

INVOCAVIT IMPERATIVES: THE THIRD USE OF THE LAW AND THE SURVIVAL OF THE WITTENBERG REFORMATION

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Introduction

FEW ELEMENTS of Martin Luther's theology incite a doctrinal donnybrook quicker than a discussion on the *Usuum Legis*, the uses of the law. Few argue that Luther held the law in high esteem. What is often debated is how the law should be used by the preacher—namely, is the third use of the law contained in Luther's thought? Lamentably, in the midst of historical-theological skirmishes on the third use, Luther's preaching is largely ignored. Scholars frequently cite what Luther *said* in his theological writings, but surprisingly little effort has been undertaken to ascertain what Luther actually *did* in the pulpit.¹ This study will demonstrate that the third use of the law is essential to Luther's preaching as evidenced in his *Invocavit Sermons*.

Demonstrating the essentiality of the *Tertius Usus Legis* in Luther's preaching will require several steps. First, a general understanding of Luther's concept of law must be attained. Second, the uses of the law must be delineated, with specific attention given to the third use. Third, the legitimacy of the *Invocavit Sermons* as a source to examine Luther's preaching must be established. Fourth, the sermons themselves must be analyzed in detail. Finally, possible objections to the sermon analysis will be addressed.

1. This is consistent with a sizeable knowledge gap of Luther's preaching. In 1967, A. Skevington Wood lamented the absence of a definitive work on the preaching of Martin Luther. A. Skevington Wood, *Captive to the Word: Martin Luther: Doctor of Sacred Scripture* (Grand Rapids: Paternoster Press, 1969), 85. At that time, "No exhaustive monograph on this subject ha[d] yet been presented, not even in Germany." Richard Lischer shared a similar sentiment nearly two decades later: "Exhaustive studies of Martin Luther's preaching are few, and for good reason. The persistence of his scribes has resulted in a corpus of more than 2,000 sermons..." Richard Lischer, "Luther and Contemporary Preaching: Narrative and Anthropology," *Scottish Journal of Theology* 36 (1983): 487. Fred Meuser echoes these concerns: "Literature on Luther the preacher is virtually non-existent in English," and "In no language is there a definitive book on Luther the preacher." Fred W. Meuser, *Luther the Preacher* (Minneapolis: Augsburg Publishing House, 1983), 10. Meuser's own work is limited, despite its status as arguably the most comprehensive study of Luther's preaching in English. In his 2012 Gheens Lectures at Southern Baptist Theological Seminary, Carl Trueman expressed a continued need for study of Luther the preacher. Carl Trueman, "Theological and Biographical Foundations" (Gheens Lecture presented at the Southern Baptist Theological Seminary, Louisville, KY, September 11, 2012).

1. Toward a Theology of the Law

Wilhelm Andersen was right. “Law is a good gift of God to man, yet ... it brings with it deadly dangers that are inseparable from it.”² One of those dangers is attempting to define Luther’s understanding of law in a sea of alternatives. The options are best summarized by two general categories.³ First, some define Luther’s concept of law by its function. For instance, Gerhard Ebeling states, “Law is not ... an idea or a collection of propositions but the reality of fallen humanity.”⁴ Gerhard Forde suggests, “Law is *anything* which frightens or accuses ‘the conscience.’ ”⁵ Markus Wriedt opines, “By law Luther understands all statements of Scripture that uncover the sin of humans and accuse them.”⁶ What unites these definitions is the suggestion that law is discernible not merely by what it *says* but by what it *does*.

Second, some define Luther’s concept of law by its content. Robert Kolb argues, “Divine expectations for human creatures are what Luther called ‘law.’ ”⁷ Paul Althaus claims, “Law is the eternal will of God.”⁸ Ernest Reisinger asserts, “This word ‘law’ ... signifies any doctrine, instruction, law, ordinance, or statute, divine or human, which teaches, directs, commands, or binds men to any duty which they owe to God or man.”⁹ What unites these definitions is an objective content embedded in law that distinguishes it from gospel, be it an instruction, an expectation, or an expressed desire.

How a theologian defines Luther’s concept of law predictably precipitates his or her position on the third use. Those definitions of law that stress function tend to reject a third use of the law. After all, the third use of the law functions so differently from the first two uses. Those definitions of the law that notice an objective content within the law itself are more compatible with a third use. Which definition is preferable? Since the purpose here is to unpack Luther’s understanding of the law, his own insight is essential. He offers a helpful answer in his “Sermon on the Distinction Between Law and Gospel”:

2. Wilhelm Andersen, *Law and Gospel: A Study in Biblical Theology* (London: Lutterworth Press, 1961), 17.

3. David Lose highlights this division between content and function: “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).” David J. Lose, “Martin Luther on Preaching the Law,” *Word & World* 21 (2001): 254.

4. As quoted in Gerhard O. Forde, *The Law-Gospel Debate: An Interpretation of Its Historical Development* (Minneapolis: Augsburg Publishing House, 1969), 177.

5. *Ibid.* Emphasis original.

6. Markus Wriedt, “Luther’s Theology,” in *The Cambridge Companion to Martin Luther*, ed. Donald K. McKim (New York: Cambridge University Press, 2003), 107.

7. Robert Kolb, “Luther in an Age of Confessionalization,” in *Ibid.*, 223.

8. Paul Althaus, *The Theology of Martin Luther*, trans. Robert C. Schultz (Philadelphia: Fortress Press, 1966), 252.

9. Ernest C. Reisinger, *The Law and the Gospel* (Phillipsburg, NJ: P&R Publishing, 1997), 48.

By the term ‘Law’ nothing else is to be understood than a word of God that is a command, that enjoins upon us what we are to do and what we are to shun, that requires from us some work of obedience.... Law is to be called and to be, anything that refers to what we are to do.... The Law makes demands of things that we are to do; it insists on works that we are to perform in the service of God and our fellow-men.... Thus the Law and the Gospel are distinguished as to their formal statements: the one promises, the other commands. The Gospel gives and bids us take; the Law demands and says, This you are to do.¹⁰

Noteworthy for this study is the objective element of imperatives in the proper understanding of law. For Luther, law is inextricably linked to commands and demands. In other words, locating law in a sermon is as simple as identifying imperatives. Therefore, for the purposes of this study, the law is any Word of God that commands and expects compliance. Nevertheless, the imperative content of law functions in different, yet complementary ways.

1.1. The First Use of the Law

The first use of the law is a curb, designed by God to *restrain* sin—often referred to as the civil use of the law. In its civil use, the law “compel[s] civility through legal restraint and the threat of punishment.”¹¹ Luther explains this in his commentary on Galatians: “as a mad or a wild beast is bound, lest he should destroy: even so the law doth bridle a mad and furious man, that he sin not after his own lust.... The first use of the law then is to bridle wickedness.”¹² Whenever men and women live in outright rebellion to the law of God they are rebelling against the first use of the law.

1.2. The Second Use of the Law

The second use of the law is a mirror, designed by God to *reveal* sin—often referred to as the theological use of the law. In its theological use, 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.”¹³ Luther explains: “Another use of the law is divine and spiritual, which is to increase transgressions, that is to say, to reveal unto a man his sin, his blindness, his misery, his iniquity, his ignorance, hatred and contempt of God, death, hell, judgment, and the deserved wrath of God.”¹⁴ Whenever men and women live in outright pride

10. Quoted by C.F.W. Walther, *The Proper Distinction Between Law and Gospel*, Public Domain (St. Louis: Concordia Publishing House, 1929), 23–24.

11. Lose, “Martin Luther on Preaching the Law, 254.

12. Martin Luther, *Commentary on Galatians*, ed. John Prince Fallows, trans. Erasmus Middleton (Grand Rapids: Kregel Publications, 1979), 189.

13. Lose, “Martin Luther on Preaching the Law, 255.

14. Luther, *Commentary on Galatians*, 189. Luther continues: “This then is a great and terrible monster and for the overthrowing of it, God hath need of a mighty hammer, that is, the law, which is in its proper office when it accuseth and revealeth sin after this sort: Behold thou

regarding the law of God they are rebelling against the second use of the law.

1.3. The Third Use of the Law

No small disagreement persists between those who advocate two uses of the law in Luther and those who insist on a third use.¹⁵ For decades, the “only-two-uses”¹⁶ position has enjoyed a scholarly consensus with support from many of the most reputable Luther scholars.¹⁷ This consensus was challenged,¹⁸ but a comprehensive

has transgressed all the commandments of God and so it striketh terror into the conscience, so that it feeleth God to be offended indeed, and itself to be guilty of eternal death.” *Ibid.*, 190.

15. Some scholars advocate a singular function of the law in Luther’s thought: to accuse the sinner. For example, see F. E. Mayer, “Human Will in Bondage and Freedom: A Study in Luther’s Distinction of Law and Gospel,” *Concordia Theological Monthly* 22 (1951): 785–819. Some use a key phrase from the Augsburg Confession to justify this approach—*lex semper accusat*, “the law always accuses. This phrase is found throughout the Confession. See, for example, Article IV where it appears nearly a dozen times. Theodore Gerhardt Tappert, trans., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 1959), 112–156.

16. Credit to Edward Engelbrecht for the “only-two-uses” nomenclature: *Friends of the Law: Luther’s Use of the Law for Christian Life* (St. Louis: Concordia Publishing House, 2011), 6. Engelbrecht also notes that the scholarly consensus did not always reject a threefold use of the law. In the early twentieth century, the scholarly consensus supported a threefold use, led by scholars like Kawerau, Seeberg, Loofs, and Aner. *Ibid.*, xii.

17. Engelbrecht includes a helpful list of recent and current scholars who reject a third use: 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, Wilifried Joest, and Martin Schloemann. Engelbrecht, *Friends of the Law*, xiii. To Engelbrecht’s list could be added Gerhard O. Forde, *A More Radical Gospel: Essays on Eschatology, Authority, Atonement, and Ecumenism*, ed. Mark C. Mattes and Steven D. Paulson (Eerdmans, 2004), 152; Bernhard Lohse, *Martin Luther’s Theology: Its Historical and Systematic Development*, trans. Roy A. Harrisville (Minneapolis: Fortress Press, 1999), 270–273; Robert Kolb and Charles P. Arand, *The Genius of Luther’s Theology: A Wittenberg Way of Thinking for the Contemporary Church* (Grand Rapids: Baker Academic, 2008), 157–158; Wayne G. Johnson, *Theological Method in Luther and Tillich: Law-Gospel and Correlation* (Washington, DC: University Press of America, 1981), 13–18; Julius Köstlin, *The Theology of Luther: In Its Historical Development and Inner Harmony*, vol. 2 (Philadelphia: Lutheran Publication Society, 1897), 501–502; David J. Lose, “Luther and Calvin on Preaching to the Human Condition,” *Lutheran Quarterly* 10 (1996): 281–318; Lose, “Martin Luther on Preaching the Law;” Dennis Ngien, “Theology of Preaching in Martin Luther,” *Themelios* 28, no. 2 (2003): 33–39. Some scholars reject even the possibility of a third use in ardent terms. For example, Timothy Wengert, who labels the belief that the law is a guide as “the legalists ‘third use’ of the law.” *Harvesting Martin Luther’s Reflections on Theology, Ethics, and the Church* (Eerdmans, 2003), 10.

18. For example, Emil Brunner, *The Divine Imperative*, trans. Olive Wyon (Philadelphia: Westminster Press, 1947), 605; Arthur H. Drevlow, “Law and Gospel in Luther’s Ministry,” *Concordia Journal* 10 (July 1984): 130–39; Robert C. Johnson, *Authority in Protestant Theology* (Philadelphia: Westminster Press, 1959), 34; Eugene F. Klug, “Luther on Law, Gospel, and the Third Use of the Law,” *The Springfielder* 38 (1974): 155–69; Wilhelm Niesel, *The Gospel and the Churches: A Comparison of Catholicism, Orthodoxy, and Protestantism*, trans. David Lewis (Philadelphia: Westminster Press, 1962), 216.

treatise had not emerged until Edward Engelbrecht's seminal work, *Friends of the Law: Luther's Use of the Law for the Christian Life*.¹⁹ Engelbrecht convincingly argued from historical theology that the notion of "uses of the law was not an invention of Luther, as is commonly supposed."²⁰ Furthermore, the third use of the law was not a Melancthonian innovation, as many contend, but a concept firmly established long before the Reformation.²¹ Engelbrecht then persuasively demonstrated throughout Luther's career substantial support for a third use of the law.

The third use of the law is a guide, designed by God to *redirect* the saved sinner toward holiness—often referred to as the moral use of the law. In its moral use, the law teaches Christians how to live. Luther proposes the third use in a lecture on 1 Timothy 1:8-9:

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.²²

Whenever Christians find in the law the power to justify, they are rebelling against the third use of the law.²³

2. Why Wittenberg?

Although the third use is debated among theologians, it is an essential component of Luther's preaching. The particular sermons chosen to support this thesis are the *Invocavit Sermons*, a series of eight sermons preached at the Castle Church in

19. Engelbrecht, *Friends of the Law*.

20. "This book will demonstrate that neither Luther nor Melancthon was the first theologian to describe the use of the Law. It will show that the doctrine and terminology are deeply rooted in biblical teaching and patristic theology. It will show that Luther's unique contribution was to renew the distinction and to explain how it properly related to the chief article of the Christian Faith: justification." *Ibid.*, 9.

21. "This book will demonstrate that Melancthon did not invent the idea of a third use as a doctrinal category. The idea and terminology of a threefold use of the Law came from medieval biblical interpretation and entered Reformation theology through Luther who early in his career described Christians as friends of the Law." *Ibid.*

22. Martin Luther, *Luther's Works, Vol. 28: Selected Pauline Epistles* (St. Louis: Concordia Publishing House, 1973), 147. The authenticity of this statement has been hotly debated by Luther scholars. Engelbrecht offers a convincing argument for its authenticity in *Friends of the Law*. For further critique in the same vein, see Klug, "Luther on Law, Gospel, and the Third Use of the Law."

23. Luther writes, "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." Luther, *LW* 28, 231.

Wittenberg in 1522. These particular sermons are uniquely situated to address this debate. First, the *Invocavit* Sermons reflect the preaching of the young Luther. It is widely recognized that Luther's theology of law matures with age, especially after the Antinomian controversies that peaked around 1538. Demonstrating a robust handling of the law in the adolescence of Luther's theology may portend a more comprehensive usage throughout his preaching.

Second, the *Invocavit* Sermons illustrate the importance of law in the survival of the Reformation. In a detailed analysis of the sermons, Neil Leroux asserts, "This Wittenberg Movement was the first serious threat to emerge from within the evangelical camp because it provoked occasional violence and strong repercussions by rulers."²⁴ It is no overstatement to assert that the *Invocavit* Sermons were essential to the survival of the Reformation.²⁵ Uncovering the third use in these sermons suggests that its importance to Reformation preaching is not peripheral.

Finally, the *Invocavit* Sermons are helpful because they do not follow the lectionary agenda as was customary during the Lenten season. "They are, instead, messages directed to current problems at a particular location."²⁶ This makes the sermons uniquely situated to depict Luther's homiletical handling of the law when unhampered by lectionary constraints.

3. The *Invocavit* Sermons

In the spring of 1521, Luther was covertly kidnapped by Frederick the Wise and hidden away in Wartburg Castle, a fortress in the Thuringian hills less than 200 miles from the Reformer's Wittenberg pastorate. The plan was enacted to protect Luther and allow the Reformation to continue unimpeded by Rome. For several months, Luther was productively writing and translating at Wartburg Castle while the movement steadily progressed at the Castle Church in Wittenberg.

In Luther's absence, his colleague Andreas Karlstadt assumed leadership of the burgeoning movement in Wittenberg. Initially the reforms instituted by Karlstadt were supported by Luther. However, by the end of the year Karlstadt had moved in a decidedly radical direction. Karlstadt pushed for rapid reform, abandoning the private mass, denouncing celibacy, forcing laity to violate weak consciences by taking the sacramental cup, destroying images, and forbidding auricular confession. These concerns led to Luther's decision to leave Wartburg Castle earlier than planned and address the situation personally.

Luther's response to Karlstadt and the radical reforms came in the form of eight sermons, preached consecutively from March 9-16, 1522. In the first sermon, Luther distinguished between what Christians "must do" and are "free to do."²⁷ In the second sermon, he discussed private masses. The third sermon addressed clerical vows and images. The fourth sermon discussed images and the eating of meats. The fifth and sixth sermons corrected radical sacramental errors. The seventh sermon

24. Neil R. Leroux, *Luther's Rhetoric: Strategies and Style from the Invocavit Sermons* (St. Louis: Concordia Publishing House, 2002), 13.

25. *Ibid.*

26. *Ibid.*, 55.

27. *Ibid.*

highlighted the fundamental importance of love. Finally, Luther concluded the sermons with a biblical theology of confession.

3.1. The First Sermon²⁸

Luther begins his sermon with a heavy dose of the third use. He states, “Every one must fight his own battle with death by himself, alone.... Every one must himself know and be armed with the chief things which concern a Christian.”²⁹ These words set the tone for a sermon that illustrates the moral use of the law. Many of Luther’s words are instructive, meant to redirect his hearers into holiness.

Luther explains four truths the Christian must know. First, “we must know that we are the children of wrath, and all our works, intentions, and thoughts are nothing at all.”³⁰ This is an example of the second use—Luther uses the law as a mirror to reveal the sinfulness of his audience. Second, Christians must know “that God has sent us his only-begotten Son that we may believe in him and that whoever trusts in him shall be free from sin and a child of God.”³¹ Here the law-gospel dialectic is evident as Luther responds to the revealing nature of the law with a revealing look at grace.

Third, “we must also have love and through love we must do to one another as God has done to us through faith.”³² Luther again employs the third use to instruct his hearers in holiness. However, this is not naked law but law fully clothed in the glory of the gospel. Christians should love one another because God has loved them. Nevertheless, many in Wittenberg have spurned this counsel, prompting Luther to delve deeper into law: “Dear friends, have you not grievously failed? I see no signs of love among you, and I observe very well that you have not been grateful to God for his rich gifts and treasures.”³³ Here Luther uses the mirror of law to reveal the sinful behavior that overshadowed these sermons. He continues with a warning, “Let us beware lest Wittenberg become Capernaum.”³⁴ This is an example of the first use, as Luther attempts to restrain his overeager colleagues from future outbursts by warning them to flee the wrath of God that befell Capernaum. Luther concludes his third point with the third use of the law: “the kingdom of God ... does not consist in talk or words, but in activity, in deeds, in works, and exercises. God does not want hearers and repeaters of words, but followers and doers, and this occurs in faith through love.”³⁵

Fourth, Christians must know patience because loving one’s neighbor is not easy. Luther employs moral law to guide his beloved flock: “And here, dear friends, one must not insist upon his rights, but must see what may be useful and helpful to

28. Delivered in Wittenberg, March 9, 1522. Martin Luther, *Luther’s Works, Vol. 51: Sermons I*, ed. John W. Doberstein (Philadelphia: Fortress Press, 1959), 70–75.

29. *Ibid.*, 70.

30. *Ibid.*

31. *Ibid.*, 71.

32. *Ibid.*

33. *Ibid.*

34. *Ibid.*

35. *Ibid.*

his brother.”³⁶ This instruction was necessary, as Wittenberg waxed impatient. Luther chides his congregation: “The cause is good, but there has been too much haste. For there are still brothers and sisters on the other side who belong to us and must still be won.”³⁷ Luther returns to the second use to reveal Wittenberg’s failure to comply with God’s standard.

In conclusion, Luther applies all three uses to his congregation. Using the law as a curb, Luther warns his congregation that Satan will consume them if they are not on their guard.³⁸ Using the law as a mirror, he reproaches their hasty reforms: “It was done in wantonness, with no regard for proper order and with offense to your neighbor. If beforehand you had called upon God in earnest prayer, and had obtained the aid of the authorities, one could be certain that it had come from God.”³⁹ His rebuke continues, “You do not have the Spirit, even though you do have a deep knowledge of the Scriptures.”⁴⁰ Using the law as a guide, he pleads; “let us act with fear and humility, cast ourselves at one another’s feet, join hands with each other, and help one another.”⁴¹ This is no idle request. Luther believes the entire Reformation could be at stake. He concludes:

Therefore, let us show love to our neighbors; if we do not do this, our work will not endure. We must have patience with them for a time, and not cast out him who is weak in faith; and do and omit to do many other things, so long as love requires it and it does no harm to our faith. If we do not earnestly pray to God and act rightly in this matter, it looks to me as if all the misery which we have begun to heap upon the papists will fall upon us.⁴²

3.2. The Second Sermon⁴³

Luther begins by distinguishing between two concerns: that which is needful—namely, the non-negotiable elements of the Christian faith—and that which is a matter of choice. “In both, love must deal with our neighbor in the same manner as God has dealt with us.”⁴⁴ Again, Luther employs the third use, guiding his congregants into God’s standard of love for His people. However, the Wittenberg reforms already violated this standard. Luther returns to the law as mirror: “love ... never uses force or undue constraint.”⁴⁵ What appears to be the law functioning as a guide is actually the second use, for Luther has in mind the actions of radicals who did use “force and “undue constraint to enact their reforms on the people of

36. *Ibid.*, 72.

37. *Ibid.*

38. *Ibid.*, 73.

39. *Ibid.*

40. *Ibid.*, 74.

41. *Ibid.*, 73.

42. *Ibid.*, 74–75.

43. Delivered in Wittenberg, March 10, 1522. *Ibid.*, 75–78.

44. *Ibid.*, 75.

45. *Ibid.*

Wittenberg.

Despite his displeasure with these radical measures, Luther does not malign the reforms in principle for “the private masses must be abolished.”⁴⁶ He continues:

Yet Christian love should not employ harshness here nor force the matter. However, it should be preached and taught with tongue and pen that to hold mass in such a manner is sinful, and yet no one should be dragged away from it by the hair; for it should be left to God and his Word should be allowed to work alone, without our work or interference.... We should give free course to the Word and not add our works to it. We have the *jus verbi* but not the *executio*. We should preach the Word, but the results must be left solely to God’s good pleasure.... We must first win the hearts of the people. But that is done when I teach only the Word of God, preach the gospel, and say: Dear lords or pastors, abandon the mass, it is not right, you are sinning when you do it; I cannot refrain from telling you this. But I would not make it an ordinance for them, nor urge a general law.⁴⁷

Luther’s injunctions are threefold. First, Christians should abandon their confidence in human force. This command appeals to the law as guide; people must reject the use of force in reformation. However, Luther’s appeal also includes a subtle look back to the law as mirror. The reforms in Wittenberg really *had* led to “dragging by the hair” for the sake of the Gospel. His listeners would certainly recall their own failures in his words.

Second, Christians should augment their confidence in the Word of God. Luther relayed his own experience to encourage his people:

I opposed indulgences and all the papists, but never with force. I simply taught, preached, and wrote God’s Word; otherwise I did nothing. And while I slept or drank Wittenberg beer with my friends Philip and Amsdorf, the Word so greatly weakened the papacy that no prince or emperor ever inflicted such losses upon it. I did nothing; the Word did everything.⁴⁸

Luther’s pleas to trust in the Word are not mere suggestions, but commands! These commands—“Give free course to the Word,” “preach the Word,” “teach only the Word of God,” “preach the Gospel—are further evidence of the third use in Luther’s preaching. Luther uses the law to guide saved sinners into holiness, a holiness that exudes confidence in the life-giving Word.

Third, Christians should aim for repentance. Luther is not a flaccid leader, cowering under the whims of his followers. He will not refrain from preaching against the private mass (and neither should his hearers!), but he preaches in perspective—abandoning faith in human effort while augmenting faith in God’s ability. Yet this must be done with patience and compassion. He explains, “Love,

46. Ibid.

47. Ibid., 75–76.

48. Ibid., 77.

therefore, demands that you have compassion on the weak, as all the apostles had.”⁴⁹ The law is not tepid in Luther’s preaching—it makes demands! Yet these demands are not the monstrous burdens of legalism, they are the demands of love.

3.3. The Third Sermon⁵⁰

Luther begins his third sermon by reminding his hearers of the “musts” which are necessary. For instance, “the private masses must be abolished.”⁵¹ However, the “musts of Christian faithfulness must not override the supreme call to love. Therefore, “no one should be dragged to [the private masses] or away from them by the hair.”⁵² These twin commands further exemplify the law in its third use. Luther is using law to guide his congregation into good works of Christian faithfulness and love.

Luther continues by discussing matters of choice that “must not be forbidden by any one.”⁵³ These controversial subjects include the marrying of priests, monks and nuns forsaking vows, and the use of images in the Christian church. He uses the law as a mirror to reveal the failures of his people: “if they are forbidden, the forbidding is wrong, since it is contrary to God’s ordinance.”⁵⁴ The legalistic censure of Christian liberty reveals man’s perverse heart.

Nevertheless, Christians dare not approach liberty riding on the coattails of other Christians. Luther explains, “Every one must stand on his own feet and be prepared to give battle to the devil. You must rest upon a strong and clear text of Scripture if you would stand the test.”⁵⁵ Luther’s practical counsel is another expression of the third use: issuing commands to guide his hearers into holiness. He bolsters this guidance with a warning: “If you cannot do that, you will never withstand—the devil will pluck you like a parched leaf.”⁵⁶ Here Luther employs the first use in an attempt to curb further sin.

Concerning images, Luther urges his people to think clearly and comprehensively. Yes, the worship of images is forbidden. Nevertheless, saints in Scripture do sometimes create images in obedience to God’s command, like Moses’ creation of a bronze serpent. Moreover, “we may have images and make images, but we must not worship them, and if they are worshipped, they should be put away and destroyed, just as King Hezekiah broke in pieces the bronze serpent erected by Moses.”⁵⁷

Nonetheless, Christians should not be in the business of reforming by force. Luther recalls the example of Paul in Athens: “He preached against their idols, but he overthrew none by force. And you rush, create an uproar, break down altars, and

49. *Ibid.*

50. Delivered in Wittenberg, March 11, 1522. *Ibid.*, 79–83.

51. *Ibid.*, 79.

52. *Ibid.*

53. *Ibid.*

54. *Ibid.*

55. *Ibid.*, 80.

56. *Ibid.*

57. *Ibid.*, 82.

overthrow images! Do you really believe you can abolish altars in this way? No, you will only set them up more firmly.”⁵⁸ Again, Luther employs the second use, holding the mirror of Scripture up to the eyes of Wittenberg to reveal their depravity. However, Luther does not conclude with a revelation of sin. He uses the law as guide to redirect Wittenberg towards holiness. “This is what we must preach and teach, and let the Word alone do the work, as I said before. The Word must first capture the hearts of men and enlighten them; we will not be the ones to do it.”⁵⁹ The law instructs the Wittenberg faithful to further confidence in the Word and the faithful preaching of it.

3.4. The Fourth Sermon⁶⁰

In his fourth sermon, Luther continues the discussion on images and Christian liberty. Once again, he begins with the third use. He states, “On the subject of images, in particular, we saw that they ought to be abolished when they are worshipped; otherwise not.”⁶¹ The law is used as a guide to instruct people in holiness concerning the controversial subject of images. The overarching characteristic that Luther intends for his people is the necessity of love.⁶² However, Luther’s pleas for love and liberty do not displace his overall concern for images. He explains, “Whoever places an image in a church imagines he has performed a service to God and done a good work, which is downright idolatry.”⁶³ Here the law functions as a mirror to reveal the idolatrous motivations of Christians who try to earn God’s favor with images.

Nevertheless, despite the idolatrous intentions behind many images, the radical response of removing images by force should be eschewed. Luther explains, “You should rather have taught that images are nothing, that God cares nothing for them, and that he is not served nor pleased when we make an image for him, but that we would do better to give a poor man a goldpiece than God a golden image; for God has forbidden the latter, but not the former.”⁶⁴ Luther again uses law as guide: rather than removing images by force, Christians should preach against the folly of images and trust the Word of God to do its work.

Next, Luther addresses Christian liberty concerning the eating of meat. He offers three principles to instruct the Christian, each principle manifesting itself as law in the third use. First, “if you cannot abstain from meat without harm to yourself, or if you are sick, you may eat whatever you like, and if anyone takes offense, let him be offended.”⁶⁵ “Second, if you should be pressed [to sacrifice your Christian

58. *Ibid.*, 83.

59. *Ibid.*

60. Delivered in Wittenberg, March 12, 1522. *Ibid.*, 84–88.

61. *Ibid.*, 84.

62. He states, “We have now heard about the things which are “musts,” such as that the mass is not to be observed as a sacrifice. Then we considered the things which are not necessary but free, such as marriage, the monastic life, and the abolishing of images. We have treated these four subjects, and have said that in all these matters love is the captain.” *Ibid.*

63. *Ibid.*

64. *Ibid.*, 85.

65. *Ibid.*, 86.

liberty] you must in no wise allow yourself to be drawn away from the liberty in which God has placed you, but do just the contrary to spite [the pope].”⁶⁶ Third, when encountering weaker brothers and sisters “we must assume an entirely different attitude from that which we assume toward the stubborn. We must bear patiently with these people and not use our liberty; since it brings no peril or harm to body or soul; in fact, it is rather salutary, and we are doing our brothers and sisters a great service besides.”⁶⁷ With each of these principles, Luther employs imperatives to guide the saved sinner into holiness. In other words, Luther leans heavily on the third use of the law.

3.5. The Fifth Sermon⁶⁸

In his fifth sermon, Luther discusses the observance of the sacrament. In the most passionate sermon thus far, Luther responds to recent events in Wittenberg where his radical counterparts revolutionized the sacramental tradition. Customarily, laypeople did not handle the elements—they were served by the priests. Furthermore, congregants did not partake of the cup, but the bread only. Both of these traditions were upended in Luther’s absence.

Luther begins by agreeing that many papal laws regarding the sacrament are foolishness, including the laws against parishioners touching the cup or body of Christ. However, this papal legalism had been replaced by a protestant legalism in reverse. He explains, “But now you go ahead and become as foolish as the pope, in that you think that a person must touch the sacrament with his hands.... All the other things God might have suffered, but this he cannot allow, because you have made a compulsion of it.”⁶⁹ The legalistic folly of the Wittenberg reformers is self-evident. They replaced the legalistic restrictions on handling the sacrament with legalistic requirements to handle the sacrament. Luther reveals this sinful folly with the second use of the law.

He continues with several practical insights on the sacramental controversy. It is unacceptable to make law out of handling the sacrament without explicit biblical injunctions. Failure to ground one’s position firmly in Scripture places the Christian in jeopardy. “Therefore, dear friends, we must be on firm ground, if we are to withstand the devil’s attack.”⁷⁰ Luther again employs the third use to instruct his hearers to return to their Bibles before they institute their reforms. He continues, “It was not a good work, because it caused offense everywhere.... Why will you not in this respect also serve those who are weak in faith and abstain from your liberty, particularly since it does not help you if you do it, nor harm you if you do not do it.”⁷¹ Here Luther uses the mirror of the law to expose his hearers’ failure to love.

Luther concludes the sermon with increased intensity in his demands. He states, “No new practices should be introduced, unless the gospel has first been thoroughly

66. *Ibid.*, 87.

67. *Ibid.*

68. Delivered in Wittenberg, March 13, 1522. *Ibid.*, 88–91.

69. *Ibid.*, 89.

70. *Ibid.*, 90.

71. *Ibid.*

preached and understood, as it has been among you.”⁷² Ironically, Luther appropriates the third use to articulate the priority of the gospel in instituting change. If Christians want to be holy as they pursue Christ-honoring change, they must start with a thorough preaching of the gospel. Only after the gospel has been understood should changes be implemented. However, Luther is not arguing for the status quo in the Wittenberg church. He continues, “Therefore, I beseech you, give up this practice [of handling the sacrament and serving both elements].”⁷³ The rash reforms in Wittenberg have not modeled the sober-mindedness that God requires. Therefore, Luther marshals the third use to command his hearers to return to their former ways.

3.6. The Sixth Sermon⁷⁴

Luther’s sixth sermon is a beautiful presentation of the gospel. Luther explains what makes a person worthy to receive the sacrament: “There must be faith to make the reception worthy and acceptable before God.... Faith (which we all must have, if we wish to go to the sacrament worthily) is a firm trust that Christ, the Son of God, stands in our place and has taken all our sins upon his shoulders and that he is the eternal satisfaction for our sin and reconciles us with God the Father.”⁷⁵ Luther begins with the law in its moral use, guiding his hearers to take the sacrament worthily. Faith functions as a prerequisite imperative for sacrament observance.

What follows this injunction for faith is undiluted gospel. Luther explains how a Christian can have this worthy faith:

If you believe that God steps in for you and stakes all he has and his blood for you, as if he were saying: Fall in behind me without fear or delay, and then let us see what can harm you; come devil, death, sin, and hell, and all creation, I shall go before you, for I will be your rear guard and your vanguard; trust me and boldly rely upon me. He who believes that can not be harmed by devil, hell, sin, or death; if God fights for him, what can you do to him?⁷⁶

Perhaps most surprising is the nature of the soil in which this faith springs. Luther continues,

Such rich, immeasurable treasures, which God in his grace showers upon us, cannot be the possession of everyone, but only of those who suffer tribulation, physical or spiritual, physically through the persecution of men, spiritually through despair of conscience, outwardly or inwardly, when the devil causes your heart to be weak, timid, and discouraged, so that you do not know how you stand with God, and when he casts your sins into your face. And in such terrified and trembling hearts alone God desires to dwell, ... For who desires a protector, defender, and shield to stand before

72. Ibid.

73. Ibid.

74. Delivered in Wittenberg, March 14, 1522. Ibid., 92–95.

75. Ibid., 92.

76. Ibid., 93.

him if he feels no conflict within himself, so that he is distressed because of his sins and daily tormented by them? That man is not yet ready for this food. This food demands a starving and longing man, for it delights to enter a hungry soul, which is constantly battling with its sins and eager to be rid of them.⁷⁷

Until the communicant attains this faith, he should refrain from taking the sacrament. Luther illustrates, “He who is not thus prepared should abstain for a while from this sacrament, for this food will not enter a sated and full heart, and if it comes to such a heart, it is harmful.”⁷⁸

3.7. The Seventh Sermon⁷⁹

After discussing how to take the sacrament and who should take the sacrament, Luther reflects upon the outcome of taking the sacrament. He elucidates, “We shall now speak of the fruit of this sacrament, which is love; that is, that we should treat our neighbor as God has treated us.”⁸⁰ He continues, “We have received from God nothing but love and favor, for Christ has pledged and given us his righteousness and everything he has; he has poured out upon us all his treasures, which no man can measure and no angel can understand or fathom, for God is a glowing furnace of love, reaching from the earth to the heavens.”⁸¹

Despite this glorious gospel, Luther laments his loveless listeners. Using the mirror of the law to reveal their sin, Luther states, “Love, I say, is a fruit of this sacrament. But this I do not yet perceive among you here in Wittenberg, even though you have had much preaching and, after all, you ought to have carried this out in practice.”⁸² After revealing their sin with the second use, Luther returns to the third use: “This is the chief thing, which is the only business of a Christian man.... If you do not want to show yourselves Christians by your love, then leave the other things undone too, for St. Paul says in 1 Cor., ‘If I speak in the tongues of men and of angels, but have not love, I am a noisy gong or a clanging cymbal.’”⁸³

Luther then employs the second use to expose Wittenberg sin further:

You are willing to take all of God’s goods in the sacrament, but you are not willing to pour them out again in love. Nobody extends a helping hand to another, nobody seriously considers the other person, but everyone looks out for himself and his own gain, insists on his own way, and lets everything else go hang. If anybody is helped, well and good; but nobody looks after the poor to see how you might be able to help them. This is a pity. You have heard many sermons about it and all my books are full of it

77. *Ibid.*, 93–94.

78. *Ibid.*, 94.

79. Delivered in Wittenberg, March 15, 1522. *Ibid.*, 95–96.

80. *Ibid.*, 95.

81. *Ibid.*

82. *Ibid.*, 95–96.

83. *Ibid.*, 96.

and have this one purpose, to urge you to faith and love.⁸⁴

He concludes with a warning, supplying the first use in an attempt to curb further sin. He states, “If you will not love one another, God will send a great plague upon you; let this be a warning to you, for God will not have his Word revealed and preached in vain.”⁸⁵

3.8. The Eighth Sermon⁸⁶

In the final sermon, Luther discusses the practice of confession. He delineates three types of confession: ecclesial confession, personal confession, and auricular confession. First, he discusses ecclesial confession. He begins with the third use, reminding his hearers that this type of confession is commanded in Matthew 18.⁸⁷ He then employs the second use to reveal the failures of his people: “We no longer have any trace of this kind of confession any more; at this point the gospel is in abeyance.”⁸⁸ Luther then returns to the law to guide his hearers in ecclesial confession, highlighting the formal steps of church discipline according to Scripture.

Second, Luther explains personal confession, whereby “we go into a corner by ourselves and confess to God himself and pour out before him all our faults.”⁸⁹ Again, Luther employs the third use to remind his congregation that this kind of confession is not optional, but commanded. Interestingly, in his practical instruction on personal confession Luther employs the third use to encourage people to utilize the second use in their personal confession. Without the law revealing transgressions, sinners have nothing to confess.

Finally, Luther addresses auricular confession, whereby “one takes another aside and tells him what troubles one, so that one may hear from him a word of comfort.”⁹⁰ Auricular confession is not commanded in Scripture, but by the pope. Due to its papal support, Luther warily refrains from the confessional. Nevertheless, it is not right for the Radicals to forbid others from auricular confession. One reason for this is the important role the confessional plays in curbing sin. Luther admits, “Yea, the devil would have slain me long ago, if the confession had not sustained me.”⁹¹ He then employs the second use to reveal man’s weakness and need for auricular confession: “There are many doubtful matters which a man cannot resolve or find the answer to by himself, and so he takes his brother aside and tells him his trouble.”⁹²

Luther then employs the third use, extending three practical applications regarding auricular confession. First, no man should forbid the confessional. Second,

84. *Ibid.*

85. *Ibid.*

86. Delivered in Wittenberg, March 16, 1522. *Ibid.*, 97–100.

87. *Ibid.*, 97.

88. *Ibid.*

89. *Ibid.*, 98.

90. *Ibid.*

91. *Ibid.* “ “

92. *Ibid.*

struggling Christians should go to confession and trust God's word of absolution. Third, mature believers should avoid the confessional and confess their sins to God alone. Luther's overarching principle is Christian liberty: "We must not allow any of our weapons to be taken away, but keep intact the whole armor and equipment which God has given us to use against our enemies."⁹³

4. Concluding Analysis

A careful review of Luther's *Invocavit* Sermons reveals a permeation of law in his preaching. In these eight sermons alone, Luther employs law in at least 82 unique instances. Furthermore, the third use of the law is not peripheral, but central to his proclamation. He features the law in its first use no less than 10 times, in its second use no less than 22 times, and in its third use no less than 50 times. Using the *Invocavit* Sermons as a test case, this study concludes that the third use of the law is unmistakably essential to Luther's preaching.

5. Possible Objections

At this point, several objections may be raised. First, some might concede the third use in the *Invocavit* Sermons, but reject their presence elsewhere in Luther's preaching. This certainly could be true. However, the onus rests with those who deny a third use in Luther to prove their assertions. What is certain is the need for more research in this area.⁹⁴ This debate would be helped by further research on how Luther employed law in his pulpit.

Second, some might consider the third use in Luther as a sort of homiletical schizophrenia, not representative of his thinking on law and gospel. Some suggest that Luther's theological writings, which purportedly deny a third use, deserve primacy over his preaching practices. Perhaps Luther simply neglects to follow his own philosophy of preaching. After all, what preacher is always thoroughly consistent? While Luther's theological writings may have a greater clarity than much of his preaching, his sermons remain a vast resource and should not be ignored. Furthermore, it is reasonable to conclude that Luther's pulpit *practice* should be the lens through which his *philosophy* of law/gospel should be viewed. At minimum, scholars exploring the third use in Luther should develop a synthesis, exploring both his writings and his sermons.

Finally, some might object to the nomenclature employed in this study. The

93. *Ibid.*, 100.

94. For more of this writer's attempts to explore the use of the law in Luther's preaching, see M. Hopson Boutot, "The First Duty of a Christian Preacher: The Law in the Preaching of Martin Luther" (Research Paper, The Southern Baptist Theological Seminary, 2012); M. Hopson Boutot, "The Arrangement of Law and Gospel in the Preaching of Martin Luther" (Research Paper, The Southern Baptist Theological Seminary, 2012); M. Hopson Boutot, "Luther and the Heavy Laden: Luther's Sermons on Matthew 11:25-30 as Liberation from Christ-Centered Legalism" (Research Paper, The Southern Baptist Theological Seminary, 2013); M. Hopson Boutot, "A Judgmental Approach to Ideas in Luther's Preaching of the Law" (Essay, The Southern Baptist Theological Seminary, 2012).

imperatives laced throughout Luther's Invocavit Sermons should not be called law, but *commandments*.⁹⁵ These commandments are fundamentally different from the theological category *law*. The law always accuses and kills, therefore referring to law as a guide is "a category mistake."⁹⁶ Those who propose this distinction between law and commandment contend that commandments are best understood as imperatives grounded in the indicatives of the gospel. Nevertheless, the artificial distinction between law and commandments only works when law is defined apart from its content, something which Luther himself refuses to do.

Furthermore, even if it were granted that the above examples of the third use were not law, but merely "commandments," Luther's preaching is still not redeemed. Those who advocate a distinction between commandments and law believe imperatives must be firmly entrenched in gospel indicatives.⁹⁷ In a noble effort to avoid works-righteousness and maximize the gospel, these sermons offer castrated imperatives, heavily bandaged in a host of gospel caveats.⁹⁸ Such impotent imperatives are absent from the Invocavit Sermons. Yes, Luther does articulate gospel indicatives, but he apparently sees no need to follow every shot of law with a gospel chaser.

Conclusion

Perhaps nothing better demonstrates Luther's effectiveness as a preacher than the Invocavit Sermons. When Luther returned to Wittenberg the fate of the Reformation was uncertain. By the time he concluded his sermons, the violence had subsided and the city was at rest. Martin Brecht explains: "The Invocavit sermons made a deep impression.... Luther had spoken with unsurpassed eloquence, solemnity, and

95. See Lohse, *Martin Luther's Theology*, 275–275; Kolb and Arand, *The Genius of Luther's Theology: A Wittenberg Way of Thinking for the Contemporary Church*, 157–158. See also Stuempfle, who speaks of "the call to obedience" rather than referring to the third use as "commandments." Herman G. Stuempfle Jr., *Preaching Law and Gospel* (Philadelphia: Fortress Press, 1978), 62–75.

96. Tullian Tchividjian, "Luther On Law, The Gospel Coalition, *Liberate*, (September 12, 2011), <http://thegospelcoalition.org/blogs/tullian/2011/09/12/luther-on-law/>. This disagreement illustrates the fundamental importance of properly defining the theological term *law*.

97. These indicative caveats are at least fourfold. First, preachers can qualify imperatives by reminding their hearers that they are powerless to obey them. Second, preachers can remind their hearers that their obedience does not merit God's favor. Third, their obedience should be in response to Christ's obedience. Fourth, Christ has already fulfilled this imperative perfectly on the believer's behalf.

98. Jeffrey Mann articulates this exceptionally well: "Among certain believers, there has been such a fear of teaching works-righteousness that any meaningful statement of law is quickly followed with the promises of the gospel, as if to say that everything will be all right for those not living righteously anyway. The law is not given opportunity to do its work. Alternatively, those who do seek to balance law and gospel in their sermons often end up preaching *about* the law rather than preaching the law. Law, like gospel, must be *pro me*. The law must be preached so that I feel its accusing finger pointing at me, not as a lesson on human nature. Who will run to a physician who does not first perceive illness?" Jeffrey K. Mann, "Luther and the Holy Spirit: Why Pneumatology Still Matters, *Currents in Theology and Mission* 34, no. 2 (April 2007): 116.

passion, outdoing himself.... The Wittenberg congregation, who flocked to hear him, submitted immediately to Luther's authority."⁹⁹ Perhaps it was more than "unsurpassed eloquence, solemnity, and passion that made Luther's sermons so effective. To some degree, the much-maligned third use of the law was instrumental in the survival of the Wittenberg Reformation.

99. Martin Brecht, *Martin Luther: Shaping and Defining the Reformation, 1521-1532*, trans. James L. Schaaf (Minneapolis: Fortress Press, 1990), 61.