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Rethinking Law and Gospel in the Way We Do Preaching

Benjamin Berteau

Abstract

This paper evaluates the impact of C. F. W. Walther's *Law and Gospel* and Richard Caemmerer's goal, malady, means approach to homiletics, also discussing the potential trap of law-gospel reductionism. A suggested pathway forward is a reemphasis on a creedal approach to Lutheran theology and preaching as well as a renewal of rhetoric as foundational to ultimately restoring a positive view of the third use or function of the law in Lutheran preaching. Having done so, the reader may certainly apply this positive view of the law as it relates to preaching on other topics related to the Christian Life including justice, compassion, and race relations.

Rethinking Law and Gospel and the Way We Do Preaching

Perhaps the most significant change, or better put—daunting challenge—presented to those who matriculate into a seminary program is not the ability to learn theological concepts. Even biblical languages like Greek and Hebrew that are typically thought to be most challenging can be taught to the willing student. What is more difficult is what seminarians and beginning pastors must do with the lofty knowledge gained from such an education—leverage it into clear and distilled preaching for the benefit of everyday Christians who would hear it. The ability to communicate difficult concepts in an understandable way is, at least anecdotally, one of the primary reasons why a potential congregation member might or might not become fully engaged in the life of the church.

It is with this important task in mind that The Lutheran Church—Missouri Synod's first president, C. F. W. Walther, gave his evening lectures to seminary students and local pastors. These lectures, given in his office on Friday nights, would be compiled from student notes years later and collected into what is now perhaps his most famous work: *Law and Gospel*.¹ Those twenty-five theses and a corresponding commentary on each has become a keystone in the LCMS seminary training of future pastors even into the present. Students throughout multiple generations have read this work and still cite it as a primary text in discussions on a wide variety of theological topics. What is helpful to remember is the context to which these theses were delivered and their intended purpose—the encouragement and edification of preachers.

Unfortunately for Walther, by virtue of this being a posthumous publication, he had no editing oversight at all. Only the diligence of his students and the efficacy of the translation from German stand to defend Walther's original words and intent. Walther never could have imagined the widespread impact this publication would have on generations of pastors, and he might very well be concerned about the extent to which it is used and how far into other theological realms it has been taken.

At the heart of what can be considered a misapplication of *Law and Gospel* is the primacy with which the work is used as a framework for all other theological thought. This has resulted in many pastors and theologians becoming either skeptical or outright dismissive of a third function of the law. This resulting underappreciation and distrust of the third function of the law, along with Richard Caemmerer's goal, malady, means work approach to homiletics² still has profound impact on preaching in the LCMS today. This paper will seek to evaluate the impact that *Law and Gospel* and goal, malady, means preaching has had on the church, how they might be more helpfully appropriated into the more holistic and all-encompassing framework of the two kinds of righteousness, and how knowing this the church might grow in its appreciation and practice of preaching the whole counsel of God, having restored a positive outlook on the place of the law in Christian life.

The Impact of Law and Gospel, and Goal, Malady, Means

Walther's work, as it reflects the broader Lutheran distinction of law and gospel, answers clearly and forcefully the question: "How does God speak?" God speaks in one of two ways in Scripture, either his word of law or gospel. These words are interpreted in a highly contextual and individual manner. Hearers of Lutheran preaching and preachers themselves acknowledge that they simply can't guarantee whether a particular sentence or idea will be heard as law or heard as gospel—the circumstance and predisposition of the hearer influences that.

Perhaps in response to this reality, and in response to Walther's final thesis that in all things the gospel should predominate,³ after the publication of *Law and Gospel* the impression was given—intentionally or not—that the law was the harsh and inherently negative (bad) word of God, and that the gospel was sweet (good) and by definition the "good news." The law served only to accuse and kill the Christian who stood as a sinner before God's righteous judgement, as the Latin phrase *lex semper accusat* supports. Unable to please God with any human works or effort, people were simply dead before the living God because of their inability to keep the law. The gospel, in complete contrast, was the beautiful word of imputed righteousness—complete forgiveness on account of the death and resurrection of Jesus Christ on behalf of the sinner. A simple phrase was coined that lasts in the present. Simply put: "The Law kills, and the Gospel makes alive."⁴ With these oversimplified words, what John W. Montgomery would later label "Law/Gospel Reductionism" was born.⁵

Another great churchman who had significant impact on law-gospel theology as it relates to preaching was Richard Caemmerer. Caemmerer developed a method for preaching that taught students to identify the goal (main idea), malady (that which prevents the hearer from reaching the goal, or particular sin involved), and means (typically the gospel, or how Jesus has satisfied that particular aspect of the law on behalf of the hearer). While this certainly has important rhetorical effect and can help guide the writing and preaching act, students of Caemmerer would take these ideas and codify them into an ordered structure that each sermon should follow—first goal, then malady, which was finally resolved by the means. As David Schmitt reports, this homiletical theology would be misapplied and become a sermon structure that would always begin with law, then move to gospel proclamation, and a point of application.⁶

This system for preaching served to prop up the law-gospel reductionism that followed the publication of *Law and Gospel*. Sermons often followed a discernable and formulaic pattern that always required the law to play only an accusing (or theological) function in the sermon that would be followed by the “good” word of the gospel. The informed hearer knew that if they could only sit through the initial proclamation of law, there would be forgiveness on the other side. In an attempt to honor Walther’s twenty-fifth thesis regarding gospel predomination, often more time was spent binding up the wounds caused by the law with the gospel.

Perhaps what was most insidious about this formula for preaching and theology in general is the unintended effect of placing good works into the realm of the gospel, thereby diluting the very life-saving word itself. If the law has no positive function and doesn’t serve as the guide for Christian living, and the Christian must simply live in the gospel, then the works that Christians will be incapable of doing perfectly because of the old man still at work in them will be placed in the realm of the gospel – inadvertently reverting to a works righteousness model.

While not all preaching followed this method, law-gospel became the distinctive feature of Lutheran preaching in the twentieth century, and still remains so. In its defense, this methodology is not in and of itself outside the bounds of orthodoxy and serves well to describe the unique aspects of Lutheran theology, particularly the theology of justification by grace through faith. The Holy Spirit has used this preaching to sustain and grow the faith of many in the church. More will be said about the rightful and perhaps better usage of this exact law-gospel distinction in preaching later.

Even though this is the case, there do seem to be discernable effects of this model of preaching in the lives of hearers and the life of the church. One of the first things taught to Lutheran confirmands are the three uses or functions of the law: curb, mirror, and guide. Affirmed by Luther in response to Melancthon’s use, these three functions are how the law does its work. In this model of preaching, however, the law is primarily intended to be used in the theological or second function to accuse the sinner. Having heard the gospel, the sinner is then set back into the world with the life-giving words of the gospel, often with

little application or teaching in regards to how Christian life should look. To be sure, the preacher must recognize that he cannot guarantee how the Holy Spirit will use particular statements or intended effects of the law in preaching, but this diminution of the third function, or a positive outlook on the law, has led the church and its theologians to ask the question: "Does the law have any place in the Christian's life after conversion?" Often the answer has been given "No, only the gospel is needed," as if the gospel gives the content to direct the Christian in changing his or her ways. These theologians would respond that the law only exists because of the presence of sin outside the church, since murderers and the like must be contained from leading the world into chaos. This thoroughgoing denial of a third use of the law is not equivalent to the Caemmerer preaching system, but certainly bears similar facets, namely, a suspicion or general negative attitude toward the law as if the gospel were the only "good" word.

What are we to do about it?

Having diagnosed how both *Law and Gospel* and Caemmerer's goal, malady, means work have influenced Lutheran preaching, we will seek to chart a way forward that incorporates the positive use of the law-gospel distinction already present, while locating it within the larger framework of the two kinds of righteousness where it fits excellently as a representation of passive righteousness. This framework answers the question: "What does Christian life look like?" It is helpful to both understand one's relationship to God (as law-gospel does well), but also how the human relates to the neighbor and the wider creation itself.

First and foremost, the distinction between the two kinds of righteousness is thoroughly biblical and present in the Lutheran Confessions which frequently mention the "New Obedience." The distinction of two kinds of righteousness posits that humans operate in two planes simultaneously. They operate *coram Deo* (before God) and *coram mundo* (before the world). In the vertical plane, the distinctly Lutheran and biblical teaching of justification by grace through faith fits perfectly, particularly as it is communicated by the law-gospel distinction. It is here in the relationship between God and the Christian that individuals are laid bare and shown to be sinners who can contribute nothing to their own salvation, dead in their sins and trespasses. God, then, on account of the death and resurrection of Jesus, completely forgives the sins of the Christian and makes them alive with the word of the gospel. This is an entirely one-way transaction. God comes down and imputes this righteousness entirely by his work alone. This is called "passive righteousness," since the sinner simply receives what God gives. In this plane the gospel is the normative and final word.

Humans also operate in the world, however. Connected through their vocations, family, living situation, etc. Christians are in relationship with their

neighbors consistently. In this *coram mundo* realm, the Christian is accountable to God for how he or she acts. Having been given the Ten Commandments and the law, the Christian is to do good works for service to the neighbor and in care for creation. The law acts as a guide in this realm and gives content to the Christian life as the person seeks to do God's will. *Coram mundo*, the Christian is able to keep God's law, though not perfectly. God has spoken in his word and told the Christian what is God-pleasing, and God expects this to be done. In the horizontal realm, the law speaks the final word—either the Christian is engaged in “active righteousness” or is accountable for breaking the law of God.

If this framework is to inform our preaching more than it currently does, a return to rhetoric is helpful in the writing and preaching process. Though not altogether different than goal, malady, means, the ideas of “focus” and “function” helpfully concentrate and focus the preaching task. With a rhetorical function in mind, the preacher acknowledges that he intends, by the power of the Holy Spirit, to accomplish something—to exhort the Christian toward a particular behavior or away from another. The function can be emotional in nature—whether encouragement, or chastisement, the function is not limited to behavior. This is why an understanding of the distinction between “faith” and “life” sermons is helpful.

Though it seems like a minute distinction in the mind of the preacher, acknowledging whether the function of the sermon is to speak a word of gospel to a particular person or mindset, or to teach about a particular facet of life to be modeled by the hearers, shapes how the preacher approaches law and gospel in the sermon. The Caemmerer model as it is currently used would fit well within the framework of a “faith” sermon, one that speaks to the forensic justification won by Jesus: a sermon that accuses of a particular sin and shares the forgiving word that faith imparts. In this sermon, a third function of the law would necessarily take lesser priority as the function speaks more to an internal reality, than an external one. In a “life” sermon, however, the preacher is able to approach a more positive view of the law that serves to guide the Christian in a particular aspect of daily life, rather than viewing the law only in an accusatory sense. The gospel certainly still has a place in this sermon, but rhetorically it is not primarily about the gospel.

Another approach that might help to place law and gospel in preaching is what Gustaf Wingren suggests in *Creation and Law*—a reaffirmation of a Creedal approach that seeks to begin with God as Creator. In this approach, natural law is affirmed as the eternal desire of God for his creation since its very beginning—the order and structure with which Creation operates by virtue of its design. When we consider theology first in light of our shared creatureliness as those in relationship with the Creator, we see much more clearly the content and desire of God for Christian life. Just as Adam was tasked with care for creation, love of God and neighbor, we in the present are still accountable to this will of God. The work of

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Jesus isn't simply a forgiveness that allows the Christian to survive human life on the way to an escape to heaven. It is seen as a restorative, redemptive work that frees us

from the *curse* of the law but not from *accountability* to it! In this creedal approach, sinners are made right with God by Jesus's resurrection, and then in the power of the Holy Spirit are returned to their vocations to live in accordance with God's Law until the final restoration.

When preaching emphasizes the positive didactic function of the law, much changes as a result particularly in light of Wingren. The Christian is exhorted positively to love and serve the neighbor simply as a fellow creature, a creation of God, not as a means to their own salvation. This understanding helps to reaffirm the importance of the doctrine of vocation, as Christians are able to engage joyfully in their vocation knowing that it is God-pleasing. Not only that, but when the law is viewed in a positive sense, the Christian is much more receptive to exhortation such as Bible reading, child rearing, and faithful stewardship in a way that an over-simplistic law-gospel approach could not generally speak.

Conclusion

In this paper, we've discussed the possible effects of an unintended misuse of Walther's *Law and Gospel*. We also considered how Richard Caemmerer's methodology for preaching became a formulaic structure which limited the law to its accusatory theological function. These two works would influence theologians throughout the twentieth century and contribute to a diminution of the third function of the law. Similarly, this thought has contributed to an unintended soft, or perhaps outright, antinomianism in some Lutheran circles.

Moving forward, the church would do well to place the law-gospel distinction within the larger framework of the two kinds of righteousness that allows for a more holistic understanding of the functions of the law, and which preserves the integrity of the pure gospel. Reasserting a rhetorical approach to preaching with considerations for "faith" and "life" sermons, and a creedal approach all serve as potential paths forward to assist in rethinking the way the church engages the law-gospel distinction in preaching.

Endnotes

1 C. F. W. Walther, *Law and Gospel* (Saint Louis: Concordia Publishing House, 2010).

2 For a more in-depth look at his goal, malady, means approach, see Richard R. Caemmerer, *Preaching for the Church* (Saint Louis: Concordia Publishing House, 1959).

3 "You are not rightly distinguishing Law and Gospel in the Word of God if you do not allow the Gospel to predominate in your teaching." Walther, *Law and Gospel*, 455.

4 The origin of this exact phrase is questionable. It can be found in many places today, but Walther does write the following, beginning with a quote of 2 Corinthians 3:6: "'The letter kills, but the spirit gives life.' We do not have enough time to explain this in greater detail, but, if you study the matter further, you will see that *letter* means the Law and *spirit* means the Gospel." Walther, *Law and Gospel*, 262.

5 John Warwick Montgomery, *Crisis in Lutheran Theology*, vol. 1 (Grand Rapids: Baker Book House, 1967), 81–123.

6 David Schmitt, "Richard Caemmerer's Goal, Malady, Means: A Retrospective Glance." *CTQ* 74, no. 1 (January 2010): 23–38.