

*Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism.* By Scott R. Murray. Saint Louis: Concordia Publishing House, 2002, 250 pp.

Scott Murray has undertaken to chronicle a debate that is still in progress, namely, the question of the third use of the law. The book is the product of thorough research (growing out of the author's doctoral dissertation at New Orleans Baptist Theological Seminary) and is well documented. Even those who might disagree with his analysis and conclusions will find here a reliable road map to the theological terrain of American Lutheran from 1940 to the end of the twentieth century. He strives to accurately represent the positions of the disputants and he is generally able to distinguish the nuances that separate those who, in the end, reject a third use of the law.

The book itself is well organized, beginning with an opening chapter that identifies the centrality of the law/gospel distinction in Lutheran theology, surveys the threat of antinomianism in the sixteenth century, and the content of Article VI of the *Formula of Concord*. In the first chapter Murray shows his hand as he identifies Elert as a culprit: "Elert set up a false alternative: Either the Law accuses or it is only didactic" (29). The bulk of the book is comprised of three chapters that look at the history of the debate according to three historical periods: (1) 1940-1960, (2) 1961-1976, and (3) 1977-1998. A final chapter addresses the question, "How Has the Third Use Fared?" Here Murray argues that the *semper accusat lex* need not rule out a third use of the law in light of the fact that "the *simul justus et peccator* provides the anthropological shape to the application of Law and Gospel" (217).

Murray identifies T.A. Kantonen, Richard Caemmerer, and Jaroslav Pelikan as mid-century conduits of the Luther renaissance to American Lutheran soil enabling theologians to identify and correct the Aristotelianism of Melancthon and his seventeenth century heirs. In particular, it was Richard Caemmerer (professor of homiletics at the Saint Louis seminary from 1940-1974) who would serve as a catalyst in this time of theological ferment. Other factors identified by Murray are Missouri's participation in the Bad Boll conference of 1948 (especially the Saint Louis systematician, F.E.Mayer) and a number of Caemmerer's students who would go to Erlangen to study with Werner Elert. While Murray sees something of a parallel between this generation of Missourians (Edward Schroeder, Robert Bertam, Robert Schultz et al) and their counterparts in the Lutheran Church

in America (George Forell and William Lazareth), he also notes distinct differences of approach. “While affected by existentialism and dialectical theology to this significant degree, Lazareth and Forell still accepted natural law in the theological matrix. This represented a clear deviation from the trend set by Caemmerer and Pelikan, who identified the doctrine of an objective natural law as a significant threat to Christ-centered Christian theology” (60).

Although Murray is critical of Schroeder and others primarily associated with Valparaiso University (hence the moniker “Valparaiso Theologians”) for their rejection of the *usus tertius*, he is not unmindful of flaws within the Missouri Synod’s traditional interpretation of the law that blunted the dynamic of the law/gospel distinction. For example, Murray offers this critique of an essay by R. Herrmann on the “The Decalog and the Close of the Commandments” in *The Abiding Word* (1946): “Herrmann reduced the Ten Commandments to information for humans about the will of God. This approach to the Law mutes the sinner’s confrontation before the holy God (*coram Deo*). . . . The Law as information alone emasculates the real threat of the majesty and holiness of God against the whole person” (65). Again Murray writes “The theologians who provided articles for *The Abiding Word* were deeply affected by the orthodoxy they inherited from Walther and Pieper. They emphasized the Law as an objective standard that provides instruction for Christian holiness. Unfortunately, their viewpoint tended to accept a tamed Law. They also made a sharp division between the heart and the mind of the Christian. The Gospel affected the heart; the Law affected the mind of the Christian. These old Missourians emphasized the third use so strongly that they tended detrimentally to de-emphasize the second use. They also presumed that the Law was susceptible to human manipulation so the preacher controlled the uses of the Law. Later critics of these positions had ample room to chide the old Missourians” (73).

The decade of the 1960’s witnessed a new generation of Missouri Synod theologians, many of whom had done doctoral work in Germany and now held teaching positions at Concordia Seminary (Saint Louis), Concordia College (River Forest), and Valparaiso University. Murray includes Edward Schroeder, Robert Bertram, Walter Bartling, Robert Hoyer, Paul G. Bretscher, Walter Bouman, and Robert Schultz in this group, although he devotes most of his attention to Edward Schroeder. Murray traces the development of Schroeder’s theology from Werner Elert while arguing that Schroeder went beyond Elert in making the law/gospel distinction “*the*

biblical hermeneutic of the Lutheran church”(103). Murray concludes that “in varying degrees the defenders of Valparaiso theology were prone to attribute to the Gospel parenetic purposes so that the Law’s work was subsumed under the Gospel. The denial of the third use of the Law leads to a redefinition of the Gospel to include legal concepts. The Gospel is no longer the gratuitous promises of God to the anxious sinner” (114). In other words, the law simply returned in a legalized gospel as the gospel now becomes the guide to the ethical life.

One of the most insightful and perhaps provocative sections of *Law, Life, and the Living God* is Murray’s investigation of the fate of the *usus tertius* amongst the theologians of the American Lutheran Church and the Lutheran Church in America and more recently, the Evangelical Lutheran Church in America. In particular, Murray uses William Lazareth, Gerhard Forde, and William Horden as primary examples of theologians from these bodies who questioned the law’s third use. The 1963 *dialog* article, “A Comparison of Melancthon’s and Luther’s Doctrine of Justification” by the Finnish scholar Lauri Haikola is said to have “set the tone for the ALC and LCA approach to the third use of Law”(115). However Murray rightly notes the critical contribution of Forde’s 1969 book, *The Law-Gospel Debate* which takes up the nineteenth century debate as a prelude for the controversy provoked by Barth. Here Murray could have paid more attention to the influence of Gustaf Wingren (especially *Creation and Law*), Hans Joachim Iwand, and Wilfred Joest (especially *Gesetz und Freiheit*) on Forde as these theologians lead Forde to understand the law/gospel distinction differently from from Schroeder and the Elertians.

Henry Eggold, David Scaer, John Montgomery, Eugene Klug, Theodore Jungkuntz and Kurt Marquart are selected as representatives of LCMS theologians who defended a third use of the law in the 1960’s and 1970’s. The defense of the *usus tertius* was part and parcel of a larger struggle in the LCMS over the authority of Scripture and the relationship of gospel to doctrine. Several themes emerge in the apologetic for the third use mounted by the theologians faithful to the historic teaching of the Synod. The continuity between Luther and the *Formula of Concord* is stressed. The anthropological aspect of Christian existence as *simul justus et peccator* calls for the on-going place of the law in the life of the believer against what was seen as ethical permissiveness on the part of the advocates of “gospel reductionism.”

Surveying the period of 1961-1976, Murray opines “The more radical treatments of the Law by the theologians of the Valparaiso school might well have been a theological overreaction calculated to shock and irritate the stodgy orthodoxy of the Missourians. As the two groups faced off over momentous issues, the political situation required swift responses, often fraught with too much passion and too little deliberation. The Missourians rejected the hermeneutical implications of the Valparaiso position for methodological reasons, but they could also see the impact Gospel reductionism would have on any number of Christian doctrines including the three use of the Law. The ELCA theologians were not as deeply affected by the internecine fights wracking the LCMS and thus were more balanced in their consideration of the third use of the Law, though they clearly denied it a place in their theology. Forde’s use of Haikola’s thesis about the significance of the Law in Lutheran theology presents significant evidence of this balance” (145). In this light, it would have been interesting to hear the author’s evaluation of Forde’s “Law and Sexual Behavior” (*Lutheran Quarterly* Spring 1995, 3-22) as Forde clearly demonstrates that he is no antinomian.

Chapter 4 takes up the period from 1977 to 1998 as Murray revisits Lazareth and Forde and then takes up the views of younger ELCA theologians usually identified as “evangelical catholics” (Scott Ickert, David Yeago) who are critical of the “practical antinomianism” (Yeago) spawned by Lutheran theologians of the twentieth century. Note Murray’s narration of the debate between David Yeago and Walter Bouman that prompts him to observe “The younger ELCA theologians are now moving toward the Missourians on the third use of the Law. How this convergence will progress remains to be seen”(218). Murray does not take up the question as to what extent the evangelical catholic affirmation of the third use of the law is motivated by an attraction to the “virtue ethics” made popular by Alasdair MacIntyre and John Milbank (see for example “The Thomistic Turn in Evangelical Catholic Ethics” by Mark C. Mattes in *Lutheran Quarterly* Spring 2002, pp.65-100). Missing also are any references to Reinhard Huetter (see his essay “The Twofold Center of Lutheran Ethics: Christian Freedom and God’s Commandments” in *The Promise of Lutheran Ethics* edited by K.Bloomquist and J.Stumme, Fortress Press, 1998, pp.31-54) and his lively contribution to the discussion. However, as stated at the beginning of this review, Murray writes on a debate that is still in progress.

Implications of this ongoing debate are apparent both in the ELCA (witness discussions of homosexuality) and in the LCMS (witness discussions of church fellowship). For this reason, *Law, Life, and Liberty: The Third Use of the Law in Modern American Lutheranism* is a very valuable book. The author has demonstrated his competence as both a church historian and systematic theologian. His work deserves careful consideration by those who agonize over the fate of Lutheranism within both the ELCA and the LCMS.

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