

“Third Use,” Round Two. A Citation from Luther

Colleagues,

I start today by announcing a formal change in Thursday Theology. A weekly post, which has not been so weekly of late, is shifting to a biweekly format. I discussed this with other members of the Crossings Board when we met last month, pointing out that gifts granted to Thursday Theology's first author and editor, Ed Schroeder, were not doled out in equal measure to the team that took up the mantle when Ed laid it down in November, 2011, after an astonishing run of 700 posts, nary a week missed. That team, three in the beginning, has now dwindled to one, the undersigned, who writes at about a tenth the speed that Ed seems still to manage. Meanwhile there's that pesky matter of a full-time call to other responsibilities that require something like Thursday Theology to be treated as at most an avocation, a thing for whatever extra hours one dares to call one's own.

So we shift gears. Going forward I will do my best to get something on its way to you every other week. I'll write essays as I'm able. Steven Kuhl has promised to pitch in on a regular basis. Contributions like the one you're getting this week, from Timothy Hoyer, will be gladly received and vetted for publication. The aim throughout will be to keep the postings fresh, lively, somehow useful, and steadily consistent. God grant the will and mental wherewithal to make that happen.

As for this week's offering, it's one of two items that came my way in response to the last post you got, dated August 13, wherein Ed Schroeder channeled Werner Elert on the Formula of Concord's discussion of the Third Use of the Law. On reading that, Tim Hoyer, pastor at Gloria Dei Lutheran Church, Lakewood,

New York, promptly dug up a passage from *Luther's Works* to buttress Elert's contention that Luther had no truck with "third use" thinking. It seemed a good thing to chew on, so I pass it along for your consideration, bookended with Pr. Hoyer's own comments.

I mentioned in my introduction to the August 13th piece that "third use" continues to be a contentious topic among Lutherans. I have friends and colleagues, as mad for Augsburg-style Gospel as anyone I know, who will bristle at a thing or two they read here, not so much in Blessed Martin as in Pr. Hoyer's commentary. So why the contention, and its refusal to die? I have some half-baked views on that. Assuming the oven stays on and the baking proceeds, I'll bring the results to a presentation I'm scheduled for at next January's Crossings conference. The topic of the conference is "Law, Gospel, and the Holy Spirit," with a focus on the "double life" that Christians enjoy and suffer—yes, both of these—by virtue of their birth on the one hand, their baptism on the other. We'll be hearing from an impressive range of speakers. [See here](#) for details. You'll want to join us, I trust. I hope you can.

Peace and Joy,
Jerry Burce

Luther on the Ministries of Moses and Christ, of Law and Gospel

Selection and Commentary by Timothy Hoyer

Precis

In a lecture on Deuteronomy 18:15, Luther uses "the double dipstick" to show why the law must decrease so that Christ, the new Prophet, may increase. In other words, a) Christ is honored,

his death and rising are used, to b) bring comfort to consciences who fear the law's demands for our death. Also, he teaches how Law and Gospel have their God-given roles, different roles, and both are needed. I argue that the third use of the law changes the God-given roles of the Law and the Gospel, thus burying Christ, that is, thus taking away the need for Christ's death and rising for us.

+ + +

From Lectures on Deuteronomy

Luther's Works, Vol. 9, trans. Richard R. Caemmerer, ed. Jaroslav Pelikan (St. Louis: Concordia Publishing House, 1960), 176-180

18:15. The Lord your God will raise up for you a prophet like me from among you, from your brethren—Him you shall heed.

It is [Moses'] purpose to show that in the future there will be another priesthood, another kingdom, another worship of God, and another word, by which all of Moses will be set aside. (176)

This Prophet...he does not dare subordinate to himself and put his words into His mouth; but he says that He will be like him in service and obedience, by which he certainly excludes Him from obedience to him and places Him above all prophets who taught on the basis of Moses.

But to exclude Him from obedience to Moses and to prefer Him above all prophets teaching on the basis of Moses is to affirm positively that the ministry of the Law is to be ended and a new one to be set up, since no man [sic] is free from the service the Law but all are subject to the Law. Therefore it is necessary that this Prophet, who is like Moses—in respect to authority of teaching and commanding, that is, for that is what he means when he says 'like me'—be superior to Moses and teach

greater things. (177)

If, therefore, the doctrine of both is considered, it will be easily apparent from the comparison of their doctrine what [the new Prophet] must preach. Moses is a minister of the Law, sin, and death; for he teaches and stresses works, and through the rays of the Law he makes everyone guilty of death and subject to punishment for sin. He demands, but he does not give what he demands. However, since this Prophet finds Moses teaching this and is Himself set up as a Teacher next to Moses, His Word must teach something else. But He cannot teach anything else than sin, wrath, and death unless He teaches righteousness, grace, and life. Therefore it is necessary that He be a teacher of life, grace, and righteousness, just as Moses is a teacher of sin, wrath, and death. But both teachings must be heard just and they have been raised up by God; for through the Law all must be humbled, and through the Gospel all must be exalted. They are alike in divine authority, but with respect to the fruit of their ministry they are unlike and completely opposed to each other. The sin and wrath which Moses arouses through his ministry that Prophet cancels through righteousness and grace by His ministry. This Prophet, therefore, demands nothing; but He grants what Moses demands.

In this passage we have those two ministries of the Word which are necessary for the salvation of the human race: the ministry of the Law and the ministry of the Gospel, one for death and the other for life. They are indeed alike if you are looking at their authority, but most unlike if you are thinking about their fruit. The ministry of Moses is temporary, finally to be ended by the coming of the ministry of Christ, as he says here, "Heed him." But the ministry of Christ will be ended by nothing else, since it brings eternal righteousness and 'puts an end to sin,' as it is said in Dan. 9.24. . . .

From all this it follows how completely foreign and even pestilential those teachers in the New Testament are who trouble consciences with laws and works, when this prophecy concerning Christ totally wipes out and does away with that ministry. (178-9)

But here you will say: "You will find commands everywhere in the gospels and the epistles of the apostles. Therefore either our Christ will not be this Prophet, or His doctrine will not differ at all from the Law of Moses." To reply briefly: The commands of the New Testament are not directed to those who are justified and are new men [sic] in the Spirit. Nothing is taught or commanded there except what pertains solely to believers, who do everything spontaneously, not from necessity or contrary to their own will. But the Law is directed to the old man, who is dead in sin, to urge him on and to show him his sin. This is the true and proper teaching of the Law. Therefore the Law finds man not only unwilling but also unable to do what the Law demands. . . .

The understanding of this matter lies in recognizing and truly distinguishing the Law and the Gospel, that you may know that the teaching of the Law commands only what is to be done by the ungodly and lost, as 1 Tim 1:9 says: 'The Law is not laid down for the just but for the lawless.' But where the godly are, there the Law, which is intended only for the humiliation of the ungodly through the recognition of their sin and weakness, is already abolished. The Gospel teaches from what source you receive the power to fulfill the Law. In this respect it commands nothing; nor does it force the spirit, which hastens of its own accord by faith. It adds some commands, but it does so to kill the remnants of the old man in the flesh, which is not yet justified. From these commands, however, the spirit is free, being satisfied with faith alone. Of this matter we have spoken amply elsewhere. (179-80)

[Footnote appended to the last sentence above, presumably by Caemmerer or Pelikan: In contradiction to the antinomians Luther taught the preaching of the Law was still necessary for Christians—not indeed as a set of prescriptions for the Christian life (the so-called “third use of the Law”) but as a continuing chastisement of the flesh that still adhered to the Christian. (180)]

+ + +

Commentary

If a Christians desires to be shown how they still need Christ, yes, that is what the Law does in its true and proper function. But that is not a third use, but the very essence of what the Law does.

But Jesus did not always use the Law to show his disciples that they needed him. Nor did Paul always use the Law to correct the behavior of Christians (which really means to restore their faith in Jesus). Here are some examples to support that statement.

Jesus told his disciples that he had to suffer, die, and be raised on the third day. Then, as they walked along, the disciples argued about who of that group was the greatest. When Jesus asked them about their conversation and they told him, Jesus did not quote the Law to them and condemn them, rather, he told them that in his kingdom, to be great means to serve, to be last. It was as if he was saying that when faith in him acts, it acts in love, in sacrifice, in caring for others, not for one’s self. Faith in Jesus who is crucified is not about being great in earthly terms, but to be great in terms of the cross.

When Paul had to deal with the Christians in Corinth and their lack of partiality in greeting people, he did not use the law to humble them, but instead he said that their behavior did not

honor Jesus and his way of welcoming all people subject to the law and suffering from the law.

Then Paul had to convince the Christians in Galatia that following the law, even one part of it, was not the way Jesus had given them. What Jesus had given them was freedom, as in, "For freedom Christ has set us free! Do not return to the old way of slavery." "If we live by the Spirit, let us also be guided by the Spirit." That is to say, "Let the Spirit guide is in how we are to live in relationship to God and in relationship to one another. In our relationship with God, the Spirit gives us Christ; the Spirit "call, gathers, and enlightens" us with Christ's new mercy management, that righteousness, grace, and life. In our relationship with one another, our faith acting in love, the Spirit gives us love, joy, peace, patience, kindness, goodness, generosity, truthfulness, and self-control. Against those there is no law. We too get to manage our relationships with mercy.

The old person in us that remains still needs the Law to put it to death so that we can be raised up in faith in Jesus. But once raised in Jesus, faith is not helped by the Law. Faith is encouraged, guided, enlightened by the Gospel, by telling us again of mercy and Christ dying and rising for us, by reminding us to honor Christ instead of Law or pride or partiality.

As the law is replaced, put to an end, temporary, because of Christ, since Christ is the end of the law, how can the law still have a function for the one who trusts Christ? The law is gone for those who are new in Christ. Here the Gospel shapes and guides us and gives us faith in Christ, and it is faith that is first needed before we do works. It is for the ungodly that the Law still does its rightful function of causing us to fear its harsh words so much that we long for a kinder voice. And all, even those who trust Christ, still have that sin in us, that

original condition that cannot trust God and Christ. The Law puts it to death daily so that faith in Christ may live in us, guide us, and give us hope.

Timothy Hoyer
Lakewood, New York