

Overlooked Aspects of the Third Use of the Law

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I. The Contested Formula VI

The Formula of Concord, Solid Declaration article VI indicates that a controversy arose between a small number of theologians regarding the third use of the law. As laid out in FC SD VI 2–4, the controversy regarded whether regenerate Christians needed the inscripturated law to be taught to them, or whether, living freely by the moving of the Holy Spirit, they did not need the written law taught to them. As a resolution to this controversy, the formulators assert that Christians ought to exercise themselves in the law and that this written law ought continuously to be urged upon believers. In the concluding paragraph of the article, the formulators reiterate that the law ought to be taught “in the above-mentioned way and degree” (FC SD VI 26).¹ Thus, Formula VI rejects the basic antinomian position that the written law should not be taught to believers.

While confessional Lutherans agree that the written law ought to be preached and taught to Christians, questions remain today regarding the “above-mentioned way and degree” referred to in FC SD VI 26. Is the third use simply the continuation of the second, “theological,” use for Christians?² Does it simply mean that we should still preach the law in order to accuse Christians of their sin? Or does the law function differently in the life of the Christian than in the life of the unbeliever?

¹ Unless otherwise noted, quotations of the Lutheran Confessions are from [F. Bente and W. H. T. Dau, eds. and trans.], *Triglot Concordia: The Symbolical Books of the Ev. Lutheran Church, German-Latin-English* (St. Louis: Concordia Publishing House, 1921).

² The law’s first use, curbing and restraining sin externally, is traditionally described as the “political use” or “civil use.” See Martin Luther, *Lectures on Galatians: Chapters 1–4* (1535), in *Luther’s Works, American Edition*, vols. 1–30, ed. Jaroslav Pelikan (St. Louis: Concordia Publishing House, 1955–1976); vols. 31–55, ed. Helmut Lehmann (Philadelphia/Minneapolis: Muhlenberg/Fortress, 1957–1986); vols. 56–82, ed. Christopher Boyd Brown and Benjamin T. G. Mayes (St. Louis: Concordia Publishing House, 2009–), 26:274, 343–344 (hereafter cited as AE). The law’s second use, revealing sin and accusing the sinner, is traditionally described as the “theological” use. See Luther, *Galatians*, AE 26:317–323, 343–344. The law’s third use is traditionally described as the “didactic” use. Johann Gerhard, *On the Law of God*, in *On the Law of God, On the Ceremonial and Forensic Laws*, trans. Richard J. Dinda, ed. Benjamin T. G. Mayes and Joshua J. Hayes, *Theological Commonplaces* 15–16 (St. Louis: Concordia Publishing House, 2015), 224.

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These considerations raise deeper questions. First, is the law fundamentally antagonistic and hateful to man, or does a man, when he receives the Holy Spirit and is regenerate, begin to delight in the law and to love it? That is, does the law always or only accuse? Second, if the law teaches, what does it teach? Does it teach only that man is sinful, that he has not lived up to God's expectation of holiness and good works, or does it impart understanding of what this holiness and these good works are? Finally, is there ever an end to the law? Does Christ as the "end" of the law (Rom 10:4) mean that the law ceases in essence, or that it ceases in power, or that Christ is the purpose or goal of the law, or some combination of these?³ Closely related to this is the question of whether the law can be fulfilled by man, and how. Supposing that the law teaches understanding of good works, can a person accomplish the law and even recognize good works he does on the basis of the law?

This study reviews the confession of Solid Declaration VI on the third use of the law in view of these questions, with explanatory insights from other parts of the Confessions and from Luther, primarily his Antinomian Theses and Disputations. An integrated reading of key passages from these sources illuminates the questions raised and, peripherally, clarifies Luther's own meaning regarding the uses of the law. Although Luther does not characteristically refer to a "third use of the law," we will discover close agreement between him and the Formula of Concord.⁴ More centrally, we will find that the Formula's teaching on the third use is broad and multifaceted.⁵ While some may be tempted to recognize primarily or solely only certain elements of the third use, to the neglect of other elements, such an approach limits the full scope and influence of Formula VI's comprehensive and multifaceted presentation of the law, which thoroughly addresses what the law is, how it teaches, and how it is to be used in the Christian life.

II. The Essence and Power of the Law

As a preface to our look at Formula VI, let us briefly consider Luther's own statements about the law. It is true that Luther often uses the term "law" to refer to

³ Unless otherwise noted, all biblical translations are from the KJV.

⁴ On this issue, see Edward Engelbrecht, *Friends of the Law: Luther's Use of the Law for the Christian Life* (St. Louis: Concordia Publishing House, 2011); Jeffrey G. Silcock and Christopher Boyd Brown, introduction to Luther, "Antinomian Disputations," AE 73:21–25; repr. as "Introduction to Martin Luther, 'The Antinomian Disputations' (1537–1540)," *Concordia Theological Quarterly* 84, no. 3–4 (October 2020): 309–313.

⁵ Contra James A. Nestingen, "Changing Definitions: The Law in Formula VI," *Concordia Theological Quarterly* 69, no. 3–4 (July/October 2005): 268–270. Nestingen argues that the Formula articulates a different understanding of the law from Luther's. He also asserts that the different uses of the law as expressed in the Formula are singular, such that the third use simply directs a "process of moral rehabilitation" (269).

the condemnation, wrath, or guilt that comes upon a person who violates God's law. "Law' should not be taken in a technical or material way . . . but as it is, as it speaks in your heart urging and piercing your heart. . . . For the Law is that sensation or power or, as Paul calls it, that written code impressed on our heart, beating and buffeting it."⁶ The power of the law is its spiritual power to condemn. It is this power or effect that is to remain forefront, so that no one imagines that he can be justified by the law. In giving most of his attention in the Antinomian Disputations to the coercive power of the law, Luther does typically speak of only "two uses" of the law, referring to outward restraint and to the revelation of sin.⁷

Yet even while emphasizing the condemning power of the law, Luther occasionally acknowledges and notes the "material" aspect of the law—that is, what it is in its essence. The content of the law is the divine will. It strikes us with condemnation because of our sin. Yet, in its essence, it is and remains an expression of God's good will.⁸

Luther explains this distinction between the matter and power of the law in one of his church postils.⁹ Early in the postil, Luther identifies the divine law with the Ten Commandments, which may be simplified as the law of love: a person should love God with all his heart, soul, and mind, and love his neighbor as himself (Matt 22:37–39; see also Deut 6:5). This straightforward law of love was given to reveal "what man is, what he has been, and what he should again become."¹⁰ Although the loving nature of a person has been lost due to the corruption of sin, the law nevertheless holds forth what a human person should become again. A person cannot overcome sin on his own; this can be done only through the forgiveness of sins. Yet forgiveness is not license to ignore or despise the law. Rather, as the law is fulfilled in Christ, so the Christian should now also fulfill the law, since his sin is forgiven and he has a new life in Christ. Here Luther reads Matthew 5:17–18 as requiring the fulfillment of the law, not indicating its passing away. Likewise, Romans 3:31 establishes the law for the Christian to be fulfilled formally, now that he has been justified

⁶ Martin Luther, *The Second Disputation against the Antinomians* (1538), in AE 73:141–142; see also AE 73:134.

⁷ Luther, *Second Disputation*, AE 73:131; see also Silcock and Brown, introduction to Luther, "Antinomian Disputations," AE 73:22n111.

⁸ Luther, *Second Disputation*, AE 73:141–142; see also AE 73:134.

⁹ Martin Luther, "Eighteenth Sunday after Trinity. Second Sermon: Mat. 22, 34–46," in *The Complete Sermons of Martin Luther*, ed. John Nicholas Lenker, trans. John Nicholas Lenker et al. (Grand Rapids: Baker, 2000), 3.1:184–195 (= AE 79:172–180; Martin Luther, *D. Martin Luthers Werke: Kritische Gesamtausgabe [Schriften]*, 73 vols. [Weimar: Böhlau, 1883–2009], vol. 45:145–156 [hereafter cited as WA]).

¹⁰ Luther, "Eighteenth Sunday after Trinity. Second Sermon," 185, para. 3 (= AE 79:172–173).

in Christ and sin has been forgiven.¹¹ The power by which the law is to be fulfilled is given through the gospel. That is, not only does Christ forgive the sins of all who believe, but he also gives them the Holy Spirit and a new spiritual life in order to begin fulfilling the good will of God decreed in the law.

Without the gospel, the law highlights and emphasizes guilt, for it reminds a person that God's will is not being fulfilled because of his sinful nature.¹² When a person compares his thoughts, desires, speech, and actions with the standard of the law, the honest person will recognize not what the law calls for but the contrary of what is expected. It is in this way that the law reveals guilt. Yet it reveals guilt by teaching the content of the law. When I know, come to know, or grow in my knowledge of what is good and holy, then I see more clearly that I have missed the mark, am corrupt, and am guilty.

Although the law accuses and convicts people of sin, it is nevertheless of great theological benefit, for in so doing it reveals people's deficiency and drives them to find the cure.¹³ One aspect of the cure, the fulfillment of the law, may again be regained—not just bypassed—by the gospel. The gospel actually restores to holy life.¹⁴ The Christian partakes of Christ's fulfilling of the law, in which partaking the Christian also fulfills the law.¹⁵ The gospel does not excuse but delivers from sin and restores to life and love.¹⁶ Since the believer is being restored to this life of love, the preacher continues to hold forth also what we are to become in love, even while recognizing that it only begins in this life and reaches perfection in eternity.¹⁷ Thus, Christ does not come to destroy the law but to establish it, not only in himself, which was done long ago, but also in Christians, which he does now in this life and perfectly in the life to come.¹⁸

Therefore, while Luther usually emphasizes the power of the law, when he lays out his full understanding of the doctrine of the law, he also understands its essence,

¹¹ Luther, "Eighteenth Sunday after Trinity. Second Sermon," 185–186, para. 3–5 (= AE 79:172–173). The distinction between judicial (or imputative) and formal fulfillment will be expounded below (section IX).

¹² Luther, "Eighteenth Sunday after Trinity. Second Sermon," 187, para. 6–7 (= AE 79:173–174).

¹³ Luther, "Eighteenth Sunday after Trinity. Second Sermon," 192, para. 19 (= AE 79:177–178).

¹⁴ Luther, "Eighteenth Sunday after Trinity. Second Sermon," 190, para. 15 (= AE 79:176–177).

¹⁵ Luther, "Eighteenth Sunday after Trinity. Second Sermon," 188, para. 10 (= AE 79:174–175).

¹⁶ Luther, "Eighteenth Sunday after Trinity. Second Sermon," 187, para. 7 (= AE 79:174).

¹⁷ Luther, "Eighteenth Sunday after Trinity. Second Sermon," 187–188, para. 8 (= AE 79:174).

¹⁸ Luther, "Eighteenth Sunday after Trinity. Second Sermon," 189–190, para. 13 (= AE 79:175–176).

that it is the will of God. Furthermore, the regenerate Christian can begin to carry out this law and is ultimately perfected in fulfilling the law in the kingdom of glory.

This understanding of the essence and the power of the law allows us to explain the various facets and elements of the doctrine of the law confessed in Solid Declaration VI, such as delight in the law, the ongoing mortification of the Christian's sinful nature, the freedom and spontaneity of good works, the meaning of "teaching," and the fulfillment of the law.

III. Delight in the Law

The law is delightful for Christians. This is attested in Scripture, the Confessions, and Luther himself. A few examples from Psalm 119 illustrate: "I will delight myself in thy statutes" (v. 16); "I will delight myself in thy commandments, which I have loved" (v. 47); "I love thy commandments above gold" (v. 127; see also vv. 35, 40, 48, 70, 77, 97, 113, 140, 143, 159, 163, 165, 174).

Solid Declaration VI 5 finds delight for the law in 1 Timothy 1:9–10: "[T]he law is not made for a righteous man, but for the lawless and disobedient . . . [and all kinds of evildoers], and if there be any other thing that is contrary to sound doctrine." This means not that Christians do not have or need the law but that they delight in the law because they are no longer under its curse: they "have pleasure in God's Law after the inner man" (FC SD VI 5).

Luther likewise recognizes that, for the Christian, not only the law itself but also obedience to the law is joyful. In his Antinomian Disputations, he points out that part of Christ's ministry is to "restore the human race even in this life to that lost innocence and joyful obedience to the law that existed in Paradise . . . [T]he Law and obedience become delightful to us in a certain measure."¹⁹ This delight comes with the reception of the Holy Spirit.²⁰ Thus, the Christian no longer fears the law in a servile way but in a filial way, just as a boy loves the pedagogue once he becomes the heir.²¹

IV. The Law Does Not Always or Only Accuse

"Accuse" is synonymous with "condemn" or "damn." My conscience is accused when I have done something wrong; if I have done something wrong, I am condemned; condemnation before God is damnation. So, confessionally speaking, accusation is damnation, not just pointing out transgression or disciplining the sinful

¹⁹ Martin Luther, *The First Disputation against the Antinomians* (1537), in AE 73:79.

²⁰ Luther, *First Disputation*, AE 73:90.

²¹ Luther, *First Disputation*, AE 73:97; Martin Luther, *The Sixth Disputation against the Antinomians* (1540), in AE 73:227.

nature. In this vein, the Apology explicitly asserts that the law does not accuse believers: “Christ, because without sin He has borne the punishment of sin, and been made a victim for us, has removed that right of the Law to accuse and condemn those who believe in Him, because He Himself is the propitiation for them, for whose sake we are now accounted righteous. But since they are accounted righteous, the Law cannot accuse or condemn them, even though they have not actually satisfied the Law” (Ap IV [III] 58 [newer enumeration IV 179]). Similarly, Apology IV (III) 149 (newer enumeration IV 270) speaks of the law always accusing the conscience, but only until a person finds rest through faith in Christ. Because justification actually reconciles a person to God through the forgiveness of sins on account of Christ’s merit and ministry, justification is also consoling to the believer. Faith itself is the consolation of the conscience, not only knowledge that one is forgiven but also the assurance and confidence that one is reconciled and no longer condemned (Ap IV 62–63, 79–81). We can see from this explanation in the Apology that to accuse is not merely to point out sin and show how far we are from perfection but to condemn and damn the person.²²

We also see elsewhere in the Confessions that the use of these phrases, “the Law always accuses” (*lex semper accusat*; Ap IV [III] 7, 46, 83, 174 [newer enumeration IV 128, 167, 204, 295]) and “the Law only accuses” (*lex tantum accusat*; Ap IV [III] 136; [newer enumeration IV 257]; XII [V] 34), applies to those trying to justify themselves, or when no gospel is preached, for only the gospel brings “consolation” (SA III III 8). The task of the law is to terrify and condemn, but this is removed from believers by the obedience fulfilled by Christ and accounted to believers. Having been justified on account of Christ, the believer is not accused or condemned by the law.

Luther, too, explains similarly that the law remains “in such a way that it does not accuse or condemn those who believe in Christ.”²³ Faith and sorrow cannot exist as absolute contraries—that is, to the same degree in the same subject. In the faithful, faith is of a higher degree than sorrow, so the believer does not end up in terror and despair.²⁴ A believer cannot be condemned by the law, because he actually believes that he is forgiven and reconciled, and is therefore consoled. It no longer condemns, terrorizes, or drives to despair. To repentant sinners, then, the law should be preached for instruction, not for condemnation; to preach to a Christian as though he were condemned is actually to overlook the gospel. For the Christian, reconciled and consoled in Christ, the law warns and admonishes, and even if we were to use

²² I thank Benjamin T. G. Mayes for bringing this to my attention in various conversations.

²³ Luther, *First Disputation*, AE 73:80.

²⁴ Luther, *First Disputation*, AE 73:81.

the term “accuse,” the accusation of the believer should be clearly distinguished from condemnation.²⁵

Therefore, in their proper, confessional sense, the phrases “the law only accuses” and “the law always accuses” are speaking of those without faith and with respect to the primary, theological purpose of the law, to drive them to terror and contrition. Prior to faith, the mortification of the law is contrition in its full, condemning sense. Once a person believes and is consoled by faith, however, the power of the law is no longer condemning but mortifying.

V. Mortification, Not Condemnation

Justification as reconciling and consoling mitigates the terror of the law. If justified believers feel terror under the law, it is due to the accusations and deceit of the devil. Under the reconciliation of Christ, such accusations are actually lies, which should be driven out again with the truth of the gospel.²⁶ The godly “repeatedly feel terrors. Then faith fights against lack of trust and despair.”²⁷ True faith always overcomes the threats of the law: for the faithful, the justified, mortification is not contrition in its full sense, for the believer is free from the law.²⁸ The Apology confesses likewise: “And this is, when it is rightly taught, what filial fear is—namely, such a fear and trembling before God, in which, nevertheless, faith in Christ again comforts us. Servile fear, however—slavish fear—is fear without faith, from which vain wrath and despair arise” (Ap XII [V] 38, my translation from the German).

Still, because of the struggle between the flesh and the spirit, believers are never without the law, although they are not under it but live and walk in it (FC SD VI 18). For believers, the law does remain, not to condemn but to cause a “tolerable” ongoing mortification.²⁹ Luther also refers to this mortification as warning and admonishment to the pious.³⁰ This mortification subdues the rebellious flesh that persists in the believer, lest sin would be permitted to rule, lest it would accomplish what it wills.³¹ Faith, furthermore, not only consoles by the gospel but also exerts itself against sin. In the faithful, then, the combination of law and gospel works sanctification in the narrow sense: rather than condemn a believer, the law mortifies and puts down evil inclinations and the beginning of evil action so that a Christian would

²⁵ Luther, *First Disputation*, AE 73:74.

²⁶ Luther, *First Disputation*, AE 73:111; Luther, *Second Disputation*, AE 153–154.

²⁷ Luther, *First Disputation*, AE 73:96.

²⁸ Luther, *First Disputation*, AE 73:80, 111.

²⁹ Luther, *First Disputation*, AE 73:111.

³⁰ Luther, *First Disputation*, AE 73:100; similarly, see 94.

³¹ Luther, *First Disputation*, AE 73:111.

not continue in and carry out sin. Correspondingly, “faith fights against lack of trust and despair, as well as against lust, anger, pride, revenge, etc.”³²

C. F. W. Walther also distinguishes daily repentance of Christians from repentance preceding conversion; the former includes the gospel.³³ This is a key distinction between the second and third uses of the law, born out of a love for God.³⁴ As Luther also concludes, in the church, the law should not be taught to Christians to terrify them but to “encourage them to do good,” in a friendly manner.³⁵

This understanding of mortification is confessed in Formula VI. If believers were completely renewed in all powers by the Holy Spirit, they would act naturally and willingly, in accordance with the law. The mortification of the old man and renewal of the mind have begun, but the old man still clings to its nature and powers, so that mortification must continue in this life (Rom 7:18; FC SD VI 6–8).

VI. Both Mortification and Instruction

Therefore, Christians need “daily instruction and admonition, warning, and threatening, of the law . . . [and] frequent punishments (“des Gesetzes täglicher Lehre und Vermahnung, Warnung und Dräuung . . . Strafen”) in order to be roused (*aufgemuntert*), a word that indicates being stirred up or stimulated, and to follow the Holy Spirit. The article here cites as proof Psalm 119:71: “It is good for me that I have been afflicted, that I might learn Thy statutes” (“ut discerem iustificationes tuas”; FC SD VI 9). The language of mortification is predominant and clear here. Yet there are a couple interesting points to highlight. First, the mortification of the law rouses a Christian in relation to following the Holy Spirit. To be sure, following the Holy Spirit strictly is possible only according to the regeneration of the gospel. Thus, the work of the law in the believer rouses by driving out of the way that which would hinder following the Holy Spirit. Again, this is the kind of mortification already referred to: not a condemnation of the believer but a putting down of the old man. Indeed, the Latin text explains this explicitly as driving out the old man (“ut veteris illis excutatur”; FC SD VI 9). Second, according to Psalm 119:71, the afflictions of the law cause a believer to learn the law of God. Instruction occurs not simply by the communication of knowledge and understanding but by the very

³² Luther, *First Disputation*, AE 73:96.

³³ Carl Ferdinand Wilhelm Walther, *Law and Gospel: How to Read and Apply the Bible*, ed. Charles P. Schaum, John P. Hellwege Jr., and Thomas E. Manteufel, trans. Christian C. Tiewes (Saint Louis: Concordia Publishing House, 2010), 280–281.

³⁴ Matthew Lynn Riegel, “Sanctification in Classical Lutheranism: Selected Explorations in Historical Theology” (master’s thesis, The Lutheran Theological Seminary at Gettysburg, PA, 2011), 90.

³⁵ Luther, *Second Disputation*, AE 73:153–154.

afflictions mentioned in Solid Declaration VI 9: “daily instruction and admonition, warning, and threatening of the Law, but also frequently punishments.”

Solid Declaration VI confesses this when it says both that the old Adam needs to be driven, coerced, restrained, punished, and mortified (FC SD VI 19) and also that the teaching of the law is needful so that believers “not fall upon [*fallen*/resort to] their own holiness and devotion . . . without God’s word and command” (FC SD VI 20, my translation). Even in a believer’s holiness, the teaching of the law is needed to inform his mind so that he knows what proper holiness and worship are. The Latin explains this by saying that a person should “not imagine/contrive/derive out of his own holiness a kind of religious life of his own devising” (“ne propria quadam sanctimonia religiosum vitae genus de suo ingenio excogitent”; FC SD VI 20, my translation). Deuteronomy 12:8, 12:28, and 12:32, (cited here) explain that a Christian should not do what is right in his own eyes but what is right in God’s eyes, as he has commanded, neither adding to nor taking away from it.

To be sure, the teaching of the law also reveals to a believer that his works and life are imperfect. Yet it does so by *teaching good works*. “But the Law of God prescribes to believers good works so that at the same time it shows and makes known as in a mirror” a person’s imperfection and impurity (FC SD VI 21, my translation). At the same time that the law is prescribing, it reveals imperfection.

VII. Teaching for Understanding

Furthermore, the law states what the will and command of God is, so that we walk in a new life.³⁶ Only the gospel gives the power to do this. After regeneration, the Holy Spirit uses the written law—the place of the written law being highlighted especially in FC SD VI 3—“to teach the regenerate from it, and to point out and show them in the Ten Commandments what is the [good and] acceptable will of God, Rom. 12:2, in what good works God hath before ordained that they should walk, Eph. 2:10” (FC SD VI 12). The law functions to teach Christians the good works that they should endeavor to do.

When speaking of good works, the law means only one thing: the immutable will of God, according to which we are to live (FC SD VI 15). Of course, a person might pursue good works for the wrong reasons. When he does them for fear of punishment or hope of reward, these are “works of the Law” and the person is still under the law. But when he does them led by the Spirit, freely and cheerfully, these works are “fruits of the Spirit” and he is not under the law. Yet even these fruits of

³⁶ FC SD VI 11: “Denn das Gesetz sagt wohl, es sei Gottes Wille und Befehl, daß wir im neuen Leben wandeln sollen.” “Lex enim inculcat quidem, esse voluntatem et mandatum Dei, ut in nova vita ambulemus.” This is a Latin purpose clause and a German noun clause with the modal *sollen*, also expressing purpose or intent.

the Spirit done freely and cheerfully are “according to the immutable will of God as understood/grasped/comprehended [*begriffen*] in the Law” (FC SD VI 16–17, my translation).

VIII. Free and Spontaneous Good Works

We know that good works of believers are acceptable and pleasing to God, not from the law but from the gospel, through faith, such that Christians are free from the condemnation of the law. The power and motivation to do good works is not from the law but arises freely and spontaneously from the renewal of the Holy Spirit (FC SD VI 22–23). The German *ungezwungen* indicates “without coercion, without force” but does not suggest that the free, spontaneous heart is uninformed by the mind renewed by the written law. On the contrary, considering what the article has already said about the law instructing believers so that they know what good works are, this freedom and spontaneity must refer to the power to act, not to knowledge of the will of God. Indeed, the final paragraph of the article notes that, in this life, God’s word is mediated through preaching. It is only in the life of the world to come that preaching will no longer be needed, since then Christians will know God and be empowered immediately through the beatific vision (FC SD VI 24–25).

Luther also rejects the argument that because the law is known by nature, it is not to be taught. Even the greatest learners continue to study and to be taught, and no one knows the law of God perfectly enough that he can take leave of studying it or hearing it.³⁷ He reiterates that the law needs to be taught due to sloth and inattentiveness to the law, even though we know it by nature. The law must continue to be taught so that we recognize it and keep it before our eyes.³⁸

Finally, Scripture explicitly affirms that the law teaches understanding to the faithful:

Teach me, O YHWH, the way of thy statutes, and I will keep it unto the end.
Make me understand, and I will keep thy law, and I will guard it with my whole heart. (Ps 119:33–34, my translation; הוֹרֵנִי יְהוָה דֶּרֶךְ חֻקֶּיךָ וְאֶצְרְנָה עֵקֶב:
(:הִבִּינֵנִי וְאֶצְרָה תוֹרָתְךָ וְאֶשְׁמְרָנָה בְּכָל־לֵב)

Your commandments make me wiser than my enemies, for they are eternally with me. (Ps 119:98, my translation; מֵאֵיבֵי תַחְכֻּמֵּי מִצְוֹתֶיךָ כִּי לְעוֹלָם הֵיאֵר:
(לִי))

³⁷ Martin Luther, *The Fifth (Third) Disputation against the Antinomians* (1538), in AE 73:199.

³⁸ Martin Luther, *The Sixth Disputation against the Antinomians* (1540), in AE 73:223. Luther briefly treats the point that the law is known by nature but also needs to be taught and heard in his *Lectures on Genesis* (1535–1545), in AE 1:277–278, and *How Christians Should Regard Moses* (1525), in AE 35:164, 173.

From thy precepts I get understanding. (Ps 119:104, my translation; מִפְּקוּדֵיךָ
אֶתְבוֹנֶנָּה)

The proverbs of Solomon the son of David, king of Israel;
 To know wisdom and instruction;
 To perceive the words of understanding;
 To receive the instruction of wisdom,
 Justice, and judgment, and equity;
 To give subtilty to the simple,
 To the young man knowledge and discretion.
 A wise man will hear, and will increase learning;
 And a man of understanding shall attain unto wise counsels:
 To understand a proverb, and the interpretation;
 The words of the wise, and their dark sayings.
 The fear of the LORD is the beginning of knowledge:
 But fools despise wisdom and instruction. (Prov 1:1–7)

IX. Fulfillment of the Law Imputatively and Formally

Human beings have a natural presumption that they can be justified by fulfilling the law, even though the law itself is necessary to defeat this presumption. On the other hand, “it is Christ’s office to restore the human race even in this life to that lost innocence and joyful obedience to the law that existed in Paradise, in the positive [degree].”³⁹ Once this presumption of justification by the law has been defeated, and one has instead taken hold of Christ, then fulfilling the law becomes “possible and easy.”⁴⁰

First, the law is “fulfilled . . . by imputation.”⁴¹ Then, because Christ has fulfilled the law by imputation for Christians, Christians should also fulfill the law formally in themselves—that is, to continue to fight against sin and to purge it.⁴²

Thus, the law is fulfilled in the Christian both by Christ’s merit and imputation and formally or substantially.⁴³ Luther explains fulfillment as both imputative and substantive in various places throughout the Antinomian Disputations. Substantive fulfillment corresponds to renewal. Typically, in the Antinomian Disputations,

³⁹ Luther, *First Disputation*, AE 73:79.

⁴⁰ Luther, *Second Disputation*, AE 73:119.

⁴¹ Luther, *First Disputation*, AE 73:90.

⁴² Luther, *Fifth (Third) Disputation*, AE 73:185–187.

⁴³ Norman J. Lund, “Luther’s Third Use of the Law and Melancthon’s *Tertius Usus Legis* in the Antinomian Controversy with Agricola (1537–1540)” (PhD diss., University of St. Michael’s College, Toronto, 1985), 192–203.

Luther refers to renewal as “purgation,” but, as one of his own descriptions suggests, “renewal” is a more accurate term. Even when speaking of purgation, Luther refers both to the positive pursuit of good works and to the cleansing out of evil:

[W]e are free even from this Law in a double way, and it ceases through Christ, for He is the one who fulfills that emptiness, and I do so in Him. This first takes place imputatively since sins against the Law are not imputed to me Then it takes place by purgation since after the Holy Spirit is given to me, I begin in earnest to hate everything that offends His name and to pursue good works. And if any remnant of sin is left in me, I purge it out until I become wholly clean, and I do this by the same Spirit who has been given for Christ’s sake.⁴⁴

Fulfillment in this life is fundamentally through imputation. It also occurs through what Luther calls “purgation.” Purgation here includes both hating sin and pursuing good works. With the pursuit of good works, if he also becomes aware of any remnant of sin, he works to purge this out. The way Luther is using the term, purgation is synonymous with renewal, which includes both the elimination of sin and the production of good works.

Substantive fulfillment also includes praying for the Spirit and his power to accomplish renewal. Daily sanctification is a struggle between the Spirit and flesh, and the indwelling Spirit himself strengthens Christians to fight against sin effectively and to fulfill the law.⁴⁵ The Holy Spirit helps Christians to fulfill the law, even though imperfectly, by the virtues he brings forth in us.⁴⁶ This fulfillment is referred to as “obedience,” even though it is imperfect.⁴⁷

In seeking the fulfillment of the law, Christ is to be preached primarily as Redeemer, for the sake of imputation. Yet Luther also believes, referring to 1 Peter 2:21, that Christ is also to be preached as an example of the fulfillment of the law.⁴⁸ By faith we are able to follow the example of Christ and do good works, for faith gives not only Christ’s imputed righteousness but also the Holy Spirit and all other virtues that serve the substantive fulfillment of the law.⁴⁹

This is most clearly confessed in Apology IV, “On Love and the Fulfilling of the Law.” Here we confess that faith brings the Holy Spirit, who renews us, creating spiritual movements, so that we begin to love God, pray to him, expect good things from him, and persevere in affliction. That is, we begin, for the first time, to fulfill the first table of the law (Ap IV [III] 1–14 [newer enumeration IV 122–135]).

⁴⁴ Luther, *Second Disputation*, AE 73:127.

⁴⁵ Luther, *First Disputation*, AE 73:84; Luther, *Second Disputation*, AE 73:125–128, 133.

⁴⁶ Luther, *Second Disputation*, AE 73:133.

⁴⁷ Luther, *First Disputation*, AE 73:71–72.

⁴⁸ Luther, *Second Disputation*, AE 73:147.

⁴⁹ Luther, *Second Disputation*, AE 73:159.

Through faith and the subsequent renewal, we begin to obey the law. We confess, "One must keep the law, and every believer begins to keep it, and increases more and more in the love and fear of God, which is rightly fulfilling God's commandments. And when we speak of keeping the law or of good works, we comprehend both the internal good heart and the external good works" (Ap IV [III] 15 [newer enumeration IV 136], my translation from the German).

X. Fulfillment and the End of the Law

Luther points out that sanctification is not only the ceasing of sin but also the ceasing of the law. The "Law itself ceases formally when we do what it demands and do it spontaneously and willingly. . . . A Law that does not have what it demands or reproves is empty with regard to those who 'do by nature what the Law requires' [Rom. 2:14], just as the Law 'be fruitful' is empty to a fertile and fruit-bearing tree since it produces fruit by its own nature."⁵⁰ This is a good example of the distinction Luther makes between the power of the law and the content of the law. The power of the law is what ceases when it is fulfilled (it is "empty") by those who are doing what the law requires, its content. This power of the law ceases wherever Christ is, both because he fulfills the law and because the law wrongfully condemned him, therefore losing its power. To the extent that the law is fulfilled, it is abrogated or abolished or removed.⁵¹

This removal, however, refers explicitly to the power of the law "to demand, to accuse, and to terrify," not the material existence of the law.⁵² "The condemning [Law] has been abrogated, but not insofar as it requires obedience. So far as its passive effect is concerned, if I may speak thus, the Law is confirmed for Christians rather than abrogated."⁵³ The active sense of the law is the demand that it be done in order for the doer to be justified. The passive sense is the exposing or reproving of sin, which purges sin for the sake of obedience but does not coerce it through threats of the law. Such a purging work is not one that condemns the Christian, but it actually confirms the law in Christians. Thus, he can also say that "in eternal life we will be perfect and true doers of the Law."⁵⁴

Likewise, only faith fulfills the law; only faith does good works. The "Law is neither useful nor necessary for justification, nor for any good works. . . . 39. On the contrary, justification, good works, and salvation are necessary for the fulfillment of

⁵⁰ Luther, *Second Disputation*, AE 73:127.

⁵¹ Luther, *First Disputation*, AE 73:84.

⁵² Luther, *First Disputation*, AE 73:84.

⁵³ Luther, *Sixth Disputation*, AE 73:219.

⁵⁴ Luther, *Second Disputation*, AE 73:138. "in vita aeterna erimus perfecti et veri factores legis." WA 39/1:451.5.

the Law. . . . 41. Therefore, the Law is not abolished by Christ, but restored, so that Adam may be made as he was [before the fall] and even better.”⁵⁵ The law is restored in Christ as the perfection to which the Christian attains in salvation and good works. Good works are the fruit of justification and salvation, yet these works are nevertheless truly done by Christians as they are brought to perfection in their salvation, which is the end for which Christ justified them. Such a claim clearly indicates that the law for a Christian is not merely an accusing or mortifying power. It is also a perfection of righteousness, even while this perfection is something into which Christ brings them.

Converted man has received the Holy Spirit and is regenerated. He has the beginning of inherent righteousness, even though the old man persists and clings to him. With respect to good works, a believer can be considered partially righteous and partially sinful (Ap IV [III] 2–4, 54, 98 [newer enumeration IV 123–125, 175, 219]; LC III 57–59; FC SD III 23). That a Christian grows in good works and becomes partially righteous according to works is a further confession of real renewal and sanctification.

In sum, the power of the law is taken away in Christ, who fulfills it for us imputatively. By the power of the Spirit, we begin to fulfill the law formally and substantively, both through purgation and through virtue, spontaneously doing good works (the material aspect of the law). In this way of fulfillment, the power of the law to condemn comes to an end, yet the true substance of the law begins to be restored in regenerate man and continues to be restored until perfection.

XI. The Inclusive Formula VI

Against the antinomian denial of the need or use of the law for Christians, confessional Lutherans have been unified since the writing of the Formula of Concord in their agreement that Christians need the teaching of the law. But there have been disagreements about what this teaching of the law accomplishes. Article VI of the Formula of Concord presents multiple facets of the law’s essence and power, but this has occasionally led some readers to highlight those facets that appeal to them and to overlook those that seem, without reflection, to be confused, extraneous, or disagreeable.

However, by carefully reading FC SD VI alongside Luther’s expanded explanations of the law’s essence and power, we recognize that the multiple aspects of the law discussed in Formula VI are not disparate or dissonant, nor can some be set

⁵⁵ Martin Luther, [*Theses for*] *the Fourth Disputation of Dr. Martin Luther against the Antinomians* (1538), in AE 73:62. “Quare non tollitur per Christum lex, sed restituitur, ut fiat Adam talis, qualis fuit et etiam melior.” WA 39/1:354.13–14.

aside in favor of others. Rather, the confession on the third use of the law means that the law is useful for Christians and that this use serves delight, instruction for understanding, mortification, renewal, the beginning of substantive fulfillments, and an end to the curse of the law. This clarifies that the “end of the law” in Christ (Rom 10:4) is an end of its condemning power, not its essence. Excluded also is the position that the law only reveals sin in believers, without instructing them in the good will of God. Equally excluded is the position asserting that the third use of the law is only instructive and not also mortifying of the sinful nature in believers. Finally, Lutherans should also reject the view that the law is not delightful. Indeed, the Confessions hold before us that the eternal essence of the law is the delightful will of God and that Christians will freely and joyfully keep this law substantively now and perfectly in the life of the world to come.