

are not only godly and discerning but are also highly knowledgeable and skilled. Steeped in classical texts and theologically equipped, classically educated Lutherans can approach a career in the law with integrity, honesty, compassion, and a strong sense of vocation. That would be a truly meet, right, and salutary contribution to the legal profession.

\* Witte Jr., John. *Law and Protestantism: The Legal Teachings of the Lutheran Reformation*. Cambridge: Cambridge University Press, 2002.

† Meilaender, Gilbert. "The Lutheran Difference in Law and Politics." *Pro Ecclesia* 16, no. 3 (2007): 292-307.

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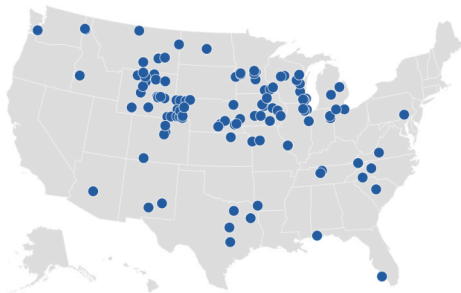
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## SHOULD CONFSSIONAL LUTHERANS BECOME LAWYERS?

BY MR. CORY ANDREWS

*A friend of Luther Classical College, Cory Andrews practices constitutional law in Washington, D.C.*

“WHAT SHALL I DO WITH MY LIFE?” For the confessional Lutheran, the answer is vocation—each of us must respond to God’s calling with our own unique gifts. The death and resurrection of Jesus Christ, to whom we are joined in our baptisms, frees us to serve God—not by retreating to some ascetic religious order, but by living out our everyday lives. Even work that society may find lowly or menial is honorable in God’s eyes if it improves our neighbor’s well-being.

One field that could doubtless benefit from more confessional Lutherans in its ranks is the legal profession. The Supreme Court’s recent reversal of *Roe v. Wade*, for example, would have been impossible without decades of tireless groundwork by faithful pro-life litigators. Lawyers must make difficult moral and ethical judgments every day, often with far-reaching repercussions. As litigators, prosecutors, and judges, many lawyers participate in the dispensing of state-sanctioned justice—both civil and criminal—which is always fraught with risks of error and abuse. Yet how ironic that the most common profession among America’s ruling class has devoted so little attention to inculcating

integrity in its members. As our culture becomes increasingly disordered, the need for pious Christians in these vocations has never been greater.

Lutherans have much to contribute. The Lutheran Reformation played a pivotal role in the development of the Western legal system. In the 16th century, the Holy Roman Empire was a patchwork of territories governed by Roman law, canon law, and myriad local customary laws. This legal pluralism made it hard to maintain social order and led to frequent conflicts between competing authorities and overlapping jurisdictions. Luther's two-kingdoms doctrine, along with his emphasis on law and order as means of preserving social stability, shaped the development of civil law in Europe, starting in Germany. In 1555, the Peace of Augsburg temporarily settled the constitutional order of Germany. By then, as legal historian John Witte Jr. has shown,\* the Lutheran Reformation had brought fundamental changes not only to theology and law, but also to church and state.

This new framework, known as the *jus commune* or "common law," offered a unifying legal system that could be applied throughout the empire. Based on ancient Roman law but embodying the values and beliefs of the Lutheran faith, the *jus commune* emphasized both individual rights and the common good. Because all people are equal before God, no one—not even the ruler—was above the law. The *jus commune* also helped to safeguard individual conscience and religious toleration—two concepts that grew out of Luther's understanding of justification by faith alone. As it spread beyond Germany, the *jus commune* transformed the civil law in Europe, securing a more uniform legal system throughout the Holy Roman Empire.

As Gilbert Meilaender has suggested,† Lutheranism's outsized influence on the law also reflects its belief in the three uses of the divine law. Under the third use, for example, God uses His law to teach baptized, regenerate saints how they are to live as Christians in accord with His will. Likewise, Luther's reading of Romans 13's instruction to obey worldly authorities led him to see the civil magistrate as an instrument of God's will for restraining evil in secular society—the first use of the law. Lutherans thus recognize the importance of order and the common good in the temporal realm while conceding the limits of human reason and the need for humility in the face of divine judgment (and mercy).

Given their historical role in shaping the development of the common law, Lutherans surely have much to offer the legal profession today. Yet before they can make a difference as lawyers, confessional Lutherans must receive the kind of rigorous education and training needed to succeed in this challenging field. To excel in the practice of law—and to do so with integrity—requires not only a command of the Scriptures and catechesis in Lutheran theology, but also a deep understanding of history, literature, philosophy, logic, and rhetoric. For in law school and beyond, they will be asked to decipher dense and often difficult texts—whether statutes, contracts, case law, or the U.S. Constitution—with discernment. And they must be able to persuade others of the rightness of their interpretation.



*The Judgment of Solomon. Doré, Gustave, 1832-1883.*

This is precisely where classical Lutheran education can play a vital role. Modeled by Luther on the ancient Greek and Roman academies to teach the seven liberal arts—grammar, logic, rhetoric, music, astronomy, mathematics, and geometry—these Reformation-era schools became the template for the renowned German gymnasiums and English public schools that set the bar for pedagogical excellence well into the twentieth century. As evidenced by the success of

the Consortium for Classical Lutheran Education and the groundswell of support for Luther Classical College, classical Lutheran education is enjoying a resurgence. And more broadly, classical Christian education can claim the fastest, most consistent growth of any private-school trend in America today.

By firmly grounding young people in the Lutheran confessions and the liberal arts, classical Lutheran schools—and colleges—can cultivate future lawyers who