instructed, and Luther noted in the Table of Duties in his *Small Catechism*,<sup>36</sup> what is to be done is different for everyone, but according to the law of God, so the self-examination by the Christian urged also in the *Small Catechism* “in light of the Ten Commandments.”<sup>37</sup> Here Christ Himself is our exemplar for right action, but should be used as such with care.<sup>38</sup>

But how can the law be preached in such a way at all? And why is it even attempted? According to Paulson, it is because the profundity of the cross is not understood by frustrated pastors who want to see some sort of spiritual improvement in their congregations:

...the biggest problem any pastor has with a congregation is what James, the good old “brother of Jesus” and tyrant-pillar of the church in Jerusalem (according to Paul), called “dead faith.” He thus not only coined a slogan but set fire to churches ever since. Immediately pastors of any era latch onto this slogan. What does my congregation really look like when I “survey” them? There is no action! There is no notable change! There is no measurable improvement! There is no lively Spirit or even much of an attempt to better themselves and their society. When the society goes bad, who will call it back into order? In the end, what do I find in my congregation? Dead Lutherans singing dead German songs with their dead liturgy among other nearly dead white hairs who should not even be driving a vehicle to church. Indeed the only thing that resembles holiness in their group is that they have become too feeble to commit notable crimes. The question then arises: what do you do with dead zombies? They may have had faith, theoretically, at some point—but it died!<sup>39</sup>

And so summing up:

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<sup>34</sup> Luke 3:10-14.

<sup>35</sup> Sonntag, p. 29.

<sup>36</sup> Tappert, pp. 354-356.

<sup>37</sup> Ibid., p. 350.

<sup>38</sup> So Luther in his comments on Galatians: “Scripture presents Christ in two ways. First, as a gift. If I take hold of Him this way, I shall lack nothing whatever. ‘In Christ are hid all the treasures of wisdom and knowledge’ (Col. 2:3). As great as He is, He has been made by God my wisdom, righteousness, sanctification, and redemption (1 Cor. 1:30). Therefore even if I have committed many great sins, nevertheless, if I believe in Him, they are all swallowed up by His righteousness. Secondly, Scripture presents Him as an example for us to imitate. But I will not let this Christ be present to me as exemplar except at a time of rejoicing, when I am out of reach of temptations...,” AE 27, p. 34.

<sup>39</sup> Ibid., p. 273 f.

Why do preachers in particular insist that the law must be brought back into the Christian life as a non-accusatory guide to the sanctified, renewed, regenerated, newly-born life of Christians? Because they are disgusted by their congregations. They are revolted by the cross and do not believe that Christ could—or would—end the law.<sup>40</sup>

Difficult words. But as it turns out, the real issue at hand for Paulson is not at all some sort of third use of the law. Nor a second. Or even a first use of the law. The issue is that in Christ there is no law. Or at least, not anymore. For with Christ the law was “historicized”<sup>41</sup> i.e. brought to an end.

[The law] is there, but completely, totally silenced. It has nothing else to say to you. For you it is dumb. It does not have an eternal aspect plus an historical aspect. Christ’s effect on the law is not the way the Greeks think of things: a little “model” of reality built here on earth while the only real thing exists eternally and theoretically in heaven—as if the law on earth is a mere icon of the eternal law in heaven. That is not the gospel. It is not what Paul is saying or what Lutherans are saying in their confessions.<sup>42</sup>

Taken at face value, using best construction, especially in view of Romans 10:4, “For Christ is the end of the law for righteousness to everyone who believes” we can heartedly declare: “Well said Steven Paulson!” But is that what Paul meant? That the end of the law in Christ has nothing to do with a temporal reality here on earth and an eternal reality in heaven? For according to Luther it does. For “the end of the law” that Paul is talking about takes place only within the conscience of the Christian—and nowhere else. Through faith in Christ, the Christian actually fulfills the law as faith itself is the end of law, for it grasps the righteousness of Christ—His fulfilling of the law for the Christian—and so the law can no longer condemn the Christian. And yet it is only, at the end of the day, a partial freedom from the law, not because of Christ, but because of the Christian:

We are free from the Law, our prison and our custodian; for after faith has been revealed, it no longer terrifies and troubles us. Paul is speaking here about the faith promulgated through Christ at a specific time. For having assumed human nature, Christ came once for all at one time, abrogated the Law with all its effects, and by His death delivered the entire human race from sin and eternal death. Therefore if you consider Christ and what He has accomplished, there is no Law anymore. Coming at a predetermined time, He truly abolished the entire Law. But now that the Law has been abolished, we are no longer held in custody under its tyranny; but we live securely and happily with Christ, who now reigns sweetly in us by His Spirit. But where the Lord is, there is freedom (2 Cor. 3:17). If we could perfectly take hold of Christ, who has abrogated the Law and reconciled us sinners to the Father by His

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<sup>40</sup> Ibid., p. 285.

<sup>41</sup> Ibid., p. 286.

<sup>42</sup> Ibid.

death, then that custodian would have no jurisdiction whatever over us. But the law in our members is at war with the law of our mind (Rom. 7:23), and it interferes so that we cannot take hold of Christ perfectly. Therefore the defect is not in Christ; it is in us, because we have not yet shed the flesh, to which sin clings as long as we live. So far as we are concerned, then, we are partly free of the Law and partly under the Law. With Paul we serve the Law of God with our mind, but with our flesh we serve the law of sin (Rom. 7:25). From this it follows that according to our conscience we are completely free of the law.<sup>43</sup>

So for Luther the end of the law occurs only in the conscience of the Christian. What is more, even if the law has come to an end in Christ, if the law ceases to be preached, Christ Himself is lost and its fulfilment never occurs. But if Christ does indeed fulfill the law, the law then is established eternally. So Luther in the fifth set of Antinomian theses:

61. For if the law is eliminated, one does not know what Christ is or did by fulfilling the law for us.

62. For if I want to understand the fullness of the law, that is, Christ, it is necessary to know what the law and its fullness are.

63. This cannot be taught unless it is taught that the law is not fulfilled in us and that we therefore are guilty of sin and death.

64. When this is taught, then we learn that we all are debtors of the law (cf. Gal. 5:3) and sons of wrath (cf. Eph. 2:3).

65. The impious are this simply in flesh and spirit or totally; the pious, however, insofar as they are and live in the flesh (cf. Gal. 2:20).

66. Therefore, the teaching of the law is necessary in the churches and is to be retained by all means; without the law Christ cannot be retained.

67. For, the law which he fulfilled being removed, what do you retain of Christ as long as you do not know that he fulfilled?

68. Generally speaking, the law is fulfilled in Christ in such a way that you cannot teach it in this way unless you also teach that the law is not fulfilled in us.

69. In sum, to eliminate the law and leave sin and death behind means to conceal the disease of sin and death to the destruction of men.

70. When death and sin are removed (as Christ did), then the law is profitably eliminated, indeed, *it is established* [emphasis added], Rom. 3 (:31).<sup>44</sup>

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<sup>43</sup> *Lectures on Galatians*, AE 26, p. 349.

<sup>44</sup> Sonntag, p. 136. F.



In other words, the end of the law in Christ, is the establishment of the law eternally, first in the heart of man through faith in Christ and then, on the Last Day, in his recreated being.

Obviously then, the God of Luther is not lawless, but law-“full”, not an outlaw working outside of the law, as Paulson suggests with the provocative title of his 3-volume systematic, but an “in-law” that is, establishing a familial relationship with mankind on the basis of the fulfilment of the eternal law (a.k.a. “love”) by His Son. So the third use of the law, its pedagogical use, is an aspect of the preaching of the law that must be retained along with its second, theological, use and its first, political use.

## **2. The Iceberg Itself: The Law is a Construct of Man**

There is no doubt that Steven Paulson is brilliant. Stunningly so. His 3-volume *Luther's Outlaw God* contains page after page of helpful insight, emphasizing throughout the primacy of preaching as the way by which man is freed from the law by believing the promise that he hears in that preaching. Credit should be given to Paulson for really delving deeply into the idea of “promise” as Luther develops it in his *Bondage of the Will* (1525) and *Genesis Lectures* (1536-46). For normally “promise” as in “the law and the promise” are taken to mean simply “the law and the gospel” as in the law, that is, the Ten Commandments, applied to the sinner theologically as a mirror exposing his sin, and the gospel, the proclamation that Christ has fulfilled that same law for the sinner and so the sinner can be declared righteous and live in peace. This is the so-called “proper distinction of law and gospel” developed by C.F.W. Walther (1811-1877) taught to Lutheran pastors in the United States now for generations<sup>45</sup> in their homiletics classes, that is, in their classes in which they learn what to say when they are preaching. Taking his cue from Luther in the *Bondage of the Will*, however, Paulson develops instead the idea that the “proper distinction” that really should be made theologically is not that of the law and the gospel, but the unpreached and the preached God. The unpreached God is the god that man comes up with in his mind and heart and soul when there is no one there to preach to him anything else. What man comes up with then Paulson identifies as the law. The law is therefore a construct of man. The law is man’s attempt intellectually, and so philosophically and theologically, to construct a way to understand who God is, and who man is, and how God is related to man, and so how God acts. So here is meant not just the moral law as that found in the Ten Commandments, but the ceremonial and civil laws of the children of Israel as well, and the ancient pagan attempts to describe the same in works like the *Analects* of Confucius (551- 479 B.C.) the *Republic* of Plato (d. 347 B.C.) and the *Nicomachian Ethics* of Aristotle (384-322 B.C.). As with philosophies, so even with theologies like those of Augustine of Hippo (354-430) and Thomas Aquinas (1225-1274). For anything which man considers to be “law”, i.e. some idea which he should accept and abide by, whether understood to be what man can deduce (i.e. the natural law), or even that which is Scripturally revealed—which Paulson also seems to take as deduced—is in fact all man’s own effort to somehow construct who man is, who God is, and how man and God are

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<sup>45</sup> Cf. *The Proper Distinction Between Law and Gospel* (St. Louis: Concordia Publishing House, 1929).

related. Theology itself then, the study of God, is also then a construct of man. It is a law-filled edifice used ultimately to cover up the demand that the Christian justify himself. In such a theological edifice, God is the “the source and goal of the law,” Christ the fulfiller of the law, and the Holy Spirit that which helps the Christian to fulfill the law. As a human invention then, whether legally, philosophically or theologically, the law oppresses man and confines who God is and how He acts to some sort of legal order, philosophy, or theological system. And it is just such law, as a creation of man, that demands that questions be answered such as why man does indeed suffer, or commit heinous evil acts like that of the Holocaust. So Paulson:

But Luther’s way of speaking about God is neither epistemological [i.e. providing knowledge of God] nor ontological [i.e. describing God’s essence] in this Protestant, scholastic sense. Luther’s speech about God is verbal [i.e. something which happens in time and space]. His point is that the true distinction between God hiding and revealed is not “infinite” and “finite,” but whether God is preached or not. The difference between preached and unpreached is not based in thought or feeling [i.e. speculation or emotion], nor is the distinction made by differentiating hypothetical modes of the law [i.e. the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> use of the *Formula of Concord*]. Luther’s distinction simply depends upon whether one gets a preacher or not.<sup>46</sup>

And here is where the frustration sets in. That Luther emphasized preaching is without doubt: He preached an average of 3 sermons a week throughout his career as a professor in Wittenberg, over 2000 of which have been cataloged.<sup>47</sup> But it would not take much effort in reading any of Luther, even any of those 2000 sermons, to realize that at times Luther does indeed speak both epistemologically about God and ontologically, about God who is infinite and man who is finite, about God who resides in the mind and God whose works evoke the emotions. The act of preaching is one thing. The content of that preaching another. Jeremiah 23:24 comes to mind: “I have heard what the prophets have said who prophesy lies in my name, saying, ‘I have dreamed, I have dreamed!’”

So what is Paulson getting at? It seems to be this: The law is any thought about God that arises from the experience of suffering and the occurrence of evil before the preaching of the promise of God is heard. Before that promise is heard, any thought about God can only confront man with his inadequacy as far as God is concerned. Attempts to explain suffering and evil with various epistemologies, ontologies, infinitudes, temporalities, thoughts and feelings are all misleading and false. After the promise is heard, however, and especially after baptism occurs, the law in such shapes and forms “serves no purpose” to explain any evil or suffering.<sup>48</sup> And what is that promise? God electing man through preaching:

Luther traded sacrifice for proclamation in which a great liturgical reversal occurs by which the viator (disciple, traveler) does not ascend into silence. Instead, God

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<sup>46</sup> *Luther’s Outlaw God*, Vol. 3, p. 129.

<sup>47</sup> Kurt Aland, *Hilfsbuch zum Lutherstudium* (Bielefeld: Luther-Verlag, 1996), pp. 205-262.

<sup>48</sup> *Ibid.*, p. 115.

descends from heaven verbosely. Consequently, worship ceases begging and waiting for the slim possibility of seeing God's glory (perhaps a peek at divinity), and becomes the auditory moment of the actual arrival of God to speak. Worship then ceases being a mere possibility that something new may happen, and becomes the actual moment in which sinners are eternally justified by hearing. There and then God shockingly brings the law to an end, and creates a new life from a promise clung to by faith. He elects through the preacher, by the preaching itself and alone. The faith that comes by hearing a sermon (Rom 10:17) already has all of God (Father, Son, and Holy Spirit)-though precisely not in naked majesty. Rather, faith has the whole God in the incarnate, preached word to sinners. There is no waiting for proof of the justice of this election of evil outside law; there is only waiting to see and feel what has been said by the preacher. The basic teachings of the church also aligned to this preaching so that God's hiding and being as Triune are put in service of this preaching rather than speculation."<sup>49</sup>

This is no doubt a wonderful description of the purpose and effect of preaching the gospel of Jesus Christ. Missing, of course, is that it describes not the whole man in Christ, but merely the new man. And also not noted is that the "basic teachings of the church" and descriptions of "God's hiding and being Triune" were the result of generations of epistemologies, ontologies, infinitudes, temporalities, thoughts and feelings. And yet the results of their use were obviously not simply the "law", but the "basic teachings of the truth" especially God being "triune", meaning ontologically that he is three person in one essence or substance which we know epistemologically via Holy Scripture itself that posits God as Father, Son and Holy Spirit, and infinite being, about whom the psalmists thought much and emoted equally as well: "When I look at your heavens, the work of your fingers, the moon and the stars, which you have set in place, what is man that you are mindful of him, and the son of man that you care for him?" (Ps. 8:3-4).

## **Conclusion**

So is it simply a matter of overstatement to make a point? To emphasize the working of God immediately through preaching even yet today? But what then does the life of the Christian actually look like? Does it have a definitive shape? What about those who continue even as Christians in "sexual immorality, impurity, sensuality, idolatry, sorcery, enmity, strife, jealousy, fits of anger, rivalries, dissensions, divisions, envy, drunkenness, orgies, and things like these" (Gal. 5:19-21). How does the proclamation of God's election to such people do anything? And should it? Or is the thought simply that such evil (which so often leads to suffering) is no longer a matter of the law? And yet the Apostle Paul there says that "those who do such things will not inherit the kingdom of God" (Gal. 5:21).

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<sup>49</sup> Ibid. p. 366.

