

The third use is threefold – the doctrine of the use of the law for the regenerate

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Introduction

When I studied in Fort Wayne in 2003-2004 the issue of the third use of the law was huge. Scott Murray had just published his work on the history of the debate in American Lutheranism. James Nestingen was invited to speak to the seminarians while I was there. There was a huge divide among the students between those who were in favor of the radical Lutheranism and those who weren't.

While I was active in the debates among the seminarians, I didn't read Murray's book. Not until later. He does a good job in describing the different positions in American Lutheranism.

In Denmark as also in Germany, I believe, students of theology are normally taught that Luther did not teach a third use of the law. Lutheran orthodoxy is seen as a derivation from Luther in this and many other issues. While there is some truth to that when it comes to later Lutheran orthodoxy, as is seen in the doctrines of election and the Lord's Supper, we should be careful not to follow the opinions of the existentialist Lutherans that Luther is a great misunderstood¹.

Those who wrote the Formula of Concord were students of the great reformer, and while one can argue that there are differences, Luther did not have a completely different worldview. He was not a modern existentialist who suddenly found himself in the 16th century and was not able to explain to these stupid renaissance people that they didn't have to take the bible or God's law so seriously.

It is true that some of the early Luther-interpreters must be wrong and we must judge that, but I will argue that if we were to reconstruct Luther's doctrine in such a way that none of his contemporaries with the same background as Luther would be able to understand it, we have failed.

Legalism and antinomianism

The topic of the third use of the law touches on the two tendencies that seem to attack the true doctrine again and again: legalism and antinomianism. The Pharisees and the Sadducees represent these two tendencies. At the time of the reformation, the Lutheran doctrine of the law was attacked both by antinomianism and flaccianism on the one side and synergism, majorism and osiandrianism on the other side.

¹ See Paulson, Steven D. *Lutheran Theology*. 1st ed. Doing Theology. London, UK: Bloomsbury T&T Clark, 2011. P. 5

Later, the church was attacked by pietism, which accused orthodoxy of being too lax on morals. Then came moravianism, which partly was a branch of pietism and partly a reaction against pietism that tried to get free from the legalism and moralism of pietism. It did try to focus on the cross instead of the renewal of the Christian, but without the focus on the means of grace, it ended up focusing on the subjective feelings of the believer instead.

Legalism and antinomianism both end up in subjectivism. The legalist ends up in trying to appease God with his good works. The antinomian ends up in a mere psychological understanding of the gospel in which both law and gospel are reduced to their functions and derived of their content.

Both legalism and antinomianism often rise in reaction to each other. When we react to either legalism or antinomianism we are always in the danger of ending in the other. We must be careful so we don't follow the overreactions of others.

[A little history of the controversy](#)

The controversy regarding the third use of the law has both a reformational and a modern history. The first antinomian controversy was between Luther and Agricola among others. After Luther's death a second controversy broke out. Some had overreacted to George Major's false doctrine of the necessity of good works. Among them were Musculus who later changed his mind and ended up helping to put the SD together.²

The Formula of Concord tried to solve the reformational controversy regarding the third use of the law. Some had argued that the regenerate did not need the law and that there was therefore no third use of the law. Luther was already dead, and the controversy included a discussion on whether or not Luther taught a third use of the law.

The modern controversy began when Werner Elerts disputed whether Luther taught a third use of the law. He claimed that the text from the second Antinomian Disputation which mentioned the third use of the law was a forgery.³

This claim by Werner Elert has been the position of most Luther-Scholars since. Those who still defend a third use of the law, have claimed that Luther while not using the term, did in fact employ a third use. Recently, Concordia Publishing House published a book by Edward A. Engelbrecht, which shows how Luther consistently taught a use of the law for the regenerate.⁴

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Klug, Eugene F. A., and Otto F. Stahlke. *Getting into the Formula of Concord: A History and Digest of the Formula: Historical Notes and Discussion Questions*. St. Louis: Concordia Pub. House, 1977. Reprinted By Concordia Theological Seminary Press 1999. p. 47

³ Engelbrecht, Edward. *Friends of the Law: Luther's Use of the Law for the Christian Life*. St. Louis, MO: Concordia Pub. House, 2011. p. 156

⁴ See especially Engelbrecht 2011 chapter 16 in which the findings are summarized and a list of quotes from different periods in Luther's life are given.

Elert saw the law as inherently accusing. He did not define the law according to its content but according to its function. Everything that accused man was the law.

The modern controversy was imported to America. It was part of the battle in Missouri in the seventies, when Saint Louis professors were inspired by Elert and other existentialist Lutherans.

Scott Murray has shown in his work on the modern controversy, how those who rejected the third use of the law ended up putting legal elements into the gospel.⁵

The ELCA and the churches that formed it were also influenced by Elert. Forde's theology follows the one of Elert closely.

Steven Paulson follows Forde but not entirely. On some points he is better than Forde, it seems. He certainly appeals more to conservative Lutherans. John Pless from Fort Wayne Seminary endorses his book, *Lutheran Theology*. Paulson has also been invited to a conservative Lutheran conference in Norway this year, I noticed. In a discussion with a Norwegian associated with this conference, the Norwegian claimed that Steven Paulson was not really against the third use of the law. Though he was against the term, he was not against the doctrine. I had read Murray's book and some reviews of Paulson's book, but I had to study it further.

Carl Beckwith in his response to Murray's survey of the modern controversy has pointed out how the modern controversy has mostly dealt with Luther and Melancthon:

*So much of the twentieth-century debate recounted by Murray focused on Luther and Melancthon, and whether Melancthon recast Luther's theology. What is not discussed enough, however, is how the Concordists, who were by no means sympathetic to the extreme Phillipists, understood the place of the third use in Lutheran theology. Martin Chemnitz, in particular, has quite a bit to say on the third use and, it should be emphasized, saw no discontinuity between Article VI of the Formula of Concord and Luther.*⁶

Beckwith gives a brief account of Chemnitz' explanation of the third use in his *Loci*. With this paper, I hope to continue this by surveying Chemnitz' doctrine of the law especially as it relates to the third use. I will also give a brief survey of Steven Paulson's doctrine of the law in order to compare the two. By this I hope to clarify the main differences between the doctrine of the Concordists and the doctrine of Steven Paulson as an example of a somewhat conservative modern-day denier of the third use of the law.

⁵ See Murray, Scott R. *Law, Life, and the Living God: The Third Use of Law in Modern American Lutheranism*. St. Louis, MO: Concordia Pub. House, 2002. Kindle.

⁶ Beckwith, Carl L. *Looking into the Heart of Missouri: Justification, Sanctification, and the Third Use of the Law* (Text)

Originally published in *Concordia Theological Quarterly* Volume: 69 Number: 3 in 2005, p. 293-307. <http://www.ctsfw.net/media/pdfs/beckwithheartofmissouri.pdf> p. 294

I have chosen to focus on their doctrine of the law and not go too much into the doctrines of man, sin and sanctification. I think there is a lot to research here too and the issues are very much related to each other. For now, I shall keep with the dictum *non multa, sed multum*.

The problem

To diagnose the problem which we want to solve is a big part of the problem here. While it is easy to state that the state of the controversy is whether or not there is a third use of the law, this is too simple. Not everyone agrees on what the third use of the law is. We don't agree on what we either affirm or refuse. This in principle means that some might agree, while disagreeing about the terms, while others might disagree, while they agree on the terms. We therefore have to agree on what the third use of the law is.

In older Missouri synod theology, it has been designated as the didactic use of the law. There are others who would reject a didactic use of the law, but still confess a third use of the law seen as a first and second use of the law for Christians. I think both of these views are wrong. In the formula of Concord and in Martin Chemnitz as we will see, the third use of the law is the use of the law for the regenerate.

Those who attack the third use of the law, claim that a third use of the law implies that the law can be only a friendly guide, which does not accuse. The defenders of the third use claim that the attackers make the fallacy of saying that if the law always accuses, it only accuses. It is not clear to me, whether both of these claims are strawmen, but both of them show that some clarification of what is actually meant by the third use, is needed in this debate.

Chemnitz` doctrine of the law and the third use

Chemnitz on the law (Locus VIII)

In his article commenting on Scott Murrays treatment in *Law, Life and the Living God*, Carl L. Beckwith points to the contribution of Martin Chemnitz to the third use of the law. Beckwith points to Chemnitz` treatise on God`s works, which was included also in his Loci. I would like however to begin with Chemnitz` doctrine of the law, where he actually treats the concept of the third use of the law

The Locus begins with Melanchthon`s treatment in his 1559 Loci, to which Chemnitz` Loci is a commentary. We cannot necessarily make Chemnitz responsible for everything Melanchthon wrote, we must however expect him to clarify, when he might agree with Melanchthon.

Melanchthon clearly defines the law of God as his eternal will:

“But the law of God is an eternal and immovable rule of the divine mind and a judgment against sin, a judgment impressed on human minds, often proclaimed by the voice of God...”⁷

Chemnitz seems to agree with Melanchthon, when he considers the order of the loci of the law and sin:

⁷ Chemnitz, Martin, and Jacob A. O. Preus. *Loci Theologici*. St. Louis: Concordia Pub. House, 1989. p. 331

“For it is useless to deal with the doctrine of sin, nor can we understand what sin is, unless it is shown that what is not in conformity with the rule of righteousness in the mind of God is sin.”⁸

This is clearly in line with both Melanchthon and the older western tradition from Thomas Aquinas, which grounds the law in the eternal mind of God and not only in an arbitrary will of God. Note also both the distinction and the connection between the locus on the law and on sin. They are not the same. The law is not only accusing sin. It is revealing the rule by which sin must be judged. The law reveals a content, which defines, what sin is.

Chemnitz also notes the connection between the doctrine of the law and the doctrine of justification, which is also important, when we are dealing with deniers of the third use of the law:

“For the Gospel consists in the proclamation of the merits and benefits of the Son of God, but these are defined in terms of the fulfillment of the righteousness of the law and deliverance from the curse of the law”⁹

The doctrine of justification cannot be understood without understanding the law. Chemnitz is not just talking about the laws preceding work of accusing here, but that the doctrine of justification is defined in legal terms or to use a term from Paulson according to the “legal scheme”. Justification happens according to the righteousness of the law, which is fulfilled vicariously by Christ.

Chemnitz also warns against both legalism and antinomianism in connection with the doctrine of the law:

Therefore, when we feel either Epicurean indifference or pharisaic pride in regard to the doctrine of justification, we must go back to the doctrine of the Law.¹⁰

The doctrine of the law is actual the remedy against both antinomianism and legalism. The law therefore is not the same as legalism.

Chemnitz goes on to define the term law, which is used differently in Scripture before he proceeds to the definition of the law in the locus on the law.

The different definitions in Scripture include an impelling force (the law of sin Rom 7:25), the revelation of God in general, the books of the Old Testament, the Old Testament in opposition to the New Testament, the Decalog in opposition to the Gospel or faith, the reign of the law in opposition to grace. It is helpful to make clear that Scripture uses the word “law” in different meanings, especially since part of the problem with radical Lutheranism is that these different meanings are often mixed together.

In the next chapter on the Definition of the Law, Chemnitz initially makes clear, what he sets out to define in this chapter:

⁸ Chemnitz, 1989 p. 331

⁹ Chemnitz, 1989 p. 332

¹⁰ Chemnitz, 1989 p. 332

*In the definition of the Law it is not asked what the Law is in a general sense, nor what is human law or natural law. But the proper question is this: What does the word "Law" mean in this locus, that is what is the moral law?*¹¹

Chemnitz continues to put forth different definitions of the law from Augustine through Aquinas to Melanchthon. Many of these definitions include the eternity of the law.

Chemnitz takes note of the two definitions given by Melanchthon in his *Loci* and his *Examination of the Ordinands*:

Early definition: "The law of God is a teaching given by God which prescribes what we are to be and what we are to do and not to do, requiring perfect obedience toward God and pronouncing that God is angry and punishes with eternal death those who do not present perfect obedience.

Later definition: "The moral law is the eternal and unmovable wisdom of God and the rule of righteousness in Him distinguishing right from wrong, revealed to men at creation and afterwards often repeated and explained by the divine voice, so that we may know that God exists, what he is like, that he binds all rational creatures and demands that they conform to God, and destroys all who do not conform to God unless there be forgiveness and reconciliation with God for the sake of His Son, the Mediator."¹²

Chemnitz notes 4 things about Melanchthon's two definitions: 1) Melanchthon calls the law eternal and unmovable to distinguish it from the ceremonial and civil law 2) that the law is not only revealed in the Decalog but already in creation and often repeated in Scripture 3) that it distinguishes right from wrong and demands perfect obedience, 4) that it promises to punish transgressors unless they are forgiven.¹³

Chemnitz defends Melanchthon against those who say that the promise of eternal life to those who keep the law should also be included in the definition:

The Law given by God should be considered in two ways, either in itself, as in Deut. 11:26 and 30:19, "I have set before you life and death, a blessing and a curse"; or as referred to our nature corrupted and weakened by sin as in Rom 7:10, "The commandment which was ordained unto life has been found for me to be unto death."¹⁴

Thus while Chemnitz ends up with a definition of the Law that seems to include its accusations, but not its promises of eternal life, this is because he considers the law in relation to human beings and not in itself. The law in itself includes both.

¹¹ Chemnitz, 1989 p. 334

¹² Chemnitz, 1989 p. 335

¹³ Chemnitz, 1989 p. 335

¹⁴ Chemnitz, 1989 p. 335-336

So one could argue that according to Chemnitz the law is accusing by definition, and that he has functional definition of the law like Werner Elert and the radical Lutherans.

Chemnitz clearly sees the law as the revelation of the eternal will of God, which only threatens to punish, when there is sin to punish. Considered by itself the law promises either eternal life or eternal punishment, depending in whether or not people show perfect obedience. So the Law is not accusing by definition. It only accuses, when its demands are not met. It does however threaten by definition, just as it promises eternal life to those who obey it.

When Chemnitz continues and enumerates the points that must be included in the definition of the law, he summarizes his point regarding the laws blessings and curses:

(5) The Law, indeed, sets before us life and blessing, but because no one observes and fulfills the Law, we neither can nor ought to seek life in it. (6) Therefore the Law is properly the ministration of death, the knowledge of sin, working of wrath.¹⁵

Again, the law accuses, because we do not fulfill the law, and not in and of itself.

Chemnitz continues in chapter 3 of this locus with a treatment of the perfect obedience, which the law requires. In this chapter, he refutes those who think it possible to fulfill the law in this life. Chemnitz argues against the Pharisees, the Pelagians and the Papalists.

We will not delve into these discussions, but only note that which relates to the topic of the third use of the law and antinomianism. Chemnitz explains the use of the doctrine of the fulfillment of the law:

We should not use the pretext that because the Law is impossible to fulfill, therefore we should excuse our carnal security, sloth, heedlessness, or assumed omission. Epicureans corrupt the doctrine by saying that no one can satisfy the law of God; therefore, let us not follow the leading of the Holy Spirit; let us not be zealous for good works; there is no need for any obedience on the part of the regenerate.¹⁶

This is a temptation, which can easily follow, when the law is reduced to its accusatory function. If the sole function of the law is to accuse, one can begin excusing sins. There is a close connection between the Christians striving for good works and the continual repentance of the Christian.

Chapter IV is about the classification of the laws as moral, ceremonial or civil. This distinction is important for the next chapter on *The Abrogation of the Law* which is an important chapter in relation to our subject.

Chemnitz proves that the ceremonial and the civil law of Moses have been abrogated. But regarding the moral law, Chemnitz writes:

But again, because the moral law was not given for only one particular time, as the other laws were, but is the eternal wisdom and rule of righteousness in God, unto the obedience of which both

¹⁵ Chemnitz,1989 p.336

¹⁶ Chemnitz,1989 p. 338

Christ and the apostles teach that believers should be renewed, therefore it is necessary that we determine the difference between the abrogation of the moral law and the others. For the moral law has not been abolished in such a way that it can be entirely omitted, nor put away as the other laws of Moses, but it has been abrogated: (1) as pertaining to justification. Indeed Gal. 3:21, we read, "A law was not given which could give life, so that righteousness might be from the law"; (2) as pertaining to the curse, Gal. 3:13, Christ has redeemed us from the curse of the law"; (3) as pertaining to the rigor of its demands.¹⁷

The abrogation of the moral law is not an abrogation of the law itself, but only an abrogation of the law as it relates to man as an unjustified sinner. The moral law is still the "eternal wisdom and rule of the righteousness in God", while the civil and ceremonial laws were only meant for a time.

Chemnitz continues:

But as it pertains to the teaching and obedience the moral law has not been abrogated but is eternal and, as Urbanus Rhegius [Luther's Works, Amer. Ed. 26.125] so beautifully puts it, the abrogation of the moral law did not cause any change in the eternal wisdom and rule of righteousness in God. But because the Son of God took upon Himself the obligation of the law as it pertains both to the obedience to the law and the punishment of the Law, by this abrogation there is produced for us such a change that we are freed from the curse and the Harsh demands of the law.¹⁸

The eternal law has not been changed by the abrogation of the law in Christ, but only the curse and the harshness of the law. Christ fulfilled the law and took upon him the curse of the law. He did redeem us through the legal scheme, as Paulson would call it.

How does Chemnitz prove that the moral law has not been abrogated as it pertains to teaching and obedience?

Chemnitz gives scriptural support for this opinion. He points to the fact that when Scripture talks about the abrogation of the civil and ceremonial laws, it uses words meaning for example break or destroy, abolish, change, vanish etc., but when speaking about the moral law it uses different language, namely being freed from the law (Rom 8,2), being redeemed from the curse of the law. Chemnitz explains this difference, commenting on Col 2:14, which speaks about the record of debt being destroyed:

Note how precisely Paul speaks. He mentions the curse, the written charge against us, death and sin, when he speaks about the abrogation of the moral law. Likewise he does not say that the moral law is dead or abrogated, but that we are dead, delivered from the law, Rom 7:6, so that he refers to the fact that a change has taken place, not in the standing rule of the righteousness of God, but in us, as we have said before.¹⁹

¹⁷ Chemnitz, 1989 p. 350

¹⁸ Chemnitz, 1989 p. 350

¹⁹ Chemnitz, 1989 p. 351

So the law still stands and will stand in eternity. The eternal and essential righteousness of God does not change, but its demands are fulfilled by our representative, Jesus Christ. The moral law is not changed, as Chemnitz continues:

Now that the moral law was not given only for a particular time, as the other laws of Moses were, but to be the eternal statement and standard of God which is not changed by the circumstances and that it pertains to doctrine and obedience in the way that has been said is proved by these arguments: (1) Because it is the eternal and immovable wisdom and standard of the righteousness of God. (2) Because from the beginning of the world it has always been proclaimed in the church, even before Moses... (3) Because the knowledge of the moral law in the very act of creation was placed by God into the minds of men, they cannot abolish this knowledge while it remains in force. (4) The apostles clearly teach that believers are renewed by the Holy Spirit unto obedience of the precepts of the moral law. (5) In life eternal there will be a true and perfect conformity of the elect to with the moral law. In this way the law will endure to all eternity.²⁰

Chemnitz here shows, how the law is both from eternity and will last forever, just like it is revealed both in creation, in the Old Testament church and by the apostles. Chemnitz also makes it clear that renewal happens according to the precepts of the moral law.

The last chapter before Chemnitz expounds the individual commands of the Decalog, is the chapter on the promulgation of the Decalog. He here shows how the knowledge of the law did not begin with Moses, but was revealed already in creation, but also to the church in the pre-flood-era. We will jump to Chemnitz' treatment of the third use of the law.

The uses of the law

The first use of the law according to Chemnitz is the civil use. The first or civil use of the law is to “*compel the unregenerate to obey or be forced under the doctrine of the divine law, so that they do not commit outward sins.*”²¹ The civil use is in other words only directed to the unbelievers. The second use is the use of the law that relates to justification and the third use pertains to those who have been justified or born again.²²

There are not three uses of the law for the Christian, according to Martin Chemnitz. There is one threefold use. The three uses according to Chemnitz are distinguished according to the persons they relate to. So there is really no first or second use of the law for the Christian. Instead the third use is threefold.

Chemnitz then further makes a distinction in the third use:

It is threefold: (1) It pertains to doctrine and obedience that the regenerate should know, as they perform their worship, what kind of works are pleasing to God, so that they do not devise new forms of worship without the Word and may learn that it is the will of God that they make a

²⁰ Chemnitz, 1989 p. 351

²¹ Chemnitz, 1989 p. 439

²² Chemnitz, 1989 p. 440

beginning in obeying the commandments of the Decalog. (2) It is important that they know that this norm of the Law shows the imperfection and uncleanness which still clings to their good works, for otherwise they might easily fall into Pharisaism. (3) Because in this life the renewal of the Spirit does not wholly take away our old nature, but at the same time the old and the new man remain (the outward and the inner man), therefore there is a use for the Law in the regenerate that it may contend against and coerce their old man; and the beginnings of the new obedience are weak and are not supported by our whole spirit and mind.”²³

He starts out with what we would call the informative use, that which has in later protestant theology been seen as the third use of the law. But for Chemnitz this is only a part of the third use.

The second part of the third use is that it shows us the sins that still cling to the good works of the regenerate. This sounds like the second use but is part of the third.

And finally the law also has to coerce the old man to obedience. This sounds a bit like the first use of the law. In this way the law does motivate the Christian to obedience, but only as far as he is a sinner.

Subdividing the third use in these three sub-uses is helpful.

Christians are different from non-Christians and we should not speak to Christians like we speak to heathens. I think Chemnitz gets that. There is a difference between the second use of the law that leads people to repentance and the laws foreign work in the Christian that leads him to continual repentance. There is also a difference between the first use of the law that coerces the ungodly on the one side and the use of the law by the Christian working with the spirit to coerce the old man. The new man does cooperate with the Spirit in this work, just like the new man also repents willingly of his sins.

I think radical Lutherans are missing this point. Even the accusatory and coercing work of the law works differently in Christians who are both a new and an old man.

It is also helpful to read the Formula in light of these threefold division of the third use by one of the authors of the Formula. While the Formula focuses on the didactic aspect of the third use, it does mention the other aspects that Chemnitz mentions here. I think we should understand the Formula according to Martin Chemnitz' threefold division of the third use.

Chemnitz on good works

We should also look at Chemnitz' treatment of the Locus on Good works.

The first question asked by Chemnitz in his Locus on the Good works is: "Which works must be done"? Since the Lutheran reformers had been accused of forbidding good works, Chemnitz begins his treatment of the question with a brief overview of the reasons, why good works must be done. The Lutheran doctrine does not give the regenerate any license to sin, but demands their adherence to his commandments. The faith that is not active in

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Chemnitz, 1989 p. 441

love is a dead faith, and the Lutheran church preaches the threats of punishment to those, who will not obey God's commandments.²⁴

Chemnitz then considers the controversies regarding this question since the Old testament, ending in the controversies of his time with the papists and with the antinomians. He writes regarding the antinomian controversy:

*In our era the antinomians are trying to overturn the accepted teaching regarding the third use of the Law which asserts that the Law has been given to the regenerate so that it might be a norm which shows the works by which God wills that we exercise obedience.*²⁵

Chemnitz considers only what later theologians would call the didactic or informative third use of the law in this statement. Since he is speaking about sanctification and good works, I don't think it nullifies what he has written earlier regarding the threefold third-use.

Chemnitz continues with a treatment of the correct understanding of the question of which good works must be done. Chemnitz here elaborates on the informative part of the third use:

*In the psalms it is also said that we should "walk in the way of the Lord" and this is explained as meaning, Num. 15:39, that we should not follow our own thoughts and covetous eyes, but rather we should remember the precepts of the Lord and that those who do them will be holy unto God.*²⁶

The alternative to a normative or informative use of the Law for Christians is that Christians follow their own thoughts and hearts, when dealing with moral issues, instead of following the commandments of God.

Quoting Eph. 2:10, Rom 13:9, Gal 5:14, 1 Tim 1:5, Chemnitz continues:

*Therefore, God has set forth His commandments as a norm for our good works, and indeed, as He affirms, this norm is absolutely perfect. For He says, "You shall not add anything to My words, nor take anything from them," Deut 12:32, cf. Prov. 30:5-6; Deut. 5:32-33.*²⁷

The norm of good works is the commandments of God. And these commandments are not part of the gospel, but part of the law. Chemnitz clarifies this, as he continues:

But the teaching prescribing which works have been commanded by God for us to do, properly speaking, is not the Gospel but the Law or the Decalog, which must be understood according to the interpretation of the prophets, of Christ, and of the apostles, as we have at some length set forth this interpretation above in the locus concerning the Law. This divine law, therefore, must be

²⁴ Chemnitz, 1989 p. 575

²⁵ Chemnitz, 1989 p. 578

²⁶ Chemnitz, 1989 p. 578

²⁷ Chemnitz, 1989 p. 578

*and remain the norm for our good works, so that it may teach us concerning our imperfection, even those of us who have been born again.*²⁸

While the gospel motivates us to good works, the norm of good works is the law and not the gospel. Trying to force this role on the gospel, turns it into a law.

The third point of Chemnitz treatment of this question refutes certain arguments of opponents. Among other arguments, Chemnitz refutes an antinomian argument here:

V. They argue that the regenerate are “led by the Spirit of God,” Rom 8:14, and “they should walk in the Spirit,” Gal 5:16. But the Spirit is a completely free agent; therefore the obedience of the regenerate is not bound to the Word which stands in Scripture.

*I reply: Although the regenerate are led by the Spirit, yet the Spirit does not guide them without means, for the Word of God is the “ministration of the Spirit,” as Paul teaches in 2 Cor. 3:3. In the Old Testament in Jer. 31:33 God promises, “I will put My law in their inward parts and I will write it in their heart.” From this it is evident that the Spirit of the Lord leads the believers to the law of the Lord, and he guides and directs their works according to its prescription.*²⁹

To argue against the external law of God as a rule and norm of the regenerate is a kind of spiritualism, where the Spirit is supposed to work without means.

This doesn't mean that the law is the means of sanctification. The Law does not motivate the regenerate to good works as far as he is regenerate.

The second question about good works is, “What kind of good works should the regenerate perform, and how can they be done?”. Here Chemnitz clarifies that the use of the law by the regenerate does not imply that the law also works the good works of the believer:

*For the things which have been commanded by God not only must be done, but they are to be done in the way which God prescribed. Although we must grant a place to the educative element for the sake of external discipline, yet it is absolutely necessary that we teach the doctrine of good works in such a way that we call attention to the distinction between ancient philosophers and their idea of virtues, together with the good works of the Pharisees on the one hand and the truly good works of the regenerate on the other hand, not only with regard to the material cause but especially with reference to the efficient and formal cause.*³⁰

After having shown how according to Scripture and Luther the good works are produced by the spirit as a fruit of its indwelling in the believer, Chemnitz concludes this question:

²⁸ Chemnitz, 1989 p. 578-79

²⁹ Chemnitz, 1989 p. 580

³⁰ Chemnitz, 1989 p. 580-81

But these things are produced in the reconciled person by no laws, no powers of the soul, but only by the renewal and work of the Holy Spirit, as Paul so beautifully includes this way of speaking in the clear statement in 1 Tim 1:5, "The sum of the commandment is love from a pure heart, a good conscience, and true faith."³¹

The law therefore is not the efficient cause of the good works of the regenerate. It is only the norm according to which the good works are to be normed. Chemnitz now delves into the question of the necessity of good works.

Rather than spending time on this question, I will jump to a treatise named "The Controversy as to Whether the Good Works of the Regenerate Are Necessary", that Polycarp Leyser attached to the Loci.

Chemnitz in *Controversia De Operibus Renatorum*

This treatise was directed against Musculus and others, who overreacted to Georg Majors false doctrine on good works. Musculus later signed the Formula of Concord and confessed the true doctrine of the necessity of good works and of the third use of the law. I will concentrate on Chemnitz` treatment of the use of the law for the regenerate in this treatise.

The third question in this treatise is relevant for our question:

Must the Law be presented to the regenerate in such a way that it is the norm and rule for the good works in which God wills that we carry out our obedience to him?³²

Chemnitz answers the question by quoting the Augsburg Confession article 20:

"Our people are falsely accused of prohibiting good works. For their writings which are still extant regarding the Ten Commandments and other points testify with a similar line of argument that they taught usefully and properly concerning all kinds and duties of life as to which kinds and which works in any individual vocation were pleasing to God." That is, the Law must set before the regenerate in order that it may teach certain works in which God wills that we carry out obedience to him.³³

I think Chemnitz is right that the third use of the law is already taught in The Augsburg Confession. The law or the Decalog is the norm of the good works that God demands.

Against this, the antinomians have put statements by Luther saying that the regenerate does good works without the law. Against the misuse of these quotes, Chemnitz argues:

It is completely true that the Holy Spirit renews the heart and causes us to will and to give obedience to God. Therefore, does God will that the regenerate by their own private wisdom and intention or out of human traditions think up self-made religions and peculiar works which they

³¹ Chemnitz, 1989 p. 581.

³² Chemnitz, 1989 p. 603

³³ Chemnitz, 1989 p. 603

present to God as the obedience due him? The answer is a definite no! For Paul expressly condemns “man-made religions” in Col. 2:23.³⁴

In other words, the external word should govern also the good works of the regenerate. Chemnitz continues by showing that this external word cannot be the gospel:

But now the Gospel does not establish new laws, but when the heart has been renewed, so that it wills and tries to obey God, then to answer the question what those works were which “God has prepared beforehand that we should walk in them,” Eph. 2:10, then it sends us back to the divine law which is the law governing our actions or works, Rom 3:27.³⁵

In other words, the gospel does not tell us what to do, when we want to do good works. While the gospel motivates us to good works, it cannot show us what the good works are. That would turn the Gospel into a new law.

Chemnitz continues by showing how it leads to enthusiasm, when one claims that the regenerates do not need the law to show them, which good works, they must do:

The Spirit of renewal does not act through enthusiasts who have been caught up without the means of grace, but through this doctrine, which he has written in the hearts of men and which sounds forth in the proclamation of the ministry.³⁶

This is an important point, I think. If the law does not show the regenerate what good works he is to do, then we end up in spiritualism.

Chemnitz elaborates further on this point:

But the question at issue is this: Does the Holy Spirit work this through enthusiasm without the ministration of the Word? The answer is that God has set forth His law, prohibitions, instructions, promises, and examples of both punishments and rewards in order that through the ministration or means of the Holy Spirit He might mortify and crucify the old man. But if this law is to be removed from the church of the regenerate in this life, a great part of Scripture will be mutilated.³⁷

While the former quote against enthusiasm underscored the law as norm, this quote underscores the law as mortifying and crucifying the old man, which is the aspect of the third uses closest to the first use.

Therefore, we are not to teach the regenerate that when they have received the first stirrings of the Holy Spirit, they are already secure and at ease, without any further thought or meditation on

³⁴ Chemnitz, 1989 p. 603

³⁵ Chemnitz, 1989 p. 603

³⁶ Chemnitz, 1989 p. 604

³⁷ Chemnitz, 1989 p. 604

*the Word, without any concern or struggle to be expended, until, through some enthusiastic and violent inspiration, they are carried up into good works.*³⁸

Again, if we are not to preach the law to the regenerate, we end up in enthusiasm where the basis of good works is some kind of spiritual experience without the word. I think Chemnitz is right here. Because of the old man, we must keep meditating on the law and fighting against the old man.

Chemnitz continues his treatment by explaining certain quotes from Luther. Here Chemnitz explains the difference between the old and the new man:

*...Luther clearly says that the old man must be forced, oppressed, pushed, and compelled by the Law so that he not do evil, but the new man has the grace of renewal by which coercion he begins to delight in the law of God.*³⁹

The law must coerce the old man, while the new man delights in the law. So the new man in the Christian only needs the law to tell him what good works to do. But the old man needs the law in order to be coerced.

*It is clear that the civil use of the Law, which coerces the ungodly with threats and force to bring about external discipline aside from any true feeling of the mind, has no place among the regenerate insofar as they are regenerate. For the Spirit has already renewed the heart which begins to delight in the law of God, begins to will and to try to obey with the mind. Similarly, those who have been justified have been freed from the accusation and condemnation of the Law through faith for the sake of Christ.... But if someone should infer from this that therefore the Law for the regenerate must not be a norm for good works, then he is surely in error and has simply gotten his logic wrong.*⁴⁰

Chemnitz here denies that the first and second use of the law have any use for the Christian. In that way the Christian is freed from the law. But the law is still a norm of good works. And we should not infer from this quote of Chemnitz that the third use of the law does not show us our sins or coerce the old man in us. It does, but it doesn't condemn the Christian as it condemns the Unchristian.

*Certainly the very sad example of the libertarians among the Anabaptists and the terrible crimes which took place among them as a result of a warped understanding of freedom from the Law, that is from the commandments of God, ought to warn us.*⁴¹

Chemnitz warns against those who think that Christians are free from the commandments of the law and not only from the condemnation of the law. I think he is right that the denial of the third use of the law ultimately leads to an antinomianism, where people live according to the flesh.

³⁸ Chemnitz, 1989 p. 604

³⁹ Chemnitz, 1989 p. 606

⁴⁰ Chemnitz, 1989 p. 606-7

⁴¹ Chemnitz, 1989 p. 608

The third use of the law according to the Formula of Concord

Does the treatment of the third use of the law in the Formula of Concord correspond to Chemnitz' treatment of the subject in his Loci.

The status controversia according to the Epitome of the Formula of Concord is the following:

Since the Law was given to men for three reasons: first, that thereby outward discipline might be maintained against wild, disobedient men [and that wild and intractable men might be restrained, as though by certain bars]; secondly, that men thereby may be led to the knowledge of their sins; thirdly, that after they are regenerate and [much of] the flesh notwithstanding cleaves to them, they might on this account have a fixed rule according to which they are to regulate and direct their whole life, a dissension has occurred between some few theologians concerning the third use of the Law, namely, whether it is to be urged or not upon regenerate Christians. The one side has said, Yea; the other, Nay.⁴²

Thus the Epitome mentions both that the third use is a use for the regenerate and that it is to be a fixed rule according to which they should rule their lives. This at least includes a didactic third use, but it doesn't necessarily limit the third use to a didactic use. The Status Controversia according to the Solid Declaration also focuses on the didactic or normative use of the law for the regenerate.⁴³

In their answer to the controversy, both the Epitome and the Solid Declaration says more about the third use. The Epitome says that the law is needed for the regenerate...

...in order that they may not from human devotion institute wanton and self-elected cults [that they may frame nothing in a matter of religion from the desire of private devotion, and may not choose divine services not instituted by God's Word]; likewise, that the old Adam also may not employ his own will, but may be subdued against his will, not only by the admonition and threatening of the Law, but also by punishments and blows, so that he may follow and surrender himself captive to the Spirit, 1 Cor. 9:27; Rom. 6:12, Gal. 6:14; Ps. 119:1ff; Heb. 13:21 (Heb. 12:1).⁴⁴

⁴² Triglotta FC Ep VI 1, <http://bookofconcord.org/fc-ep.php#part6.1>

⁴³ *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. 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 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. Triglotta, FC SD VI p. 2-3*

⁴⁴ Triglotta FC Ep VI p. 4

Here is included both a didactic function of the third use and a function similar to the first use in coercing the old Adam against his will to do the works of the law.

The Solid Declaration also includes a function of the third use that is similar to the second use, when after having explained how the Holy Spirit uses the ten Commandments to show the regenerate what good works are:

He exhorts them thereto, and when they are idle, negligent, and rebellious in this matter because of the flesh, He reproveth them on that account through the Law, so that He carries on both offices together: He slays and makes alive; He leads into hell and brings up again. For His office is not only to comfort, but also to reprove, as it is written: When the Holy Ghost is come, He will reprove the world (which includes also the old Adam) of sin, and of righteousness, and of judgment.⁴⁵

And again, The Solid Declaration says:

So, too, the doctrine of the Law, in and with [the exercise of] the good works of believers, is necessary for the reason that otherwise man can easily imagine that his work and life are entirely pure and perfect. But the Law of God prescribes to believers good works in this way, that it shows and indicates at the same time, as in a mirror, that in this life they are still imperfect and impure in us, so that we must say with the beloved Paul, 1 Cor. 4:4: I know nothing by myself; yet am I not hereby justified.⁴⁶

The Formula of Concord therefore includes both a didactic, a mirroring and a coercing function, when it describes the use of the law for the regenerate.

The basis of the third use is according to the Epitome:

Thus the Law is and remains both to the penitent and impenitent, both to regenerate and unregenerate men, one [and the same] Law, namely, the immutable will of God.⁴⁷

The reason why we must confess a use of the law for the regenerate is that the law is both the eternal law of God and the will of God. The law is not only given in order to reprove man but is the eternal expression of the will of God.

When the third use is denied, this view of the law as the immutable will of God is also often denied, which leads to a denial of the work of Christ as an atoning work that makes man righteous according to the law. As we will see later, a theologian as Steven Paulson, who is celebrated among conservative Lutherans, denies the penal substitution of Christ and accuses this theory of being legalistic, because it is based on seeing the law as the immutable will of God.

⁴⁵ Triglotta FC SD VI 12

⁴⁶ Triglotta FC SD VI 21

⁴⁷ Triglotta FC Ep VI 7

The position of Chemnitz and the Formula of Concord

Let us briefly summarize the position of Martin Chemnitz and the Formula of Concord regarding the doctrine of the law as it relates to the third use.

The Law of Gods is the immutable and eternal will of God. It is grounded in the eternal wisdom of God so that it exists from eternity and to eternity. It demands obedience but it only threatens those who break it.

Sin is defined as breaking the law of God, and man needs a savior because of the anger of God against those who break the law. Therefore, both sin and redemption are defined according to the law. Sin is the breaking of the law and redemption is redemption from the consequences of breaking the law. It is not redemption from the law itself, which will stand for eternity.

After the Fall the law is needed for the unregenerate to coerce him to external discipline. It is also needed by the unregenerate to show him his sin so that he may believe in Christ as the redeemer from sin.

The regenerate also needs the law because the old man still clings to him. The Christian needs the law for three purposes: 1) As a norm of good works, because the old man clouds his mind, 2) as a means to coerce the old man to obedience against his will and 3) as a mirror that shows the Christian the sins that still cling to him.

The failure to teach the third use of the law leads Christians to enthusiasm where they wait for the Spirit to somehow enlighten them without the external word of the law. It also leads to libertarianism, when Christians live according to the flesh because they don't hear the demands of the law. Finally, it also leads to false doctrine of justification, because it is impossible to understand justification as a forensic act of God without a proper understanding of the law as the eternal will of God

Steven Paulson's theology of the law The Legal Scheme

Paulson starts out completely differently from Chemnitz. While Chemnitz starts with the eternal law, to which man owes obedience, Paulson starts somewhere else:

Lutheran theology begins not as an attack on our knowledge of the good, it is attacking good itself along with the hearts of righteous people who "proving themselves to be wise, became fools" (Rom 1:22).⁴⁸

For Paulson, man's fundamental problem is not his disobedience against the eternal law, but his attempts to justify himself through a legal scheme. While it is true that sinful man always tries to justify himself by the law, this is not a problem created by the law, but a problem created by man's sin against the law.

There is a temptation in Lutheran theology to make the law instead of sin the fundamental problem, because legalism is the main problem that Lutheranism reacted against. Paulson falls into this temptation.

He does that by naming the fundamental problem of man "The Legal Scheme":

⁴⁸

Paulson 2011 p. 1

The legal scheme refers to that teleological picture of life as a ladder on which life is a type of motion from earths lowest level to the highest heaven by means of the exercise of the free will that either refuses the law and fails to reach its proper goal or accepts the law and fulfills it in order to arrive at the life of glory.⁴⁹

The legal scheme here could refer to just what we would term legalism – the attempt to be justified through good works. But Paulson goes further than that:

Human reason is revolted by the thought that there are two kinds of righteousness, legal and fiduciary, and the two are not complementary. They stand in eternal and deadly opposition so that any striving for virtue ends by crucifying God when he comes to live among us.⁵⁰

For Paulson both law and gospel as two kinds of righteousness exist from eternity and are in opposition to each other. He continues:

...Lutherans assert that there are two kinds of righteousness, both from God, with only one that stands before God.⁵¹

And again:

But there are two separate justifications. The first justifies according to the law (which holds among humans awhile), but does not suffice before God – indeed that law was used to kill God’s only begotten Son when he came into the world. The second kind of justification is Christ who gives himself to his opponents in the form of a simple promise: I forgive you.⁵²

So the fall into sin was not man’s breaking of the law, and the gospel is not the solution to man’s breaking of the law. The gospel is the solution to the law itself – to the legal scheme. There was no original righteousness according to Paulson:

The legal Scheme assumes that it knows what death is because it imagines that the free will once stood as a master of sin, “able to sin and able not to sin”...⁵³

While Paulson has been accused of denying the fall⁵⁴, I think the problem is rather that he redefines it according to this basic opposition of the legal scheme and the gospel. Paulson explains the fall this way:

⁴⁹ Paulson 2011 p. 3

⁵⁰ Paulson 2011 p. 4

⁵¹ Paulson 2011 p. 5

⁵² Paulson 2011 p. 5

⁵³ Paulson 2011 p. 158

⁵⁴ So for example: Phillips, Eric <http://www.pseudepigraph.us/2015/09/15/no-friend-of-confessional-lutherans-steven-paulsons-heresies/>

We wanted God “above”, which is a metaphor for in himself, without his words, in the purest form of mathematical law and thus the Fall is “upward,” not downward into sin.⁵⁵

It seems to me that the Fall in Paulson’s theology is rather a fall into “The Legal Scheme” from a state of grace in which man was already not able not to sin.

The relation of the law to God’s wrath and atonement

How is the law then related to God’s wrath according to Paulson? Paulson interprets Luther’s experience as a monk according to Paulson’s framework:

God’s wrath was supra-legal, bigger than it should have been according to the law; it operated outside reason, outside free will, outside the process of going down in order to go up. When this dawned on Luther he was forced to conclude that God’s will, the good and the law were not synonymous.⁵⁶

So God’s wrath is not the reaction to man’s sin against the eternal and immutable will of God.

Paulson describes the false understanding of the law before the preaching of the apostles:

Morality and reason both rest on the attempt to limit God’s wrath by making it arithmetically proportional to wickedness, and therefore by implication, if one does what the law demands (whether written in the heart or tablets of stone), God’s wrath should cease.⁵⁷

According to Paulson, God’s wrath is not the consequence of Man’s breaking of the law. But what is the role of the law then according to Paulson? Paulson continues:

The law is there so that what it demands cannot be done. Sin is God’s withdrawal of the Holy Spirit that hands us over to free will; the giving of the law is the divine act of withdrawal of the “free will”.⁵⁸

While it is true that God revealed his law to mankind partly in order to reveal man’s sinfulness by showing him that he is not able to fulfill the law, this is made the purpose of the law itself by Paulson.

The law, according to Paulson, is however eternal:

The law remains eternally, but it is not an eternal law in the sense of ruling or making any demands on Christians – nor is it the very mind of God itself.⁵⁹

⁵⁵ Paulson 2011, p. 74

⁵⁶ Paulson 2011, p. 42.

⁵⁷ Paulson 2011 p. 79

⁵⁸ Paulson 2011 p. 83

⁵⁹ Paulson 2011 p. 224

Here Paulson rejects the traditional understanding of the law as founded in the mind of God. Since the law is not the expression of the mind of God, it doesn't make demands on Christians either. According to Paulson the law is not the immutable will of God, as the Formula of Concord describes it. This understanding of the law would be a part of what Paulson terms "the legal scheme".

Therefore, Christ's sacrifice is not his satisfaction of the demands of the law and his appeasing of the wrath of God:

According to the legal scheme, sin is either a lack (debt) that must be compensated before the law can be satisfied (fulfilled), or sin is a crime that must be punished. When Christ himself is pushed into the legal scheme its practitioners demand Christ make payment for debt, absorb punishment, or provide compensation to those deprived of their goods (like the devil, the law, or even God himself) if he is going to serve as a true mediator between God and sinners. Theories of atonement developed as a means of making the cross of Christ fit into this legal scheme. It is true that Christ pays debt, suffers punishment, and pays ransom to the old lords of this world, but not to let the legal scheme rule.⁶⁰

And again:

So Christ could rightly be said to have died for our sakes without attempting to explain something the law required, or even something that God needed for his own purity's sake.⁶¹

Because the law is not the immutable will of God nor founded in the mind of God, according to Paulson, there is no need for a penal substitution or vicarious satisfaction. Such would be a return to the legal scheme.

Paulson's theory of atonement, which he has learned from Forde, comes close to the subjective theory of atonement:

Forde suggested we think of Christ's crucifixion as an accident like those stories of someone stepping in and taking the blow of an oncoming truck while throwing an endangered child to safety.... The accident of Christ's death was caused by us sinners who, like the truck driver, are determined to get to our highest goal at whatever speed necessary, even at the cost of their neighbor's life.⁶²

It is not entirely clear what this picture means, but clearly, Paulson rejects any theory of atonement, in which Christ satisfies the demands of the law on behalf of mankind, such as Chemnitz teaches.

The Christian and the law

In the chapter on freedom from the law, Paulson shows his functional view of the law very clearly:

⁶⁰ Paulson 2011 p. 91

⁶¹ Paulson 2011, p. 233

⁶² Paulson 2011 p. 233

When Christ is obedient to the Father it is not merely a synonym of obedience to the law. When God and law are distinguished, God is the subject, and the law is his instrument to use.⁶³

He continues to describe how God has given the law with a definite purpose in mind and how it is misused, when people use it as an expression of Gods will.

Paulson continues to describe how part of the problem is the difference between the flesh and the spirit, the old and the new man. This is important for understanding Paulson:

The Old Adam and New Creature are not two parts of a whole. They are two distinct holes, since nothing is more separated than when death stands between them.⁶⁴

This sounds correct. The regenerate has both an old and a new nature. I do think however that Paulson fails to see the Christian as a whole person with the old nature clinging to him.

Your job as a Christian is not to integrate your alienated person or seek authenticity or use the law to get rid of remaining sin. In fact, your freedom is that you don't have to worry about that anymore.⁶⁵

According to Paulson the law has no positive value in sanctification. Its only purpose is to reveal sin. It doesn't reveal the law of God and it doesn't help you in the fight against sin.

Where is the law's place? It does not belong in the inner heart, it belongs in the external members like hands and feet – the outer self or old self.⁶⁶

IF we try to put the best construction on this, one might see the law according to Paulson also as a means to coerce the old man against his will. But it is by no means to be seen as having a normative or didactic use for the Christian.

Its "fault", if a sinner must look at it that way, is that it gives no path to righteousness because it is not Christ. But Paul knows better. The law was never for righteousness. The law is not supposed to be Christ, only Christ is Christ. Law is spiritual, not incarnate. It points out sins, it can't take them from you.⁶⁷

Again, the only purpose of the law is to reveal sin. It doesn't reveal the will of God but only the sins of man. There was never a time, when the law was a guide to righteousness according to Paulson. The laws purpose was always to increase sin and reveal sin:

⁶³ Paulson 2011 p. 174

⁶⁴ Paulson 2011 p. 178

⁶⁵ Paulson 2011 p. 178

⁶⁶ Paulson 2011 p. 181

⁶⁷ Paulson 2011 p. 183

When law entered into the old Aeon it did not decrease sin, but increased it. When law enters after baptism (the new Aeon) it does the exact same thing it always did – for it cannot do anything else. It revives sin, which otherwise was dead.⁶⁸

The law therefore is not a norm for the Christian, but is only reviving sin and accusing the sinner. The baptized are no friends of the law. They only delight in the law insofar as the law is past:

The law of God is served with the soul, because its delight is in the fact that the law is already fulfilled by Christ, and thus the law has no more accusation to make. The delight the baptized take in the law is in fact that the law is finally past.⁶⁹

Paulson applies his view to the antinomian controversy:

Once Agricola gave faith back to love there was no difference between his teaching and Rome's. Antinomianism is 'nomian' (legal scheme) in the end. Love sounds like the gospel, but it is the epitome of law.⁷⁰

I think Paulson is right in his analysis of the antinomian controversy. When the use of the law for the Christian is denied, you end up turning the gospel into a new law as Agricola did. As we will see later, I think, however that he does exactly the same thing he accuses Agricola of.

Commenting on the antinomian controversy, Paulson explicitly denies the third use of the law:

Melanchthon made a career of disputing the Antinomian position, and quite possibly lost the forest for the trees by defending the role of the law in teaching after baptism by introducing a novelty called "the third use" of the law as a guide to Christians that utterly confused Paul's use of the Simul and freedom from the law.⁷¹

This is consistent with Paulson's view of the law as having only an accusing purpose and his denial of it being an expression of the mind and will of God.

So the freedom from the law means to Paulson that the law's only purpose – even for Christians – is to revive sin and accuse the sinner. It is not a guide that shows which good works the Christian is to do.

We will turn to the chapter, where Paulson talks about the Fruit of Faith. This chapter is a comment on Romans 12, where Paul appeals to his readers to do good works:

⁶⁸ Paulson 2011 p. 183

⁶⁹ Paulson 2011 p. 183-184

⁷⁰ Paulson 2011 p. 186

⁷¹ Paulson 2011 p. 224-225

*Morality is ruined in the process; after all, how does one make an appeal for good works once the legal scheme is bankrupt?*⁷²

The appeal to do good works is not in any way based on the law, according to Paulson:

*But after articulating how faith is given through preaching, Paul seamlessly says: “I appeal to you therefore...” Because the law has indeed ended in Christ, therefore the appeal is made.*⁷³

Pauls appeal therefore is not only seeking to motivate to good works by the gospel, but the appeal is made exactly because the law is past.

*The appeal is made because faith is struggle – not to do, but to trust (in perfect passivity) that Christ does not lie.*⁷⁴

The appeal is an appeal to live as a New Creature without the law, without the legal scheme, which only revives sin.

Then Paulson returns to the law as Agricola did:

*Love, it turns out, is either understood in relation to the law – in which case it is a work and cannot bear our trust – or it is simply what happens when Christ has forgiven a sinner. Love is a freedom of the Spirit which refuses to be bogged down in the letter of any law...*⁷⁵

Paulson is right that the Christian`s love is not motivated by the law. But this doesn`t change the fact that love fulfills the law, which Paul clearly says in the chapter, Paulson is commenting on. And it doesn`t change the fact that we need the law to show us what love is, because the old man clouds our mind. When the law as a guide to good works is denied, and an appeal is made to the freedom of the Spirit instead, we end up the enthusiasm that Chemnitz warns us against.

Paulson ends up mixing law-elements into the gospel and he ends up in enthusiasm, where the norm of good works is not the law, but the free love created by the Spirit.

Conclusion

I can understand why Paulson and the radical Lutherans are appealing to confessional Lutherans. They react against legalism and pietism, just like confessional Lutherans do. In the end, however, I think they end up in subjectivism and legalism themselves.

When we compare Steven Paulson to Martin Chemnitz it is clear that there is a great divide. For Chemnitz, man`s problem is his revolt against God`s law. And God`s solution is that Christ pays the debt of man under the law.

⁷² Paulson 2011 p. 230

⁷³ Paulson 2011 p. 230

⁷⁴ Paulson 2011 p. 231

⁷⁵ Paulson 2011 p. 236

Chemnitz' whole approach is based on the fact that the law is God's eternal will and an expression of God's mind. Therefore, the law is immutable, and both the atonement and justification has to be explained according to the law. Penal substitution and forensic justification are legal terms and based on a legal scheme.

For Paulson, the legal scheme, that Chemnitz bases his theology on, is the problem of man. According to Paulson, the only purpose of the law is to revive sin and thereby reveal that it is futile to try to be saved according to the legal scheme.

Paulson makes it very clear that he therefore sees the theory of penal substitution as an expression of the legal scheme.

It is no surprise, therefore, that Paulson also rejects the third use of the law. He does that because he has different understanding of both the law and salvation.

We could go into other aspects of Steven Paulson's theology. Dr. Eric Phillips has pointed out that much of Paulson's theology is based on the Flacian error. He may be right. I have limited myself to his doctrine of the law, because this is the aspect of his theology that is appealing most to confessional Lutherans.

I do think that it might have been helpful also to compare his understanding of man before and after the Fall and before and after baptism to that of Chemnitz. That might be a subject for another paper.