

## Formula of Concord Article VI Concerning the 3<sup>rd</sup> Use of the Law

*Presented to the Southwest Pastors Conference of the Michigan District  
September 13, 2004*

I first became interested in the subject treated in FC VI when I read Prof. John Jeske's article "The Gospel of Sanctification" in the February 1998 issue of *Preach the Word*<sup>1</sup>. That article touched off a struggle that still goes on in my heart and in my preaching. In the years that I have served on your program committee, I've inflicted my struggle on you in some of the essays we've heard, such as the offering from Prof. Westendorf last year and those from Pastors Weigand and Grant in this conference and the last one. That struggle has intensified over the last two years, as I took part in discussions with other pastors and read articles published in some quarters of our synod. Since I have now inherited the chairmanship of the program committee, I took it upon myself<sup>2</sup> to revisit this discussion in view of a controversy which took place among like-minded Lutherans in 1565. It's sometimes called the Second Antinomian Controversy. One man, Andreas Musculus, interests me in particular, because of what he is reported to have taught and how those interests were written into the Formula of Concord, article VI.

I have struggled with how to implement the 3<sup>rd</sup> Use of the Law.<sup>3</sup> Some writers make such sweeping statements that I've wondered, can I preach the law as a guide at all? Prof. Jeske's article was the midwife for my struggle. But an article by Robert Kolb made me realize that perhaps I am not one abnormally born. He wrote, "How to integrate motivation for Christian living through the Gospel with the information necessary to make ethical decisions has challenged the followers of Luther and Melanchthon since the 1520's ..."<sup>4</sup> Over the last few weeks, I've been reading how different Lutherans approached this struggle. Over the last six years, as I've studied the Word to proclaim it to God's people, I've paid special attention to how the Scriptures approach this question. Since article VI of the Formula of Concord (Appendix A) gives the official word of the Evangelical Lutheran Church on this subject, I would like to use it to discuss this issue. After looking briefly at the historical context, I will affirm the theological point that yes, Lutherans can (and even *should*<sup>5</sup>) preach the law as a guide. I hope my last few paragraphs open a discussion of the perils and pitfalls that our theology presents to us.

### **I. The Second Antinomian Controversy**

Article VI of the Formula of Concord should never be read in isolation. It really is the third chapter in a trilogy of articles regarding the proper relationship between law and gospel (sound like a familiar Lutheran emphasis?). All three articles were made necessary by the antinomian controversies. In Appendix B, I've tried to present an overview of the antinomian

---

<sup>1</sup> Volume 2, Number 1, page 1

<sup>2</sup> In view of that arrogance, you may want to revisit the question of who should serve on this committee.

<sup>3</sup> We in the WELS have a somewhat unusual way of numbering the three uses of the law. FC VI lists the curb as the first use and the mirror as the second (see Appendix A). We tend to reverse that order due to the importance of preaching sinners to the cross.

<sup>4</sup> "Preaching the Christian Life: Ethical Instruction in the Postils of Martin Chemnitz" in *Caritas et Reformatio: Essays on Church and Society in Honor of Carter Lindberg*, p. 133

<sup>5</sup> Now there's a loaded word!

controversies in order to clarify where the Evangelical Lutheran church found itself in 1577 when the Formula was presented.

In the solid declaration, the formulators framed the controversy in this way:

A dispute arose among a few theologians over this third and final use of the law. The one party taught and held that the reborn do not learn from the law new obedience or the good works in which they are to walk. They also argued that this teaching is not to be presented from the standpoint of the law because the reborn have been liberated by the Son of God, have become temples of the Spirit, and thus are free. Just as the sun completes its normal course without needing any force to drive it, the reborn do spontaneously what God demands of them through the prompting and impulse of the Holy Spirit. Against this, the other party taught that although those who believe in Christ are truly motivated by the Spirit of God and do the will of God according to their inward person from a free spirit, nevertheless the Holy Spirit uses the written law on them to teach them, so that through it believers in Christ learn to serve God not according to their own ideas but according to his written law and Word, which is a certain rule and guiding principle for directing the godly life and behavior according to the eternal and unchanging will of God.

Perhaps this will help to illustrate the points in contention, as the Formula framed them:

*The Rejected Position*

The reborn do not learn new obedience or good works from the law

Because they have been liberated from sin and because they are temples of the Holy Spirit (*unio mystica!*), they spontaneously do what God demands from them without force or compulsion

*Therefore, new obedience and good works are not to be presented from the standpoint of the law.*

*The Accepted Position*

Believers are truly motivated to new obedience and good works by the Holy Spirit (working in the gospel).

They do the will of God *according to their inward nature* (the new man) from a free spirit.

*But the Holy Spirit uses the written law to teach Christians to serve God not according to their own ideas, but according to the Word.*

The Second Antinomian Controversy began in 1565 and it grew out of the synergistic controversies sparked by Melancthon's reworking of the Augsburg Confession and a series of false teachings advocated by his followers, each of which gave human obedience some role in our salvation. Just as Flacius<sup>6</sup> and Amsdorf<sup>7</sup> fell into their errors because they were fighting

<sup>6</sup> Flacius argued that man is essentially sinful. That is, we're made out of sin, instead of corrupted by sin.

<sup>7</sup> Amsdorf (following statements Luther made!) said that far from being of any eternal benefit for us, good works are actually harmful to us. (Unfortunately, he didn't observe the careful distinction Luther made in referring this to justification. Luther's point was the pride of the human heart in its own working.)

against the doctrine of works, so those “few theologians” who sparked the Second Antinomian Controversy wanted to preserve justification by grace through faith as the key article of Scripture and the Lutheran Reformation.

I want to focus on Andreas Musculus (1514-1581), a leading professor at the University of Frankfurt an der Oder.<sup>8</sup> He seems to be the source of the argument that Christians do their work "spontaneously." In the course of the controversy itself, Musculus coined the formula "from a free and merry spirit" (*aus freiem lustigem Geist*). He seems to have argued that therefore, the Christian does not need to hear the law in its 3<sup>rd</sup> Use. Kolb writes:

“His sharp proclamation of the accusatory use of the Law indicates that he was not 'antinomian,' as is sometimes suggested; he recognized the necessity of continually calling his parishioners in Frankfurt to repentance, and his sermons reveal his concern to develop the practice of Christian virtue in their lives. He presumed, however, or so it seems from his treatises on public vices, that the condemnation of such vices would suffice to give Christians all the information they needed on the opposite virtues they were to practice.”<sup>9</sup>

The Lutheran theologians of the so-called “Third Party” disagreed with this stand.<sup>10</sup> Musculus, however, was not simply condemned. He became one of the six men commissioned to write the Formula of Concord. He had to sit down with Chemnitz and Jacob Andreae and work out their differences on this issue. The result of their work is article VI of the Formula, which in paragraphs 15-19 sets Musculus' concern into the context of the Lutheran Church's teaching on the 3<sup>rd</sup> Use of the Law.

Polycarp Leyser (the editor of Chemnitz' *Loci Theologici*) notes: “even Dr. Andrew Musculus himself rejected his previously held opinions and confirmed by the subscription of his own hand the Formula of Christian Concord and made it manifest to the whole Christian world ...”<sup>11</sup> Musculus “backed down” from an erroneous position.

But Musculus was not some whacked-out fringe preacher who didn't understand Lutheranism. One of the striking things about this study is how often Lutherans make statements that sound to me, at least, much like what Musculus is supposed to have said. Consider these words from C.F.W. Walther:

That does not mean that faith saves on account of love which springs from it, but that the faith which the Holy Spirit creates and which cannot but do good works justifies because it clings to the gracious promises of Christ and because it lays hold of Christ. It is active in good works because it is genuine faith. *The believer need not at all be exhorted to do good works; his faith does them automatically.* The believer engages in good works, not from a sense of duty, in return for the forgiveness of his sins, but *chiefly because he*

---

<sup>8</sup> I will try to be very careful about what I say here. I was unable to find *any* of Musculus' writings in *any* language (except the paragraphs in article VI which are attributed to him). References are made by various authors, but even WLS library has nothing. So, this paragraph is a distillation of secondary sources summarizing his concerns. Very uncertain ground indeed.

<sup>9</sup> *Op. cit.* p 136

<sup>10</sup> When controversy engulfed Lutheranism after Luther's death, two parties immediately emerged: the Philipists (sometimes called the crypto-Calvinists) against the Gnesio-Lutherans (sometimes called the Flacians). The "Third Party" was a group of younger men who rose to prominence somewhat later. They ultimately gave us the Formula of Concord. They were working for unity and peace (hence the "Formula of *Concord*"). But they were not looking for compromise. They sought the truth of God's Word, no matter who was arguing for what.

<sup>11</sup> Volume 2, page 593.

*cannot help doing them.* It is altogether impossible that genuine faith should not break forth from the believer's heart in works of love. [emphasis mine]<sup>12</sup>

Or this little chestnut:

The attempt to make men godly by means of the Law and to induce even those who are already believers in Christ to do good by holding up the Law and issuing commands to them, is a very gross confounding of Law and Gospel. This is altogether contrary to the purpose which the Law is to serve after the Fall.<sup>13</sup>

I find this statement ironic, because I've never read a book as full of should's and must's as Walther's *Law and Gospel*. August Pieper says:

... no law is laid upon the just, and that in absolutely no manner, neither as doctrine, as to *what* he should do, nor as demand, *that* he should do it, nor as punishment *for that* which he might have broken. Absolutely: *There is no such thing as law for the just.* Only he who knows this and holds fast to it, can use the law ... The Christian teacher, who does not cling to this knowledge, will always corrupt the gospel and confuse and despoil his hearers.<sup>14</sup> [Emphasis in the original.]

Not a mild statement is it? We still hear statements today like this one:

The Third Use of the Law in the minds of some, in one way or another, seems to be the key to ... growth, and the final step in the process of preaching. Some will cry foul, but listen carefully to our preaching and to what we publish. The result of all this is that an almost imperceptible transformation takes place, with up-beat exhortations to busyness around the church and the affirmation of everybody's ministries to the church are now seen as the proclamation of the Gospel, when in reality, it is the Law. However, this goal and these means are wrong. We must never forget that the "Law always accuses." The preacher may think that he is using only the Third Use of the Law, but *lex semper accusat*, and some, even many, may be crushed, and without the Supper, may remain so.<sup>15</sup>

Lutherans have long struggled with the 3<sup>rd</sup> Use of the Law. I submit to you that unless we struggle with this question, unless we enter again into the theology of the Formula by way of the teaching the Scriptures, we can only harm our hearers.

## II. The Doctrine of the 3<sup>rd</sup> Use of the Law According to FC VI.

In order to understand the theology of FC VI, we need to keep in mind that the confessors spoke a very different theological language than we do. It's not so much that their terms were different (although they often were). But rather, their way of thinking was different. They saw

---

<sup>12</sup> *The Proper Distinction between Law and Gospel: 39 Evening Lectures*. Pages 210-211

<sup>13</sup> *Op. cit.* p. 381

<sup>14</sup> In "The Law Is Not Made for a Righteous Man" in *The Wauwatosa Theology*, vol. 2, pp. 87-8.

<sup>15</sup> Peter M. Berg, "The Mass is the Heart and Life of the Church", in *The Motley Magpie*, Vol11, No.1. p. 4.

the world in terms of categories and contrasts, of theses and antitheses. They believed the best way to show the truth was often to make one statement - sometimes a very bold statement - and then set it in careful contrast with another sometimes sweeping and bold statement. That methodology held sway for centuries in the Lutheran Church. It's the only way to properly understand Walther's and Pieper's comments 300 years after the Formula of Concord became the confession of the Evangelical Lutheran Church.

The formulators made a careful distinction between the active and the passive righteousness of a Christian. This may confuse us today because we associate these terms with Christology (as they did, too). But when they spoke of a Christian, the passive righteousness was what we call forensic righteousness. God has given us the righteousness of Christ and so we are holy in his sight. The active righteousness refers to the good works we Christians do because we have been justified. I like the way Prof. Jeske put it: "The same act of God (Christ's death and resurrection) which created a **new status** for us also created **new life** in us."<sup>16</sup> In article VI, we're not talking about justification; we're talking about sanctification. (But no real Lutheran can ever talk about sanctification without talking about justification- neither can the Formula.)

Article VI also assumes a distinction made in article IV between coercion and necessity. This discussion was a central issue during the synergistic controversies. Article IV argues that God *requires* good works. That's a necessity. But a Christian *doesn't have to be forced* to do good works. A believer wants to do what God says is right. An unbeliever - in one way or another- has to be forced or bribed to do good works. This is compulsion or coercion. When it comes to the 3<sup>rd</sup> Use of the law, we are not talking about compulsion. Our motivation for obedience is not the law. But we are talking about necessity: this is what God wants done and not that.

But the real heart of the discussion in article VI is the distinction between the theological reality that the Christian has two natures and the psychological reality that we have one personality. The article (which Chemnitz, Pieper and Walther all follow) spends a great deal of time making the point that we are sinners and saints at the same time - *simul justus et peccator*. All the confession says rests on this duality in our nature.

But we don't have a devil sitting on one shoulder and an angel sitting on the other trying to talk us, the third party, into doing what's wrong or right. We do experience conflicts over doing good or doing evil, but we are unitary beings in our minds. So, the Formula makes careful distinctions about what the sinner in us must hear and what the saint in us is able to do and what we sinner-saints need to hear until we reach heaven.

Article VI states:

Indeed, if the faithful and elect children of God were perfectly renewed through the indwelling Spirit in this life, so that in their nature and all their powers they were completely free from sin, they would need no law and therefore no prodding. Instead, they would do in and of themselves, completely voluntarily, without any teaching, admonition, exhortation, or prodding of the law, what they are obligated to do according to God's will, just as in and of themselves the sun, the moon, and all the stars follow unimpeded the regular course God gave them once and for all, apart from any admonition, exhortation, impulse, coercion, or compulsion. The holy angels perform their obedience completely of their own free will.

---

<sup>16</sup> *Op. cit.* p. 3

Our new man lives in us. When God frees us from the old man, we will need no law. In fact, the article concludes by saying we won't even need the gospel! We'll know what God wants. We'll do it. Right now, the new man does know and he does do what God wants. But ...

However, since believers in this world are not perfectly renewed--the old creature clings to them down to the grave--the battle between spirit and flesh continues in them.

Therefore, they indeed desire to perform the law of God according to their inner person, but the law in their members struggles against the law of their mind [Rom. 7:23\*]. To this extent they are never without the law, and at the same time they are not under the law but in the law; they live and walk in the law of the Lord and yet do nothing because of the compulsion of the law.

In this world, we are not under the law, but we are in the law. As believers, we love God's law. We do good works from that free and merry spirit that Musculus wrote into the Formula. But as sinners, we hate the law. We Christians are not under compulsion of the law; Christ has set us free. But we still need the law. Why? The Formula answers with three points.

For the law indeed says that it is God's will and command that we walk in new life. However, it does not give the power and ability to begin or to carry out this command. Instead, the Holy Spirit, who is given and received not through the law but through the proclamation of the gospel (Gal. 3[:2\*, 14\*]), renews the heart. Thereafter, the Holy Spirit uses the law to instruct the reborn and to show and demonstrate to them in the Ten Commandments what is the "acceptable will of God" (Rom. 12[:2\*]) and in which good works, "which God prepared beforehand," they are "supposed to walk" (Eph. 2[: 1 0\*]).

We need the law because being a new man and an old man is a theological reality but not a psychological one. We sinner-saints can't see the law God has given us in our new birth, at least not clearly. We need to be instructed. The epitome adds a very important clarifying thought: "In order that people do not resolve to perform service to God on the basis of their pious imagination [ *aus menschlicher Andacht*] in an arbitrary way of their own choosing, it is necessary for the law of God constantly to light their way." Sinners always want to believe that what they want is good and pleasing to God. But that just isn't the case.

This is the antidote to subjectivity. There is a difference between the indwelling power of the Holy Spirit and the modern belief that in our hearts we know what's right and what's wrong. As sinner-saints, we can't just follow our heart. We can't just trust our feelings. God *is* renewing our heart. God *is* changing our feelings. But we need the objective reality of the law to tell us when our feelings are in line with God and when our sinful flesh is rearing its ugly head again.

As far as the old creature, which still clings to them, is concerned, it must be driven not only by the law but also by tribulations, because it does everything against its own will, under compulsion, no less than the godless are driven by the threats of the law and are thus kept obedient (1 Cor. 9[:27\*]; Rom. 7[:18\*, 19\*]).

The Old Adam is an unbeliever. He won't ever obey God unless we force him to. So Christians experience this reality: they want to go to church on Sunday morning, but it's hard to drag their tail-ends out of bed. We need to drive the Old Man out every day.

For this reason, too, believers require the teaching of the law: so that they do not fall back on their own holiness and piety and under the appearance of God's Spirit establish their own service to God on the basis of their own choice, without God's Word or command.

This is the mirror, isn't it? The Old Man wants us to think we're righteous. The law won't let us. Notice how the Formula cannot completely separate these two uses of the law. Leading into the discussion of why we still need the law, it distinguished between works of the law in unbelievers and works of the Spirit in believers. And then it said, "it must be most diligently noted that, when we speak of good works that are in accord with the law of God ... the word 'law' has one single meaning, namely, the unchanging will of God." The law is finally what God wants. The three uses are not three distinct laws, but one law applied in three different, but complimentary ways. While it makes a nice, neat theological package to distinguish between the mirror, the curb and the guide, in real life, one bleeds into another. The mirror crushes us and the gospel revives us. And spontaneously, the Christian does say, "I don't want to live *like that* any more." Or the Christian asks, "What does God want of me in this situation?" looking for instruction. But instruction for the whole man easily bleeds over into a rod to beat down his sinful flesh.

So, the final point is: we do need the law. We do need the 3<sup>rd</sup> Use of the Law and the Formula is quite explicit:

Therefore, we reject and condemn as a harmful error, detrimental to Christian discipline and true godliness, the teaching that the law is not to be urged in the way just described upon Christians and those who believe in Christ but only upon unbelievers, non-Christians, and the impenitent

The law is to be urged on Christians- in this careful, edifying manner, to be sure, but *urged* on them! It's our job to do that.

### **III. What Does This Mean For Our Pastoral Practice?**

The Formula of Concord is not a homiletics manual, so it doesn't delve deeply into *how* we are to proclaim the law as a guide. Yet, it is filled with a practical air – the practicality of the gospel. The framers wrestled with real issues of conscience and they thought deeply about how their work would impact the simple Christian in the pew.

Perhaps the most practical advice the Formula gives us is to distinguish carefully between justification and sanctification. Article IV argues that "good works are necessary." God commands them. Christians are obligated (but not coerced!) to render them. But it is false doctrine to say, "Good works are necessary for salvation" even though a true Christian will always render them! Why? Because the first statement is sanctification. Good works are required. But the second statement is justification. There, we must banish our good works as far as the east is from the west.

That's something we need to wrestle with as we lead our people into the Word and let them hear God's repeated call to sanctification. Our works merit nothing. They are all filthy rags. Christ alone has bought and won our eternal life and God has credited us with his righteousness. But new status does lead to new life.

The key to preaching sanctification is to make even the preaching of the law dependent upon the preaching of the gospel. Walther says:

In the nineteenth place, the Word of God is not rightly divided ... when an endeavor is made, by means of the commands of the Law rather than by the admonitions of the Gospel, to urge the regenerate to do good.<sup>17</sup>

Rather than forbidding the use of the law, all true Lutheran writers argue that the law should proceed from the gospel. They like terms like “evangelical admonition” or “encouragement.” They are trying to distinguish between thundering the law or prescribing rules on the one hand and drawing good works from the gospel on the other. But make no mistake - an evangelical admonition is still law in the sense that it is still telling us to do or not to do something, to have or not have some attitude, to serve God in some way.

If we're going to take seriously the reality of *simul justus et peccator*, then we are going to take seriously the need to instruct the mind of the sinner-saint so that the fog generated by his old man is blown away with the clear Word of God. But we are also going to make sure that when we do this, the gospel predominates.

One of the most worthwhile discussions of this subject that I have come across is “The Difference between the Reformed and the Lutheran Interpretation of the So-Called Third Use of the Law.”<sup>18</sup> This article makes the point that Lutherans only believe that we need a 3<sup>rd</sup> Use of the Law because we're still sinners. The Reformed, however, hold that even in paradise, we will need the 3<sup>rd</sup> Use of the Law. They believe it speaks to the new man as well as to the old. What is the result?

This insistence that the law applies to the Christian has often given the application of Scripture to morals and life in the Reformed Church a distressing and rigoristic quality. Even *Scripture itself* serves more or less as a law as the rule given by Christ the King to his people. [emphasis in the original]

From this, he goes on to discuss the difference in their view of Sunday as New Testament Sabbath, their approach to worship, and so on.<sup>19</sup>

I don't think “rigoristic” is the kind of adjective we're looking for as we “urge” God's people to lives of sanctification. Prof. Jeske wrote to me once, “I surely didn't mean to imply in the article that when preaching sanctification we must shy away from using the imperative mood .... My point was that the imperative mood is not the basic mood; it's the indicatives that put muscle into the imperatives.” [emphasis in the original]

Prof. Jeske's article gives some good advice, which I wish I had understood better in 1998 and which I'm still striving to understand and apply. He suggests this diagram:

	Justification	Sanctification
Law	1	3
Gospel	2	4

<sup>17</sup> *Ibid.*

<sup>18</sup> In *The Wauwatosa Theology*, vol. 2. The article is signed by August Pieper, but in it, he admits that he schmeared it from a Swiss theologian named Max Schneckenberger.

<sup>19</sup> *Op. cit.* pp. 106-111.



Then he tells us “insert appropriate verbs- strong ones- into each of the four quadrants of the grid.” In justification, the law damns and curses. In justification, the gospel pardons and saves. In sanctification, the law guides and directs. But too often where we fall down is that we ignore quadrant four. In sanctification, the gospel empowers and enables and equips. He says,

A gospel-motivated sanctification appeal will, therefore, not direct people to look within themselves for the resources to live sanctified lives. To kindle a sanctification response in a Christian, Lutheran theology does not suggest rubbing love and gratitude together like two sticks. Instead of directing people to their own vacillating resources (as the Pietists did), Lutheran theology calls upon people to **trust what God has done and will do** to produce change in their lives. [emphasis in the original ]<sup>20</sup>

Getting back to Musculus, we need to recognize the genuine pastoral concern that motivated him- and Chemnitz and Walther and Pieper and Jeske. Good works proceed from faith. We need to be very aware of this pastoral concern, no matter how well or how poorly we have heard it expressed lately. I am very concerned about sermons I have heard in this conference which are full of law - full of exhortations to be better pastors. I am concerned about installation sermons I have heard which go into horrifying detail about all that is required of us as called servants of God. Yet, so often at conferences and installations, I hear little or no gospel. How can that be “evangelical admonition”? How can sanctification flow from the gospel if the gospel is never fully proclaimed to me? What I read in *Charis* or *The Motley Magpie* usually leaves me crushed, not uplifted. I do not walk away with the “merry heart” Musculus taught us to seek from the waters of life. Both forget to offer me the gospel for my failures. Both forget to direct me to the power of God and the promise in his Word and Sacrament to strengthen my new man and to defeat my old man in today' s struggle.

My brothers in the ministry, let us carefully examine the way in which we preach the law to our members. Let us ask ourselves if we don't need to kneel before the cross of Christ in recognition of what we have been guilty of. J.P. Koehler, in his fateful essay, “*Gesetzlich Wesen Unter Uns*” (“Legalism Among Us”) says, “The motives and forms ... which the flesh takes from the law, are suspicion, selfishness, fear. The flesh also mixes these into *every* expression of the Christian's life, and insofar as this is present or manifests itself in the Christian, one speaks of legalism.” [emphasis in the original]<sup>21</sup>

Did you get Koehler's point? We are all legalists. We can't help it! It's part of being a sinner! And if we're honest, we must confess that we all have failed in one or another sermon to proclaim the law as God would have it. We've either burdened and oppressed our members with law-based calls for sanctification or we've failed to guide them in their struggle against the false ideas their flesh spews forth on a daily basis. For that, we deserve to be booted out of our offices and out of eternal life.

But we are not under law. We are under grace. Jesus alone perfectly proclaimed law and gospel- no other preacher ever could. He stands in our place. Every time we proclaim the gospel, every time we stand in the pulpit or classroom, we are perfect in God's eyes because Jesus was perfect. Our Lord washed away all our failures to proclaim law and gospel in proper balance. His blood erases the stain of our sin which corrupts even our best efforts to represent him to his people. In baptism, he gave us each that gift.

---

<sup>20</sup> *Ibid.*

<sup>21</sup> *The Wauwatosa Theology*, vol 2, p. 230

When he called us to ministry, Christ gave us the gospel in Word and Sacrament. He gave us baptism which works whether we clearly proclaimed the gospel in our sermon this Sunday or not. He gave us the Lord's Supper which seats us next to Jesus on Maundy Thursday and hangs us next to him on Good Friday and enthrones us next to him in heaven. It speaks to each sinner who kneels at the altar even when our words spoke nothing of spiritual value to that person. He gave us the gospel in the Word, which will never pass away. He filled that Word with his Spirit and when it comes stumbling out of our cleft palates and our thick tongues, by a miracle, the Holy Spirit drives it straight into the hearts of his people and he uses it to bring forth faith and create merry hearts and adorn his people with righteous lives. And he even lets us hear them praise us because we shared his Word with them!

He comes to our hearts at gatherings like this one, and in our studies, and when we kneel and confess our sins to him and to each other, and he forgives us. Then he renews us. He lives in our hearts by faith. Through his law, he does teach us, each day, to serve better in our calls. Through his gospel, he lifts us up to serve him with joy and gladness. He impels us to proclaim. He enables us to trust that he will do all things to his own glory. Be at peace, my brothers, for the power of God works in and for you!

Geoffrey A. Kieta

## Appendix A- Article VI of the Formula of Concord (Solid Declaration)

### VI.

#### Concerning the Third Use of the Law

<sup>ar</sup>The law of God is used (1) to maintain external discipline and respectability against dissolute, disobedient people and (2) to bring such people to a recognition of their sins. (3) It is also used when those who have been born anew through God's Spirit, converted to the Lord, and had the veil of Moses removed for them live and walk in the law. A dispute arose among a few theologians over this third and final use of the law.<sup>164</sup> <sup>a</sup>The one party taught and held that the reborn do not learn from the law new obedience or the good works in which they are to walk. They also argued that this teaching is not to be presented from the standpoint of the law because the reborn have been liberated by the Son of God, have become temples of the Spirit, and thus are free. Just as the sun completes its normal course without needing any force to drive it, the reborn do spontaneously what God demands of them through the prompting and impulse of the Holy Spirit. <sup>a</sup>Against this, the other party taught that although those who believe in Christ are truly motivated by the Spirit of God and do the will of God according to their inward person from a free spirit, nevertheless the Holy Spirit uses the written law on them to teach them, so that through it believers in Christ learn to serve God not according to their own ideas but according to his written law and Word, which is a certain rule and guiding principle for directing the godly life and behavior according to the eternal and unchanging will of God.

<sup>a</sup>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 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[:2\*] and 119[:35\*, 47\*, 70\*, 97\*], "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.

<sup>a</sup>For although "the law is not laid down for the righteous," as the Apostle testifies [1 Tim. 1:9\*], "but for the unrighteous," this is not to be understood simply in such a way that the righteous should live without any law. For God's law is written in their hearts, and the law was given to the first human being immediately following his creation according to which he was to conduct his life. Instead, Paul holds that the law cannot burden those whom Christ has reconciled with God with its curse and cannot torment the reborn with its coercion because they delight in the law of the Lord according to their inward persons.

<sup>a</sup>Indeed, if the faithful and elect children of God were perfectly renewed through the indwelling Spirit in this life, so that in their nature and all their powers they were completely free from sin, they would need no law and therefore no prodding. Instead, they would do in and of themselves, completely voluntarily, without any teaching, admonition, exhortation, or prodding of the law, what they are obligated to do according to God's will, just as in and of themselves the sun, the moon, and all the stars follow unimpeded the regular course God gave them once and for all, apart from any admonition, exhortation, impulse, coercion, or compulsion. The holy angels perform their obedience completely of their own free will.

<sup>ar</sup>Since, however, believers in this life are not perfectly, wholly, *completive vel consummative* [completely or entirely] renewed—even though their sin is completely covered by the perfect obedience of Christ so that this sin is not reckoned to them as damning, and even though the

killing of the old creature and the renewal of their minds in the Spirit has begun—nonetheless, the old creature still continues to hang on in their nature and all of its inward and outward powers. <sup>a</sup>On this subject the Apostle wrote, “For I know that nothing good dwells within me, that is, in my flesh” [Rom. 7:18\*]. And then, “I do not understand my own actions. For I do not do what I want, but I do the very thing I hate” [Rom. 7:15\*]. And, “I see in my members another law at war with the law of my mind, making me captive to the law of sin” [Rom. 7:23\*]. And, “What the flesh desires is opposed to the Spirit, and what the Spirit desires is opposed to the flesh; for these are opposed to each other, to prevent you from doing what you want” [Gal. 5:17\*].

<sup>a</sup>Therefore, in this life, because of these desires of the flesh, the faithful, elect, reborn children of God need not only the law’s daily instruction and admonition, its warning and threatening. Often they also need its punishments, so that they may be incited by them and follow God’s Spirit, as it is written, “It is good for me that I was humbled, so that I might learn your statutes” [Ps. 119:71\*]. And again, “I punish my body and enslave it, so that after proclaiming to others I myself should not be disqualified” [1 Cor. 9:27\*]. And again, “If you do not have that discipline in which all children share, then you are illegitimate and not his children” [Heb. 12:8\*]. Similarly, Dr. Luther explained this in great detail in the summer part of the Church Postil, on the epistle for the nineteenth Sunday after Trinity.<sup>167</sup>

<sup>b</sup>However, it is also necessary to explain very distinctly what the gospel does, effects, and creates for the new obedience of the believers and what the law does in relationship to the good works of believers.

<sup>b</sup>For the law indeed says that it is God’s will and command that we walk in new life. However, it does not give the power and ability to begin or to carry out this command. <sup>a</sup>Instead, the Holy Spirit, who is given and received not through the law but through the proclamation of the gospel (Gal. 3[:2\*, 14\*]), renews the heart. <sup>b</sup>Thereafter, the Holy Spirit uses the law to instruct the reborn and to show and demonstrate to them in the Ten Commandments what is the “acceptable will of God” (Rom. 12[:2\*]) and in which good works, “which God prepared beforehand,” they are “supposed to walk” (Eph. 2[:10\*]). <sup>a</sup>The Holy Spirit admonishes them to do these works, and where because of the flesh they are lazy, indolent, and recalcitrant, he reproves them through the law. Thus, he combines both functions: he “kills and makes alive, he brings down to hell and raises up” [1 Sam. 2:6\*]. In this he functions not only to comfort but also to punish, as it is written, “When the Holy Spirit comes, he will reprove the world (including the old creature) because of sin and righteousness and judgment” [John 16:8\*]. <sup>a</sup>Sin, however, is everything that opposes God’s law. <sup>a</sup>St. Paul says, “All Scripture is useful for teaching, for reproof . . .” [2 Tim. 3:16\*], and reproof is the proper function of the law. Therefore, as often as believers stumble, they are reproved by God’s Spirit from the law, and by the same Spirit they are restored again and comforted with the proclamation of the holy gospel.

<sup>c</sup>However, in order to avoid all misunderstanding as much as possible and to teach and maintain the real difference between the works of the law and the works of the Spirit, it must be most diligently noted that, when we speak of good works that are in accord with the law of God (for otherwise they are not good works), the word “law” has one single meaning, namely, the unchanging will of God, according to which human beings are to conduct themselves in this life.

<sup>c</sup>The distinction between these two kinds of works is due to the difference between two different kinds of people who make an effort to keep this law and will of God. For as long as human beings are not reborn but do act according to the law and do perform its work because they are commanded, either out of fear of punishment or desire for reward, they are still under

the law. St. Paul calls the works of such people works of the law in the strict sense [Rom. 2:15\*; 3:20\*; Gal. 2:16\*; 3:2\*, 10\*], for they are coerced by the law as is the case of slaves, and they are saints of the stripe of Cain.<sup>168</sup>

<sup>ef</sup>However, when people are born again through the Spirit of God and set free from the law (that is, liberated from its driving powers and driven by the Spirit of Christ), they live according to the unchanging will of God, as comprehended in the law, and do everything, insofar as they are reborn, from a free and merry spirit. Works of this kind are not, properly speaking, works of the law but works and fruits of the Spirit, or, as Paul calls them, “the law of the mind” and “the law of Christ.” For such people are “no longer under law but under grace,” as St. Paul says in Romans 8 [7:23\*; 6:14\*].

<sup>cf</sup>However, since believers in this world are not perfectly renewed—the old creature clings to them down to the grave—the battle between spirit and flesh continues in them. Therefore, they indeed desire to perform the law of God according to their inner person, but the law in their members struggles against the law of their mind [Rom. 7:23\*]. To this extent they are never without the law, and at the same time they are not under the law but in the law; they live and walk in the law of the Lord and yet do nothing because of the compulsion of the law.

<sup>c</sup>As far as the old creature, which still clings to them, is concerned, it must be driven not only by the law but also by tribulations, because it does everything against its own will, under compulsion, <sup>f</sup>no less than the godless are driven by the threats of the law and are thus kept obedient (1 Cor. 9[:27\*]; Rom. 7[:18\*, 19\*]).

<sup>a</sup>For this reason, too, believers require the teaching of the law: so that they do not fall back on their own holiness and piety and under the appearance of God’s Spirit establish their own service to God on the basis of their own choice, without God’s Word or command. As it is written in Deuteronomy 12[:8\*, 28\*, 32\*], “You shall not act . . . all of us according to our own desires,” but “listen to the commands and laws which I command you,” and “you shall not add to them nor take anything from them.”

<sup>af</sup>Furthermore, believers also require the teaching of the law regarding their good works, for otherwise people can easily imagine that their works and life are completely pure and perfect. However, the law of God prescribes good works for believers, so that it may at the same time show and indicate, as if in a mirror, that they are still imperfect and impure in this life. For we must say with our dear Paul, “Even if I am not aware of anything against myself, I am not thereby justified” [1 Cor. 4:4\*].

Therefore, since Paul admonishes the reborn to do good works, he expressly holds the Ten Commandments before them in Romans 13[:9\*], and on the basis of the law he recognizes that his good works are imperfect and impure (Rom. 7[:7–13\*]). David says (Ps. 119[:32\*]), “I run the way of your commandments,” “but do not enter into judgment with your servant, for no one living is righteous before you” (Ps. 143[:2\*]).

<sup>b</sup>However, the law does not teach how and why the good works of believers are pleasing and acceptable to God, even though in this life they are in fact imperfect and impure because of the sinfulness of the flesh. The law demands total, perfect, pure obedience if it is to please God. Instead, the gospel teaches that our “spiritual sacrifices” are pleasing to God “through faith” “because of Christ” (1 Peter 2[:5\*]; Heb. 11[:4\*; cf. 13:15\*]). <sup>a</sup>In this respect Christians are not under the law but under grace. This is so because they are personally freed from the curse and condemnation of the law through faith in Christ and because their good works, though imperfect and impure, are pleasing to God through Christ. This is also true because they act in a God-pleasing way—not because of the coercion of the law but because of the renewal of the Holy

Spirit—without coercion, from a willing heart, insofar as they are reborn in their inner person. At the same time they continually do battle against the old creature.

<sup>a</sup>For the old creature, like a stubborn, recalcitrant donkey, is also still a part of them, and it needs to be forced into obedience to Christ not only through the law's teaching, admonition, compulsion, and threat but also often with the cudgel of punishments and tribulations until the sinful flesh is completely stripped away and people are perfectly renewed in the resurrection. Then they will need neither the proclamation of the law nor its threats and punishment, just as they will no longer need the gospel, for both belong to this imperfect life. <sup>a</sup>Instead, just as they will see God face-to-face, so they will perform the will of God by the power of the indwelling Spirit of God spontaneously, without coercion, unhindered, perfectly and completely, with sheer joy, and they will delight in his will eternally.

Therefore, we reject and condemn as a harmful error, detrimental to Christian discipline and true godliness, the teaching that the law is not to be urged in the way just described upon Christians and those who believe in Christ but only upon unbelievers, non-Christians, and the impenitent.<sup>22</sup>

---

<sup>22</sup> Kolb, R. 2000. *The Book of Concord: The Confessions of the Evangelical Lutheran Church*. Fortress Press: Minneapolis, pp. 587-591

## Appendix B

<b>Year</b>	<b>Controversy</b>	<b>Instigator</b>	<b>Issue</b>	<b>Resolution</b>
1527	“Prequel” to the controversies <sup>23</sup>	Johann Agricola	Agricola argued that contrition comes from the gospel only, not the law, and therefore, the law should never be preached to the Christian	Conference of Torgau concluded that they were really just not being careful about terminology
1537	First Antinomian Controversy	Johann Agricola	Agricola argued that contrition comes from the gospel only, not the law, and therefore, the law should never be preached to the Christian. He accused Luther and Melanchthon of inconsistency in their teaching.	Luther answers with six sets of theses proving from the Scriptures that especially the law is necessary for the Christian in this life, both as mirror and guide
1565	Second Antinomian Controversy	Anton Otto, Andreas Poach, Michael Neander and Andreas Musculus	To a greater or lesser degree, each denied the role of the 3 <sup>rd</sup> Use of the Law for the Christian. Each had a somewhat different take on the issue.	FC VI-co- written by Musculus and signed by Poach, carefully distinguishes between our new man and our life now as sinners/saints and concludes we need the 3 <sup>rd</sup> Use.

---

<sup>23</sup> This is my term only!

## BIBLIOGRAPHY

- Berg, Peter M. "The Mass is the Heart and Life of the Church" in *The Motley Magpie*, Vol1, No.1
- Jeske, John C. "The Gospel of Sanctification" in *Preach the Word* Vol. 2, No. 1.
- Koehler, J.P. "Legalism Among Us" Philemon Hensel, transl. James Langbartels, rev. In *The Wauwatosa Theology*, vol2. Curtis A. Jahn, compiling ed. Northwestern Publishing House: Milwaukee. 1997.
- Kolb, Robert. *The Book of Concord : The Confessions of the Evangelical Lutheran Church*. Fortress Press: Minneapolis 2000.
- "Preaching the Christian Life: Ethical Instruction in the Postils of Martin Chemnitz" in *Caritas et Reformatio: Essays on Church and Society in Honor of Carter Lindberg*. David W. Whitford, ed. Concordia Publishing House, St. Louis. 2002.
- Leyser, Polycarp editor *Loci Theologici* by Martin Chemnitz, J.A.O. Preus, transl. Concordia Publishing House: St. Louis. 1989
- Pieper, August "The Difference between the Reformed and the Lutheran Interpretation of the So-Called Third Use of the Law." Richard W. Strobel, transl. In *The Wauwatosa Theology*, vol2. Curtis A. Jahn, compiling ed. Northwestern Publishing House: Milwaukee. 1997.
- \_\_\_\_\_ "The Law Is Not Made for a Righteous Man," K.G. Sievert, transl. In *The Wauwatosa Theology*, vol2. Curtis A. Jahn, compiling ed. Northwestern Publishing House: Milwaukee. 1997.
- Walther, C. F. W. *The proper distinction between law and gospel: 39 evening lectures*. Concordia Publishing House: Saint Louis. 1986