

On the Third Use of the Law: Luther's Position in the Antinomian Debate (FC VI)

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The antinomianism with which Article VI of the Formula of Concord concerns itself was occasioned by men like Andrew Poach, Anton Otto, Andrew Musculus, and Michael Neander. These men to a greater or lesser degree questioned “whether the Law is, and is intended to be, of service to Christians after their regeneration, in particular, whether the regenerate still need the Law with respect to their new obedience.”¹ They rejected the third use of the law (*usus didacticus*), which is the subject of Article VI.²

What was Luther's position on this subject? Repeatedly he says that the law serves two functions and discusses them at length.³ Nowhere, however, does he speak directly of three uses of the law.⁴ This has led to the conclusion on the part of some scholars that the third use of the law is not a part of Luther's theology.⁵ It is not our intention here to outline the history of opinions regarding Luther's position on this matter nor to enter into a debate with one or the other of the protagonists of the above conclusion. Our concern likewise is not to determine whether Luther used the exact terminology that was later used in the Formula of Concord. Our interest is to see whether the position on the third use of the law confessed in the Formula represents essentially Luther's views. Our interest here is not terminology or even a specific doctrinal formulation, but the basic concepts that in FC VI are presented as scripturally true. That is how we view the subject before us: “On the Third Use of the Law: Luther's Position in the Antinomian Debate (FC VI).”

Our study will proceed in this way. We begin with a brief review of the antinomian debate in which Luther was directly involved. We need to see Luther and what he says in their historical context. We shall then examine Article VI of the Formula of Concord and summarize its content in seven theses. As we do this we shall let Luther speak on these same points. A statement of conclusion, noting some practical implications, will form the final part.

I. The Historical Context of Luther's Statements

Before we examine Article VI and hear from Luther's writings what his position in regard to the concepts contained in Article VI of the Formula of Concord was, it is necessary to review briefly the historical context in which Luther was active in the antinomian debate. With that background we can better understand what Luther says and what he does not say. We cannot expect Luther to write as though he were living in the

¹ “Historical Introductions,” *Concordia Triglotta* (St. Louis: Concordia, 1921), p. 170.

² These men did not question the second use (*usus theologicus*), that the law reveals and convicts of sin. The first use (*usus civilis*) did not come into consideration since it concerns itself with governmental authority and not the church as such.

³ E.g., The Smalcald Articles, Part III, Art. II. *Lectures on Galatians, Luther's Works* (Philadelphia-St. Louis, 1955-), 26, pp. 274, 313, 343.

⁴ Gerhard Ebeling, “Zur Lehre vom triplex usus legis in der reformatorischen Theologie,” *Theologische Literaturzeitung* (1950, Nr. 4/5), p. 236. The point that he makes is that Luther did not use the term, threefold use of the law. Footnote 7 in LW, 9, p. 180 claims that Luther did not recognize the concept when it says: “In contradistinction to the antinomians Luther taught that the preaching of the Law was still necessary for Christians—not indeed as a set of prescriptions for the Christian life (the so-called ‘third use of the Law’) but as a continuing chastisement of the flesh that still adhered to the Christian.”

⁵ This was demonstrated at the Fifth International Congress for Luther Research at Lund in 1977. E. Klug reports the following in the *Concordia Theological Quarterly* (Jan. 1978), p. 35: “In the seminar, as well as in the plenary meetings, it was evident that a considerable block of delegates would not recognize the occurrence of the third use of the Law in Luther's theology. The undersigned, Haegglund, Peters, Boendemaker, *et al.* found themselves arrayed in support of Luther's use of the concept against Ebeling and Karin Bornkamm, the daughter of recently deceased Heinrich Bornkamm.”

1570s. Luther's antinomian polemic was aimed, not against Poach, Otto, Musculus, and Neander, but against John Agricola. In opposing him, Luther had to contend for the law's function in effecting contrition, in repentance. This concerned the second use of the law (*usus theologicus or elenchticus*).

The first contact Luther had with Agricola's antinomianism was in 1527. Melancthon's instructions in the *Visitation Articles* to preach also the law met with Agricola's criticism.⁶ A meeting at Torgau later in the year appeared to settle what Luther at the time considered a minor skirmish. On December 10 he wrote to Justus Jonas about the Torgau meeting:

Our famous discussion at Torgau scarcely amounted to anything....The final result, however, is the fact that the rumor or suspicion concerning any discord among us was buried at Torgau....The reason why I didn't write you anything about this "tragedy" was that it actually didn't amount to anything, and that I didn't consider it of any consequence.⁷

Ten years later the controversy erupted anew and resulted in a full scale theological battle with major consequences. While an inordinate pride was a blemish on Agricola's character and had its effect on the course of the conflict, as human factors often do, this does not mean that the theological implications of Agricola's antinomian position were not in themselves dangerous and a threat to the gospel. Luther could have tolerated Agricola's pride if he had not proudly held to a position destructive of the gospel.

Agricola had concluded that the law should not be preached in Christ's church but only the gospel. This conclusion he arrived at from the following two premises: 1. Repentance, knowledge of sin and fear of God must be taught not through the law, but by means of the gospel in the name of Christ. 2 In the New Testament the question is not whether someone has violated the law, but whether he has conducted himself in an ungodly manner toward God's Son.⁸

Agricola's antinomianism did not directly attack the third use of the law but rejected its second use. Jesus gave the command to preach the gospel, Mark 16:15. Agricola concluded that one must oppose those who teach that the gospel should be proclaimed only to those whose hearts have been terrified and crushed by the law. A teaching is needed that both condemns and saves, that teaches repentance and the forgiveness of sins. Such a teaching is the gospel; it proclaims the wrath of God and at the same time the righteousness that avails before God, Romans 1:17.⁹ Such views led followers of Agricola to say that "the Ten Commandments have a place in the court house but not in the pulpit."¹⁰

Against this antinomianism, which rejected any use of the law on the part of the church, Luther reacted vigorously, especially during the years 1537–40. He not only prepared six sets of theses "Against Certain Antinomians," some of which were used in public disputations.¹¹ He not only wrote "Against the Antinomians," an open letter of retraction written in behalf of Agricola.¹² His sermons and lectures of these years characteristically contain repeated applications to the antinomians. In the lectures on Genesis that were delivered during these years Luther warned: "Therefore let us utterly reject the antinomians, who cast the Law out of the church and want to teach repentance by means of the Gospel."¹³ Similarly he said: "The antinomians, on the other hand, want the doctrine of repentance to begin directly from grace."¹⁴ The sermons of these years

⁶ For a more detailed account of this see Julius Koestlin, *Martin Luther* (Eberfeld, 1975), II, 28ff. For an analysis of Agricola and the Antinomian Controversy, see Frank, *Theologie der Concordienformel* (Erlangen, 1858), II, 241–341. Cf. also LW, 47, pp. 101–106; *Concordia Triglotta*, "Historical Introductions," pp. 161–172.

⁷ LW, 49, pp. 182f.

⁸ *Luthers Saemmtliche Schriften* (St. Louis, 1890), XX, 1624, footnote 2.

⁹ Cf. StL XX, 1625f. *Saetze eines gewissen Antinomers*.

¹⁰ StL XX, 1628.

¹¹ StL XX, 1628–1649.

¹² StL XX, 1610–1623. LW, 47, pp. 107–119.

¹³ LW, 4, p. 49.

¹⁴ LW, 4, p. 51. Similar statements are found repeatedly in volumes 3 and 4 of *Luther's Works* which contain the lectures delivered during the years of the antinomian controversy.

on John's Gospel are likewise sprinkled with applications of this kind.¹⁵ Agricola and the antinomians are combated in other writings of this period and in his table talk. Luther no longer saw this as a matter of little consequence. The gospel was in danger. "If we cast the Law aside, we shall not long retain Christ," was Luther's conclusion.¹⁶

That Luther in this context would speak out pointedly about the second use of the law is to be expected. On the other hand, the situation did not call for the same kind of direct discussion of the *tertius usus legis*, nor for a lengthy discourse on it.

Luther did, however, recognize the danger the antinomians were to a correct practice of sanctification. As he continued his polemic against them in his lectures on Genesis, he called them Epicureans.¹⁷ In 1539 Luther in his *On the Councils and the Church* had this to say about the antinomians. This included reference to the new life of sanctification.

That is the work of the Holy Spirit, who sanctifies and also awakens the body to such a new life until it is perfected in the life beyond.... And those who are not, should not count themselves as Christians, nor should they be comforted with much babbling about the forgiveness of sins and the grace of Christ, as though they were Christians—like the Antinomians do. For they, having rejected and being unable to understand the Ten Commandments, preach much about the grace of Christ, yet they strengthen and comfort only those who remain in their sins, telling them not to fear and be terrified by sins, since they are all removed by Christ. They see and yet they let the people go on in their public sins, without any renewal or reformation of their lives. Thus it becomes quite evident that they truly fail to understand the faith and Christ, and thereby abrogate both when they preach about it.¹⁸

By failing to preach the law the antinomians were making grace meaningless but were also failing to effect sanctification, giving the impression as though there could be faith without the fruits of faith. In his table talk on June 20, 1538, when Luther heard that a Dr. Jacob Schenk "had preached carnal license and had taught: 'Do what you please. Only believe and you will be saved,'" he commented, "The fools don't know what faith is. They suppose it's just a lifeless idea."¹⁹

Antinomianism, as Luther saw it, results in a faith that is fruitless. Faith remains "a lifeless idea." Those who profess Christianity nevertheless become Epicureans. This is not to say that the law produces good works, but without it, there will be indifference to conduct, a lack of sanctification.

Of further interest in this connection is a comment Luther made in the late 30s when he preached on John 3:25. He said:

Therefore open your eyes and see how the devil tries in various ways to deprive you of the purification of Christ. For the one group utterly rejects the Law or the Ten Commandments, the other wants to reinstate the pope's canon law in the church.²⁰

In this statement Luther spoke of two false reactions to the law or Ten Commandments. One was the antinomian rejection of the law. The other was the pope's addition to the law of God, and in many respects replacement of it, through his own canon law. Thus Luther had frequent occasion to speak about the law and its functions. It was not only the antinomian controversy that led him to emphasize the importance of teaching the law in the church, but what he saw and had experienced under Rome resulted in lengthy discourses on the

¹⁵ These are found especially in volumes 22 and 24 of *Luther's Works*.

¹⁶ LW, 22, p. 146.

¹⁷ E.g., in LW, 4, pp. 51, 63, 241, 276.

¹⁸ LW, 41, p. 147.

¹⁹ LW, 54, pp. 289f.

²⁰ LW, 22, p. 430.

subject. In this context too, quite different from antinomianism, Luther said things pertinent to an understanding of his views about the third use of the law. Central for him, however, was the fact that both extremes deprived people of the purification of Christ.

II. An Examination of FC VI and Luther

The Formula of Concord in Article VI assumes that it is correct to speak of three uses of the law. The opening sentence simply asserts, “Since the Law of God is useful,” listing the three uses, and concludes the sentence with the words, “a dissension has occurred between some few theologians concerning this third and last use of the Law.” The third use is set forth with the words, “...that, when they have been born anew by the Spirit of God, converted to the Lord, and thus the veil of Moses has been lifted from them, they live and walk in the Law.”²¹ The Epitome states the third use as follows: “...that after they are regenerate and the flesh notwithstanding cleaves to them, they might on this account have a fixed rule according to which they are to regulate and direct their whole life.”²² The Epitome at this point is more explicit than the Solid Declaration in its definition. It is this position on the third use that is expounded and defended throughout the article.

The significant factor in the third use of the law is that it refers to preaching the law to those who already are believers. It concerns itself with the believer’s life after he has come to faith. In the Epitome we read that “the preaching of the Law is to be urged with diligence, not only upon the unbelieving and impenitent, but also upon true believers, who are truly converted, regenerated and justified by faith.”²³ All of this leads us to the following summary statement: *The third use of the law pertains to the function of the law in connection with the believer’s life of sanctification (good works).*

The following seven theses outline and sum up how FC VI unfolds this truth in greater detail.

1. The truly converted is not under the law, that is, he is free of its threats, curses, and coercion.
2. The regenerate, however, willingly exercises himself in the law as God’s immutable will for man’s conduct.
3. For good works to be acceptable to God, the motivation must come, not from the law, but from the gospel, through which the Spirit of God dwells in the believer. Such works are fruits of the Spirit and are accounted acceptable through faith in the merits of Jesus Christ.
4. In this present life the regenerate is not completely renewed and must struggle against the flesh.
5. For this reason the regenerate needs the instruction from the law lest he mistakenly choose to serve God with works not in accord with the Word of God.
6. At the same time, the law continues to reprove the believer’s sin and with its threats, curses, and coercion helps subdue his unwilling flesh.
7. In heaven, where renewal is complete, there will be no need to teach either the law or the gospel.

We now focus our attention on each thesis and take note of the pertinent references from FC VI. At the same time we will examine what Luther says on the subject of that thesis.

Thesis 1. *The truly converted is not under the law, that is, he is free of its threats, curses, and coercion.*

Article VI refers to Paul’s well-known words to Timothy that “the Law is not made for a righteous man, as the apostle testifies 1 Tim. 1,9, but for the unrighteous.”²⁴ What St. Paul means “is that the Law cannot burden with its curse those who have been reconciled to God through Christ; nor must it vex the regenerate with

²¹ FC, S.D., VI, 1.

²² FC, Epi., VI, 2.

²³ FC, Epi., VI, 3.

²⁴ FC, S.D., VI, 4.

its coercion.”²⁵ Again, we are told that “when man is born anew by the Spirit of God” he is “liberated from the Law, that is, freed from this driver.”²⁶ He does “nothing from constraint of the Law.”²⁷ That the law cannot curse, constrain, coerce, drive, burden, vex, threaten is stated and restated in Article VI. Frequently it is in the form of a self-evident concession beginning with the conjunction “although,” as in the Epitome’s statement, “although men truly believing...have been freed and exempted from the curse and coercion of the Law.”²⁸ Not to recognize this freedom is to fail completely to understand the gospel and its liberating power.

According to Luther the Christian is not “under the law” in so far as he is a Christian.²⁹ He is “without law.”³⁰ “When Christ comes, the law ceases.”³¹ This is true of all law, but first of all of the “Levitical law which...makes sin of things that in their nature are not sins.”³² It did this for the Israelites, but Jesus’ coming ended that.

However, also “the Ten Commandments, which deal with holy life and conduct toward God and man, cease.”³³ Not only that, but referring to 1 Timothy 1:9 Luther holds that “it is impossible that the temporal sword and law should find any work to do among Christians.”³⁴ The law is laid down for the lawless. Thus those who are in Christ are *under* no law of any kind, neither the Levitical, the moral, nor the civil law. This is a frequent refrain of Luther.

He is quick, however, to avoid any antinomian conclusions by showing in what sense this is true. “Not to be under the law” means that “the law cannot accuse and terrify them.”³⁵ The law has ceased for the Christian “in the sense that it cannot damn” him.³⁶ The Ten Commandments cease “in the sense that the office of Moses in them ceases; it no longer increases sin by the Ten Commandments, and sin is no longer the sting of death....The office of Moses can no longer rebuke the heart.”³⁷ The Christian is saved from the “curse of the Law (Gal. 3:13).”³⁸ Luther explains Romans 6:14, “you are not under law, but under grace,” to mean that you as God’s children “do every good thing of your own free will, without being driven, without coercion.”³⁹

Christ has made the difference. The truly converted no longer sees the law as a threat, for Christ has fulfilled it for him. Christ has redeemed those who were under the law (Ga. 4:5). They no longer are driven to despair by the curse and condemnation of the law, for Christ has become a curse for them (Ga. 3:13). The law no longer can rebuke their heart because “through Christ sin is forgiven, God is reconciled, and man’s heart has begun to feel kindly toward the law.”⁴⁰

There is no need to document Luther’s convictions on this point further. His own life’s history from monk to reformer bears testimony to the freedom of the Christian man. How eloquently he wrote of it: “A Christian is a perfectly free lord of all, subject to none.”⁴¹ His exposition of this statement in 1520 has no equal. The soul that has the Word of God, the gospel of Christ, “is rich and lacks nothing since it is the Word of life, truth, righteousness, salvation, joy, liberty, wisdom, power, grace, glory, and of every incalculable blessing.”⁴²

²⁵ FC, S.D., VI, 5.

²⁶ FC, S.D., VI, 17.

²⁷ FC, S.D., VI, 18.

²⁸ FC, Epi., VI, 2.

²⁹ LW, 27, p. 79.

³⁰ StL XX, 1644. Thesis 40 reads: “So fern nun Christus in uns auferweckt ist, so fern sind wir ohn Gesetz, Suende, und Tod.”

³¹ LW, 35, p. 244.

³² LW, 35, p. 244.

³³ LW, 22, p. 38.

³⁴ LW, 45, p. 89.

³⁵ LW, 27, p. 79.

³⁶ LW, 22, p. 38.

³⁷ LW, 35, p. 244.

³⁸ LW, 22, p. 39.

³⁹ StL XII, 232.

⁴⁰ LW, 35, p. 244.

⁴¹ LW, 31, p. 344.

⁴² LW, 31, p. 345.

That in truth is to be free of the threats, curses, and coercion of the law. Luther's whole life and work were bound up in this freedom in Christ.

Thesis 2. *The regenerate, however, willingly exercises himself in the law as God's immutable will for man's conduct.*

The Formula of Concord is careful to say that although the law is not made for a righteous man, "this is not to be understood in the bare meaning, that the justified are to live without law."⁴³ In fact, "they should daily exercise themselves in the Law of the Lord."⁴⁴ "They are never without the Law, and nevertheless are not under, but in the Law, and live and walk in the Law of the Lord."⁴⁵

The law ever remains in force as God's immutable will. The man that is born anew "lives according to the immutable will of God comprised in the Law."⁴⁶ "When we speak of good works which are in accordance with God's Law (for otherwise they are not good works)," the Formula points out, "then the word *Law* has only one sense, namely, the immutable will of God, according to which men are to conduct themselves in their lives."⁴⁷ Already Article V had defined the law as "properly a divine doctrine, in which the righteous, immutable will of God is revealed, what is to be the quality of man in his nature, thoughts, words, and works, in order that he may be pleasing and acceptable to God."⁴⁸

Freedom from the law implies that the believers "so far as they have been born anew according to the inner man," do what is pleasing to God "voluntarily and spontaneously from their hearts."⁴⁹ "They delight indeed in God's Law according to the inner man."⁵⁰ What the law could not extort from man with its threatenings "the believer, so far as he is regenerate, does without constraint and with a willing spirit."⁵¹

The very term, immutable will of God, used in this connection, speaks of the law without the implications of threats and coercion. We have difficulty thinking of the term "law" without them because man in his sinful, perverted state always is confronted by the law in this manner. But this changes for the believer, the one who is regenerated through the power of the Holy Spirit. With delight in God's law he willingly conforms his life to God's immutable will. This is true, however, "so far as he is regenerate."

That the Christian is not *under* the law did not cause Luther to eliminate the law in the Christian's life, did not result in antinomian views on the part of Luther, like those of Poach *et al.* Freedom from the law and its threats does not give the Christian license to live outside the law. When Luther says that the Ten Commandments cease in the sense that they cannot damn the believer, he immediately continues by saying, "However, the Ten Commandments are still in force and do concern us Christians so far as obedience to them is concerned."⁵² Although the Christian should know that by Christ he has been established as a lord over the law, sin, and death, "he should also know that this external obligation has been imposed on his body, that through love he should serve his neighbor."⁵³ Then Luther points out that the Decalog shows what it means to be a "servant through love." In a sermon on September 30, 1537, he calls the law "the eternal, immovable, unchanging will of God."⁵⁴ We have been set free from sin and from our failure to keep the law not so that we might in the future not keep it. But God forgives for Christ's sake, who fulfilled the entire law, so that thereby "he might warm the heart and enkindle it through the Holy Spirit and urge it to begin to love again day by day

⁴³ FC, S.D., VI, 5.

⁴⁴ FC, S.D., VI, 4.

⁴⁵ FC, S.D., VI, 18.

⁴⁶ FC, S.D., VI, 17.

⁴⁷ FC, S.D., VI, 15.

⁴⁸ FC, S.D., VI, 17.

⁴⁹ FC, S.D., VI, 23.

⁵⁰ FC, S.D., VI, 18.

⁵¹ FC, Epi., VI, 7.

⁵² LW, 22, p. 38.

⁵³ LW, 27, p. 51.

⁵⁴ WA, 45, p. 145.

more and more.”⁵⁵ The Christian life of love is not one patterned according to a person’s subjective feelings in a given situation. Love exercises itself as outlined in the immutable, eternal will of God revealed in His law. As a Christian, regenerated by the Word, through faith in Christ, Luther says, “Now I am beginning to conform to its (the law’s) requests, so that now I praise, laud, and serve God.”⁵⁶ If that does not happen, if the Christian does not exercise his faith through good works, “this is the surest possible sign that the faith is not genuine.”⁵⁷

To exercise his faith in doing works that conform to God’s eternal, immutable will is not by coercion because the Christian views the law in a new way. Luther says that the Holy Spirit, the Word of God, which brought us to faith in Christ, “instills in us a new spirit, which renders God’s Word and the Law pleasing to us. Now I take delight in the command to trust God above all things.”⁵⁸ The unregenerate could see the law only as a threat, damning him for his failure to keep its demands. The regenerate sees it as the will of God, who has redeemed him from the law’s curses through the death of His Son. The law in its content has not changed. But the office of Moses has ceased through Christ and now the law as the eternal will of the God of his salvation is the Christian’s delight.

Thus the Christian conforms his life to God’s law, not by constraint, but willingly, spontaneously, that is, of his own accord, because he wants to. “Spontaneously they do what the Law requires,”⁵⁹ Luther writes. Nor does the Christian note and tally each work that corresponds to God’s law in pharisaic fashion, but “spontaneously, without any legal constraint, he does more than the Law requires.”⁶⁰ Love does not stop where the law’s demands stop.

That the Christian acts spontaneously for Luther meant that there was no need for someone to teach the regenerate the works he must do. “A Christian man living in this faith has no need of a teaching of good works, but he does whatever the occasion calls for, and all is well done.”⁶¹ The law is not inscribed on tables of stone so that the Christian must first be taught its precepts, but “the Holy Spirit renews the heart...inscribing the commandments...in hearts of flesh.”⁶² It was statements such as these that were used by later antinomians to claim Luther for their position that the law has no place in the life of the regenerate, in his sanctification. If such statements are viewed in isolation, that impression may be given. We adduce them here merely to show Luther’s way of teaching the spontaneity of the Christian’s life in the law. And what Luther says is indeed true of the Christian in so far as he is renewed. But there is more to be said. When we hear what Luther says in our study of subsequent theses, the total picture of his position will emerge.

Thesis 3. *For good works to be acceptable to God, the motivation must come, not from the law, but from the gospel, through which the Spirit of God dwells in the believer. Such works are fruits of the Spirit and are accounted acceptable through faith in the merits of Jesus Christ.*

The unbeliever too may bring the actions of his life into conformity with the requirements of the law, at least to a certain extent. About this the Formula, however, has this to say:

For as long as man is not regenerate, and conducts himself according to the Law and does the works because they are commanded thus, from fear of punishments or desire for reward, he is still under the Law, and his works are called by St. Paul properly works of the Law.⁶³

As long as the law remains the motivating power, the works are nothing but law works.

⁵⁵ WA, 45, p. 145.

⁵⁶ LW, 22, p. 144.

⁵⁷ LW, 27, p. 127.

⁵⁸ LW, 22, p. 144.

⁵⁹ LW, 27, p. 96.

⁶⁰ LW, 27, p. 96.

⁶¹ LW, 44, p. 26.

⁶² LW, 41, p. 145.

⁶³ FC, S.D., VI, 16.

In the case of the believer the situation is quite different. “The Holy Ghost, who is given and received, not through the Law, but through the preaching of the Gospel, Gal. 3, 14, renews the heart.”⁶⁴ Now not the law, but the indwelling Spirit moves the regenerate to do what he does, that is, to conform his life to God’s immutable will. The Epitome speaks of this:

Fruits of the Spirit, however, are the works which the Spirit of God who dwells in believers works through the regenerate, and which are done by believers so far as they are regenerate, as though they knew of no command, threat, or reward.⁶⁵

In greater detail the Solid Declaration says:

But when man is born anew by the Spirit of God, and liberated from the Law, that is, freed from this driver, and is led by the Spirit of Christ, he lives according to the immutable will of God comprised in the Law, and so far as he is born anew, does everything from a free, cheerful spirit; and these are called not properly works of the Law, but works and fruits of the Spirit.⁶⁶

Outwardly the works of the believer and the unbeliever may appear alike, since in either case the external act conforms to the law, the immutable will of God. “The difference, however, is in the works, because of the difference in the men who strive to live according to this Law and will of God.”⁶⁷ The regenerate produce fruits of the Spirit.

However, even in the regenerate these fruits of the Spirit are pleasing to God not because the works in and of themselves are perfect, but through faith in the forgiving mercy of Christ. Even the most perfect Christian is still imperfect in his life of sanctification. “But how and why good works of believers, although in this life they are imperfect and impure because of sin in the flesh, are nevertheless acceptable and well-pleasing to God, is not taught by the Law, which requires an altogether perfect, pure obedience if it is to please God. But the Gospel teaches that our spiritual offerings are acceptable to God through faith for Christ’s sake.”⁶⁸ “Their good works, although they are still imperfect and impure, are acceptable to God through Christ.”⁶⁹ The gospel motivates, the gospel purifies.

Luther in no way despised the law. In fact, “the law is holy and good; in view of its authorship God’s commandments cannot be evil and wrong.... The Ten Commandments preach a good sermon.”⁷⁰ But Luther does not expect of the law what it cannot do. “It does not grant life.”⁷¹ “Moses’ mission,” Luther comments, “is not to teach me how to keep the Law, or to endue me with the strength and power to keep the Law.”⁷² He expresses the same thought in his picturesque way, describing the law as a hand that directs to the right road, but “if I do not have feet, a wagon to travel in, or horses to ride on, I shall never go by that road.”⁷³ Good works, Christian sanctification, are not motivated by the law.

Christ, the gospel, the Holy Spirit, faith—these Luther saw as the source of strength, as the motivating power in the Christian so that good works result in his life. In his commentary on Galatians he wrote: “The Law cannot be fulfilled without the Holy Spirit, and the Holy Spirit cannot be received without Christ.”⁷⁴ In his first

⁶⁴ FC, S.D., VI, 11.

⁶⁵ FC, S.D., VI, 11.

⁶⁶ FC, S.D., VI, 17.

⁶⁷ FC, S.D., VI, 16.

⁶⁸ FC, S.D., VI, 22.

⁶⁹ FC, S.D., VI, 23.

⁷⁰ LW, 22, p. 140f.

⁷¹ LW, 22, p. 141.

⁷² LW, 22, p. 148.

⁷³ LW, 22, p. 143.

⁷⁴ LW, 27, p. 131.

disputation against Agricola he similarly wrote: “The promise of Christ or the Gospel must be added to the law...so that man may resolve to do what is good.”⁷⁵

If a work is to fulfill God’s will in a manner pleasing to God, it must be done in the faith which the Holy Spirit has engendered in the Christian heart. “One and the same work,” Luther says in his sermons on the Gospel of John, “becomes different even in one and the same person, depending on whether it is performed before or after he has come to faith in Christ...the same work is a fine and precious grape...because it issues from the good Vine, which is Christ.”⁷⁶

Luther recognized that these works of the Christian were not perfect in themselves. He said that “all such works are grapes, even though sin creeps in now and then and there are false steps.”⁷⁷ These sins and false steps are forgiven in Christ so that the works nevertheless are good fruit.

The various aspects that have a part in the Christian’s fulfilling of the law are brought together by Luther when he says: “So a Christian fulfills the Law inwardly by faith—for Christ is the consummation of the Law for righteousness to everyone who has faith (Rom. 10:14) and outwardly by works and by the forgiveness of sins.”⁷⁸ Christ’s perfect keeping of the law is credited to us by faith. This he calls the inward keeping of the law. But the Christian also keeps the law outwardly, by what he does in his outward life. This happens by what he actually does, his works. However, since his works still are not perfect in themselves, they are accounted such by the forgiveness of sins. Luther says this in a somewhat different way when he writes: “For the righteousness demanded by the Law is fulfilled in the believers through grace and the assistance of the Holy Spirit, whom they receive.”⁷⁹

Thesis 4. *In this present life the regenerate is not completely renewed and must struggle against the flesh.*

We already noted above that the believer’s life of sanctification is still imperfect. Because of the importance of this point for the third use of the law we state it as a separate thesis. The Formula says: “However, believers are not renewed in this life perfectly, or completely, *completive vel consummative*, for although their sin is covered by the perfect obedience of Christ,...the old Adam clings to them still in their nature and all its internal and external powers.”⁸⁰ This is the reason for the ongoing struggle in the Christian’s life and heart. “But since believers are not completely renewed in this world, but the old Adam clings to them even to the grave, there also remains in them the struggle between the spirit and the flesh.”⁸¹ This point is of decisive significance when the law in its third use comes into consideration.

The reason the Christian’s works are not yet perfect, as we noted in the previous thesis, is that his renewal is not perfect. This Luther too stated frequently and in various ways. We shall cite only a few of these many references. In his first set of theses against Agricola he said in thesis 18 that the “sin in the flesh still battles fiercely” against the good intentions the Holy Spirit has awakened in the Christian’s heart.⁸² In the fifth series, theses 40 and 41 speak of the extent to which Christ does or does not dwell in the Christian.⁸³ Luther speaks of *in so far as* one or the other is true. The Christian’s continuing imperfection in this life also found expression in Luther’s Galatians commentary: “For in the justified there remain remnants of sin, which deter and dissuade them both from faith and from truly good works.”⁸⁴ In this same connection he speaks of “the human reason and flesh, which resists the Spirit in the saints.” As far as the wicked are concerned, the human reason and flesh “has dominant control.” The unbeliever is only *peccator*. But God has worked something new in the Christian while the old is not yet completely removed. The Christian is *simul justus et peccator*.

⁷⁵ StL, XX, 1629.

⁷⁶ LW, 24, p. 232.

⁷⁷ LW, 24, p. 233.

⁷⁸ LW, 27, p. 96.

⁷⁹ LW, 22, p. 39.

⁸⁰ FC, S.D., VI, 7.

⁸¹ FC, S.D., VI, 18.

⁸² StL XX, 1630.

⁸³ StL XX, 1644.

⁸⁴ LW, 27, p. 54.

Thesis 5. *For this reason the regenerate needs the instruction from the law lest he mistakenly choose to serve God with works not in accord with the Word of God.*

If Christians were “completely renewed in this life by the indwelling Spirit, so that in their nature and all its powers they were entirely free from sin, they would need no law.”⁸⁵ The believer is, however, not perfectly renewed, also not in his knowledge of the law. For this reason “the Law...should be constantly held up to believers and be diligently urged upon them without ceasing.”⁸⁶ “The Holy Ghost employs the Law so as to teach the regenerate from it, and to point out and show them in the Ten Commandments what is the acceptable will of God, Ro 12:2, in what good works God hath before ordained that they should walk, Eph 2:10.”⁸⁷ Unless this is done believers “may hit upon a holiness and devotion of their own, and under the pretext of the Spirit of God set up a self-chosen worship, without God’s Word and command.”⁸⁸ The old man is deceptive, and Satan is only too ready to encourage deception with the result that a believer may follow the guiding of his sinful flesh and yet believe that he is doing the will of God. Because the Christian is not yet perfectly renewed and still is not devoid of his flesh the law is needed as his guide. It does not provide the power and motivation for doing God’s will, but it does supply infallible knowledge of God’s will so that he can know when he is and when he is not following it. It is God’s answer to the believer’s question: What wilt thou have me to do?

Article XX of the Augsburg Confession takes up the accusation against “our teachers” that they were forbidding good works. As proof that this accusation was false, Melanchthon writes: “For their published writings on the Ten Commandments, and others of like import, bear witness that they have taught to good purpose concerning all estates and duties of life, as to what estates of life and what works in every calling be pleasing to God.”⁸⁹ Clearly this speaks of the third use of the law, “its function in connection with the believer’s life of sanctification.”

Foremost among “the published writings on the Ten Commandments” to which Melanchthon refers were those of Luther. We are reminded first of his two catechisms, which appeared in 1529, only a year before the Augsburg Confession was written. Luther’s explanations to the Ten Commandments in the Small Catechism are not worded simply from the viewpoint of the second use of the law. He is instructing Christians regarding the kind of life they should lead out of the fear and love of God.

No doubt, among the “published writings on the Ten Commandments” Melanchthon also must have had Luther’s “Treatise on Good Works” of 1520 in mind. This was written “to show how we should practice and use faith in all good works”⁹⁰ and is basically an exposition of the Ten Commandments. Luther recognized that the regenerate needs instruction from the law as he lives his life of sanctification. In his commentary on Galatians he notes that St. Paul recognized the same need: “For the apostle makes it a habit, after teaching of faith and the instruction of consciences, to introduce some commandments about morals, by which he exhorts the believers to practice the duties of godliness toward one another.”⁹¹ He points out that “Paul shows beautifully on the basis of the Decalog what it means to be a servant through love.”⁹² Referring to the second table of the law, Luther wrote that “these seven commandments teach us how we should exercise ourselves in good works toward men.”⁹³ Luther recognized the didactic function of the law for the Christian.

God’s people need this teaching so that they may be prevented “from following their own reason and free will in doing good and doing right.”⁹⁴ “Our self-imposed works,” Luther pointed out, “lead us to and into

⁸⁵ FC, S.D., VI, 6.

⁸⁶ FC, S.D., VI, 4.

⁸⁷ FC, S.D., VI, 12.

⁸⁸ FC, S.D., VI, 20.

⁸⁹ A.C. XX, 2.

⁹⁰ LW, 44, p. 23.

⁹¹ LW, 27, p. 47.

⁹² LW, 27, p. 51.

⁹³ LW, 44, p. 81.

⁹⁴ LW, 35, p. 239.

ourselves, so that we just seek our own benefit and salvation. But God's commandments drive us to our neighbor's need."⁹⁵

Rome was the prime example of such self-chosen, self-imposed works. For Rome the monastic life, fasting, pilgrimages, works commanded by the church, were the chief good works. When they fast, "they think they have done a good work."⁹⁶ "According to the ideas and language of the papists, it is a service of God when they flock into the chancel, seclude themselves in a cloister, observe the canonical hours, and read Mass."⁹⁷ For Rome good works were good especially if they were of a religious nature, if they were enjoined by and connected with the Roman church in some way. The secular life, even if it sought to follow God's will in the Decalog, was inferior.

Against such ideas, Luther stresses in his "Treatise" of 1520, "The first thing to know is that there are no good works except those works God has commanded....Accordingly we have to learn to recognize good works from the commandments of God."⁹⁸

It is our fifth thesis that is central in the article on the third use of the law. The authors of FC VI, when they contended that the law has a didactic function for the Christian "lest he mistakenly choose to serve God with works not in accord with the Word of God" were only repeating what Luther had said many times.

Thesis 6. *At the same time, the law continues to reprove the believer's sin and with its threats, curses, and coercion helps to subdue his unwilling flesh.*

Were it not for the continued application of the law to the Christian, he would soon become self-righteous in his sanctification. The Formula says: "So, too, the doctrine of the Law, in and with the good works of believers, is necessary for the reason that otherwise man can easily imagine that his work and life are entirely pure and perfect."⁹⁹

The fact is that believers still sin. The same law that serves as a guide for good works will expose sin. The Formula recognizes this when it says: "But the Law of God prescribes to believers good works in this way, that it shows and indicates at the same time, as in a mirror, that in this life they are still imperfect and impure in us."¹⁰⁰ This is stated very simply, "Therefore, as often as believers stumble, they are reprov'd by the Holy Spirit from the Law."¹⁰¹ Thus the law, which instructs the believer in its third use, at the same time reveals his sin, which is the law's second use.

While the believer is indeed free from the law's coercion, this is not true of the flesh that still clings to him in this life. "But as far as the old Adam is concerned, which still clings to them, he must be driven not only by the Law, but also with punishments: nevertheless, he does everything against his will and under coercion, no less than the godless are driven and held in obedience by the threats of the Law."¹⁰² The statement near the end of the article is a familiar one: "For the old Adam, as an intractable, refractory ass, is still a part of them, which must be coerced to the obedience of Christ, not only by the teaching, admonition, force, and threatening of the Law, but also oftentimes by the club of punishments and troubles, until the body of sin is entirely put off."¹⁰³ Here the law functions in its first use, its function to coerce the godless.

We see then that Article VI does not isolate the third use of the law from its other functions. The believer is both spirit and flesh. It is because of his flesh that the law, in all of its uses, still must function. It is true, in so far as the Christian is a believer, a new man, he is free from the law in all its functions. However, because the new man lives in this world united into one person with the old, the Christian needs the law as a guide, as a mirror, yes, even as a means of coercion.

⁹⁵ LW, 44, p. 71.

⁹⁶ LW, 44, p. 74.

⁹⁷ LW, 24, p. 25.

⁹⁸ LW, 44, p. 23.

⁹⁹ FC, S.D., VI, 21.

¹⁰⁰ FC, S.D., VI, 21.

¹⁰¹ FC, S.D., VI, 14.

¹⁰² FC, S.D., VI, 19.

¹⁰³ FC, S.D., VI, 24.

Luther's views on the preaching of the law in the church finds expression already in the "Instructions for the Visitors of Parish Pastors," even though the original form of this document had Melancthon as its author. Luther published it in 1528 with an introduction stating that he had "carefully reviewed it in collected form."¹⁰⁴ This document said that "preachers are to proclaim the Ten Commandments often and earnestly, yet not only the commandments but also how God will punish those who do not keep them,...The people are thus to be urged and exhorted...to repent and show contrition."¹⁰⁵ This was the use to which Agricola in 1527 had objected and which is retained without equivocation, the second use to effect contrition. At the same time the document sees the preaching of the Ten Commandments in connection with the Christian life and good works. "Therefore again and again the Ten Commandments are to be assiduously taught, for all good works are therein comprehended."¹⁰⁶ These two uses of the law go hand in hand as it is preached in the church.

Frequently Luther speaks of the two, as it were, in one breath. "Now note here," he says, "that the Law of Moses, indeed, appries you of your sin and tells you how you should obey God and man."¹⁰⁷ In 1539, when the antinomianism of Agricola was very much on his mind, he complains that the antinomians preach only grace and "flee as if it were the very devil the consequences that they should tell the people about the third article, of sanctification, that is, of the new life in Christ." This speaks of the didactic use of the law. But then he immediately continues, "They think one should not frighten or trouble people, but rather always preach comfortingly about grace and the forgiveness of sin in Christ, etc."¹⁰⁸ Thus the law that teaches the new life in Christ also frightens and troubles people by exposing sin. Later in the same document he again combines the two: "We need the Decalogue not only to apprise us of our lawful obligations but we also need it to discern how far the Holy Spirit has advanced us in his work of sanctification and by how much we still fall short of the goal, lest we become secure and imagine that we have now done all that is required. Thus we must constantly grow in sanctification and always become new creatures in Christ."¹⁰⁹

Not to be forgotten is the suppression of the Christian's flesh through the law. When the devil tries to keep us from praying, Luther directs us to the Third Commandment. "Thus we must drive out the devil's suggestion with God's command."¹¹⁰ In June 1540 Luther wrote to Chancellor Brueck about Agricola and pointed out that we, who have been made holy by grace, yet live in our sinful flesh and must permit the law to reprove, terrify, and kill us.¹¹¹ In one of his antinomian theses Luther says that the law must be preached to the godfearing, so that they are reminded "to crucify their flesh, with its lusts and desires, so that they do not become secure."¹¹²

There is little doubt that Luther continued to stress the law in its second function in writing against Agricola. But in doing so, he speaks of all three uses, even if he does not distinguish them numerically, especially the second and third uses.

Thesis 7. *In heaven, where renewal is complete, there will be no need to teach either the law or the gospel.*

The Formula points to the time when the need for the law in all its functions will cease, when "the body of sin is entirely put off, and man is perfectly renewed in the resurrection." That will be a time "when he will need neither the preaching of the Law nor its threatenings and punishments, as also the Gospel any longer."¹¹³ Instruction will no longer be needed, for the Christian will be perfectly renewed in knowledge. He will be completely free of his old Adam, which in this life still needs the coercion of the law. Thus it is evident that the

¹⁰⁴ LW, 40, p. 272.

¹⁰⁵ LW, 40, p. 276.

¹⁰⁶ LW, 40, p. 277.

¹⁰⁷ LW, 22, p. 165.

¹⁰⁸ LW, 41, p. 113.

¹⁰⁹ LW, 41 p. 166.

¹¹⁰ LW, 44, p. 62.

¹¹¹ StL XX, 1568.

¹¹² StL XX, 1645.

¹¹³ FC, S.D., VI, 24.

only reason the believer too needs the continued use of the law in his life is his still imperfect condition. To say that he does not need the law's preaching is to say that he has already attained to perfection. That would mean that he also no longer needed the gospel. The one without the other has no meaning. They must be distinguished, but they must also be kept together. Only in heaven will the need for the teaching of either cease.

The antinomians wanted the law removed from the church. In his fifth series of theses against them Luther follows this line of thought: The antinomians should prove that the just are without sin and death or that they no longer live in the flesh but are totally removed out of the world, then it would be correct to teach that the law has ceased for believers and is no longer to be taught.¹¹⁴ In a set of theses on the works of the law and of grace, set up for a disputation in 1537, Luther says that when Christians are perfected in heaven they will no longer need confessional statements, the Lord's Prayer, or the sacraments. Indeed, the law will cease and disappear together with prophecy and the whole of Scripture.¹¹⁵ Luther thus pointed out that whoever says that the law is no longer needed is assuming that Christians in this life have attained the perfection and total renewal of heaven. What we now need because of our flesh and sin will cease in heaven. Our final thesis from FC VI, too, is an echo of what Luther had taught.

III. Conclusions

If we now ask, What was Luther's position in the antinomian debate?, or, to put it another way, What is the relationship between Luther's teaching about the use of the law and Article VI of the Formula of Concord?, the compelling conclusion is this: Article VI restates the views already expressed by Luther in numerous writings from various periods of his life.

This conclusion can be elaborated in the following manner. Luther indeed frequently speaks of two functions of the law. What the FC VI calls the second and third uses is not so directly, that is, numerically, distinguished by Luther. He sees the two functions, the second and third, going on simultaneously as the law is preached to the Christian. Nevertheless, both functions are clearly expressed. Even though Luther was opposing Agricola's antinomianism which concerned itself with the second use of the law, he frequently speaks also of its didactic use, lest Agricola's rejection of the law turn believers into Epicureans.

Luther also finds occasion to stress the importance of the didactic function of the law when he writes against the papacy. The pope sought to instruct Christians with his own laws. Against this Luther maintained that only God's law is able to tell the Christian what he is to do in leading a God-pleasing life. The false piety of Rome needed to be exposed by instruction in God's commandments.

In summary, with all of his emphasis on grace, Luther did not have an antinomian bone in his body. The law in all its functions was needed by the Christian in this world. Article VI confesses what Luther taught.

Lest this study remain a historical and dogmatic exercise, lest the importance of FC VI for the church of the present be lost, we hasten to add some practical conclusions that the church, as it celebrates the anniversary of its confessions, is well advised to note.

The church cannot dispense with the full and continued teaching of God's law, also to its members. This is required for the sake of the gospel. If we ignore the law in our teaching, the gospel will suffer. As Luther put it: "If we cast the law aside, we shall not long retain Christ." Whoever believes that to be faithful to Christ he must preach the gospel of grace to the neglect of the law is failing in his gospel preaching.

Without continued and correct preaching and teaching of the law, there will be a lack of sanctification. This is not to say that the law provides the will and strength, the motivation and power for God-pleasing works. Faith born of the gospel spontaneously bears good fruit. But without the law to reprove, guide, and instruct in God's will for the Christian life the old Adam will deceive the Christian and mislead him into thinking that liberty is license. The church must preach and teach that salvation is totally ours without works, by grace alone. But the church must also teach and preach that it is necessary to do good works, that faith without works is dead. The law has an important place here, not in replacing the gospel, but in the role God has assigned to it.

¹¹⁴ StL, XX, 1643.

¹¹⁵ WA XXXIX¹, 203.

Christians, especially our young Christians, need the teaching of the law because our society is dominated by an existentialistic, humanistic philosophy that recognizes no absolutes. What is truth? What is right? What is sin? Our youth is becoming confused because even many churches no longer accept the law of God as an unchanging standard.

A Christian should be able to recognize homosexuality, pornography, pre-marital sex, living together outside marriage, abortion, shoplifting, vile four-letter language for what it is if he is instructed in the abiding law of God. But Christians can become confused when they are told that the New Testament knows only one law and that is the law of love. If then any act is done in love it cannot be wrong. Lest the Christian's flesh, influenced by the world, mislead him into false ethical judgments, the law needs to instruct him that only that fulfills the law of love which fulfills God's immutable will for man's conduct. To commit adultery is never an act of love, because God says it is sin. Lest the Christian in this confused and confusing society falsely believe that he is serving God when he is in fact serving sin, the law of God needs to be taught.

Proper instruction in the law is also necessary, as Luther showed, to expose a false piety. The Ten Commandments revealed Rome's false conception of good works. God does not command monastic vows, celibacy, pilgrimages, the rosary. Our Confessions call much of this "silly works," for God's Law does not teach them. Over against such false piety the Ten Commandments show which works are God-pleasing.

The Lutheran church may feel satisfied that it has abandoned such "silly works." But is it totally free of the idea that works performed at the directive of the church are a superior form of sanctification? A mother may receive the impression that it is better to attend the congregation's ladies auxiliary than to care for the children at home. A teenager may think that he is doing a better work when he washes a car at the church's car wash than when he washes his father's car in obedience to the Fourth Commandment. Every member, it is urged, must be "active" in the church; the church must so organize itself that every member has something to do. The result may be that the church gives the impression that work done at its command is of a higher order than what a Christian does in his normal life in obedience to God's commandments.

Pietism was akin to Rome in that it added to God's law. The pietist insists that the Christian must pattern his life after the pietist's rules and regulations. The teaching of God's law lets the Christian know when pietism calls for sanctification that pleases the pietist rather than God.

In his life of sanctification the Christian needs to avoid epicureanism and a false pietism. One misuses freedom; the other follows a self-chosen piety. The law in its third use instructs the Christian, still imperfect in his renewed understanding, so that he can steer a course between both extremes.

Our topic was the third use of the law. That is the title of FC VI. However, FC VI, as well as Luther, shows that one cannot teach the third use of the law in isolation. As the church teaches the Christian God's will for his life it will also reprove his sin and curb his old Adam.

This final point bears repeating. If a Christian is to find his "delight in the law of the Lord," if he is to be spontaneous in producing fruit, the gospel needs to make him a good tree that cannot but bear good fruit. The law in none of its functions replaces the power of the gospel in Christian sanctification. To forget this is to succumb to moralizing.

The church needs to teach both the law and the gospel. That is what sinners need. That is what Christians need because they are both saint and sinner. We look forward to the day when we shall need neither law nor gospel. We shall be with the Lord Jesus. We shall see Him as He is. We shall be like Him. Glory to God in the highest!