

The Continuing Relevance of the Formula of Concord: What is the Role of the Law in the
Life of the Christian?

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To whom does the law apply? Paul clearly says to Timothy, “We also know that the law is made not for the righteous but for lawbreakers and rebels, the ungodly and sinful, the unholy and irreligious; for those who kill their fathers or mothers, for murderers, for adulterers and perverts, for slave traders and liars and perjurers—and for whatever else is contrary to the sound doctrine.” (1 Timothy 1:9-10) If we are preaching and teaching to redeemed sinners, who have been clothed with Christ and who live their lives in service to him, are we to use the law? If so, what is its use?

In 1962 Rev. Herold Schulz of Golden, CO wrote the WELS Board for Parish Education concerning the new Kindergarten Manual for Christian Schools. He was concerned about the emphasis in it on the Third Use of the Law.¹ He contended, even after meetings with several pastors, the Nebraska District Praesidium, and a visiting elder that the manuals used the third use of the law as the motivation for Christians to do good works. Pastor Schulz believed, “And still contends, that the First and Second Uses of the Law must always be maintained and emphasized; that the Third Use of the Law should never be applied to the Christian after he comes to faith; that such use of the Law is never stated or taught by the Scriptures or the Lutheran Confessions.”² Schulz would not retract his charges and was subsequently suspended from fellowship on Dec. 5, 1967.³

¹ “Proceedings of the Forty-First Biennial Convention.” Northwestern College, Watertown, WI: August 4 to 11, 1971, p. 114.

² Ibid., p. 114

³ “Proceedings Twenty-Sixth Biennial Convention Nebraska District.” Immanuel Ev. Lutheran Church, Nadar, NE: July 9 to 12, 1968, p10

Pastor Schultz later appealed, but the review committee upheld the suspension. When he again appealed to the synod, President Oscar Naumann appointed a committee to consider the matter. The synod committee, after meeting four times after its appointment, once again upheld the suspension.⁴

Pastor Herold Schulz then requested an interview with the Board of Doctrine of the Confessional Lutheran Church (CLC). After discussion with Schulz, he gave them a, “Firm impression that agreement existed.”⁵ However, it was not long before he was suspended from their fellowship as well. For the next ten years discussions concerning the third use of the law would continue in the CLC. Finally, after some disputes in the West Central Conference, the CLC held a special conference in 1975 on the matter at which Paul Nolting presented a special essay. Three points were presented:

1. The law, which instructs us as to what works are God-pleasing, in no way whatever is a power or force for the doing of those works.
2. The law in its third use instructs the Christian, because of his flesh, as to what works are truly pleasing to the Lord, while simultaneously reproving the Christian for failing to do those works.
3. In all areas of the discussion the monergism of grace by the power of the Holy Spirit was upheld in both the doctrines of justification and sanctification.⁶

At the 1978 convention, the CLC supported the three points and added:

1. The term “law” in points #1 and #2 is to be understood in the sense of Article VI of the Formula of Concord: “When we speak of good works which are in accordance with God’s Law, then the word Law has only one senses, namely, the immutable will of God, according to which men are to conduct themselves in their lives.

⁴ “Proceedings of the Forty-First Biennial Convention.”, p. 115.

⁵ Qtd. in Speidel, Tom. “The Devil has Lured Some Out of the CLC By Deceiving Them on the Third Use of the Law.” 4 May 1979. < <http://www.wlssays.net/>> 18 Dec. 2007., p. 1.

⁶ Ibid., p. 3.

2. We acknowledge the following teachings to be divisive, namely, that the law instructs the regenerate regarding good works only to condemn him: and that such teaching in our church body cannot be tolerated but must be removed.⁷

As a result of these points, Pastor Victor Tiefel, his congregation in Denver, and the Japan mission headed by Fred Tiefel announced their withdrawal from fellowship. According to Victor Tiefel, “The Lutheran Confessions teach that the Law always and only condemns. The CLC coined a new phrase: the Law always, but not only, condemns.”⁸ Once again the question, “What is the purpose of the law for the Christian?” was back on the table.

A similar situation occurred in Wittenburg during Luther’s days. From within the ranks of Lutherans (although not called such at the time), Agricola spoke against the law and taught that true knowledge of sin and genuine contrition is produced by the Gospel only. In his early days, Agricola was one of Luther’s best friends. It wasn’t long after a new position at Wittenberg was given to Melanchthon that Agricola made his first antinomian attack. In 1527 he debated the subject with Melanchthon in Torgau, at which Luther sided with Melanchthon. In 1537 Agricola renewed his antinomianism by secretly and anonymously circulating a number of propositions aimed at Luther and Melanchthon, calling them “contorters of the words of Christ.”⁹ At first Luther refused to believe that Agricola was truly an antinomian. When he discovered that the reports were true, Luther insisted that Agricola print a retraction. In response, Agricola wrote, “I am surprised how anyone can possibly say that I reject the Law or the Ten Commandments when there are

⁷ Ibid., p. 4.

⁸ Ibid., p. 5.

⁹ Bente, F. Historical Introductions to the Lutheran Confessions. Concordia Triglotta: The Symbolic Books of the Evangelical Lutheran Church. Milwaukee, Wi: Northwestern Publishing House, 1997. Libronix Ed, p. 163

extant in so many of my expositions of the Ten Commandments, and these not all of one sort.”¹⁰ Luther compiled quotes of Agricola, condemned them, and wrote disputations against antinomianism.

Agricola continued his opposition secretly. Luther insisted that his right to lecture at the University be withdrawn. Agricola sued for reconciliation. Luther wrote a second disputation and Agricola retracted. Luther had no faith in the sincerity of Agricola but still did not carry out his original plan of discussing a 3rd and 4th series of theses. When Agricola relapsed, however, Luther had a disputation on a 5th series of disputations. Seeing his position at Wittenburg in danger, Agricola was ready to submit again. He even allowed Luther to formulate the recantation. This did not stop Agricola. He continued to push antinomianism, although secretly. The Elector opened formal legal proceedings against Agricola. He left before the trial took place, but Luther responded with a final set of disputations.

At the insistence of Elector Joachim, negotiations began with Luther which led to a tentative settlement. Although he wrote a revocation, his new catechism revealed his recantation was not sincere. Luther responded, “Grikel will remain Grickel to all eternity.”¹¹

Just as the CLC picked up the error and entertained the false doctrine for some time even after Schulz had been suspended, the Philippists in Wittenberg also entertained the errors of Agricola after his death. Poach, Otto, and others didn’t necessarily deny that it was

¹⁰ Manthey, Paul. “Formula of Concord, Article VI: ‘Christians Need the Law.’” Metropolitan North Pastoral Conference. St. Matthew’s Evangelical Lutheran Church, Milwaukee, WI. 16 Sept. 1996. < <http://www.wlssays.net/> > 18 Dec. 2007., p. 1.

¹¹ Bente., p. 169.

necessary to use the law in their preaching in order to work repentance, as Agricola had said. Still they contended that Christians did not need the law after conversion. Because of these discussions, the writers of the Formula of Concord deemed it necessary to include a section on the proper place for the third use of the law.

As they wrote the Formula, they first realized a semantic problem. The terms like law, gospel, and repentance can be used in both narrow and wide senses. For this reason they laid out, in a careful manner, the proper distinction between law and gospel in Article V. They defined the Law in the narrow sense as, “A divine teaching which gives instruction regarding what is right and God-pleasing and condemns everything that is sin and contrary to God’s will.”¹² In the final paragraph of the solid declaration, they also encourage the proper distinction between the law and the gospel.

In Article VI, the writers address the errors of Poach, Otto, and men like Schulz. The Epitome states, “In this connection a dispute occurred among a few theologians over the third use of the law. It concerned whether the law is to be urged upon the reborn Christians or not. The one party said yes, the other no.”¹³ The Solid Declaration, likewise, first lays down a brief summary of the controversy and gives the definition to each of the three uses of the law. It also admits, in keeping with 1 Timothy 1:9, that the Christian is free from the curses and condemnations of the law. Jesus also states this truth, “It is not the healthy who need a doctor, but the sick. I have not come to call the righteous, but sinners to repentance.” (Luke 5:31-32)

Then why is the law necessary? The next paragraphs, 6 to 9, explain why the law is

¹² “The Formula of Concord.” The Book of Concord. Trans. R. Kolb, T.J. Wengert & C.P. Arand. Minneapolis: Fortress press, 2000. Libronix ed., Epitome V, paragraph 3.

¹³ Ibid., Epitome VI, paragraph 1.

still to be used. It admits that if the elect were complete in their sanctification they wouldn't need the law, "Instead, they would do in and of themselves, completely voluntarily, without any teaching, admonition, exhortation, or prodding of the law, what they are obligated to do according to God's will."¹⁴ But it also points out that the Christian, in this life, still has his sinful flesh, the Old Man, clinging to him. Paul explains this point to the Galatians, "For the sinful nature desires what is contrary to the Spirit, and the Spirit what is contrary to the sinful nature. They are in conflict with each other, so that you do not do what you want." (Galatians 5:17) Indeed the Christian is at the same time both sinner and saint. While the new man naturally does the will of God, the old man still is fighting to rebel and still needs to hear the law.

And does the new man need the law? Micah asks, "With what shall I come before the LORD and bow down before the exalted God? Shall I come before him with burnt offerings, with calves a year old?" (Micah 6:6) The new man still needs to know what the will of God is so that he can do it. In paragraphs 10 to 14 it explains how Christians understand from the law what the will of God is, which they wish to do in their regenerate state. This thought is repeated in paragraph 20 where it says, "For this reason, too, believers require the teaching of the law: so that they do not fall back on their own holiness and piety and under the appearance of God's Spirit establish their own service to God on the basis of their own choice, without God's Word or command."¹⁵ It appropriately backs this truth up with verses from Deuteronomy 12 in which the people are exhorted not to do what they think is right and fit, but rather what the Lord commands them.

¹⁴ Ibid., Solid Declaration VI, paragraph 6.

¹⁵ Ibid., Solid Declaration VI, paragraph 20.

This section also explains how the desire and power to carry this out does not come from the law but rather from the gospel. It states, “For the law indeed says that it is God’s will and command that we walk in new life. However, it does not give the power and ability to begin or to carry out this command.”¹⁶ Indeed, it is not the law that motivates the Christian to do the works commanded in the law. Good works, which are truly pleasing to God, are those that flow from faith in Christ and the joy that comes from the Gospel.

The remaining paragraphs then explain how the good works naturally flow from the New Man, and how then the Christian needs the law. Paragraph 24 serves as a good summary of this section:

For the old creature, like a stubborn, recalcitrant donkey, is also still a part of them, and it needs to be forced into obedience to Christ not only through the law’s teaching, admonition, compulsion, and threat but also often with the cudgel of punishments and tribulations until the sinful flesh is completely stripped away and people are perfectly renewed in the resurrection. Then they will need neither the proclamation of the law nor its threats and punishment, just as they will no longer need the gospel, for both belong to this imperfect life. Instead, just as they will see God face-to-face, so they will perform the will of God by the power of the indwelling Spirit of God spontaneously, without coercion, unhindered, perfectly and completely, with sheer joy, and they will delight in his will eternally.¹⁷

Indeed, the law must necessarily be used even when addressing believers. In fact, numerous times Jesus himself used the law when speaking with his disciples. In fact, Becker goes as far to say, “That the Law is to be preached also to Christians is surely manifest even from a cursory examination of Holy Scriptures. Those who say that the Law should not be

¹⁶ Ibid., Solid Declaration VI, paragraph 11.

¹⁷Ibid., Solid Declaration VI, paragraph 24.

preached must reject much, if not most, of the preaching of our Lord Himself.”¹⁸ And if that is not sufficient, one need only turn to an Epistle of Paul to find ample evidence of law preaching to Christians as Paul clearly lays out both law and Gospel to his listeners.

Clearly, as Scripture teaches and the Formula of Concord plainly explains, the law is still necessary even when talking with believers. While every Christian has been made a saint through faith in Christ, he still struggles with his sinful nature while still on this earth. To fight that battle, he regularly needs the law to put down the old man within him. He needs to know the will of God which the new man in him desires to do. And motivated by the Gospel, he spontaneously jumps on every opportunity to serve Christ who has taken away his sins so that he may serve Christ all the days of his life.

¹⁸ Cf. Becker, Siegbert. “The Third Use of the Law.” Michigan State Teachers Conference. 4 Oct. 1967. < <http://www.wlsessays.net/> > 18 Dec. 2007., p. 7. Matthew 5-7; Luke 6:20-49; Matthew 10:33; Mark 8:38; Luke 12:9; Matthew 14:31; Matthew 16:8; Matthew 17:17, 20; Mark 4:40; Mark 16:14; Luke 8:25; Luke 24:25; John 20:29; Matthew 16:9, 11; Mark 8:18; John 14:9; Matthew 16:23; Mark 8:33; Matthew 24:42-51; Luke 12:36-48; Luke 19:12-27; Matthew 25:14-20; Matthew 26:21-25; Mark 14:18, 19; Luke 22:21-23; John 13:21-25.

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