

# Concordia Theological Quarterly



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## Observing Two Anniversaries

Carl Ferdinand Wilhelm Walther was born on October 25, 1811, in Langenchursdorf, Saxony, Germany. It is appropriate that this issue honor C.F.W. Walther on this 200th anniversary of his birth because of his significant influence as the first and third president of The Lutheran Church—Missouri Synod (1847–1850 and 1864–1878) and also president and professor at Concordia Seminary, St. Louis (1850–1887). Most of the articles below, which were first presented at the 2011 Symposium on the Lutheran Confessions in Fort Wayne, reflect his influence in many areas of biblical teaching, confessional subscription, and the life of the church in mission. These historical and theological studies are offered here so that Walther may be understood in his context and continue to be a blessed voice in our synod as we face the future.

This issue also recognizes one other anniversary. The venerated King James Version of the Bible, first printed in 1611, is now 400 years old. The article below on the King James Version was originally given as a paper at the 2011 Symposium on Exegetical Theology in honor of this anniversary. The importance of this translation for the English-speaking world is widely acknowledged. Although many may think that its day has passed, this article demonstrates the ongoing influence of the King James Version through other translations.

The Editors

## Walther, the Third Use of the Law, and Contemporary Issues

David P. Scaer

Carl Ferdinand Wilhelm Walther's 24 theses on the law and the gospel do not easily lend themselves to a developed doctrine on the third use of the law, an insight already made by Scott R. Murray.<sup>1</sup> Werner Elert and Gerhard Forde proposed that the third use of the law outlined in Article VI of the Formula of Concord was not held by Luther and hence had no place in Lutheran theology.<sup>2</sup> Confusing the Reformed view that law in its third use prods the regenerate to do good works with that of the Formula may be one reason for its rejection. For Walther, the Reformed position of applying the law to produce good works is a confusion of law and gospel, which is what his theses are all about.<sup>3</sup> Since Article VI has to do with the law in all three uses, especially the second or accusatory function, it might be better entitled "The Three Uses of the Law." Article VI is really an extension of Article IV, "Good Works" and Article V, "Concerning Law and Gospel." According to Article VI, good works flow from a free and merry spirit meeting the law's specification (17, 23), but at the base of the article is the Lutheran anthropology that the believer is more sinner than saint and hence it speaks of the law's second use that the sinful flesh needs to be

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<sup>1</sup> Scott R. Murray, *Law, Life, and the Living God* (Saint Louis: Concordia Publishing House, 2002), 25–26.

<sup>2</sup> For a fuller discussion, see Murray, *Law, Life, and the Living God*, 26–30. This position has been convincingly rebutted by Ed Engelbrecht, "Luther's Threefold Use of the Law," *CTQ* 75 (2011): 135–150.

<sup>3</sup> Carl Ferdinand Wilhelm Walther, *Law and Gospel: How to Read and Apply the Bible*, ed. Charles P. Schaum, John P. Hellwege Jr., and Thomas E. Manteufel; tr. Christian C. Tiews (St. Louis: Concordia Publishing House, 2010), 5. "Thesis XXIII. You are not rightly distinguishing Law and Gospel God in the Word of God . . . if you use commands of the Law—rather than the admonitions of the Gospel—to urge the regenerate to do good." Walther's lectures on the law and the gospel were given from September 12, 1884 to November 6, 1885. A German edition was published in 1901, an English edition in 1929, ed. W.H.T. Dau, and condensed editions under the title *God's No and God's Yes: The Proper Distinction between Law and Gospel*, cond. Walter C. Pieper (St. Louis: Concordia Publishing House, 1973, 1981).

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threatened and compelled by the law (9, 18–20).<sup>4</sup> Christians, as believers, are driven by the Spirit of Christ to do good according to the law of Christ, that is, the gospel (17). Apart from a reference to the Spirit of Christ, a christological component is missing. Though the law has three functions, it has only one meaning as “the unchanging will of God, according to which human beings are to conduct themselves in this life” (15). So the law’s first and third functions result in the same outward behavior in the performance of good works (16), with the proviso that deeds done according to the first use are driven by fear of the law’s penalties and the desire for reward. Good works done according to the third use come from the Spirit. First and second uses of the law resemble each other in that failure results in penalties. Caught between the Reformed position that the third use is a reimposition of the law’s threats in how the believer as believer lives and the Lutheran concentration on the second use, some theologians have found good reason to deny the third use altogether. This is exacerbated by a less than fully defined third use of the law in the Formula, a matter addressed below.

The law-gospel paradigm by which Lutheran theology is usually defined and the Formula’s lack of a fully developed definition of the third use may have provided a basis among some Lutherans for ordaining women and, more recently, homosexuals. Should any regulations or prohibitions about these matters be identified in the Scriptures, they would be superseded by the gospel, or so the argument goes. A less than fully developed doctrine of the third use in the Formula and Lutheran theology in general is rooted in the Lutheran concentration on original sin from which even in doing good works believers remain sinners. In spite of their faith in Christ, believers are constantly going back to square one. So pervasive is the reality of sin that discussion on the third use with its positive aspects soon reverts to the second use. Gilbert Meilaender addresses this Lutheran dilemma:

If I am an inattentive thoughtless, or even abusive husband and father—and my neighbor is just the opposite, an exemplary husband and father—what Lutheranism too often has to say to us is exactly the same: that before God we are sinners in need of justifying grace. And if I want help to become more like my exemplary neighbor, the message is likely to be precisely the same: that I am sinner in need of grace. All of which is, of course, true. But it is not the only theological

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<sup>4</sup> *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, ed Robert Kolb and Timothy J. Wengert, tr. Charles Arand et al. (Minneapolis: Fortress Press, 2000). References in the sentences are to the paragraphs in Solid Declaration of the Formula of Concord.

truth, nor the one that always best suits our condition. A theology that has learned to speak in such a monotone about grace—always as pardon but not also as power—gives no guidance or direction to the serious Christian. The Christian life, engaged only in instant return to pardoning word, goes nowhere.<sup>5</sup>

Walther's *Law and Gospel* informs classical Lutheran homiletical tradition that law and gospel are diametrically opposed to each other. Law not only serves but virtually exhausts its purpose in condemning sinners in preparation for hearing the gospel.<sup>6</sup> His theses do not develop the law's positive aspect in providing specific guidance in how Christians are to live. He speaks of renewal and love, but only in the sense that they along with faith are not causes of one's salvation. A third use of the law may be implied in Walther's exegesis of Romans 3 and 4 in which he says that first the law threatens with the wrath of God and then the gospel announces the comforting promises of God. Then he adds, "This is followed by instruction regarding the things we are to do after becoming new people,"<sup>7</sup> but he does not elucidate what these things are.

Walther regards law as divine threat and gospel as divine comfort, definitions that serve his ultimate purpose in showing that the two are not to be commingled. Believers converted by the gospel are not to be burdened with other requirements. Walther's concentration on the second use reflects Reformation thought, but he probably was also reacting to Rationalism with its positive appraisal of man's moral capabilities in which the law's accusatory function no longer was prominent. Within the context of 18th century Europe, the church as a *Volkeskirche* was coextensive with the state and so in practice the first and third uses of the law became virtually indistinguishable. Walther's experience with Pietism may have been more significant for his not providing an explicit discussion of the law's third use. After faith was created, Pietists reinserted regulations into Christian life, while the Reformed saw law as goading Christians to good works. For Walther, the gospel was God's last word, but ironically this idea, that was given legs by Werner Elert and Robert Schulz in the 20th century, provided a basis for the view that the law was not applicable in Christian life. Apart from the question of whether Walther's theology was abused, an abridged edition of his *Law and Gospel* appeared as *God's No and God's Yes*, a title suggesting that law and gospel are two incompatible

<sup>5</sup> Gilbert Meilaender, "The Catholic I Am," *First Things* 210 (February 2011): 29.

<sup>6</sup> Walther, *Law and Gospel*, 1-8.

<sup>7</sup> Walther, *Law and Gospel*, 105. "In more theological terms he writes: 'Genuine sanctification follows justification, and genuine justification comes after repentance.'" Emphasis original.

revelations of God. Compared to promises of the gospel with no conditions attached, law with its conditions, prohibitions and condemnations comes across as one big “no.” This characterization is so persuasive that many a Lutheran sermon predictably closes with an executive pardon for all transgressions.

A discussion on the law in its three uses would have remained the purview of the theologians had it not been for decisions of the Evangelical Lutheran Church in America (ELCA) that were based on the law-gospel paradigm that the gospel is God’s last word—though it should be quickly added that recent events would have taken place even without theological arguments.<sup>8</sup> False doctrine is not as easily recognized as aberrant practice, and reactions to the ELCA’s decisions prove the point. Trinitarian issues have surfaced along with these decisions. Much trinitarian discussion is so abstract as to remain beyond the interest of many clergy and the grasp of the laity, but the introduction of an alternate form of the Lord’s Prayer addressing God as Mother could not pass unnoticed, even by those who worship infrequently. At this point theology kicks in. If the first person of the Trinity can be known as Mother, then child can be substituted for Son and, we ask, why could the second person of the Trinity not be known as the daughter? In use already is the trinitarian alternative of Creator-Redeemer-Sanctifier that allows for the ancient heresy of Modalism.

For those who lived through discussions leading up to the introduction of women clergy persons in the 1970s, recent ELCA decisions are a *déjà vu* experience—been there, seen that, heard that. Then as now, arguments center around two fulcra. First, Old and New Testament citations, traditionally understood as disallowing these recently approved behaviors, are reinterpreted. Second, even if traditional prohibitions are acknowledged as correct interpretations of the disputed passages, they have been abrogated by the gospel. Gospel is God’s last word, and law has outlived its purpose. This argument is a form of dispensationalism, though it is rarely recognized as such. Arguments for ordaining women in the 1970s were more diverse and prolonged than those for ordaining practicing homosexuals. In one moment it was proposed and another accepted, or so it seems.<sup>9</sup> Since regularizing the ordination of women, officially sponsored ELCA discussions on the matter have ceased. Ordination of homosexuals

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<sup>8</sup> Murray, *Law, Life, and the Living God*, 26, goes as far as saying that “Walther’s work set the agenda for discussion of Law and Gospel in America until the present.”

<sup>9</sup> Giving the primacy to the gospel may lead to this absurd opinion that homosexual behavior is allowed for those who find themselves under the gospel but not for those under the law.

is already incontestible practice matching incontestable dogma. These disruptive controversies might show that while Lutherans were absorbed with the law's second or accusatory function, they should have been examining the law's third use in its application to the private and corporate lives of Christians.

Since its formation, the ELCA has moved away from its Lutheran heritage by establishing fellowship with the Reformed, Episcopalians, Moravians, and Methodists and has signed an accord on justification with the Catholics. Female theological students are approaching a majority in the ELCA. Homosexual unions can be given marriage blessings. During the radicalization of church practice, a sense of what it means to be Lutheran amazingly remains and has given birth to protest movements calling for reform and the formation of new synods. A revival of the Lutheran spirit was evident in a gathering at Gethsemane Lutheran Church, opposite the campus of Concordia Theological Seminary in Fort Wayne, on the after-noon of Sunday, October 17, 2010. The speaker was Paull L. Spring, former bishop of one of the ELCA's geographic synods in Pennsylvania, and interim bishop of the North American Lutheran Church (NALC). Objections raised there to the recent ELCA decisions might be described as intuitive rather than theological. One lady expressed dismay at allowing divorced persons to remain as pastors. A lay person asked for the definition of the word "orthodox," a question unlikely to be raised at similar LCMS gatherings. One pastor asked whether natural law could be taught at the seminaries, a question with profound theological significance. They were groping for reasons to counter the newer practices. Most clergy are patient with deviations in practice and doctrine, but it is another matter when an entire church body regularizes a deviation. Regularized deviations in practices in the ELCA bring to the surface doctrinal aberrations that would have otherwise remain unnoticed. In Bishop Spring's opinion, ELCA decisions to ordain practicing homosexuals were motivated more by cultural fluctuations than by agreed upon biblical conclusions. He did not mention that cultural forces were at work decision to ordain women in the 1970s. In both cases, the goals of ordaining women and homosexuals were in view by their proponents before and apart from the retrieval of biblical evidences and catholic practice.

Decisions and the ensuing discussions about ordaining women in the American Lutheran Church (ALC) and the Lutheran Church in America (LCA), the major constituting churches of the ELCA, can best be explained by the cultural climate of the debate over the Equal Rights Amendment to the American constitution. Rights that women had in society were seen as

rights they also had in the church. Voila, ordained women pastors. A malformed understanding of the universal priesthood of believers served this agenda well, as did the law-gospel paradigm in which the gospel as God's last word trumped the law. Recent decisions reflect and correspond to current cultural values expressed in judicial, legislative, and executive actions allowing gays to enter into contractual unions, marry, and serve openly in military. When the church absorbs the prevailing culture into its practices and then adjusts its theology to justify these practices, the church becomes so undistinguishable from society that it is no longer recognizable as church, a point Bishop Spring made in his lecture. Friedrich Schleiermacher constructed a form of Christianity from the German culture of the early 19th century. American churches may be constructing a religion out of the standards of Western culture but without historic Christian components that were still available in the early 19th German culture. Also lacking today is a noteworthy theologian like Schleiermacher. Present innovations look for support in the law-gospel paradigm that characterizes Lutheranism and the denial by some Lutheran scholars of the law's third use. These two things converge.

So we go back to the question of what role the third use had for Walther. His *Pastoral Theology* sets down standards for pastoral conduct and procedures for exercising discipline.<sup>10</sup> Christians not living up to church standards could be expelled from the congregation. This looks like law but perhaps not in its third function. Walther's edition of Baier's *Compendium* offers no section on the third use, but a definition may be extracted from the section on sanctification.<sup>11</sup> Good works are described as spontaneous, an argument advanced in Article IV of the Formula on good works, but not in Article VI on the third use.<sup>12</sup> For Walther, justification precedes sanctification, the life of good works, but it is precisely in the discussion of sanctification where the law's third use has a place. Current confusion about the third use may have been tempered, if it had been combined with the Formula's article on good works and the sections of Lutheran dogmatics on sanctification.

Ordination of women and homosexuals, practices that find precedence in ancient Gnosticism and not early church catholicism, were taking place

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<sup>10</sup> C.F.W. Walther, *Americanish-Lutherische Pastoraltheologie*, 5th ed. (St. Louis: Concordia Publishing House, 1906), 338–354. *American Lutheran Pastoral Theology*, tr. and abr. John Drickamer (New Haven, MO: Lutheran News, Inc., 1995), esp. 247–251.

<sup>11</sup> Chapter VI, "De Renovatione et Bonis Operibus," *Compendium*, 299–336.

<sup>12</sup> Johann Wilhelm Baier, *Compendium Theologiae Positivae*, ed. C.F.W. Walther (St. Louis: Lutherische Concordia Verlag, 1879), 330.



in the Episcopal Church and the ELCA before either church legitimated them. Arguments offered for these changes were not without biblical support, but the prevailing one offered by Lutherans was that the gospel is God's last word. Hence any prohibitions concerning such behaviors are no longer applicable. Even though the law-gospel paradigm as articulated by Walther and Elert was not intended to support these practices, it did. Call it unintended consequences, a phrase that is eminently useful in theological discussion. This interpretation of the law-gospel paradigm in which the gospel has the last word finds collateral support in the now widely held view that Luther did not hold to the law's third use. This has proved to be a recipe for ethical disaster and ecclesiastical collapse. Yes, the law, depending on the circumstances, can be divided into functions, but there is only one law.

Hence, an abrogation in one function of the law contributes to or reflects a parallel malfunction in the other two. Practitioners and supporters of homosexual behavior no longer have to face the law's accusations from the pulpit. They are no longer called to repentance and then faith. Confession in the confessional booth is adjusted by abridgment to the new standards. Only at one's own risk does a clergy person of a church allowing women and homosexual preachers and the blessing of same sex marriage preach against these practices. He will inevitably run afoul of church officials and comprise his political future. In the state-affiliated churches of Scandinavia, some pastors have already been subject to ecclesiastical censure and civil penalties. In regard to the law's first use, ELCA decisions are in line with what is allowed by governments of countries in the West and, in a kind of perverse way, demonstrates the Formula's view that the law in its first and third uses results in or at least allows the same behaviors. This is not the case in Islamic countries and African countries with significant Christian populations, where such behaviors are frowned upon and have led some Lutheran churches to contemplate breaking communion with the ELCA. Compared to Roman Catholics and the Reformed, Lutherans are less politically active, but this may prove to our detriment. What is allowed under civil law, the law's first use, becomes more easily accepted under the third use and so redefines the doctrine of Christian sanctification.

Seeing things in historical perspective helps. Saxon and Bavarian Lutherans, who arrived first into the Midwest in the 1830s, understood that the Rationalist and Pietist theologies from which they fled found a poor sister in the Lutheranism that sprang up a century before in colonial Pennsylvania and New York. Early American Lutheranism had multi-varied roots

in Lutheran Orthodoxy and Pietism and was soon overcome by German Rationalism with an assist from New England Congregationalism, which turned into the Unitarianism of Harvard where the president of the New York Synod Frederick Quitman had studied. The contagion of revivalism that loomed up in Jonathan Edward's New England and was advanced in the Methodism of George Whitefield found its way on to the prairies where the new arrivals were settling. All this was brought together by Samuel S. Schmucker's American Recension of the Augsburg Confession. To make sure that they were not trading European products for inferior American ones, leaders of the Lutheran immigration established their own synods, among which The Lutheran Church—Missouri Synod (LCMS) still survives.

Jumping out of the devouring flames of European Rationalism into the American Protestant frying pan was not an option for the LCMS's fathers, and so the lines were quickly and sharply drawn between established Lutheranism and the burgeoning Lutheranism of the plains. Had the older American Lutheranism found entrance among the newly arrived immigrants, they would have escaped one devil to meet another one with duller, less theologically honed horns. Zion on the Mississippi had to resist being overwhelmed by the waters that flowed from the Hudson, Delaware, and Susquehanna westward over the Appalachians to the Midwestern prairies. Zion's inhabitants sandbagged their fortress on Mississippi against eastern floods (Is 8:6–8). In this complex of metaphors lurks a composite parable that scientific principles are not hardwired. Take for example the principle that all rivers flow downward. This might be true, unless it was Fort Wayne in March of 1982, when the waters of the St. Joseph River met the swift flowing waters of the St. Mary's River coming from the south and the St. Joe began to flow upstream. If commonly accepted principles are open to reevaluation, then so are common theological assumptions. Perhaps theological influences can flow in unexpected directions. Thus, influences flowing from Missouri's Zion on the Mississippi could reverse course and flow north into ELCA seminaries. Well, according to Carl E. Braaten, this is what happened, and details are provided in his *Because of Christ: Memoirs of a Lutheran Theologian*.<sup>13</sup>

For years Braaten, along with his co-editor Robert W. Jensen of the *Christian Dogmatics*, has been called to task for holding a little less than authentic Lutheran theology, but he turns the tables around in attributing ELCA problems to LCMS blue bloods. Waters from the Concordia

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<sup>13</sup> Carl E. Braaten, *Because of Christ: Memoirs of a Lutheran Theologian* (Grand Rapids: Wm. B. Eerdmans Publishing Co., 2010), 118–122.

Seminary, St. Louis, channeled through Christ Seminary in Exile, Seminex, flowed upstream to Chicago in 1982 when the former Saint Louis faculty from Seminex joined, and then took control of, the Lutheran School of Theology in Chicago (LSTC). Braaten relates how ten former Seminex professors voted as a block to bring down the existing faculty structure and administration. Having taken the top faculty positions for themselves at LSTC, they put in place the egalitarian model of Concordia Seminary's administration of John H. Tietjen in which "secretaries, janitors, and kitchen help" were included in faculty social gatherings. This was more than a political maneuver, but in Braaten's opinion theological antinomianism was at work. "The theology that backed up the 'paradigm shift' at LSTC was antinomian or a close relative." All this laid on the shoulders of former LCMS clergy who found their way into his church.<sup>14</sup>

The unexpected consequence of such a strong contingency of Seminex personnel was to move the faculty and student body to the left on social, cultural, and theological issues. Having been condemned as liberals and heretics in their home church, they became advocates of a progressive agenda in their new ecclesial setting. The poison of political correctness spread into every aspect of seminary life.<sup>15</sup>

Braaten takes it a step further in seeing these actions as the core of the resolutions adopted by the August 2009 ELCA convention regularizing the ordination of gays and the blessing of their unions as marriages. Tietjen anticipated this as the role of his faculty.<sup>16</sup> Braaten is not the only one pointing the finger at the LCMS for ELCA problems. At his October 17, 2010, presentation, Bishop Spring located the cause of what he called the antinomianism in the ELCA in "Gospel reductionism" and commended J.A.O. Preus for recognizing it for what it really was.<sup>17</sup> Gospel reductionism extends the law-gospel paradigm used in preaching, especially as it was set forth by Walther, into biblical interpretation in providing the only required meaning of a biblical text. If the biblical text births law and gospel, everything else in the text is up for grabs.<sup>18</sup>

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<sup>14</sup> Braaten, *Because of Christ*, 120–121.

<sup>15</sup> Braaten, *Because of Christ*, 120.

<sup>16</sup> John H. Tietjen, *Memoirs in Exile* (Minneapolis: Fortress Press, 1990), 299.

<sup>17</sup> Spring attributed the phrase to the late LCMS president Jacob Preus, though its popularity can be traced to John Warwick Montgomery's series of lectures entitled "Law/Gospel reductionism" and came to be known in its abbreviated form as "Gospel reductionism." See Murray, *Law, Life, and the Living God*, 103.

<sup>18</sup> Murray, *Law, Life, and the Living God*, 103, 215.

The subtitle of Walther's *Law and Gospel, How To Read and Apply the Bible* implied that law and gospel was more than a preaching technique, but that it was a hermeneutical one also, and so it was taken. For self-styled confessional minded preachers, the core meaning of a biblical passage is exhausted if, after bringing the people to their knees, they are lifted up by the gospel. In certain and perhaps most cases, the imposition of the principle curtails rather than helps determine what was on the mind of the inspired writer. Walther did not preach like this, as is obvious from his robust engagement with the biblical texts, but the law-gospel principle came to form the basis of "Gospel reductionism." Preach law and gospel and the preacher has license to say whatever he or she wants about the biblical text. *How to Read and the Apply the Bible* said too much about Walther's book or, for that matter, any book. The next step is that ethical matters are up for grabs.

Applied unilaterally, "Gospel reductionism" results in antinomianism, as both Bishop Spring and Carl Braaten observe, and compromises the law in all three functions. Bishop Spring said that culture and not Scripture is determining the ELCA's agenda. Meilaender speaks of "Lutheranism's decline into antinomianism."<sup>19</sup> In the mores of society a century ago, mainline churches had no thought of ordaining women. This was something Pentecostal churches did. Two generations ago the blessing of a gay marriage was unheard of. Had the culture not lost its moral bearings, what is understood as the first use of the law, problems now affecting church life, matters of the law's third use, would not have arisen. When the sense of right and wrong binding a society together is eroded, it becomes difficult for the church to bring people to an awareness of their sin in preparation for the gospel. Reformed theologian Michael Horton has said that if the church does not change culture, culture will change the church, a theme constantly reappearing in *First Things*. Though the task of improving the culture has more of a place in Calvinism, culture has changed the church and we are suffering the consequences.

After his lecture, Bishop Spring told a circle of people gathered around him that current ELCA problems were traceable to those LCMS clergy who, as members of the Association of Evangelical Lutheran Churches (AELC), were later involved in the formation of the ELCA, the same point Braaten makes in his autobiography.<sup>20</sup> When two points are located on the circumference of a circle, the center can be located. Spring and Braaten serve as those points and the lines to the center converge on the LCMS,

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<sup>19</sup> Meilaender, "The Catholic I Am," 30.

<sup>20</sup> Braaten, *Because of Christ*, 120.

particularly gospel reductionism as it emerged from the law-gospel paradigm. Along with the intrusion of a foreign theological element into the body politic, Bishop Spring pointed out that a merger of the LCA and the ALC may not have taken place without the persistent instigation of the dissident Missourians. At least this was the vision of Tietjen before the union of the three synods.<sup>21</sup> Bishop Spring claims that had a merger taken place without the one-time Missourians, the results would have been different. A bit of historical revisionism may be at play here, since already in 1972 the ALC had introduced the ordination of women and the LCA soon followed suit. Plans to ordain women without synod approval were already afoot at that time at Concordia Seminary, St. Louis, under the Tietjen administration, so on this issue there was prior agreement. With one Lutheran church in view, a spirit of triumphalism may have overtaken the three uniting synods that did not allow them to recognize potentially disruptive practices. Matters among ELCA dissidents will be resolved only when they recognize that arguments used for the ordination of women were resurrected in regularizing homosexual clergy. Claims that emerging synods will be no different from the parent ELCA, except for disallowing homosexual clergy, overlooks the serious attention by their theologians being given to defining the law.

The antinomianism that surfaced in the August 2009 ELCA decisions was already at work in how the former Saint Louis faculty members were organizing the Chicago seminary. All were equal. Leaders in the egalitarian movement, as identified by Braaten, were Robert Bertram and Edward Schroeder, who are described as “founders of Crossings, an educational institution whose purpose was to relate the gospel to daily life. They followed Elert in rejecting the third use of the law.” So Murray’s assessment that Elert’s denial of the third use of the law was a factor in disruptions in American Lutheran theology is confirmed.<sup>22</sup> Even if antinomianism cannot be laid at Elert’s feet, his theology provided the soil for its growth.<sup>23</sup> The egalitarianism at work in organizing LSTC and later

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<sup>21</sup> Tietjen’s vision of a union of the three synods is found in chapter 14 of his *Memoirs in Exile*, as the title, “A Yeast in Flour,” suggests (289–315), and particularly in this sentence: “I had been wondering for some time if one purpose God may have had in mind for Seminex and the AELC was to serve as yeast for a larger Lutheran union” (299). He goes to recount a meeting with E. Clifford Nelson in which both men saw a recapitulation of the formation of the Anti-Missouri Brotherhood in the 19th century leading up to the union of all Norwegian Lutherans in the events later leading up to the formation of what would be organized as the ELCA.

<sup>22</sup> Murray, *Law, Life, and the Living God*, 178–179.

<sup>23</sup> Reinhard Hauber argues that Elert was antinomian. “Werner Elert, Einführung in Leben und Werk eines ‘Lutheranismus,’” *Neue Zeitschrift fuer Systematische Theologie*

the ELCA was followed by libertarianism, which I suppose is a synonym for antinomianism. Braaten says that for the new line of thought to "offer any rules or restrictions regarding the sexual behavior of a Christian . . . is to legalize the gospel, that is, to make the gospel of God's love and forgiveness what the law is designed to do."<sup>24</sup> Braaten's vilification by the LCMS conservatives adds to the value of his appraisal. Spring's and Braaten's appraisal of the ELCA is confirmed by Letter #673 circulated by Edward Schroeder in which a certain Peter Keyel says that the Scriptures do not require any one understanding of marriage or codes for sexual behavior. Setting up sexual standards, in Keyel's opinion, sets aside faith and the gospel as the rule by which Christians live. One has to ask why gospel freedom is not applicable to the other commandments in the second table and only to the sixth, or perhaps it is? The fifth has already been infringed upon by ELCA insurance plans funding abortions, an action probably taken without recourse to theological argumentation. Then there is the Eighth Commandment. ELCA officers have made unkind remarks about those who take exception to the new measures.<sup>25</sup> After his lecture Bishop Spring said, "We live in interesting times." Agreed! Rightly or wrongly, the LCMS is being held responsible, at least partially, for another church's problems. Waters do some times flow upstream.

Systematic theology serves to clarify church doctrine, but at times its structures may be too restrictive. This may have been the case with the second use having monopolized the definition of the law so that ignoring the third use of the law allowed for its denial. A solution might be found in expanding the definition of the third use in seeing it as a replication of what the law was in the paradise of Genesis 2 and then fast forwarding into the paradise of the end time. What Adam did by nature corresponded to what God required. For him, imperative and indicative were one thing. Interrogative was the grammatical form of the serpent. Adam's offense was not merely the abrogation of this or that commandment, but in his attempt to take the place of his creator, his was an act of "unfaith," if we dare speak like this. He believed the promise of the serpent's gospel that he and his wife would be like gods and soon discovered that Satan is the

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und Religionsphilosophie, vol 28 (1986), 113–146. Lowell C. Green refutes the allegation. *The Erlangen School of Theology: Its History, Teaching and Practice* (Fort Wayne, IN: Lutheran Legacy, 2010), 249. As Green points out "the order of creation must 'build upon the rules of nature as created by God.'"

<sup>24</sup> Braaten, *Because of Christ*, 121.

<sup>25</sup> Bishop Spring claims that the editor of *The Lutheran*, the official ELCA publication, called Spring and his group "a boil to be lanced" and "ludicrous." When asked to resign, Spring replied, "Hell's going to freeze over before I resign."

father of lies (Jn 8:44). Adam inverted the image of God in which he was created so that he and not God defined the relationship between them. In those fleeting moments when we love God and the neighbor more than we do ourselves, the paradise understanding of the law reemerges as flickers of light in an otherwise dark place in which the law accuses us. Just as the third use of the law allows for a brief, temporary and sporadic return to Paradise Lost, so it anticipates the final paradise when the second use of the law with the first use will pass away. Then the redeemed will no longer be confronted by the law's accusations and Moses will be seen with Christ as a redemptive figure.<sup>26</sup> From a cheerful and willing spirit, each will live in harmony with God and his neighbor. At that time justification will no longer be forensic, a declaration that sins are forgiven, but it will be intrinsic. We will be made righteousness, as the etymology of the word justification suggests. Christ will completely envelop our existence. At that time a complete theosis will be realized.

In brief, the third use of the law is nothing else than sanctification that will in the resurrection reach and exceed the perfection of the first paradise. In the first paradise God was the lawgiver and in the final paradise he will be both lawgiver and fulfiller and so the law will be endowed with a greater magnificence. Not only will the law's prohibitions and penalties be forever silenced, but law shall be recognized as the perfect description of God. It will no longer be "God's No and God's Yes," but it will be God's Yes and God's Yes! All this is an anticipation of what will be and comes to life here when brothers and sisters live in peace with one other. We might discover that Luther's doctrine of vocation is nothing else but the application of third use of the law, because each performs the work assigned to him or her, a principle that Adam did not understand.

Recent ELCA decisions can be seen as offenses in the light of natural law and specific biblical prohibitions, but ultimately must be seen as offenses against Christ. Again, this leads to the conclusion that the most significant deficit in Lutheran definitions of the third use of the law is the christological component. Current crises bring up the question whether the gospel is God's last word. Yes, perhaps in the sense that what Christ has done comes alive in the lives of Christians. Consider these words of Jesus, "Greater love has no man than this, that a man lay down his life for his friends" (Jn 15:13). That's gospel and the third use altogether. Now, I am not so sure that the first and third uses of the law produce the same external results. At the end time the first and second uses of the law will pass

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<sup>26</sup> Rev 15:3 states, "And they sing the song of Moses, the servant of God, and the song of the Lamb, Great and wonderful are your deeds, O Lord God the Almighty."

away and only the third will remain. Maybe this is what Paul meant: "So faith, hope, love abide, these three; but the greatest of these is love" (2 Cor 13:13).