

# The Third Use of the Law

## It's Nature, Necessity, and Methods

### Introduction

“Would James Madison and Thomas Jefferson and the other gentlemen who wrote the Constitution have wanted to give such tyrannical powers to lone Americans? I doubt it, but I can't be sure.”<sup>1</sup> The question was asked in a reflection on the recent mass murder at Umpqua Community College in Roseburg, Oregon. Does the constitution allow for limitations to be placed on citizen access to guns, or is tyranny inherent to it? I am not interested in descending into the political tar pit surrounding gun control. My use of this quote serves only to illustrate one of the various strains of “antinomianism” that currently buffet the people in the pew, and thus to demonstrate why a discussion of the third use of the law is strategic for Pastors at this point in our history.

A bold strain of civil antinomianism is reflected in Mr. Weber's uncertainty about whether the framers of the Constitution had “tyrannical powers” in mind. The point seems to be whether or not a society can place any restrictions, (law), on its citizens. The answer is increasingly, “No.” In certain areas of life the restrictions placed on individuals are being chipped away. Individuals in America now have the right to kill their babies, to marry whomever, and perhaps as many, as they desire, to imbibe in an expanding list of mind-altering drugs, and to have someone else kill them when they cease to feel their life is full.

This civil antinomianism, no doubt, derives from a post-modern rebellion against an objective reality. If we cannot determine what is real by any objective means, (ironically, this is the post-modern construction of reality), if each individual is responsible for constructing their own personal reality, it is a short step to realizing that I am a law unto myself. Auto-nomianism is, in truth, antinomianism. Here you may take note of the rise of the “sovereign citizens” in Montana. These ideas assail your members every day.

In addition, a virulent strain of theological antinomianism is active in the Church. John Warwick Montgomery has analyzed this as a form of Protestant Existentialism. He suggests that Modernism's attack on the veracity of the Scripture caused many Christians to despair of a persuasive biblical ethic, and consequently proposed an existential ethic draped on the skeleton of love. Here, he points out, is the problem related to the third use of the law. “Likewise, the Protestant existentialist can never appeal to absolute law; he can only say. ‘You're free, choose to love.’ But what does this mean in concrete terms? Theoretically it can mean ‘anything goes’ – an antinomianism indeed...”<sup>2</sup>

Reducing the contents of the law to love has been a common, if uninformed, tactic for Christians involved in the current debate over homosexual rights. “You should love me enough to allow me to love whomever I want to love.” Such wordplay serves only to muddy the conversation because love, as Montgomery implies, does not supply content of the law, but only a motivation. However, such opinions, widely reported in the mainstream media, and thus plaguing the people in your pews, provide another reason for taking a careful look at the third use of the law.<sup>3</sup> Can we teach the law to believers, or should we entrust them to the “spirit of love?”

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<sup>1</sup> Weber, Peter. “The Oregon shooting: This is what America's Founding Fathers wanted?” First Week. October 2, 2015.

<sup>2</sup> Montgomery, John. “The Third Use of the Law.” Present Truth. Volume Seven, Article 3.

<sup>3</sup> When Paul says in Romans 13:10, “Love does no wrong to a neighbor; therefore love is the fulfilling of the law,” (ESV) he is not suggesting that love replaces the law. He is a Jew. Nothing can replace the law

A third motivation for reviewing the third use of the law is the severe drought of biblical knowledge in our culture. The influence of the Church has diminished to the degree that unbelieving converts, who in a previous age might have absorbed a minimally biblical ethic from the culture, today come with a blank slate. Even the law written on their hearts has been seared by the hot iron of this post-modern age. In addition, many of the popular congregations today place such an emphasis on “entertainment” and service that they have little interest in teaching the law. The point is that people, outside and inside our congregations do not know the laws of God.

### **I. Good things come in threes.**

The history of Christian Systematics exhibits a variety of numberings for the uses of the law. By the end of the 16<sup>th</sup> century Lutherans, at least, had become comfortable with presenting three uses of the law. “They, [Orthodox Lutherans involved in the Majoristic controversy] insisted on the three uses of the law: *usus legis politicus*; *usus legis paedagogicus*; and *usus legis didacticus*. The purposes of the law have been to restrict, convict, and direct.”<sup>4</sup>

We will not spend much time on the first two uses of the law in this paper. But it is worth noting that antinomianism is no respecter of uses. If the dictum from the Apology, “*lex semper accusat*,” is true, then every infringement on one use of the law will have an impact on the other uses. Thus a rigorous third use of the law, giving Christians directions as to what it means to live the life of faith, will benefit its proclamation in the other two uses.

It is also important to clarify that while Luther generally only spoke of two uses of the law; keeping sin in check, and working penitence in preparation for the Gospel, he does speak of a third use, without referencing that language.<sup>5</sup> For example, note how in his preface to the Small Catechism, designed to be taught to Christians, he points at a distinctly third use of the law in the life of a Christian.

Expound every commandment, petition, and part, pointing out their respective obligations, benefits, dangers, advantages, and disadvantages, as you will find all of this treated at length in the many books written for this purpose. Lay the greatest weight on those commandments or other parts which seem to require special attention among the people where you are. For example...the Fourth Commandment must be stressed when instructing children and the common people in order that they may be encouraged to be orderly, faithful, obedient, and peaceful.<sup>6</sup>

### **II. The status of the controversy, then and now.**

Toward the end of the 16<sup>th</sup> century the political situation had toned down to the extent that Lutheran scholars could begin settling arguments about the finer points of doctrine. Doctrinal controversies had erupted that threatened the unity of those that followed in the heritage of the Augsburg Confession. By 1577 the controversies had been addressed, one by one in what came to be known as the Formula of Concord. Article VI of the Formula deals with The Third Function of the Law.

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for a Jew. The first phrase of the sentence demands an objective judgment of what is right and wrong. It demands the content of an objective law. Paul is simply informing the believer that, the love of God in Christ Jesus is that which invites, (Incites, informs, motivates?) believers to obey the law.

<sup>4</sup> Allbeck, Willard. Studies in the Lutheran Confessions. Fortress Press, Philadelphia. 1968. p. 277.

<sup>5</sup> MacPherson, Ryan C. A Lutheran View of the Third Use of the Law Systematic Theology 405: The Means of Grace, Bethany Lutheran Theological Seminary (Fall 2009).

<sup>6</sup> Luther, Martin. Small Catechism. Book of Concord. Ed. Theodore Tappert. Fortress Press, Philadelphia. 1959. p. 340. (Preface, 17-18) Emphasis added.

It will come as no surprise that the objections to the third use of the law are the same today as they were in the 16<sup>th</sup> century. The one party says that the regenerate do not learn the life of faith from the law because they are no longer under the law. Therefore, the law should not be urged on Christians. The other party teaches that while Christians are not under the law with respect to a means of salvation, they nevertheless are instructed by the law with respect to living the life of faith in Christ.

The objectors to the teaching of the third use of the law make two points. First they suggest that believers already know the law by the teaching of the Holy Spirit. This view seems to diminish, if not ignore entirely, the reality of the Old Man in us. Therefore the Formula responds,

If believers and the elect children of God were perfectly renewed in this life through the indwelling Spirit in such a way that in their nature and all its powers they would be totally free from sins, they would require no law, no driver...But in this life Christians are not renewed perfectly and completely. For although their sins are covered up through the perfect obedience of Christ, so that they are not reckoned to believers for damnation, and although the Holy Spirit has begun the mortification of the Old Adam and their renewal in the spirit of their minds, nevertheless the Old Adam still clings to their nature and to all its internal and external powers.<sup>7</sup>

The second point made by the objectors to the third use of the law is a fear of pietism. That is to say, they are afraid that if the law is taught to Christians as something they are to pay attention to, it may be interpreted, by that same Old Man, to mean that their salvation is dependent upon their actions of obedience. As a result of this danger, it would be better to depend upon the Spirit's action than to teach the law to Christians.

While acknowledging the danger of backsliding, this view seems to give too much authority to the Old Man. This may result in an unholy fear of sanctification. Therefore the Formula responds,

But when a person is born anew by the Spirit of God and is liberated from the law (that is, when he is free from this driver and is driven by the Spirit of Christ), he lives according to the immutable will of God as it is comprehended in the law and, in so far as he is born anew, he does everything from a free and merry spirit. These works are, strictly speaking, not works of the law but works and fruits of the Spirit, or, as St. Paul calls them, the law of the mind and the law of Christ. According to St. Paul, such people are no longer under law but under grace (Rom. 6:14; 8:2). Since, however, believers are not fully renewed in this life but the Old Adam clings to them down to the grave, the conflict between spirit and flesh continues in them. According to the inmost self they delight in the law of God; but the law in their members is at war against the law of their mind. Thus though they are never without the law, they are not under but in the law, they live and walk in the law.<sup>8</sup>

### III. The Third Use of the Law is necessary.

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<sup>7</sup> Book of Concord, Ed. Theodore Tappert. Fortress Press, Philadelphia. 1959. p. 564. (Formula, Solid Declaration, Art. VI, par. 6.) Emphasis added.

<sup>8</sup> Book of Concord, Ed. Theodore Tappert. Fortress Press, Philadelphia. 1959. p. 566. (Formula, Solid Declaration, Art. VI, par. 17-18.) Emphasis added.

Having responded to at least two objections to the preaching of the law to believers, the Formula takes a decidedly proactive approach. In fact, Tappert's translation provides three reasons why believers "require" the teaching of the law. The German edition uses three different words in these texts for "require", but it is fair to translate each case in this way, and may actually be called for since in the final two arguments the word "auch," (that is, "also," or "furthermore,") implies a reference to the previous "requirement." The Formula argues that the teaching of the law to believers is necessary.

Believers need to hear the law because they are pestered by a sinful flesh that will not leave them until their dying breath.

Hence, because of the desires of the flesh the truly believing, elect, and reborn children of God require in this life not only the daily teaching and admonition, warning and threatening of the law, but frequently the punishment of the law as well, to egg them on so that they follow the Spirit of God...<sup>9</sup>

The Pastor who ignores the desire of the sinful flesh, in himself, or in his members, creates great danger. The picture created in this text is that of a little child who does not know what is good for him. Indeed, this paragraph in the Formula employs Hebrews 12:8 to argue that the father disciplines his children for their own good. It is necessary for Pastors to teach the law to their members in order to encourage them to follow the will of the Father.

Secondly, believers need to hear the law because of the idolatry of self. We easily become our own gods, developing a set of laws to our own liking.

Believers, furthermore, require the teaching of the law so that they will not be thrown back on their own holiness and piety and under the pretext of the Holy Spirit's guidance set up a self-elected service of God and without his Word and command...<sup>10</sup>

Here the Formula picks up on a well-developed theme of the Confessions. The most often quoted text in the Lutheran Confessions, (along with Romans 5:1-3, quoted 11 times), is Matthew 15:9, "...in vain do they worship me, teaching as doctrines the commandments of men."<sup>11</sup> The Confessors, having come out from the Roman influence, were sensitive to the establishment of human laws. That is no less of a problem in the twenty-first century. It is necessary for Pastors to teach the law to their members in order to prevent them from codifying their own set of laws.

Thirdly, believers need to hear the law to prevent them from thinking that they have achieved a sort of perfection within their own good works.

Believers, furthermore, require the teaching of the law in connection with their good works, because otherwise they can easily imagine that their works and life are perfectly pure and holy. But the law of God prescribes good works for faith in such a way that, as

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<sup>9</sup> Book of Concord, Ed. Theodore Tappert. Fortress Press, Philadelphia. 1959. p. 565. (Formula, Solid Declaration, Art. VI, par. 9.) Emphasis added.

<sup>10</sup> Book of Concord, Ed. Theodore Tappert. Fortress Press, Philadelphia. 1959. p. 567. (Formula, Solid Declaration, Art. VI, par. 20.) Emphasis added.

<sup>11</sup> All Scripture Quotations. English Standard Version. Wheaton : Standard Bible Society, 2001.

in a mirror, it shows and indicates to them that in this life our good works are imperfect and impure...<sup>12</sup>

While this paragraph echoes wording from the second use of the law there are a few characteristics that demonstrate a clear understanding of the third use of the law. Note that the teaching of the law is required in connection with the good works of believers. The Formula is addressing only believers, and then only the propriety of their good works. This text is referring neither to men, nor to sin in general, but to the value that believers might place on their good works.

The Formula digs deep into the psyche of the believer. It reveals that it is possible for us, having been saved, and living within the freedom of good works, still to reach the perverted conclusion that these very works have some value with respect to our righteousness. The third use of the law teaches that they do not. It is necessary for Pastors to teach the law to their members in order to remind them that their good works are not a path to personal perfection, but that they flow from a “free and merry spirit” that has received the gift of righteousness solely through the work of Jesus.

#### IV. Method- Preaching

The Law of God is good and wise And sets His will before our eyes, Shows us the way of righteousness, And dooms to death when we transgress.	To those who help in Christ have found And would in works of love abound It shows what deeds are His delight And should be done as good and right. <sup>13</sup>
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The hymnist teaches the third use of the law. But teaching what the third use of the law is about is not the same as preaching the third use of the law. In a catechism class for juniors or adults the Pastor teaches about the third use of the law. The explanation is fairly straightforward. But when the Pastor climbs into the pulpit to preach the law according to its third use the challenge increases. How can you help your people use the law in its proper third sense? For the purposes of discussion here follow two suggestions for meeting the challenge.

As with so many things in life, it is true in preaching as well, that timing is everything. The third use of the law ought to be preached immediately after the believer has been newly raised by the Gospel. If the second use of the law has been properly used to kill the listeners, and the Gospel has been properly used to raise the listeners from the dead, fresh from the waters of baptism, as it were, by the power of this Word, they are now ready to think about living the new life. This requires instruction in the law, not as a means of attaining righteousness, but as a result of having been declared righteous through faith in Jesus. This teaching provides the application to life that believers desire. (Psalm 19:10)

In the compression of time that all sermons are, history is condensed, entire lives are surveyed from the Divine perspective, and doctrine is recapitulated for the sake of salvation. In this timeline, no matter how circular the construction of the sermon, it is risky business to think the third use of the law will be understood unless it is clear that it is being spoken only to believers. Timing is important. An unbeliever cannot understand a third use. When a person becomes a believer the third use makes sense.

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<sup>12</sup> Book of Concord. Ed. Theodore Tappert. Fortress Press, Philadelphia. 1959. p. 567. (Formula, Solid Declaration, Art. VI, par. 21.) Emphasis added.

<sup>13</sup> Loy, Matthias. Lutheran Service Book. Concordia Publishing House, St. Louis. 2006. # 579 v 1, 3.

But when a person is born anew by the Spirit of God and is liberated from the law (that is, when he is free from this driver and is driven by the Spirit of Christ), he lives according to the immutable will of God as it is comprehended in the law and, in so far as he is born anew, he does everything from a free and merry spirit.<sup>14</sup>

Another tool that might be used to prevent confusion is to think about preaching the third use of the law in the indicative mood. By way of comparison the second use of the law might appear in the imperative mood, “You must do thus, and such.” The indicative mood is used to make factual statements, or to indicate the reality of a circumstance or condition. With that in mind the preacher may consider presenting the law to the newly raised listener as a statement of fact. “This is the way the people of God live!” Coupled with the assurance that the Holy Spirit has prepared the good works beforehand that we might walk in them, the listener is encouraged to hear that he is not under the law, but is still in the law. When the preacher tells his listeners that these are the good works that the Holy Spirit is working in them as believers, they may begin to delight in the law of God, (Psalm 1:2) and rejoice in the fruit of the Spirit, (Galatians 5:22) that God supplies.

#### **V. Method- Modeling the life of faith.**

A second method of proclaiming the third use of the law is through modeling the life of faith. In one sense sanctification is relational. Believers learn to live the faith by watching other believers. This is particularly effective in the home. Children learn how the people of God live by mimicking their believing fathers and mothers.

Imitating the life of faith, especially as seen in the lives of Pastors, is a compelling theme in the New Testament. The verb μιμεομαι (Imitate), is used four times in the New Testament. Each use suggests the imitation of the life of another believer with respect to good works. Three of the references are clearly to Pastors of the Church. For example the writer to the Hebrews encourages his listeners to “Remember your leaders, those who spoke to you the word of God. Consider the outcome of their way of life, and imitate their faith.” Hebrews 13:7 (ESV)

The noun μιμητης (imitator), is used six times in the New Testament. Each use of the noun also suggests the imitation of the life of another believer. In I Corinthians 1:11 Paul is so bold as to tell the members to imitate him as he imitates Christ. Paul tells the Thessalonians, “You became imitators of us and of the Lord, for you received the Word in much affliction with the joy of the Holy Spirit.” I Thessalonians 1:6 (ESV)

The third Greek word that adds a significant contribution to the discussion of the third use of the law is τυπος (example). There are at least seven uses of this word that indicate good works can be taught through the example of another believer. In fact, this word is heavily weighted toward having the Pastors set examples of good works. To Timothy, Paul wrote, “Let no one despise you for your youth, but set the believers an example in speech, in conduct, in love, in faith, in purity.” 1 Timothy 4:12 (ESV) To Titus he said, “Show yourself in all respects to be a model of good works, and in your teaching show integrity, dignity, and sound speech that cannot be condemned, so that an opponent may be put to shame, having nothing evil to say about us.” Titus 2:7–8 (ESV) Peter echoed the sentiment when he wrote, “...shepherd the flock of God that is among you, exercising oversight, not under compulsion, but willingly, as God would have you; not for shameful gain, but eagerly; not domineering over those in your charge, but being examples to the flock.” 1 Peter 5:2–3 (ESV)

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<sup>14</sup> Book of Concord. Ed. Theodore Tappert. Fortress Press, Philadelphia. 1959. p. 566. (Formula, Solid Declaration, Art. VI, par. 17.) Emphasis added.

The command to provide an example for the people of God to follow is, of course, another law, especially given to Pastors. Nonetheless, it should be recognized as a means of the third use. Your members learn how to live the life of faith by watching you. The Church has not entirely ignored this. In the ordination vows the Pastor-elect is asked to provide an example of a holy life to his new flock.

In the Agenda for The Lutheran Hymnal the presiding minister asks, “*Wilt thou, finally, adorn the doctrine of our Savior with a holy life and conversation?*” The Pastor responds, “**I will, the Lord helping me through the power and grace of His Holy Spirit.**”<sup>15</sup> It is worth noting that this text asks the Pastor to be an example for the sake of the “doctrine of our Savior.” The Lutheran Service Book cites another motivation when it asks, “*Finally, will you honor and adorn the Office of the Holy Ministry with a holy life?...*”<sup>16</sup> The response is the same.

Whether for the sake of the doctrine of Jesus, or for the integrity of the Office, the Pastor is a living example of good works for his flock. How can it be that Pastors are not overwhelmed by this heavy load? How is that Paul seems unashamed to put himself forward as an example to be imitated? Surely no Pastor’s life is a perfect model of keeping the law. The answer can be found in an understanding of the third use of the law.

Dear brothers, Jesus Christ has claimed you as His own. The good news is that your sin has been washed away and you are freed from the threat of the law. God is at work in this freedom. This is what the Formula has to say about that work in you,

Though their good works are still imperfect and impure, they are acceptable to God through Christ because according to their inmost self they do what is pleasing to God not by coercion of the law but willingly and spontaneously from the heart by the renewal of the Holy Spirit.<sup>17</sup>

I fully realize that, despite my best attempts to clarify the third use of the law, “*lex semper accusat,*” the law always accuses. So I close with the words of Ryan MacPherson, who in his article on the third use of the law reminds us to always conclude our teaching with the Word of the Gospel.

As important as the Law remains for Christians, it nevertheless must be subordinate to the Gospel. The pattern in Luther’s Morning and Evening Prayers... provides a helpful framework: at the start of the day, the Christian thanks God for sleep and requests of God that his or her life be rich in good works during the coming day; at the close of day, however, one does not look back upon one’s good works, but rather confesses one’s sins and goes to sleep in the peace of the Gospel alone. The same applies also to pastoral counsel at the bedside of a dying parishioner. Both justification and sanctification were to be taught until that moment, but in the final hour, it is not the Christian’s sanctification guided by a third use of the Law that needs mentioning. Attention properly focuses on Christ alone—His vicarious fulfilling of all mandata dei for us, His vicarious suffering through all punishments due us, and His victorious resurrection to bring new life to us.”<sup>18</sup>

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<sup>15</sup> *(The Lutheran Agenda. Concordia Publishing House, St. Louis. p. 107.*

<sup>16</sup> *Lutheran Service Book Agenda. Concordia Publishing House, St. Louis. 2006. p. 166.*

<sup>17</sup> *Book of Concord.* Ed. Theodore Tappert. Fortress Press, Philadelphia. 1959. p. 568. (Formula, Solid Declaration, Art. VI, par. 23.) Emphasis added.

<sup>18</sup> MacPherson, Ryan C. *A Lutheran View of the Third Use of the Law.* Systematic Theology 405: The Means of Grace, Bethany Lutheran Theological Seminary (Fall 2009).

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