

# Nestingen, reviving inerrancy

## Contents

<b>Part 1: Lake Wobegon Lutheranism .....</b>	<b>2</b>
1. Here I stand, and here, and here .....	2
2. Standing on the sinking sand of inerrancy and eternal law .....	2
3. Nestingen’s faint praise for Forde .....	4
<b>Part 2: Know the psy-op when you see it .....</b>	<b>5</b>
<b>Part 3: If you call a tail a leg, how many legs does a dog have? .....</b>	<b>7</b>
1. Top-down vs bottom-up: A distinction without a difference .....	7
2. The problem of claiming law has a neutral essence .....	9
3. Twisting “apocalyptic” into a claim for eternal law .....	11
4. Nestingen was against eternal moral law before he was for it .....	13
5. Holier-than-thou pontifications .....	15
6. “Law” in “a wide sense” and “a narrow sense” is a word game .....	17
7. “Two levels of law” is a word game .....	18
<b>Part 4: Biblicism: Living in the idolatry of inerrancy .....</b>	<b>18</b>
1. A dated view of revelation .....	18
2. A dated view of clarity and canon .....	21
3. A dated view of “Scripture interprets itself” .....	23
4. A dated view of <i>The Bondage of the Will</i> .....	24
5. Nestingen’s “if-by-whiskey” stance on ordaining women .....	25
<b>Part 5: Handing over the goods and a spiritual to-do list .....</b>	<b>26</b>
<b>Part 6: Does Forde ever criticize Nestingen? .....</b>	<b>30</b>
1. Forde’s postscript can be read as a rebuke of Nestingen and Paulson .....	30
2. The modern crisis of honesty .....	30

## Part 1: Lake Wobegon Lutheranism

### 1. Here I stand, and here, and here

**James A. Nestingen** (1945-2022) was often called the “Garrison Keillor of theology.” A popular catechist and storyteller with a Norwegian brogue, Nestingen gained national prominence in 1991 when he was the featured Bible Study leader at the ELCA Churchwide Assembly.



James Nestingen

Fueled by that popularity, he ran unsuccessfully for Presiding Bishop of the ELCA in 2001. His candidacy was not without controversy.

During the 1990's he had opposed the unity agreement between the ELCA and the Episcopal Church because it required the ELCA to change its constitution, establishing a sacramental priesthood in conformity to the Episcopal Church.

In 1998 Nestingen wrote that if the agreement required a constitutional change, then “resistance would no longer be an option but a requirement.”<sup>1</sup> But after the agreement was adopted (1999), Nestingen dropped his opposition and pledged that if elected Presiding Bishop, he would be ordained into the Episcopal episcopate.<sup>2</sup>

Nestingen spent much of his career at Luther Seminary, St. Paul, MN, although he was ordained in 1971 and served as a pastor in Oregon for three years. He was first employed at Luther as an instructor in church history (1976-78), and then as assistant professor in 1980. In 1984 he earned a ThD from St. Michael's College (University of Toronto), then returned to Luther and was promoted to professor of church history in 1992. He retired at 61 as Professor Emeritus (2006).

While at Luther Seminary, he aligned with his senior colleague Gerhard Forde (1929-2005), an internationally recognized leader in the 20<sup>th</sup> century Luther Renaissance. In 1975 they had co-authored a confirmation book, *Free to Be*, although Nestingen, curriculum editor at Augsburg Publishing at the time (1974-76), was the principal author. Nestingen and Forde team taught a course on the Augsburg Confession and were often allies in various conflicts.

But in the 1990's, as the LGBTQ agenda gained steam, Forde and Nestingen responded differently. Both affirmed marriage as the union of a man and a woman but for different reasons. Forde did so on the basis of the first use of law, common reason; it is best for kids and society. In contrast, Nestingen claimed the issue was settled by inerrancy and eternal moral law.

### 2. Standing on the sinking sand of inerrancy and eternal law

When the North American Lutheran Church (NALC) was formed in 2010, Nestingen became a leading voice and represented the NALC in an official (ecumenical) dialogue with the Lutheran Church Missouri Synod (LCMS) and the Lutheran Church of Canada (LCC). That dialogue produced “A Guiding Statement of the Character and Proper Use of the Sacred Scriptures,” (2017) and a book of supporting essays, *The Necessary Distinction. A Continuing Conversation on Law and Gospel*.<sup>3</sup>

---

<sup>1</sup> James Arne Nestingen, “Authority and Resistance in the ELCA,” *Lutheran Forum* (1998) 33.

<sup>2</sup> *Forum Letter* (October 2001) 3.

<sup>3</sup> *The Necessary Distinction. A Continuing Conversation on Law & Gospel*. Eds. Albrt B. Collver III, James Arne Nestingen, and John T. Pless (St. Louis, MO: Concordia Publishing House, 2017). Available online.

Writing in the Preface, Nestingen states that the “Guiding Statement” was needed because “some misused the [law-gospel] distinction to promote an allegedly **more liberated sexual ethic**.”<sup>4</sup> The NALC/LCMS/LCC dialogue team would answer the ELCA’s LGBTQ agenda with an inerrant Bible, God’s law, and a third use of law:

“Part 2:4. [The Bible] An *inerrant book* – a book that is completely reliable . . . c. We may **not simply reduce scriptural reliability to ‘spiritual’ matters** . . . a limitation to ‘spiritual matters’ undermines biblical authority in matters of **morality and ethics**. Therefore, we affirm **scriptural reliability in every matter of doctrine and life**.”<sup>5</sup>

Nestingen had shifted from aligning with Forde to being LCMS-adjacent. Was he simply a self-serving shapeshifter?

It seemed not. Rather, with Forde gone, Nestingen seemed free at last to promote what he had always believed in: Using the Bible as “God’s answer,” God’s law, a means to be above the fray, to dominate. Who would challenge him? Even his supporters knew never to cross him directly.

At the same time, if Nestingen had long held quietly to inerrancy and eternal law, then he had long been less than honest with Forde, seminarians, and others.

Forde had tackled big questions and aimed to communicate his findings clearly. He took the Bible seriously, so seriously he could deal with its problems.

**Forde, 1987:** “This is the source of what we might call the inner and outer aspects of **Lutheranism’s crisis. The attempt to combine two incompatible views** means that internally it has always had to battle its fundamental scepticism, its uncertainty about the basis for its faith. So in its practice it has resorted mostly to a dogmatic absolutism largely dependent on a view of **scriptural inerrancy, which usually brought with it disguised moral absolutisms** of various sorts as well. A will which supposedly begins in a state of freedom ends in captivity. The message becomes a perverted mirror image of itself: ‘Yes, you are free, but you jolly well had better choose to believe in justification by faith alone or you will go to hell. The Bible says so! And then you had better show your thanks by your sanctification.’”<sup>6</sup>

**Forde, 1989:** “How did the churches react to the break in the history of the West called the Enlightenment and its social and political aftermath? In broad terms, the reaction was of two sorts: resistance or accommodation. For both Catholics and Protestants the resistance took the form of a **defensive hardening** of lines against the Enlightenment ‘erosion’ of the biblical and apostolic faith. At its apex, papal infallibility in the case of Rome and **biblical infallibility or inerrancy** in the case of Protestants. The threatened erosion of apostolic or scriptural truth by Enlightenment criticism could best and most safely be countered by outright refusal to consider the argument. The fact that both Catholic and Protestants reacted with something of the same tactic indicates that both operated with pretty much the same hermeneutical principles: the authoritativeness of the Holy Words rests almost exclusively in their ability to signify something on the order of ‘metaphysical’ truth: i.e., “true doctrines.” Whereas criticism erodes this ability or

<sup>4</sup> Nestingen, “Preface,” *The Necessary Distinction*, 10.

<sup>5</sup> “A Guiding Statement on the Character and Proper Use of the Sacred Scriptures.”

<sup>6</sup> Forde, “Radical Lutheranism,” *Lutheran Quarterly* 11 (1987) 12-13.

where the proper interpretation of the words is questioned, additional authoritative support is needed. Thus the resort to **infallibilist claims**, either ecclesiastical **or scriptural**.<sup>7</sup>

**Forde, 1992:** "*Sui ipsius interpres* [Scripture interprets itself] is simply the hermeneutical correlate of justification by faith alone. In this light, formal claims made for extra-scriptural authority structures and/or **formal declarations about biblical authority (inerrancy, infallibility, etc.)** are constructs which in one way or another are simply **a reflex of the needs of the subjective *sensus proprius***."<sup>8</sup>

**Forde, 1969:** "But for those who took historical criticism seriously and who could not simply dismiss the developing historical world view as something antithetical to Christianity, Hengstenberg's Biblicism could hardly be a viable alternative. To attack this Biblicism, though, mean to attack the entire system of which it was a part . . . **the orthodox-biblicistic system**."<sup>9</sup>

**Forde, 1984:** "The old being can be coddled in more ways than one. It may also have a penchant for legalism, for seeking **security in the law**, and using the Word of God as **a means to dominate**. In such cases the authority that people seem to hanker after usually means **just the authority to dominate**. Under the guise of putting oneself under the Word of God, **one puts oneself in the position of using it to control and dominate**. It calls to mind one of those passages in Luther's *Freedom of the Christian* where he speaks of pastors who like to use the Word of God as rods with which to beat people. That must go."<sup>10</sup>

### 3. Nestingen's faint praise for Forde

When speaking publicly, Nestingen effusively praised Forde. But when one reads Nestingen, it's a different story. What is striking is how he diminishes Forde. Four examples:

1. Nestingen, in "Forde's Theological Vocation: A Premature Retrospective" (1992), writes: "He [Forde] went to Harvard, writing a thesis that eventually became *The Law-Gospel Debate*."<sup>11</sup>

One sentence. Nothing more. Nothing on Forde's recovery of revelation as the cross and resurrection (rather than "the Book"), and thus Luther's functional understanding of law, the necessity of two kingdoms, and the right use of reason in God's left-hand kingdom. Nothing on the world-wide recognition Forde received for *The Law-Gospel Debate*.

2. Nestingen, in "Examining Sources: Influences on Gerhard Forde's Theology" (2005), describes *The Law-Gospel Debate*, as a study of "the historical background of the controversy generated

---

<sup>7</sup> Forde, "The Catholic Impasse," *Promoting Unity. Themes in Lutheran-Catholic Dialogue*. Eds. H. George Anderson & James R. Crumley, Jr. (Minneapolis: Augsburg, 1989) 71.

<sup>8</sup> Forde, "*Scriptura sacra sui ipsius interpres*: Reflections on the Question of Scripture and Tradition," *A More Radical Gospel. Gerhard O. Forde. Essays on Eschatology, Authority, Atonement, and Ecumenism*. Eds. Mark C. Mattes and Steven D. Paulson (Grand Rapids: Eerdmans, 2004) 72. The LQ version of Forde's text has been altered by the editors. What is quoted above is Forde's original.

<sup>9</sup> Forde, *The Law-Gospel Debate*, 11.

<sup>10</sup> Forde, "The Authority of Scripture," from a panel presentation at Luther Seminary, April 24, 1984. Transcribed by Bradley Jenson.

<sup>11</sup> Nestingen, "Forde's Theological Vocation: A Premature Retrospective," *dialog* 31:1 (1992) 31.

by Barth's critique of traditional Lutheran dialectics, in order to further elucidate discussion."<sup>12</sup> Ho hum, "to further elucidate discussion." Nothing much to see here, folks. Move along.

To the contrary, Forde drives to a specific goal: How to think theologically, as Luther did, in terms of two kingdoms. He summarizes his "conversation" with Barth: "Perhaps this gives deeper insight into the complexity of the debate over law and gospel. It leads to basic questions about **how one thinks theologically**—questions to which I shall return in **the last two chapters.**"<sup>13</sup>

Nestingen ignores Forde's last two chapters. He ignores Forde on thinking theologically in terms of two kingdoms, the pay-off of Forde's Luther research.

3. Nestingen ignores Forde on Luther in the *Antinomian Disputations*. In *The Law-Gospel Debate* Forde showed that throughout his life, even in the *Antinomian Disputations*, Luther held to a functional view of law and law as natural, human, and changing.

Counter to Forde, Nestingen claims that in the *Antinomian Disputations* Luther held to law as an eternal order, a view consistent with later Lutheran orthodoxy and the LCMS.

4. Nestingen, in "The Two Kingdoms Distinction: An Analysis with Suggestion" (1999), doesn't have a single footnote to Forde, despite the importance of the two kingdoms distinction in Forde's recovery of Luther on law.<sup>14</sup> Nor does Nestingen acknowledge, as Forde's research shows, that Luther had a different concept of law than later Lutheran orthodoxy.

Rather, Nestingen aligns with the conventional view that the two kingdoms distinction is mainly about the church and politics. Nestingen: "The question of resistance has been at the cutting edge of two kingdoms thinking for a generation raised with memories of the second world war."<sup>15</sup>

## Part 2: Know the psy-op when you see it

It's amazing how often the conveniently unrecorded words of one deceased, expressed to a self-aggrandizing person, reflect perfectly what that self-aggrandizing person wanted to claim all along.

In 2017, in his essay supporting the NALC/LCMS/LCC's "Guiding Statement on the Character and Proper Use of the Sacred Scriptures," Nestingen writes:

"Terminated by the Gospel, the Law can no longer accuse in the conscience. For faith it is dead and finished. But its significance continues, in fact, Luther will say for all eternity.<sup>13</sup> **As my longtime friend and colleague Gerhard Forde pointed out**, this is the key to understanding Luther's statements on **the eternal quality of the law.**" The Law is not eternal in the sense of Augustine's *lex aeterna* doctrine—then it would displace the Gospel. But it is eternal in the eschatological sense. Its significance points ahead of itself to **the shape of life God intends for**

---

<sup>12</sup> Nestingen, "Examining Sources: Influences on Gerhard Forde's Theology," *By Faith Alone. Essays on Justification in Honor of Gerhard O. Forde*. Eds. Joseph A. Burgess and Marc Kolden (Grand Rapids: Eerdmans, 2004) 16.

<sup>13</sup> Forde, *The Law-Gospel Debate*, 170.

<sup>14</sup> Nestingen, "The Two Kingdoms Distinction: An Analysis with Suggestion," *Word & World* XIX:3 (1999) 268-75.

<sup>15</sup> Nestingen, "The Two Kingdoms Distinction," *Word & World* XIX:3 (1999) 275.

**the creation and the new creation.** The significance of the Law is that **it points ahead to the shape of life** when God completes what He has begun in Christ Jesus."<sup>16</sup>

Five points:

First, Nestingen deceptively paraphrases Luther: "[The law's] significance continues, in fact, Luther will say for all eternity."<sup>17</sup>

That's a distorted echo of Luther's statement: "Only the decalogue is eternal, in its reality, however, **not as law**, but because in the future life those things which the law demands will be realized."<sup>18</sup>

For Luther, even in the *Antinomian Disputations*, not content, but function defines what law or the office of the law is: "But because that is really law, which discharges the function of the law . . ." <sup>19</sup>

For Luther law is a power of this world, along with sin and death, through which the Lord works to restrain evil and drive us to Christ. But Nestingen's deceptive paraphrase obscures the modern recovery of Luther's functional understanding of law (Haikola, Ebeling, Forde).

Second, Nestingen's phrase "the eternal quality of the law" is a euphemism for "eternal law." What Nestingen wanted to claim all along. But he doesn't quite say it. We have to infer it.

Third, Nestingen rejects an Augustinian *lex aeterna* but is silent about the return of *lex aeterna* in later Lutheran orthodoxy, the focus of Forde's Luther research.

Fourth, note the vague: "Forde pointed out." Where? Not in Forde's writings. Rather, Nestingen points to himself as the authority for this claim, as Forde's "longtime friend and colleague." This is intellectually dishonest, and cowardly, to boot.

Fifth, Nestingen's interpretation of Luther on law conflicts massively with Forde. Forde's detailed analysis of key statements in the *Antinomian Disputations* is in the box attached to Part 3.2 below. The big picture is presented in the box immediately below.

**Forde, 1972:** "Law belongs to earth, not to heaven. **It is natural, not supernatural.** It is a servant, not a master.

"That is why **Luther** did not speak of law as something static and unchangeable. Laws will and must change in their form as the times demand. **Luther**, for instance, refused to grant **eternal status** even to the laws of Moses. They are strictly 'natural,' he said, not unlike the common law of any nation. **Men on this earth simply don't have access to eternal laws.**"<sup>20</sup>

<sup>16</sup> Nestingen, *The Necessary Distinction*, 175.

<sup>17</sup> Nestingen's footnote (3:40-41, WA 39.1, 354) is incorrect. A typo? He may mean 4:40-41: "4:40. For Christ came to save what was lost (Matt. 18:11), and to restore everything, as Peter states (Acts 3:21). 4:41.

Therefore the law is not eliminated by Christ, but restored, so that Adam might become such as he was and even better."

<sup>18</sup> WA 39, 1:413. Forde's translation, *The Law-Gospel Debate*, 184.

<sup>19</sup> Fifth Disputation, 18<sup>th</sup> Argument. *Martin Luther's Complete Antinomian Theses and Disputations*. Edited and translated by Holger Sonntag. (Minneapolis: Lutheran Press, 2008) 315.

<sup>20</sup> Forde, *Where God Meets Man* (Minneapolis: Augsburg, 1972) 111.

**Forde, 1969: “Gerhard Ebeling concurs with Haikola:**

**‘For Luther, law is not a revealed statutory norm** to which man relates himself thus and so, but law is an existential category in which the entire theological interpretation of man’s actual existence is comprehended. Law is not therefore an idea or a collection of propositions **but the reality of fallen humanity.’**

“. . . This means that law for Luther, **cannot be identified with any set of propositions or prescriptions, be it the decalogue or any other code.** Law is *anything* which frightens and accuses ‘the conscience.’ The bolt of lightning, the rustling of a dry leaf on a dark night, the decalogue, the ‘natural’ law’ of the philosopher, or even (or perhaps most particularly) the preaching of the cross itself—all of these can and do become the voice of the law.”<sup>21</sup>

**Forde, 1997:** “For the fact is that the catholic theology of the West going all the way back to the gnostic crisis was built on **the ontological *lex aeterna* base** rather than on **an eschatological two-age base. This is a problem we all share.** The Reformation – with its jarring dialectics consequent upon justification by faith alone: *simul iustus et peccator*, distinction between law and gospel, two kingdoms, hidden and revealed God, and on and on—is the first dawning of the eschatological sunrise. But as history amply demonstrates, it is always in danger of being obscured by **ontological clouds.**”<sup>22</sup>

### **Part 3: If you call a tail a leg, how many legs does a dog have?**

You’re not fooled. Rebranding something doesn’t change what it is. This is the problem with Nestingen on “law.” He rejects (or doesn’t understand) Forde’s recovery of Luther on law and simply rebrands “law as an eternal order” using euphemisms, code words, and word games.

#### **1. Top-down vs bottom-up: A distinction without a difference**

Nestingén claims that although Luther was against a top-down eternal law (*lex aeterna*), he was for a bottom-up eternal law as a particular heavenly code which “shows the shape of life God intends for the creation and the new creation.” But this is a distinction without a difference. Nestingen:

**2017.** “Second, Luther was a thoroughgoing nominalist. . . . This made Luther skeptical about arguments such as Augustine’s hierarchy of being and its emplacement of universal law. Instead of moving **top down**, from an eternal order to individual instances, Luther was trained to think more from the **bottom**, in terms of what was right in front of him.”<sup>23</sup>

**2017.** “Terminated by the Gospel, the Law can no longer accuse in the conscience. For faith it is dead and finished. But its significance continues, in fact, Luther will say for all eternity.<sup>13</sup> **As my longtime friend and colleague Gerhard Forde pointed out**, this is the key to understanding Luther’s statements on **the eternal quality of the law.** The Law is not eternal in the sense of Augustine’s *lex aeterna* doctrine—then it would displace the Gospel. But it is eternal in the eschatological sense. Its significance points ahead of itself to **the shape of life God intends for**

<sup>21</sup> Forde, *The Law-Gospel Debate*, 177.

<sup>22</sup> Forde, “What finally to do about the (Counter-) Reformation Condemnations?” *LQ* 11 (1997) 14.

<sup>23</sup> Nestingen, *The Necessary Distinction*, 171.

**the creation and the new creation.** The significance of the Law is that **it points ahead to the shape of life** when God completes what He has begun in Christ Jesus."<sup>24</sup>

**2005.** "Instead of being set out **top down** in terms of eternal structures . . . the law is described **bottom up**, in terms of its impact, its effect on the sinner."<sup>25</sup>

**1990.** "In interpreting the commandments, Luther attempts to read life from the **bottom up**, to get to the **nonnegotiable requirements** of the human condition. That the Ten Commandments were given to Moses, that they are in the Bible, that they are understood in the Old Testament as torah—all of this is incidental to their explication of the **ineradicable minimum** of creatureliness. Luther is not interested in ideal social orders or moral systems, or whether the law is found in nature or conscience. He wants to get down to the barest bones, to **life-constitutive requirements**."<sup>26</sup>

Nestingen seldom quotes Forde directly. Instead, he recasts Forde in his own words and in that process, subverts him. For example, the terms "top down" and "bottom up" are Nestingen's own, not Forde's or Luther's. By using these terms, Nestingen implies that the problem is merely the direction from which "God's eternal law" allegedly comes. But a "bottom-up" law with an "eternal quality" is still law as *lex aeterna*, as in later Lutheran orthodoxy and pietism.

**Forde, 1969:** "Luther's view, Haikola says, is quite different from **the *lex aeterna* doctrine of later Lutheran orthodoxy**, even though Luther does on occasion use the term . . . The will of God is not made known to man in once-for-all fashion, least of all can man capture this will in the form of eternal principles. Rather man must learn to know God's will anew in each new situation. **God's command** and **God's continuing creation belong together**. Law remains, in view of its potentially changing appearance, in a certain sense **hidden**. Its content will depend upon the concrete situation in creation at a given time; man cannot have it in the form of eternal principles in advance of any concrete situation."<sup>27</sup>

**Forde, 1969:** "This eschatological understanding of law necessitates a fundamental reorientation at a number of crucial points. First, of course, it means that **the orthodox concept of law is displaced. Law cannot be understood as a *lex aeterna* in the sense that the orthodox held—an eternal standard which governs the system.**"<sup>28</sup>

**Forde, 1984:** "Throughout this *locus* law' is to be taken in a **functional rather than a material sense**. The law' in this sense is demand, that voice which 'accuses,' as the reformers put it, arising from anywhere and everywhere, insisting that we do our duty and fulfill our being. **Anything which does that exercises the function or 'office' of the law**. Law is not a specifiable set of propositions but is one way communication functions when we are alienated, estranged, and bound."<sup>29</sup>

<sup>24</sup> Nestingen, *The Necessary Distinction*, 175.

<sup>25</sup> Nestingen, "Examining Sources," *By Faith Alone*, 17.

<sup>26</sup> Nestingen, "Preaching the Catechism," *Word & World* 10/1 (1990) 36.

<sup>27</sup> Forde, *The Law-Gospel Debate*, 176-77.

<sup>28</sup> Forde, *The Law-Gospel Debate*, 195.

<sup>29</sup> Forde, *Christian Dogmatics*. Eds. Carl E. Braaten and Robert W. Jenson (Philadelphia: Fortress Press, 1984) 2:400.

**Forde, 1997:** “For the fact is that the catholic theology of the West going all the way back to the gnostic crisis was built on **the ontological *lex aeterna* base** rather than on **an eschatological two-age base. This is a problem we all share.** The Reformation – with its jarring dialectics consequent upon justification by faith alone: *simul iustus et peccator*, distinction between law and gospel, two kingdoms, hidden and revealed God, and on and on—is the first dawning of the eschatological sunrise. But as history amply demonstrates, it is always in danger of being obscured by **ontological clouds.**”<sup>30</sup>

## 2. The problem of claiming law has a neutral essence

In 2005, the year Forde died, Nestingen, in article published in the *Concordia Theological Monthly*, writes that the law “cannot be reduced to the function.” That’s an implicit attack on Forde without naming him. Nestingen uses a section from the *Antinomian Disputations* (2:45-47) as a proof text for his claim that Luther held to law as an eternal order:

“. . . [T]here is an important difference in Luther’s argument in the Antinomian Disputations. While he still says, as earlier in the Reformation, that the law terminates in the conscience of the believer when it no longer accuses, **now he also asserts that the law remains for all eternity.**

‘For the law as it was before Christ did indeed accuse us; but under Christ it is placated through the forgiveness of sin and thereafter it is to be fulfilled in the Spirit. Accordingly after Christ, in the future [the law] will remain, having been fulfilled, and then the new creature himself will be what [the law] in the meantime demanded. Therefore the law will never in all eternity be abolished, but will remain either to be fulfilled by the damned, or already fulfilled in the blessed.’

“Thus, even though **in this age the law is defined by its essential functions or offices, it cannot be reduced to the function.** It points beyond itself, **signifying** what is to come eschatologically when Christ has put all of his enemies under his feet.”<sup>31</sup>

Nestingén avoids contrary evidence and simply announces his conclusion. Five points:

First, Nestingen ignores Forde’s analysis of this passage (*The Law-Gospel Debate*, 181 ff.), which differs massively from Nestingen’s interpretation (see the box below).

Second, Nestingen omits that for Luther not content but function defines law, even in the *Antinomian Disputations*. Luther: “But because that is really law, which discharges the function of the law . . . .”<sup>32</sup>

Third, Nestingen omits contemporaneous statements of Luther on law. For example, in his *Theses Concerning Faith and Law* (1535), Luther writes: “Indeed, we would make new decalogues, as Paul does in all the epistles, and Peter, but above all Christ in the gospel.”<sup>33</sup>

<sup>30</sup> Forde, “What finally to do about the (Counter-) Reformation Condemnations?” *LQ* 11 (1997) 14.

<sup>31</sup> Nestingen, “Changing Definitions: The Law in Formula VI,” *Concordia Theological Monthly* 69:3-4 (2005) 262.

<sup>32</sup> *Martin Luther’s Complete Antinomian Theses and Disputations*. Edited and translated by Holger Sonntag. (Minneapolis: Lutheran Press, 2008) 315.

<sup>33</sup> *Luther’s Works* 34:112.

Fourth, Nestingen omits a discussion of the total Luther and the continuity between the younger and the older Luther. He omits key texts, including but not limited to, *How Christians should regard Moses* (1525): "This text makes it clear that even the Ten Commandments do not pertain to us." And: "The Gentiles are not obligated to obey Moses. Moses is the *Sachsenspiegel* for the Jews."<sup>34</sup> And *The Bondage of the Will* (1525): "God and the scriptures are two different things, as different as Creator and creature." And "Take Christ out of the scriptures and what do you have left in them?"<sup>35</sup>

Fifth, Nestingen is writing in *Concordia Theological Monthly*. No doubt many LCMSers were pleased to see his dissent from Forde.

**Forde, 1969:** "Luther states in his theses [2:45-47] ... that **the law remains to all eternity because it discloses sin** and must be fulfilled . . . What does he [Luther] mean when he says on the one hand that the law will never in all eternity be abolished and on the other hand that where sin ceases, there law ceases? The reason is the close connection between law, sin, and death."<sup>36</sup>

**Forde, 1969:** "Luther's defense of the eternality of the law is thus quite different from Harnack's 'essence-office' distinction. The law is eternal because man as sinner cannot escape it. One might say indeed that for man as sinner, **the 'essence' of the law is the 'office'** precisely because, as sinner, man cannot distinguish between them. As long as sin remains the law will *always* accuse; **it will never be a neutral 'essence.'** Only when it is fulfilled does it cease.

"But does not the fact that law must be fulfilled before it ceases mean that it is 'in essence' still in effect and therefore remains in effect throughout eternity? Must not Luther finally make the same distinction that Harnack makes? Luther is finally driven to make a distinction of sorts, but it is important to note the manner in which he conceives of this distinction. One must distinguish, Luther says, between an 'empty or quiescent . . . law and a law which accuses us or a decree inscribed in our minds. The distinction Luther makes here is **not between the essence and the office of the law**, but between an empty or quiescent law and an accusing law written in man's heart or mind. Only the angels and saints in heaven, he says, know the law as empty (*vacua*), because in them it is fulfilled. **Eschatologically, therefore, the law ceases** because it is empty (*vacua*)—no longer active.

"In another instance Luther argued that the law in the sense of the decalogue can be said to be eternal, **but only because the reality, the *res*, which is its fulfillment, is eternal.** In this case the Antinomians had held that the law, like circumcision, is abolished at a point in time. Luther replied that circumcision, like baptism, is temporal, **'but only the decalogue is eternal, in its reality, however, not as law, because in the future life those things which the law demands will be realized.'** The decalogue remains eternally in the sense that the reality demanded remains, but *not as law*. Here the distinction is between reality (*res*) and law, but **not between the essence of law and the office of law. The term 'law' applies only to the "office," and not to the *res*.**

---

<sup>34</sup> LW 35:165, 167.

<sup>35</sup> LW 33:25, 26.

<sup>36</sup> Forde, *The Law-Gospel Debate*, 181-82.

"The point seems to be that **Luther did not want to grant eternal status to the law as law.** Instead, he defined law in its existential sense as that which accuses. . . . **The law ends** (the accusation becomes powerless) **when the new situation, the *res* to which the law points eschatologically, breaks in.** When the law no longer accuses, it is emptied of its power and becomes what Luther called a *lex vacua*. The fulfillment of the law is the end of the law, and **an entirely new situation obtains:** man lives under the gospel. By faith man participates in the new situation under the gospel even though he still lives in this age and hears the voice of the law."<sup>37</sup>

**Forde, 1969:** "But is not this really the same as the distinction between essence and office or, at the most, only a quibbling about words? **The difference, no doubt, is a subtle one, but still it is exceedingly important, for it reflects one's whole theological approach and thus affects one's entire system.**

"The theological systems which result from these **two ways of defining law** are also quite different. In the first instance, law 'in its essence' remains the basic structure of the system. . . . In the second instance there is a decisive break. The law comes to its *end* in the eschatological event, the *res* which the law demands breaks in and brings the law to an end. This means that in place of a one-membered eternal scheme, a two-membered dialectical scheme governs the system. Only by participation in the eschatological event does the law come to its end for the believer. **This gives the terminology of the system a basically different thrust, even though that terminology may in many instances be the same.**"<sup>38</sup>

**Forde, 1969:** "Atonement through Christ means the casting off of the religiosity of the judicial order, the setting aside of the power and tyranny of the law. In Luther's view, Aulén admits, the law indeed must be fulfilled, but **it is fulfilled in order to be removed and cancelled,** not because it is the eternal standard of justice according to which God *himself* must be satisfied."<sup>39</sup>

**Forde, 1969:** "Thus Lutheranism has attempted to foster a theology which preserves the eschatological dialectic of the two ages. **This, in sum, is what the distinction between law and gospel is really about.** It means that for the Lutheran one cannot theologize in terms of a one-membered, eternal, ontological scheme, one must instead learn to think in terms of two ages and the fact that **the Christ event itself can be the only point of transition between these two ages.**"<sup>40</sup>

### 3. Twisting "apocalyptic" into a claim for eternal law

In a 1995 article, "The End of the End: The Role of Apocalyptic in the Lutheran Reform," Nestingen juxtaposes Luther's "apocalyptic interpretation" of law with Melanchthon's "substantialist ontology taken over from Aristotle."<sup>41</sup>

<sup>37</sup> Forde, *The Law-Gospel Debate*, 183-84.

<sup>38</sup> Forde, *The Law-Gospel Debate*, 184-85.

<sup>39</sup> Forde, *The Law-Gospel Debate*, 186.

<sup>40</sup> Forde, *The Law-Gospel Debate*, 213-14.

<sup>41</sup> Nestingen, "The End of the End: The Role of Apocalyptic in the Lutheran Reform," *Word & World* 15 (1995) 196.

But what does “apocalyptic” mean? Nestingen is vague. He doesn’t sort out different concepts of law, as Forde does. He avoids the term “eternal law” and substitutes code words and phrases that carry the same freight but disguise what is being claimed.

Consequently, Nestingen interprets Romans 10:4 to mean that the law ends “in the conscience of the contemporary believer,”<sup>42</sup> but only inwardly. The Christian is not free outwardly in life and works. The Christian lives under divine law as a particular heavenly code.

**Haikola, 1955:** “For the orthodox, freedom was limited to ‘inner things.’ In contrast, the ‘Antinomians,’ like Luther, held the view that *freedom also applied in outer things*, in the realm of works and love.”<sup>43</sup>

**Ebeling, 1963:** “The basic relation of faith and works is not the communication of power for works, but the communication of freedom for them—that is, freedom to do the works in their limitedness as works and therefore also in the limitedness of the powers that are at our disposal for them. Just as faith too does not, though it is easy to misunderstand it so, primarily receive the revelation of what is to be done; but faith gives the freedom to perceive the right, because faith assigns works to their due place.”<sup>44</sup>

**Forde, 1970:** “For faith in the end of the law leads to the view that its purpose is to take care of this world, not to prepare for the next. That means that **we do not possess absolute, unchangeable laws**. If the law no longer takes care of this world, **it can and must be changed**. As even Luther put it, we must write our own decalogue to fit the times.”

“It is too much (or perhaps too little?) to say, I think, that **respect for law** must be the political religion of the nation. That seems to imply that law is an absolute before which we must all unquestionably bow. It would be better to say that **care for the proper use of the law must be our constant and never-ending concern in this world**. For we are not called merely to be law-abiding, but to take care of this world, and **law must be tailored to assist in that task**.”<sup>45</sup>

**Forde, 1970:** “[The two kingdoms doctrine’s] great contribution to the problem of social ethics is exactly to **strip men of their mythologies**. For the very fact that it insists that whatever other Kingdom there is, **the eschatological one** comes solely and absolutely by God’s power alone means that the only real task for men is to repent, to turn around and take care of this world as best they know how – without myth, but with **reason, love and justice; to be pragmatic**: to solve problems concretely.

<sup>42</sup> Nestingen, “The Role of Apocalyptic in the Lutheran Reform,” *Word & World* XV:2 (1995) 196, 201.

<sup>43</sup> Haikola, *Usus Legis, The Use of the Law*. Trans. Kenneth Howes. Eds. John H. G. Rasmussen and Timothy J. Swenson. (El Paso, TX: Crux Christi Publications, 2024) 94.

<sup>44</sup> Gerhard Ebeling, “The Necessity of the Doctrine of the Two Kingdoms,” *Word & Faith*. Trans. James W. Leitch (London: SCM Press, 1963) 404.

<sup>45</sup> Forde, “*Lex semper accusat?* Nineteenth Century Roots of Our Current Dilemma,” *dialog* 9 (1970) 274; *A More Radical Gospel*. Gerhard O. Forde. *Essays on Eschatology, Authority, Atonement, and Ecumenism*. Eds. Mark C. Mattes and Steven D. Paulson (Grand Rapids: Eerdmans, 2004) 49; *The Essential Forde*. Gerhard O. Forde. *Distinguishing Law and Gospel*. Eds. Nicholas Hopman, Mark C. Mattes, and Steven D. Paulson (Minneapolis: Fortress Press, 2019), 193.

"The **eschatological vision** makes it clear that **the secular is our sacred task**. It tears the mask from our pretensions and **bids us become human beings**. That, I think, is the real significance of Luther's resistance to the Peasant's Revolt, whatever we may think of his final action. He saw quite clearly that if one is to apply this principle, then there could be **absolutely no exceptions**. Not even those who undertake revolutions for the sake of **so-called 'Christian principles'** can be excepted. Nobody, Prince, Peasant, **Preacher**, President or what have you, carries out a revolution or a political program in the name of Christ. That is so first of all because Luther categorically refused to allow Christ to become a club with which to beat anyone (a 'New Law' as he called it), and secondly because revolutions and political programs can be carried through only in the name of humanity without appeal to either myth **or religion**. Luther means that quite radically. **You don't need Christ, or even the Bible, necessarily, to tell you what to do in social matters. You have a reason, use it!**"<sup>46</sup>

#### 4. Nestingen was against eternal moral law before he was for it

In his 1995 article on "apocalyptic," Nestingen writes that the moral law, like the ceremonial law, ends in Christ:

"**Luther** is convinced, over and against the medieval tradition, that the whole law has come to a terminus in Christ. **He explicitly rejects the tradition which excepted the moral law**, confining termination to the ceremonial and judicial law of Israel. The theologians who made this distinction, Luther argues, 'do not know what they are saying. . . . For when Paul says that through Christ we have been set free from the curse of the Law (Gal. 3:13), he is certainly speaking about the entire Law, and especially about the Moral Law. It alone actually accuses, curses, and condemns consciences."<sup>47</sup>

But Nestingen immediately follows this with the claim that late in life, in the *Antinomian Disputations*, Luther affirms that the law also has a "significative function." This term functions as a euphemism or code for eternal law and a third use of law:

- **1995:** "But the law, in contrast does **signify**. It points beyond itself to what **it requires** but can never, in and of itself, either create or give. The law **signifies** the restoration of the defining relationships . . ." <sup>48</sup>

Nestingen insistence that "the law **signifies**" God's eternal plan shows that he presupposes a view of law as God's eternal order, and that he rejects (or doesn't understand) that for Luther than law as a power of this world through which the Lord works to restrain evil and drive us to Christ.

After Forde died, Nestingen openly affirmed law as a particular heavenly code and a third use of law:

- **2008:** "**But when definitive issues, matters of law and gospel set out by Scripture** and the Lutheran Confessions, are turned over to assemblies, the stakes change. . . . But in

<sup>46</sup> Forde, "The Revolt and the Wedding: An Essay on Social Ethics in the Perspective of Luther's Theology," *The Reformation and the Revolution* (Sioux Falls, South Dakota: Augustana College Press, 1970) 85-86.

<sup>47</sup> Nestingen, "The End of the End: The Role of Apocalyptic in the Lutheran Reform," *Word & World* 15 (1995) 199.

<sup>48</sup> Nestingen, "The End of the End," *Word & World* 15 (1995) 200-201.

matters addressed **by God's law**, as reasonable as his law may be, the reasoning of sinners is not necessarily determinative."<sup>49</sup>

- **2010:** "By rejecting the historic, ecumenical consensus concerning homosexual practice, the churchwide assembly has placed the church in direct opposition to **God's biblical word**."<sup>50</sup>
- **2017:** Part 2:4. "[The Bible] An *inerrant book* – a book that is completely reliable . . . c. We may **not simply reduce scriptural reliability to 'spiritual' matters** . . . a limitation to 'spiritual matters' undermines **biblical authority** in matters of **morality and ethics**. Therefore, we affirm **scriptural reliability in every matter of doctrine and life**."<sup>51</sup>

**Forde, 1969:** "Here the distinction is between reality (*res*) and law, but not between the essence of law and the office of law. **The term 'law' applies only to the "office," and not to the *res***. The point seems to be that Luther did not want to grant eternal status to the law as law. Instead, **he defined law in its existential sense as that which accuses**. . . ."<sup>52</sup>

**Forde, 1969:** "Atonement through Christ means the casting off of the religiosity of the judicial order, the setting aside of the power and tyranny of the law. In Luther's view, Aulén admits, the law indeed must be fulfilled, but **it is fulfilled in order to be removed and cancelled**, not because it is the eternal standard of justice according to which God *himself* must be satisfied."<sup>53</sup>

**Forde, 1993:** "We do not, any longer (if we ever did!), need lectures about Luther's views on conscience from exegetes who have never studied him carefully. All of that is as irrelevant as speculations about Paul's conscience. What is theologically important in discussion about law is the basic structure of the *doctrine* of law and its uses. **Above all, it is crucial to see that Luther repeatedly and explicitly rejects the making of a distinction between ceremonial (ritual) law and the 'entire law.'** Both the early (1519) and the late (1533-35) Galatians Lectures show it was a constant theme throughout his life. Wherever he gets a chance he pounds away on the issue. In the argument against Erasmus he says that this error has made it impossible to understand Paul and has obscured the knowledge of Christ. Indeed, 'even if there had never been any other error in the Church, this one alone was pestilent and potent enough to make havoc of the gospel.' Where there is 'leakage' of any sort, wherever law is thought to survive the end and carry over into the new age **(as an eternal natural or moral law or a 'third use,' for instance)** the gospel is inevitably obscured if not lost altogether."<sup>54</sup>

**Forde, 1993:** "Theologically, both before and after the Reformation, the most common move toward **domesticating freedom** has been the attempt to qualify the Pauline claim that Christ is the end of the law to those of faith. 'Reason,' as Luther would put it, simply cannot entertain such an idea, the conviction that in Christ the law comes to an end, that law is over and freedom begins. As we have seen, freedom as usually conceived needs law as the mediator of possibility.

<sup>49</sup> Nestingen, "Seeking a Biblical and Confessional Future," Banff Commission (Delhi, NY: American Lutheran Publicity Bureau, 2008) 78-9.

<sup>50</sup> Nestingen, "The Necessity of Resistance in 2009," *Network News* 11:1 (2010) 4.

<sup>51</sup> NALC/LCMS/LCC's "Guiding Statement on the Character and Proper Use of the Sacred Scriptures."

<sup>52</sup> Forde, *The Law-Gospel Debate*, 184.

<sup>53</sup> Forde, *The Law-Gospel Debate*, 186.

<sup>54</sup> Forde, "Luther and the *Usus Pauli*," *dialog* 32 (1993) 275-82, here 278.

What shall we do if there is no law to tell us what to do? But is Paul then wrong in his claim? **Theologians as usual, however, have found a way to have their cake and eat it, too.** They made a distinction in the content of the law – something Paul never did – between ceremonial or ritual laws on the one hand and moral law on the other. **Then they proceeded to say that Christ was the end of ceremonial law but not the moral law.** Christ ended the necessity, that is, for sacrifice, circumcision, food and ritual regulations, etc., but not the demands of moral law (e.g., the Decalogue). Christ died, it seems, to save us from the liturgiologists! One might grant, of course, that this is no small accomplishment, but the price does seem a bit high!

“Luther categorically rejected all attempts to qualify the claim that Christ is the end of the law, the whole law. Freedom is not a defensive doctrine. It is ‘offensive.’ It is about the new creature, the new creation. Both the early and late Luther attacked the idea that Christ is the **end of the ritual law but not the whole law.** In both the early (1519) and later (1531-36) Galatians lectures he pounded away on this issue whenever he got a chance.<sup>13</sup> ...The presupposition for **true freedom,** for Luther, is that **Christ is the end of the law in its entirety.**”<sup>55</sup>

## 5. Holier-than-thou pontifications

In his 1995 article on apocalyptic, Nestingen claims that Luther “insists” that “they [relationships] are eternal; they can never end.” Nestingen is reading his own view that “relationships are eternal” into Luther. This can be seen as a kind of moralizing against divorce.

“The law signifies the restoration of the defining relationship of life: the first commandment, with the second and the third, in relation to God; the remaining commandments, in relation to the neighbor and the earth. These are the relationships of redemption, the hope of faith. Consequently, **Luther insists, they are eternal: they can never end.** ‘The decalogue is eternal, in its reality, however, not as law, because in the future those things which the law demand will be realized.’”<sup>56</sup>

Three points:

First, when Luther writes: “The decalogue is eternal” he is not claiming that law is an eternal order and that relationships are eternal, as Forde shows below.

Second, Nestingen’s claim that “[relationships] are eternal; they can never end” is bad news for persons in bad marriages, in abusive families, and all those harmed and those killed by a family member.

---

<sup>55</sup> Forde, “Called to Freedom,” Presidential Address to the International Congress for Luther Research, 1993, *The Preached God. Gerhard O. Forde. Proclamation in Word and Sacrament.* Eds. Mark C. Mattes and Steven D. Paulson (Grand Rapids: Eerdmans, 2007) 259-60. Internal footnote 13: For the 1519 Commentary see *LW* 27:188, 223, 230, 248, 256-57, 264-65, 287, 358; For the 1521-36 Commentary, see *LW* 26:122, 130, 156-57, 180, 181, 202, 203, 330, 333, 446-47; *LW* 27:139, 161.

<sup>56</sup> Nestingen, “The End of the End: The Role of Apocalyptic in the Lutheran Reform,” *Word & World* 15 (1995) 200-201.

Third, Nestingen's claim that relationships are eternal is speculation shaped by personal bias, an attempt to do an end-run around the cross in order to claim "knowledge" of heaven. Pious *hybris*.

What about the woman who married seven times (Matt 22:22-33, Mk 12:13-17, Luke 20:27-40)? If "relationships are eternal," whose wife will she be in heaven?

Rather, as Forde writes, Christ is the only point of transition between this world and the next. In him we are a new creation, a creation beyond our expectations:

- "No eye has seen, nor ear heard, nor has entered into the heart of anyone, what God has prepared for those who love him" (I Corinthians 2:9-10).
- "An eternal weight of glory beyond all comprehension" (2 Cor 4:17).
- "Good measure, pressed down, shaken together, running over, will be put into your lap" (Luke 6:38).

**Forde, 1969:** "Does faith bring some new or special knowledge of the law? It is always tempting, apparently, for theology to assert this, but it is difficult to see how this can be anything more than a kind of theological *hybris*. For faith means precisely *faith* and not some sort of supernatural *sight*."<sup>57</sup>

**Forde, 1969:** "Atonement through Christ means the casting off of the religiosity of the judicial order, the setting aside of the power and tyranny of the law. In Luther's view, Aulén admits, the law indeed must be fulfilled, but **it is fulfilled in order to be removed and cancelled**, not because it is the eternal standard of justice according to which God *himself* must be satisfied."<sup>58</sup>

**Forde, 1969:** "Thus Lutheranism has attempted to foster a theology which preserves the eschatological dialectic of the two ages. This, in sum, is what the distinction between law and gospel is really about. It means that for the Lutheran one cannot theologize in terms of a one-membered, eternal, ontological scheme, one must instead learn to think in terms of two ages and the fact that **the Christ event itself can be the only point of transition between these two ages**."<sup>59</sup>

**Forde, 1969:** Man's thinking and acting in this life remain an acting and a thinking in this age, under **the eschatological limit**. The fact that it is also total grace means that man can be content to allow his acting and **thinking to remain as it is, totally in this age; he can trust in Christ entirely for the gift of the new age**."<sup>60</sup>

**Forde, 1969:** "The history of the idea of the '**third use of the law**' offers little encouragement for its use in a truly evangelical ethic. **It has its roots ultimately in the orthodox concept of the *lex aeterna*** and has hardly served any other purpose than to impose a new kind of legalism."<sup>61</sup>

<sup>57</sup> Forde, *The Law-Gospel Debate*, 227-28.

<sup>58</sup> Forde, *The Law-Gospel Debate*, 186.

<sup>59</sup> Forde, *The Law-Gospel Debate*, 213-14.

<sup>60</sup> Forde, *The Law-Gospel Debate*, 224.

<sup>61</sup> Forde, *The Law-Gospel Debate*, 226.

## 6. "Law" in "a wide sense" and "a narrow sense" is a word game

In 1999 Nestingen makes an untenable distinction in the law:

"As short as it is, the word 'law' is as complex and fraught with overtones as another three-letter beauty, sex. **Basically, Luther uses 'law' in a wide sense and a narrow one**, the first to speak of a force in human experience that sets limits or confronts the self, the second to speak of various codes, such as the ten commandments."<sup>62</sup>

Nestingens claim that law is "a force in human experience that sets limits or confronts the self," is a vague echo of modern Luther research (Haikola, Ebeling, Forde, and others). But what does Nestingen mean by "limits" and "confronts the self"? He doesn't say.

Next, he claims a "narrow sense of the law" in "various codes, such as the ten commandments." Are the Ten Commandments unchangeable revelation? If the Ten Commandments (Exodus 20:1-17, Deuteronomy 5:6-21) are divine law, what about the twelve commandments in Deuteronomy 27:9-26? Are they also divine law?

What about the Third Commandment? Over the course of three hundred years, the church moved the primary day of worship from the Sabbath to Sunday. How could they do that if the Ten Commandments are divine, unchangeable law?

What about other ancient law codes similar to the Ten Commandments? The Code of Hammurabi, the Code of Lipit-Ishtar, and the like. Do they, too, have "an eternal quality" which shows "the shape of life that God intends for the creation and the new creation"? Nestingen has nothing to say.

**Forde, 1969:** "[T]he Christian [does not have] some special epistemological advantages over the non-Christian when it comes to 'knowledge' of the law. It is precisely faith, however, which tells the believer that this is not so. **Faith tells him that law is something he has in common with the rest of mankind.** To be sure, **the Christian also has the laws of the Bible, but even these as laws are available to the non-Christian, to say nothing of non-Christian parallels of biblical law.**

"What the Christian is given is a faith that clarifies for him the nature of his existence under the law in this age. Faith tells him that the 'naturalness' of the law means that **he does not have access to the will of God in the form of some eternal law of being**, but rather that in common with the rest of mankind **he must use his reason** in the context of his situation to work out the **best practical solutions to his problems.**"<sup>63</sup>

**Forde, 1984:** "The rejection of monastic vows, and with them the quest for one's own holiness, meant for Luther **a new understanding of and love for God's commandments.** What God commands takes us into the natural, created world. Here the proper place of 'natural law' is to be found. By **natural law** most seem to mean '**supernatural**' law, a law built into the universe

<sup>62</sup> Nestingen, "The Two Kingdoms Distinction," *Word & World* 19 (1999) 270, fn 5.

<sup>63</sup> Forde, *The Law-Gospel Debate*, 211-12.

which, if followed, leads to eternal bliss, a kind of built-in permanent escape mechanism. Revealed law is then something like the completion, the clarification of what has been dimmed by the fall, the final extension of the escape ladder. That is not what Luther meant by it, even when he compared and often identified the commandments of God with 'natural law.' **He meant precisely natural and not supernatural law.** The commandments of God do not command anything contrary to life, anything supernatural or superhuman, but rather what anyone who properly consults his or her **reason** would have to acknowledge as good and right—exemplified, say, by **the golden rule.**"<sup>64</sup>

## 7. "Two levels of law" is a word game

In a 2012 article, "Preaching Repentance," Nestingen writes:

"The word 'law' is one of the most complex in the Lutheran vocabulary, capable of any number of inflections. But for the purpose of analysis, it can be said that Luther uses the term basically in two ways: he speaks of **law at the level of what it signifies or requires** and he speaks of it in terms of what it does to the hearer."<sup>65</sup>

Nestingén's "levels" of law is not equivalent to "uses of law" (classic Lutheran terminology). Rather, "levels of law" is a euphemistic way of claiming "the law" is an eternal standard or order.

**Forde, 1984:** "The law functions to unmask sin. The sixteenth century reformers started from this and extended it to a more formal doctrine of the '**uses** of the law.' Since the first formulations there has been debate about whether there are two or three **uses** of the law. Luther, it seems, generally spoke explicitly only of two, whereas Melancthon and later reformers spoke of three. They are, in chronological order rather than order of importance, (1) the political **use** (to restrain evil and preserve order), (2) the theological **use** (to expose and convict of sin), and (3) the **use** in the life of the reborn (to guide Christian living)."<sup>66</sup>

## Part 4: Biblicism: Living in the idolatry of inerrancy

### 1. A dated view of revelation

When opening the Bible, the underlying question is: What is revelation? That is, what is the Word from the Lord, that which is not of our own invention, our own doing? Answer: It is that God himself became one of us so that through the cross and resurrection he saved you and me. Revelation is the gospel, known to us because it is proclaimed to us. Christ is living now and comes to us in his Word and sacraments.

<sup>64</sup> Forde, *Christian Dogmatics* 2:245-55.

<sup>65</sup> Nestingen, "Preaching Repentance," *Justification is for Preaching*. Ed. Virgil Thompson (Eugene, Oregon: Pickwick Publications, 2012) 233.

<sup>66</sup> Forde, *Christian Dogmatics*, 2:415.

But for Nestingen, revelation is “the Book,” the prior miracle, prior to the scandals of particularity and holiness/sin. In 2005 in his introduction to Forde’s *The Captivation of the Will*, he refers to the Bible as “God’s own Word, God’s speech” revelation of divine law and gospel. Nestingen:

- **2005:** “So when Luther *took* up the hermeneutical argument **Erasmus** made against him, he did not begin with a theory of language, be it significative or performative. Rather, he began with the assumption common to **the church’s treatment of Scripture**, now radicalized by his own apocalyptic hope: **it is God’s own Word, God’s speech.**”<sup>67</sup>
- **2005:** “A reformation worthy of the name was above all a matter of restoration of **the biblical message**, with the theology of the church being retooled accordingly.”<sup>68</sup>
- **2005:** “As Luther understood it, it was **the biblical message** of Christ’s justifying act – the gospel – that had driven him to this point.”<sup>69</sup>
- **2005:** “Luther had pitched **the prior authority of Scripture** against the hierarchical ranking of authorities encapsulating all of life.”<sup>70</sup>
- **2005:** But in the light of Christ’s death and resurrection, in the light of the overwhelming clarity of the books always given primacy in the church, **the whole of the Scripture message** becomes transparently clear.”<sup>71</sup>
- **2005:** “If the God preached in **the biblical word** acts as declared in actual fact, then situational or characterological differences are, in the end, irrelevant.”<sup>72</sup>
- **1999:** “Rather, he [Luther] thought dialectically, working out of distinctions that he found to be demanded for the relationship between **the biblical message** and the particular situation in which he was implicated.”<sup>73</sup>
- **1999:** “Luther’s own steadfast insistence on **the priority of the biblical word**, along with other historical factors, limited the authority he exercised in the emergence of the Luther tradition during the sixteenth century.”<sup>74</sup>
- **2009.** “[Pro-LGBTQ ELCAers] dismiss as unclear biblical passages that produced a two-thousand-year-old, **all but universal consensus** concerning homosexual practice. This consensus continues to hold with force among Roman Catholics, the Orthodox, and most Protestant Churches, and **because it is biblical, isn’t subject to change.**”<sup>75</sup>
- **2003:** “Standards do vary in different cultures of the world as people attempt to come to terms with the relationships that define them. There is something provisional about these

---

<sup>67</sup> Nestingen, “Introduction,” *The Captivation of the Will*, 16.

<sup>68</sup> Nestingen, *The Captivation of the Will*. Gerhard O. Forde. *Luther vs. Erasmus on Freedom and Bondage*. Ed. Steven Paulson (Grand Rapids: Eerdmans, 2005) 4.

<sup>69</sup> Nestingen, *The Captivation of the Will*, 9.

<sup>70</sup> Nestingen, *The Captivation of the Will*, 11.

<sup>71</sup> Nestingen, *The Captivation of the Will*, 17.

<sup>72</sup> Nestingen, *The Captivation of the Will*, 18.

<sup>73</sup> Nestingen, “The Two Kingdoms Distinction: An Analysis with Suggestion,” *Word & World* 19 (1999) 269.

<sup>74</sup> Nestingen, “The Two Kingdoms Distinction,” *Word & World* 19 (1999) 272.

<sup>75</sup> Nestingen, “Joining the Unchurched,” Essay posted on the WordAlone and Core websites.

standards – they can and should change, a fact that has to be respected. **But the church has its own way of thinking.** . . . Having examined the Lutheran heritage, in its early writings and **its authoritative interpretation**, it is impossible to avoid the conclusion drawn by Wolfhart Pannenberg from **the biblical evidence.**"<sup>76</sup>

- **2008:** "But when definitive issues, **matters of law and gospel set out by Scripture** and the Lutheran Confessions, are turned over to assemblies, the stakes change. . . But in matters addressed **by God's law**, as reasonable as his law may be, the reasoning of sinners is not necessarily determinative."<sup>77</sup>

**Oswald Bayer, 2003:** "Scripture can in no wise be confirmed as having formal authority in advance, so that the content becomes important only as a second stage of the process."<sup>78</sup>

**Heiko Oberman, 1982:** "That this motto [*sola scriptura*] fell into disuse would be no loss from Luther's point of view. He started from a different and, in fact, contradictory principle, which was to be ignored in the Protestant longing for a 'paper pope': 'God and the Scriptures are two different things, as different as Creator and creature' [LW33:25]. This historically innovative principle forms the surprising basis of **his response to Erasmus**, in which we can also find a new and crucial point of departure for present-day theology. **It is this principle that distinguishes Luther from the biblicism of both his own and later eras.**"<sup>79</sup>

**Forde, 1964:** "For when all is said and done, the *a priori* belief that scripture must be **inerrant** in order to be the Word of God is nowhere established in scripture itself, and **it is a human construction**; it is a human idea about what the term 'Word of God' must mean. . . . And the belief that by this method I am placing myself *under* the Word of God may in fact be only an illusion. For if I say, 'If the Bible contains errors I cannot believe,' I am in effect saying to God that unless he provides me with the kind of guarantee which I expect and want, I cannot believe. Then I am in a very dangerous position because **I am dictating to God the conditions under which I will believe.** It is dangerous because it just might be that God has not *in fact* provided us with that kind of guarantee."<sup>80</sup>

**Forde, 1969:** "A good example of 19<sup>th</sup> century **orthodox theology** can be seen in the work of E. W. Hengstenberg (Professor in Berlin, 1828-69), a theologian whom Hofmann attacks in much of his early work. In opposition to the Enlightenment and the encroachment of historical criticism, Hengstenberg sought **to base his theology entirely and objectively on the Bible.**

<sup>76</sup> Nestingen, "Is there a law? The Lutheran Reformation and Homosexual Practice," *Christian Sexuality. Normative and Pastoral Practices*. Edited by Russell E. Saltzman (Delhi, New York: American Lutheran Publicity Bureau, 2003) 32, 37.

<sup>77</sup> Nestingen, "Seeking a Biblical and Confessional Future," *The Banff Commission* (Delhi, NY: American Lutheran Publicity Bureau, 2008) 78-9.

<sup>78</sup> Oswald Bayer, *Martin Luther's Theology. A Contemporary Interpretation*. Tr. Thomas Trapp (Grand Rapids: Eerdmans, 2003) 69.

<sup>79</sup> Heiko Oberman, *Luther: Man Between God and the Devil* (New Haven: Yale University Press, 1982) 221.

<sup>80</sup> Forde, "Law and Gospel as the Methodological Principle of Theology," *Theological Perspectives. A Discussion of Contemporary Issues in Theology by Members of the Religion Department at Luther College* (Decorah, IA: Luther College Press, 1964) 55-56.

"Hengstenberg **appealed to the Bible as the sole objective basis for faith**. His aim, which involved excluding all subjectivity and human reason, was to listen simply and completely to the words of the Bible as the objectively given source of revelation. His only goal was to learn to think and to teach biblically.

"Hengstenberg made a kind of substitution of **biblical objectivity** for rational objectivity. Rationalism sought its 'scientific' objectivity in the universally valid truths of reason. Hengstenberg's repositioning theology sought **its objectivity solely in its object, the Bible**.

"The complete subjection of man's mind to **the objective authority of scripture** brought with it for Hengstenberg a return to orthodoxy in doctrine. . . . The net result of Hengstenberg's work was simply **a restoration of orthodoxy under the aegis of Biblicism**. This meant, of course, the reinstatement of the orthodox position on law and gospel.

". . . for those who really took historical criticism seriously and who could not simply dismiss the developing historical world view as something antithetical to Christianity, Hengstenberg's **biblicism could hardly be a viable alternative**.

"To attack this Biblicism, though, meant to attack the entire system of which it was a part. The man who saw this most clearly was J. C. K. von Hofmann. His attempt to reconstruct the entire system on the basis of a *heilsgeschichtliche* scheme was an attack on the basis presuppositions of **the orthodox-biblicistic system**."<sup>81</sup>

**Forde, 1989:** "What makes and keeps a post-liberal Lutheran catholic? What brings a post-liberal Lutheran back to faith in the triune God, the divine/human Redeemer, the atonement, the resurrection, the church, i.e., the main corpus of traditional catholic doctrine? Most assuredly not the magisterial authority of an infallible ecclesiastical office or **assertions about the inerrancy of an infallible Scripture**. . . . A post-liberal Lutheran is one who has been through the options spawned since the Reformation and realizes that they have all been used up. **Least of all does infallibilism or reactionary conservatism of any sort provide an answer**. In any case, Lutherans have always been uneasy with infallibilist solutions to faith's questions. Even when they flirted with the ideas of **scriptural infallibility**, they have had some anxiety and suspicion that it might be contrary to a gospel appropriation of the scriptural message."<sup>82</sup>

## 2. A dated view of clarity and canon

In 2005 Nestingen writes in his introduction to Forde's *The Captivation of the Will*:

"But **the clarity of Scripture** is not a human project. It is Christocentric. 'Christ is the Lord of Scripture,' Luther writes, then asking, 'Take Christ out of Scripture and what do you have left?' To be sure, there are books like **Esther**, a story of heroism in the face of power, or the letter of **James**, moral instruction with a passing formulaic reference, in which Christ Jesus is not clearly set forth. But **in the light of the books always given primacy in the church, the whole of the**

<sup>81</sup> Forde, *The Law-Gospel Debate*, 10-11.

<sup>82</sup> Forde, "The Catholic Impasse," *Promoting Unity*. 72.

**Scripture's message becomes transparently clear.** For this reason, it does not require the services of an interpreter but, instead, interprets all attempts at interpretation."<sup>83</sup>

**Problem #1. A vague view of "clarity."** Nestingen first says clarity is "Christ," but then he shifts to clarity is "the whole of the Scripture's message." Biblical moral law and Christ? Is the Bible self-evident, transparent? Nestingen neglects to show the difference between Luther and later Lutheran orthodoxy on the clarity of Scripture, as Forde, Lønning, and other modern Luther scholars have done.

**Problem #2. A vague appeal to "the books always given primacy in the church."** Nestingen claims that Luther's thesis of the clarity of Scripture is based on "the books always given primacy in the church." That's a vague criterion. For example, the Gospel of Matthew is "always given primacy in the church," but as Forde notes: "Paul and Matthew are at irreconcilable odds."<sup>84</sup> Matthew 5:17-20: "You can keep the law," conflicts with Paul: "You cannot keep the law" [Romans 7:13, 10:4-5; Gal. 3:11].

There are other conflicts within Scripture, such as the Book of Hebrews against second repentance (6:4-6; 10:26; 12:17) conflicts with Paul. James 1-2 contradicts Romans 4-7.

Inerrantist Lutherans answer: "Only in heaven we will get answers to such conflicts." In short, they suspend thinking, because of the presupposition of inerrancy.

But Forde and other modern Lutheran scholars take the Bible seriously, so seriously they can deal with its problems.<sup>85</sup>

**Lønning, 1984:** "A reminiscence, however, remains until today in the confessional doctrinal tradition of Lutheranism in the extraordinary fact from the point of view of theological history, that Lutheranism has not made a dogmatic determination concerning **the biblical canon**. The silence of the Lutheran confession in this respect is indeed in itself ambiguous. From its Reformation roots, however, this should best be interpreted, perhaps, by means of the common, though somewhat contradictory term of an **open canon**. To the extent that this expression signifies more than a fundamental revisability of the limits of the canon, it necessarily points to the impossibility of a strict, formally understood scriptural principle."<sup>86</sup>

**Forde, 1978:** "[W]ith rare exceptions infallibility language is used positively only in a gospel context. It is used to assert that the promises of God in his Word are trustworthy and that they apply to the hearers of that Word.... The question which naturally arises at this point is: What is the Word of God to which this kind of infallibility is ascribed? **A formal legalistic biblicism is clearly not what Luther and early Lutherans had in mind.** In the controversy with the

<sup>83</sup> Nestingen, "Introduction," *The Captivation of the Will*, 17.

<sup>84</sup> Forde, *Christian Dogmatics*, 2:447.

<sup>85</sup> Joseph A. Burgess, "Lutheran Interpretation of Scripture," *The Bible in the Churches. How Various Christians Interpret the Scriptures*, Third Edition (Milwaukee: Marquette University Press, 1998) 101-28; Burgess, "Confessional Propria in Relation to New Testament Texts," *Studies in Lutheran Hermeneutics*. Eds. John Reuman, Samuel H. Nafzger, and Harold H. Ditmanson. (Philadelphia: Fortress Press, 1979) 253-67.

<sup>86</sup> Inge Lønning, "'No Other Gospel': Luther's Concept of the 'Middle of Scripture' in Its Significance for Ecumenical Communion and Christian Confession Today," *Luther's Ecumenical Significance*. Eds Peter Manns and Harding Meyer (Philadelphia: Fortress Press, 1984) 232.

peasants especially, and with other sectarians of the times as well, such biblicism was encountered and rejected. **'Luther's ultimate authority and standard was not the book of the Bible and the canon as such but that scripture which interpreted itself and also criticized itself from its own center, from Christ and from the radically understood gospel.'**<sup>27</sup> For Luther, the authority of Scripture was Christ-centered and therefore gospel-centered. Scripture bears testimony to all the articles about Christ and is on that account to be so highly valued.<sup>28</sup> One who does not find Christ in the Scriptures engages in superfluous reading, even if he or she reads it carefully.<sup>29</sup> One should 'refer the Bible to Christ...nothing but Christ should be proclaimed.'<sup>30</sup> Luther can even go so far as to say: **'If adversaries use scripture against Christ, then we put Christ against the scriptures.'**<sup>31</sup> The Word of God therefore is ultimately Christ and the proclamation of the gospel."<sup>87</sup>

**Burgess, 1979:** "The gospel equals justification by grace, not works—that is, *sola gratia*. Therefore the proper distinction between law and gospel must be maintained. **For Lutherans the justification of the ungodly is the canon.** 'Justification is no peripheral incident in Pauline thought given a false importance by the Reformation.' This does not mean, however, that Paul becomes the canon within the canon, for it is not Paul but justification which is the canon. Nor does this mean that justification as the canon within the canon can in some way still be thought of as one doctrine among others, even though more important, more fundamental, or the necessary first step. Not simply the doctrine, but the event of justification is the canon for all proclamation, doctrine, and life in the church."<sup>88</sup>

### 3. A dated view of "Scripture interprets itself"

In 2005 Nestingen writes in his introduction to Forde's *The Captivation of the Will*:

"But in the light of the books always given primacy in the church, the whole of the Scripture's message becomes transparently clear. For this reason, **it does not require the services of an interpreter but, instead, interprets all attempts at interpretation.**"<sup>89</sup>

**Bayer, 2003:** "One is not kept from interpreting just because he is being interpreted at the same time."<sup>90</sup>

**Forde, 1991:** "This principle [Scripture interprets itself] can and has been interpreted in a rather **simplicistic sense**, to wit, that the obscure passages are to be interpreted by the clearer ones. But

<sup>87</sup> Forde, "Infallibility Language and the Early Lutheran Tradition," *Teaching Authority and Infallibility in the Church. Lutherans and Catholics in Dialogue VI*. Eds. Paul C. Empie, T. Austin Murphy, and Joseph A. Burgess (Minneapolis: Augsburg, 1978). 129. Internal footnotes (Fn) as follows: Fn 27: P. Althaus, *Theology*, 336; Fn 28: WA 32:56, 21-27 *Sermons*, 1530; Fn 29: WA 51:4, 8. *Sermons* 1545; Fn 30: WA 16:113, 5-9. *Sermons on Exodus*. 1524-1527; Fn 31: WA 39/1:47, 19-20; LW 34:112. *Theses on Faith and Law*, 1535. Hereafter L/RC 6.

<sup>88</sup> Burgess, "Confessional Propria in Relation to New Testament Texts," *Studies in Lutheran Hermeneutics*. Eds. John Reumann in collaboration with Samuel H. Nafzger and Harold H. Ditmanson (Philadelphia: Fortress Press, 1979) 258.

<sup>89</sup> Nestingen, "Introduction," *The Captivation of the Will*, 17.

<sup>90</sup> Bayer, *Martin Luther's Theology. A Contemporary Interpretation*, 69.

that is rather the argument that goes with quite another principle, that of **the perspicuity of scripture. Is this not more a principle of the Reformed?**"<sup>91</sup>

"The insistence that scripture interprets itself is simply **the hermeneutical correlate of justification by faith alone.**"<sup>92</sup>

**Forde, 1992:** "*Sui ipsius interpres* [Scripture interprets itself] is simply the hermeneutical correlate of justification by faith alone. In this light, formal claims made for extra-scriptural authority structures and/or **formal declarations about biblical authority (inerrancy, infallibility, etc.)** are constructs which in one way or another are simply a reflex of the needs of the subjective *sensus proprius*."<sup>93</sup>

"The fact that scripture is to be understood as self-interpreting in no way means therefore that the interpreter has nothing to do. On the contrary, it makes the task of interpreting much more demanding and exacting."<sup>94</sup>

**Forde, 1983:** "Every interpretation is, in fact, a covert if not an overt soteriology."<sup>95</sup>

#### 4. A dated view of *The Bondage of the Will*

In 2005 Nestingen writes in his introduction to Forde's *The Captivation of the Will*:

"So when Luther *took* up the hermeneutical argument **Erasmus** made against him, he did not begin with a theory of language, be it significative or performative. Rather, he began with the assumption common to **the church's treatment of Scripture**, now radicalized by his own apocalyptic hope: **it is God's own Word, God's speech.**"<sup>96</sup>

**Forde, 1964:** "How are we to evaluate **this method (inerrancy, the verbal inspiration of scripture)**? What are some of its advantages and disadvantages? First of all, it has the obvious advantage of being exceedingly simply (sic) and readily understandable. It follows the lines of a simple logical syllogism: The Word of God is true, **scripture is the Word of God**, therefore scripture is true. It is **the easiest** and most convenient doctrine in the world with which to operate."<sup>97</sup>

**Oberman, 1982:** "That this motto [*sola scriptura*] had fallen into disuse would be no loss from Luther's point of view. He started from a different and, in fact, contradictory principle, which was to be ignored in the Protestant **longing for a 'paper pope'**: "God and the Scriptures are two different things, as different as Creator and creature" [LW33:25]. This historically innovative

<sup>91</sup> Forde, "Authority in the Church," *A More Radical Gospel* 65.

<sup>92</sup> Forde, "Authority in the Church," *A More Radical Gospel*, 66.

<sup>93</sup> Forde, "*Scriptura sacra sui ipsius interpres*: Reflections on the Question of Scripture and Tradition," *A More Radical Gospel*, 72. Forde's original text was altered by the LQ editors. What is quoted here is Forde's original.

<sup>94</sup> Forde, "*Scriptura sacra sui ipsius interpres*," *A More Radical Gospel*, 74.

<sup>95</sup> Forde, "Law and Gospel in Luther's Hermeneutic," *Interpretation* 37 (1983) 243.

<sup>96</sup> Nestingen, "Introduction," *The Captivation of the Will*, 16.

<sup>97</sup> Forde, "Law and Gospel," *Theological Perspectives*, 55.

principle forms the surprising basis of **his response to Erasmus**, in which we can also find a new and crucial point of departure for present-day theology. **It is this principle that distinguishes Luther from the biblicism of both his own and later eras.**<sup>98</sup>

## 5. Nestingen's "if-by-whiskey" stance on ordaining women

An "if-by-whisky"<sup>99</sup> argument refers to evasive, deliberately ambiguous rhetoric in which a speaker appears to support both sides of a controversial issue without actually committing to either. The phrase describes a statement crafted so carefully that opposing audiences can each hear what they want to hear.

In a video at 1517.org, Nestingen and LCMS professor Rod Rosenbladt discuss ordaining women and homosexuality, insisting they are tied together. Nestingen addresses issue largely from his personal experience and a simplistic Biblicism. He doesn't address questions such as: What is ordination? What is the proper use of Scripture in addressing this question? What was the theological rationale the decisions in the 1970's to ordain women?

**Nestingen:** ". . . I had come back to teach when the first big group or the next big group came and they were super women. They were theologically and academically gifted at an extraordinary level. We then started to get a large number of women who were victims of various types of sexual abuse, particularly incest victims who were drawn to the ministry. Finally, it evened out and the women became as bad as the men (ha, ha). . . . A close friend of mine in the Australian Church has argued as long as we've been friends that the breakdown of the distinction between the sexes is a hallmark of enthusiasm. And whenever you have a chicken and an egg, one follows the other. You don't always know which comes first. Enthusiasm is the conviction that we're beyond the earthly order and can do as we please. Now my father-in-law wrote the decision for the American Lutheran Church which justified the ordination of women. He was no enthusiast. He's a very conservative man, biblically, Christologically, theologically, but he was convinced that there are women who are gifted to such a degree that their gifts qualify them for ministry. Unfortunately, that careful distinction was obliterated in the claim of rights. And while ministry biblically and confessionally is a calling, it became in feminism a rights campaign. And when it became a rights campaign the sense of entitlement took over and then the quality went down. What is extraordinary is that the women – and this is anecdotal but fairly wide, based on fairly wide experience, the women have supported the ordination of homosexuals almost to a person. . . this is an outbreak of enthusiasm and it's had its results. My father-in-law, when he wrote the justification for women's ordination as part of a commission, argued that Paul's admonitions deal with a particular group of women who were problematic and not with the gender as a whole. That was his argument. But virtually everybody I know who is careful has big questions about the way the question of women's ordination has been treated.

<sup>98</sup> Heiko Oberman, *Luther: Man Between God and the Devil*, 221.

<sup>99</sup> An "if-by-whiskey" argument comes from a 1952 speech by Noah S. Sweat: "If by whiskey you mean the devil's brew, the poison scourge, the bloody monster that defiles innocence, dethrones reason, destroys the home ... then certainly I am against it. But if by whiskey you mean the oil of conversation, the philosophic wine, the ale that is consumed when good fellows get together ... the drink that puts a song in their hearts and laughter on their lips ... then certainly I am for it."

And virtually everybody I know is reluctant to express these opinions publicly because of the hostility that erupts. So, there's some reluctance to draw a straight line from women's ordination to homosexual ordination even though there are fairly distinctive footprints pointing to a connection. With the ordination of homosexuals there is simply no doubt that the erosion of biblical authority paved the way. In fact, the scripture was regarded as a problem to be solved and the solution to the problem was to reduce the Biblical injunctions against homosexuality to the personal opinion of the Apostle Paul and the others. So, the decision was simply to supersede the authority of Scripture."

**Martin Heineken, 1991:** (The excerpt below is from a review of *Called and Ordained*. Heineken is here addressing Gracia Grindal's chapter, "Getting Women Ordained.") "While Grindal mentions the fact that the vote taken at the LCA convention was simply to change the 'man' that defined the ministry of the church to 'person' and that it passed by voice vote after only one half hour of debate, and, while she also states that the commission that presented the report said that nothing in its view of 'the official, representative ministry' would prevent a woman from holding the office, she does not elucidate **the rationale** that led to that conclusion. Since I served on the commission, a further elucidation may be helpful. From the first time the commission met there was agreement that **the matter should not be decided by citing isolated scriptural proof passages, nor by considering physical, and psychological qualifications or the sociological standing of women in any given culture**, but solely on the basis of the church's understanding of **ordination** in the full context of its biblical, theological, confessional orientation. **If then the ministry is a 'ministry of the Word of God' and all the power and efficacy inhere in that Word**, then the sex, no more than the skin color, the race, the moral perfection, or the length of the nose, etc., of the one proclaiming the Word can make any difference, no matter whether the proclaimer is just one of the priesthood of all believers or one from among the priesthood who has been called and ordained to the official, representative ministry of the church."<sup>100</sup>

## Part 5: Handing over the goods and a spiritual to-do list

"Law" as an eternal order and the third use of law go hand in hand. Both are evident in Nestingen's theology although he avoids those terms and uses euphemisms and code words instead:

- **2017:** "Classical, confessional Lutheranism insists on the proper distinction of Law and Gospel. Christ is the end of the Law. He takes on the accusations of **the Law** as they sound in the conscience and silences them in the forgiveness of sins. With this, He sends His Spirit to work in the heart, creating a new, **freedom-borne obedience** that turns to the neighbor in joy and service. In the grip of the Gospel, **believers do joyfully without the Law what the Law requires.**"<sup>101</sup>
- **2017:** "A Guiding Statement on the Character and Proper Use of the Sacred Scriptures. Part 2:4. [The Bible] An *inerrant book* – a book that is completely reliable . . . c. We may **not simply reduce scriptural reliability to 'spiritual' matters** . . . a limitation to 'spiritual matters' undermines

<sup>100</sup> Martin J. Heineken, "Review Essay of *Called and Ordained*," LQ V:4 (1991) 530.

<sup>101</sup> Nestingen, *The Necessary Distinction*, 183.

biblical authority in matters of **morality and ethics**. Therefore, we affirm **scriptural reliability in every matter of doctrine and life**.<sup>102</sup>

- **2008:** "In issues where reason can claim purchase, there has to be some room for give and take—even a little hypocrisy is not necessarily so bad. But in **matters addressed by God's law**, as reasonable as his law may be, the reasoning of sinners is not necessarily determinative."<sup>103</sup>
- **2005:** "There are certain inherent human characteristics present by creation, that distinguish humanity from the other creatures of the earth, such as reason and freedom of the will. These powers function in the context of **God's all-embracing law**, also inherent to the creation, promoting **obedience** or turning in the fall toward **disobedience**."<sup>104</sup>
- **2005:** "**The law signifies, setting out what God requires in terms of human behavior and attitudes**. But the actor in these words is neither the church nor the pious individual seeking to fulfill what the law signifies; the actor, the ultimate speaker, is God, constraining, demanding, confronting, accusing, taking on rebellious creatures seeking above all to be their own gods, especially religiously."<sup>105</sup>
- **2003:** "The freedom rightly celebrated in American public life is political. It is freedom of choice, the freedom of self-determination. **The freedom of the gospel is freedom from choice**, freedom to enter **irretrievably** into the **defining relationships** of everyday life in service to the neighbor."<sup>106</sup>
- **1999:** "Rather, he [Luther] thought dialectically, working out of distinctions that he found to be **demanding** for the relationship between **the biblical message** and the particular situation in which he was implicated."<sup>107</sup>
- **1995:** "Christ puts an end to the law's idiosyncratic function in this age, its accusation, through the forgiveness of sin and in the creation of **the new self that gladly goes about the keeping of the law**."<sup>108</sup>
- **1995:** "The end of the law is an event of faith. Eternally, in conditions of everyday life, the demands that grow out of creaturely limits and obligations continue in effect. But to faith the demands are no longer demands – caught up in relation to God and the neighbor, **the requirements of relationship are no longer impositions but simply strophes in the rhythms of love**."<sup>109</sup>

---

<sup>102</sup> NALC/LCMS/LCC "A Guiding Statement on the Character and Proper Use of the Sacred Scriptures."

<sup>103</sup> Nestingen, "Seeking a Biblical and Confessional Future," *The Banff Commission* (Delhi New York: American Lutheran Publicity Bureau, 2008) 79.

<sup>104</sup> Nestingen, *The Captivation of the Will*, 15.

<sup>105</sup> Nestingen, *The Captivation of the Will*, 7.

<sup>106</sup> Nestingen, "The Lutheran Reformation and Homosexual Practice," *Christian Sexuality. Normative & Pastoral Principles*. Ed. Russell E. Saltzman (Minneapolis: Kirk House Publishers, 2003) 35.

<sup>107</sup> Nestingen, "The Two Kingdoms Distinction," *Word & World* 19 (1999) 269.

<sup>108</sup> Nestingen, "The End of the End," *Word & World* 15 (1995) 200.

<sup>109</sup> Nestingen, "The End of the End," *Word & World* 15 (1995) 198.

- **1995:** "From the beginning, where he says the whole purpose of Christian theology is to learn to ignore the law, **Luther repeatedly insists that the law has no place in the life of the believer.**"<sup>110</sup>

**Forde, 1987.** "First of all, if justification proceeds by way of negation, then the judgment is indeed universal and **all causes are relativized**. This flows from the **very nature of the gospel** and cannot be compromised....**Secondly**, for Luther's theology, it seems to me that the only way from such universal negation back to the concrete is **the way of freedom**....The Kingdom of God indeed comes by God's power alone, and thus one is turned back into the world for the time being to serve the neighbor....If we are to remain true to the gospel, we must realize that **there are no levers here**. If the movement is not one of **freedom**, all is lost. Moralists, social reformers, ideologues, revolutionaries, and even just plain zealous religious people may no doubt find this frustrating and maddening, but it is of the **very essence** of the matter. Whenever a cause is exempted from the negation, so as to exert a pressure which destroys this freedom, we come to a serious parting of the ways. **Thirdly**, I believe it can be argued that **justification by faith alone** itself and **the freedom it creates**, drives to utter concreteness in praxis. Luther's view of the concrete vocation of the Christian proposes just such concreteness. If the negation is complete, one is in the first instance **set free from the tyranny of all universalisms and absolutisms** and placed back in time to become **a truly historical being**, to wait and hope for the coming of the promised Kingdom."<sup>111</sup>

**Forde, 1969:** "What the Christian is given is a faith that clarifies for him the nature of his existence under the law in this age. Faith tells him that the 'naturalness' of the law means that he does not have access to the will of God in the form of some eternal law of being, but rather that **in common with the rest of mankind he must use his reason** in the context of his situation to work out the best practical solutions to his problems."<sup>112</sup>

**Forde, 1987:** "Law is to be used for political purposes, i.e., for taking care of people here on earth in as good, loving, and just manner as can be managed. **Reason**, i.e., critical investigation using the best available wisdom and analysis of the concrete human situation in given instances, **is to be the arbiter in the political use of the law.**"<sup>113</sup>

**Forde, 1995:** "Some in the church like to argue that since the church has changed its mind on matters like divorce or ordination of women it seems consequent that it could change its stance on sexual behavior as well. **But in questions of the civil use of law it is not legitimate to argue that one example of change justifies another. Each case has to be argued individually.**

"The second thing that needs to be said is that **the fundamental concern of the civil use of the law is for the care of the social order**. The purpose of laws regulating sexual behavior is to foster healthy, joyous, and socially fruitful relationships and to guard against the social destruction that results from aberrant sexual behavior. The struggle to establish an order within which sexual behavior can be beneficial to society has been a long and arduous one . . . . When there are no controls on or boundaries to sexual activity, sex dominates both religion and social

<sup>110</sup> Nestingen, "The End of the End," *Word & World* 15 (1995) 199.

<sup>111</sup> Forde, "The Viability of Luther Today: A North American Perspective," *Word & World* 7 (1987) 29.

<sup>112</sup> Forde, *The Law-Gospel Debate*, 211-12.

<sup>113</sup> Forde, "The Viability of Luther Today: A North American Perspective," *Word & World* 7 (1987) 27.

life. Sex is then a means of exercising power and establishing dominance. Advocates for relaxing the traditional Judeo-Christian stand against homosexual behavior often like to argue that such behavior was common and accepted in ancient societies. But a moment's reflection ought to be sufficient to reveal that such arguments can hardly be advantageous to their cause. Ancients, it seems, were simply not concerned about gender. Boys, women, slaves, could all equally be objects of desire. What was important was to dominate, to penetrate rather than be penetrated. Such considerations ought in any case to be sufficient to waken us to the realization that **the civil order itself hangs in the balance in this discussion.** It is really not sufficient just to lay claim to a little compassion or to muse a bit about 'what harm does it do?' **What is being harmed is the very social order itself. And that is the concern of the civil use of the law.**

"If genital sexual relations between people of the same gender are to be approved and/or blessed, the only way that could be done would be to bring them within something akin (at least) to the estate of marriage. **Can this be done in terms consonant with our understanding of the uses of the law? The thesis of this paper is that it cannot.**"<sup>114</sup>

**Forde, 1984:** "The gospel as the unconditional promise of the kingdom **humanizes and naturalizes the law.** No doubt we can say even that it 'contextualizes' the law—as long as we realize that the gospel does this and not just the passage of time or historical expediency. The distinction between **the two kingdoms** or kinds of rule is made precisely to foster such **humanization.**"<sup>115</sup>

**Donald Juel, 1990:** "We mean by 'law' the order by which the creation is preserved from destruction and chaos. Our tradition has chosen to speak of a 'natural law' rather than a 'divine law' to characterize the structures by which evil is retrained and life ordered for the good of all. We do not believe there is a single heavenly code which religious people know better than others. 'Natural law,' through which God ordains order, is embodied in human codes—some better, some worse.

"In the realm of law, reason and not revelation is primary. God has not revealed any specific code for life.

"In our deliberations [about homosexuality], the wisdom of Scripture and the tradition cannot be cited as 'God's answer' to the matter, but neither ought that wisdom be summarily dismissed as irrelevant or outdated."<sup>116</sup>

**Forde, 1972.** "Apart from his revelation in Christ, God is hidden. We have, ultimately no means for penetrating that hiddenness. We don't really even have a basis for making an absolute separation between evil and good. Many things we think are good turn out to be evil in the end and *vice versa.*"<sup>117</sup>

---

<sup>114</sup> Forde, "Law and Sexual Behavior," *LQ* 9 (1995) 8-9, 12; *The Essential Forde*, 155-56, 159.

<sup>115</sup> Forde, *Christian Dogmatics*, 2:459.

<sup>116</sup> Donald Juel, "Homosexuality and Church Tradition," *Word & World* 10:2 (1990) 167-69.

<sup>117</sup> Forde, *Where God Meets Man*, 30.

## Part 6: Does Forde ever criticize Nestingen?

Not by name, but two points.

### 1. Forde's postscript can be read as a rebuke of Nestingen and Paulson

Forde, at the end of his life, quite ill with a rare form of Parkinson's, mustered the energy to write a short postscript to *The Captivation of the Will*, the "book" of his material on *The Bondage of the Will*, assembled by Paulson with a lengthy introduction by Nestingen. Had Forde been pleased with what they had done, he would not have felt compelled to write the postscript.

Though neutral in tone the postscript can be read as a rebuke of the inerrancy implicit in what Paulson and Nestingen had done.

**Forde, 2004:** "Luther recognized that Erasmus put his finger on the heart of the matter . . . The issue is exposed when one comes up against **the *deus absconditus***. Erasmus does not really know what kind of a trap he is in. The fallacy of his whole argument is that he is left to infer what God must be like merely from the law, while the Holy Spirit is out making assertions apart from the law concerning the Father's only Son, Jesus Christ. In the middle of the argument **Luther breaks out in the confession, 'He sent his Son to save us.'** That is the heart and soul of his entire argument. **The work of theology is not for making inferences from the law, but for a proclamation that is all about Christ.**

"The only way to overcome the problem of the hiddenness of God not preached is by God preached. **But that will not happen by attempting to infer God's will from the law.**"<sup>118</sup>

### 2. The modern crisis of honesty

**Forde, 1992:** "The theology at which I have arrived is the result of **a quest for faith. It is not really an option for me.** I do not see it, ultimately, as though it were one of many possible 'expressions' of faith—even though try to be as charitable towards those other expressions as I can. I have sought a theology which repeatedly **calls me back from the brink of unbelief by its own intrinsic power.** I believe I find this in Luther's understanding of being a theologian of the cross."<sup>119</sup>

**Forde, 1997:** "The surrender of biblical inerrancy to various versions of "truth as encounter" and other existentialist ploys seemed to lack the bite of the older views of biblical authority. Perhaps it was that something of the offense was gone. Yet there was no way back. Older views of **biblical inerrancy** were not an offense; they were just **intellectually offensive.** I was looking, I think, for something deeper and more compelling, a gospel authority that establishes itself by its own power and attractiveness, not a legal authority that simply demands submission."<sup>120</sup>

<sup>118</sup> Forde, "Postscript," *The Captivation of the Will*, 77, 79; Forde, "Postscript to *The Captivation of the Will*," LQ (2005) 77-78.

<sup>119</sup> Forde, "Response to James Nestingen's Article," *dialog* 31 (1992) 34.

<sup>120</sup> Forde, "The One Acted Upon," *dialog* 36:1 (1997) 57.

**Forde, 2003:** “First, I would like to begin by stating my personal opinions on ecumenism just to clear the air a bit . . . I believe in a policy of ecumenical openness with a concomitant **theological tough-mindedness. Our biggest problem, here and in the church in general, is theological integrity.**

“I have come increasingly to think that the current method in ecumenical dialogue that seeks unity via theological convergence/consensus (the difference between the two seems never to have been cleared up) as a step toward some high-sounding goal like ‘full communion’ is more or less theologically bankrupt. It leads ultimately to what could be called **‘repressive tolerance.’** When pressed incessantly as a method, it ceases after a while to kindle, promote or foster useful theological discussion, but rather **stifles it** and soon seeks to **repress it** . . . The message soon becomes: **‘you had better be tolerant or else,’** or ‘if you don’t back off you are just not serious about ecumenism.’ In the name of ecumenical tolerance and progress serious discussion is repressed. One who seeks to pursue difficult questions is something of a pariah. Documents that state issues sharply and cleanly have to be edited and toned down so as not to be too offensive. As Henry Chadwick once put it, **the genius of ecumenical statements lies in their ambiguity**—the art of stating things in such a fashion that no one could possibly disagree. Imagine: theology, which has been exhorted all these long years **to strive for precision**, is now, apparently, to cultivate deliberately the art of ambiguity!”<sup>121</sup>

**Forde, 1964:** “Second, the verbal inspiration theory has the increasingly obvious difficulty that it is unable to deal with facts gained both by research into the Bible and the world around us. For over **two hundred years now** it has demonstrated its inability to cope with truths established by scientific and historical research. In the face of the mounting knowledge of the world, **the verbal inspiration method has had no constructive counsel to give, but can only advise one to retreat from the world and refuse to face those things which one finds uncomfortable.** One does not need to go outside the Bible itself to show the inability of this method to cope with the facts. Clearly the belief that there are no mistakes of any sort in scripture simply is not true. The many discrepancies *within* the Bible itself—where the Bible disagrees with itself—demonstrate this fact.”<sup>122</sup>

“I have been around colleges and universities now long enough to know how strong this faith [based on the inerrancy of scripture] is in the majority of cases. Usually it simply withers and dies, for when a child has drummed into him over and over again that if it can be shown that there are errors in scripture then his faith is groundless, he is doomed. When we allow someone to continue in this assumption, we are in fact only pushing him out on a limb and inviting someone to saw it off. By this method we produce nervous and timid Christians who can maintain their faith only by cutting themselves off from the world. As far as I can see, it is absolutely imperative that we operate today with **a method which enables us to face the world and to enter into a**

---

<sup>121</sup> Forde, “Lutheran Ecumenism: With Whom and How Much?” *LQ* 17 (2003) 437, 439; *A More Radical Gospel*, 172, 174,

<sup>122</sup> Forde, “Law and Gospel,” *Theological Perspectives*, 56.

**meaningful conversation with it.** In this, it seems to me, **the law-gospel method** offers much more fruitful possibilities without sacrificing any of the essentials of the faith."<sup>123</sup>

**Forde, 1984:** "Matthew and Paul are at irreconcilable odds."<sup>124</sup>

**Forde, 1989:** "John Henry Cardinal Newman voiced a common Catholic complaint when he called Protestantism a great abstraction divorced from the actual flow of history. Perhaps there is some truth to that if one has in mind **a Protestantism that hides behind the inerrancy of scripture and seeks only to repristinate the past.** But the real question is what constitutes or guarantees true concreteness and 'objectivity' in the church. Can claims made about the institution, do it? **A post-liberal Lutheran** is not likely to find such claims attractive or convincing. What attracts, however, is simply **the power of the gospel proclaimed as the word of the cross.** The theologian of the cross is quite aware of **a quite different sort of concreteness and objectivity:** that of the quite alien and external word that puts the old subject to death to raise up the new. Perhaps one can say that it is only in death and the promise of new life that we come up against that which is truly and irreducibly 'from without.' And only so is it truly 'objective.'"<sup>125</sup>

**Forde, 1969:** "Studying this background [*The Law-Gospel Debate*] leads us to several conclusions. The first is that the recovery of the eschatological act character of **revelation** is quite necessary for a proper understanding of the gospel."<sup>126</sup>

**Forde, 1984:** "Where the gospel is not grasped, the law will not be grasped either."<sup>127</sup>

**Forde, 1985:** "Precisely the proper distinction between law and gospel limits and **humanizes** the law."<sup>128</sup>

**Forde, 1997:** "My biggest fear in the present is that the eschatological **two-age structure** of theology is once again simply being lost."<sup>129</sup>

**Forde, 2004:** "The distinction between **two kingdoms** is vital for a proper grasp of the gospel."<sup>130</sup>

---

<sup>123</sup> Forde, "Law and Gospel," *Theological Perspectives*, 68.

<sup>124</sup> Forde, *Christian Dogmatics* 2:447.

<sup>125</sup> Forde, "The Catholic Impasse," *Promoting Unity*, 76.

<sup>126</sup> Forde, *The Law-Gospel Debate*, 217.

<sup>127</sup> Forde, *Christian Dogmatics* 2:448.

<sup>128</sup> Forde, "Law in Lutheran Theology," *L/RC* 7, 301.

<sup>129</sup> Forde, "The One Acted Upon," *dialog* 36:1 (1997) 61.

<sup>130</sup> Forde, *The Captivation of the Will*, 74.