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Table of Contents

A Confessional Response to North American Lutheran-Reformed Ecumenism	
Mark Mattes	3
Father, Son, and Spirit Is God: What Is the Point?	
William C. Weinrich.....	27
God as Secondary Fundamental Doctrine in Missouri Synod Theology	
David P. Scaer	43
Luther and Calvin on God: Origins of Lutheran and Reformed Differences	
Roland F. Ziegler	63
Luther, Zwingli, and Calvin on the Significance of Christ's Death	
John A. Maxfield.....	91
Post-Reformation Lutheran Attitudes Toward the Reformed Doctrine of God	
Benjamin T.G. Mayes	111
Luther's Threefold Use of the Law	
Edward A. Engelbrecht	135
Gerhard Forde's Doctrine of the Law: A Confessional Lutheran Critique	
Jack Kilcrease	151
Theological Observer.....	180
Ash Wednesday	
A Pro-Life Prayer	

Luther's Threefold Use of the Law

Edward A. Engelbrecht

Although students of Luther agree that the doctrine of the use of the law is a cornerstone in his thought laid early in the Reformation, several scholars since the mid-twentieth century have claimed that Luther taught only two uses of the law,¹ even though Luther explicitly described a "threefold usefulness of the law" (*dreyerley brauch des gesetzes*) in 1522 and a "third office . . . of the law" (*3. officium . . . legis*) in 1528.² Scholars of the only-two-uses consensus have not examined these two passages side-by-side, nor have they viewed Luther's teaching in light of the medieval exegetical tradition. Consequently, it will be argued below that the only-two-uses consensus is not properly grounded in history. This article will examine Luther's writings on the threefold use and third office of the law, viewing the passages in the context of the ancient and medieval exegetical tradition, and interacting with the detailed studies of Gerhard Ebeling and Martin Schloemann.³ It will demonstrate that Luther indeed taught a threefold use of the law, an insight that would become standard in Lutheran theology.⁴

¹ Wilhelm Maurer provided an impressive list, which William Lazareth included in "Antinomians: Then and Now," *Lutheran Forum* 36, no. 4 (Winter 2002): 19. The list includes Paul Althaus, Heinrich Bornkamm, Gerhard Ebeling, Werner Elert, Ragnar Bring, Anders Nygren, Lennart Pinomaa, Regin Prenter, Gustaf Wingren, Karl Heintz zur Mühlen, Oswald Bayer, Bengt Hägglund, Lauri Haikola, Gerhard Heintze, Wilfried Joest, and Martin Schloemann. To this list can be added the American scholars Timothy Wengert, Lowell Green, Gerhard Forde, and perhaps others.

² Martin Luther, *Luthers Werke: Kritische Gesamtausgabe* [Schriften], 65 vols. (Weimar: H. Böhlau, 1883-1993), 10.I:456-457; 26:17. There is also a passage from Luther's second Antinomian Disputation (1538) that mentions a third use of the law, but Werner Elert concluded that this example was a later addition to the text and reflected not Luther's teaching but Melancthon's. Werner Elert, "Eine theologische Fälschung zur Lehre vom tertius usus legis," *Zeitschrift für Religions- und Geistesgeschichte* 1 no. 2 (1948): 168-170.

³ Gerhard Ebeling, "On the Doctrine of the *Triplex Usus Legis* in the Theology of the Reformation," *Word and Faith* (London: SCM Press Ltd., 1963), 62-73. Martin Schloemann, *Natürliches und gepredigtes Gesetz bei Luther: eine Studie zur Frage nach der Einheit der Gesetzesauffassung Luthers mit besonderer Berücksichtigung seiner Auseinandersetzung mit den Antinomern* (Berlin: Alfred Töpelmann, 1961).

⁴ For more on this topic, see my forthcoming book, Edward A. Engelbrecht, *Friends of the Law: Luther's Use of the Law for the Christian Life* (St. Louis: Concordia Publishing House, 2011).

I. Origins of the *usus legis* Terminology

Scholars have struggled to explain how the sixteenth-century reformers developed the technical term “use of the law” (*usus legis*).⁵ The terminology can be traced back to Augustine (354–430), who was a major contributor to the doctrine of the use of the law.⁶ In a letter to Asellicus and a sermon on Romans 8:12–17, Augustine employed the expression *utilitas legis*, the “benefit” or “usefulness of the law,” an expression that he began to use consistently.⁷ Medieval writers used the term in interpretations of Romans 2:15, Galatians 3:19, and 1 Timothy 1:8–9. Peter Lombard⁸ and Thomas Aquinas⁹ enumerated four uses of the law, while Petrus Aureoli¹⁰ and Nicholas of Lyra¹¹ settled on three. On Galatians 3:19, Nicholas wrote, “Here [Paul] responds to the question by showing the *threefold usefulness of the law*.”¹² The same expression appears in the early Luther.

⁵ See, e.g., Ebeling, “Doctrine of the *Triplex Usus Legis*,” 73; Holsten Fagerberg, *A New Look at the Lutheran Confessions, 1529–1537*, trans. Gene J. Lund (St. Louis: Concordia Publishing House, 1972), 82.

⁶ Victor Ernest Hasler, *Gesetz und Evangelium in der alten Kirche bis Origenes* (Zurich/Frankfurt am Main: Gotthelf-Verlag, 1953), documents examples of the early Christians’ enduring interest in biblical teachings on the law.

⁷ *Patrologia cursus completus: Series latina*, 217 vols., ed. J.-P. Migne (Paris: Migne, 1844–1864), 33:892; 38:851 [henceforth PL]. For English translations, see Letter 196:2, 5–6, in *The Works of Saint Augustine: A Translation for the 21st Century, Letters (156–210)* (Hyde Park, New York: New City Press, 2004), 312–313; Sermon 156:3, *The Works of Saint Augustine: A Translation for the 21st Century, Sermons (148–183)* (New Rochelle, New York: New City Press, 1992), 98–99. One may see in Augustine’s expression the basis of the “theological *terminus technicus*” that Ebeling sought. The development of this expression likely stemmed from 1 Tim 1:8–9.

⁸ PL 192:127. “Quid igitur lex? id est cur a Deo data est lex? Quae est ejus utilitas?” The text includes bracketed and parenthetical references to Augustine and Ambrose, from whom Peter drew his insights.

⁹ Thomas Aquinas, *Commentary on Saint Paul’s Epistle to the Galatians*, tans. F.R. Larcher, Aquinas Scripture Series 1 (Albany, NY: Magi Books, Inc., 1966).

¹⁰ See Gal 3 in *Compendium Biblie totius* (Argentinae: 1514). This text and others were brought to the attention of modern scholars by Heinrich Denifle, *Die abendländischen Schriftausleger bis Luther über Justitia Dei (Rom. 1,17) und Justificatio* (Mainz: Kirchheim & Co., 1905), 202.

¹¹ Nicholas de Lyra, *Postilla super totam Bibliam* (de Venetiis: impensis Octaviani Scoti, 1488). Nicholas’s method is thought to have significantly influenced Luther, who exhibits clear dependence upon Nicholas of Lyra’s *Postilla* in, e.g., his 1515 Lectures on Romans, available in Martin Luther, *Luther’s Works*, American Edition, 55 vols., ed. Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann (Philadelphia: Fortress Press; St. Louis: Concordia Publishing House, 1955–1986), 25 [henceforth LW].

¹² “Hic respondet ad q[uaest]ionem ostendens *triplicem legis utilitatem*” (emphasis added).

In 1509, 1510/11, and 1516, Luther had opportunity to encounter this terminology in his studies of Augustine, Peter Lombard, medieval glosses on Paul's letter to the Galatians,¹³ and perhaps other theological writings. Timothy Wengert suggests that Luther's earliest expression for the use of the law came in 1521.¹⁴ In view of the ancient and medieval teaching, however, we may see the matter differently.

In his scholia on Romans (c. late 1515), Luther revealed his indebtedness to Paul and to the medieval theology of the use of the law.¹⁵ In commenting on Romans 3:20, a classic passage for defining the theological use of the law, Luther wrote of the "work of the law" (*opus legis*; Rom 2:15) and described the law as "useful" (*quod non inutilis sit*; also *utilis*),¹⁶ relating Paul's "work of the law" (Vulgate, *opus legis*) to the medieval theological term "usefulness of the law" (*utilitas legis*). The 1515/16 lectures on Romans demonstrate Luther's theological maturation and how the doctrine of the law relates to the doctrine of the gospel.¹⁷

Luther's scholion on Romans 14:1 includes references to 1 Timothy 1,¹⁸ a passage which, according to Luther, presents as Paul's opponents Jewish teachers who insist on the necessity of fulfilling legal requirements for salvation. Luther links Romans 14 to other Pauline passages on the abrogation of Jewish laws, including the Law of Moses. Luther also condemns a medieval antinomian movement, the "Picards," who emphasized the abrogation of rules and practices. This is important for understanding that Luther was from early on opposed to antinomianism and did not intend to introduce it when describing the abrogation of the Law of Moses. Luther still used the medieval expression *nova lex* (new law) to describe the New Testament, though his understanding of the distinction between law and gospel was already at work.¹⁹

In the glosses to his 1516/17 Lectures on Galatians, Luther provided the following heading for the third chapter: "The Galatians are rebuked

¹³ Kurt Aland, ed., *Hilfsbuch zum Lutherstudium*, 4th ed. (Bielefeld: Luther-Verlag, 1996) lists collections of Luther's marginal notes on these texts during those years.

¹⁴ Timothy Wengert, *Law and Gospel: Philip Melancthon's Debate with John Agricola of Eisleben over Poenitentia* (Grand Rapids: Baker Books, 1997), 191.

¹⁵ Luther's scholia on Romans are available in WA 56 and LW 25.

¹⁶ LW 25:240; WA 56:253-254.

¹⁷ Robert Kolb, *Martin Luther: Confessor of the Faith* (Oxford: Oxford University Press, 2009), 51.

¹⁸ LW 25:485-488. This point provides helpful context for understanding Luther's 1528 Lectures on 1 Timothy at the end of this article.

¹⁹ LW 25:488-490.

and the apostle, showing the imperfection of the Law of Moses, says that righteousness is by faith; with a consideration of the usefulness of the law."²⁰ Here one sees again Luther's law and gospel distinction as well as the use of the law within that distinction. Another early reference to the usefulness of the law appeared in the 1519 Lectures on Galatians, where Luther provided a detailed explanation of how the law increases transgression. Luther asked, "Who would ever have expected such an answer, one that is certainly opposed to all who are wont to speak intelligently about the usefulness of the Law?"²¹ He followed with a long argument associating Galatians 3:19 with Romans 5:20, engaging with the interpretation of Jerome, whose commentary on Galatians focused on the civil use of the law when answering Paul's question of Galatians 3:19.²²

In 1521 Luther wrote about the *officium legis* (office of the law),²³ an expression that he would consistently use interchangeably with "use of the law" in later writings.²⁴ Luther's terms *utilitas legis* and *officium legis* show the influence of medieval commentators and canon law on his theological development. Although the term *utilitas legis* was foundational to Luther's doctrine of the law, scholars of the only-two-uses consensus have failed to recognize it.

In the *Weihnachtspostille* (Christmas Postil) of 1522, Luther provided his most extensive early explication of the use of the law.²⁵ The elector commissioned these sermons to guide evangelical preachers. The Weimar Edition of Luther's works lists twenty-six German printings (1522–1544)

²⁰ "Increpantur Galat<h>ae ac ostendens apostolus imperfectionem legis Mosaicae dicit iusticiam esse ex fide: annectendo legis utilitatem." WA 57.II:20. Elsewhere in this chapter, Luther provided a second reference to the use of the law: regarding Paul's question in Gal 3:19, he wrote, "Obicit sibi ipsi aliorum motivum: videtur enim lex superflua, immo inutilis, si non iustificat." (He poses to himself the others' argument. For the law appears unnecessary, or rather useless, if it does not justify.) WA 57.II:26.

²¹ LW 27:269; WA 2:522 has *de utilitate legum*.

²² Cf. Peter Lombard's emphasis on Rom 5:20 in PL 192:127.

²³ LW 44:302.

²⁴ Melancthon used the expression earlier in his 1521 *Loci Communes* (CR 29:154). The same expression appeared in the first pages of Gratian's *Decretum*, which Luther and Melancthon would have read early in their careers. It appears that Luther or Melancthon adapted this term from canon law for describing the uses and effects of the Law of Moses. Luther purchased a copy of *corpus iuris canonici* in 1505 when he began study of canon law. Ironically, he burned volumes of canon law after Roman officials began burning his books; E.G. Schwiebert, *Luther and His Times* (St. Louis: Concordia Publishing House, 1950), 20.

²⁵ Unfortunately, this passage is rarely considered by current advocates of the only-two-uses consensus.

and two printings of Martin Bucer's Latin translation (1525 and 1526).²⁶ These sermons were among Luther's most widely distributed—and therefore influential—writings. They were in constant use throughout Lutheran regions, spreading his views on the use of the law.

Historians of doctrine have focused on a portion of Luther's 1522 sermon that described a twofold use of the law,²⁷ but have largely neglected or not understood a particularly significant passage with explicit reference to a "threefold use of the law." In Luther's sermon for New Year's Day on Galatians 3:23–29,²⁸ we see three attitudes toward the law, that is, three ways in which man conducts himself with reference to it. Some utterly disregard it, boldly opposing it by a dissolute life. To them it is practically no law. Others, because of the law, refrain from such a course and are preserved in an honorable life. But while outwardly they live within the law's prohibitions, inwardly they are enemies of their tutor. The motive behind their conduct is the fear of death and hell. They keep the law only externally, or rather, it keeps them. Inwardly they neither keep it nor are kept by it. Still others observe it both externally and with the heart. Those who keep the law in this manner are the true tables of Moses, written upon outwardly and inwardly by the finger of God himself.

The Lenker edition, cited here, obscures Luther's reference to the use of the law. Luther begins this passage with the expression *dreyerley brauch des gesetzes*, which is the German equivalent to Nicholas of Lyra's *triplicem legis utilitatem*.²⁹ Luther provides a much more extensive explanation of the

²⁶ WA 10.I:viii–ix.

²⁷ See, e.g., Ebeling, "Doctrine of the *Triplex Usus Legis*," 64.

²⁸ Martin Luther, *The Complete Sermons of Martin Luther*, trans. John Nicholas Lenker and Eugene F.A. Klug (Grand Rapids: Baker Books, 2000), 6:272–274; WA 10.I:457–458 [henceforth Lenker]. Legal historian John Witte Jr. writes, "Luther also touched lightly on a third use of the law. This use, grounded in St. Paul's discussion of the law as 'our schoolmaster to bring us unto Christ' (Galatians 3:24), became known in the Protestant world as the 'educational,' 'didactical,' or 'pedagogical' use of the law. Law, in this sense, serves to teach the faithful, those who have already been justified by faith, the good works that please God. Luther recognized this concept without explicitly expounding a doctrine of the third use of the law. He recognized that sermons, commentaries, and catechism lessons of the many Old Testament passages on law are directed, in no small part, to teaching the faithful the meaning of God's law." John Witte Jr., *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge: Cambridge University Press, 2002), 103–104.

²⁹ "Aus Lyra hat nämlich der Autor die dreifache utilitas legis genommen. . . . Lyra selbst war aber hierin abhängig von Pet. Aureoli." (From Lyra, of course, the author [Luther] has taken the threefold *utilitas legis*. . . . Lyra himself, however, was dependent in this on Petrus Aureoli.) Denifle, *Die abendländische Schriftausleger*, 202. Denifle

threefold use as it relates to Galatians 3 and broader Pauline theology. Before considering more of this passage, however, a closer examination of the history of its interpretation will be presented.

II. Ebeling's Assessment

Although Gerhard Ebeling was well aware of Luther's reference to a *dreyerley brauch des gesetzes* as a potential source for the Reformation doctrine of a third use of the law, he dismissed the possibility of a connection between Luther's teaching here and the dogmatic tradition of a third use:

The threefold use of the law which Luther speaks of here, bears solely on the question of fulfilling the law. . . . Luther expressly describes this third method in a way that excludes the *tertius usus legis* as Melanchthon understands it. . . . This distinction of a threefold use of the law is only inserted by Luther in the form of a parenthesis in a context where the real topic is as plainly as may be the *duplex usus legis*, in the sense that there are said to be "two things for which the law is necessary and good, and which God expects of it." . . . Our conclusion therefore is, that the formula "threefold use of the law" is indeed found in Luther for the first time, yet it only expresses a passing thought and is then dropped again, while at the same time the doctrine of a twofold use of the law is already established in essence and still awaits only its final conceptual formulation.³⁰

Note well that Ebeling assesses this passage based on what was to come about twelve years after it was written—Melanchthon's understanding expressed in the 1535 *Loci Communes*—rather than on the broader history of Western Christian thought. Ebeling seems to have been unaware of the ancient and medieval tradition on the use of the law.³¹ He also seems to have dismissed prematurely the relevance of this passage because it does not speak in the same manner as Melanchthon or later dogmatic theologians. Ebeling's focus on finding the mature dogmatic expression of the Reformation prevents him from taking into account the manner in which Luther taught the doctrine of the law.³²

published his research in the era during which Luther scholars such as Kawerau supported the idea that Luther taught a threefold use of the law. The next generation of scholars, such as Elert and Ebeling, somehow missed this historical insight as they worked to establish the two-uses consensus.

³⁰ Ebeling, "Doctrine of the *Triplex Usus Legis*," 64–65.

³¹ Ebeling, "Doctrine of the *Triplex Usus Legis*," 73.

³² Ebeling also characterizes Luther's threefold teaching as "the form of a parenthesis," which allows him to dismiss its importance. Yet it is noteworthy that other

Ebeling's assessment does, however, provide helpful caveats. Earlier in the text, for example, Luther does indicate that he will write about two responses to the law.³³ Ebeling is correct in noting that within this passage Luther distinguishes what "God expects of [the law]" and what man does with the law. The following table summarizes Luther's teaching in this passage:

Divine and Human Uses of the Law (1522)

Divine use one:	Preservation of discipline
Divine use two:	Humbling through the granting of self-knowledge
Human (mis)use one:	Bold opposition by a dissolute life
Human (mis)use two:	Outward keeping of the law, or being kept by the law
Human use three:	Outward and inward keeping of the law

Modern scholarship, influenced by the dogmatic tradition, has tended to describe only the divine use of the law, that is, the manner in which the Holy Spirit uses the law in a person's life. In this passage, however, Luther clearly has in mind the manner in which man uses and misuses the law, which was a topic for earlier theologians, as found in the *Glossa Ordinaria*³⁴ and even Paul in 1 Timothy 1:8-9. In fact, Luther wrote about the divine and human uses of the law alongside one another throughout his career.

Because Luther does not explicitly enumerate a third divine use in this passage, Ebeling rejects it as an example of the teaching of a third use. Not all scholars, however, have agreed fully with Ebeling's assessment. The

historians have characterized 1521-1522 as especially important for Luther's development of the doctrine of the law and the distinction between law and gospel. See, e.g., Bernhard Lohse, *Martin Luther: An Introduction to His Life and Work*, trans. Robert C. Schultz (Philadelphia: Fortress Press, 1986), 52. Lohse explains that the conflict with Karlstadt in the winter of 1521-1522 caused Luther to reflect deeply on the uses of the law and the dialectical relationship between law and gospel. Lohse sees Luther writing especially about the civil use of the law at this time.

³³ "Alszo sehen wyr disze tzwey stuck auch ynn allen menschen." (Thus we see these two parts also in all men.) WA 10.1:452. The Lenker translation added the heading "The Office of the Law." *Complete Sermons* 6:270.

³⁴ "Lege autem legitime utendi multiplex est modus, ut secundum aliud justus, et secundum aliud injustus recte dicatur legitime uti lege." (Now, there are many ways of lawfully using the law, so that the righteous are correctly said to be lawfully using the law in one way, and the unrighteous in another way.) PL 114:625.

1986 *Bekennnisschriften* follows a reference to this passage with the word "triplex," meaning that the editors take the passage from the *Weihnachtspostille* as teaching a threefold use of the law.³⁵ Also, there was in the early twentieth century a scholarly consensus on this question, whose adherents included Gustav Kawerau, Reinhold Seeberg, Friedrich Loofs, Karl Aner, and Heinrich Denifle.³⁶

Readers should note the fact that Luther does provide three positive statements of the law's use, with the third being the use of the law by the believer. There is also a divine action under this third category: "This class are [sic] the tables of Moses, written upon outwardly and inwardly by the finger of God himself."³⁷ Luther remarkably describes the believer's outward life and inward heart as the "tables of Moses," making the righteous man an embodiment of the divine law. He follows with extensive comment on man's use and abuse of the law, which also requires careful assessment, since Luther continues to comment on the use of the law throughout this passage.

III. The Pattern of Luther's Teaching

Luther's dialectical and rhetorical approach in the *Weihnachtspostille* is to present a contrast between those who misuse God's law and those who use it properly. He first describes three classes of those who use or misuse the law.³⁸ He then repeats the teaching by illustrating it with an extended analogy based on Israel's responses to the Law of Moses.³⁹ We shall consider these passages in order, beginning with the description of the three classes of mankind:

The first class are righteous neither without nor within; the second are only outwardly pious and not in heart; but the third are thoroughly righteous. Upon this point Paul says (1 Tim 1,8), "But we know that the Law is good, if a man use it lawfully." But in what way is it lawfully used? I answer, "Law is not made for a righteous man, but for the lawless" (verse 9). And what are we to understand by that? Simply that he who would preach the Law aright must be governed by these three classes. He must not by any means preach the Law to the third class as an instrument of righteousness; this were perversion.

³⁵ *Die Bekenntnisschriften der evangelisch-lutherischen Kirche*, 10th ed. (Göttingen: Vandenhoeck & Ruprecht, 1986), 962n2; the reference is to WA 10.1:457,2–458,18.

³⁶ See Werner Elert, "The Question of the Law's 'Third Function,'" in *Law and Gospel*, trans. Edward H. Schroeder (Philadelphia: Fortress Press, 1967).

³⁷ Lenker 6:273.

³⁸ WA 10.1:456,19–457,13.

³⁹ WA 10.1:457,14–458,14.

But to the first class such preaching is in order. For them is the Law instituted. Its object is that they may forsake their dissolute life and yield themselves to the preserving power of their tutor. However, it is not enough for them to be guarded and kept by the Law; they must learn also to keep it. So, in addition to the Law and beyond it, the Gospel must be preached, through which is given the grace of Christ to keep the former. There is a considerable difference between observing the Law and being preserved by it; between keeping and being kept. The first class neither keep it nor are kept; the second are kept; and the third keep it.⁴⁰

Luther then extends and applies the threefold usefulness of the law, emphasizing the use of the three classes as a guide to preachers. Knowing the audience(s) should help preachers to proclaim the law appropriately. Luther then follows with his biblical analogy. The Lenker edition again hides Luther's theological term "use of the law" by not including the term "use" in its translation. Luther literally introduces the analogy as "three attitudes toward the use of the Law" (*drey weyse am brauch des gesetzes*).⁴¹ Luther's analogy includes a time when the law is given, that is, twice under Moses, and a time when the Law of Moses is not given, that is, the time of Joshua, when the law is fulfilled by faith.⁴²

As noted above, Ebeling emphasizes that Luther's entire discussion of the threefold use of the law occurs in the context of his teaching about two offices or uses of the law. Ebeling, however, does not seem to have considered the larger dialectical and rhetorical pattern of Luther's teaching, which is summarized as follows: (1) first use, (2) second use, (3) first misuse, (4) second misuse, (5) third use, and (6) an analogy illustrating the earlier points. Because Luther describes the use of the law in terms of a contrast, he naturally divides his teaching on the third use of the law from the first two uses. As one explores later passages from Luther, one should watch for this contrast and pattern of teaching.⁴³

Ebeling makes an additional point on Luther's sermon on Galatians 3:23-29: "The exposition of Gal. 3.23-29 in the *Weihnachtspostille* of 1522 . . . does in fact contain the expression 'three-fold use of the law,' which Bucer

⁴⁰ Lenker 6:273; WA 10.1:456-457.

⁴¹ Lenker 6:273-274; WA 10.1:457-458.

⁴² Luther's concept of the "time of the law" is important for understanding how he wrote about the use of the Law of Moses, especially as he interpreted Gal 3.

⁴³ Cf. also the progression in the *Glossa Ordinaria* for 1 Tim 1:8-9, where two purposes of the law are plainly presented, followed by a digression on the human need for and use of the law.

in his Latin translation of 1525 renders literally as *triplex usus legis*.⁴⁴ Ebeling is correct in his claim that this is the earliest appearance of *usus legis* yet noted, the term Luther would later use in his 1531 Lectures on Galatians and that Melanchthon would use in the 1535 *Loci Communes*.⁴⁵ Since Luther delivered his Galatians lectures and Melanchthon wrote the *Loci* in Latin, it is tempting to conclude that both consulted Bucer's Latin translation of Luther's sermon on Galatians and so settled on the term *usus legis* rather than the ancient and medieval *utilitas legis*. Yet the possibility remains that it was a medieval theologian that coined the term *usus legis*.

IV. The January 15, 1528 Lecture on 1 Timothy

Luther reflected again on the use or office of the law on January 15, 1528. His comments are complex and even contradictory at points, which is likely why scholars have overlooked them. One scholar who did examine this passage was Martin Schloemann, who considered the development of Luther's doctrine of the law by studying Luther's interpretation of 1 Timothy 1:8-9. Schloemann expressed surprise that other scholars had not studied Luther's comments on the law in the lectures on 1 Timothy, since he saw in them a repudiation of the third use of the law.⁴⁶ Schloemann seems, however, to have misunderstood Luther's comments in the lectures because he was not familiar with the ancient and medieval teaching about the uses of the law, and also because he did not include in his research Luther's observations from the 1522 *Weihnachtspostille*—Luther's most extensive early commentary on the topic, which cited and interacted with 1 Timothy 1.

In the Lectures on 1 Timothy, Luther wrestles with the opinions of his opponents and the question of how to describe the role of the law in the life of a believer.⁴⁷ His main point was made in commenting on 1 Timothy 1:8.

To sum up all of this: Use the Law as you wish. Read it. Only keep this use away from it, that you credit it with the remission of sins and

⁴⁴ Ebeling, "Doctrine of the *Triples Usus Legis*," 62-63.

⁴⁵ Desiderius Erasmus (c. 1469-1536) used the term *usus legis* in later commentaries, but I have not determined when the expression first appeared in his writings, since a limited number of editions are available to me. Erasmus's *In epistolam Pauli ad Galatas Paraphrasis* (Argentina, 1520), 49, assumes awareness of the medieval expression *utilitas legis*; see also the 1522 *Paraphrases in Novum Testamentum*, in *Opera Omnia* (Lugduni: Petri Vander, 1706), 954.

⁴⁶ Schloemann, *Natürliches und gepredigtes Gesetz bei Luther*, 26n73.

⁴⁷ See LW 28:231n17. In the broader context, Luther referred to his 1524 treatise *Against the Heavenly Prophets*. The concerns of that treatise reemerged in the 1 Tim lectures.

righteousness. Beware of making me righteous by the Law. Rather use it to restrain. You must not give the Law the power and virtue to justify.⁴⁸

Here Luther voices his chief concern. He supports the use of the law for both believers and unbelievers, but is concerned that no one ascribe to the law the power to justify. "The Law is abused when I assign to the Law more than it can accomplish. Good works are necessary and the Law must be kept but the Law does not justify."⁴⁹

Luther next comments on 1 Timothy 1:9, which stirs further reflection on the same subject:

The Law frightens and causes trembling—these are the spiritual effects of the Law. It really has a double function: in an external way to repress violence and spiritually to reveal sins. It restrains the wicked to prevent their living according to their own flesh, and it shows the Pharisees their sins to keep them from pride. Satan, every wicked theologian, and even nature cannot bear to have their works condemned. Those who have the firstfruits of the Spirit have the battle to fight against confidence in our own works.⁵⁰

Luther's pattern of thought is as follows: (1) the first use restrains sinners, (2) the second use reveals sin, (3) the law is misused by Satan, wicked theologians, and natural reason, and (4) righteous men battle against confidence in works. This, stated in brief, is a pattern of argument similar to the one used in his 1522 sermon. Luther pairs up a description of the first and second uses of the law, followed with a description of the misuse of the law.

Luther closes that day's lecture by commenting on the Christian life:

The Law is laid down *for the lawless*. This gives the Law both its civil and spiritual functions: that wicked man is restrained and is led to a knowledge of himself. Those are the two functions. By its civil function it restrains crass sinners who rush in before they reveal all things as free. This must be the Law with its own punishment. Many people are greedy, and yet they live with a beautiful and holy appearance. Paul in Rom. 1 assails the Gentiles for their crass and manifest sins. In chapter 2 he assails the very decent-appearing Jews who beneath their hypocrisy kept encouraging the worst sins so that

⁴⁸ LW 28:231–232.

⁴⁹ LW 28:232.

⁵⁰ LW 28:233. The statement "Good works are necessary" would later get Melancthon in trouble with both the Antinomians and the Gnesio-Lutherans.

these holy sinners are put to shame. Rom. 2. There we have the true use, and you should not assign more to the Law than to restrain and humble the proud saints that they may be led to understanding. When this occurs, there is no further function of the Law.⁵¹

In this lecture Luther presents a new biblical analogy based on Paul's argument in Romans, which condemned first the Gentiles and then the Jews with the first and second uses of the law. At this point he even concludes that there are no other uses. He then attacks an unidentified opponent for misusing the law, typical of his pattern of argument presenting use then misuse for contrast:

Why, then, do you preach that one is justified thereby? The just man ought not have the Law except as a restraint and to reveal sin. But it does not take away sin. But in the case of manifest sinners, it restrains; in the case of secret sinners, it reveals. In the case of the just man, it cannot restrain, because there is nothing to restrain; it cannot reveal, because he has done nothing concealed. It is the good use of the Law to restrain and to reveal sin; but it is misuse thereof to say that it takes away sin.⁵²

He does not state who these false preachers are, but the scholia on Romans indicates that they were likely the Jewish teachers described in 1 Timothy 1.⁵³

A potential cause of confusion, however, is Luther's assignment of the twofold use of the law to "proud saints," believers addressed in Romans, and the "just man rather than the unjust." He then seems to contradict this point by stating that the just man has nothing to restrain or conceal, remembering the wording of 1 Timothy 1:9. Luther fails to include a clear statement of how *simul justus et peccator* factors into the use of the law. The day's lecture closed in a most confusing way, illustrating that Luther had not finally and clearly settled on one way to talk about the role of the law in the life of a believer, though he knew what he did not want to say—that the law justifies sinners.

V. The January 20, 1528 Lecture on 1 Timothy

When Luther begins the next lecture, he expresses himself with greater clarity and confidence. This transition from one lecture to the next is

⁵¹ LW 28:234.

⁵² LW 28:234.

⁵³ Luther was not rebuking his colleagues Agricola and Melancthon, with whom he had recently discussed the use of the law. They had disputed about the role of the law in repentance; neither of them had argued that one is made righteous through the law.

significant for understanding the flow of the passage, yet Schloemann seems to have overlooked it in his analysis. Luther states:

We have treated these two points: the Law is good, and it was not laid down for the just. I have also mentioned that we understood those two points as characteristic for recognizing Christians. The wicked do not understand that the Law is not for the just man. Against this, Rom. 13:10 proclaims that love is the critical point of the Law, and beyond that it says (Rom. 7:16): "The Law is good." The two functions of the Law are to reveal sinners and restrain them.⁵⁴

As in the previous lecture, Luther here defines the first two offices or functions of the law as ways in which the law acts upon those who hear it. The work of the Holy Spirit is to use the law to restrain sinners and reveal sin, driving a person to despair of his own righteousness. Luther also notes that the wicked do not understand the use of the law, which leads them to misuse it; this is in keeping with Luther's typical pattern of argument.

Luther then defines a third office of the law. He makes this point at the beginning of this lecture, after he has collected his thoughts and can speak more clearly. Rather than describing the prophetic use of the law or "the law of the gospel" as a late-medieval theologian would do, Luther describes a use of the law passively and negatively:

The third function, however, to remove sin and to justify, is limited to this: The Lamb of God, and not the Law, takes away sin. It is Christ who removes sin and justifies. Consequently, we must distinguish between the function of the Law and that of Christ. It is the Law's function to show good and evil, because it shows what one must do and reveals sin, which one must not commit. The Law therefore is good because it shows not only evil but also the good which one must do. But beyond that it does not go. It does not kill Og and King Sihon. It merely reveals good and bad; Joshua [does the rest].⁵⁵

The law does not justify or remove sin. Christ fulfills this office for the hearer's sake. Luther does not speak first of the Spirit using the law, nor does he speak of the law's effect on the one hearing it. Yet he emphasizes that the law still reveals good and evil for the believer. This basic use of the law does not go away. In this explanation, Luther safeguards the office of Christ to justify and the office of the law to reveal right and wrong. Though fulfilled by the office of Christ, the law still stands.

⁵⁴ LW 28:235.

⁵⁵ LW 28:235.

In this description of the third function of the law, Luther returns to the analogy used in his 1522 sermon. There Luther used a three-part biblical analogy, including (1) the golden calf incident, (2) the veil incident, and (3) the conquest under Joshua. Here, Luther skips the first two parts of the analogy to focus directly on the third: “[The law] does not kill Og and King Sihon. It merely reveals good and bad; Joshua [does the rest].” In this analogy, Luther links his earlier thoughts about a threefold use/misuse by mankind with the three offices of the law described in the 1 Timothy lectures. In other words, this is another connection and point of consistency in Luther’s thinking about a threefold use of the law. This again calls into question Ebeling’s conclusion that the 1522 sermon did not have to do with Luther’s teaching of a threefold use of the law. In both passages, Luther writes about the human use/misuse and the divine use of the law. In studying these passages, in which Luther explicitly mentions a threefold use of the law and three offices of the law, a broader picture of Luther’s thinking about the law emerges, which is illustrated in the following table:

Luther’s Uses or Offices of the Law

Divine Use 1: Restrain (WA 10.I.:454–455; 26:16; LW 28:234–235)	Misuse 1: Bold opposition (WA 10.I.:456,10–11; 26:16; Lenker 6:272; LW 28:234)	Righteous man’s use 1: Live together in peace (WA 10.I.:454,17; Lenker 6:271); forsake the dissolute life (WA 10.I.:457,6; Lenker 6:273)
Divine Use 2: Bring about knowledge of sin (WA 10.I.:454–455; Lenker 6:270–271; WA 26:16; LW 28:234)	Misuse 2: Mere outward obedience (WA 10.I.:456,15; Lenker 6:273); self- justification and hypocrisy (WA 26:16; LW 28:234)	Righteous man’s use 2: Self-knowledge leading to repentance (WA 10.I.:455,5–6; Lenker 6:271–272; WA 26:16; LW 28:234)
Divine Use 3: Write tables of Moses both inwardly and outwardly (WA 10.I.:456,18; Lenker 6:273); reveal good and evil (WA 26:17; LW 28:235)	Misuse 3: Return to the law for justification (not specifically enumerated by Luther)	Righteous man’s use 3: Observe and keep the law both inwardly and outwardly (WA 10.I.:256,17; 257,13; Lenker 6:273)

VI. Conclusion

Augustine provided the term *utilitas Legis* (usefulness of the law). The medieval theologians drew on the classical, biblical, and patristic traditions to arrive at enumerations of the usefulness of the Law of Moses. This effort appears to have begun at the University of Paris in the thirteenth century, some two hundred years before Luther and Melancthon. The medieval glosses supplied everything necessary for the Reformation-era doctrine of the law: (1) biblical basis, (2) distinction of uses, (3) introduction of technical terms, and (4) enumeration of uses. This is evidence that a mature doctrine of the use of the law predated the Reformation.⁵⁶ In view of this, the Reformers did not create a new doctrinal category. They interacted with deep, carefully considered teachings of earlier theologians.

The medieval theologians also consistently presented a prophetic use of the law, noting that the Law of Moses proclaimed the coming of Christ. For them there was no contradiction in speaking of "the law of the gospel" or of describing the New Testament as a "new law." These ways of speaking, however, contributed to confusion about the doctrines of repentance and justification, which sparked the Reformation.

Luther taught about the usefulness of the law in substantial agreement with earlier commentators. His terminology and order of uses stemmed directly from his predecessors. Unlike medieval commentators, however, Luther's comments in the *Weihnachtspostille* of 1522 changed the third use of the law from a prophetic use, announcing the coming of Christ, to a righteous man's use of the law. He emphasized that justification changes the believer's attitude toward and use of the law so that the believer no longer keeps the law from compulsion. The law, kept by Christ, can now be kept by those who are righteous through Christ, an insight noted in the

⁵⁶ It seems that the medieval exegetical tradition preserved and defined the doctrine of the usefulness of the Law. The doctrine did not receive the same emphasis in the dogmatic tradition. If these observations prove true, they could explain why modern scholars did not recognize that Luther drew his views from earlier theologians since modern scholars have tended to focus on the dogmatic writings for creating histories of doctrine. Gabriel Biel (d. 1495) wrote about the law in his commentary on Peter Lombard's *Sentences*. See *Collectorium circa quattuor libros Sententiarum*, Wilfridus Werbeck and Udo Hofmann, eds. (Tübingen: J.C.B. Mohr, 1979), Book III, Dists. 37 and 40. His comments do not clearly anticipate the Reformation doctrine of the use of the law. Johann von Staupitz, Luther's mentor in the Augustinian Order, does not appear to have written on the doctrine of the use of the law. A summary of von Staupitz's teaching is provided by Franz Posset, *The Front-Runner of the Catholic Reformation: The Life and Works of Johann von Staupitz* (Hants, England: Ashgate Publishing Limited, 2003), 303-304.

Glossa Ordinaria on 1 Timothy 1:8–9. This thought and the terminology attending it reappeared in the 1528 lectures on 1 Timothy, in which Luther urged his hearers to use the law as they wished and briefly described a third office of the law that always reveals what is good and what is evil.⁵⁷ The righteous man, who has been given the Spirit and has the law written on his heart, gladly takes up the law and uses it. This recalls the advice for morning prayer in the Small Catechism, in which the believer goes joyfully to work singing a hymn on the Ten Commandments.⁵⁸

Although Luther removed the prophetic use from the list of uses taught by Petrus, Nicholas, and others, he did not abandon the prophetic use. For the sake of clarity, Luther relabeled the prophetic use as promise and ultimately as gospel. We may see in these changes the significance of the doctrine of the use of the law to the refinement of the law–gospel distinction.⁵⁹ Whereas scholastic theologians had consistently written about “the law of the gospel” or the New Testament as “the new law,” Luther saw the need to label the doctrines of law and gospel in order to distinguish clearly the doctrines of justification and sanctification. His theology and terminology for the threefold use of the law and a third office of the law influenced Melanchthon⁶⁰ and the writers of the Formula of Concord, with the result that a third use of the law became standard teaching in Reformation theology.

In view of the history, it seems inappropriate to state that Luther taught only two uses of the law or that Melanchthon added a third. A broad consideration of Luther’s language concerning the uses and offices of the law urges a different consensus. The third use of the law is a category espoused not only by later Lutherans, but by Luther himself.

⁵⁷ WA 26; LW 28.

⁵⁸ Scholars have recognized that a third use of the law appears in Luther’s teaching, but have had difficulty describing it and relating it to the doctrine in the Formula of Concord. See, e.g., Paul Althaus, *The Theology of Martin Luther*, trans. Robert C. Schultz (Philadelphia: Fortress Press, 1966), 273.

⁵⁹ The distinction, of course, has independent existence from the enumeration of uses of the law, and deep roots in Pauline and Western theology. See the timeline in C.F.W. Walther, *Law and Gospel: How to Read and Apply the Bible*, trans. Christian C. Tiews, ed. Charles P. Schaum, John R. Hellwege Jr., and Thomas E. Manteufel (St. Louis: Concordia Publishing House, 2010), liv–lxiii.

⁶⁰ Melanchthon did not write about a third use of the law until 1534, twelve years after Luther introduced the thought and the attendant terminology. As was the case with the medieval theologians and Luther, Melanchthon’s observation appeared first in his exegetical work, the scholia on Colossians, rather than in a dogmatic treatise. See Wengert, *Law and Gospel*, 177.