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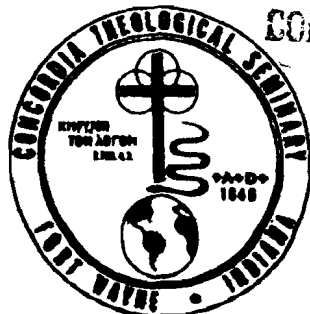
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Formula of Concord Article VI: The Third Use of the Law

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The sixth article of the Formula of Concord discusses the question of the validity of the Law and its use in the life of the Christian. The historic cause for this issue was the assertion by some Lutherans that, as Christians, they had been rescued from the Law's accusation and they thus were free of all its claims and directives in the conduct of their lives. Freed from the Law, Christians could lead their lives according to the Holy Spirit and the Gospel. Martin Luther had faced successfully the problem with his student George Agricola, but the problem re-emerged after his death among other theologians and pastors. Theologically the issue of the Law in the life of the Christian, which is commonly called the Third Use of the Law, has two parts. First, the question of what validity the Law has for the Christian must be answered. Secondly, if the Law does have validity in the Christian's life, the question remains: In which portion of the Christian's life is the Law valid?

Other questions besides the nature and use of the Law in the life of the Christian are intimately connected with this issue. The Lutheran doctrines of the Holy Spirit, the nature and function of the Holy Scriptures, and the nature of man are all encompassed in the question of The Third Use of the Law. The best introduction to the problem would be a brief sketch of how Lutheranism sees the Law functioning among men.

I.

Traditional Lutheran theology discusses the uses or functions of the Law in the present milieu of sin under three distinct categories: curb, mirror, and rule, (FC SD, 1). The subject of the sixth article of the Formula is the Law's third function or use, whereby it serves as a rule, norm, or guide in the Christian's life. Another term for this function of the Law is the *didactic* use since the Law's instructional or teaching value is emphasized. The word *informative* would be an adequate substitute for didactic since the Law does not so much motivate behavior as it instructs and informs what Christian behavior should be. The first two functions of the Law as a curb and mirror are respectively covered in the Formula's Article IV, "Good Works," and Article V, "Law and Gospel."

According to the Law's first function as a curb, it is directed toward unregenerate man as he is an unbeliever and as he

rejects God's will in his life. Without any outside restrictions, man in the state of sin and estrangement from God would devour his neighbor and wreak havoc and destruction in the world. Men would organize themselves into marauding hoards of destructive creatures and would eventually destroy themselves. The Law is instituted according to its first use to hinder men from gross acts of evil and to induce them to perform externally good works. The concept of the unregenerate performing these kind of externally acceptable good works is discussed in Article IV, "Good Works." Philip Melanchthon had already set down the Lutheran position on this issue in Augsburg Confession XVI, "Civil Government." The first use of the Law may also be called the civil use of the Law, since the government promulgates the Law and executes it. The government publishes the Law and then through threats of punishments and promises of rewards makes sure that the Law is carried out. Against the backdrop of Luther's concept of the kingdoms of God's left and right hand, the Law here is a manifestation of God's left hand. Lutherans have prized very highly this understanding of Law, because without civil tranquility the church would function only under the most severe hardships.

The Law can function through the state upon man only because man in his creation is oriented toward God and thus is a religious being. Thus, His understanding of the Law flows naturally from his creation. He is born with a sense of moral right and wrong, even though in sin these categories never fit the divine standards perfectly. As the state judges man's external acts, his conscience serves as an internal judge against each infraction of the Law in his heart, though the Law is imperfectly stated. The Law in this first function has meaning only in this world's existence and does not benefit man in his relationship to God in the matter of salvation. Even if a man were able to live perfectly according to this world's standards, he would nevertheless be entirely without hope of salvation in the next world.

The second purpose of the Law is to serve as a mirror in reflecting man's sin to himself. According to God's original creative purpose, the Law served to describe man's natural relationship to God. The Law was the positive relationship between the creature and the Creator. With the entrance of sin into the world, the Law has taken on an accusatory function, not part of God's original purpose for the Law. As long as man remains a sinner or sins adhere to the believer, God through the Law accuses man of sin. Though the accusatory function of the Law was not its primary purpose, the Law's accusations confront each human being since Adam. It is in this sense that

Melanchthon in the Apology says that the Law always accuses (Apol. IV, 38). The Law in its accusatory function is recognized as effective when it creates terrors within man's conscience and leads him to despair. Among Lutherans in general there was no quarrel about the civil and accusatory functions of the Law.

A real problem about the use of the Law arose over the question of its validity and use in the life of a Christian, a person who had been regenerated by the Holy Spirit and brought to faith. The Lutherans were agreed that Christ had freed man from the accusatory nature of the Law. But some held that Christian freedom from the Law's accusation also meant freedom from the Law's directives in the Christian's life (SD VI, 2). This whole question is not only one of historical interest, but has contemporary significance as the same questions have arisen among Lutherans first in Europe and now in North America (SD VI, 3). Related intimately to the concept of The Third Use of the Law is the person and work of the Holy Spirit.

II.

The historic Lutheran Confessions, including the Formula, contain no specific article dealing with the Holy Spirit. The references in the third articles of the Apostles and Nicene Creeds are clear but too brief to be considered extended theological treatises on the Holy Spirit. The concerns of the ancient creeds center more on His person than work and are simply too limited in length to handle adequately problems later confronting the church.

Perhaps the lack of a specific treatise on the Holy Spirit speaks more eloquently to the Lutheran understanding of the third person of the Trinity. It indicates a Lutheran hesitancy to speak of the Spirit in any isolated or independent sense. The Spirit as He comes from God never operates autonomously but always carries out the Father's will as it has been given to Him from the Son. He brings to completion in the world what the Father has worked through the Son. The Spirit brings to completion the work of creation. Through creation the Law was first given to man. The Spirit is therefore also responsible for man's creation and is the connecting link between God and man. The Spirit is responsible for the perfect harmony in creation, known as the natural Law, and He is responsible for man's created understanding of this Law. Man, created in God's image, was able to reflect upon creation and have constant knowledge of God through this reflection. With this concept of creation, natural law, and the Holy Spirit, the Lutherans had to object to any claim about the presence of the Holy Spirit replacing the need for the Law. This type of

argumentation asserted that the Law was unnecessary in any part of a Christian's life. In fact, just the opposite was true. It was the regenerate and not the unregenerate who understood the Law, and could in their inner nature appreciate it (SD VI, 5). The unregenerate needed the Law to prevent gross sins against society and to pry them into performing external good works, but those who had believed in Jesus and thus were regenerated by the Holy Spirit were able to recognize the Law as the Holy Spirit's will for their lives.

The Holy Spirit in His creative action in relation to the world was responsible for the Law. Law as the reflection of God in the world permeated the entire creation and thus all the Spirit's creative actions were within the Law. God does not have one relationship to the creation through the natural Law and another through the Holy Spirit. Failure to recognize the validity of the Law anywhere in creation, including the life of the Christian, indicated a failure to understand the Holy Spirit's person and work. The Spirit *cannot* work against the natural Law as He would be condemning His own work. This would involve Him in an internal contradiction. Both the creation and the Law, as the natural principles of creation, can be perverted by man to serve his own selfish desires. Nevertheless, the Law as created by God was good simply by virtue of its divine creation.

The Lutheran principle is that the Holy Spirit never works for salvation directly, but through instruments or means taken from creation. In the creation of the world and its preservation the Holy Spirit works through the natural law. The Law, which first expressed itself in creation, was as the creative word of God the first word of God. The Holy Spirit's fit vehicle of revelation to man was the Law. The Holy Spirit now brings to man the word of salvation through the Gospel, but the directions inherent in nature for man's existence are never replaced or rejected by the Holy Spirit. The natural Law is only replaced when the nature of this creation is replaced by a more glorious one. Those who do not see the Law as valid in the life of the Christian must also assert that this world has passed away and that the new world has already been inaugurated. This proposition must be firmly rejected because only at Christ's coming will this world end and the new one be established.

God's created Law in nature may be less than fully comprehended by man in the state of sin, but that Law is still present curbing man's evil, condemning man's sin, and providing positive direction in the life of the Christian who through Jesus Christ has been given the Holy Spirit, the Author of nature's Law. The restoration of man through the Gospel does not annul the directives of the Law but confirms

them and gives to man a true understanding of the Law. The Lutheran understanding of the nature and function of the Holy Scriptures is also intimately connected with the Third Use of the Law.

III.

The Formula, in presenting the Lutheran position on the Third Use of the Law, uses Biblical references which refer to the Scriptures in their totality and not only those passages speaking specifically about the Law. Both Psalm 1 (SD VI, 4) and 2 Timothy 3:15-17 (SD VI, 14) are used to demonstrate the Law's validity in the life of the Christian, though both passages refer to the Scriptures in their totality, not simply to the written Law. Psalm 1 speaks about the man who delights in the Books of Moses and the 2 Timothy 3:15-17 passages speaks about the total inspiration of the Scripture and not just the Gospel. Just as Lutherans see the entire Scripture as inspired, so they see the entire Scriptural message, both Law and Gospel, as applicable to the life of the Christian. The Formula sees in 2 Timothy 3:15-17 a direct Biblical command to apply the Law in the life of the Christian (SD VI, 14). Underlying the concept that the Law is made applicable in the life of the Christian through the Scriptures is the Lutheran understanding that the Scriptures in all its parts, both Law and Gospel, are inspired and that these Scriptures are directed to man in the state of sin. The Scriptures are God's written word, necessitated by the fall into sin and directed to man in this fallen condition. Natural Law, sin, and Scriptural inspiration are related to each other.

Man by the fall into sin was no longer capable of properly comprehending the Law as it originally was part of creation. He followed after that Law, but he fulfilled its requirements only inadequately at best and in every case the Law became his accuser. As a religiously created being, man is compelled by his inherent religious nature to search after God, but these searches are doomed to failure (Apol. IV, 22-25, 40). God through His mercy sent the prophets and later the apostles to proclaim salvation in Jesus Christ. But before the proclamation of salvation could be made, the Law as first found in nature had to be restated in such a way that man in his perverted state could fully comprehend what God had always been setting forth in the natural Law. Both the prophets and the apostles redirected the Law specifically against man's unregenerate nature. They came first to proclaim the Law as a mirror of man's sins, i.e., its second use. Though God condemns through the Law, His proclamation of the Law through His prophets and apostles belongs to God's overall plan of mercy since man by the Law is properly prepared for the Gospel. The Spirit's

inspiration of the prophets and apostles embraces not only the words of the Gospel but also of the Law. The Formula makes no qualitative difference between the Spirit's origination of the Gospel and that of the Law. Both the Law and the Gospel proceed from the Spirit's inner being. Both are His products.

The person who claims the direct guidance of the Holy Spirit and rejects the Law as revealed in the prophets and the apostles is, in fact, rejecting the Holy Spirit by rejecting His work. Whoever claims a working of the Spirit for his life apart from the prophets and apostles is a fanatic (SD XII, 30). The Holy Spirit has given both the Law and the Gospel and He is responsible for their inscripturation. The Law is valid in the life of the Christian if for no other reason than that it originates with the Spirit and He has caused it to be written in the Holy Scriptures. There are, of course, other reasons for the Law's validity in the life of the Christian. Nevertheless, the Lutherans saw the Law as part and parcel of the special divine revelation. Those who rejected the Law did not only have a faulty concept of the Law itself but of divine revelation and of the Scriptures themselves. Also connected with the concept of the Third Use of the Law was the Lutheran anthropology, the doctrine of man.

IV.

The Formula reflected the Lutheran view of man as living under the Law in four different conditions: the original created state of moral innocence, the fallen state of sin, the state of regeneration, and the final state of resurrection. The Law in its third function is directed to man in the state of regeneration. Seeing man in these four different phases is essential for a fuller understanding of the Lutheran view of the Law and particularly its Third Use. The Lutheran view dismisses the idea that the Law undergoes any change as it is the expression of God's immutable will (FC SD VI, 15). The four different situations are accounted for by man's differing relationships to God and thus also to the Law. Man, as he is a sinner, can only envisage the Law with prohibitions and penalties as a negative intrusion into his life. It is difficult for man to imagine the original state of moral innocence in which he found positive direction for his life in the Law. In this original condition he needed neither prophet nor Scripture since man's communion with God's creation was itself participation in God's revelation. In the sinless condition man viewed nature and God's revelation as one entity. No special revelation beyond nature was needed. Man in moral innocence needed no Law as a curb for the gross manifestations of evil or for a reflection of his own sin. He needed no special direction of the Law as nature provided a

constant, regular communication of the Law. Only in the fallen state is the original positive function of the Law replaced by negative prohibition. Law, understood originally as a description of man's positive relationships to God, to his fellow men, and to his environment becomes with the entrance of sin a negative description of man's broken relationships to God, his fellow men, and his environment. In the first condition, the indicative was merged with the imperative. The Law served as a description of what man was and what he was to do and what he, indeed, could do. There was no tension between what man *did* and what man *could*, *must*, and *should* do. Now in the state of sin what man *must* do and *should* do is not what he *can* do and *does* do. The Law becomes a compelling and restraining force against man's rebellious nature. What man once did naturally he is now forced to do against his will. The unregenerate man hates the performance of the Law with an intensity comparable to the first man's love for its performance. The sinner cannot remain morally neutral to the Law. He performs the Law which he hates and he knows that failure to perform its requirements brings penalties. Where he fulfills the Law, he is goaded by the promise of rewards and threats of its punishments. The Law makes the sinner's life miserable (SD VI, 19).

When the sinner becomes a Christian, the Law begins to take on a new, different character for him. His new condition as a Christian means a new relationship with God and His Law. The Law in this Third Use is addressed to the sinner who has become a Christian but still remains in part under the control of sin (SD VI, 9). Understanding the Law in this Third Use is predicated on understanding the Lutheran view of the regenerate Christian.

Essential to Lutheran anthropology is the internal strife within the Christian. He is torn between that part of him which wants to obey God's will and the part that feels more comfortable with the older ways of sin. Though this internal struggle is never over in this life, the promise of victory is assured in the resurrection. Several terms express these two opposing forces within the Christian. The part belonging to God is designated as the inner man, the Spirit's temple, and the regenerated man, the man who has been born again (FC SD VI, 5). The part which resists God is designated as the old Adam, the flesh, and in other Lutheran writings the old man. The Law of God remains one and immutable, but as it approaches the Christian, its positive directions apply to the converted part and its negative prohibitions with the threats of punishments are directed to the unregenerated condition.

The Christian only so far as he is regenerate is free from the threats and curses of the Law (SD VI, 23) and he recognizes

this Law as God's will for his life (SD VI, 12). The Formula uses picturesque language in describing the Christian's response to the Law. In this renewed condition he "does everything from a free and merry spirit" (SD VI, 17). Such good works are motivated by the Holy Spirit and flow from faith, but they are all in accordance with the Law, which is also the Spirit's product (SD VI, 12). Works flow from faith as water comes from a spring, but these works flow down channels established by the Law. This positive direction of the Law without prohibition or fear of punishment is what is essentially meant by the Third Use of the Law.

Law as a positive direction in the life of the Christian is both a restatement of the original paradisaical condition and a preview of the future state of glorification. In Paradise man knew the Law of God perfectly and rejoiced in it. Also in the final state of glorification man will not need or hear the negative aspects of the Law. So even now the regenerate man hears the Law of God, rejoices in it with his inner being, and performs it without thought of reward. His only motivation is that he wants to please God.

Law understood in this Third Sense as positive direction and guidance in the life of the Christian presupposes the Gospel. In each of its uses the Law is both didactic and imperative. It is not constructed to change man from a sinner to a saint and cannot effect regeneration. The Spirit's working through the Gospel is the cause of regeneration. But the Gospel presupposes the Law, just as the Law in the life of the Christian presupposes the Gospel. The Gospel is the proclamation that Jesus has fulfilled the Law's demands and suffered its penalties in man's stead. This message alone effects regeneration. The Law is the skeleton on which the life and death of Jesus is sketched out. The skeleton of the Law as it is framed in the Gospel message comes to the sinner having its structures completely filled out by Jesus. The Law's negative demands have been satisfied in Jesus so that its force becomes positive in the life of a person who has faith in Jesus. The Law's unfilled requirements have been fulfilled in Jesus. Christ has divested the Law of its negative requirements and He presents it to Christians as positive direction.

But the Law which comes as positive direction to the regenerate part of the Christian also comes with its negative prohibition to the Old Adam (FC SD VI, 17, 18, 19). Part of the Christian is never converted. He resists believing that God has fulfilled the Law in Jesus Christ. The old man left unchecked would eventually bring man to final ruin and destruction. According to Lutheran theology the unregenerate self must be forced and coerced with threats of the Law. The

unregenerate part of a Christian is on the same level as the unconverted who "are driven and coerced into obedience by the threats of the law" (FC SD VI, 19). Not only does he fight against fulfilling God's Law, but when he does finally comply with the divine prohibitions in an external sense he becomes a hypocrite as he thinks he has fulfilled God's requirements and earned for himself salvation (FC SD VI, 21). To keep the unregenerate part of man under control, the Christian pastor must preach the negative aspects of the Law. Such works coerced by the preaching of the Law to unregenerated man, even if he is a Christian, have no validity before God for salvation. But the Christian, so far as he is regenerate, performs works from faith which are acceptable to God. These conform to the Law and God finds these acceptable. Though such works are always imperfect, they are acceptable to God because they are performed from faith which is centered in Christ Jesus and not from threats of the Law (FC SD VI, 23).

It is the preaching of the Law and not the Gospel which alerts the Christian to the tension within himself. The same Law which is an expression of God's will in the life of the Christian remains a severe condemnation on his unregenerate nature. This tension, a dualism within the Christian, finds its real cause not in the Law but within the Christian himself. The work of the new man committed to Christ is countered by the old man who only gives up the struggle at death. Underlying the Lutheran concept of the old man is the Lutheran doctrine of original sin. The man who is totally unregenerate is brought struggling and kicking to faith. When a new life has been created, he continues to struggle, kick, and fight against God. The old man is not to be handled in a gentle and kindly way and then treated to the good news of salvation, but he is to be forced and threatened by the Law. The Formula puts it strongly (SD VI, 24):

For the Old Adam, like an unmanageable and recalcitrant donkey, is still a part of them and must be coerced into the obedience of Christ, not only with the instruction, admonition, urging and threatening of the law, but frequently also with the club of punishment and miseries, until the flesh of sin is put off entirely and man is completely renewed in the resurrection.

In this life there is no hope for an end to the conflict. The Christian can revert to hypocrisy by believing that he is by himself fulfilling the Law perfectly or he can abandon the Law and become a libertine. But then he is no Christian. The hope for fulfillment in the Christian is not in this life but in the resurrection. Then he will need the preaching of neither the Law nor the Gospel, for he will be in God's presence. In heaven, the

Third Use of the Law will be perfectly realized. There Christians "will do His will spontaneously without coercion, unhindered, perfectly, completely, and with sheer joy, and will rejoice therein forever" (FC SD VI, 25). Even in the final condition, it is not the nature of the Law that has changed but rather that man has become totally regenerated.

V.

The Third Use of the Law also reflects the Lutheran concept of the Law as it focuses attention on the Law's true nature. A recognizable mark of Lutheran theology is the tension between the Law and the Gospel. This tension already has been explored. But this tension is limited only to man in this sinful existence, and not in the original and final conditions of sinlessness. The "thou shalt not" of the Ten Commandments did not originally belong to the essence of the Law. The Third Use of the Law in the life of the Christian reveals the Law's true nature as positive directive. The Law's positive aspects are being reinstated, though the process is painfully slow. This understanding of the Law is not a contribution first made by the Formula but was set down by Luther in the Small Catechism which antedates the Augsburg Confession. His explanations of the Ten Commandments fall under the category of the Law's third function. Though brief they reflect the Reformer's true genius in understanding the Law as positive directive. For Luther, the Gospel does not replace the Law as God's first vehicle of revelation, but permits the Christian to see the Law in its proper perspective. Here are some examples from the first part of his catechism. The prohibition against the vain use of God's name now includes the request to pray. The prohibition against murder also forbids inflicting physical harm and more important requires helping anyone hurt. In two commandments, the first and the sixth, Luther removed the negative element entirely, but in the other eight he first listed the prohibition required by the commandment and then its positive directive.

Luther was aware that the Christian continues to offend against God and has to hear the prohibitions and verdicts of the Law. He also knew that the Law could have no positive effect unless a person first knew Christ as the Law's fulfiller. This faith which knows Christ and His benefits is called trust. Thus when Luther provided an explanation to the first commandment, "Thou shalt have no other gods before Me," he saw in it an invitation to faith: "We should fear, love, and trust in God above all things." These words which are Luther's first instruction in the Small Catechism merge the Law and the

Gospel into that perfect harmony that man will experience in the final restoration.

In the Third Use of the Law the tension between the Law and the Gospel is finally resolved. Only in the condition of sin does the tension remain. As soon as a man accepts Jesus's fulfillment of the Law through faith, the tension begins to dissolve. The Christian grows constantly in the knowledge of God's positive requirements for his life, but the Old Man never surrenders. The plagues of conscience are never removed, but grow stronger. But as his knowledge of his own sin grows, he also grows in his reliance on Christ.

The Formula states in concluding this article that in glory man will need neither Law nor Gospel. In total glorification he will need neither the threats of the Law nor its directives. He will be thoroughly renewed within himself so that he will from his heart obey God (FC SD VI, 25, 26).