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## Looking into the Heart of Missouri: Justification, Sanctification, and the Third Use of the Law<sup>1</sup>

Carl L. Beckwith

Robert Jenson comments in the prolegomena to his *Systematic Theology* that those who devote their scholarly efforts to historical theology pursue only academic interests. Whereas those concerned with the church demonstrate how the theological labors of our fathers in the faith, and especially how the historical narratives that gave rise to their theological constructions, relate to the continued proclamation of the gospel today. When we use these historical resources to attend to the issues facing the church, we are doing, in the words of Jenson, pastoral or systematic theology, which, he modestly asserts, is the only type of theology of conceptual importance.<sup>2</sup>

What makes Scott Murray's monograph so impressive is that he competently addresses both the historical debates in American Lutheranism on the third use of the law and how those debates relate to the proclamation of the gospel today. He begins with a discussion of the Formula of Concord and the historical circumstances that gave rise to article six and ends the monograph arguing that some ELCA theologians have moved closer to the Missourians on the third use of the law. The historical and systematic concern of Murray's monograph is for me the most attractive feature of the book. Put simply, he identifies the problem, shows you how it has developed in American Lutheranism, and tells you why it is important for the church today. To borrow Jenson's phrase, Murray is doing something of conceptual importance for the church.

Since I have already written a positive review of Murray's monograph, I will use this opportunity to examine critically two aspects of his argument

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<sup>1</sup> This article is a response to Scott R. Murray, *Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism* (St. Louis: Concordia Publishing House, 2002).

<sup>2</sup> Robert W. Jenson, *Systematic Theology – Vol. 1: The Triune God* (New York: Oxford University Press, 1997), 21–22.

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that will serve better, I hope, to situate our present theological reflection on the place of the third use in the life of the believer.<sup>3</sup> For starters, Murray's brief discussion of the theological context of the third use for the Reformers, specifically his discussion of the Formula, does not seem sufficient for framing the subsequent debates on the *tertius usus*. So much of the twentieth-century debate recounted by Murray focused on Luther and Melancthon, and whether Melancthon recast Luther's theology. What is not discussed enough, however, is how the Concordists, who were by no means sympathetic to the extreme Phillipists, understood the place of the third use in Lutheran theology. Martin Chemnitz, in particular, has quite a bit to say on the third use and, it should be emphasized, saw no discontinuity between Article VI of the Formula of Concord and Luther.

The first part of my essay, then, will look at how Chemnitz addressed the issue of the didactic function of the law in the life of the believer and the issues involved in such a discussion. By broadening the historical foundation at the beginning of Murray's monograph, we will better prepare ourselves to address his argument that some ELCA theologians and Missourians share a common approach to the third use. I am particularly interested in Murray's use of David Yeago and his, perhaps deliberate, reluctance to discuss Yeago's appropriation of the doctrine of *theosis* to express the Lutheran understanding of salvation. The second part of my essay will review Yeago's position and show the direction other ELCA theologians sympathetic to Yeago's work are going with *theosis*. We will see, I hope, the need for an expanded historical and theological foundation, particularly as expressed by Chemnitz, in the current discussions on the third use, one that has already been expressed by Chemnitz.

The key to these debates on the third use is determining the theological perspective of the particular writers working on this issue. Does the author think we are dealing with an isolated article of faith expounded in the Book of Concord that may or may not reflect the theology of Martin Luther himself—the question that guided so much of the twentieth-century debates recorded by Murray—or are we dealing with an article of faith intimately related to every other article of faith, embedded in a soteriological narrative, received by the church, and proclaimed in her word and sacrament ministry? The answer to this question assumes a particular theological perspective. Either you think the Bible is normative

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<sup>3</sup> See Carl L. Beckwith, "Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism," *Pro Ecclesia* 12 (Summer 2003): 366–368.

for every generation because it is nothing other than God's eternal word or you think that the social structures and symbolic world of the biblical authors determines the text in such a way that parts of that revelation are no longer eternally binding. Let me demonstrate this with Murray's monograph and you will see that Missouri has not always been successful in maintaining this proper theological perspective. I will then propose that one chief reason is that we, like the prodigal son, have abandoned our theological home and need to return to our theological roots if we are to be successful in maintaining the faith of our fathers and in proclaiming the gospel in the confused theological climate of our day. Put simply, we must include fathers such as Martin Chemnitz in these discussions if we wish to know why we make the theological arguments we do. With respect to the third use, if we fail to understand the why, we will see it as an isolated article of faith, divorcing it from the soteriological narrative in which it is embedded and risk compromising, I submit, the very article of faith on which the church stands.

### I. Law, Life, and the Living God

In the second section of Murray's book, he reviews the ambiguous place the law was given by Missourians, influenced by Werner Elert, and his insistence, following the Apology, that the law always accuses, *lex semper accusat*. This theology, which ultimately rejected any eternal significance to the law and was associated with the theological faculty at Valparaiso University, attributed parenetic purposes to the gospel, subsuming the law under the gospel. Their denial of a third use of the law led, argues Murray, "to a redefinition of the Gospel to include legal concepts."<sup>4</sup> Such a redefinition means that the gospel is no longer the gratuitous promise of God to the anxious sinner. These theologians sought to retain a place for moral reflection and responsibility in the Christian life and promoted the gospel, as the social-gospel movement of the late nineteenth century had done, as the proper guide for a person's ethical life. More disastrously, however, they rejected the notion that God's law provided an eternal and absolute ethical standard for the Christian. This denial, as we see today, leads only to moral relativism and the invention of personal ethics with its emphasis on love. As such, love, which is a motive that is only properly

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<sup>4</sup> Scott R. Murray, *Law, Life and the Living God: The Third Use of the Law in Modern American Lutheranism* (St. Louis: Concordia Publishing House, 2002), 114.

ordered by faith, as St. Augustine rightly argues, is instead promoted as an unintelligible and undefined ethical rule.<sup>5</sup>

The Valparaiso theology was answered by such theologians as David Scaer, John Warwick Montgomery, and Kurt Marquart, to name only a few. These scholars rightly saw how disagreement over the third use threatened nearly every other article of faith—an observation that cannot be emphasized enough. The interrelatedness of the articles of faith had been acknowledged by the medieval schoolmen, particularly Thomas Aquinas,<sup>6</sup> but it was Martin Luther who first observed that when any article of faith is attacked or compromised, the article of justification is necessarily distorted.<sup>7</sup> The attack on the third use of the law was keenly observed by these writers for what it was: a blurring of the law-gospel distinction which necessarily distorts the articles of justification and sanctification. Put another way, the debates over the *tertius usus* were never a simple disagreement over a single article of faith. Again, as Thomas put it, if you reject one article of faith, you compromise the other articles. Or, as Luther more aptly puts it, if you distort one article, you compromise, in some way, the article of justification. It is this theological perspective, held by Thomas, Luther, Scaer, Marquart, and others, and understood especially well by the chief contributors to the Formula of Concord that should, I submit, frame the discussion on the *tertius usus*, and our theological discussions today.

My first concern with Murray's monograph, then, is the brevity of his historical survey of the *tertius usus* among the Reformers and how that historical awareness contributes to theological reflection today on the third use of the law. Let me briefly outline my point by appealing to Martin Chemnitz and his understanding of this issue. We will see that a proper understanding of the third use provides for Chemnitz not only a conceptual framework through which to view the theological struggles on the article of justification from the early church to his own day but also secures for him a proper understanding of the article of justification itself.

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<sup>5</sup> This is perhaps most clearly seen in the prologue of Augustine's *Enchiridion on Faith, Hope and Love*; see Augustine, *The Enchiridion on Faith, Hope and Love*, ed. Henry Paolucci and J. F. Shaw (Chicago: Henry Regnery Co., 1961).

<sup>6</sup> See Thomas Aquinas, *Summa Theologiae*, Vol. 1 (Blackfriars, NY: McGraw-Hill Book Company, 1964), 28–33; *Summa Theologiae* 1,8.

<sup>7</sup> See Martin Luther, *Luther's Works—Vol. 26: Lectures on Galatians, 1535, Chapters 1–4*, ed. Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann (St. Louis: Concordia Publishing House, 1963), 283; Martin Luther, *Luthers Werke: Kritische Gesamtausgabe*, Vol. 6 (Weimar: H. Böhlau, 1888), 827.

As we will see with Chemnitz, if you get the *tertius usus* wrong, you will get the *articulus stantis et cadentis ecclesiae* wrong too.

## II. Martin Chemnitz (1522–1586)

### *De Operibus Renatorum*

Martin Chemnitz's earliest and most thorough discussion of the third use of the law is found in a small treatise, *De Operibus Renatorum*, written around 1565 against the then false teaching of Andrew Musculus. Chemnitz uses eight questions to organize his treatise on the works of the regenerate. Question three reads, "Must the law be placed before the regenerate as the norm and rule for good works (*norma et regula bonorum operum*) in which God wills that we exercise our obedience [to him]?"<sup>8</sup> Put another way, does the law have a didactic use, a third use, that guides the believer in the life of obedience by giving a particular form or order to the moral life? For Chemnitz, everyone acknowledges that the Holy Spirit renews the heart and causes us to will and to give obedience to God. The disputed question is where believers look for this form or order of the moral life. Chemnitz asks, "Does God will that the regenerate by their own private council and intention or out of human traditions invent religions of their own choice and peculiar works which they present to God as their obedience?" The answer, Chemnitz emphatically states, is "absolutely not!"<sup>9</sup> The believer does not invent his own code of ethics, which, as we see in our own day, leads to moral relativism, but the believer looks instead to God's eternal law. After quoting CA XX on faith and good works, Chemnitz offers the following gloss: "The law must be placed before the regenerate so that it may teach certain works in which God wills that we exercise our obedience [to him]."<sup>10</sup> Again, the law is the *norma et regula bonorum operum*.

The law not only has a civil use for the unregenerate and an accusatory or theological use to reveal sins but also, notes Chemnitz, a particular use that guides believers in their life of new obedience or sanctification as they

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<sup>8</sup> Martin Chemnitz, "De Operibus Renatorum," in *Loci Theologici: quibus et loci communes D. Philippi Melancthonis perspicue explicantur, & quasi integrum Christianae doctrinae corpus, Ecclesiae Dei sincerè proponitur* (Frankfort and Wittenberg: Sumptibus haeredum D. Tobiae Mevii, & Elerdi Schumacheri, 1653), 36b: "Tertia Quaestio: An lex proponenda sit renati ideo, ut sit norma et regula bonorum operum, in quibus Deus vult nos exercere odientem?" I use throughout the facsimile edition published by the Lutheran Heritage Foundation in 2000.

<sup>9</sup> Chemnitz, "De Operibus Renatorum," 37a.

<sup>10</sup> Chemnitz, "De Operibus Renatorum," 36b.

“delight in the law of God” (Rom 7:22) and “meditate on it day and night” (Ps 1:2). Moreover, continues Chemnitz, “those who have been justified have been freed from the accusation and condemnation of the law through faith for the sake of Christ.”<sup>11</sup> As such, just as the civil use has no place among the regenerate *qua* regenerate, so too, concludes Chemnitz, “the law, insofar as we are dealing with the new obedience, does not apply to the regenerate with its inflexible precepts.”<sup>12</sup>

Chemnitz, of course, is not suggesting that the life of new obedience or sanctification is perfect in this life such that the second use of the law is of no effect in the life of the Christian. In fact, question two of *De Operibus Renatorum*, begins, “In the teaching of the Church concerning good works, we must diligently emphasize and teach from the Word of God that this renewal, which must take place, as we have said, or this new obedience which is begun in the regenerate through the Spirit of renewal, is not in this life perfect, complete, or absolute in all respects and hence in itself pure and whole.”<sup>13</sup> For Chemnitz, the discussion of the third use belongs to a discussion of our sanctification or renewal by the Holy Spirit. The regenerate find the form and order of the moral life by returning to God’s eternal law. Our renewal, however, is never perfected in this life as we continue to cling to our sin. Chemnitz’s point nicely demonstrates the Lutheran anthropological commitment to the *simul iustus et peccator* and echoes the Apology’s assertion that the “incipient fulfillment of the law” done by faith in Christ is the only exception to the *lex semper accusat*.<sup>14</sup>

Chemnitz’s brief treatise succinctly lays out his understanding of the third use of the law. The more pressing question, however, is why we should be so concerned with a discussion of the good works of the regenerate. Put another way, why even write a treatise that deals exclusively with the life of new obedience or sanctification? For the answer to this question, we need to look briefly at Chemnitz’s *Loci Theologici*.

<sup>11</sup> Chemnitz, “De Operibus Renatorum,” 39b.

<sup>12</sup> Chemnitz, “De Operibus Renatorum,” 40a.

<sup>13</sup> Chemnitz, “De Operibus Renatorum,” 33b.

<sup>14</sup> Ap IV,166; Theodore G. Tappert, ed., *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, tr. Jaroslav Pelikan, Robert H. Fischer, and Arthur C. Piepkorn (Philadelphia: Fortress Press, 1959), 130: “All the Scriptures and the church proclaim that the law cannot be satisfied. The *incipient* keeping of the law does not please God for its own sake, but for the sake of faith in Christ. *Without this*, the law always accuses us” (emphasis mine). The key phrase here is “for the sake of faith in Christ.” Outside of faith, which is to say, outside of a right relationship with God, no work is good or pleasing to God as its motivation is no longer ordered by the Spirit because of faith in Christ but rather ordered by our own sinful will.

*Loci Theologici*

If you understand what is taught in Scripture about the new obedience of “those in Christ” (2 Cor 5:17), you will understand the meaning and relationship between the divine law, justification, and good works. That is, if you fail to understand what is taught in Scripture about new obedience, you will distort the chief article of the Christian faith, the article of justification. Chemnitz explains, “At all times, both in antiquity and now, the doctrine of perfect obedience which the law of God requires has been distorted by various errors and this distortion has always brought with it great harm to the article of justification.”<sup>15</sup> This has happened at all times, notes Chemnitz including, our times. This begs the question: How does the failure to understand the third use of the law do great harm to the article of justification?

After making this bold statement, Chemnitz offers a brilliant historical survey. In Scripture, Christ rejects the Pharisaic emphasis on the external performance of the law by showing that the law demands an inner transformation. In the early church, the law was distorted by the theological anthropology of heretics who taught that some people were unredeemable because of their evil human nature. The fathers responded to these errors by overemphasizing the power of the human will and arguing, in the words of Jerome, “if anyone says that God has commanded the impossible, let him be anathema.”<sup>16</sup> In an effort to correct the abuse of the heretics, the fathers, writes Chemnitz, “preferred to preach about the possibility of obeying the divine law in a way contrary to Scripture.”<sup>17</sup> Their infelicitous comments were later used against them by Pelagius who adopted the axiom that God would not command what could not be accomplished. Although Augustine ably refuted the errors of the Pelagians, a variation of this heresy found currency among the medieval schoolmen who adopted the Latin axiom, *facientibus quod in se est, Deus non denegat gratiam* (“to those who do what is in them, God will not deny grace more”). No longer does the law demand perfect obedience but only a qualified obedience commensurate with the natural abilities of the

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<sup>15</sup> Martin Chemnitz, “De Lege Dei,” in *Loci Theologici: quibus et loci communes D. Philippi Melancthonis perspicue explicantur, & quasi integrum Christianae doctrinae corpus, Ecclesiae Dei sincerè proponitur* (Frankfort and Wittenberg: Sumptibus haeredum D. Tobiae Mevii, & Elerdi Schumacheri, 1653), 5b. In English see, Martin Chemnitz, *Loci Theologici*, tr. J. A. O. Preus (St. Louis: Concordia Publishing House, 1989), 336b; hereafter Preus.

<sup>16</sup> Chemnitz, “De Lege Dei,” 6a; Preus, 337a.

<sup>17</sup> Chemnitz, “De Lege Dei,” 8a; Preus, 339b.



individual or, put another way, proportionate to the spiritual progress of the believer. This semi-Pelagian theology of merit found support during the Reformation. Johannes Eck argued in 1541 at the Colloquy of Ratisbon according to Chemnitz, "that we must say that the obedience of the regenerate is perfect according to their status as pilgrims."<sup>18</sup>

All of these historical errors either oppose the clear teaching of Scripture that the perfect fulfillment of the law in this life is impossible or place the proportionate fulfillment of the law in the article of justification. Such a move places the focus of salvation on us and our potential for merit and removes it from Christ and his merit. Essentially, these theologies of merit make God indebted to our human works rather than emphasizing our indebtedness to his saving work on our behalf. These errors, however, should not lead us to exclude the law from the life of the Christian. We must never falsely assume, insists Chemnitz, that our failure to satisfy God's law means we neglect good works and obedience. Failure to understand this point, continues Chemnitz, also leads to "perversions in the article of justification."<sup>19</sup> If we rightly understand justification, we will teach that "it is absolutely necessary that there be a beginning of obedience to the law," a beginning that issues forth from the Spirit of renewal.<sup>20</sup> A proper understanding of justification includes, then, a proper understanding of sanctification. Chemnitz explains:

In this way and in this order, faith comes first, receiving the remission of sins and offering peace and joy of conscience. As a result of this and by the same faith, the promise of the Spirit, who creates the new man for good works, is received and the Spirit turns (*flectit*) our hearts to obedience.<sup>21</sup>

Here we see that Chemnitz—like Scaer, Montgomery, and Marquart—connects a proper understanding of the law with a proper understanding of the gospel and the third use of the law with our sanctification and renewal by the Holy Spirit.

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<sup>18</sup> Chemnitz, "De Lege Dei," 6b; Preus, 337a. Cf. The Council of Trent, sixth session, chapter eleven: Concerning the Keeping of the Commandments and Concerning its Necessity and Possibility.

<sup>19</sup> Chemnitz, "De Lege Dei," 7b; Preus, 339a.

<sup>20</sup> Chemnitz, "De Lege Dei," 8a; Preus, 339a.

<sup>21</sup> Chemnitz, "De Lege Dei," 8a; Preus, 339a. The force of the verb, *flectere*, is 'to bend', 'to turn', and 'to soften'. As such, Chemnitz's point is well made. The Spirit literally bends the hearts of the faithful, softening their hardness, in order to turn them to the works pleasing to God.

Of greater importance, especially in light of Murray's timely monograph on the dubious history of the third use of the law in American Lutheranism is Chemnitz's historical critique. Both the early church fathers and the medieval schoolmen failed to maintain a correct distinction between our reconciliation with the Father on account of the Son's redeeming work and the renewal or newness of life brought about by the Holy Spirit in the justified person. In his locus on justification, Chemnitz writes, "it is necessary that the benefits of Christ, on account of which we receive remission of sins and are received unto eternal life, are distinguished from the benefits of sanctification, or renewal, which follow justification."<sup>22</sup> Such a distinction must always be maintained. Chemnitz continues, "We are not justified because of this [renewal], that is, we do not receive the remission of sins nor are we received unto eternal life because of the newness of life that follows [our justification], although it too is a benefit of Christ." For Chemnitz, a proper order must be maintained and preserved between justification and sanctification. As we will see shortly, this distinction has once again been blurred by some theologians defending the third use.

Before I address the ELCA theologians that Murray argues have moved closer to the Missourians on the third use, we need to address briefly one final point made by Chemnitz. What does he mean when he says that the justified person is never without the Spirit's renewal (Titus 3:5)? Chemnitz's point is that while a logical or theological distinction exists between our reconciliation and renewal or our justification and sanctification, they are not temporally distinct in the life of the believer. That is to say, the justified person is at no time not also renewed by the same Spirit engendering justifying faith in him. These articles of faith are, however, theologically distinct and that distinction must be preserved if the article of justification is to be correctly understood. Since the article of justification concerns the promise of the gospel, which is the remission of sins for the sake of Christ, and faith is the instrument and means by which that promise is applied to us, the distinction between justification and sanctification must never be blurred in such a way that our reconciliation becomes dependent on our renewal by the Holy Spirit. Chemnitz explains this point with exceptional clarity in his *Enchiridion*.

Renewal, sanctification, virtues, and good works are not our justification and reconciliation, nor do they form any part of it; rather justification and reconciliation consist completely in the free imputation of the

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<sup>22</sup> Martin Chemnitz, "De Loco Iustificationis," 207a; Preus, 450a.

righteousness of Christ and in the remission of sins for Christ's sake, whom we apprehend alone by faith (Rom 4:5-7). For our good works do not enter the circle, as Luther says, or article or act of justification; but there grace alone, Christ alone, faith alone, remission of sins alone rule. And thus, though true faith is never without good works, yet it justifies alone without works. Likewise, though making alive, or renewal, is always with justification, yet they are not to be mixed or mingled with each other, for justification is one thing, renewal another. And though they cannot be separated according to difference in time, yet, in the order of significance or nature, justification precedes and renewal follows, which does not come in the nature of justification but is its fruit or consequence.<sup>23</sup>

Perhaps I have labored this point but as we will see some recent advocates of the third use have not successfully maintained the theological distinction between reconciliation and renewal, between justification and sanctification. The lesson we must learn from Chemnitz is that any discussion about our new obedience and the third use of the law necessarily involves a discussion about the article of justification. If we fail to teach correctly on the third use, we will distort the article of justification. As Murray has shown us, we either distort the law-gospel dialectic, potentially attributing legal concepts to the gospel, or we dispose of God's eternal law altogether, opening the door to the invention of personal ethics and moral relativism.

### III. ELCA Theologians

During the third and final period discussed in Murray's monograph, he argues that agreement has emerged recently between some ELCA theologians and Missourians on the third use of the law. One such theologian is David Yeago, who, writes Murray, "has been an eloquent defender of the third use of the law among ELCA theologians."<sup>24</sup> Yeago has indeed written a number of articles addressing the relative antinomianism present in Protestant theology and the need for a renewed appreciation of the didactic use of the law. More importantly, he has ably shown the flaws of Lutheran scholarship influenced by Werner Elert's teaching on the law and the need for a more comprehensive understanding of Luther's teaching on grace, law, and the moral life. Another element of Yeago's scholarship, however, intimately related to his defense of a

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<sup>23</sup> Martin Chemnitz, *Ministry, Word, and Sacraments: An Enchiridion*, tr. Luther Poellot (St. Louis: Concordia Publishing House, 1981), 79, par. 164, altered.

<sup>24</sup> Murray, *Law, Life, and the Living God*, 178.

didactic use of the law and absent from Murray's discussion, is his insistence that Luther's view of justifying faith is one of union with Christ, which is to say, *theosis* or the deification of the believer by God's gracious love. Similarly, Bruce Marshall has argued that justification for Luther is both forensic and transformative, which is to say deifying. Yeago and Marshall are continuing a recent trend in Luther studies, influenced by the so-called Finnish interpretation of Luther, that finds evidence of *theosis* in Luther's work.<sup>25</sup> What concerns us here, however, is not whether Luther teaches *theosis*, but how their concern for the didactic function of the law has led them to emphasize *theosis* and how this emphasis has impacted their understanding of the article of justification. As we will see, to suggest, as Murray does, that the Missourians and some ELCA theologians have moved closer on the third use of the law is to tell only half of the story. While we have moved closer on the *tertius usus*, it has come at a considerable cost as we have moved further apart on the *articulus stantis et cadentis ecclesiae*. Let me briefly lay out Yeago's defense of the third use and then turn to how the article of justification becomes compromised by his conclusions on *theosis*. I am hopeful that you will begin to see why my efforts above with Chemnitz were necessary and should preface this discussion on the third use.

David Yeago, like Chemnitz, sees the larger theological implications of a denial of the third use. He has nicely demonstrated how Lutheran scholarship, influenced by Werner Elert and his rejection of a didactic use of the law, used the law-gospel distinction to organize and structure all theological reflection: a theological construct, as Yeago shows, that leads to antinomianism and a rejection of dogma itself. It leads to antinomianism because if the law-gospel distinction is understood as the ultimate horizon for theological reflection, then any commandment or ethical exhortation for the ordering of a person's life is, by definition, the imposition of the law from which the gospel has freed that person. This theological construct naturally leads to gospel reductionism; as Murray puts it, "every theological issue is reduced to the Gospel or not-the-Gospel."<sup>26</sup> Since the narrative context of this law-gospel construct is the experiential situation of the troubled conscience, weighed down by the moral demands of the law, the penitent must be set free from the unmanageable burden of the law by the gospel. Any recourse to the moral order set forth by the law,

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<sup>25</sup> For an introduction into this school of thought, see Carl E. Braaten and Robert W. Jenson, eds., *Union with Christ: The New Finnish Interpretation of Luther* (Grand Rapids: William B. Eerdmans Publishing Co., 1998).

<sup>26</sup> Murray, *Law, Life, and the Living God*, 183.

that is, any appeal to a didactic use of the law, threatens the penitent's freedom in the gospel and risks, once again, burdening the conscience. Moreover, in this construct the order and form for the moral life established by the law are opposed to the freedom brought about by the gospel, and since dogma and dogmatic formulation is, explains Yeago, "a particular ordering of thought and language," it too must be rejected by a gospel-centered church.<sup>27</sup> Or, as Murray puts it, "a Gospel-centered church will be form-free, rejecting formation by dogma."<sup>28</sup>

What is interesting about Yeago, and not discussed in Murray's monograph, is that he moves from passionately defending what we call the third use of the law to arguing that Luther's view of justification is not primarily forensic. He writes, "the forensic relationship is secondary to a relationship of union, the union of the believer to the person of Christ as a living member of Christ's body, the church."<sup>29</sup> For Yeago, the goal of the Christian life is the restoration of the *imago Dei* damaged by sin. The restoration of this image, made possible by Christ's redeeming work and grace, is *theosis*, the deification of the human person by God's gracious love.

*Theosis* or deification is a central soteriological and anthropological motif of Eastern Orthodoxy and has roots in Greek and Latin patristic and medieval thought. The scriptural texts often cited for *theosis* are 2 Peter 1:4 where it is said that through Christ we "become participants of the divine nature" and John 10:34 where Jesus quotes Psalm 82:6, "I said, 'You are gods.'" Perhaps the most significant voices in the early church articulation of *theosis* are Gregory of Nazianzus and Cyril of Alexandria, but it is Athanasius who is most often quoted for a succinct definition of *theosis*. Toward the end of his treatise, *On the Incarnation*, he writes, "God was made man that we might be made God," or, put another way, "God was humanized that we might be deified."<sup>30</sup> What is meant by this is that human beings realize their fulfillment as perfect and complete human beings through participation, by grace, in God's trinitarian life. Although

<sup>27</sup> David Yeago, "Gnosticism, Antinomianism, and Reformation Theology: Reflections on the Costs of a Construal," *Pro Ecclesia* 2 (Winter 1993): 43.

<sup>28</sup> Murray, *Law, Life, and the Living God*, 181.

<sup>29</sup> David Yeago, "Martin Luther on Grace, Law, and Moral Life: Prolegomena to an Ecumenical Discussion of *Veritatis Splendor*," *The Thomist* 62 (April 1998) 184; emphasis original.

<sup>30</sup> Athanasius, *On the Incarnation: The Treatise De Incarnatione Verbi Dei*, tr. ed. A religious of C. S. M. V. (Crestwood, NY: St. Vladimir's Orthodox Theological Seminary Press, 1953), 93; *De Incarnatione*, 54.

this participation has its beginning in this life through the sacraments and spiritual exercises, it is realized fully only in the life to come.

For Lutherans, the Orthodox teaching of *theosis* is best captured by what we describe as sanctification: it is our life of renewal by the Holy Spirit that begins to order our love toward our neighbors and the world and is perfected only in the life to come. Any use of *theosis* in Lutheran theology, then, must be kept only to the article of sanctification, lest the article of justification become compromised. To do this, however, is either to misunderstand what is meant by *theosis* or to redefine and limit it to the Lutheran understanding of sanctification. This is exactly the problem faced by the ELCA theologians defending the third use of the law and making an appeal to *theosis*. They understand that *theosis*, properly taught, involves what Lutherans identify as the article of justification and cannot be redefined to limit its use to the article of sanctification. Therefore, their appropriation of the term requires them to rework the traditional Lutheran understanding of justification. Bruce Marshall acknowledges the problem faced by Lutherans appropriating *theosis*.

At times this problem is thought of as a conflict between Lutheranism and the rest of the Christian world. The Lutheran view of justification, so the assumption regularly goes, is both thoroughly forensic and untethered to any insistence on transformation, holiness, and new life. Pretty much everyone else insists that justification involves or implies renewal of life, even if it also includes a wholly forensic element. To be sure, Lutherans sometimes give aid and comfort to this confessionalizing of the problem by insisting that any change God brings about in us belongs not to justification at all, but to 'sanctification', and that a right understanding of the matter must always be vigilant to distinguish justification from sanctification—vigilant, in other words, to keep transformative elements out of justification.<sup>31</sup>

Marshall proceeds to argue that Luther's understanding of justification included both forensic and transformative elements (*theosis*). A similar move is made by Yeago. He contends that the forensic view of justification, the imputation of Christ's righteousness, is secondary to union with Christ (*theosis*). "For Luther, what is called 'justification' is just this utter joining-together of Christ and the believer, by virtue of which we live in heaven and Christ is, lives, and works in us. The righteousness by which we are saved is Christ himself, living in us; the forensic relationship, in which God

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<sup>31</sup> Bruce D. Marshall, "Justification as Declaration and Deification," *International Journal of Systematic Theology* 4 (March 2002): 4; emphasis mine.

forgives our sins 'for Christ's sake' is dependent on this primary relation on union."<sup>32</sup> To put this in traditional Lutheran categories, Yeago is here suggesting that our justification, the imputation of Christ's righteousness, is dependent on our sanctification, the life of new obedience in which the Spirit joins us to Christ and we proclaim that it is no longer I who live but Christ who lives in me.

It seems that the introduction of *theosis* into Lutheran theology by these ELCA theologians forces them to offer a false characterization of the relationship and order between justification and sanctification. For example, Marshall repeatedly portrays the traditional Lutheran teaching on justification and sanctification or reconciliation and renewal as two distinct events that occur temporally in the life of the Christian, one belonging to Christ and the other to the Holy Spirit.<sup>33</sup> He then uses Luther's 1535 Lectures on Galatians to conclude that Luther does not regard justification and sanctification as opposites, one following temporally upon the other, but rather that each "implies and requires the other."<sup>34</sup> This observation leads Marshall to argue for a redefinition of the article of justification that includes transformative elements (*theosis*). Admittedly, if Lutherans are teaching reconciliation and renewal in the manner described by Marshall, then a serious problem exists. The solution, however, must never be to distort the article of justification but rather it must be to articulate diligently a proper understanding of justification and sanctification. As we have seen above, what Marshall discovers in Luther is nicely articulated by Chemnitz: justification and sanctification are theologically distinct, and must always remain so, but they are not temporally distinct. In that sense, justification implies sanctification and sanctification requires justification. Nowhere does Luther suggest that our renewal by the Holy Spirit or our sanctification by him precede our justification. To make such an argument would be for Luther to return to the despairing days of old when salvation was uncertain because it depended on us (i.e., our transformation) rather than Christ and his saving work for us.

Chemnitz, in his locus on justification, observed how the church fathers distorted the article of justification because of their pastoral concern over the moral laxity and smugness of Christians. One wonders if something similar is not happening among some of the ELCA theologians alarmed at

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<sup>32</sup> Yeago, "Martin Luther on Grace, Law, and the Moral Life," 184-185; emphasis mine.

<sup>33</sup> Marshall, "Justification," 11, 12, 19, 26, et passim.

<sup>34</sup> Marshall, "Justification," 19.

the antinomianism and moral relativism in their midst. While we certainly agree with the efforts of Yeago and Marshall, among others, for showing the place of the third use in Luther's thought, we should be concerned with how they are using *theosis* and its impact on the article of justification.<sup>35</sup>

#### IV. Conclusion

Scott Murray has done us all a service by introducing us to the thorny historical debates in American Lutheranism on the third use of the law. What I have been arguing in this essay might better be seen as asking where we need to go from here. By remembering our theological heritage and renewing the study of our Lutheran fathers, we will better equip ourselves to navigate the theological complexities of our day, realizing how all articles of faith touch on the article of justification. Indeed, today, more than ever, we must be diligent in teaching that no one is justified before God by their own strength, merits, or works, but rather we are freely justified by grace through faith in Jesus Christ, and this faith God imputes for righteousness in his sight. Or, as Chemnitz nicely puts it, in the article of justification grace alone, Christ alone, faith alone, and remission of sins alone rule. Moreover, the same Spirit engendering justifying faith in us continues his renewal work on us, transforming and sanctifying our hearts and minds in love: a work begun in this life and perfected in the life to come.

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<sup>35</sup> I hope I have made it clear in this discussion that *theosis* does beautifully express what Lutherans understand Scripture to be teaching about our renewal and sanctification by the Holy Spirit. As such, the doctrine of *theosis* need not be avoided by the theologian who carefully and diligently maintains the scriptural distinction between justification and sanctification. In other words, *theosis* beautifully expresses how we are renewed by the Holy Spirit in order to begin keeping the second table of the law. Our justification, our right relationship with God, our imputation of Christ's righteousness, however, belongs to our faith and to the first table of the law, which makes possible our fulfillment by the Holy Spirit of the second table where our faith works through love. Such fulfillment, of course, is never complete or perfect in this life as the Spirit daily strives to soften and bend our sinful hearts.