

Secondary Norms, Secondary Texts: Reforming Christianity's Formal Principle

“When I think back on all the crap I learned in high school, it's a wonder I can think at all.”¹ The same thing could be said about much of my education at Concordia Theological Seminary, Fort Wayne, Indiana, in the late 1970's, but there were notable exceptions. One such was a course entitled “The Religious Bodies in America,” based on a book of a similar title by a mid-twentieth century professor at Concordia Seminary, Saint Louis, Missouri.² This work overthrew the widespread notion that, on the grounds that there are thousands of Christian denominations and hundreds of questions which must be asked of each to determine their worthiness, it is impossible to determine which version of Christianity is the best. Mayer insisted that there were only two questions of significance to ask of any religious institution, indeed of any human institution or individual, in order to determine whether such persons or systems were valid. The names for these two questions have been derived from Greek philosophy,³ and employ English words with somewhat non-standard definitions, yet they refer to ideas which are undebatably Lutheran as well as biblical.

The *formal principle* of any person or system is the answer to this question: how do you form your opinions? Where do you go to get your answers to any other question? The Reformation formal principle is the well-known Latin phrase *sola scriptura*, “Scripture alone,” which summarizes the following statements from the Christian Book of Concord: “the sole rule and standard according to which all dogmas together with all teachers should be estimated and judged are the prophetic and apostolic Scriptures of the Old and of the New Testament alone,” and, “the Holy Scriptures alone remain the only judge, rule, and standard, according to which, as the only test-stone, all dogmas shall and must be discerned and judged, as to whether they are good or evil, right or wrong.”⁴

¹ Paul Simon, “Kodachrome,” the first track on There Goes Rhymin' Simon (Columbia, 1973).

² Frederick Emanuel Mayer, The Religious Bodies of America, fourth edition (Saint Louis: Concordia, 1961). Mayer authored the first edition in 1953 and died the following year; subsequent editions were prepared by Arthur Carl Piepkorn.

³ See especially Aristotle, Metaphysics, book VIII, part 4.

⁴ FC Ep, “Of the Summary Content, Rule and Standard,” 1 and 7 (Triglotta, pp. 777 and 779; Tappert, pp. 464-465). Unless otherwise indicated, all citations are from the Triglotta.

The *material principle* of any person or system is the answer to this question: of all the opinions which you have formed according to your formal principle, which are of material significance? Which ones matter most, and thus serve as the foundations for all your other thoughts and actions? The Reformation material principle is similarly well-known, as expressed by the Latin phrases sola gratia, “by grace alone,” and sola fidei, “through faith alone,” best defined by the Christian Book of Concord as “the righteousness of Christ or of faith, which God imputes by grace, through faith.”⁵

The Bible presents these two principles in many places, but what are widely regarded as the most definitive presentations are conveniently found in the same chapter, namely, Ephesians 2. The formal principle appears in v. 20: “you are built upon the foundation of the apostles and prophets, Christ Jesus being its cornerstone.” The material principle appears in v. 8: “you have been saved by grace through faith.” The order of these verses may indicate that, while Christians study theology by first going to Scripture and then correlating whatever they find there to the salvation by grace through faith principle, we initially agreed to these principles first by coming to believe that we have been saved by grace through faith, and then we come to believe that the Scriptures which teach such salvation should be used as norms and standards in all their parts.

In theory, the Lutheran Church-Missouri Synod successfully defended its commitment to the formal principle during the so-called Seminex controversy of the 1960’s and 1970’s, when many professors at Concordia Seminary, Saint Louis led a movement in which the formal principle was no longer Scripture as such, but merely that message within Scripture which could be entitled, “Gospel.”⁶

⁵ FC SD III, 1 (Triglotta, p. 917; Tappert, p. 539). The phrase “by grace, through faith” is unique to this text, although many similar statements appear elsewhere.

⁶ Arguably the most famous confession of what would become the Seminex faculty was Faithful To Our Calling, Faithful To Our Lord (St. Louis: Concordia Seminary, 1973). On page 3 of part 1, the faculty claimed that they affirmed that “the Scriptures are the norm for faith and life,” but asserted immediately afterward, “At the heart of the discussions in our Synod is the question of whether the Gospel of our Lord Jesus Christ is the sole source of our personal faith and the center of our public teaching. Is the Gospel alone sufficient as the ground of faith and the governing principle for Lutheran theology? Or is something else required as a necessary condition? It is our conviction that any effort, however subtle, to supplement the Gospel so that it is no longer the sole ground of our faith or the governing principle for our theology is to be rejected as un-Lutheran, contrary to our confession, and injurious to the mission of the

Such a reductionistic formal principle had been pioneered by European theologians earlier in the twentieth century as a way of their remaining Christians, while avoiding those aspects of Scripture which had been rejected by skeptical “Enlightenment” academics during the previous century. These compromising theologians included the Swiss Calvinist Karl Barth, who attempted to find a normative “word of God” within the Bible, and the German Lutheran Rudolf Bultmann, who proposed a similar operation based on the kerygma or preaching of the primitive church.

However, as is demonstrated by the division in first century Judaism between the Sadducees (skeptics of the miraculous, Matt. 22:23) and the Pharisees (who taught “commands of men as doctrines,” Matt. 15:9), a modern “Bible minus” formal principle is no greater an error in Christian theology than its opposite, a “Bible plus” formal principle which asserts that the Scriptures require some kind of supplement. Indeed, until recent centuries, the latter was a far more common phenomenon. In addition to the Pharisees, whose “oral Torah” theory of additional normative material was later encoded in the third century Mishnah and its sixth century expansion, the Talmud, familiar examples of “Bible plus” formal principles include both additional books overtly added to the canon (the Quran of Islam, the Book of Mormon of the Latter-Day Saints) and additional material presented as definitive expositions of the Scriptures, with the latter regarded as containing dark and obscure material requiring “interpretation” by a self-perpetuating, infallible elite (Roman Catholicism, Eastern Orthodox).⁷

Impact of the Formal Principle on the Lutheran Confessions

A presentation at the 2024 Symposium on the Lutheran Confessions at Concordia Theological Seminary, Fort Wayne, Indiana, demonstrates that Lutheranism, especially in its Missouri Synod manifestation, has overturned the formal principle of the Reformation in favor of a “Bible plus” system in which the Lutheran Confessions rule and norm the Scriptures, not vice versa. In an hour-

Church.” The faculty apparently defined a “norm” as something very different from a “source” or a “governing principle.”

⁷ Judaism could of course argue that all forms of Christianity employ a “Bible plus” formal principle, insofar as the New Testament books supplement the preceding Torah. But in fact, the New Testament does not alter the Old Testament program for faith and life, but merely “additionally confirms” it (2 Pet. 1:19). Christianity’s refusal to follow peculiarly Israelite rules, such as dietary restrictions, is based not on innovations of the New Testament, but on affirmations of Old Testament rules for non-Israelites.

long lecture entitled “Confessional Subscription: What Did It Mean?” Missouri Synod third vice president Scott R. Murray never mentioned the Christian Book of Concord’s own understanding of confessional subscription, namely, “Other writings, however, of ancient or modern teachers, whatever name they bear, must not be regarded as equal to the Holy Scriptures, but all of them together be subjected to them, and should not be received otherwise or further than as witnesses, which are to show in what manner after the time of the apostles, and at what places, this doctrine of the prophets and apostles was preserved,” and, “the other symbols and writings cited are not judges, as are the Holy Scriptures, but only a testimony and declaration of the faith, as to how at any time the Holy Scriptures have been understood and explained in the articles in controversy in the Church of God by those then living, and how the opposite dogma was rejected and condemned.”⁸ Instead of viewing the Scriptures alone as the “judges” of faith and life and the Christian Book of Concord as “witnesses,” Murray held that the latter are also norms, qualified as “normed norms” (norma normata) as opposed to the Scriptures as “norming norms” (norma normans), or “secondary norms” (norma secundaria) as opposed to “primary norms” (norma primaria). Murray attributed the former pair of terms to Abraham Calov (1612-1686), the latter to Arthur Carl Piepkorn (1907-1973).

In response to a pastor’s question following his presentation as to how the principle ecclesia semper reformanda, “the church should always be reformed,” is compatible with the idea that “we freeze 16th century documents and use them as the only norm,” without qualification, Murray asserted, “It’s not our doctrine that needs reformation, it’s our willingness to apply it in our context according to its intended meaning.” To be fair to the participants, these statements were made “off the cuff,” and thus were not part of anyone’s prepared remarks. Nevertheless, the direct contradiction of this with the Formula of Concord’s position, that it is rather Scripture which is “the only norm,” is stunning. Murray’s position makes it possible to quote the Christian Book of Concord alone, without any supporting scriptural authority, in judging Lutheran doctrine. A similar reversal of the relationship of the Bible to the Christian Book of Concord was subsequently defended by a retired LC-MS district president, David Benke, in an online forum: “We do indeed read the Bible through a lens of interpretation - the lens is called The Book of Concord,” and, “The norming norm, norma normans, is Sacred Scripture. And it is read through the norma normata.”⁹ But if Scripture alone is

⁸ FC Ep, “Of the Summary Content, Rule and Standard,” 2 and 8 (Triglotta, pp. 777 and 779; Tappert, pp. 464-465).

⁹ David Benke, comment on “Women in Ministry,” ALPB Forum Online, reply

the norm, it's the other way around; Scripture is the lens through which all other theological writings are read and judged.

The radical difference between these two views of the Christian Book of Concord should have been obvious. In a civil court, both judges and witnesses make true statements. The difference is that the judge at a trial's conclusion presents a *comprehensive* and *definitive* statement of the truth, resolving any apparent discrepancy among the witnesses, whereas the preceding statements of witnesses contain at most only partial expressions of the truth, and the judge then *enforces* his comprehensive statement of the truth by pronouncing a sentence, whereas the witnesses have no such power.

Ironically, the Christian Book of Concord itself proves conclusively that its contents cannot serve as a judge or standard, and that individual statements within it, taken in isolation from the rest of its contents, are not necessarily even adequate witnesses to the truth. This is seen in the final confessional document, the Formula of Concord, when it deals with an ill-advised sentence in Philipp Melancthon's Apology of the Augsburg Confession. The latter had asserted, "The Gospel convicts all men that they are under sin, that they all are subject to eternal wrath and death."¹⁰ According to the Formula, this resulted in a schism among Lutheran theologians,¹¹ which the Formula resolved by declaring, "We reject and regard as incorrect and injurious the dogma that the Gospel is properly a preaching of repentance or reproof, and not alone a preaching of grace."¹² It should be obvious that a statement which caused a schism among churches of the Reformation era cannot possibly serve as a norm or judge, however qualified.

A much more significant group of ill-advised statements in the Christian Book of Concord involves the phrase lex semper accusat, "the law always accuses." This or a similar phrase occurs a number of times in the Apology of the Augsburg Confession. Some of these lack any direct object,¹³ while others employ the ambiguous direct objects "us"¹⁴ or "consciences."¹⁵ At least one asserts that the

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¹⁰ Ap AC IV (II), "Of Justification," 62 (Triglotta, p. 139; Tappert, p. 115).

¹¹ FC SD V, "Of the Law and the Gospel," 2 (Triglotta, pp. 951 and 953; Tappert, p. 558).

¹² FC Ep V, "Of the Law and the Gospel," 11 (Triglotta, p. 805; Tappert, p. 479).

¹³ E.g. Ap AC IV (III), "Of Love and the Fulfilling of the Law," 139 (Triglotta, p. 193, labeled Ap AC IV, "Justification," 260, in Tappert, p. 145).

¹⁴ E.g. Ap AC IV (III), "Of Love and the Fulfilling of the Law," 7 (Triglotta, p. 157, labeled Ap AC IV, "Justification," 128, in Tappert, p. 125).

¹⁵ E.g. Ap AC IV (II), "Of Justification," 38 (Triglotta, p. 131; Tappert, p. 112), the

law always accuses “all the saints,”¹⁶ while others just as clearly assert that it does not.¹⁷ None of these texts make clear what Melanchthon meant by the word “law,” just as his aforementioned assertion that “the Gospel convicts all men that they are under sin” was problematic due to his unclear definition of the word “Gospel.” In Scripture, “law” has at least four different senses: the entire Old Testament (1 Cor. 14:21, quoting Is. 28:11), the Pentateuch (Matt. 5:17, the first of many texts employing the phrase “the law and/or the prophets”), the law of Moses (Acts 13:38, Paul’s sermon at Pisidian Antioch), and the law of Christ (Gal. 6:2).¹⁸ The only one of these which accuses “all the saints” is the law of Moses, which according to Acts 13:38 condemned all Israel at the time. In his much earlier discussion of justification, Melanchthon had defined “law” as “the Ten Commandments, wherever they are read in the Scriptures,”¹⁹ but it is not at all obvious that the same definition is in view in the “law always accuses all the saints” text from the article on monastic vows.

If the Christian Book of Concord is a norm or judge, however qualified, it is difficult to see how this discrepancy can be resolved. Modern LC-MS theologians are unanimous in quoting lex semper accusat under the assumption that its implied direct object is Christians and non-Christians alike, and simply ignore the competing confessional texts.²⁰ But if Scripture alone is the norm and judge, such

first occurrence of lex semper accusat in the Christian Book of Concord.

¹⁶ Ap AC XXVII (XIII), “Of Monastic Vows,” 25 (Triglotta, p. 427; Tappert, p. 273).

¹⁷ Ap AC IV (III), “Of Love and the Fulfilling of the Law,” 45-46 (Triglotta, p. 169, labeled Ap AC IV, “Justification,” 166-167, in Tappert, p. 130), where the original Latin text reads, alioqui lex semper accusat nos (“Otherwise the Law always accuses us”; in Tappert, “Without this, the Law always accuses us”) following a reference to having faith in Christ. See also FC SD I, 6 (Triglotta, p. 861; Tappert, p. 509), where the law accuses “unless we are delivered therefrom by the merit of Christ,” and FC SD I, 31 (Triglotta, p. 869; Tappert, p. 513), where the law accuses “unless the sin is forgiven for Christ’s sake.”

¹⁸ This phrase, unique to this text, doubtless refers to “You will love your neighbor as yourself,” cited by Paul in Gal. 5:14 and Rom. 13:9, originally from Lev. 19:18, cited by Jesus in Mark 12:29-31.

¹⁹ Ap AC IV (II), “Of Justification,” 6 (Triglotta, p. 131; Tappert, p. 112).

²⁰ The most recent translation of the Christian Book of Concord in English, The Book of Concord, Robert Kolb and Timothy Wengert, eds. (Minneapolis: Fortress Press, 2000), replaces the original Latin text of the Apology of the Augsburg Confession, universally employed by 20th century American Lutherans, with that of a later Latin edition, and entirely deletes the paragraphs which contain the

texts as Romans 8:1 (“there is no condemnation now for those who are in Christ Jesus”) and 1 John 3:9 (“No one who has been conceived by God engages in sin, for his seed remains in him”) prove conclusively that alioqui lex semper accusat nos is the correct understanding. This challenges certain liturgical texts in widespread use,²¹ and potentially alters the content of most sermons, since according to the opposite opinion Christians are to some extent still unredeemed from the law’s accusations.²²

Another example of the impact of altering the Christian Book of Concord’s self-definition may be seen in the way the phrase “merits of Christ” is employed among modern Lutherans. This phrase occurs nearly 500 times in the Christian Book of Concord, yet has no obvious scriptural equivalent. The Formula of Concord asserts that this was the basis for the faith of the demoniac’s father in Mark 9:24,²³ which would mean that Christ’s “merits” are the merciful acts of his ministry. Even though the Christian Book of Concord never speaks of Christ performing “meritorious works of the law,” Francis Pieper, in the LC-MS’ authoritative doctrinal work Christian Dogmatics, equated “Christ’s merit” with “the satisfaction of the punitive justice of God which Christ made by His substitutional atonement,” previously defined as “Christ’s fulfillment of the Law in our stead” and “the payment of a ransom,” neither one of which are in fact scriptural teachings.²⁴

alioqui passage.

²¹ In the Lutheran Book of Worship (1978) and its derivatives, the congregation confesses to God, “We have not loved you with our whole heart,” which contradicts one of the most famous hymns of Reformation era Lutheranism, “Lord, Thee I Love with All My Heart” (LBW #325).

²² Modern Lutherans universally claim that Christians are simul justus et peccator, “simultaneously righteous and sinner,” which contradicts Ps. 1:5-6. Thomas M. Winger, professor of theology at Concordia Lutheran Theological Seminary, Saint Catharines, Ontario, Canada, in “*Simul Justus Et Peccator*: Did Luther And The Confessions Get Paul Right?” *Lutheran Theological Review*, XVII (2004-05), p. 91, called this phrase “a Shibboleth of the Lutheran confession,” and asserted that “the idea is most certainly found in the confessional writings of our church,” even while admitting that the phrase nowhere occurs there.

²³ FC SD VII, “Of the Holy Supper,” 71 (Triglotta, p. 997; Tappert, p. 582).

²⁴ Francis Pieper, Christian Dogmatics, vol. II (St. Louis: Concordia, 1951) pp. 18-19. Pieper claimed that this was taught in Gal. 4:4-5, “God sent out his Son ... who was under law, to purchase those under law,” which has nothing to do with substitution, and in Gal. 3:13, “Christ purchased us from the curse of the law by

The constitutions of the LC-MS and its congregations, as well as the ordination and installation rites for its pastors, nowhere assert that the Christian Book of Concord is a “norm” or “judge,” however qualified. They do indeed confess agreement with the latter,²⁵ but as the preceding analysis has demonstrated, this pertains only to the Christian Book of Concord taken as a whole, not to any given sentence isolated from the rest of its text. Fortunately, there does not appear to be any topic of theology in the Christian Book of Concord which consistently collides with obvious biblical statements. The only other widely alleged discrepancy in confessional texts occurs in the Smalcald Articles, where the Latin edition amends the German in asserting that Jesus’ mother was semper virgo, “always virgin.”²⁶ As before, Scripture unambiguously judges the correct view; the notion that Jesus’ brothers and sisters (Mark 6:3) were not Mary’s children is as unlikely as the idea that Mary, Martha, and Lazarus were not siblings (John 11:1-2), and occludes a major principle of Christian identity (“Whoever does the will of God is my brother and sister and mother,” Mark 3:35).

Impact of the Formal Principle on Textual Criticism of the Bible

The principles that Scripture alone is the norm and judge of Christian doctrine and practice, and that the Lutheran confessions, taken as a whole, “should not be received otherwise or further than as witnesses” to that doctrine and practice, can be applied to an issue which at first glance would appear to be quite unrelated to the subject of confessional subscription, namely, the textual criticism of the Bible. Another question put to Scott Murray at the end of his aforementioned lecture came from a layman who, based on his agreement with Murray’s notion of the Lutheran confessions as a qualified norm, was frustrated by the apparently widespread undisciplined violation of the confessions in the LC-MS.²⁷ His specific objections were that many pastors were declining to preach

becoming a curse on our behalf,” which has nothing to do with a ransom in the common sense of rewarding a kidnapper in order to free a victim.

²⁵ In its rite for “The Ordination of a Minister,” the LC-MS’ Liturgy and Agenda (St. Louis: Concordia, 1921), p. 376, asks the candidate to profess the Christian Book of Concord “to be the true doctrine of the Holy Scriptures.” The current (2023) Constitution of the LC-MS, art. II, par. 2, declares the same to be “a true and unadulterated statement and exposition of the Word of God.”

²⁶ SA, “The First Part,” IV (Triglotta, p. 461; Tappert, p. 292).

²⁷ Despite his being one of the chief officers of the LC-MS, Murray responded to the questioner’s plea, “Why is this allowed to go on? Why is it tolerated?” with “I have no idea” and “Your question is sort of outside my purview.”

on the Long Ending of Mark (Mark 16:9-20), and that unordained seminary students were being allowed to conduct services with Holy Communion in the absence of any ordained individual. In both cases, this laymen failed to recognize that neither of these situations are problematic if Scripture alone is the judge.

The questioner's second concern results from reading a text from the Augsburg Confession in light of LC-MS tradition instead of Scripture: "Of Ecclesiastical Order they teach that no one should publicly teach in the Church or administer the Sacraments unless he be regularly called."²⁸ In modern LC-MS practice, "regularly called" means "ordained by a district president upon the recommendation of a seminary faculty." But Scripture knows nothing of the latter entities. Instead, as the election of Matthias to replace Judas Iscariot in Acts 1:15-26 clearly shows, a "regular call" is one which has been authorized by a local congregation, involving both pastors and lay members, including lay women members (specifically Jesus' mother, 1:14). As a result, a congregation which authorizes an "unordained" person to celebrate the Eucharist is not in violation of the Augsburg Confession, unless the candidate is unqualified according to scriptural guidelines, such as those in Paul's Pastoral Epistles.

The questioner's initial concern results from the fact that 16th century Lutheran theologians were not aware that ancient manuscripts of Mark, unavailable to them at the time, end the Gospel at 16:8, and that the Long Ending is but one of several rival epilogues added by various scribes in response to the original text's "cliffhanging ending." If the Christian Book of Concord is a qualified norm, its use of the Long Ending of Mark, as in Luther's Small Catechism,²⁹ becomes normative for Lutheran pastors. But if the Lutheran confessions are simply "witnesses" and "a true and unadulterated statement and exposition of the Word of God," the only requirement for modern Lutheran pastors is to agree that the Long Ending of Mark contains no false doctrine, which it indeed does not.

This leads to the proposal, beyond the scope of this paper to research fully, that all of the variant readings of the Bible are to be read like the Christian Book of Concord: not as norms or judges, but as further witnesses to the truths of the biblical religion. I can testify as a translator of the entire Greek Scriptures, including the so-called Apocrypha or deuterocanonical books of the Old

²⁸ AC XIV, "Of Ecclesiastical Order" (Triglotta, p. 49; Tappert, p. 36). The Latin text concludes with the widely cited phrase *rite vocatus*.

²⁹ SC IV, "The Sacrament of Holy Baptism," 8 (Triglotta, p. 49; Tappert, p. 349): "Christ, our Lord, says in the last chapter of Mark [16:16]: *He that believeth and is baptized shall be saved; but he that believeth not shall be damned.*"

Testament, that I have never encountered anything which would qualify as false doctrine. Of course there are statements in these books, as well as in variant readings in the undisputed books, which have puzzled interpreters, and which are believed by some to result in genuine discrepancies with other texts. My proposal is that these should be handled in the same manner as the aforementioned problematic texts in the Christian Book of Concord were handled: the clear and undisputed texts norm and judge the disputed ones.

This would result in a better way of handling questions concerning how to define the Bible's limits in view of its variant readings and disputed canonical boundaries. Numerous critics of the plenary inspiration and authority of the Bible insist that, due to the number of variant readings, especially in the Gospels, no one can know what the Bible even is, and they mock the widespread Protestant reply that Scripture is inspired "according to the original autographs" as a meaningless confession, inasmuch as no such "original autographs" exist. But the Bible is not a union of true and false witnesses; instead, just as in the case of the Bible over against the Christian Book of Concord, it combines *judges* of the truth with additional *witnesses* to the truth.

The relationship between the two is identical to the relationship between a human being and the various substances which get added to that human being in the course of life: the dandruff which was formerly part of his scalp, the dirt underneath his fingernails, etc. No sane person argues that we can't know who Jesus of Nazareth was on the grounds that, at a microscopic level, it would have been difficult to distinguish between the heels of Jesus' feet and the dust of a Palestinian road which had been ground into them. The true person of Jesus was entirely present with all his powers and benefits, despite the fact that 100% of his outline could not have been determined beyond a shadow of a doubt. Similarly, the "original autographs" of the Bible *are indeed present* in Kittel's Biblia Hebraica, Rahlfs' Septuaginta, and Nestle and Aland's Novum Testamentum Graece, along with other material which indicates "how at any time the Holy Scriptures have been understood and explained ... in the Church of God by those then living," and thus can continue to be employed with full confidence by anyone who truly desires to solve the problems of the world.

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