



# Martin Luther on Preaching the Law

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**G**IVEN LUTHER'S CLARITY ON THE SUBJECT, THE QUESTION OF THE LAW'S PLACE in preaching would seem relatively straightforward: the law is preached in order to make sin manifest and prepare hearers for the gospel.<sup>1</sup> Yet, despite the number of Luther's sermons that conform to this familiar law-gospel pattern and the degree to which it has dominated Lutheran preaching in general, the precise role of the law in proclamation is regularly a touchstone for debate among his heirs.

Some, following Philip Melancthon (and later, John Calvin), contend that the law continues to play a vital role in the Christian life and therefore also in preaching. Consequently, they and their descendants formulate some sense of a "third use" of the law to describe its continued relevance in the life of the believer.<sup>2</sup>

Others, following Nicholas von Amsdorf (and in the extreme, John Agricola), charge that the law reaches its end in the proclamation of the gospel and that Christians, alive in the Spirit, live no longer under its dictates but do spontaneously what

<sup>1</sup>This view of the law's function in preaching permeates Luther's work. He is nowhere more clear than in the section subtitled "Concerning the Letter and the Spirit" in his larger tract, *Answer to the Hyperchristian, Hyperspiritual, and Hyperlearned Book by Goat Emser in Leipzig—Including Some Thoughts regarding His Companion, the Fool Murner* (1521), *Luther's Works*, ed. Jaroslav Pelikan, Hilton C. Oswald, Helmut T. Lehmann, 55 vols. (Philadelphia and St. Louis: Fortress and Concordia, 1955-1986) 39:175-203 (hereafter *LW*).

<sup>2</sup>On the development of Melancthon's theology in this regard, see Timothy J. Wengert, *Law and Gospel: Philip Melancthon's Debate with John Agricola of Eisleben over Poenitentia* (Grand Rapids, MI: Baker, 1997) esp. 177-210.

*For Luther, God's law establishes our responsibility toward our neighbor (what we should do) and, along with the gospel, establishes our identity in relation to God (who we are). What we should do is love our neighbor; who we are is sinners for whom Christ died and who, for Christ's sake, God declares righteous.*

it requires. Consequently, they urge preachers to eschew any mention of the law once the gospel has been proclaimed so as not to lead believers to place their confidence in good works.

The central question underlying this debate is simple: Does the law have any place in preaching once the gospel has been proclaimed? That is, can committed law-gospel preachers address issues of social justice, public and private morality, and the Christian life in any way other than as indicating our failure to live according to God's will without lapsing into legalism? Conversely, can they avoid doing so without having their preaching devolve into a quietism and irrelevance that betrays God's work to sustain and care for the whole creation?

Addressing these pragmatic questions is complicated by the historical observation that in a number of his sermons Luther speaks of the law at great length *after* proclaiming the gospel. Shall we conclude from this that Luther is merely inconsistent? Or can we discern in his preaching a latent third use of the law that others only later developed?

In this essay I contend that we can address both the pragmatic and historical questions about the law's place in Luther's proclamation only by perceiving that beneath his understanding of law-gospel preaching rests a deeper sense of God's pattern of active involvement in the life of the believer. Discerning this "pattern beneath the pattern" not only addresses the concerns raised above, it also reveals Luther's acute contextual sensitivity. In order to pursue this thesis, it will be helpful first to examine briefly Luther's sense of the dynamic quality of law and gospel. I will then explore his understanding of the relationship between God and the believer. Finally, I will use this sense of the internal logic of Luther's theology to gain insight into his preaching and glean some guidance for our own.

## I. LAW AND GOSPEL AS ACTIVE WORDS

In order to appreciate Luther's understanding of the law, we must note that he treats it always with regard to its functions. That is, Luther does not consider the law primarily in terms of particular codes of conduct but rather as the distinct means by which God achieves certain ends. You recognize the law, from this point of view, not simply from what it says (content) but from what it does (function).<sup>3</sup> This inherently pragmatic, even functional element of his work not only removes him from debates about what constitutes "the law" (natural or revealed; Mosaic, ceremonial, or ethical), it also provides a remarkably clear and consistent means of classifying the law's role in the life of the believer.

Luther regularly distinguishes between two functions, or uses, of the law. He designates the first as the "civil" (or "political") use, describing the law's work to *compel* civility through legal restraint and the threat of punishment. In short, the first use of the law restrains the basic urge to "look out for number one" at the ex-

<sup>3</sup>Hence Luther's preference for active verbs with which to describe law, as that which "wounds," "kills," "destroys," "humbles," "disgraces," and in general "leads us to true knowledge of ourselves" (LW 39:188).

pense of all others and in this way provides the modicum of civility necessary for productive human relations. The second use of the law, by comparison, Luther describes as “theological”—the law not only sets up and enforces standards of civility but also *accuses* those who disobey it and thereby makes offenders aware of their sin and consequent need for forgiveness.<sup>4</sup>

The gospel, according to Luther, is similarly active.<sup>5</sup> Most simply, it is God’s promise of forgiveness, acceptance, and reconciliation in Jesus Christ that *comforts* the believer and *creates* faith. It necessarily follows the second use of the law’s work to make persons aware of their need and hunger for grace.

To Luther, both uses of the law are intimately related in that all civil law (first use), given by God as a gift to help us order our lives, eventually also operates theologically (second use), by pointing out our failure to live according to God’s will and our consequent need for grace. There is, then, one law of God that works in us and on us in two distinct ways. Further, both uses of the law are related in that God works through both for the health and benefit of God’s creatures: through the first to sustain and protect the creation by promoting civil conduct, and through the second to lead people to salvation in Christ.

Because of this function to lead or drive the hearer to Christ and prepare for the hearing of the gospel, it is the second use of the law that we most often speak of when referring to preaching. Hence, the phrase “law-gospel preaching” names God’s two activities of accusing and comforting that work together to create faith in the believer. It is important to note, however, that Luther prizes this way of speaking about God’s activity not simply because it provides a compelling homiletical strategy or even an incisive exegetical key to the Scriptures but rather because it discloses God’s dominant mode of self-revelation, apparent most transparently in the cross and resurrection of Jesus Christ.

In the cross of Christ we recognize our penchant always to reject God’s overtures to us and are compelled to admit our absolute inability to save ourselves, and in that recognition we who would always be in control of our destiny die. In the resurrection we perceive that God’s grace is stronger than our sinfulness and so can rest confident that God has acted to save us and all the world, and in hearing this word of grace we come alive again and anew in Christ. Thus, to speak of preaching law and gospel is ultimately to describe God’s dynamic work through the proclaimed word to put sinners to death and raise believers to new life in Christ.

## II. THE LAW IN THE LIFE OF THE BELIEVER

Whatever its fidelity to the biblical witness or its compelling use in the pulpit,

<sup>4</sup>See *The Smalcald Articles*, in *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, ed. Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress, 2000) 311-312 (hereafter *BC*). On the development of Luther’s sense of the uses of the law, see Gerhard Ebeling, *Luther: An Introduction to His Thought* (Philadelphia: Fortress, 1970) 125-140.

<sup>5</sup>Thus, Luther describes the gospel as that which “heals,” “gives life,” “helps,” “elevates,” “honors,” and ultimately “creates a new person” (*LW* 39:188).

however, it is precisely Luther's convictions about the work of preaching to kill and make alive that often proves most confusing to both his adversaries and heirs. In this section I will attempt to make Luther's thought more clear and practical by approaching it from three related angles.

### 1. *Semper simul*

Whereas most theologians emphasize the progressive nature of God's work through law and gospel first to terrify, then to comfort and convert, and finally to guide the believer, Luther stresses the ongoing and simultaneous quality of God's work to put to death sinful persons and raise to life new persons in Christ. From the moment Christians come to faith, Luther contends, they live as people who are simultaneously sinful by nature and righteous by God's declaration and deed, a condition he describes as living *simul iustus et peccator*.<sup>6</sup>

Latent in Luther's radical conviction that believers exist continuously in two states is a marked regard for the scope and influence of sin. According to Luther, sin commands such a power in the world that we cannot overcome it, even with God's help; rather, we must die to sin so that God may raise us to new life in Christ.<sup>7</sup> From the moment of justification on, therefore, we struggle not simply as divided selves but actually as two persons, one turned to our own fears and selfish desires, the other to God. For this reason, rather than describing a progression in the Christian's ability to overcome temptation, as with Calvin and most other theologians, Luther focuses instead on the dual nature of the Christian—sinner and righteous—and consequently on God's ongoing and simultaneous work to restrain and put to death the sinner and raise to new life the believer who responds to God in perfect obedience.

Such a stance not only frustrates theories of moral progress, it also helps to explain why one regularly sees both the fruits of God's gracious activity in the lives of Christians and, simultaneously, ample evidence that, whatever their good works, believers are still manifestly dominated by sin.<sup>8</sup> From Luther's point of view, Christians do not so much strive for perfection as much as they simply *strive*, struggling between these two natures until death itself puts an end to the contest and they are raised victorious in Christ.

Luther's depiction of the Christian as *semper simul* (that is, *always*, as well as *simultaneously*, justified and sinful) also clarifies why he confines both functions of the law to the sinner. Simply because the law's role is always to contend with sin—restraining it to promote civility in its first use, and exposing it and putting persons to death through it in its second—it has no place in the life of the righteous believer. As Luther regularly insisted, this makes the distinction between law and

<sup>6</sup>As Luther exclaims in his *Lectures on Romans* (1516), "Note that one and the same [person] serves the law of God and the law of sin, at the same time is righteous and sins!" (LW 25:336). See, also, *Lectures on Galatians* (1535), LW 26:240-243.

<sup>7</sup>LW 25:322-323.

<sup>8</sup>Luther himself, especially in his vitriolic attacks on Jews, the Pope, and the peasants, gives ample evidence of this.

gospel central to theology.<sup>9</sup> But precisely because the Christian remains always both sinner and righteous, the law does in fact continue to play an active role in the life of the believer. Far from employing any third use of the law to explain such activity, however, Luther contends that believers are constantly subjected by God to the law in its first two uses, in their old selves, and to the gospel, and hence no law, in the new persons raised to life in faith.

## 2. *Coram Deo, coram hominibus*

Perhaps not surprisingly, Luther's references to our "old self" and "new self," the "old Adam" and "new person in Christ," the "sinner" and "righteous believer," and so forth, have regularly garnered him the dubious appellation of being a "dualist."<sup>10</sup> While such a description underscores the paradoxical tension that rests at the core of his thought, it can be very misleading. For in his description of the Christian as *simul iustus et peccator*, Luther intends less to make ontological assertions than he seeks to bear witness to the twin relationships that govern the Christian's life: the first with our neighbor, the second with God.

In the first relationship, which can be described as our life *coram hominibus*—before, or in the presence of, humanity—the law functions in its first use to prevent us from using or neglecting others to accomplish our own ends. In the second relationship, *coram Deo*—before God—the law in its second use unmasks our deviations from God's will, reasserts our inherent creatureliness, and therefore makes apparent our ultimate dependence on God's grace alone for our justification; in this sense, once again, it serves as prelude to the gospel's announcement of God's decisive action freely to regard us as righteous for Christ's sake.<sup>11</sup>

Because the law has a specific function in the Christian's relationships with both humanity and God, it continues to play a critical part in the believer's life. Each use of the law, however, executes its part differently. In its second use—pertaining to our relationship with God—the law always plays an *anticipatory* role by preparing people to hear the gospel and, in fact, reaches its climax and fulfills its purpose once it has done so. The preaching of the law, in sum, is always the penultimate word; hence, the movement from law to gospel.

By contrast, in its first use—governing our relationship with our neighbor—the law is not penultimate but ultimate, primary, even terminal. That is, the law continues to regulate our social and political relationships of life as long as they persist. Hence, when Luther is addressing this dimension of our life, he regularly

<sup>9</sup>As I often insist, therefore, these two, the Law and the promise, must be very carefully distinguished; for they are as far apart in time, place, and person, and all features as heaven and earth, the beginning of the world and its end. They are indeed close together, because they are joined in one [person] or in one soul. Nevertheless, in attitude and function they should be separated as far as possible, in such a way that the Law has dominion over the flesh, but the promise reigns sweetly in the conscience" (LW 26:301).

<sup>10</sup>See, for instance, H. Richard Niebuhr's treatment of Luther in *Christ and Culture* (New York: Harper & Row, 1975).

<sup>11</sup>This distinction between our life *coram hominibus* and *coram Deo* markedly shapes Luther's "Sermon on Invocavit Sunday" (1522), where he divides the "chief things" that all Christians should know into four parts—two pertaining to our relationship with God and two to our relationship with neighbor. See LW 51:70-75.

employs the law in its first use.<sup>12</sup> Attending to what set of relationships, or arena of our existence, Luther is addressing is therefore crucial to tracking accurately his use of the law in his preaching.

### 3. Responsibility and identity

One way to make more concrete Luther's sense of the law's function in these two distinct relationships is to describe its driving concern in each. In our lives *coram hominibus*, the law in its first use is concerned primarily with our *responsibility* toward our neighbors; it deals, that is, with *what we should do*.<sup>13</sup> Desiring us to live at peace with each other, God gives us the law—summed up chiefly in the Ten Commandments—and through it restrains and punishes us when we seek to gratify our needs and wants at the expense of others.

Whereas the law in the first relationship is concerned primarily with our responsibility toward others, in the second relationship it deals with our *identity*; that is, with *who we are*.<sup>14</sup> Here, it works always in conjunction with the gospel to announce that we are those sinners for whom Christ died and who, for Christ's sake, God declares righteous. As we have seen before, in this role the law executes an entirely anticipatory function, undercutting any attempt to ground our relationship with God on our own efforts or merits and in this way preparing us to receive our identity as God's beloved children solely as a gift.

In terms of our identity, the law's essential role is, in the language of the court, "to tell the truth, the whole truth, and nothing but the truth" about our human condition. At times, Luther describes this truth-telling of the law as acting like a hammer that destroys human pride; at others, he describes it more like the quiet rustling of the leaves that signaled the Lord's presence in Eden and aroused the conscience of fallen Adam and Eve.<sup>15</sup> Whichever metaphor one chooses, the law functions remarkably like a mirror whose reflection pierces through all of our pretense and rationalizations to portray unflinchingly persons in desperate need of God's forgiveness, acceptance, and love.<sup>16</sup> Once again, in this capacity the law functions always in tandem with the gospel, as only by clearly showing truthfully who we are can the law prepare us to hear the good news that it is precisely those confused and wayward sinners that God loves so much.

## III. THE LAW IN LUTHER'S PREACHING AND OUR OWN

This brief overview of Luther's thought clarifies the law's ongoing function in the life of believers. Simply because we are *semper simul*—always as sinful by nature

<sup>12</sup>Hence, and once again, there is no third use, as there is no third set of relationships in which the law functions.

<sup>13</sup>See, for example, Luther's explanations of the Ten Commandments in the *Small* and *Large Catechisms*, as he derives a positive, rather than merely prohibitive, interpretation of each commandment in the "second table" in relation to our obligation to neighbor (BC 351-354, 386-431).

<sup>14</sup>See LW 39:188ff.; 26:348-349.

<sup>15</sup>See LW 26:310; *Lectures on Genesis* (1535) 1:169-172.

<sup>16</sup>"Thus man recognizes himself in the mirror and in the face of the letter of the law..." (LW 39:188).

as we are justified by grace—the law continues to hold us accountable for the welfare of our neighbor and to tell us the truth about ourselves so that our identity may be secured completely by God’s gracious regard for us. This overview also addresses both the pragmatic and historical questions we raised concerning the law’s place in Luther’s preaching and invites us to consider its role in our own.

On the pragmatic level, we asked whether the law has any place in preaching once the gospel has been proclaimed. As it turns out, the answer defies the expectations of both sets of typical respondents: Yes, the law continues to function after the gospel in preaching but, no, there is no new or third use of the law. Allow me to explain in three points, deriving some implications for our own preaching along the way.

First, most of Luther’s (and Lutheran) preaching culminates in the gospel because we believe and confess that the new persons in Christ created through the proclamation of the gospel fulfill the law spontaneously, even unconsciously. (Just as you don’t need to exhort or teach someone in love to attend to the needs of the beloved, so also you don’t need to tell those who have been justified for Christ’s sake to live in conformity to the life of their Lord.) Further, we believe that while the law may command a modicum of obedience, it is only the gospel that transforms.<sup>17</sup>

Most of our law-gospel preaching, therefore, will not end with the law, simply because we trust the power of the gospel to create persons who fulfill the law spontaneously and joyously; to create people, that is, who live as they have been named. Mindful of Augustine’s ethical admonition to “love God and do what you please,” our central concern is to create believers alive and in love with the God we know in Jesus Christ. For this reason, an important part of proclaiming the gospel involves giving our hearers our trust and God’s promise that they will, in fact, fulfill the law just because they can’t help it.<sup>18</sup> Commending, rather than commanding, is therefore the dominant mode of Lutheran preaching.

Second, and simultaneously, because we know ourselves always to be “righteous sinners,” we trust the law to continue to function in our lives after the sermon has concluded, even when the sermon ends with gospel. This becomes more clear as we recall that the *same* word of law both tells us of our responsibility to others (first use) and betrays our failure to live as God intends (second use). Take, for instance, the common concern in the Old Testament to care for the disenfranchised (the widow, the orphan, the alien): while first and foremost it expresses God’s concern for those in greatest need, it also accuses us when we fail to offer such care.

<sup>17</sup>As Luther preached, if this were not so, “all people would long since have been good: for I preach daily that you should be good and not steal, but the more you hear it the worse you become; you remain the same rascals you were before. Therefore it remains merely letter. When the hangman comes he can chop off a finger, but the heart remains a rogue” (LW 51:227).

<sup>18</sup>“A doer does not get this name on the basis of works that have been performed; he gets it on the basis of works that are to be performed. For Christians do not become righteous by doing righteous works; but once they have been justified by faith in Christ, they do righteous works” (LW 26:256).

Hence, even as the law in its second use culminates in driving us to the gospel so that we are rooted in our identity as God's chosen people by grace alone, yet in its first use it continues to express God's intention that we care for all of God's children and especially those in greatest need.

This means, among other things, that preaching the law is about a lot more than "telling 'em they're sinners" or "making people feel bad." It is about carefully preparing people to hear the gospel even as we also prepare them for life in the world in service to their neighbors. In this sense, the law, given as a gift by God to help us order our lives in its first use, although turned against us because of our sinfulness in its second use, is returned again in its first use as a gift by which to serve and care for our neighbor—all this whether it is spoken again or not.

Third, distinguishing between the distinct domains of each use of the law actually frees us—rather than prohibits us—to preach about social and moral concerns. Rooted firmly in our gospel identity, we perceive anew that the law in its first use is God's gift to us, expressing God's gracious desire for all of God's children to get the most from life. Hence, as we hear and believe the gospel, we become like mature children who are grateful for their parents' instruction and even correction, perceiving (1) that it reflects our parents' concern for us and (2) that such correction and instruction can neither establish nor threaten the favor our parents show us.

Therefore, as the occasion may demand, after we preachers have rooted our congregations in the gospel, we may turn our attention to their responsibility toward others, addressing issues of social justice and private and public morality. At these times, we must stress that what is at stake is neither our hearers' salvation nor their identity as God's children but rather the character of their lives and the fidelity with which all of us respond to the trust God has placed in us. Further, knowing that other parts of the sermon also proclaim the gospel, in extreme circumstances we may actually preach only the first use of the law, clarifying that at stake is not our identity as God's children but rather God's desire that we love and care for our neighbor as God has loved and cared for us.

Note that in each of these three cases we have not needed to introduce a new, third, or exclusively "Christian" use of the law. In fact, doing so only risks confusing the Christian identity secured for us by God's grace alone. Precisely because the so-called third use of the law is linked to our status as Christians, it risks confusing "what we do" with "who we are." That is, to the degree that the law is tied to our identity as Christians, when we as sinners fall short of that law it will necessarily call into question that identity in the first place.<sup>19</sup>

These observations, in turn, help us to make sense of our historical observa-

<sup>19</sup>Part of the appeal of a third use is that it conforms to the popular expectation that who one is is linked intimately and irrevocably to what one does, as in the familiar saying "handsome is as handsome does." But imagine the disastrous results of linking our regard for our children to their behavior. No, whatever our desire that our children are obedient to the commands we offer for their welfare, we hope and pray even more fervently that they know and believe that nothing they can do will jeopardize our unconditional love for them.

tion that in his preaching Luther often followed the gospel with law. These decisions, far from being whimsically inconsistent, reveal a remarkable freedom in preaching the law bound only by the demands of the context and the need of the hearer. For instance, when the community is torn asunder by controversy over the nature and pace of particular reforms, once he has rooted the congregation in their identity as the children of God, Luther considers each controversial issue in light of the evangelical freedom Christians exercise always in service to neighbor.<sup>20</sup> When the issue is the ignorance of the congregation in the basics of the Christian faith, then Luther preaches sermons on the catechism, including sermons on the Ten Commandments that are, by definition, sermons about the law as God's gift to guide and restrain us for the sake of our neighbor.<sup>21</sup> When he and other reformers are charged with preaching only faith to the neglect of good works, then Luther takes up the duty of the Christian to suffer for the sake of the word and on behalf of neighbor.<sup>22</sup> And when the issue is rampant public drunkenness, then Luther addresses the problem in the most strict of terms.<sup>23</sup>

Other examples are manifold, but these make the point: despite his primary concern that preaching lead to faith and therefore his consequent, familiar, and even predictable move from the second use of the law to the gospel, Luther knows his hearers to be *semper simul* and therefore never shirks from preaching the law in its first use—both before and after the proclamation of the gospel, and sometimes even apart from it!—as the context demands. Similarly, despite his concern to be faithful to God's desire for all of God's children to live at peace with each other, Luther regularly insists that we are justified by grace alone through faith in Christ and that those who are justified need no law but meet its demands joyfully and spontaneously. That is, in his preaching of the law Luther attends carefully to what relationship he is addressing—*coram hominibus* or *coram deo*—and therefore distinguishes clearly between our responsibility and our identity, between the letter and the spirit, and between God's law and gospel. ⊕

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<sup>20</sup>See his *Invocavit* sermons of 1522 (LW 51:67-100), where there is perhaps no better example of the homiletical implications of his earlier work in *The Freedom of a Christian*.

<sup>21</sup>LW 51:133-193.

<sup>22</sup>Ibid., 195-208.

<sup>23</sup>Ibid., 289-299.