

The Law is Needed for *Homo Peccator*: The Third Use of the Law in Light of Antinomianism

Symbolics 338: Formula of Concord.

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In his *Historical Introduction to the Symbolical Books*, Bente makes quite clear what is at stake in a debate about the 3rd use of the law. Any confusion of Law and Gospel ultimately destroys the pure Gospel message. “When Luther opposed Agricola, the father of the Antinomians in the days of the Reformation, he did so with the clear knowledge that the Gospel of Jesus Christ with its doctrine of justification by grace and faith alone was at stake and in need of defense.”¹

At the time of Luther, the main proponent of Antinomianism was John Agricola, who is characterized by Bente as vain, arrogant, ambitious, insincere, impudent and ungrateful.² Thus there were strong personalities involved in this controversy. Agricola taught that the functions of the Law (true knowledge of sin and contrition) were accomplished by the Gospel, and hence the Law was of no use to a Christian. This false teaching brought Agricola into conflict with Melancthon first, and then Luther, who responded to Agricola’s heresy with several series of theses and public disputations. Luther needed to devote so much time to rebuking Agricola because he kept falling back into his error despite retractions of his false teachings.

What were some of the errors of Agricola? Bente gives a sampling: “Repentance is to be taught not from the Decalog or from any law of Moses, but from the violation of the Son through the Gospel.”; “In the New Testament and among Christians or in the Gospel we must not preach the violation of the Law when a man breaks or transgresses the Law, but the violation of the Son,

¹ F. Bente, *Historical Introductions to the Symbolical Books of the Evangelical Lutheran Church. Concordia Triglotta* (St. Louis: Concordia Publishing House, 1921), 161.

² Bente, 162.

to wit, that he who does not for the sake of the kingdom of heaven willingly omit what he should omit, and does not do what he should do, crucifies Christ anew.”³

These errors spread beyond Agricola. A number of men from the generation after Agricola (Andrew Poach, Anton Otto, Andrew Musculus, and Michael Neander) also subscribed to his Antinomianism. Article VI of the *Formula of Concord* is chiefly aimed at these latter errorists. To be fair, some of the false statements from these men were over-reactions to other statements (just like Major concerning good works), and Musculus later even worked on the *Formula of Concord*. Opposed to these men were Moerlin, Flacius, Wigand, and Westphal.

The following statements show that Antinomianism was still a problem at the time of the *Formula of Concord*. Otto said, “The Law is useful and necessary for neither justification nor for any good works. But faith in Christ the Mediator alone is useful and necessary both for justification and the good works themselves.”⁴ While not directly authored by Otto, the following theses do reflect the teachings of the Antinomians: “17. The rebuking sermons of the prophets do not at all pertain to Christians. 25. The Law has no place in the Church or in the pulpit, but in the court-house. 28. The Third Use of the Law is a blasphemy in theology and a monstrosity in the realm of nature.”⁵

Although the *Formula of Concord* refuted these errors, they did not disappear. Satan likes to use tricks that worked in the past, and the same is true here. In the late 1960’s and early 1970’s Antinomianism showed up in the WELS among several pastors from Colorado. Pastor Herold A. Schulz of Golden, CO, charged that certain publications (namely, *Teachers Manual-Bible Stories* (1958), and *Kindergarten Manual for Christian Schools* (1962)) were emphasizing

³ Bente, 169.

⁴ Bente, 170.

⁵ Bente, 171.

the 3rd use of the law “contrary to the Scriptures and the Lutheran Confessions.”⁶ Further he claimed that these manuals were using the law to produce good works among Christians. Because he did not retract his false teaching, he was suspended from synodical fellowship. Pastor Schulz appealed this decision, and a Commission of Review was formed to look at this matter. The Commission admitted that they had difficulty determining “exactly what was Pastor Schulz’s teaching on the use of the Law for the Christian,”⁷ yet Pastor Schulz would not retract his charges of false doctrine against the Synod, and so showed himself to be out of fellowship with the Synod.

After much investigation, the Commission of Review upheld the suspension of fellowship. This matter came to the attention of the 1971 District Convention, where Schulz’s position was described as “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.”⁸ The Commission of Review again upheld Pastor Schulz’s suspension.

This was not the end of the matter, however. Pastor James F. Koch of Mt. Olive Lutheran Church, Colorado Springs, CO, lodged a formal protest on behalf of Pastor Schulz, calling his suspension unscriptural.⁹ Yet Pastor Koch was guilty of the same false teaching as Pastor Schulz; namely, he denied the value for Christians of the 3rd use of the Law to show them what is God-pleasing. Pastor Koch also rejected paragraph 3 of Article VI of the *Formula of*

⁶ *Proceedings of the 26th Biennial Convention of the Nebraska District*, 1968, p.10-11.

⁷ *Proceedings of the 27th Biennial Convention of the Nebraska District*, 1970, p.55-56.

⁸ *Proceedings of the 41st Biennial Convention of the WELS*, 1971, p.114.

⁹ *Proceedings of the 28th Biennial Convention of the Nebraska District*, 1972, p. 20.

Concord, saying that that section was the false position of a dissenting minority.¹⁰ Therefore, the Nebraska District suspended fellowship with Pastor Koch as well. He also appealed this decision, despite his unwillingness to accept Scriptural correction of his errors. Sadly, Mt. Olive congregation chose to follow their pastor in his error, and accordingly they also were suspended.¹¹

What is unfortunate in these cases is that the *Formula of Concord* (particularly Article VI¹²) does address the issue of the third use of the Law, despite claims to the contrary, and so shows clearly the errors of these men, whether Agricola, or Pastors Schulz and Koch. As with many of the controversies, one must speak very precisely and carefully in order to avoid false teaching. Take, for example, the following statement from the *Formula*:

For the one side taught and maintained that the regenerate do not learn the new obedience, or in what good works they ought to walk, from the Law, and that this teaching [concerning good works] is not to be urged thence [from the law], because they have been made free by the Son of God, have become the temples of His Spirit, and therefore do freely of themselves what God requires of them, by the prompting and impulse of the Holy Ghost, just as the sun of itself, without any [foreign] impulse, completes its ordinary course.¹³

It is true that the regenerated man receives no motivation for good works from the Law. Yet it is not true, as the one side claimed, that the regenerated man does not receive guidance from the Law. The Law shows him what God's will is, and this thought is found in paragraph three of Article VI.:

Over against this the other side taught: Although the truly believing are verily moved by God's Spirit, and thus, according to the inner man, do God's will from a free spirit, yet it is just the Holy Ghost who uses the written law for

¹⁰ *Proceedings of the 28th Biennial Convention of the Nebraska District*, 1972, p. 21.

¹¹ *Proceedings of the 29th Biennial Convention of the Nebraska District*, 1974, p.17.

¹² Paragraph references will be to this article unless otherwise noted.

¹³ *Triglotta*, 963.

instruction with them, by which the truly believing also learn to serve God, not according to their own thoughts, but according to His written Law and Word, which is a sure rule and standard of a godly life and walk, how to order it in accordance with the eternal and immutable will of God.¹⁴

This is the paragraph to which Pastor Koch so strongly objected, claiming that it taught unscriptural doctrine. Yet this section is in line with Scripture as well as the rest of the confession as the rest of this paper will show.

The key points of paragraph three are found elsewhere in Scripture. For a Christian, God-pleasing living clearly comes from the New Man, moved by the Holy Spirit. However, this motivation and guidance is not perfect among sinful man. Paragraph 6 states, “And, indeed, if the believing and elect children of God *were* completely renewed in this life by the indwelling Spirit, so that in their nature and all its powers they *were entirely free from sin*, they would need no law, and hence no one to drive them either, but they would do of themselves, and altogether voluntarily, without any instruction, admonition, urging or driving of the Law, what they are in duty bound to do according to God’s will,”¹⁵ (emphasis added).

Notice how the *Formula* uses a contrary to fact condition, because the sad truth is that human beings are not entirely free from sin and its control:

...for although their sin is covered by the perfect obedience of Christ, so that it is not imputed to believers for condemnation, and also the mortification of the old Adam and the renewal in the spirit of their mind is begun through the Holy Ghost, *nevertheless the old Adam clings to them still in their nature and all its internal and external powers* [emphasis added]. Of this the apostle has written Rom. 7, 18ff.: *I know that in me [that is, in my flesh] dwelleth no good thing. And again: For that which I do I allow not; for what I would, that do I not; but what I hate, that I do; Likewise: I see another law in my members, warring against the law of my mind, and bringing me into captivity to the law of sin.* Likewise, Gal. 5,

¹⁴ *Triglotta*, 963.

¹⁵ *Triglotta.*, 963.

17: *The flesh lusteth against the spirit and the spirit against the flesh; and these are contrary the one to the other, so that ye cannot do the things that ye would.*¹⁶

Accordingly, the New Man, perfect on its own, needs guidance when it has to contend with the thoroughly corrupt sinful nature. The Apostle Paul saw quite clearly in his own life the difficult struggles one has between the will of the New Man versus that of the Old Adam. The *Formula* teaches this quite clearly as well:

But since believers are not completely renewed in this world, but the old Adam clings to them even to the grave, there also remains in them the struggle between the spirit and the flesh. Therefore they delight indeed in God's Law according to the inner man, but the law in their members struggles against the law in their mind; hence they are never without the Law, and nevertheless are not under, but in the Law, and live and walk in the Law of the Lord, and yet do nothing *from constraint* of the Law.¹⁷

This is the simple reason why even Christians need the Law of God. It is the only incorruptible, infallible rule and guide one can have on earth. Because the sinful nature can confuse and deceive, the Law is still needed. The *Formula* also recognized this need for a clear guide from the Law. Paragraph twenty states, "So, too, this doctrine of the Law is needful for believers, in order that they may not hit upon a holiness and devotion of their own, and under the pretext of the Spirit of God set up a self-chosen worship, without God's Word and command, as it is written Deut. 12, 8. 28. 32: *Ye shall not do ... every man whatsoever is right in his own eyes, etc., but observe and hear all these words which I command thee. Thou shalt not add thereto, nor diminish therefrom.*"¹⁸ This is the kind of thing Luther saw so clearly in the papacy. Rome would rather have sons live in monasteries (a teaching of men), dedicating themselves to God and removing themselves from the world, than stay in the world to take care of parents or family

¹⁶ *Triglotta*, 965.

¹⁷ *Triglotta*, 967.

¹⁸ *Triglotta*, 969.

(a command of God). Fasting, Saints' Days, Penance—these are what man devises when he ignores the guidance of God's Law.

But what of Paul's words, "*The Law is not made for a righteous man?*" The Formula states plainly that "the meaning of St. Paul is that the Law cannot burden with its curse those who have been reconciled to God through Christ; nor must it vex the regenerate with its coercion, because they have pleasure in God's Law after the inner man."¹⁹ Christ has indeed freed Christians from the curse and condemnation of the Law. He has completely removed its power to judge those in Christ. Nor does the Law command anything of a Christian, for his New Man is eager to do, and in fact already is busy doing, those things which God wants him to do.

Those who fall into Antinomianism do so because they forget Luther's summary of a Christian—*simul justus et peccator*. Antinomians today (and yesterday) fall into error because they think of man as only *justus*, and therefore needing no Law. They would be correct, if this were indeed the case. But a Christian is *justus et peccator*, and the *peccator* understands only the Law. The *Formula* states:

For the old Adam, as an intractable, refractory ass, is still a part of them, which must be coerced to the obedience of Christ, not only by the teaching, admonition, force and threatening of the Law, but also oftentimes by the club of punishments and troubles, until the body of sin is entirely put off, and man is perfectly renewed in the resurrection, when he will need neither the preaching of the Law nor its threatenings and punishments, as also the Gospel any longer; these belong to this [mortal and] imperfect life.²⁰

Until we reach the perfection of heaven, we must continue to preach Law to our people, to show them that the Law as guide is of value for Christian living. May God continue to guide his Church with his Word, both Law and Gospel.

¹⁹ *Triglotta*, 963.

²⁰ *Triglotta*, 969.

BIBLIOGRAPHY

Bente, F. *Historical Introductions to the Symbolical Books of the Evangelical Lutheran Church.*
Contained in the Concordia Triglotta.

Concordia Triglotta. St. Louis: Concordia Publishing House, 1921.

Proceedings of the 41st Biennial Convention of the WELS, 1971.

Proceedings of the 26th Biennial Convention of the Nebraska District, 1968.

Proceedings of the 27th Biennial Convention of the Nebraska District, 1970.

Proceedings of the 28th Biennial Convention of the Nebraska District, 1972.

Proceedings of the 29th Biennial Convention of the Nebraska District, 1974.

Schuetze, Armin. "On the Third Use of the Law, Luther's Position in the Antinomian Debate."
No Other Gospel. Milwaukee: Northwestern Publishing House, 1980.