

Third Use of the Law—One More Time

Colleagues, It wasn't long after Luther's death that his students started arguing about what the Meister had said about God's law. Specifically its role in the life of the "regenerate," folks now trusting Christ as Lord and Master. Actually the debate began before Luther died, but it blossomed post mortem.

Bob Bertram, similarly Meister for many of us, died but nine months ago. And it's happening again among his students. Not so much focused on what did Bob REALLY teach us, but all the way back to the 16th century—in Luther's theology and in that of the Lutheran Confessions of that era. What was the Reformer's own original take on the Law's place in the life of Christ-trusters? Or even farther back, a millennium and a half, can St. Paul be taken literally when he says Gal. 5:1f (in the indicative mood): "Freedom from the law is the very goal of Christ's setting us free." And then (in the imperative mood, a "grace-imperative") "Stand firm therefore, and do not submit again to the law's yoke of slavery."

In Lutheran lingo this is a debate about the "Third Use of the Law." Why number 3? Because Reformation-era Lutherans all agreed that God's law does TWO jobs for sure.

1. God's law preserves a fallen creation from total dissolution by restraining evil-doers with carrot-and-stick regulations. In Latin that was "usus politicus," the law's role in civil society.
2. God's law exposes the reality of human sinfulness. In Latin that was "usus theologicus," the law's role in "driving us to Christ." And then came
3. the law's role of giving ethical guidance for the

regenerate, “born-again” Christians. To which some of Luther’s students said yes, and others no.

In the catechetical instruction I received in parochial school (1936-44) from Schwan’s exposition of Luther’s Small Catechism (Copyright 1912, Concordia Publishing House, St. Louis, MO) this triad was spelled out as follows:

“What purposes does the Law, then, serve?

First, it checks, in a measure, the coarse outbursts of sin, and thereby helps to maintain outward discipline and decency in the world. (A curb)

Secondly, and chiefly, it teaches man the due knowledge of his sin. (A mirror)

Thirdly, it leads the regenerate to know what are truly good works. (A rule)”

In Lutheran lingo, this catechism taught “the third use of the law.”

I learned it, but I later learned not to teach it. For Gospel-grounded reasons. And that has been my conviction, lo, these many years. See below.

Back to the Reformation era—

The Lutherans after Luther wrestled with this 3rd use, whether or not God’s law “leads the regenerate . . . to good works” as Schwan’s catechism claimed.

Some took St. Paul’s caveat cited above literally and concluded that the “law should never be preached to believers.” They reasoned: If Paul says we’re free from the law because of Christ, then the law has no one to talk to when you are addressing Christ-trusters. Call that position #1 Their critics

labelled them “anti-nomians” (=against the law. “Nomos” = Greek word for law) and that has been the dirty word in Lutheran vocabulary for such folks ever since.

Others said: No, God’s law is immutable and is always to be commended to everyone, also to Christians as God’s will for how to live their lives. It belongs in the pulpit to be preached to Christian. Call that Position #2.

Folks with Position #3 held that position #1 is correct in what it says (no law preached to the regenerate), but it doesn’t cover the waterfront. How so? No Christian you bump into on the street—or even in church—is ever “just” regenerate. In our daily lived experience as Christians we know there is a Doppelgaenger, a sinner-self, lurking within, and THAT sinner-self—like all sinner selves—is the one that God’s law addresses. Both in use #1 and use #2—curb and mirror. So God’s law is to be preached to the sinner-self in every Christian. So it’s properly spoken from the pulpit to the Christian assembly. Isn’t this what Luther meant, so said these third-positioners, with his axiom that Christians are not simply “righteous” period, but that in reality this side of the grave they are “simultaneously righteous and sinners” [simul justus et peccator] even though these terms are contradictory opposites. Alongside my new self in Christ there is my Old Adam—both of them biographically active, and both called Ed Schroeder. Ditto for Old Eves too.

The debate among 16th century Lutherans was “settled” (well, sortuv) in 1577 with the publication of the Formula of Concord, the last document in the Book of Concord, the collection of Lutheran Confessions. But that didn’t lay the issue to rest, for the article on “third use,” # 6 in the Formula, is ambiguous. So the hassle continues. Even to the point of whether FC 6 is, or is not, ambiguous. I think it is. See below.

Some of my Crossings colleagues—like me, Bertram’s students—ask whether I’m not on the slippery slope to antinomianism—especially with the stuff I promote in these ThTh postings. In preparation for an upcoming Crossings conference I’ve put my thoughts down on paper. Something like this:

I. Antinomianism. Thesis: Antinomian I am not.

- 1. I hold and teach a pro-nomian theology. Even a “three-use-nomian” (sic!) understanding of God’s law. But my “third use” word is a tease. It comes with this twist, that the law does indeed do job #1, the curb, and job #2, the mirror task indicated above, but in its THIRD task it is not addressed to the regenerate. The third task is done to sinners. Beyond curb and rule the law literally “mortifies” sinners. In its “3rd use” God’s law is the sinner’s executioner. At every funeral we are witness to this third use of God’s law.*
- 2. All three uses in my teaching are the 3 uses GOD (N.B.) makes of God’s law in dealing with sinners—and sinners only. Talk about “uses” of God’s law for Lutherans are not uses WE make, but how God uses God’s law. There are no such three-uses by God of God’s law—no uses of any kind whatsoever—on humans new-created in Christ Jesus. By definition. “Christ is the end of the law for righteous believers.” (Rom. 10:4) The end of all three of its uses. In Christ-created new creatures what is there that needs curbing, what needs critiqueing, what needs rules?*
- 3. So antinomian I am not. The American culture I live in IS patently antinomian. I continue to be a voice (perhaps in the wilderness) contra such antinomianism. Primary evidence for America’s*

antinomianism is the refusal within FROGBA (folk religion of God bless America) to hear God the critic with God's judicial accusation: "You have been weighed and found wanting, and there is hell to pay." And on the individual level American religion is patently Pelagian. We are able to go a long way in saving ourselves, and "nice guy" God never gets severe enough to be our serious critic. Even our deadly critic? Ah, come on

4. I am constantly beating the drum for the law's first use—preserving creation, and curbing its destruction—in my drumbeat for a Lutheran theology in today's sexuality discussions. It is the foundation of my utterances. So antinomian I am not on that topic. *Au contraire!*
5. Fundamental for me as prolegomena for all "use" talk is that we're discussing the uses GOD makes of God's law. So that is what needs to be substantiated in all talk about "uses" of God's law. Namely, what are the sufficient grounds for affirming that God "uses" God's law for this or that purpose?
6. Summary. God's three uses of God's law on sinners is FIRST use: God-as-governor using his law to manage his fractured and fractious creation. SECOND use: God-as-prosecuting attorney: "Thou shalt not, and thou hast indeed" THIRD use: God-as-judge/executioner: a "use," an event, we witness at every funeral, as God terminates sinners.

Antinomian I am not.

II. Concerning the ambiguity of Formula of Concord, Article 6: I learned from my mentor, Werner Elert, the following: "FC 6 starts with Melanchthon's "yes" to the law's 3rd

use and ends with Luther's "no." And they are not the same." That is my conviction still. I think this is "perfectly clear" in the FC 6 text.

III. Concerning Luther's "positive" treatment of the 10 commandments:>From Elert I also learned this on the decalogue in Luther's LC: "We agree with Luther [Tappert 407:310] as he concludes his explanation of the 10th commandment: 'This commandment remains, like all the rest, one that constantly accuses us and shows just how upright we really are in God's sight.' How can one possibly generate the fruits of faith, of the new life in Christ, from this accusing Word of God?"

IV. If not Moses and the law, then who or what is the "ethical coach" for Christ-trusters? That's a separate topic, but the key components are all over the New Testament. And the fundamental answer is the name before the hyphenated-term above. Christ himself.

Here are some of the NT code words: Christ as Lord. Christ as Master (different from the Lord term). Following Christ. Being led by the Spirit. Fruits of the Spirit. Mind of Christ. New Creation. New Obedience. Freedom. Love. Faith. Prayer. Then the dozens and dozens of "grace imperatives," clearly distinct from the law's imperatives, throughout the NT, especially in the epistles. In Lutheran jargon, all this is the "second use" of the Gospel. It follows after the Gospel's first "use" of connecting sinners to Christ, and thereby to God as Father (no longer critic). In the Crossings paradigm for text study, this ethical turf is "step 6," the new fruits growing from the new creation (step 5) rooted in the crucified and risen Christ of step 4.

But that's a whole other essay. Half a book, in fact, in Elert's own classic on Christian Ethics. After Part I "Ethos Under Law,"

comes his Part II “Ethos Under Grace.” That grace-ethos takes 200 pages in his 1949 first edition. No surprise, I think it’s good stuff. Not exactly a stocking-stuffer. But it is what Christmas is all about – glad tidings, great joy!

Peace & Joy!

Ed Schroeder