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CONTENTS

APR 18 1995

CORRESPONDENCE.....2

ARTICLES

The Outer Limits of a Lutheran Piety

By Steven A. Hein.....4

Conditional Forgiveness and the Translation of 1 John 1:9

By John M. Moe.....11

Preaching to Preachers: Isaiah 6:1-8

By Donald Moldstad.....13

1 Corinthians 11:29 — "Discerning the Body" and Its Implications for Closed Communities

By Ernie V. Lassman.....15

Using the Third Use: Formula of Concord VI and the Preacher's Task

By Jonathan G. Lange.....19

The Law and the Gospel in Lutheran Theology

By David P. Scaer.....27

Angels Unaware

By Paul R. Harris.....35

A Call for Manuscripts.....42

Only Playing Church? The Lay Minister and The Lord's Supper

By Douglas Fusselman.....43

COLLOQUIUM FRATRUM.....52

David Scaer: A Reply to Leonard Klein

REVIEWS.....55

REVIEW ESSAY: *Translating the Bible: An Evaluation of the New Revised Standard Version (NRSV).*

Pastoral Care and the Means of Grace. By Ralph Underwood

A Common Calling: The Witness of Our Reformation Churches in North America Today. Ed. by Keith F. Nickle and Timothy F. Lull

One Ministry Many Roles: Deacons and Deaconesses through the Centuries. By Jeannine E. Olson

Messianic Exegesis: Christological Interpretation of the Old Testament in Early Christianity. By Donald Juel

BRIEFLY NOTED

LOGIA FORUM.....64

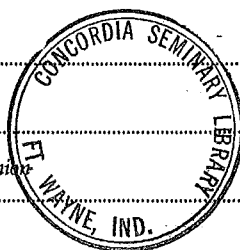
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Using the Third Use

Formula of Concord VI and the Preacher's Task

JONATHAN G. LANGE



IN LUTHERAN CIRCLES TODAY, IT IS NOT UNCOMMON TO HEAR the various uses of the law treated as though they were so many tools at the preacher's disposal. According to this view, the preacher's task is to select just the right law-tool, i.e., use, in order to accomplish the particular goal that he has in mind. For instance, if the preacher wishes to condemn his hearers, he must preach the second use, but if he wishes to instruct in holy living he should preach the third use.¹ Foundational to such a view is the assumption that the individual uses of the law may be employed at the preacher's bidding. Is this a valid assumption? Is it confessionally sound? As the only locus in the Lutheran Symbols that delineates the various uses of the law by name, Article VI of the Formula of Concord, concerning the third use, is the natural place to begin the query.

Historically, Article VI of the Formula is closely tied to Article V. Both articles were written in response to parties that sought to exclude law preaching from certain spheres of the Church's proclamation. Article V answered the challenge of Antinomians who taught that repentance should not be preached from the law but from the gospel (Ep V, 1).² The resulting thrust of Article V is to demonstrate that, strictly speaking, law preaching works repentance and gospel preaching does not. Article VI answers the challenge of a later variety of Antinomian.³ These claimed that good works are not to be taught by the law but by the gospel (SD VI, 2).⁴ The burden of Article VI, therefore, is to assert that good works for the Christian are normed by law and not gospel. Taken together, these articles defend the preaching of the law in the Christian congregation since this law preaching both works repentance (Article V) and instructs in righteous living (Article VI).

Concentrating on the relationship between the law and good works, Article VI of the Formula sketches out two conflicting opinions. On the one side, the Antinomians taught that the regenerate do not learn new obedience or good works "from the Law because they have been made free by the Son of God, . . . and therefore do freely of themselves what God requires of them" (SD VI, 2).⁵ As a result, they held that the doctrine of good works ought

not to be urged from the law that binds but from the gospel that makes free. On the other side, the authors of the Formula agreed with the Antinomians that the regenerate are indeed moved by God's Spirit; and, according to the inner man, do God's will freely and without compulsion. Nevertheless, they asserted that the Holy Spirit still makes use of the written law to instruct the regenerate in righteousness with the result that the Christian's freely flowing good works are always in accordance with God's external Word (SD VI, 3). For this reason the Christian is instructed in good works on the basis of the law and not the gospel.

The authors of the Formula assert the Lutheran position within a carefully defined framework of dogmatic distinctions. These distinctions are so essential to the argument that if at any point they are blurred the intended sense of the Formula is lost in the confusion. Therefore, it should come as no surprise that the Formula here employs extremely precise terminology. A correct understanding of the Formula requires careful attention to the terms involved.

I. THE CHRISTIAN AND THE INNER MAN

The foundational distinction at work in the Formula is one between the Christian and the inner man. In the usage of the Formula, the term "Christian" always refers to the Christian as he exists in this world. The Christian is *simul justus et peccator*, consisting both in the new man created by spiritual regeneration and in the old man of his fleshly birth. The term "Christian" is used synonymously with the terms "true believers," "truly converted," "regenerated,"⁶ and "justified by faith" (Ep VI, 2). Other equivalent terms are "justified Christian" (SD VI, 4), "children of God" (SD VI, 6), and "elect" (SD VI, 9). All of these terms are used interchangeably to speak of the Christian as he exists in this world, but never are they used in reference to the inner man. Later dogmaticians have labeled this concept by the phrase Christian *in concreto*.⁷

The inner man, on the other hand, is a designation employed by the Formula to speak of the Christian only insofar "as he is born anew [and] does everything from a free, cheerful spirit" (SD VI, 17). The inner man does not refer to a substance altogether different from the Christian, but it narrows the focus to only the saintly aspect of the Christian *in concreto*. For this reason later dogmaticians have dubbed the inner man as the Christian *qua* Christian.

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Within the Christian *in concreto*, the inner man and the old Adam are at war inasmuch as "there also remains in them the struggle between the spirit and the flesh" (SD VI, 18). Accordingly, the inner man involves the whole Christian—body and soul together—but only insofar as he is born anew through the gospel. The old Adam, on the other hand, which also involves both body and soul, is not born anew by the gospel or even reformed to any degree, but his only end is death. Thus, the old Adam is not included in the essence of the Christian *qua* Christian. Yet, one must not understand the old Adam and the inner man to be separate or independent entities in this life. The Christian *in concreto* always possesses the old Adam and the inner man inextricably bound together, *ergo simul justus et peccator*. While it is necessary to distinguish the inner man from the old Adam for clear theological discourse, one can never separate them one from another until God himself does so in the resurrection of the dead and the life of the world to come.⁸

. . . American evangelicalism wanders off the mark when it claims to find the difference between Christians and unbelievers in measurable traits.

The inner man can never be identified with any of the internal or external powers of man. The Christian *qua* Christian is and remains an article of faith; and is not observable in the understanding, the will, or any other tangible trait.⁹ To assume otherwise is to adopt a Nestorian anthropology with the result that one speaks of the inner man acting on one occasion and the old Adam acting on another as if they could be identified by sight. Here is precisely the point where American evangelicalism wanders off the mark when it claims to find the difference between Christians and unbelievers in measurable traits. In so doing, the inner man is separated from the old Adam; and an empirical part of the Christian is placed above the reproach of the law and beyond its reach.

The distinction between the Christian *in concreto* and Christian *qua* Christian is rooted in the doctrine of original sin as taught in Article I of the Formula. There it is affirmed that the human nature is so corrupted that no amount of dissection can reveal even one particle or one thought of sinful man that is free from original sin.¹⁰ This is the case not only before conversion, but also after conversion insofar as a Christian remains old Adam.¹¹ Article I of the Formula affirms this truth while simultaneously rejecting the notion that original sin is of the essence of human nature.

While the Christian *in concreto* remains a sinner, incomplete and in need of the law insofar as he is also old Adam, the Christian *qua* Christian lacks nothing in regard to holiness and righteousness either with need for the urging of the law or for its instruction.¹² This point is made clear by the Formula:

[I]f the believing and elect children of God were completely renewed in this life by the indwelling

Spirit, so that in their nature and all its powers they were entirely free of sin, they would need no law . . . but they would do of themselves, and altogether voluntarily, without any instruction, admonition, urging or driving of the Law, what they are in duty bound to do according to God's will (SD VI, 6).

For just as the sun and the moon follow the law of their preset orbits without force or compunction, but according to nature, so also the Christian lives according to the law of God without force or compunction, but only insofar as he is a new man. Dr. Martin Luther's sermon on the Epistle for the Nineteenth Sunday after Trinity, which has received a confessional character by virtue of the imprimatur given it in SD VI, 9, makes this point.

Christians . . . thus enter again into their former relation and into the true paradise of perfect harmony with God and of justification; they are comforted by his grace. Accordingly they are disposed to lead a godly life in harmony with God's commandments and to resist ungodly lusts and ways. . . . He, therefore, that would be a Christian should strive to be found in this new man created after God.¹³

According to Luther, the new man (Christian *qua* Christian) is a complete and perfect creature in which the believer (Christian *in concreto*) strives to be found through faith in Christ Jesus.

II. FREEDOM FROM THE CURSE AND FREEDOM FROM THE EXERCISE

The distinction between the Christian *in concreto* and the Christian *qua* Christian leads naturally into a second. The confessors make two distinct assertions: First, that "justified Christians are liberated and made free from the *curse of the Law*" (SD VI, 4); second, that these same Christians "should daily exercise themselves in the Law" (SD VI, 4). The authors of the Formula maintain that, although the Christian is free from the curse of the law, he is still bound to the exercise of the very same law. Yet how is it possible to exercise one's self in a law that always accuses while, at the same time, remaining free from the law's curse and coercion? This paradox is resolved when it is understood that the Christian is free from the curse of the law in a different sense than he is bound to its exercise.

The authors of the Formula could assert both statements as long as the foundational distinction between the Christian *in concreto* and the Christian *qua* Christian was maintained. The logical progression of the Formula proceeds on this basis. "Christians . . . should daily exercise themselves in the Law . . . [because] the Law is a mirror in which the will of God, and what pleases Him, are exactly portrayed" (SD VI, 4). The Christian *in concreto* must constantly examine his life in the light of the law so that he might be shown the difference between the things that God is working in him by grace, and the things that he himself is working according to the old Adam (SD VI, 21). Although it is certain that "the law is not made for a righteous man" (1 Tim 1:9),¹⁴ it is false to conclude "that the justified are to live without the Law" (SD VI, 5).¹⁵

According to the Formula, the meaning of St. Paul in 1 Timothy can only be that the law cannot burden the reconciled with its curse (*maledictione sua*), nor can it vex them with its coercion (*coactione sua*) (SD VI, 5).¹⁶

If the Christian is bound to exercise the law, in what sense is it true that he cannot be burdened by the curse or coercion of the law? Is it because the law applied to a Christian is different from that which is applied to an unbeliever? Absolutely not! "[T]he Law is and remains both to the penitent and impenitent, both to regenerate and unregenerate men, one [and the same] Law, namely, the immutable¹⁷ will of God" (Ep VI, 7). A Christian is free from the curse of the law only because he has pleasure in the law according to the inner man (SD VI, 5). To the extent that he lives according to the old Adam, the Christian *in concreto* remains under the law's curse and punishments (SD VI, 9).¹⁸ Thus, only the Christian *qua* Christian is free from the curse of the law.

It is not permissible to conclude that the Christian is free from the curse of the law because the accusing nature of the law is removed, "for the Law always accuses (*lex semper accusat*)" (Ap IV, 38). Neither does the Formula imply that there is such a way to preach the law that separates it from its curse.¹⁹ Rather, a Christian is free from the law's curse and coercion only because "he is born anew [and] does everything from a free, cheerful spirit" (SD VI, 17). Although the Christian *in concreto* is bound to the law with all of its force insofar as he is still old Adam, Francis Pieper correctly states, "For the Christian according to his new man the law is completely superfluous not only in part, but in its every *Usus*."²⁰

The authors of the Formula employed careful dogmatic distinctions to maintain the typically Lutheran paradox that a Christian is freed from the curse of the law while simultaneously bound to its exercise. This paradox was abolished by the Antinomians who simply denied that a Christian ought to exercise himself daily in the law (Ep VI, 1). Because of a failure to distinguish between the Christian *in concreto* and the Christian *qua* Christian, the Antinomians concluded that anyone who is free from the curse of the law must also be free from its exercise. Thus, for the Antinomians, the curse of the law was made identical with the exercise of the law.

In addition to the error of the latter Antinomians, there is a second distortion that can also result from the failure to distinguish the Christian *in concreto* and the Christian *qua* Christian. This error abolishes the aforementioned paradox by proceeding as though there were two different laws. Since the Christian is free from the curse of the law and since the same Christian is bound to exercise the law, it is supposed that there must exist a form of law preaching that does not curse or coerce the Christian. Thus, there is one law that always accuses, and from which the Christian is free, and another that has no curse or accusation, and in which the Christian must exercise himself daily.

This rationale undergirds the popular notion that one can preach the law after the gospel in such a way that the Christian is not condemned, but is only guided by the Spirit.²¹ With the claim that the third use is just that form of law preaching that carries no curse or accusation and is used to instruct a Christian in good works, Article VI of the Formula is often trumpeted as

the confessional *sedes* for this idea. In reality, the Formula does not support this notion nearly as readily as do Calvin's *Institutes*.

The Formula teaches: "He [the Holy Ghost] exhorts them [the regenerate] thereto, and when they are idle, negligent, and rebellious in this matter because of the flesh, He reproves them on that account through the Law. . . . He slays and makes alive; He leads into hell and brings up again" (SD VI, 12). Compare this to John Calvin who teaches: "The law is an exhortation to believers. This is not something to bind their consciences with a curse, but to shake off their sluggishness, by repeatedly urging them, and to pinch them awake to their imperfection."²² In the Formula, the law reproves, kills and condemns the Christian, while in the *Institutes*, the law only shakes, urges and pinches the Christian.

When the distinction between the Christian *qua* Christian

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and the Christian *in concreto* is blurred and one operates as if the old Adam is separated from the inner man here in this world, the law is either banished from the church altogether, or its uses are separated into different messages which are preached to different people at different times. The Formula rejects both of these errors as "pernicious and detrimental to Christian discipline as also to true godliness" (SD VI, 26).²³

The distinction between freedom from the exercise of the law and freedom from the curse of the law makes it clear that any ideas of an exercise of the law that could be separated from its curse and coercion are excluded. Modern preaching theories that seek to find in the third use a brand of law preaching whereby the preacher can instruct without accusing and exhort without coercing are ruled out by the Formula. Such an evangelical use of the law is simply nonexistent.²⁴

III. THE LAW INSCRIBED AND THE LAW PROCLAIMED

While the Christian *qua* Christian is free from the law according to its every use, it does not follow that he lives without the law. Rather, the Formula maintains a perfect tension by stating that, "even our first parents before the Fall did not live without the Law" (Ep VI, 2), while also saying that when man is "perfectly renewed in the resurrection . . . he will need neither the preaching of the Law nor its threatenings and punishments" (SD VI, 24). The perfected man has the law although he does not need the law. This position cannot be comprehended by means of the sinner/saint dichotomy that describes the Christian *in concreto* because the sinner is not included in the essence of the Christian *qua* Christian. It can only be understood in view of the distinction between the law proclaimed and the law inscribed upon the heart. The Christian *in concreto* needs the law preached to him because of the old

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Adam while the Christian *qua* Christian has the law perfectly inscribed in the heart.²⁵ This is a third essential distinction that is operative in the Formula.

When speaking of the law written upon the heart, the Formula speaks of the law that is not given by proclamation, but implanted in the heart by creation (Ep vi, 2).²⁶ This is law in the same sense as one would use the term law to describe the effects of gravity. The law of gravity does not cause an object to fall to the earth but only describes what happens by nature. So also, the law inscribed in the heart is purely descriptive of what the perfect creation of God does by nature.²⁷ The proclaimed law, on the other hand, does not refer to the internal condition of man but to an external proclamation of what that condition ought to be. This distinction is brought into sharp relief where the Solid Declaration brings both concepts into the same sentence. The authors of the Formula offer two proofs for the assertion that the justified are not to live without the law. "For the law of God has been written in their heart, and also to the first man immediately after his creation a law was given

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according to which he was to conduct himself" (SD vi, 5). First, there is the law written upon the heart. Second, there was the law which was given concerning the tree of the knowledge of good and evil.²⁸ This distinction is vital for a proper understanding of the Formula. Without it, the Formula would give the impression that both the original creation and also the new man in Christ have need to be taught the law, thereby denying that they have "the Law of God written also into their hearts, because they were created in the image of God" (Ep vi, 2).²⁹

Luther also operates within the framework of this distinction when he teaches of the correspondence between the prelapsarian perfection of Adam and the perfection of the Christian according to the new man in his sermon on the Epistle for the Nineteenth Sunday after Trinity:

For if God's image is in man, man must consequently have the right knowledge of God and right conceptions and ideas, and lead a godly life consistent with holiness and righteousness as found in God himself. Such an image of God Adam was when first created. . . . Christians, by the grace and Spirit of God, now have been renewed to this image of God.³⁰

The law written upon the heart, inscribed at the first creation (then subsequently rendered useless at the fall), is renewed by the grace and Spirit of God and will remain in the new creation after the resurrection of the dead.

The proclaimed law, on the other hand, lacks such an eternal aspect.³¹ According to the Solid Declaration, the preaching of the law belongs only "to this mortal and imperfect life" (SD vi, 24). If the third use is indeed a function of the preached law, then its purely temporal nature will not let it be equated with the eternal law written upon the heart. Rather, the law written upon the heart corresponds with the image of God which existed prior to sin and will continue after "the body of sin is entirely put off, and man is perfectly renewed in the resurrection, when he will need neither the preaching of the Law nor its threatenings and punishments" (SD vi, 24). Plainly, the law written upon the heart is not synonymous with the third use.

Since there will be no need of preaching the law in the resurrection, it is clear that the force of all preached law, including the third use, is not directed toward the Christian *qua* Christian but only toward the old Adam, who is constantly with the Christian *in concreto* as long as he remains in this world.³² While it is true that the third use of the law serves as a rule and guide for the Christian *in concreto*, it can never be a guide for the Christian *qua* Christian³³ because the preached law serves no purpose for the inner man.³⁴ The law governs the inner man by virtue of its inscription on the heart. Nevertheless, the renewal of the heart is not accomplished through law preaching, but only by the gospel.³⁵ For "the Holy Ghost, who is given and received, not through the Law, but through the preaching of the Gospel, renews the heart" (SD vi, 11). In this sense, the preached law does not have a positive role in the formation of the Christian, but only a negative one.³⁶ For, "to reprove is the peculiar office of the Law" (SD vi, 14).

The law according to its third use is relevant only for the Christian because only by virtue of the new creation can a man ask, "What is the good and acceptable will of God?" The need for Christians even to ask this question, however, is always evidence that "the old Adam still clings to them in their nature and all its internal and external powers" (SD vi, 7). This fact makes it impossible for the Christian *in concreto* to discern the law that has been inscribed perfectly upon his heart and necessary that he hear the law proclaimed. Since there is no isolated part of the Christian that remains free of the old Adam, the law is continually preached to the Christian *in concreto* on account of the old Adam as long as he remains on this side of the grave. After the resurrection, however, the law will no longer be preached since the old Adam no longer exists in heaven.

CONCLUSION

Careful attention to the terminology and distinctions of Article vi demonstrates that the third use was not set forth as a particular way for the preacher to wield the law. This, of course, does not deny that there are many different approaches to law preaching. For instance, the law can be preached as imperative or prohibition, as exhortation to holy living or as a positive description of the new creation to name just a few. However, the Formula denies support for the notion that any one of these methods corresponds either exclusively or even predominantly to any particular use of the law. So, for instance, a preacher who uses the indicative mood to describe the new creation in Christ must not assume that he has thereby

preached the third use in isolation from the other uses of the law. For even the sweetness of this description curses and condemns the Christian according to his old Adam because he does not measure up. As true as this is of the indicative mood, the hortatory subjunctive is even less likely to guide without accusing. Regardless of the intent and demeanor of the preacher, a string of "let us" phrases will always coerce the Christian according to the old Adam to do that which is against his will. This is always true of law preaching regardless of its location in the sermon outline. No matter which form of speaking is chosen to proclaim the law, it is and remains proclaimed law that is always superfluous for the Christian *qua* Christian while serving to curb, to condemn and to instruct the Christian *in concreto*.

The third use of the law is not the preacher's to use. Rather, it is the Holy Spirit's to use. It is the Holy Spirit who uses the law according to all of its uses whenever and wherever it is preached. The third use simply denotes one of several³⁷ different ways that the proclaimed law functions in the heart of

the hearer. This does not mean that the Holy Ghost preaches the third use apart from the oral Word proclaimed and heard. For the law that the Holy Ghost uses is precisely that law that is preached and none other.

Regarding that which is proclaimed by the preacher, one can only conclude that it is the same law that is preached to the Christian and non-Christian alike—complete with all the curses, threats and punishments that always accompany the preaching of the law. A preacher is not called to use or apply the law according to its various uses. That task is left to the Holy Spirit to accomplish as he will wherever the law is preached in its full force. Any attempts to speak of the third use as if it were the preacher's use are contrary to the intended sense of the Formula. The wording of the Solid Declaration must stand unqualified, that "it is just the Holy Ghost who uses the written law for instruction" (SD VI, 3). Only in this way will one make proper use of the Evangelical Lutheran doctrine of the third use of the law. ■■■■■

NOTES

1. "Christians do continue to use the Law as a mirror. But chiefly they use it as a rule and guide for the new man to do what is pleasing unto God." Edward Koehler, *A Summary of Christian Doctrine* (St. Louis: Concordia Publishing House, 1971), p. 62.

2. Luther's sermon on the Gospel for the Fifth Sunday after Trinity, which is cited in SD V, 12, summarizes the Agricola type of antinomianism: "Hence, there is nothing in the juggling tricks which our Antinomians play upon this example, when they say that repentance is not to be preached and practiced through the Law, but through the Gospel, or, as they put it, through the revelation of the Son." Martin Luther, *The Sermons of Martin Luther*, Vol. 4, ed. and tr. John N. Lenker (Grand Rapids: Baker Book House, 1989), p. 158.

3. See Johannes Seehawer, *Zur Lehre vom Brauch des Gesetzes und zur Geschichte des späteren Antinomismus* (Rostock: Carl Boldt'sche Hof-Buchdruckerei, 1887).

4. Historians have differed on the precise delineation of the positions of Andrew Poach, Anton Otto and the second wave of Antinomians. However, Martin Chemnitz's *Loci Theologici*, compiled during the time of the second Antinomian controversy (1534–1584), give us reason to believe that this assertion is at least one element of the controversy. "In our time the antinomians are contending that the use of the Law refers only to external civil life. . . . Even now certain fanatics are claiming that there is no true use for the Law to show the regenerate how they may learn good works. . . . Therefore, they argue, the regenerate has no use for the Law, not even for teaching, because 'His anointing will teach you all things,' 1 John 2:27. . . . But finally these extravagant statements leave in our minds . . . the notion that it is not necessary for a regenerate person to govern his life according to the norm of the divine law, from which he has been liberated; but rather whatever he decides and thinks of and does is by the Spirit." Martin Chemnitz, *Loci Theologici*, Vol. II, tr. J.A.O. Preus (St. Louis: Concor-

dia Publishing House, 1989), pp. 439–440. See also Ep IV, 4.

5. This and all following quotations from the confessions are from the *Concordia Triglotta* (St. Louis: Concordia Publishing House, 1921).

6. Werner Elert differs in that he sees "a double usage of the term 'regenerate.' On the one hand, it designates that person who 'is born anew by the Spirit of God and is liberated from the law.' . . . On the other hand, it [the Formula] applies this term to the man who despite his regeneration still lives in internal conflict." Werner Elert, *Law and Gospel*, tr. Edward H. Schroeder (Philadelphia: Fortress Press, 1967), p. 41.

7. "But the Christian, considered *in concreto*, as he exists in this world, is not yet entirely a new man; he still has the old man dwelling in him." Francis Pieper, *Christian Dogmatics*, vol. 3, tr. Walter W.F. Albrecht (St. Louis: Concordia Publishing House, 1950), p. 238.

8. "And [we affirm] that no one but God alone can separate from one another the nature and this corruption of the nature, which will fully come to pass through death, in the [blessed] resurrection, where our nature which we now bear will rise and live eternally without original sin and separated and sundered from it" (Ep I, p. 10).

9. Included here are any and all philosophical, physiological or psychological divisions within man. The Freudian *id*, *ego*, and *super ego* are all *simul justus et peccator* as also are the heart, mind, will, soul, etc. The term spirit is a special case, however. When used in opposition to the flesh, it designates the inner man. However, when it is used in phrases such as "the spirit of man," it must be included as one of the philosophical divisions which are *simul justus et peccator*.

10. "We believe, teach, and confess that original sin is not a slight, but so deep a corruption of human nature that nothing healthy or uncorrupt has remained in man's body or soul, in his inner or outward powers, but, as the Church sings: Through Adam's fall is all corrupt, Nature and essence human.

This damage is unspeakable, and cannot be discerned by reason, but only from God's Word" (Ep I, 8-9).

11. "This hereditary evil is so great and horrible that only for the sake of the Lord Christ it can be covered and forgiven before God in the baptized and believing. Moreover, human nature, which is perverted and corrupted thereby, must and can be healed only by the regeneration and renewal of the Holy Ghost, which, however, is only begun in this life, but will not be perfect until in the life to come" (SD I, 14).

12. "Without the recorded Law, the new man in him knows both what is sinful and what is good; and since the Christian is entirely godly according to the new man, he does not need the Law to keep him in check outwardly by its threats and scourges. According to the new man, the Law is written in the heart of the Christian (Jer 31:33), even as the first men before the Fall were created with God's Law in their hearts." Francis Pieper, *Christian Dogmatics*, 3:237.

13. *The Sermons of Martin Luther*, 8:310.

14. See August Pieper, "The Law is Not Made for a Righteous Man," tr. K.G. Sievert, *Wisconsin Lutheran Quarterly* 57 (October 1960) pp. 238-256; 58 (January 1961) pp. 27-42.

15. "The law is certainly to be preached without diminution (Matt. 5:17-18; Gal. 3:10; Rom. 1:18; 3:9-19), but solely for the purpose of bringing man to a realization of his sinfulness and deserved condemnation." Francis Pieper, *Christian Dogmatics* 3:230.

16. Note here the joining of the reflexive pronoun *sua* with both *maledictione* and *coactione*. The implication is that both curse and coercion are inherent qualities of the proclaimed law. This being the case, it would be impossible to conceive of a preaching of the law to sinners where these were not present. The same thought is echoed in SD VI, 14, "to reprove is the peculiar office of the Law."

17. The adjective immutable is an important part of the Formula's definition of the law. By this, the confessors distinguish between the will of God that is valid for people of all times and places and the particular precepts or commands that are given to specific people for specific occasions and are not applicable across the board (e.g., the command to Aaron to cast down his rod before Pharaoh is not to be considered under the concept law). It is in this sense that the authors of the Formula state, "the law is the immutable will of God." For further discussion of this distinction, see August Pieper, p. 243-251.

18. "The Formula of Concord refers in this connection (*Trigl.* 969, SD, VI, 19) to the fact that according to their flesh Christians are not more pious than the ungodly and that in dealing with the old Adam of the Christians only coercive measures are in place." Francis Pieper, *Christian Dogmatics*, 3:20, n. 23.

19. Francis Pieper cites Luther from the 20th volume of the St. Louis edition, "Moreover this, too is an exceptional blindness and folly, that they think the revelation of wrath is something else than the Law, which is impossible; for the Law is revelation of wrath wherever it is understood and felt, as St. Paul says: *Lex iram operatur.*" Martin Luther, *Sämmtliche Schriften*, vol. 20 (St. Louis: Lutherischer Concordia Verlag, 1890) 1618, quoted in Francis Pieper, *Christian Dogmatics*, 3:226.

20. "Für den Christen nach dem neuen Menschen ist das

Gesetz nicht bloß teilweise, sondern in jedem Usus, den es hat, völlig überflüssig." Franz Pieper, *Christliche Dogmatik*, vol. 3 (St. Louis: Concordia Publishing House, 1920), p. 279.

21. E.g., "The preaching of the law is not to condemn but to convict and to correct. Persons in Christ are free from the condemnation of the law but no one is free from the law's conviction and correction." Lowell Erdahl, *Preaching for the People* (Nashville: Abingdon, 1976), p. 42.

22. John Calvin, *Institutes of the Christian Religion*, tr. Ford Lewis Battles (Grand Rapids: Wm. B. Eerdmans Publishing Co., revised ed. 1986), p. 36.

23. "Luther reminds us that those preachers who use the Law instead of the Gospel to effect sanctification are to blame for the paucity of sanctification and good works." Francis Pieper, *Christian Dogmatics*, 3:19.

24. "There is a very beautiful dictum that the Law must not be used in an evangelical sense but in a legal sense." Chemnitz, p. 441.

25. Because of the anthropological considerations outlined in endnote 9, the law written upon the heart cannot simply be identified with any part of the Christian *in concreto* but must remain an article of faith. Therefore the voice of the heart, mind, will or conscience is not inscribed law but these are rather instruments of the proclaimed law. Werner Elert arrives at this same conclusion, "Conscience, therefore, is not simply a synonym for law in the heart. Otherwise, it could not be described as 'witness.'" Werner Elert, *The Christian Ethos* (Philadelphia: Muhlenberg Press, 1957), p. 33.

26. To what extent does the law written upon the heart remain in the unconverted sinner (Rom 2:15)? The article on original sin teaches that even as the human nature of man is wholly corrupted in the fall (SD I, 23) and yet remains human (SD I, 30), so also, the law written upon the heart is wholly corrupted and yet remains the law written upon the heart.

27. Some recognize the descriptive character of the law, but ascribe it to the function of the third use rather than to the law written upon the heart, e.g. "Luther's explanations of the second through the tenth commandments are what would later be commonly called the third use of the law, referring to the relationship of the law to the Christian *qua* Christian. . . . What this means is that for Luther the law can stand without its condemnations and still be the law in some sense. . . . The law functioning for the Christian is not law in the sense of prohibition and condemnation. This is the content of the Lutheran understanding of the third use of the law." David P. Scaer, "Sanctification in Lutheran Theology," *Concordia Theological Quarterly* Vol. 49, pp. 2, 3 (1985), pp. 183, 184.

28. See *AE* (St. Louis: Concordia Publishing House, 1958), 1: 105-110.

29. At issue is the very nature of the law of God. The law is not something extra that God imposed upon man after creation. Rather, the inscribed law is inseparably connected with the *imago Dei* that is given at creation (Ep VI, 2). Werner Elert argues that the law of God can never be an arbitrary set of rules without impinging on the atonement itself: "A judge proceeds according to right and law. Therefore he does not sentence arbitrarily. But neither can he acquit arbitrarily." Werner Elert,

The Structure of Lutheranism, tr. Walter A. Hansen (St. Louis: Concordia Publishing House, 1962), p. 38. Prior to this, Elert had quoted Luther to show both the distinction and the correspondence between the implanted law and the preached law: "Thus I now keep the commandments that Moses gave, not because Moses gave them, but because they have been implanted in me by nature; and here Moses is in agreement with nature" (WA 24, 10, 3). Naturally, the correspondence of the written or proclaimed Law to the implanted Law is not accidental." Elert, *The Structure of Lutheranism*, p. 36.

30. Luther, *Sermons of Martin Luther*, Vol. 8, p. 309.

31. Some do see an eternal aspect to the third use; e.g., "In heaven, the third use of the law will be perfectly realized." David Scaer, "Formula of Concord Article vi: The Third Use of the Law," *Concordia Theological Quarterly* 42, 2 (1978), p. 153.

32. Max Schneckenburger explains, "Only because the believer as he is in this life (*in concreto*) is also something else besides a believer does the law still also apply to him to convict him of sin. The Reformed, on the other hand, let the law apply to the believer because and in so far as he is a believer." Quoted in August Pieper, "The Difference between the Reformed and the Lutheran Interpretation of the So-Called Third Use of the Law," *Wisconsin Lutheran Quarterly*, tr. Richard W. Strobel, Vol. 87, No. 2 (Spring 1990), p. 113.

33. Some apply the third use to the Christian *qua* Christian; e.g., "Self-evidently, and on the basis of Holy Scripture, the Formula stressed the continuing need that the regenerate man has, because of the presence of the flesh, for the Law . . . as an instrument of spiritual radar and guidance for the inner man." Eugene F. Klug, "The Third Use of the Law," *A Contemporary Look at the Formula of Concord*, ed. Robert Preus and Wilbert Rosin (St. Louis: Concordia Publishing House, 1978), p. 192. See also Koehler, p. 62.

34. "Therefore it is false in every way and contrary to the clear word of Scripture and also of our Confession, to say: The Christian as Christian, as a believer, is still under the Law, at least in its use as a rule of conduct." August Pieper, *The Law Is Not Made For A Righteous Man*, p. 34.

35. In a footnote, Francis Pieper cites Carpov to correct Baier's inaccuracy on this point. "The Law indeed is said 'to be inscribed in the heart,' Jer 31:33, but it does not inscribe. The inscription takes place solely through the Gospel. Solely that which regenerates us renews us; now, we are born again solely by the Gospel; ergo, we are also renewed solely by the Gospel." Francis Pieper, *Christian Dogmatics*, 3:18, n. 18.

36. While the law does have a role in the work of sanctification, its role is purely negative and only in service of the gospel. "According to Scripture, sanctification, expressed negatively, consists in the putting off of the old man, and positively, in the putting on of the new man." Francis Pieper, *Christian Dogmatics*, 3:15. "Strictly speaking, only that Word which mortifies the old man and supplies strength to the new man is the means of sanctification, namely, the Gospel (the means of grace), not the Law. It is only the Gospel which dethrones sin; the Law can only multiply sin (Rom 6:14; 7:5, 6; Jer 31:31 ff.). However, the Law has its place in the work of sanctification; it serves the Gospel." Francis Pieper, *Christian Dogmatics*, 3:18.

37. Francis Pieper quotes the Nitzsch-Stephan, *Dogmatik* (p. 509), to say that the specific numbering of the uses is in essence irrelevant. "One need not feel alarmed either at the threefold nor at the fourfold division, so long as the thoughts brought out correspond to Scripture, as in fact they do." Francis Pieper, *Christian Dogmatics*, 3: 238, n. 29. Again, "according to his old man, the Christian still needs the Law in all its uses, no matter how these uses are divided or designated." Francis Pieper, *Christian Dogmatics*, 3: 238.