



Volume 69:3-4

July/October 2005

*Table of Contents*

---

<b>The Third Use of the Law: Keeping Up to Date with an Old Issue</b> Lawrence R. Rast .....	187
<b>A Third Use of the Law: Is the Phrase Necessary?</b> Lawrence M. Vogel .....	191
<b>God's Law, God's Gospel, and Their Proper Distinction: A Sure Guide Through the Moral Wasteland of Postmodernism</b> Louis A. Smith .....	221
<b>The Third Use of the Law: Resolving The Tension</b> David P. Scaer .....	237
<b>Changing Definitions: The Law in Formula VI</b> James A. Nestingen .....	259
<b>Beyond the Impasse: Re-examining the Third Use of the Law</b> Mark C. Mattes .....	271
<b>Looking into the Heart of Missouri: Justification, Sanctification, and the Third Use of the Law</b> Carl Beckwith.....	293
<b>Choose Life!</b> Walter Obare Omawanza.....	309

## The Third Use of the Law: Keeping Up to Date with an Old Issue

Lawrence R. Rast Jr.

The publication of Scott Murray's book *Law, Life and the Living God: The Third Use of the Law in Modern American Lutheranism* by Concordia Publishing House in 2002 exposed a still-existing rift within American Lutheranism generally and the The Lutheran Church—Missouri Synod specifically. Responses to the volume ranged from delighted affirmation to critical denunciation. One reviewer called the book: "A scholarly and lucid study on a subject that has loomed large in Lutheran theology," and described it as "an exemplary exercise in confessional theology that is ecumenically engaged."<sup>1</sup> But another reviewer chided Murray: "there is no sustained historical analysis that builds from one chapter to the next. Instead, we get Murray's all-too-brief analyses, followed by even briefer conclusions, followed by additional all-too-brief analyses of individuals he had treated earlier."<sup>2</sup> It leads one to ask: Will the real Scott Murray please stand up?

To historians, such variety of interpretation comes as no surprise. In fact, it is specifically this kind of argumentation about method and interpretation that comprises the historiographical task. Better yet, it helps keep historians employed – which in my mind is a very good thing!

There is, however, much at stake theologically in all of this. What drives theologians and historians to write and write and write on this topic? And why can we not settle it? Why have a Confessions Symposium on such a narrow topic? One answer is that the presence of Articles V and VI,

---

<sup>1</sup> "Books in Review: Briefly Noted," *First Things*, 128 (December 2002): <http://www.firstthings.com/ftissues/ft0212/reviews/briefly.html#law>.

<sup>2</sup> Matthew Becker, "Book Review: *Law, Life, and the Living God* by Scott Murray," *DayStar Network*, 23 November 2003, <http://www.day-star.net/documents/murray-review.htm>.

---

Lawrence R. Rast Jr. is Associate Professor of Historical and Systematic Theology, and Assistant Academic Dean at Concordia Theological Seminary, Fort Wayne, Indiana.

especially the latter, in the Formula of Concord are justification enough for such an endeavor in and of themselves.

To explain and settle this dispute definitively we unanimously believe, teach, and confess that, although Christians who believe faithfully have been truly converted to God, and have been justified [and] are indeed freed and liberated from the curse of the law, they should daily practice the law of the Lord, as it is written in Psalms 1 and 119, "Blessed are those . . . whose delight is in the law of the Lord, and on his law they meditate day and night." For the law is a mirror that accurately depicts the will of God and what pleases him. It should always be held before the faithful and taught among them continuously and diligently (SD VI,4).<sup>3</sup>

It seems simple enough. Yet, while the Formula hoped that Article VI would "explain and settle" the matter, the history of Lutheranism shows otherwise. The varieties of questions that this matter has generated are remarkable: Did Luther teach that there is a function of the law for the Christian? Did Lutheranism teach that there is a function of the law for the Christian? *Should* Lutheranism teach that there is a third use? Was the Formula faithful to Luther? And so on. Murray's book chronicles the shape of the arguments in both early and later Lutheranism and shows the variety of opinion that exists in answering the questions posed above. What Murray's study showed above all was the wide variety of opinion on the matter and Lutheranism's struggle to come to grips with the issue.

Within the context of twentieth-century American Lutheranism specifically, the issue has been especially divisive. One's position on Scripture, the Confessions, the extent of confessional subscription, and the like, have all swirled around the question of the law and its third use.

Perhaps one of the reasons for the struggle in interpreting the third use historically is the common typology that we use to make sense of Protestantism and our place in it. In the LCMS we have consistently employed the simple twofold typology of "conservative" and "liberal." In this typology Protestantism—and Lutheranism within Protestantism—is seen as dividing into one of two streams. It's largely an either/or proposition—either liberal or conservative, and never the twain shall meet. In addressing the situation in the synod in the 1960s, this seemed to be a workable typology for many on both sides of the issues that faced us. But

---

<sup>3</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, Timothy J. Wengert (Minneapolis: Fortress Press, 2000), 587–588.

in the wake of the controversy over Scripture, we found that there remained tensions within the LCMS. Some have simply argued that this was due to the fact that many committed to the so-called liberal agenda did not leave the LCMS. However, historian D. G. Hart, in *The Lost Soul of American Protestantism*, has recently offered another possibility.<sup>4</sup> He argues that the twofold typology of conservative and liberal for American Protestantism is ultimately unsatisfactory and cannot do justice to reality. Rather, Hart argues, Protestant conservatism and liberalism share common roots in an activist Pietism. Hart offers a different typology: pietism and confessionalism. For Hart, Pietism's activist assumptions inform both the liberal and conservative viewpoints. It is the confessionalists, in his mind, that are truly different and who, in his opinion, properly capture the biblical view of the relationship of justification and sanctification.

Hart's thesis is quite provocative and it might go some ways toward explaining some of the tensions we find in our own midst. Pietistic and confessional Lutheranism have been in serious tension. At times the tension proves to be too much, and controversy breaks out. For example, in 1992 Concordia Publishing House published *The Goal of the Gospel*.<sup>5</sup> After publication, its doctrinal content was challenged and, after some years of controversy, the book was withdrawn. The theological problem? Many believed that the book fundamentally confused law and gospel, making the gospel merely antecedent to the more important matter of sanctification, or fulfilling God's law in our lives. Others responded vigorously to the book's withdrawal, stating that it had been the "Victim of Sanctiphobia and Church Politics."<sup>6</sup>

Although I resonate with those who criticized the book, I can also understand the confusion of those who supported the book. After all, how many of us learned to preach according to the threefold model: goal, malady, and means? *Preaching for the Church* has recently been reprinted

---

<sup>4</sup> D. G. Hart, *The Lost Soul of American Protestantism* (Lanham, MD: Rowman & Littlefield Publishers, 2002).

<sup>5</sup> Philip M. Bickel and Robert L. Nordlie, *The Goal of the Gospel: God's Purpose in Saving You* (St. Louis: Concordia Publishing House, 1992).

<sup>6</sup> There are three reviews on the Amazon.com Web site; A reader, "Victim of Sanctiphobia and Church Politics," *Amazon.com*, December 3, 2002, [http://www.amazon.com/exec/obidos/tg/detail/-057004569X/qid=1106156007/sr=8-1/ref=sr\\_8\\_xs\\_ap\\_i1\\_xgl14/104-1422805-1173556?v=glance&s=books&n=507846](http://www.amazon.com/exec/obidos/tg/detail/-057004569X/qid=1106156007/sr=8-1/ref=sr_8_xs_ap_i1_xgl14/104-1422805-1173556?v=glance&s=books&n=507846). For a criticism of the book, see Joel A. Brondos, "Is Obedience the Goal of the Gospel?" *Joel A. Brondos: Collarbones*, July 7, 2004, <http://joelbrondos.worldmagblog.com/joelbrondos/archives/006278.html>.

and continues to be used in homiletics courses.<sup>7</sup> No wonder there is confusion!

In the end, however, the withdrawal of *The Goal of the Gospel* did not achieve its intended end. Rather, another text has taken its place—Rick Warren's *The Purpose-Driven Life*.<sup>8</sup> And since this volume is published by Zondervan, there is no recourse to doctrinal review. It is here to stay.

So what are the answers to the questions that Murray's study poses? In the minds of many, the jury remains out—as you will certainly hear over the course of reading the articles that follow. My colleague John Pless stated in his review of Murray's book that the volume is an attempt "to chronicle a debate that is still in progress."<sup>9</sup> Pless is right. And, beginning now, you will read a bit of that ongoing debate and chronicle it for yourself.

---

<sup>7</sup> Richard R. Caemmerer, *Preaching for the Church* (St. Louis: Concordia Publishing House, 2003).

<sup>8</sup> Rick Warren, *The Purpose-Driven Life: What On Earth Am I Here For?* (Grand Rapids: Zondervan, 2002).

<sup>9</sup> John T. Pless, "A Review of *Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism* by Scott R. Murray," *Concordia Theological Seminary*, nd., [http://www.ctsfw.edu/academics/faculty/pless/review\\_murray.pdf](http://www.ctsfw.edu/academics/faculty/pless/review_murray.pdf).