

# The Law's So-called "Third Use"

Hi Folks,

Today's Thursday Theology is in several sections. First is this quick intro by me and some painful news from Thelda Bertram with a prayer request. Next are Ed's intro and historical background to Tim Hoyer's discussions about the third use of the law and what the Bible says about the law's purpose. Plenty of food for thought over this Labor Day weekend. Keep Hoping,  
Robin

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Dear Friends and Colleagues,

Some of you already know that Bob has been experiencing some health problems. This is to offer some information.

After three MRIs on Bob's brain and numerous examinations and consultations, a team of neurologists have determined that a tumor exists in the right frontal lobe.

A biopsy will be performed next Wednesday (August 29, 2001) to determine the type of tumor present. A Tumor Board will meet the following week to decide on the prognosis.

We welcome your prayers.

Joy and Peace,  
Thelda

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Colleagues,

Several of you have notified me that “Valparaiso Theology” is weighed and found wanting in the current issue of the Concordia Theological Quarterly [CTQ], a journal of the Lutheran Church – Missouri Synod seminary in Ft. Wayne, Indiana. Why should that interest me? It’s been 30 years now since Valparaiso University was my workplace. Well, you’ve told me that my name surfaces regularly in the article among the villains of the 1960s and 70s who formulated “Valparaiso Theology” in defiance of the Missouri Synod’s traditional theology. So when am I going to respond?

To several of you I’ve quoted the words from one of the villains of those days, scribbled on a copy of the CTQ article that he sent over to me: “Ed – We’d always known that the devil was the father of lies, but of such obvious lies? He must be slipping. This screed will be the ultimate test of your sense of humor. Bob” To others of you I’ve said that I thought I had other fish to fry. And that’s still my opinion. Nevertheless . . . .

Insiders among ThTh readers may remember the history. Those of us teaching at V.U. in those days—from the late fifties onward—didn’t know we were doing “Valparaiso Theology.” We thought we were part of the Biblical and confessional revival going on in world Lutheranism, a 20th century version of what Missouri’s founding father C.F.W. Walther had affirmed as Missouri’s reason for existence. So our pitch was: back to the basics, yes, but with eyes wide-open to our American context. Even though all of us theology profs at Valpo were LCMS members, and the university itself—though not legally under the LCMS umbrella—was solidly “Missouri” in its students, staff, and supporters, Valpo was always suspect. Even before Valparaiso Theology came along.

In its early years under Lutheran auspices, especially after WW II, the university was under a cloud because it was rumored throughout Missouri that evolution was being taught in VU's science departments. And that was a no-no. Even though Missouri's officials arched their eyebrows, LCMS laity voted with their feet and "brought their kids to Valpo." But the cloud over Valpo got darker when V.U.'s president asked Bob Bertram (1957) to revamp the Religion Department into a "theology" department and to put the Biblical-confessional revival into the curriculum, the credit hours in theology "required" for every baccalaureate degree. Even though we never called it that, Valparaiso Theology got articulated, published, and even "worse," got into the heads of students—who then took it home at vacation time and told their parents and pastors what they were learning. That's really where it hit the fan—to mixed reviews from across the LCMS.

But that was long ago, and now it takes a researcher to try to reconstruct it all. And he's got a hard job just working from the printed documents he cites. And apparently he never found the class-syllabi of those years to learn what we REALLY taught the students. I think it's safe to say that V.U. slipped off the firing-line in Missouri when "the" seminary in St. Louis started promoting the same sort of Biblical-confessional renewal, and thus moved into the cross-hairs as target for the "we've never changed, and we never will change" LCMS leadership.

But I digress. The CTQ article, which I am NOT going to discuss, has a teasing and insightful introductory sentence: "One of the notorious theological hot spots [of Valparaiso Theology vs. Missouri] . . . was the third use of the law." And that sentence gets this remarkable footnote: "The third use of the law is no longer a theological lightning rod. For example, at the request of the Commission on Theology and Church Relations (CTCR), President A.O. Barry removed from the docket of requested

opinions an assignment on the relationship of the third use of the law and freedom of conscience that dated from 1973 [Ed: before Seminex! When Valparaiso Theology was to be reckoned with!] and had been placed on the CTCR assignment docket by then President, J.A.O.Preus. The President of Synod no longer saw a need for a CTCR opinion.”

So I want to speak to the third use of the law. Current critics of Missouri’s reigning theology, such folks within Missouri as the Daystar crowd, will say that the third use of the law is now “off the docket” in the LCMS because in its legalist version it has carried the day and is now S.O.P.

It’s my opinion that “third use of the law”—technical Reformation lingo for how God’s law functions in the lives of Christ’s disciples—is never off the docket, a done deal that needs no more attention. The legalism, so prominent everywhere in Christian rhetoric today, is linked to the “wrong” way to practice the law’s third use.

I recently received from Tim Hoyer, ELCA pastor in western New York, the following reflection on this constant hot potato. I introduce it with a bit of historical background from the time of the Reformation.

In 16th century Germany (both before and after Luther’s death) there was controversy among the Lutherans about the law. Amongst the Lutherans (Formula of Concord, Article 6), there never was any dispute about God being serious with his law (A) for compelling at least a modicum of justice in a world populated with sinners, and (B) for criticizing sinners and “driving” them to Christ. The dispute arose over the role of the law in the lives of those now trusting Christ. Three positions surfaced (though not always kept clearly distinguished).

1. One was the antinomian folks. They claimed that in no way,

never, in any sense does God's law play a role in the life of the redeemed child of God.

2. Another group said: "Oh, yes, even for the Christ-trusters the law serves as ethical counsel to show them how God wants them to live their new-born lives. The antinomians are 100% wrong."
3. The position which FC 6 approves is a third, one that distinguishes law and gospel in the life of a Christian (as this distinction was spelled out in FC 5). It says: in every empirical Christian are 2 operational agents, one the old Adam/Eve, the other the new Christic person. For the Old Eve/Adam, the law continues to play its A & B roles mentioned above. It is NOT an ethical coach for anyone trusting Christ. For Christ-trusters, the law has nothing to say. Actually in a Christ-truster the law has no candidate to speak to, since that new human no longer lives under law, but lives under the lordship of Christ, and walks by the Spirit, the very Spirit of the Resurrected One. These two (Christ and his Spirit) are the "ethical coaches" for the Christ-disciple.

Tim spells it out beautifully below. Enjoy.

Peace and Joy!

Ed

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### **THE THIRD USE OF THE LAW TWO REASONS WE DON'T NEED IT**

1. *To say those justified by faith still need the law to guide them is to say that Christ is not enough to guide them now. To put a positive spin on the Ten Commandments as our guide is to take away Christ's glory. 'It is necessary to return to the rule given above, namely, that works are not pleasing to God without Christ because*

*Christ as the mediator must not be excluded.'* (Kolb-Wengert: *The Book of Concord*, p. 171) *By faith in Christ we feed the hungry, not because we are told not to kill. By faith in Christ we visit the sick, not because we are told not to kill. By faith in Christ we clothe the naked, not because we are told not to kill. Good works do not bring peace to the conscience. If we feel that by following the Ten Commandments when we are in Christ that we do the will of God, we are denying Christ to be the full will of God. Law always accuses, therefore, we will doubt we are doing the will of God and so doubt God is pleased with us. That is no comfort and disparages Christ's death and rising as the way we please God by faith. For does not the unsureness we have about the sexuality issues before our synod (Resolutions 1, 2, 3) show us we don't know how to do God's will? To vote for or against them and grant that either way is 'right' according to the Bible is to trouble consciences. It is to base our acts on law and not on Christ.*

*The Spirit will produce fruits of faith. When we act in Christ, we do not know if we are right or wrong. Our action is based on faith in Christ. When we act in faith with love, with the fruits of the Spirit, we may not know if we are doing God's will, we only have faith in Christ that we are doing so. Do not fear, only believe.*

2. *In the new creation, in the resurrected life, there is no law. If there were law, then there would be no faith. If there were law, we would be accused. Sin would work death. In the resurrected life, none of the old flesh exists. Nothing of this age makes it to the next. We still need rules to preserve how we do our work, how we organize families, how we run a school. Those rules are for this world and this age, not the next. More*

importantly, they are not connected specifically to pleasing God. As long as rules help preserve creation, then they are doing God's will. If a school has a block schedule or the usual forty-five minute schedule, both preserve creation. One is not better than another as in making one school or the other more pleasing to God. In the same way, the last seven Commandments help preserve creation. But they are not how we please God. If a person cares for their neighbor, and people of other faiths often do that, then Christ is not needed. When there is no Christ, we do not please God.

The Third Use of the Law is defined as being used for those who believe in Christ. But if Law is used to guide those in Christ, Christ is lessened, and consciences will be troubled. In Christ we can 'put the best construction' on the actions of our neighbor, for we will speak of them as a neighbor in Christ, as one who is given mercy and forgiveness. Such a way of speaking is not in the Eighth Commandment nor does any positive spin include it. Only in Christ can we keep the law and only in Christ can we bear the fruits of the Spirit (which the Ten Commandments never even name).

Timothy Hoyer  
May 4, 2001

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### **Law's Purpose – What the Bible Says**

1. When Moses got the law and presented it to the people, he had a background of thunder and lightning, the sound of the trumpet, and the mountain smoking. The people were afraid. Moses told them, 'Do not be afraid; for God has come only to test you and to put the fear of him upon you

so that you do not sin.' (Ex 20.20) The law seems to be given to keep us from sinning.

2. Deuteronomy goes on and on about the law being given 'so as to keep us alive.' If we diligently observe this 'entire commandment before the LORD our God, as he has commanded us, we will be in the right.' (Dt 6.25) Dt 7.12-13 is positive reciprocity for keeping the law. Dt 8.19 is negative reciprocity (also Dt 11.13-17). Dt 11.26 has blessing and curse, as does Dt 30.15-20, 'loving the LORD your God, obeying him and holding fast to him; for that means life to you and length of days.' We have the law so that by its powers of reciprocity we can live by keeping the law.
3. When Jesus comes, he says that Moses is the accuser (Jn 5.45). To Jesus, that is the purpose of the law. Jn 5. 46 thus says that if 'you believed Moses, you would believe me, for he wrote about me.' Paul echoes this when saying that the law was in charge to guide us to Christ (Gal 3.23).
4. Paul says that the law brings wrath (Rom 4.15); the law arouses sinful passions (Rom 7.5); the law was added because of our transgressions (Gal 3.19). For those actions the law is holy (Rom 7.7) because without it we would not have known we were in sin, and we would not have known our need for Christ.
5. The Psalmist writes that the law of the LORD is perfect, reviving the soul; that the law is a light unto our feet and a lamp unto our path. Paul makes the law a pedagogue, leading us to Christ. So as Jesus says that Moses wrote about him, the law is a lamp because it lights our way to Christ. The law is perfect because it shows us our need for Christ. The law revives the soul because it tells us that we need the coming savior who will redeem us.
6. Death is what stops us from being able to please God. The



soul that sins shall die, yes, but the righteous do so much more pleasing of God than sinning against God that they are worth giving long life to. That balancing act is what the law leads us to when it is used as a way to please God.

7. Were not the Pharisees convinced there was no resurrection, no life that lasts? Was not the reciprocity of the law for this life, for long life now if obeyed? So the guys who used Moses did not say that it gave the life that lasted, but that it was the way to be right with God.
8. To limit the law's purpose as to what makes us pleasing to God is to doubt the Promise and to take away the glory of what Christ has done for us, not to mention the pangs it causes our conscience. So the guys using Moses as the way to please God took away the people's guide to the savior, took away the people's need for a savior. They took away the diagnostic job of Moses.
9. In Gal 4.4-5, Jesus came to redeem those under (owned by) the law. So is the law a thief and bandit for stealing us from God? (Or did sin steal us and make us slaves to the law? 'We are sold into slavery under sin.' Rom 7.14)
10. By the light of Christ we see what the law does to us. We could not see it before. The guys who were using the law as the way to be right with God argued with Jesus about Jesus being the new way to be right. Jesus offered himself as the way to be right, and also offered life that lasts. What a bonus!
11. With that new life that lasts, the life in Christ, the life of faith, we no longer need the law's guidance. We have been released from the law so that we serve the new way of the Spirit, and not in the old way of the written code (Rom 7.6). The only thing that counts in Christ is faith working through love (Gal 5.6). We are led by the

*Spirit, and the fruits of the Spirit are love, joy,  
peace, patience, kindness, generosity, faithfulness,  
gentleness, and self-control.*

*Timothy Hoyer*

*May 12, 2001*