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## Beyond the Impasse: Re-examining the Third Use of the Law

Mark C. Mattes

If the law is a disciplinarian leading us to Christ (Gal 3:24), then what becomes of the law for us once we are in Christ? Is the Christian wholly lawless? The wider concern here is how law and gospel, in proclamation and pastoral practice, are distinguished but not separated. What is clear is that as Christ sits in the conscience of the new being through faith, it is free from the accusations and coercive nature of the law.<sup>1</sup> Faith alone fulfills the law because it alone permits sinners to render the honor to God, which

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<sup>1</sup> In his 1535 lectures on Galatians, Luther writes: "Now if it is so dangerous to deal with the Law, and if this fall was so easy and so great, as though it had been all the way from heaven to hell, let every Christian learn diligently to distinguish between the Law and the Gospel. Let him permit the Law to rule his body and its members but not his conscience. For that queen and bride must not be polluted by the Law but must be kept pure for Christ, her one and only husband; as Paul says elsewhere (2 Cor 11:2): 'I betrothed you to one husband'. Therefore let the conscience have its bridal chamber, not deep in the valley but high on the mountain. Here let only Christ lie and reign, Christ, who does not terrify sinners and afflict them, but who comforts them, forgives their sins, and saves them. Therefore let the afflicted conscience think nothing, know nothing, and pit nothing against the wrath and judgment of God except the Word of Christ, which is a word of grace, forgiveness of sins, salvation, and life everlasting. But it is really hard to do this. For human nature and reason does [*sic*] not hold Christ firmly in its embrace but is quickly drawn down into thoughts about the Law and sin. Thus it always tries to be free according to the flesh but a slave and captive according to the conscience." Martin Luther, *Luther's Works*, Vol. 26: *Lectures on Galatians, 1535, Chapters 1–4*, American Edition, ed. Jaroslav Jan Pelikan, Hilton C. Oswald and Helmut T. Lehmann (St. Louis: Concordia Publishing House, 1961), 119–120. Elsewhere he writes: "To preach Christ means to feed the soul, make it righteous, set it free, and save it, provided it believes the preaching." Martin Luther, "The Freedom of the Christian," in *Luther's Works*, Vol. 31: *Career of the Reformer I*, American Edition, ed. Jaroslav Jan Pelikan, Hilton C. Oswald and Helmut T. Lehmann (Philadelphia: Fortress Press, 1957), 346. Francis Pieper notes: "For the Christian according to his new man the law is completely superfluous not only in part, but in its every *Usus*;" see Jonathan G. Lange, "Using the Third Use: Formula of Concord VI and the Preacher's Task," *Logia* 3 (January 1994): 21 n. 20. For the reference in German, see Franz Pieper, *Christliche Dogmatik*, Vol. III (St. Louis: Concordia Publishing House, 1920), 279.

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is his due, and the appropriate care to fellow sinners, which is their due. Faith alone gives all the glory to God for his works. The gospel is pure consolation for the troubled conscience struck down by the law's demands. In light of the gospel, one function of the law reveals itself to be a tyrant (Romans 7), akin to those others that God liberates us from in Jesus Christ: wrath (Romans 5), sin (Romans 6), and death (Romans 8).

The Christian, of course, is not wholly a new being. True enough: we are one hundred percent renewed in Christ, but we are also one hundred percent sinful before a righteous and holy God—in all of our thoughts, words, and deeds. The perennial question, in light of properly distinguishing law from gospel, is whether or not there is another use of the law for the Christian, distinct from its civil and theological uses. Does the law remain a guide for the Christian? The discussion of the role of the law in the Christian life, especially when done in light of the teachings of Johann Agricola (ca. 1494–1566), is long and multi-faceted. The historical occasions of the antinomian dispute are beyond the confines of this study. Suffice it to say that, in Jonathan Lange's words, Articles V and VI of the Formula of Concord are closely tied together.

Article V answered the challenge of a brand of Antinomians who taught that repentance should not be preached from the law but from the gospel (Ep V 1). The resulting thrust of Article V is to demonstrate that, strictly speaking, law preaching works repentance and gospel preaching does not. Article VI answers the challenge of a later variety of Antinomians. These claimed that good works are not to be taught by the law but by the gospel (SD VI 2). The burden of Article VI, therefore, is to assert that good works for the Christian are normed by law and not gospel. Taken together, these articles defend the preaching of the law in the Christian congregation since this law preaching both works repentance (Article V) and instructs in righteous living (Article VI).<sup>2</sup>

However, with the rise of consumerism, urbanization, instantaneous information and communication, and the power of various ideologies to manipulate whole populations in contemporary society, sin takes on even more insidious shapes in people's lives than in previous times.<sup>3</sup> We are called to think through the issues of antinomianism again on a new basis.

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<sup>2</sup> Lange, "Using the Third Use," 19.

<sup>3</sup> See David Wells, *No Place for Truth, Or, Whatever Happened to Evangelical Theology?* (Grand Rapids: William B. Eerdmans Publishing Co., 1993). See also Mark C. Mattes, "Technology, Truth, and Ministry: David Wells on their Relationship," *Lutheran Forum* 34 (Summer 2000): 34–38.

This present paper will respond to Scott R. Murray's recent defense of a third use of the law as a guide for the Christian entitled *Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism*.<sup>4</sup> This response will seek a path that recognizes that the law has come to its end in Christ for the believing conscience and that as at an end in this arena it is for the first time established for shaping the political and communal landscapes. With this endeavor, the impasse between the affirmations that Christ is the end of the law for faith versus that the law is a guide for Christian life can be overcome.

Murray's work was motivated initially by what he perceived as an ethical libertinism in the ELCA's human sexuality studies of the early 1990s. Murray's goal is to identify the influence of such libertinism on both the LCMS and the ELCA since 1940. Murray is quite correct to note that the ELCA labors under a terrible weight of an antinomianism with respect to what many regard as private matters. It is important to note, however, that such libertinism in the ELCA is configured within an overriding legalism, or rigorism, with respect to what many regard as issues of justice in the proposed ELCA sexuality statements. The ELCA, like many in American culture, deals with what might be termed an *inverted golden rule*: Do not infringe upon another's autonomy even as you would not want others to infringe upon your own.<sup>5</sup> In its Epicurean form, it reads: Do not infringe upon others' quest for pleasure, even as you would not want others to infringe upon your own. In the inverted golden rule, the 1970s libertinism of "do your own thing" operates along with the rigorism of defending perceived victims, identified in this case as sexual minorities.

For Murray, antinomianism results from a rejection of a third use of the law, which allegedly posits that the law has no bearing upon the Christian. "If there are no rules, how can the Christian know what does please God?"<sup>6</sup> What, for Murray, is the third use of the law? The third use "gives direction for the impulses of the Christian to do good works."<sup>7</sup> It is "the description of how the Law functions under the Gospel."<sup>8</sup> It is to be distinguished from the first use as "for unbelievers for whom threats of punishment can coerce only to outward obedience" and the second use,

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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).

<sup>5</sup> See Mark C. Mattes, *The Role of Justification in Contemporary Theology* (Grand Rapids: William B. Eerdmans Publishing Co., 2004), 101 n. 54.

<sup>6</sup> Murray, *Law, Life, and the Living God*, 72.

<sup>7</sup> Murray, *Law, Life, and the Living God*, 14.

<sup>8</sup> Murray, *Law, Life, and the Living God*, 56.

“the distinctively theological use of the law that lays bare human wickedness and makes clear the need for a Savior.”<sup>9</sup>

Luther used the expression “three-fold use of the law” (*triplex usus legis*) in only one place, in his exposition of Galatians 3:23–29 in the 1522 *Weihnachtspostille*.<sup>10</sup> However, our concerns should not rest in differences over terminology. Terminology, like all other matters of the grammar of doctrine, is accountable to law and gospel as conveyed by Scripture. Murray’s most important insight about antinomianism is echoed from Gerhard Friedrich Bente (1858–1930) that “the cocoon of antinomianism always bursts into antigospelism.”<sup>11</sup> The antinomians always concoct new maxims, principles, and rules by which to live. Ironically, the quest for lawlessness also results in a gospel-less situation.

### I. The *Simul* and the Role of Law

For the sake of clarification, it is important to realize that the polarity which distinguishes the third use of the law from the first is the polarity between Christians and non-Christian, not old and new being, or the inner man, as it is referred to in the Formula.<sup>12</sup> The new being walks by faith and does good works spontaneously. The old being needs constant education and goading. There are three errors inherent in this approach: 1) old and new beings are on a continuum; or 2) the new being called forth by grace is a possibility latent in the old; or 3) the new being somehow no longer needs to contend with the old. Instead, we as believers are simultaneously old and new. Because of this *simul*, the importance of law in catechesis and preaching, particularly in our time, which, due to the all-

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<sup>9</sup> Murray, *Law, Life, and the Living God*, 13–14. He provides six reasons why the third use of the law must not be neglected in our day: 1) ecclesiastical conflicts have included battles over the applicability and meaning of the third use of the law; 2) divine direction in the law for the believer remains a blessing; 3) antinomianism is detrimental to the gospel; 4) legalism obscures the gospel; 5) the third use needs to be applied to today’s concerns; and 6) today’s theologians who reject the third use need a rejoinder.

<sup>10</sup> Martin Luther, *Luthers Werke: Kristische Gesamtausgabe*, Vol. 10, pt. 1 (Weimar: H. Böhlau, 1907), 1 lines 449ff; WA 10.I:1,449ff.

<sup>11</sup> See Eugene F. Klug and Otto F. Stahlke, *Getting into the Formula of Concord: A History and Digest of the Formula* (St. Louis: Concordia Publishing House, 1977), 47–48.

<sup>12</sup> See Lange, “Using the Third Use,” 19: “The inner man, on the other hand, is a designation employed by the Formula to speak of the Christian only insofar ‘as he is born anew [and] does everything from a free and cheerful spirit’ (SD VI,17). The inner man does not refer to a substance altogether different from the Christian, but it narrows the focus to only the saintly aspect of the Christian *in concreto*. For this reason later dogmaticians have dubbed the inner man as the Christian *qua* Christian.”

encompassing shape of life under the condition of *autopoiesis*, needs an appropriate context.<sup>13</sup>

The Christian is both old and new simultaneously. We are not old and new partly but wholly. As prone to self-righteousness, the old being always thinks that the law can be taken into one's own hands for some kind of self-inflation and self-preservation. And, this is where the law is deadly for the old being. Hence, the potential problem with talk of a third use is not the law but the user. When the user is the Christian, then even the use can get tangled again in righteousness *coram deo* and the person can wind up before the judgment seat of God rather than the mercy seat. Both the first and the third uses of the law are subsumed by God in Christ who uses the law both to preserve order, guide social well-being, and end the old sinner (although that comes at the overlap with the gospel in proclamation and absolution).

The confessional basis for the third use of the law seems to hinge on giving a direct answer to the anxiety arising from antinomianism: Do Christians still need the law? The confessional answer to this question is: Yes, precisely because as simultaneously saint and sinner the Christian contends with the old being.<sup>14</sup> True, we acknowledge with Luther in *The*

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<sup>13</sup> Reinhard Hütter describes the term *autopoiesis* in the following way: "Moreover, if we want to grasp the sweeping theological invention of *Veritatis splendor*, we need to understand the claim that is encapsulated in the modern notion of freedom. It is the freedom of the self that demands a position of sovereignty in relation to her or his body and the natural world—in short, the freedom of the *Promethean self*. It is the self for whom freedom has ultimately come to mean *autopoiesis*, self-creation: I am genuinely free only if my identity is the creation of my own will. Everything that might bind me, that might restrict me, that might direct me without myself having chosen the direction is regarded by the Promethean self as estranging and oppressive—be it bodies, laws, traditions, conventions or something as simple as taxes." See "(Re-)Forming Freedom: Reflections 'After *Veritatis splendor*' on Freedom's Fate in Modernity and Protestantism's Antinomian Captivity," *Modern Theology* 17 (April 2001): 120.

<sup>14</sup> Any talk of the law as a guide must acknowledge also that the Christian is both righteous and condemned. Lange notes, "With the claim that the 'Third Use' is just that form of law preaching that carries no curse or accusation and is used to instruct a Christian in good works, Article VI of the Formula is often trumpeted as the confessional *sedes* for this idea. In reality, the Formula does not support this notion nearly as readily as do Calvin's *Institutes*. The Formula teaches, '[The Holy Ghost] exhorts them [the regenerate] thereto, and when they are idle, negligent, and rebellious in this matter because of the flesh, He reproves them on that account through the Law . . . He slays and makes alive; He leads to hell and brings up again' (SD VI,12). Compare this to John Calvin who teaches, 'the law is an exhortation to believers. This is not something to bind their consciences with a curse, but to shake off their sluggishness, by repeatedly urging them, and to pinch them awake to their imperfection' In the Formula,

*Freedom of the Christian* that we can make some progress in this life. "As long as we live in the flesh we only begin to make some progress in that which shall be perfected in the future life."<sup>15</sup> But this is never a righteousness that inflates or potentiates the ego before God (*coram deo*) but only one that seeks service to the neighbor and creation. Our passive, receptive righteousness before God opens active righteousness in the world (*coram mundo*) so that we are responsible to others in our vocations, "according to the rule of God's word" (*ex praescripto Verbi*).<sup>16</sup> Surely our progress in the new life entails that we grow in our understanding of how pervasive sin captivates us and how fully our wills are bound.

Luther's original response to lawlessness and doctrinal laxity, the impetus for the writing of the Small Catechism and, thus, for every other confession, must be brought back to a central place. The doctrine of the *simul iustus et peccator* must always be acknowledged in pastoral preaching and practice.

## II. Law as Guide

What appears most troubling for Murray is the misinterpretation of law and gospel that would posit the following: If the law is accusing, as is clearly defined in its second use, then it is not properly informative. That is, if the law accuses, then it *only* accuses, and never guides. Murray appeals to David Yeago as offering a corrective to ELCA antinomianism.<sup>17</sup> Yeago identifies the antinomian problem as playing off the gospel as good news from that of the law by affirming that the gospel terminates the law, which for Yeago is really in fact bad news because it lends itself to the ethical chaos that we currently see in our society. Ethical chaos in society, however, is not due to the preaching of Christ as the *finis* (end) of the law for faith but due to sin and contemporary American culture's inability to articulate a common good, other than the prowess of the market economy. Current society wants nothing to infringe on the liberties of individuals seeking their own perceived individual good, provided that, as John Stuart Mill put it, no harm is done to others.<sup>18</sup> More accurately analyzed, the false

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the law reproves, kills and condemns the Christian while in the *Institutes*, the law only shakes, urges and pinches the Christian." "Using the Third Use," 21.

<sup>15</sup> LW 31:358.

<sup>16</sup> See Klug and Stahlke, *Getting into The Formula of Concord*, 48.

<sup>17</sup> Murray, *Law, Life, and the Living God*, 178-185.

<sup>18</sup> "The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, or mental or spiritual. Mankind are greater gainers by suffering each other to live as seems

gospel of contemporary North America is not that you may do as you please but that you must fulfill yourself. For many in our congregations, unfortunately, this is the gospel. This fake gospel can be heard in the pulpits of both right-wing Evangelicals and left-wing mainline Protestants. For the former, if we accept Jesus as Lord and Savior, then we can actualize ourselves in a purpose-driven life. For the latter, Jesus is the clue to spirituality, which helps us to live serenely in an impersonal, market-driven world.

Yeago, however, does not provide an evangelical answer to the North American problem of antinomianism. This is because Yeago embraces Thomistic presuppositions that are incompatible with evangelical faith.<sup>19</sup> With his Thomistic turn, grace fulfills the law in us, by means of a form of cooperation, mimetic participation in the divine life, thus in effect making the law itself God's plan of salvation.<sup>20</sup> What needs to be said in response to Yeago is that the law in the penultimate place need not entail antinomianism. Neither is the law God's form of salvation for the Christian. Christ is alone.

Whether or not the view that the law only accuses and never guides is actually taught by all those who reject a third use of the law will not be dealt with here. In the Confessions, it is clear that the law is informative of God's will for old beings who are epistemically blinded by sin. It is also confessionally clear in the Large and Small Catechisms that, as believers, we can look at the law as informative and not solely accusing. Harmonizing the second use with this latter truth, we can affirm that although the law always accuses (*lex semper accusat*), it does not only accuse. It also informs, though, given our sinful nature, it never informs as a neutral guide. The distinction between information and accusation is never tidy. Hence, Luther in the Large Catechism said, "Here we can throw out a challenge: Let all the wise and holy step forward and produce, if they can, any work like that which God in these commandments so earnestly requires and enjoins under threat of his greatest wrath and

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good to themselves, than by compelling each to live as seems good to the rest." John Stuart Mill, *On Liberty* (Amherst, NY: Prometheus Books, 1986), 19.

<sup>19</sup> See David S. Yeago, "The Thomistic Turn in Evangelical Catholic Ethics," *Lutheran Quarterly* 16 (2002): 65-100.

<sup>20</sup> Perhaps, rather than seeing the law as vindicated in the eschaton, we do well to acknowledge that God is vindicated. His promise of resurrection from the dead will then be made good. Whether or not law and gospel are one in the *eschaton* is a speculation beyond human capacity to solve.



punishment" (LC I,333).<sup>21</sup> The law is a lion ever on the prowl. Even if the antinomians seek to knock out all of its teeth, it can still gnaw you to death. For the old being, law remains deadly.

If more than a first use of the law is required to harmonize the law's accusing and informing functions, it would be solely to make clear the answer to the question raised above: Does the law apply to the Christian? The talk of uses of the law, while helpful, is limited in its helpfulness because we are speaking of one reality, law, but this same law has different effects upon sinners, both believers and non-believers. These different effects, which can be simultaneous, include accusing, instructing, goading, and even as offering providential grace (in that the flourishing of created life depends on social order in church, home, and government), given where an individual stands, at any given time, and even simultaneously, in relation to God. Too often, the problem, more specifically, then comes in losing track of the user by focusing on use. Too often we seek to guarantee the continuity of the old being rather than honor an anthropology that harmonizes with the *simul*. In this latter anthropology, there is no continuity between old and new beings. This is because the new being lives from faith in Jesus Christ alone.

### III. Third Use in Relation to the First

The bulk of Murray's work is presented as a survey of theological attitudes of selected North American Lutheran theologians about the third use of the law from 1940 to 1998. Murray contends that rejection of the third use of the law goes hand in hand with theology's accommodation to an antinomian culture. We might identify such antinomian culture as contemporary, postmodern Epicureanism which seeks pleasure within moderation, provided, in its Utilitarian formulation, that no harm is done to others. Religious existentialism contributed to this cultural blight by placing the project of self-realization, as a salvific goal, at the front and center of theological inquiry, in place of God's commands and his word, that is no less than his only begotten Son, Jesus Christ.

Murray tends to misinterpret Gerhard Forde's rejection of a third use of the law as an outworking of existential premises.<sup>22</sup> This, however, is

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<sup>21</sup> Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, tr. Charles Arand, Eric Gritsch, Robert Kolb, William Russell, James Schaaf, Jane Strohl, and Timothy J. Wengert (Minneapolis: Fortress Press, 2000), 431 par. 333.

<sup>22</sup> "From the perspective of the 'third use', you may indeed be saved by grace, but then you have to get really serious and attend to your sanctification. The law may have

inaccurate, especially given Forde's constant contention, following Luther, that antinomianism is a "play staged in an empty theater,"<sup>23</sup> Forde's discussions of boundaries in sexual ethics<sup>24</sup> (the very issue that sparked Murray's study), and Forde's rejection of Bultmann's self-authentication of the ego at the center of theological inquiry.<sup>25</sup> Forde helps us understand that preachers must take into account that, despite this culture's assumptions about itself, it is all law disguised behind the mask of autonomous, consumerist liberty. If anything, Forde believes that his quest to distinguish properly law and gospel actually situates the law in its proper place for human well-being.<sup>26</sup> Forde rejects a third use because he

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ended as a coercive force or an accuser, but now it comes back in a third way. The devil's real playground is where Christians are. Hence, the law is said to be a 'guide for the believer'. The lion of the law may indeed have lost his teeth, but now you just get gummed to death! In other words, you may indeed have gotten saved without effort, but now comes payback time. There is no free lunch. Or as the contemporary favorite rejoinder has it, grace does not come cheap." Gerhard O. Forde, "Luther's 'Ethics,'" in *A More Radical Gospel: Essays on Eschatology, Authority, Atonement, and Ecumenism*, ed. Mark Mattes and Steven Paulson (Grand Rapids: William B. Eerdmans Publishing Co., 2004), 145. Forde exposes the notion that if the law is used as a guide for greater mimetic growth into the divine, sanctification seen as our developing our potential in being divine-like, then law and gospel are not properly distinguished. However, if we see law is focused on honoring God for his own sake and loving our neighbors as ourselves, then the gospel, and only the gospel, can properly establish the law. Given sinful human nature, the law can never secure its own proper place for establishing order because the old Adam will always misconstrue it as salvific. As such, it does its work of slaying the old Adam. The third use of the law, as described in FC VI, is not radically different from the first use, but an acknowledgement that the believer contends daily with the old being, for whom law is never suspended. From that excess of generosity received from God, one can positively appropriate law as setting appropriate boundaries and goals for the well-being of others.

<sup>23</sup> See Gerhard O. Forde, "Fake Theology: Reflections on Antinomianism Past and Present," *Dialog* 22 (Autumn 1983): 246-251.

<sup>24</sup> See Gerhard O. Forde, "Law and Sexual Behavior" *Lutheran Quarterly* 9 (Spring 1995): 3-22.

<sup>25</sup> See Gerhard O. Forde, "Bultmann: Where Did He Take Us?" *Dialog* 17 (Winter 1978): 67-80.

<sup>26</sup> "The gospel is the end of the law because and in the same way that the world to come is the end of this world. It is the end in the sense of goal or aim. The law ends because in the gospel its goal is reached. But this does not mean doing away with law by erasing or destroying it. Just as hope in the world to come, the true end, and the goal of existence, does not compete with or destroy this world, so also the gospel does not compete with or destroy the law. Hope in the world to come creates the faith and patience to live in this world; it gives this world back to us by relieving us of the burden of our restless quests. Freedom from the world makes us free for it. Just so faith in the gospel does not despise the law or destroy it, rather it places the law for the first time on

does not see this formulation as offering anything that is not already in the first use.

There can be no question that Murray's chief concern is that Christians are not to be "conformed to this world" but are to be "transformed by the renewing of their minds" in Christ (Rom 12:1-2). I suspect that he worries about a church too accommodated to a culture that is narcissistic, grounded in an individualism that violates life-giving community, wise governance, and healthy authority. While ethics as such cannot solve the problems of ethics—these problems are rooted ultimately in a question of our ultimate trust—there is no reason to neglect or underplay the quest to establish healthy boundaries for the flourishing of communal living. Surely nurturing these three virtues would enhance the life of a congregation. As this is the case, the issues that Murray raises are of the utmost importance.

Forde's insight that antinomianism is often covertly some species of nomianism needs to be maintained, not only in theology but especially in preaching. Where the law is viewed as potentiating the self before God, or even an idol for that matter, its accusatory function will be in force. Preachers need to discern this role of the law in their congregations and communities in order to distinguish properly the law from the gospel. Doctrinally, this entails that sanctification ought not, therefore, to be construed as any form of self-potentiating *coram deo*. Sanctification is not growth in spirituality but in God's claim-making progress in all aspects of our lives.

There is no conflict between the affirmations that 1) the law accuses, indeed, always accuses the old being, and that 2) the law structures or guides life in the political realm, the first use, and even guides Christians as old beings, the third use, by providing a tolerable order for social health in the church, the home, and the political realm. Christian community is shaped by both law and gospel in preaching, the sacraments, catechesis, the consolation and conversation of the brethren, and the interpretation of Scripture in light of its great commentators. As promise, the gospel shapes us by establishing a foundational trust in God apart from which no healthy community can be had. The law establishes those parameters that tell us to honor God for his own sake and the dignity of others for their sakes.

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a solid basis. Because its goal is given, it is no longer our enemy. Because we need not fear it, we can begin to see its proper use." Gerhard O. Forde, *Where God Meets Man: Luther's Down-to-Earth Approach to the Gospel* (Minneapolis: Augsburg Publishing House, 1972), 110.

Were we to walk solely from faith, apart from any intrusion of the old being, we would spontaneously do these two tasks as if creation were unsullied by the fall. The quest for a shape, structure, or order of communal life and catechesis for the sake of providing a healthy identity for Christians in their engagement with one another and the world is an important task in the affirmation of the third use of the law today. However, as radical as the quest might be to secure the church as a kind of counter-culture to contemporary individualism, and as valuable as that task might be, it is even more radical to preach the gospel as sheer gift to a culture driven by self-justification.

With respect to the new being, the law brings us to Christ. *Ex post facto*, in Christ, as a “perfectly free lord of all subject to none,” with all the attendant rights due to a noble (1 Pet 2:9), one can look back at the law through faith in Christ with the love that meditates on the paths of God. Luther writes, “It is the mode and nature of all who love, to chatter, sing, think, compose and frolic freely about what they love and to enjoy hearing about it. Therefore this lover, this blessed man, has his love, the Law of God always in his mouth, always in his heart and, if possible, always in his ear.”<sup>27</sup> According to the Large Catechism, through faith we, as redeemed, can even come to delight in the law, since in our agreement with God, even against ourselves, we agree that all God’s ways are holy and good.<sup>28</sup> This Hebraic evaluation of the law (“the law [torah] of the LORD is perfect, reviving the soul; the decrees of the LORD are sure, making wise the simple . . .” [Psalm 19:7]) could be interpreted as the first use of the law from the perspective of redemption, although this view extends the valuation of the law in FC VI.<sup>29</sup> As redeemed, that is, as new beings, we

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<sup>27</sup> Martin Luther, *Luther’s Works*, Vol. 14: *Selected Psalms III*, American Edition, ed. Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann (St. Louis: Concordia Publishing House, 1958), 297–298.

<sup>28</sup> “Therefore the Ten Commandments do not succeed in making us Christians, for God’s wrath and displeasure still remain upon us because we cannot fulfill what God demands of us. But the Creed brings pure grace and makes us righteous and acceptable to God. Through this knowledge we come to love and delight in all the commandments of God because we see here in the Creed how God gives himself completely to us, with all his gifts and power, to help us keep the Ten Commandments: the Father gives us all creation, Christ all his works, the Holy Spirit all his gifts” (LC III,ii,69). Kolb and Wengert, *The Book of Concord*, 440 par. 69.

<sup>29</sup> This insight, which I have been contemplating for the last three years, is described and defined better by Piotr J. Malysz, “The Third Use of the Law in Light of Creation and the Fall” in *The Law in Holy Scripture*, ed. Charles A. Gieschen (St. Louis: Concordia Academic Press, 2004), 234: “The third use of the Law is none other than the first use without the latter’s plaguing vagueness and hostile undercurrents, without its alien

see everything in the world, including the law, in a new light. The paths that lead to honoring God for his own sake and securing our neighbors' good are secured and upheld in that faith that restores us to creation.

We ought never to delight in our own righteousness. However, we can delight in the justice that God seeks for the potential victim (including the unborn, the sick, poor, and elderly) and in the good order that creatively sustains a healthy community. In the noble, indeed royal, freedom of the Christian we may, according to Luther, even seek to develop new Decalogues for serving our neighbor, if need be.<sup>30</sup> Such ethical inventiveness, however, is never arbitrary or self-serving. It is always tied to creation and the fostering of good order and a healthy community in and as creation. Christian freedom must be radically disassociated from the freedom of Kant, Stoicism, Epicureanism, or Utilitarianism, especially in the contemporary forms of these theories.

Christian freedom results, as good fruit from a good tree, in that descent which allows us to be "Christ to our neighbor"<sup>31</sup> such that we share in and as God's providential outworking in creation, God's "channels"<sup>32</sup> in the world. In light of Christ, the law is reconfigured not as the *crux* of our unique identity with respect to a non-Christian world but as a form of service others. With the baptismal metaphor of death and resurrection, the Christian life is best understood not as a *transitus* from vice to virtue but from virtue to grace. The law is relativized, suspended, in the relation of the believer as believer to God (and only in this relation), since it is

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character. It is a return to creation in its primeval beauty, with order being maintained not merely externally but also internally through the bond of love and trust between a self-giving God and a reciprocating and socially and vocationally self-giving man. This radical change has been made possible by the reality of redemption. God's continued self-giving reached its apex and most perfect manifestation in his offering of himself to man in the most intimate of ways—by becoming man and sharing in humanity (Heb 2:14).” Where there is creation, there is order. God's creation *ex nihilo* includes the domestication of that *tohu wabohu* present in the beginning. Order is never injurious to freedom when one through faith seeks to evaluate and sustain healthy order as service to the neighbor.

<sup>30</sup> Martin Luther, "Theses Concerning Faith and Law," in *Luther's Works, Vol. 34: Career of the Reformer IV*, American Edition, ed. Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann (Philadelphia: Fortress Press, 1960), 112. See also in German WA 39.1:47.

<sup>31</sup> Martin Luther, *Luther's Works, Vol. 31: Career of the Reformer I*, American Edition, Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann (Philadelphia: Fortress Press, 1957), 371. See also in German WA 7:69.

<sup>32</sup> Kolb and Wengert, *The Book of Concord*, 389 par. 26; LC I,26.

through Christ that our conscience relates to God. Given that the Christian is both new and old being, the law remains for the old being as a goad and guide. It is not a pattern of mimetic participation in the true, beautiful, or good, nor a way by which to establish the autonomy of the enlightened self. Nor is it a basis by which to establish an ideal community on earth, whether dreamed of by either the political left or right. Rather, it sets healthy boundaries for the old being so that God's creation might be honored.

#### IV. Lutheran Antinomians

Prior to examining the understanding of law in modern American Lutheranism, Murray offers a basic overview of the interpretation of the relation between law and gospel for Luther and the early Protestant confessors as well as influential views of law in the nineteenth century. He demonstrates that Luther affirmed that the law is important for the Christian in his expositions of the Ten Commandments, as well as his hymnody and preaching on them. He identifies the importance of the LCMS father, C. F. W. Walther (1811-1887), and his classic *The Proper Distinction Between Law and Gospel*, which focuses on the accusing nature of the law, not its third use, in order to help budding preachers distinguish but not separate law and gospel. "It (the law) conjures up the terrors of hell, of death, of the wrath of God. But it has not a drop of comfort to offer the sinner. If no additional teaching, besides the Law, is applied to man, he must despair, die, and perish in his sins. Ever since the Fall the Law can produce no other effects in man. Let us ponder this well."<sup>33</sup> With these words, Walther's concern for the accusatory nature of the law is clear. A specific discussion of the third use of the law in *Law and Gospel* is notably absent, not because Walther himself did not accept a third use, but because his concern was uniquely pastoral, attempting to help preachers in the art (for Luther, the highest art) of distinguishing law from gospel for the sake of delivering the promise in preaching.<sup>34</sup>

When considering the entire twentieth-century debate in North America, Walther's work is more important than what Murray seems to imply. Many, but not all, of the so-called antinomian, Valparaiso theologians, as

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<sup>33</sup> C. F. W. Walther, *The Proper Distinction between Law and Gospel: Thrity-nine Evening Lectures*, tr. W. H. T. Dau (St. Louis: Concordia Publishing House, 1929), 14.

<sup>34</sup> Walther, *Law and Gospel*, 46. For Luther's sermon that describes the proper distinction between law and gospel as the highest art, see John T. Pless, *Handling the Word of Truth: Law and Gospel in the Church Today* (St. Louis: Concordia Publishing House, 2004), 115-128. Pless's volume is an insightful, pastorally sensitive interpretation of Walther's insights for today's clergy and congregations.

he labels them, such as the early Jaroslav Pelikan, Martin Marty, Richard Caemmerer, Edward Schroeder, Robert Bertram, Walter Bartling, the young Walter Bouman, and others, had a tendency, in their perspectives, to play the freshness of Walther's approach to theology off what they saw as the dead, re-*pristinating* work of the dogmatician Franz Pieper (1852–1931). Of course, this is hardly accurate, since Walther himself endorsed the re-*pristinating* of the Orthodox fathers and positioned Pieper as his successor. Nevertheless, there can be no doubt that Walther was seen by some progressive LCMS theologians as a deliverer from re-*pristinating* dogmatics. In this regard, could not Caemmerer's contention that new life is not simply "conformity to code" be, in its own way, a dig at not only Pieperianism but also the alleged confessional rigidity by some in those synods connected to what had been the Synodical Conference?<sup>35</sup> Admittedly, this is conjectural. Yet, given the Valparaiso theologians' attempt towards developing a theology that would correspond to a lively use of the gospel, it might not be off the mark.

Murray notes, quite helpfully, that many of the Valparaiso theologians finally could not live with the freedom from the law that they sought. Hence, they invented legal intrusions upon the gospel. For many of these thinkers, then, the gospel has imperatives—*paraklesis*, *parenesis*, and encouragement—all of which confuse law and gospel.<sup>36</sup> Murray tends to set the Valparaiso theologians in opposition to those he terms *Missourians*, who sought to do theology along the lines of the re-*pristinating* methods of Pieper. However, given the history involved, should this best be seen not as non-Missourians versus Missourians, but instead as camps within Missouri itself—two conflicting interpretations of the heritage of Walther, thereby acknowledging the complexity of theological positions that existed (and still exist, to some degree) within Missouri?

While Walther was seen as a voice by which to legitimate antinomian views about the law, it was the influence of Werner Elert on the LCMS and, to a lesser degree, some predecessors of the ELCA for whom talk of a third use of the law was deemed unnecessary. David Scaer notes of Elert that "his 'law-gospel' principle hung suspended in theological thin air, almost in the same fashion as the Erlangen theology a century before."<sup>37</sup>

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<sup>35</sup> Murray, *Law, Life, and the Living God*, 49.

<sup>36</sup> Murray, *Law, Life, and the Living God*, 145.

<sup>37</sup> Murray, *Law, Life, and the Living God*, 68. Scaer notes elsewhere: "In the face of Barth's redefinition of the Gospel as ultimately an imperative, which Elert rightly saw as a confusion of Law and Gospel, Elert determined to maintain the traditional definition that required their separation, and that separation was at the heart of Lutheran

For Scaer, Elert is a Lutheran-Barthian specifically because law and gospel float like a historicity above history, a principle divorced from concrete encounters with biblical texts.<sup>38</sup> Undoubtedly, a major concern for Scaer is the status of biblical authority in Elert. In Scaer's view, the law-gospel contrast for Elert takes on an authority which ought to be reserved to Scripture alone. It is abstracted from Scripture, which ends up having a kind of lesser authority. Here, Scaer has insights which need to be heard. In Elert, God's encounter with people is configured largely in personalistic terms as an I-thou relation with God, oblivious that God's encounter is especially mediated sacramentally—socially and linguistically—through Scripture and indeed all creation, a deeply external, physical word. God "speaks to the creature through the creature" as Johann Georg Hamann (1730–1788) put it. This existential I-thou encounter, apart from an earthly, cultural, historical, linguistic mediation, is the Barthianism (a Hegel-like preference for pure, systematic, totalizing thought over the sensuality that is the stuff of life and whose excess subverts any attempts toward systematic totalization), if you will, in Elert that needs to be countered.

Hence, the young Walter Bouman's contention that "law and gospel functions to shape Lutheran theology, not Lutheranism's approach to the Bible. The Bible norms Law and Gospel, not the opposite . . ." is artificial.<sup>39</sup> It is not that the Bible must be interpreted through the lens of law and gospel, but that there is a *communicatio idiomatum*, we might say, between Scripture and law and gospel. The Scripture that thoroughly interprets us and the world does so in terms of demands that put to death old beings and the divine promise that raises the dead. The doctrine by which the church stands or falls interpenetrates Scripture and Scripture interpenetrates the chief article. This is because Scripture is about Jesus Christ, and him crucified, who forgives sinners. Without this christological reference, both Scripture and the chief article become ossified, rather than means that deliver Christ, make Christ active, through proclamation. All theology is Christology, or at least it ought to be, particularly as Christology is only relevant when it serves to deliver Jesus Christ as gift in preaching to condemned sinners. In this regard, we should note that it is Scripture alone that properly interprets the entire

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theology. Elert's approach, however, allowed others to take the next step and deny a positive understanding of the Law in life." "Law in a Law-less World," in *The Law in Holy Scripture: Essays from the Concordia Theological Seminary Symposium on Exegetical Theology*, ed. Charles A. Gieschen (St. Louis: Concordia Academic Press, 2004), 197.

<sup>38</sup> Murray, *Law, Life, and the Living God*, 137.

<sup>39</sup> Murray, *Law, Life, and the Living God*, 182–183.



world and, not surprisingly, it is through the world, along with Scripture, by which God addresses us in hiddenness, wrath, mercy, and providential grace. The proper distinction between law and gospel is simply the doctrine of justification pastorally understood and applied.

### V. Intrusions of Secular Politics

Murray certainly puts his finger on some important questions. How will we as Lutherans respond in light of the current culture's tendency to pair nomianism and antinomianism in certain specific ways by both the political left and right? The political left tends to be libertine or antinomian with respect to private lives, particularly sexual practices, while quite legalistic or nomian with respect to economics (presumably for the sake of those with the least economic power). In contrast, the political right tends to be legalistic or nomian with respect to sexual ethics and libertine or antinomian (*laissez faire*) with respect to economics.<sup>40</sup> Unfortunately, both the political right and left tend to soteriologize politics—if we could get the right political system, we would be saved, that is, have heaven on earth. In the modern world, both the political left and right are, unfortunately, millenarian.<sup>41</sup> In contrast, the genetics or inner logic of Lutheran theology tends towards amillennialism, rejection of any ideal community on earth. It would seem that both the political right and left tend to play off either greed (disordered economics) or lust (disordered sexuality). Do not we, as Lutherans, think that both greed and lust should be challenged (and even on the basis of the law, no less)?

Additionally, our culture seems to be quite driven towards self-expression in both economics and sexuality. There can be no doubt that Forde is right when he contends that we are not free but bound to the goal of self-expression. We quickly idolize such matters. As such, Enlightenment views of human freedom as autonomy are tantamount to a form of the bondage of the will. We are bound to wrestle a meaning from ourselves, from our interpretations of the ultimate, for ourselves. This we do to legitimate our behavior or validate our perspectives. As such, we are caught in our own trap. More than anything, we fail thereby to fear, love, and trust in God above all things, which would unleash love for neighbor, with specific consequences for how we configure or evaluate economics and how we approach the family. ELCA antinomians are really nomians of contemporary configurations of both economics and sexuality, given

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<sup>40</sup> See Jean Bethke Elshtain, *Democracy on Trial* (New York: Basic Books, 1995), 4.

<sup>41</sup> See Robert H. Nelson, *Economics as Religion: From Samuelson to Chicago and Beyond* (University Park, PA: Pennsylvania State University Press, 2001), 31.

their very specific secular soteriological construals of economics and sexuality. When we turn from Christ as savior, we will substitute other means for salvation and create false idols. The Valparaiso theologians and many others in the ELCA that Murray eschews have attempted to reinterpret the law-gospel distinction in light of their prior, secular political commitments, which tend to be of the left, described above. As should be clear, however, secular politics must be evaluated more in light of Scripture and the chief article.

Undoubtedly, whether found in either the political left or right, antinomians fear limits to self-expression while nomians fear chaos. Anxiety is exaggerated concern, and this is true for either the political right or left. However, for all such exaggeration, legitimate concerns may indeed be at stake. As created by God, human life, if it is to flourish, must find itself balanced between both order and freedom.<sup>42</sup> Surely this is the case in those three estates in which God does people-making: the church, the family, and the political realm. The gospel restores and renews a healthy community in these three estates. The gospel is a divine promise given in Scripture, in proclamation, in creation itself (for instance, the rainbow as a sign of God's promise). It is a word that does what it says and says what it does. What it does is build assurance with respect to God. This is not as old creatures but new. This is not as partially but as wholly new on account of Christ. The ultimate matter of our standing in the universe is settled. Our *telos* has arrived. We sinners are claimed as God's own in the atoning, sacrificial death and victorious, bodily resurrection of Jesus Christ. God is for us. The gospel affirms that even our sin, God's wrath, or God's own hiddenness cannot separate us from the love of Christ. The gospel gives genuine freedom, liberation from incurvation, offering the only secure basis for freedom and risk-taking. It restores us to creation as it is meant to be. As redeemed, we are sent into the world, which needs order and stability, so that children, the aged, the handicapped, the mentally distraught, the unborn, and all others who are vulnerable might be allowed to be, along with the rest of creation.

## VI. Christ as the End of the Law

Christ is the end of the law for faith, both as *telos* and *finis*. However, Christ is the end of the law only for faith. Outside Christ there is law, as accusing, as providing order—and thus as instructive. Indeed, God's providential grace operative in creation is likewise operative as law,

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<sup>42</sup> See Amitai Etzioni, *The Spirit of Community: The Reinvention of American Society* (New York: Touchstone, 1993).

sustaining life and vocation. At its best, the academy, the guild of scholars generating the disciplines that establish the canons of knowledge, resonates with such providential grace in creation. Lutherans will always acknowledge that the most important aspect of law is that, *coram deo*, it is not for the sake of actualizing self-potential before God, but to lead us to Christ where we reach an end as sinners and are created anew. Our potentialities and possibilities are reconfigured in terms of service in light of the new life, which is itself perceived as a donation, a comprehensive aesthetic, as Oswald Bayer puts it, promised in Christ (inclusive of but far more than ethics).<sup>43</sup> We are free from *ambitio divinitatis* in faith and are, thus, freed from the incurvation in which potentiality and possibility feeds self-security, self-trust, and finally narcissism.

Gerhard Forde has helpfully distinguished covert from overt antinomianism. Covert antinomianism, in contradistinction to overt antinomianism, reduces the law to size, thinking that the law can be made manageable. It is finally a way by which the self can potentiate itself—seen for example in some variations of contemporary Evangelical Catholicism, Catholicism lite—with no burden of poverty, chastity, or obedience. By contrast, our Lord promises that his yoke is easy and his burden is light (Matt 11:28–30). We should not appeal to the Augustinian *caritas* ladder approach that Yeago seeks to restore. The answer to current antinomianism in wider culture is not nomianism. It is not to re-Romanize the church. Rome is far too sectarian to convey adequately the catholic truth of the gospel. Rather, it is to proclaim law and gospel—distinguished not separated—such that incurvated nature is returned to creation on creation's terms, even with all its ambiguity and messiness, recognizing that God's artistry is crafted through this ambiguity. In Christ alone, not in law, not even in a visible church, there is new creation. And that new creation opens the old creation in new ways, such that we can hear and discern God's address in it—his word of promise spoken in every grain of wheat, "I will provide," or in the rainbow, "I will protect you through the rhythms of life" (Gen 8:21–22) and in one's neighbor, whom one should love as oneself, and who also serves us.<sup>44</sup> Eschatology, by its very nature, sets limits to ontology, subverting our ability to transform faith into sight, either as *contemplatio* or *actio*, *theoria* or *praxis*.<sup>45</sup> Non-self-justifying

<sup>43</sup> Oswald Bayer, "Justification as the Basis and Boundary of Theology," *Lutheran Quarterly* 15 (Autumn 2001), 276.

<sup>44</sup> WA 31.1:443.

<sup>45</sup> See Gerhard O. Forde, "The Apocalyptic No and the Eschatological Yes: Reflections, Suspicions, Hopes, and Fears," in *A More Radical Gospel: Essays on Eschatology, Authority,*

thinking and doing is first opened by faith, the receptive life *coram deo*, the *vita passiva*. Good fruits result from a good tree.

In contemporary North America, our greatest conformity to the world is our translation of all transactions into monetary units with the supposition that no one has a right to interfere with the quest for one's own self-defining.<sup>46</sup> In such nihilism, religion is accorded a place as a way to cope with societal stress. The command from Mt. Sinai needs to be heard in all its clarity and deadly potency: "You shall have no other gods before me" (Exod 20:2). The law is no private matter; it is rather the word of the Lord of all creation. We do not determine our own good for ourselves. God is our good. And God establishes law, even if it is penultimate with respect to salvation.

What North Americans do not have and cannot understand is a community fed by grace that is not synthesized to one of their desires. The church, then, embodies its counter-cultural identity sacramentally in the gospel. The sacraments run counter to Gnosticism because God nourishes us communally, that is, bodily. Contrary to North American Gnostic individualism, which reshapes relationships within utilitarian matrices, God is shaping us in the three estates. No more important work can currently be done than to build up congregations as missional bodies, whose identities are thoroughly grounded in and sustained by word and sacrament. The evangelistic voice of Wilhelm Löhe (1808-1872), whose missionary zeal helped to establish theological education here in Fort Wayne, continually needs to be heard today in this regard.

For the Solid Declaration's position on the law in the life of the believer, the believer is not under law but in the law. The understanding of law in the believer's life here arises out of the *simul iustus et peccator* doctrine. If one contends for antinomianism, either covert or overt, one pretends that the old is totally gone, though through God's power its effect is lessening day-by-day. If one contends for nomianism, one pretends that the newness of God's work is of no avail. In this regard, the problem ever with ethics (*praxis*) as self-justifying behavior is that it, like theory (*contemplatio*), wants faith to be transformed into sight. Does faith work?<sup>47</sup>

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*Atonement, and Ecumenism*, ed. Mark C. Mattes and Steven Paulson (Grand Rapids: William B. Eerdmans Publishing Co., 2004), 17-32.

<sup>46</sup> See Craig M. Gay, *Cash Values: Money and the Erosion of Meaning in Today's Society* (Grand Rapids: William B. Eerdmans Publishing Co., 2003).

<sup>47</sup> Incidentally, this was the title for the 1998 ELCA Convocation of Teaching Theologians, which met in Techny, Illinois.

If it does, then perhaps the church can have a longer lease on life in the world. It is so difficult for us not to translate things into their viability for human potential, particularly in the modern world where we, like Atlas, hold all on our shoulders, a form of practical atheism, one might say.<sup>48</sup>

The purpose of the law is, shockingly, summed up in the first commandment: an end to our human potential *coram deo* and liberating of our potential to do good *coram mundo* and an end to that very law—in faith alone! In the *Treatise on Good Works* (1520), Luther is clear that if every one had faith, we would need no more laws. He points out that there are four types of people with respect to law: 1) those who need no law, because they are confident that God's favor rests on them; 2) those who abuse freedom—they need *teaching* (guidance) and warning; 3) the wicked who need restraint; and 4) the childish who need coaxing for their growth. Luther is adamant: good works cannot be done apart from faith. Ironically, it is faith alone that would permit the fulfilling of the law, not our doing of works. Faith subsumes all under the first commandment. The first commandment is fulfilled only by faith and not works—it opens the horizon for the fulfillment of the other commandments.

If the law is eternal, it is because in the first commandment both law and gospel are given.<sup>49</sup> In that commandment both claim ("I am the Lord your God") and demand ("You shall have no other gods before me") are expressed. But it is faith alone that fulfills this command. The law's primary function is to do its alien work—kill self-righteous sinners—so that the gospel can do God's proper work of raising the dead. What could be more delightful to repentant sinners than to receive this gift of new life? We need to hear that eternal gospel (Rev 14:7), proclaimed by that unique

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<sup>48</sup> See Oswald Bayer, *Schöpfung als Anrede: Zu einer Hermeneutik der Schöpfung*, 2nd ed. (Tübingen: Mohr-Siebeck, 1990), 147.

<sup>49</sup> An alternative position with respect to the question whether the law exists in eternity, which needs serious consideration, is that of Steven Paulson. "Luther was even bolder with the law 'after Christ'. The law did not disappear like smoke in this air: 'the law in all eternity will never be abolished but will remain either to be fulfilled in the damned or already fulfilled in the blessed.' Right there is the difference between being in heaven and being in hell—in hell the law remains forever ahead of you as something that needs yet to be done (like Sisyphus rolling his stone up and down without end); in heaven the law is past. In both cases the law has been completely historicized, and so you are always either ahead or behind it. For Luther, that spelled the end of the great theological attempt to describe life as the vision of God's great structure of being according to 'laws'—an attempt that was nearly perfected by Thomas Aquinas's beatific vision." Steven D. Paulson, *Luther for Armchair Theologians* (Louisville: Westminster/John Knox, 2004), 129.

ἄγγελος (Luther), and shared with the world in the office of word and sacrament ministry. Saved, we are returned to this world, free from self-justification, and eager to serve our neighbor, as we would do naturally, had there been no fall. God welcomes our assistance in the demise of the sinful being, but demands utter passivity from us in regard to the proper work of raising the dead.

## VII. Conclusion

What needs to be acknowledged in the question of the relation between law and gospel in the believer's life is that Christ as the end of the law and the gospel as offering an eschatological limit to the law do not entail that the law has no bearing upon the believer's life, but that the law is, first of all, actually and finally established in a non-soteriological fashion, that is, as a way for service to the neighbor and not as the old being's quest to serve as its own deity for itself. The law does not belong in the conscience, but it does belong over our members as St. Paul says—the old being with its greed, lust, and other such vices. There are two kinds of righteousness established in the law-gospel distinction, as Charles Arand and Robert Kolb have noted.<sup>50</sup>

We can be grateful for the insights that Scott Murray offers in his work and my hope is that this response to his work can further a shared concern that appropriate catechesis can foster the well-being of both congregations and forgiven sinners in the midst of contemporary society which chronically insinuates its hostility to the gospel upon us. May God grant us strength as we partner together in this task to build up congregations as healthy communities of word and sacrament, shaping a people who are in, not of, the world.

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<sup>50</sup> See Robert Kolb, "Luther on the Two Kinds of Righteousness: Reflections on His Two-Dimensional Definition of Humanity at the Heart of His Theology," *Lutheran Quarterly* 13 (Winter 1999): 449–466, and Charles P. Arand, "Two Kinds of Righteousness as a Framework for Law and Gospel in the Apology," *Lutheran Quarterly* 15 (Winter 2001): 417–439.