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The Confessional Basis of Lutheran Thinking on Church-State Issues

Mary Jane Haemig



The Lutheran tradition, founded in the very different social and political world of the sixteenth century, now must use its theological heritage to address contemporary questions of church and state in the United States. Its heritage offers a framework and resources for this endeavor. This chapter seeks to outline such a basic framework and to identify some resources from Luther's theology and the Lutheran Confessions that relate to church and state issues today. Instead of attempting a complete description of all relevant parts of Martin Luther's theology or the Lutheran Confessions, I will seek to focus on central guiding principles. I will also consider briefly some contemporary issues that turn out to be not so new. The major focus will be the *church's*, not the individual Christian's, relationship with the state or government, although the individual's relationship with the state will also come into the picture.

I will first examine how the Lutheran confessional perspective defines both church and state,¹ then consider the doctrine of God's twofold rule as a basis for discussing how church and state interact. That will lead to some theological guidelines in the Lutheran tradition that illuminate the interaction and involvement of the church with the state. These include (1) the positive yet limited valuation of reason, (2) a realistic anthropology that affirms both human possibilities and limitations, and (3) a theology that recognizes the difference between civil righteousness and the righteousness of God. Finally, I will apply the confessional perspective to some issues today.

Church and State Are Established by God for Specific Purposes

The Church

The true church is not a human creation but the work of God the Holy Spirit. The Holy Spirit "calls, gathers, enlightens, and sanctifies the whole Christian Church on earth and keeps it in union with Jesus Christ in the one true faith. . . ."² Thus the church is not simply a group of people who decide to gather (a voluntary organization); it is an assembly called together by the Holy Spirit.³ It is not of human origin. The true church is not coextensive with the empirical church but is hidden and thus not immediately apparent to the observer.

The outward identifying marks of the church are word and sacrament. Thus the church is "[t]he assembly of all believers among whom the Gospel is preached in its purity and the holy sacraments are administered according to the Gospel."⁴ This definition of the church is twofold. The church is the *assembly* of all believers, but not merely any assembly of such believers. Rather, it is the assembly among whom God the Holy Spirit is active by the preaching of the gospel and the administration of the sacraments. The church is defined in terms of God's activity rather than in terms of a particular institution, structure, or function shaped by humans. In order to be the church, certain things must happen in the assembly of believers. No contradiction exists between the two parts—assembly and activity—of this definition, for one cannot exist without the other. As Luther said, God's word cannot be without God's people, and God's people cannot be without God's word.⁵ Thus any entity claiming to be the church must first ask whether it is in fact where the gospel is purely preached and the sacraments rightly administered before proceeding to consider its position vis-à-vis the state.

The proclamation of the gospel,⁶ God's word, entails the proclamation of both law and gospel. The law reflects what God expects us to do.⁷ More broadly, "law" is any sort of expectation that meets us in our lives and demands our action. The law is demand; it is directed at us. The gospel is the good news of what God does for us. The gospel is God's gift of forgiveness; it is given freely to us.

The law has two uses, a civil use and a theological use. The civil or "first use" of the law expresses God's good intention that evil be curbed and human society enabled to live in some degree of order and safety. The law has a preservative rather than a salvific function. Humans can to some extent keep the law. Thanks to this "civil righteousness," human societies live in varying degrees of outward peace and justice. The theological or "second use" of the law is God's mirror, showing us our sin and driving us to the gospel. The essence of the law is the expectation that we live our lives in absolute trust in God. We should

"fear, love, and trust in God above all things."⁸ Obedience to any commandment flows out of this basic orientation expressed in the First Commandment. Serious consideration of the law reveals that we never meet this standard of fear, love, and trust, even if we do attain some measure of civil righteousness. The second use of the law makes us aware that we are continually inclined to fear, love, and trust someone or something other than God and thus even our best moral efforts fall short and are under God's judgment. The second use of the law keeps us from absolutizing or assigning too much value to our own efforts. God's expectations, taken seriously, drive us to look to the message of Christ's saving work for us.

The gospel proclaims that God in the person of Christ has taken the consequences of sin upon himself. God, for the sake of what Christ has done, forgives us our sin and grants us new life. Gospel is not a moral or ethical program or achievement; it is the proclamation of what God has done in Christ to renew his relationship with humans and all of creation. It is the righteousness (or justice) of God apart from the law. Gospel is qualitatively different from law. In response we confess: "I believe that Jesus Christ . . . is my Lord, who has redeemed me, a lost and condemned creature, delivered me and freed me from all sins, from death, and from the power of the devil."⁹

If the church fails to preach the law, it becomes antinomian and eviscerates the meaning of the gospel. Without the law (particularly the deep dimension of the second use that we "fear, love, and trust" God above all else), the gospel becomes less serious; without the law human problems seem more manageable and God's drastic intervention in Christ less necessary. A church that fails to preach the law may become quietistic and withdraw from the real problems of our world. It will also withdraw from the real spiritual problems of individuals and misrepresent God's love. On the other hand, if the church fails to preach the gospel, it is no longer the church. Other sources (including other religious and ideological heritages) may offer the law, at least in its first use, but only the church is shaped by the proclamation of God's gift of forgiveness for us in Jesus Christ. The church must avoid becoming merely the bearer of yet another moral program, yet another human plan for improvement. Such programs and plans may be helpful and necessary, but they are not the gospel. The church must always remember that it is the custodian of the distinction between law and gospel,¹⁰ recognizing the depth of the law's demand, proclaiming the new life given by the gospel, and remembering the connection between law and gospel. This view of law and gospel is the basis for the Lutheran perspective on church-state matters and is what distinguishes it from some other Christian perspectives (discussed later).

The Lutheran tradition confesses that the proclamation of law and gospel is the vehicle of God the Holy Spirit. It is the instrument God chooses to use and thus bears all the power of God. This word of God also defines the sacraments and makes them means of grace. The temptation is to despair and see the

proclamation of law and gospel as “mere words,” ineffective to accomplish anything. The word appears weak and improbable, just as the other means of grace—water, bread, wine—appear weak and unlikely vehicles of God’s grace. Yet Lutherans believe that the means God has chosen are strong—stronger than the principalities and powers of this age. The proclamation of the word as law and gospel in public preaching and the sacraments is the most powerful tool the church has. The word of God is the church’s prize possession. To give up on this is to become merely another institution, merely another interest group within our society, rather than the church of Jesus Christ. The church experiences the apparent weakness of the word in this age but is sustained by its faith that this is God’s word and thus ultimately definitive for our lives.

It may be difficult for the church to cling to its own self-understanding when this is threatened by other concepts. Public opinion may want us to see the church primarily as a preacher of ethics or moral values and may even see the gospel in primarily moral or ethical terms. The Lutheran church must resist this temptation, properly distinguishing the proclamation of law and gospel, and proclaiming both.

Cultural attitudes may pressure us toward seeing the church simply as a voluntary organization, formed by humans for whatever purposes those humans may determine is right. Again, the Lutheran church must resist this view, remembering that it is “called, gathered, enlightened, and sanctified” by the Holy Spirit.

The American legal system may force us to use a definition of the church for certain legal purposes that is inadequate in theological terms. The church must function for certain purposes within a legal system, and for those purposes it must live within that system’s definition of the church. Yet the church should never let this legal definition be definitive of its existence; it must instead look to its confessional heritage for this definition.

The State

The state, in Lutheran terms, is instituted by God and defined in terms of its function. “It is taught among us that all government in the world and all established rule and laws were instituted and ordained by God for the sake of good order.”¹¹ [A note on terminology: Augsburg Confession 16 speaks of “government” and “temporal authority” (Article 28). In this chapter, “temporal authority,” “state,” and “government” are used interchangeably unless specifically stated.]

Government receives its authority and purpose from God. The explanation of the Fourth Commandment in the Large Catechism states that the authority of civil government is derived from that of parents. Just as he uses parents, so God also uses government to give us “food, house and home, protection and security.”¹² Article 28 of the Augsburg Confession¹³ notes that temporal authority is “concerned with matters altogether different from the gospel.

Temporal power does not protect the soul, but with the sword and physical penalties it protects the body and goods from the power of others."¹⁴ The sphere of civil government lies in keeping peace and order in a society (with force if necessary) and supporting and nourishing the lives of its citizens. This function is not inferior to that of spiritual government (the church), for Article 28 also notes that our teachers direct that both governments "be held in honor as the highest gifts of God on earth."¹⁵

The function of temporal authority is good and God-given.¹⁶ Temporal authority is to uphold the law (in its first use) and thus function as an agent of God's struggle against the forces of sin and evil in God's creation. A particular person or entity placed in that function or the particular form of authority (government) may or may not actually fulfill the function well in Lutheran terms.¹⁷ Though temporal authority is instituted by God, this does not declare every particular government good nor does it justify every government action. Luther recognized that the office was good while the people in it may be bad or incompetent.¹⁸ Further, legitimacy and competence were not dependent on their being Christian. Non-Christian governments and officials can carry out the function of temporal authority just as well as or even better than governments and officials that identify themselves as Christian.

This view of the state and its functions does not automatically favor one particular form of government over another. Monarchy, democracy, or one-person rule—to name a few—are all systems that can *possibly* meet some divinely mandated functions. Lutheran churches have lived under many different political systems. While they do not automatically favor one form of government over another, the Lutheran Confessions, by describing the function of the state, offer a measuring stick for determining how well a particular form of government lives up to its mandate. The confessional perspective recognizes that order should not exist without justice and that justice cannot exist without order. The state is to uphold the law—no room exists for the state to consider itself above the law, an end unto itself.¹⁹

Lutherans recognize government as one of the "masks" of God. Though God is not always recognizable in its actions, government is one of the ways God rules the world. The confession that government is instituted by God was easier to accept in the sixteenth century. Today it appears to contradict the Enlightenment ideal that governments are chosen by humans. Lutherans do not resolve this apparent contradiction by assuming that God simply approves our choice (whatever it may be) of the form of a government or particular officeholders. Nor should officeholders or supporters of a government assume that they have a "divine right" to their positions. Such a view of "right" tends to be independent of the appropriate exercise of governmental responsibility and power and thus foreign to Lutheran thinking.

In Lutheran thinking, government is one of the divinely instituted orders or structures embedded in creation.²⁰ These orders are built into the created world; they do not derive from the Christian doctrine of redemption. Each

order has specific functions and limitations; each is a place where the Christian can legitimately live out his or her vocation. Thought about the one order necessarily includes some reflection on the functions of the others and the relationships between the orders. Strictly speaking, references in Lutheran theology to the “secular realm,” “temporal order,” or “temporal kingdom,” include not only the government but also other orders such as the family. The gospel does not overthrow these orders or structures but requires that they be kept.²¹

Government is a place where Christians can legitimately serve and carry out their vocation. Involvement with the government, whether as a civil servant, soldier, or merely a voter, is—in principle—good. Like all human activity, involvement in government is darkened by sin, but it is not inherently more sinful than other vocations. Augsburg Confession 16 points out that Christians may engage in the myriad of activities—for example, holding civil office, serving as a judge, or engaging in just wars—commonly associated with government and the life of this world. It condemns those who teach that “Christian perfection” cannot be obtained by those who participate in these activities.²² As the Apology explains, “lawful civil ordinances are God’s good creatures and divine ordinances in which a Christian may safely take part.”²³ The Lutheran Confessions strongly countered those (such as the Anabaptists) who thought involvement with the government was not Christian, and those (such as Catholic monastic orders) who thought that other pursuits were more Christian or more holy than service to or with the government. Luther and the Lutheran Confessions saw service to or with government as an opportunity for the Christian to serve others. Christian love motivates Christians to acquire the appropriate knowledge, skills, and experience for such service and also motivates Christians to use their capacities for critical thought to determine the best way to serve the neighbor. At the same time, Christians should not pretend that Christian love governs the world. Government is still the arena of law, not gospel.

The Confessional Perspective Distinguishes and Upholds the Functions of Church and State and Recognizes Their Interactions

The Twofold Reign of God

God rules the world in two ways: temporally and spiritually. These two ways correspond to God’s two ways of dealing with the powers of sin, evil, and death: law and gospel. This way of thinking is sometimes called the doctrine of the “two kingdoms”; sometimes the terms God’s “twofold rulership” or “twofold reign” are preferred.²⁴

It must be constantly kept in mind that the Lutheran doctrine of the twofold reign of God is not the same thing as the American legal doctrine of the separation of church and state. First, the secular or temporal rule referred to in Lutheran theology today includes not merely the government but all things related to earthly, bodily existence. Thus temporal rulership (the secular kingdom) includes culture, economics, education, nature, and so forth. The doctrine of God's twofold reign is a profound statement about the relationship of the proclamation of Christ to a myriad of human endeavors, one of which is government. Government is not the entire secular or temporal kingdom. Second, God's spiritual government (the spiritual kingdom) is not identical with any particular institutional form that claims to be church. As discussed above, the true church is defined by the activity of God the Holy Spirit in word and sacrament in the assembly of believers. Thus a particular institutional expression may fail to be the church in Lutheran terms though it may still continue to be the church in the eyes of American legal doctrine. Third, the legal doctrine of the separation of church and state refers to the separation of two *institutions*. The political separation of institutions is not the same as the theological distinction of realms or kingdoms.

It is important not to use "two kingdoms" language in such a way that the two kingdoms are identified with the kingdom of God and the kingdom of the devil. In Lutheran theology both the spiritual and the temporal kingdoms are God's; one is not "more" the kingdom of God than the other, nor in this life is one assigned to rule over the other. Rather, God rules over both, which is why the terminology "twofold reign of God" may be preferable to "two kingdom" terminology. Lutherans grant a status to government and political endeavors that some other religious, even Christian, groups do not. The temporal realm remains God's creation and subject to God's law. Though it is the arena for the ongoing battle against the powers of sin and evil, the temporal realm never stops being God's creation and subject to God. (Lutherans sometimes discuss the twofold reign of God by referring to the right and left hands of God—the right hand being the spiritual reign and the left hand the temporal reign.)

God's twofold reign will continue as long as this age continues. Human effort cannot merge the two; humans cannot abrogate the temporal reign and bring about the actualization or fulfillment of the spiritual reign. Only God does that. Presently we experience God's spiritual reign in the preaching of the gospel and the administration of the sacraments. We experience his temporal reign in government and other structures of our society.

Church and State: Not Separated but Interacting

For the above reasons, Lutherans distinguish church and state and recognize their God-ordained functions; they do not separate them.²⁵ Theologically,

Lutherans cannot separate church and state, for they realize that both are among God's ways of dealing with the world. Christians live in both realms—spiritual and temporal government—simultaneously. The gospel does not remove Christians from involvement with civil government but rather subjects them to it.²⁶ Inevitably, then, church and state interact. The state, by curbing evil, preserving order, and providing for some measure of civil righteousness, creates conditions conducive to the good of all its citizens and thereby enables—perhaps unintentionally—the unhindered preaching of the gospel.

The church reminds the state of what its function is and encourages all citizens to be involved with their state. The preaching of the law provides a constant standard by which a society and its government are judged. Sixteenth-century Lutheran preachers criticized their ruling authorities for failure to protect their citizens, use tax dollars to benefit society, and otherwise fulfill their functions. By the preaching of the law, the church may admonish, proscribe, and criticize. It may challenge systems, individuals, and policies. It may even propose and give advice—Luther urged cities to establish and run schools in order to educate useful citizens. But a line (admittedly not always easily discernible) exists between admonishing the government to do its job as laid out in the Lutheran understanding of government and advocating for specific policy prescriptions. When the Confessions speak of the church and the church's proclamation of law and gospel, that proclamation does not include detailed policy prescriptions for a government. Augsburg Confession 28 points to limits on the church in this regard:

Therefore, the two authorities, the spiritual and the temporal, are not to be mingled or confused, for the spiritual power has its commission to preach the Gospel and administer the sacraments. Hence it should not invade the function of the other [the temporal authority], should not set up and depose kings, should not annul temporal laws or undermine obedience to government, should not make or prescribe to the temporal power laws concerning worldly matters.²⁷

The functions of church and state should not be confused: The church should not prescribe policy, and the government must not prescribe how or under what conditions the gospel is preached. It is not always easy for the church to discern where the line runs between justified admonition and unjustified interference in governmental affairs.

The distinction between the spiritual and temporal rule of God means that the preaching of God's word should never degenerate into the mere prescription of a specific political, social, economic, or cultural program. God's word does something different. The preaching of the law values the limited civil righteousness created by the law. By exposing specific injustices of human efforts and programs, it helps to correct those injustices and create greater jus-

tice within society. The preaching of the law also exposes the ultimate insufficiency of all human efforts and programs. The preaching of both the law and the gospel frees us from seeing our particular agendas or policies as of ultimate value.

The distinction between church and state means that church and state will interact. As described above, the church's preaching of the law is itself a type of interaction with the state. Further, church institutions and individual members may interact with the state in the carrying out of their vocations. They may bring particular expertise in various fields (for example, in immigration, education, or social services) to the making and implementation of governmental policies. In doing this they are fulfilling their Christian vocation to serve others. They do not claim special expertise springing from the gospel, their status as Christians, or their connection to a church body. Their motivation may spring from their Christian faith, but their expertise springs from their exercise of their human capabilities, including reason, capabilities that are available to all people. The church as a body, its institutions, and its individual members must be careful never to claim, on the basis of the gospel, priority or special consideration for their policy suggestions or procedures.

In the Lutheran Confessions the church seeks neither to convert nor to reign over the state. As the church is the custodian of the distinction between law and gospel, so the church must remind the state of what the state's role is. But reminding the state of what its job is does not mean the church is somehow "more" God's kingdom or a better version of God's kingdom. The doctrine of God's twofold reign acknowledges that God is at work in the world in ways not directly related to the church. One of these ways is civil government, and government should be allowed to do its job in accordance with its charge from God. The church does not invent or control the function of government; it does however vigilantly proclaim what that function is.

Church and State according to Other Christian Traditions

The contrast to other Christian ideas of the relationship of church and state is sharp. In medieval Europe, the Roman Catholic Church believed that the civil authority derived its mandate from the church. Thus the state was reduced, at least in theory, to an inferior adjunct or arm of the church. The state was supposed to take its direction from the church. Lutherans took issue with this because it distracted the church from its true function and failed to see God at work in the state where the church was not involved. Further, the medieval church believed that involvement in "spiritual" vocations—life as a priest, monk, or nun—was superior to involvement in "secular" vocations such as government, business, and the family. Lutherans rejected this and affirmed that Christians are able to serve God and neighbor in almost any occupation.

In the Reformed stream of the Protestant Reformation, government became an instrument to transform society in accord with a Christian vision.

While the Lutheran Confessions see civil government concerned with the first use of the law, Calvin states in regard to the office of secular magistrates that "no government can be happily established unless piety is the first concern."²⁸ Rather than having specific functions limited to the temporal order, civil government was also "to defend sound doctrine of piety and the position of the church."²⁹ Though many sixteenth-century Lutherans (and later Lutherans) agreed that the state should, precisely by establishing some measure of peace and justice in a society, provide favorable conditions for the preaching of the gospel, they were (and are) troubled by the attempt to have the civil government take over functions of the spiritual government. In essence, this proposal makes gospel into law, that is, it makes God's grace and mercy into a rule for governing human society.

Another result is that civil law becomes a sort of gospel, promising a version of salvation. Some later followers of Calvin saw the civil government as an instrument for the achievement of God's kingdom by humans within temporal society. In effect, the state was to convert society in accordance with a model prescribed by the church. Puritan New England followed this model, and this model still influences many groups (both religious and secular) in contemporary America. This vision has historically had tremendous dynamism for it has motivated individuals and groups to work on this earth toward their visions of God's kingdom. (It should also be noted that the failure of various such visions has led to despair and withdrawal.) This essentially theocratic vision has troubled Lutherans because it is a form of idolatry. It says that we humans know what God's kingdom will look like and how it should be attained—but Lutherans believe that only God knows the timing and future shape of that kingdom. While we await that kingdom, Lutherans believe the law both preserves our earthly society and exposes its faults and possibilities, making us aware both of the civil righteousness that nourishes and betters a society and of the ultimate imperfection of any human society. Lutherans cannot view any human effort, political or otherwise, as achieving or moving toward the salvation God has promised. The achievement of civil righteousness, not the preaching of the gospel, is the function of civil government.

Sixteenth-century Anabaptists generally saw government and any involvement with government as inherently evil. They advocated both institutional and personal separation from the state in order to preserve the purity of the church and the integrity of the individual Christian.³⁰ Anabaptists promoted a sort of utopianism that is inimical to the Lutheran belief that God's people in this world cannot be so pure as the separation from worldly involvements suggests. Anabaptists failed to see that God was at work even though the civil authority was not overtly Christian or even was anti-Christian. Anabaptists also did not value the opportunities for service to the neighbor that involvement with the government offered. In effect, Anabaptists underestimated the presence of God in the world and thus failed to understand the nature and extent of God's creative activity.

The Limits of the State and the Church

For Lutherans, church and state limit each other in a way meant to enable the full functioning of both. Both remain subject to God. A particular manifestation of temporal government is not an ultimate commitment, just as a particular manifestation of the spiritual government (an institutional church) is not an ultimate commitment. To recognize either as ultimate would be idolatry—recognizing something other than God as ultimate.

The Lutheran view of the state keeps the state within limits. Because the state is given its function by God, the state acts outside of its intended character when it claims to be God, that is, when it makes an absolute claim on the lives of its citizens. Disobedience to the state is justified when it fails to fulfill its function in relation to the law of God or when it oversteps its limits. The confessional tradition allows and even demands such disobedience:

Accordingly Christians are obliged to be subject to civil authority and obey its commands and laws in all that can be done without sin. But when commands of the civil authority cannot be obeyed without sin, we must obey God rather than men. (Acts 5:29)³⁴

In such a case, the civil authority places itself above the law instead of enforcing the law. Thus it steps out of its assigned place, and disobedience may be necessary. Sixteenth-century preaching makes clear that Lutheran preachers criticized their rulers for failure to do their jobs and called their rulers to account for such failure. Similarly, they told their congregations they did not have to obey a ruler who commanded them to do something contrary to God's command. Such disobedience, however, should not be confused with the modern notion of "standing up for one's rights." In the sixteenth century, Lutheran believers were admonished to endure injustices themselves but to act, disobeying a government if necessary, if such government did not fulfill its responsibility to others. Lutherans were admonished to stand up for others, not for their own interests or rights.

Just as a particular government is not absolute, so also a particular form of the institutional church can never be seen as absolute. Instead, an institutional church must be judged by the standard of Article 7 of the Augsburg Confession, that is, by whether it preaches the word of God (both law and gospel) in its purity and administers the sacraments rightly. Criticism of a particular institutional expression of the church may be justified (as it was in the case of Luther) in the interest of obedience to the word of God. Thus the Confessions also demand that believers, both as individuals and as the assembly, judge the institutional church. It may be necessary to call the institutional church to account when it either fails to preach the law, shrinking within its own domain, when it oversteps its bounds, infringing on the civil domain, or when it fails to do what only the church can do, preach the gospel.

Theological Guidelines or Limiting Principles

Law and Reason

God has not left humans without guidance in regard to the law that governs the civil order. Luther and the Lutheran Confessions believed in an unwritten universal law given by God that governs worldly affairs and is available to every human, Christian or non-Christian. This is sometimes known as "natural law."³² "Law" in this sense includes not only written law and the formation of laws and administration of justice. "Law" includes the entire process of discerning what is right and wrong in a particular context. The Decalogue is one but not the only expression of this universal law. The Apology states that to some extent human reason naturally understands the Decalogue "since it has the same judgment naturally written in the mind."³³ The Large Catechism mentions that the Ten Commandments are "inscribed in the hearts of all men."³⁴ The uniquely Christian proclamation, the gospel, does not introduce any new laws governing the civil order but commands us to obey existing laws.³⁵

Human reason has its proper role in ascertaining and applying this law, that is, in determining better and worse ways of running a human society, better and worse ways to serve one's neighbor. Human reason must also recognize that today's "better" way may look worse tomorrow. While Luther strongly rejected any role for reason in producing salvation, he emphasized repeatedly that reason was a good gift of God and meant to be used both in the life of faith and in service to one's neighbor. Such service included the functions of government. Yet the use of reason itself is darkened by sin. Thus reason may make mistakes in determining what the law is and how it should be applied. Human reason should never delude itself into thinking that it is either a neutral resource or itself the highest lawgiver or lawmaker. An implicit tension exists here: while humans must determine what the law is and apply it in concrete situations, they must also be aware that their own reasoning is more or less flawed and darkened and their best solutions are only proximate achievements. Assertions that legal or political proposals correspond to what the law demands always run the danger of becoming a pretext for adopting the particular agenda of an individual or group. At the same time, uncertainty and approximation of the ideal should not necessarily hinder an individual or government from acting. Individuals and governments must make and implement proposals in the knowledge that the consequences of such action may be surprising or even counterproductive. Changed contexts may make good proposals moot or even deleterious. Thus Lutherans must also recognize the need for continuing correction and renewal.

A corollary of this is that Christians (as individuals) and the church (as an assembly of believers or as an institution) have no guaranteed higher or bet-

ter reason than other people. While encouraging the participation of Christians in the political realm, Lutherans differ from some other Christians in not claiming a special knowledge or special insight, based on the gospel, into policy matters. What Christians have is a perspective that acknowledges that humans are beings created by God and therefore valuable, that humans are not gods and therefore are subject to God, and that government does not exist to serve itself or a small group of people but rather exists under God to serve all its people. Even these perspectives may be shared with people of other faiths. The Christian faith may cause a special emphasis on compassion and an appreciation of the importance of the individual and the contextual solution. Yet these emphases may not be unique to Christians.

Sin and Human Possibilities

The Lutheran tradition remains conscious of human sin and is thus realistic concerning human possibilities; it also values the relative civil righteousness that individuals and societies can attain. The power of sin and evil in society cannot be denied or ignored. Lutheran support for any policy, program, or plan is always tempered by a knowledge of human limitations and a consciousness of how human sin can corrupt even the best intentions and deeds. Selfishness permeates all endeavors in which humans are involved, including both the state and the church. This sin, a manifestation of our unwillingness to accept our position as God's creatures, colors our evaluation of our own motives and our knowledge of the law. It makes us blind to violations of the law and seeks to justify, even glorify, our transgressions. This consciousness of sin restrains Lutherans from triumphalism, that is, from claiming the absolute rightness or purity of any policy or endeavor, and from utopianism, that is, from claiming the perfectibility of human endeavor.

Further, the Lutheran consciousness of sin makes us realize that even the highest and best moral agency of the human, sometimes called the conscience, is blighted by sin. The conscience is not "sacred" and thus exempt from sin; it is part of the created world and thus as subject to sin as any other part of that world. The view that the conscience is "sacred" can lead to the elevation of human conscience above the law and thus to an antinomianism inimical to the Lutheran Confessions.

Civil Righteousness

The Lutheran view of the human also allows us to value the civil righteousness (also called the righteousness of reason) that humans can achieve. This civil righteousness produces outward discipline and works that enable society to function and even to improve. This civil righteousness attainable by humans is qualitatively different from the righteousness that God gives us.³⁶ This qualitative difference does not make civil righteousness unimportant.

Civil righteousness is something that God wants. The law is evidence of God's love and care for human society. God desires obedience to that law, civil righteousness, to preserve and promote human life. The Apology makes clear that God requires this "righteousness of reason" and wants this civil discipline toward which "he has given laws, learning, teaching, governments, and penalties."³⁷ To some extent, humans, possessing reason and judgment, can achieve this civil righteousness. But the power of sin is so great that it overwhelms the natural weakness of reason, making even civil righteousness rare.³⁸

The Lutheran Confessions give this righteousness of reason its "due credit; for our corrupt nature has no greater good than this. . . . God even honors it with material rewards."³⁹ But Lutherans are always careful to distinguish this righteousness from God's righteousness. In fact, the crux of the Lutheran Reformation was the distinction of this human righteousness from the righteousness that is salvific. In the Lutheran view, the medieval church had confused the two types of righteousness and given human righteousness an ultimate significance that it does not possess. The Lutheran Confessions emphasize that civil righteousness, the righteousness of reason, does not create, affect, complete, or define human salvation. Only the righteousness of God does that. Thus freed from the burden of achieving earthly or heavenly salvation through their own efforts, Lutherans can seek relative goods and limited goals and value their achievement. They can see that civil righteousness is God-pleasing simply because God cares for all humans on this earth and desires that they live in conditions of peace and justice.

The Lutheran Confessions see judgment and salvation not only at the end but also in the very midst of history. Every day God judges our motives, plans, and deeds as both adequate and inadequate. They are more or less adequate for our human relationships but inadequate as the basis for our relationship with God. In that relationship we need to depend on God's initiative rather than our own efforts. Every day in faith we can go out into life in family, community, and government and serve our neighbors by seeking civil righteousness, valuing the achievement of relative goods, setting limited but reachable goals, recognizing the sin that blights our individual and communal existences, and starting anew when our best plans and policies go awry.

Sixteenth-century Lutherans lived in this renewed knowledge of the two kinds of righteousness as well as in a vivid expectation of the end of the world.⁴⁰ They remained both engaged with and critical of temporal authority. They neither withdrew from involvement in the anticipation of a rapid end to this world, nor did they engage in a desperate attempt to convert the temporal order to the gospel. Instead, they preached both law and gospel, recognized the twofold reign of God through law and gospel, and sought to live as Christians in both realms.

New Issues Not So New

The Lutheran confessional perspective helps us face key challenges today. What follows is a brief example of how confessional thinking may be applied. One challenge in our times concerns the extent to which diversity is tolerated and encouraged. How much diversity is tolerable? Can a society tolerate diversity to such an extent that it overthrows the perspective that is the basis for tolerance? Is any attempt to set limits on human activity an impermissible intrusion of specifically Christian values into the secular realm? Is the preaching of the law an attempt to “christianize” society?

Diversity, Tolerance, and “Christianization”

The sixteenth-century society in which the Lutheran Reformation took place appears very different from the religiously and culturally diverse society of contemporary America. For example, sixteenth-century Germany knew religious diversity (Catholics, Protestants, and Jews) but tried to avoid it by mandating that subjects had to take the religion of their ruler. Given the fact that the Lutheran tradition grew up in a religiously homogeneous society, it is sometimes questioned whether and how it can deal with a diverse society. Can that tradition lead Lutherans today to tolerate, appreciate, and even work with those with whom it does not agree in matters of faith?

Luther and the Lutheran Confessions provided a framework for tolerance that went far beyond the actual practice of sixteenth-century Lutheran lands. The doctrine of the twofold reign of God provides a basis for civil tolerance that admittedly was not always carried out in Lutheran lands. As detailed above, the recognition that church and state have different jobs allows the state to be “non-Christian” and still do its job. Similarly, the high but limited valuation of human reason and civil righteousness mean a non-Christian neighbor may be valued for these qualities. We can even see God at work in these qualities of our non-Christian neighbors. Further, the doctrine of creation enables us to see all humans as God’s creations. Because God creates and sustains all humans, every human has worth. God protects all people with his commandments. The structures (orders) of creation provide a place for each human. Thus every human has a God-given place, and the daily life and work of the Christian are not inherently more valuable than those of the non-Christian. The Lutheran perspective provides a framework for tolerance and appreciation of the non-Christian neighbor.

Though we usually do not think of the sixteenth century as a tolerant century, the possibilities for tolerance in Lutheran belief made their impact even then. Luther condemned the idea that Christians should not be allowed to marry non-Christians.⁴¹ He commented favorably on non-Christian rulers. Unfortunately, Luther is also known for his intolerant attitude toward the Jews.⁴²

A general assumption in the sixteenth century was that a certain common core of beliefs was necessary for social cohesion. One expression of this was the belief that religious uniformity was necessary for social order and cohesion. Lutherans were no different from other Christians in this regard. The sixteenth century had a greater fear of disorder than of order; contemporary American society tends to fear anything that seems to impose too much order. Given these differences in perspective, it is not surprising that sixteenth-century societies had less tolerance than we consider desirable. The fact that the possibilities for tolerance in the Lutheran heritage were generally not realized in the sixteenth century should not discourage us from thinking about them today.

Our heritage, however, does not allow us to forget that tolerance has its limits. Given Lutheran concern for the neighbor as expressed in the concrete commands of the law, it is appropriate to ask how much tolerance is tolerable. Can a society tolerate diversity to such an extent that it overthrows the perspective that is the basis for tolerance? What about a view that no longer sees some people as created by God and therefore as persons of worth deserving of protection, but rather sees these people as subhuman? What if this becomes the dominant view in a society? This has happened in our century in the name of Marxist and Nazi ideologies. The Lutheran understanding of law allows us to see that the law sets some limits on tolerance—love for the neighbor may mean that Christians should not tolerate some ideologies and movements but rather oppose them actively.

But here an objection may be raised. When individual Christians advocate for laws or social policies today, are they trying to impose their beliefs on society? Are they trying to “christianize” society? Is the church through its preaching of the law trying to “christianize” society? Once again the Lutheran distinctions between law and gospel and between the two reigns of God are helpful. As explained above, Lutherans believe that there is a fundamental law that is common to and beneficial to all creation. One expression of this law is the Ten Commandments. Its second table (commandments four through ten) is particularly applicable in the civil realm. Civil government is charged with upholding this law and thereby preserving and enhancing the life of its citizens.

When the church (within the framework set forth earlier) preaches and teaches the law, debates its content, and advocates its application, it is thus not attempting to christianize society. Similarly when individual Christians advocate for specific policies based on their own understanding of the law, they are not trying to christianize society. Only the preaching of the gospel makes Christians! As the universal law is accessible to all humans, Lutherans can join with non-Christians in learning, debating, and implementing that law. The law is an attempt both to prescribe and reflect the common values of a society; it is not an attempt to impose uniquely Lutheran or Christian values.⁴³ Luther-

ans are always aware that any attempt to impose on government or society what is uniquely Christian would turn the gospel into law and thus would destroy the Christian message. Further, Lutherans are aware that an attempt to make the gospel govern the secular realm would fail, for in this world the law is still needed to curb the power of sin and to organize the vast diversity of humankind for the mutual fulfillment of life in its temporal and physical aspects.

Conclusion

The relationship between church and state is one expression of the relationship between God's two ways of governing the world, the spiritual and the temporal realms. As such it is an inevitable relationship, one that will not end until God sets an end to this world. The perspective expressed in the Lutheran Confessions gives us a creative and realistic way of dealing with this relationship.

Notes

1. The Confessional Basis of Lutheran Thinking on Church-State Issues

Note: All references to *The Book of Concord* (BC) in this chapter are to the Tappert (1959) edition.

1. I am using the term “confessional perspective” to encompass more than the text of the confessions. Wilhelm Maurer, in his commentary on the Augsburg Confession (CA), makes clear how important it is to look at the ideas developed in Wittenberg in the 1520s to understand the CA. See Wilhelm Maurer, *Historical Commentary on the Augsburg Confession*, trans. H. George Anderson (Philadelphia: Fortress Press, 1986).

2. See the explanation of the Third Article of the Apostles' Creed in Luther's Small Catechism (SC), *Book of Concord* (BC), 345.

3. Apology of the Augsburg Confession (Ap), Articles VII and VIII, BC 169.5: “The church is not merely an association of outward ties and rites like other civic governments, however, but it is mainly an association of faith and of the Holy Spirit in men's hearts. To make it recognizable, this association has outward marks, the pure teaching of the Gospel and the administration of the sacraments in harmony with the Gospel of Christ.”

4. CA VII, BC 32.1.

5. “On the Councils and the Church,” *Luther's Works* (LW) 41:150: “Now, wherever you hear or see this word preached, believed, professed, and lived, do not doubt that the true *ecclesia sancta catholica*, ‘a Christian holy people,’ must be there, even though their number is very small. For God's word ‘shall not return empty,’ Isaiah 55[:11]. . . . And even if there were no other sign than this alone, it would still suffice to prove that a Christian, holy people must exist there, for God's word cannot be without God's people, and conversely, God's people cannot be without God's word.”

6. “Gospel” can be used in two senses. When “gospel” is used to designate the entire Christian message, the term includes both the proclamation of repentance (law) and the forgiveness of sins. When “gospel” is opposed to law, the term is limited to the proclamation of the forgiveness of sins and reconciliation with God. See the Formula of Concord (FC) Epitome (Ep), article 5, “Law and Gospel.” BC 477–79.

7. “We believe, teach, and confess that, strictly speaking, the law is a divine doctrine which teaches what is right and God-pleasing and which condemns everything that is sinful and contrary to God's will.” FC-Ep V, BC 478.3.

8. See the explanation of the Ten Commandments in the SC, BC 342–44.

9. Explanation of the Second Article of the Apostles' Creed, SC, BC 345.3, 4.

10. FC-Ep V, BC 478.1.

11. CA XVI, BC 37–38.

12. Explanation of the Fourth Commandment in Luther's Large Catechism (LC), BC 385.150.

13. Protest may arise that Art. XXVIII is not a doctrinal article. Maurer notes that "CA XXVIII offers the most fundamental statements about the doctrine of the two ways of governing (two kingdoms). They must be compared with Luther's statements; only in that way can their binding theological force be recognized." While he identifies CA XXVIII as a "strategy for negotiation" at the Augsburg Diet, Maurer notes that the doctrine of the two ways of governing provides the theological basis for this strategy (Maurer, *Historical Commentary*, 64). After reviewing the key themes defining the doctrine of the two authorities in CA XXVIII, Maurer notes the limitations of CA XXVIII and states that to understand the divinely willed connection between the two authorities "one must go beyond CA XXVIII and evaluate the whole tenor of the CA. There the relationship of the two kingdoms forms a basic theme that defines the Confession's total structure" (*ibid.*, 70).

14. CA XXVIII, BC 82.11.

15. CA XXVIII, BC 83.18.

16. LC, BC 385–86.150: "The same may be said of obedience to the civil government, which, as we have said, is to be classed with the estate of fatherhood, the most comprehensive of all relations. In this case a man is father not of a single family, but of as many people as he has inhabitants, citizens, or subjects. Through civil rulers, as through our own parents, God gives us food, house and home, protection and security. Therefore, since they bear this name and title with all honor as their chief glory, it is our duty to honor and magnify them as the most precious treasure and jewel on earth."

This explanation of the Fourth Commandment goes into detail on the duty of parents and, by extension, other authorities. It should not be interpreted as requiring obedience to such authorities in all things. Earlier, Luther writes: "If God's Word and will are placed first and observed, nothing ought to be considered more important than the will and word of our parents, provided that these, too, are subordinated to obedience toward God and are not set into opposition to the preceding commandments" (LC, BC 381.116).

17. Luther complains in his explication of the Fourth Commandment in the LC, BC 388.170, 171: "Everybody acts as if God . . . gave us subjects to treat them as we please, as if it were no concern of ours what they learn or how they live. No one is willing to see that this is the command of the divine Majesty, who will solemnly call us to account and punish us for its neglect. . . ."

18. See, for example, "Secular Authority: To What Extent It Should Be Obeyed" (1523), LW 45:75–129.

19. For a discussion of the law that the state is to uphold, see page 4.

20. The confessions mention three such orders: government, family, and the church. As Robert Benne points out, later Lutheran ethics recognized four orders or "places of responsibilities": marriage and family life, work, public life (citizenship and voluntary associations) and church. See Robert Benne, "Lutheran Ethics: Perennial Themes and Contemporary Challenges," in *The Promise of Lutheran Ethics*, ed. Karen L. Bloomquist and John R. Stumme (Minneapolis: Fortress Press, 1998), 13–17.

21. CA XVI, BC 38.5: "The Gospel does not overthrow civil authority, the state, and marriage but requires that all these be kept as true orders of God and that everyone, each according to his own calling, manifest Christian love and genuine good works in his station of life."

22. "It is taught among us that all government in the world and all established rule and laws were instituted and ordained by God for the sake of good order, and that Christians may without sin occupy civil offices or serve as princes and judges, render decisions and pass sentence according to imperial and other existing laws, punish evildoers with the sword, engage in just wars, serve as soldiers, buy and sell, take required oaths, possess property, be married, etc.

. . . Also condemned are those who teach that Christian perfection requires . . . the renunciation of such activities as are mentioned above . . ." (CA XVI, BC 37–38.1, 2, 4).

23. Ap XVI, BC 222.1.

24. Sometimes the terms *realm*, *sphere*, or *domain* are used rather than *kingdom*, *rule*, or *reign*. I will not explore the nuances and differences that some writers have found in these terms.

25. This discussion should not be interpreted to contradict earlier Lutheran statements such as the LCA social statement "Church and State: A Lutheran Perspective" (1966), which affirmed "both institutional separation and functional interaction as the proper relationship between church and state."

26. Ap XVI, BC 222–23.3,6: "The Gospel does not introduce any new laws about the civil estate, but commands us to obey the existing laws, whether they were formulated by heathen or by others, and in this obedience to practice love. . . . The Gospel does not legislate for the civil estate but is the forgiveness of sins and the beginning of eternal life in the hearts of believers. It not only approves governments but subjects us to them. . . ."

27. CA XXVIII, BC 83.12, 13.

28. John Calvin, *Institutes of the Christian Religion*, ed. John T. McNeill, trans. Ford Lewis Battles (Philadelphia: Westminster Press, 1960), Bk. IV, chap. 20 (9), 1495.

29. Calvin, *Institutes*, Book IV, chap. 20 (2), 1487.

30. FC-Ep, BC 499.12, 13, 14 condemns several errors of the Anabaptists in this regard including: "1. That government is not a God-pleasing estate in the New Testament. 2. That no Christian can serve or function in any civic office with a good and clear conscience. 3. That as occasion arises no Christian, without violating his conscience, may use an office of the government against wicked people, and that subjects may not call upon the government to use the power that it possesses and that it has received from God for their protection and defense."

31. CA XVI, BC 38.6, 7.

32. See Reinhard Hüter, "The Twofold Center of Lutheran Ethics: Christian Freedom and God's Commandments," in *The Promise of Lutheran Ethics*, ed. Karen L. Bloomquist and John R. Stumme (Minneapolis: Fortress Press, 1998), 48–52.

33. Ap IV, BC 108.7.

34. BC 419.67.

35. Ap XVI, BC 222.1–223.3: "The Gospel does not introduce any new laws about the civil estate, but commands us to obey the existing laws, whether they were formulated by heathen or by others, and in this obedience to practice love."

36. The distinction between civil and spiritual righteousness is discussed in Ap, Articles IV and XVIII.

37. Ap IV, BC 110.22.

38. Ap IV and XVIII, BC 110 and 225.

39. Ap IV, BC 110.24.

40. CA XXIII, BC 53.14: ". . . in these last times of which the Scriptures prophesy, the world is growing worse and men are becoming weaker and more infirm."

41. "The Babylonian Captivity of the Church," LW 36:100. "Nor would I agree to that

impediment which they call 'disparity of religion,' which forbids one to marry an unbaptized person, either simply, or on condition that she be converted to the faith. Who made this prohibition? God or man? Who gave to men the power to prohibit such a marriage?" FC-Ep XII, BC 499.19 condemns the Anabaptist idea that a difference of faith is sufficient ground for divorce.

42. The literature on this is extensive. See, e.g., Mark U. Edwards Jr., *Luther's Last Battles: Politics and Polemics: 1531–1546* (Ithaca, N.Y.: Cornell University Press, 1983). Chapter 6 is particularly applicable.

43. Luther commented in the preface to SC, BC 339.13: "Although we cannot and should not compel anyone to believe, we should nevertheless insist that the people learn to know how to distinguish between right and wrong according to the standards of those among whom they live and make their living. For anyone who desires to reside in a city is bound to know and observe the laws under whose protection he lives, no matter whether he is a believer or, at heart, a scoundrel or knave."

2. Toward a Lutheran "Delight in the Law of the Lord": Church and State in the Context of Civil Society

1. ELCA Constitution, chap. 4.03.n. Toward the end of my inquiry I will raise the question of the adequacy of the precise words "institutional separation" and "functional interaction." This formulation of "institutional separation and functional interaction" animates other sections of chap. 4 of the ELCA constitution; 4.02.c says: "To participate in God's mission, this church shall: Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless and committing itself to their needs." Section 4.02.e says: "To participate in God's mission, this church shall: Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world." Section 4.03.g says: "this church shall: Lift its voice in concord and work in concert with forces for good, to serve humanity, cooperating with church and other groups participating in activities that promote justice, relieve misery, and reconcile the estranged." Section 4.03.l and 03.m say respectively: "this church shall: Study social issues and trends, work to discover the causes of oppression and injustice, and develop programs of ministry and advocacy to further human dignity, freedom, justice, and peace in the world . . . [and] Establish, support, and recognize institutions and agencies that minister to people in spiritual and temporal needs."

2. When addressing the constellation of questions regarding "church and state," we should remember that the modern notions of "state" diverge from notions before the modern era. For one influential rendition of the modern notion of state, see Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge, N.Y.: Cambridge University Press, 1978), 2:349–58. George Forell has emphasized maintaining a clear distinction between the notions of "political authority" and "state" in "The State as Order of Creation," in *God and Caesar: A Christian Approach to Social Ethics*, ed. Warren Quance (Minneapolis: Augsburg, 1959), 43–45.

3. I use the term *predilection* in the sense of a diligent, reflectively purposeful preference and delight—even love—that derives from one's core identity.

4. The Augsburg Confession and Luther's Small and Large Catechisms are confessional documents of the Evangelical Lutheran Church in America and, along with other