

The Doctrine of the Two Kingdoms and its Application for Today

– *In nomine Iesu* –

INTRODUCTION

Innumerable essays, book chapters, and monographs have been written on the Lutheran doctrine of the two kingdoms – or of the two realms, the two governments, or the two powers. Renewed research into this topic was triggered by the challengeable claim, after the Second World War, that Martin Luther’s teaching on submission to secular authority was largely responsible for German Protestant acquiescence in the Nazi agenda and in all of its holocaustic horrors in the 1930s and 1940s. Less dramatically, interest in this subject has been triggered also by a renewed appreciation for Luther’s doctrine of vocation, and for how their vocations insert Christians into the social, political, and economic life of the world in which they live.

American Lutherans have been particularly interested in how the doctrine of the two kingdoms might shed light on the principle of the separation of church and state, which is not actually articulated by the United States Constitution but which has been read out of it – or into it – by various Supreme Court decisions over the years. Many American Lutherans also seem to take a special delight in going against the grain of the patriotic assumptions of the larger society, by boldly claiming, on the basis of this doctrine, that the War for American Independence was inherently wrong, since it did not show proper respect for the duly-constituted civil government that properly ruled the colonies on God’s behalf from London, England.¹

In this essay I will not be able to review and analyze the many interesting writings on the Lutheran doctrine of the two kingdoms that are available, but will content myself with a very basic overview of that doctrine – especially as it is unfolded from the Biblical *sedes doctrinae* in the Lutheran Confessions. And there will be some discussion of practical applications.²

THE TWO KINGDOMS IN THE SCRIPTURES AND IN THE CONFESSIONS

Bengt Hagglund provides us with a useful summary of the Lutheran “doctrine of the two realms, the spiritual and the secular,” as he explains that, according to Luther’s teaching,

God exercises His dominion over the human race in different ways: in part through the Word and the sacraments, in part through the authorities and the secular order. The gifts which are needed for man’s salvation are imparted in the spiritual realm, while the external order which is necessary for human society (and also for the existence of the church) is upheld through the secular realm.

¹It is, of course, very safe for American Lutherans to say this today, and in so doing to beg the exact question with which conscientious British Americans were wrestling in 1776. In almost all cases it would have been safe for their ancestors to have said this back then as well, since they were in almost all cases living in Germany or Scandinavia at the time. Unlike the Lutherans who were living in colonial America in the eighteenth century, they did not need to wrestle through the difficult issue of how the unique contours of the British constitution would shed light on the question of what the legitimate government of the colonies, according to their charters, actually was.

²The Evangelical Lutheran Synod has not been without scholarly writings on this subject. Anyone who wants to take a deeper dive into these things can read Bjarne W. Teigen, “The Lutheran Doctrine of the Two Kingdoms and Its Significance for the American Bicentennial” (1975 Reformation Lecture), *Lutheran Synod Quarterly* XVI:1 (Fall 1975), 1-57; and Erling T. Teigen, “Two Kingdoms: Simul Iustus et Peccator: Depoliticizing the Two Kingdoms Doctrine,” *Lutheran Synod Quarterly* 54:2-3 (June-September 2014), 157-84.

This distinction must not be confused with modern ideas concerning church and state, in which the state is thought to stand outside the religious sphere, while the church represents the spiritual domain. According to Luther, God rules in both, in the spiritual as well as the secular. ... In some respects both realms are included in God's Word, inasmuch as the secular authority is also constituted by God's word and command. At the same time Luther drew a sharp line of demarcation between the two realms. The spiritual realm is without external power. Its power is exercised by God Himself through the Word and the preaching office. The secular realm is subject to human reason, and its authority is exercised by men who have the power to enforce laws, etc. It is God Himself who is active in both realms, and thus they are united. In the spiritual sphere God works through the Gospel to save men, and in the secular He works through the Law and impels men to live in a certain way, to do the good and avoid the evil, so that their neighbors can be ministered to and general chaos prevented.

Hence we can see that the spiritual realm does not represent a special sphere of power at the side of the secular. Neither is the latter a purely profane area, completely sundered from God. The secular authorities represent God's own power, as it confronts man in visible form in our earthly relationships. Even a completely pagan authority can be used by God to work what is good, to uphold public order and promote human society.³

Hagglund also comments on the traditional Lutheran understanding of the three estates (or three "ranks"), noting that

Luther ordinarily divided human interdependence into three broad ranks, *ecclesia*, *politia*, and *oeconomia*, which correspond in general with the church, the state, and the home respectively. The two latter represent the secular realm, while the church represents the spiritual. ... They overlap, of course, so that one person might be involved in more than one rank (*Stand*), according to the varied relationships in which he finds himself. A man might at the same time be a father, a pastor, and a citizen.

Luther's understanding of authority was based on Rom. 13:1: "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God." The Christian is thereby obligated to obey even those rulers who do not share his faith. The only exception is found in the words, "We must obey God rather than men" (Acts 5:29). If the authorities should command that which is contrary to God's command or implies a denial of the Christian faith, the Christian must refuse to obey, and suffer instead the punishment meted out to him for the sake of his faith. But Luther did not approve of armed uprisings against the state. Insurrection is contrary to God's order.⁴

For a fuller summary of the Biblical basis for the doctrine of the two kingdoms or realms, I will borrow a paragraph from Erling T. Teigen:

As one can see in most treatments of the Lutheran doctrine of the two kingdoms, the *sedes doctrinae* are located in these passages: "Render unto Caesar the things which are Caesar's and unto God the things which are God's" (Matthew 22:21/Mark 12:17); "My kingdom is not of this world" (John 18:36); "Let every soul be subject to the governing authorities, for there is no authority except from God, and the authorities that exist are appointed by God" (Romans 13:1 f.); "Submit yourselves to every ordinance of man for the Lord's sake whether to the king as supreme, or to governors, as to those who are sent by him..." (1 Peter 2:13 f.); and "We ought to obey God rather than men" (Acts 5:29).

³Bengt Hagglund, *History of Theology*, trans. by Gene J. Lund (Saint Louis: Concordia Publishing House, 1968), 235-36.

⁴Hagglund, 237.

And certainly, the Third Petition of the Lord's Prayer (Matthew 6:10) has something to say about where the Christian lives. Other passages flesh out this doctrine, but these are the foundational texts.⁵

God's spiritual realm, where his reign is explicit, is the spiritual fellowship of his church. According to the Augsburg Confession, "the Christian church is, properly speaking, nothing else than the assembly of all believers and saints" (AC VIII:1⁶). The Apology of the Augsburg Confession expands on this in affirming that

this church truly exists, consisting of true believing and righteous people scattered through the entire world. And we add its marks: the pure teaching of the gospel and the sacraments. This church is properly called "the pillar...of the truth" [1 Tim. 3:15] for it retains the pure gospel, and, as Paul says [1 Cor. 3:12], "the foundation," that is, the true knowledge of Christ and faith. (Ap VII/VIII:20)

With respect to the government of the church (*Kirchenregiment*), the Augsburg Confession does not speak of local voters' assemblies or of territorial consistories, but declares instead: "Concerning church government it is taught that no one should publicly teach, preach, or administer the sacraments without a proper [public] call" (*ordentlichen Beruf*) (AC XIV). The Apology unfolds this doctrine of the orderly, public, and regular call, in its teaching that those who

hold office in the church...represent the person of Christ on account of the call of the church and do not represent their own persons, as Christ himself testifies [Luke 10:16], "Whoever listens to you listens to me." When they offer the Word of Christ or the sacraments, they offer them in the stead and place of Christ. (Ap VII/VIII:28)

The various external polity structures of the church, developed for the sake of good order in different ways and at different times and places, are not, strictly speaking and in themselves, a part of the spiritual *Regiment* or government of the church in its essence. Hermann Sasse explains that

our confession strictly distinguishes between that in the church which is of divine law (*de iure divino*) and that which is of human law (*de iure humano*). But practically all external legal forms of the church, of the congregation and the office, belong in the sphere of human law.⁷

This does not mean that it does not matter how the church is ordered, or that it can be ordered thoughtlessly, arbitrarily, and whimsically. Church order and polity are largely matters of human right, but church order and polity serve and facilitate – or are supposed to serve and facilitate – things that are of divine right. Sasse accordingly goes on to observe that, "According to Article XIV of the Augustana, it matters greatly who exercises the preaching office, namely, whether the person in question is legitimately called (*rite vocatus*) according to correct ecclesiastical order."⁸ Some forms of church polity and ecclesiastical order serve the faithful

⁵Erling T. Teigen, 160.

⁶All Confessional quotations are from *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, edited by Robert Kolb and Timothy J. Wengert (Minneapolis, Fortress Press, 2000).

⁷Hermann Sasse, "Church Government and Secular Authority," trans. by Matthew C. Harrison, *The Lonely Way*, 2 vols. (Saint Louis: Concordia Publishing House, 2001-2002), I: 215.

⁸Sasse, I:215.

preaching of the gospel, and the administration of the sacraments in accord with Christ's institution, better than other forms of polity and order. Sasse again:

A multiplicity of ecclesiastical forms of life are possible as long as they do not preclude unity in the faith and thus the unity of the church. The external forms of the church may be adapted to the necessities of times and peoples. The constitution of a church may indeed undergo development. With this answer we avoid the *legalistic misunderstanding* that there is one definite and only correct ordering of the church prescribed in the New Testament. But we also avoid the *libertine misunderstanding* that according to Lutheran doctrine there is no such thing as a false way of organizing the church. We know that no external ordering of the church can assure purity of doctrine. But we also know just as well that *the doctrine of the church is never independent of the external ordering of the church* and that there are church constitutions which make it impossible for the church to preserve its pure doctrine.⁹

God rules in his spiritual realm or kingdom in and through his Word. Pastors and other called servants exercise authority in God's name within this realm only because, and only insofar as, they are faithful in their use of God's Word, in accordance with the vocations they have received from God through the voice of his church.

The Treatise on the Power and Primacy of the Pope also shows us the difference between the catholicity and liberty of the spiritual kingdom as we now experience it in the New Testament era, and the theocratic rigidity that characterized the Israel of the Old Testament, in pointing out that

the ministry of the New Testament is not bound to places or persons like the Levitical ministry, but is scattered throughout the whole world and exists wherever God gives God's gifts: apostles, prophets, pastors, teachers [cf. Eph. 4:11]. That ministry is...valid... because of the Word handed down by Christ. (Tr 26)

And the church within which this public ministry operates is described by the Apology in a similar way, as it comments on what the Creed confesses concerning the existence of a holy catholic church. The Apology comforts us with the assurance that,

however great the multitude of the ungodly is, nevertheless the church exists and Christ bestows those gifts that he promised to the church: forgiveness of sins, answered prayer, the gift of the Holy Spirit. Moreover, it says "church catholic" so that we not understand the church to be an external government of certain nations. It consists rather of people scattered throughout the entire world who agree on the gospel and have the same Christ, the same Holy Spirit, and the same sacraments, whether or not they have the same human traditions. (Ap VII/VIII:10)

Taking all this into account, the Treatise also describes the basic contours of what the "gospel" or New Testament revelation has indeed set in place for the church, and for its spiritual government under God, when it states that

The gospel bestows upon those who preside over the churches the commission to proclaim the gospel, forgive sins, and administer the sacraments. In addition, it bestows legal authority, that is, the charge to excommunicate those whose crimes are public knowledge and to absolve those who repent. It is universally acknowledged, even by our opponents, that this power is shared by divine right by all who preside in the churches, whether they are called pastors, presbyters, or bishops. (Tr 60)

⁹Sasse, I:216-17. Emphases in original.

This presiding or governing power is, however, limited and channeled by the revealed Word of God in Holy Scripture. Pastors, presbyters, and bishops are called to preach, teach, and apply God's Word, in both law and gospel. They are not authorized by their divine vocation to lay upon consciences demands and requirements that are outside of, or that go beyond, God's Word. And so the Apology teaches that

Bishops do not have the power of tyrants to act apart from established law, nor regal power to act above the law. Bishops have a definite command, a definite Word of God, which they ought to teach and according to which they ought to exercise their jurisdiction. ... They have the Word; they have the command about the extent to which they should exercise their jurisdiction, namely, when anyone does something contrary to the Word that they have received from Christ. (Ap XXVIII:14)

Francis Pieper compares the authority of the church and of its ministers in this regard to the authority of the civil government and of parents in the home:

Laws enacted by men are a norm binding our consciences only when God sanctions them and thus makes them His precepts. God does that in the case of the laws of civil government (Rom. 13:1 ff.: "Let every soul be subject unto the higher powers") and of the parents (Col. 3:20: "Children, obey your parents in all things"), and He sanctions here only such laws as do not contradict the divine Law (Acts 5:29: "We ought to obey God rather than men"). The so-called "laws of the Church" cannot bind our consciences. Christ has not given His Church any legislative power (*potestas legislativa*); on the contrary, He has forbidden His Church to exercise any such power. Matt. 23:8: "One is your Master, even Christ; and all ye are brethren." What Christ has not commanded is regulated in the Church not by command, but by mutual agreement of the Christians themselves. Even the abuse of this liberty must not lead the Church to command things which God has not commanded.¹⁰

And God does indeed work and rule in and through the "civil government," albeit in a more implicit manner than is the case with the church and the spiritual realm. From the perspective of the New Testament, the proper basis for civil ordinances is not God's direct Scriptural revelation, but is the natural knowledge of God, imprinted at birth on the minds and consciences of all human beings. This enables even an unbeliever, who is willing to listen to his conscience, to know the basic difference between right and wrong in the areas of civil righteousness and outward societal order, and to act accordingly in his external behavior. This also enables heathen nations to establish law codes and legal institutions that fulfill God's purposes in maintaining outward order in their civil society, even if the revealed gospel has not yet penetrated that society.

Regarding unregenerated people, and the natural knowledge of God's existence to which they have access, St. Paul writes in his Epistle to the Romans that

what can be known about God is plain to them, because God has shown it to them. For his invisible attributes, namely, his eternal power and divine nature, have been clearly perceived, ever since the creation of the world, in the things that have been made. So they are without excuse. (Rom 1:19-20, ESV¹¹)

¹⁰Francis Pieper, *Christian Dogmatics*, 4 vols. (Saint Louis: Concordia Publishing House, 1950-1957), I:530.

¹¹Biblical quotations marked ESV are from *The Holy Bible, English Standard Version*, copyright © 2001 by Crossway Bibles (a division of Good News Publishers).

And the natural knowledge of God includes also a natural knowledge of God's law. This is so even for Gentiles who have no knowledge of the revealed Law of Moses in general or of the divinely-chiseled Ten Commandments in particular, but who have only the testimony of their hearts. And so Paul goes on to say that

when Gentiles, who do not have the law, by nature do what the law requires, they are a law to themselves, even though they do not have the law. They show that the work of the law is written on their hearts, while their conscience also bears witness, and their conflicting thoughts accuse or even excuse them. (Rom 2:14-15, ESV)

In the words of the Apology, we Lutherans

concede to free will the freedom and power to perform external works of the law... In this way outward discipline is preserved, because all people alike ought to know that God requires civil righteousness and that to some extent we are able to achieve it. (Ap XVIII:7, 9)

Civil righteousness and the temporal blessings that are often associated with it are certainly not to be confused with the righteousness of faith that avails before God for justification and eternal salvation. But civil righteousness, as far as it goes, is a good thing and not an evil thing. And the realm of civil righteousness is also a realm of God, in which God reigns, and in which Christian citizens may and should fulfill their earthly vocations with confidence that God will bless and help them in their work. The Augsburg Confession therefore teaches, "Concerning public order and secular government," that

all political authority, orderly government, laws, and good order in the world are created and instituted by God and that Christians may without sin exercise political authority; be princes and judges; pass sentences and administer justice according to imperial and other existing laws; punish evildoers with the sword; wage just wars; serve as soldiers; buy and sell; take required oaths; possess property; be married; etc. ... The gospel does not overthrow secular government, public order, and marriage but instead intends that a person keep all this as a true order of God and demonstrate in these walks of life Christian love and true good works according to each person's calling. Christians, therefore, are obliged to be subject to political authority and to obey its commands and laws in all that may be done without sin. But if a command of the political authority cannot be followed without sin, one must obey God rather than any human beings (Acts 5[:29]). (AC XVI:1-2, 5-7)

In the civil realm, people who do not restrain their lawless impulses, and conform their outward behavior to the requirements of the natural law (and of the law of the land as based on natural law), can and should be externally restrained by force, at the hands of the civil authorities. And so, later on in his Epistle to the Romans, St. Paul tells us that

the one who is in authority...is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer. Therefore one must be in subjection, not only to avoid God's wrath but also for the sake of conscience. (Rom 13:3-5, ESV)

That last point – concerning subjection to the civil authorities for the sake of conscience – is important. Some or many unbelievers may very well be willing to comply with the laws of the society in which they live because they fear punishment if they do not do so. They are *externally compelled* to obedience. But Christians, with God's help, seek to comply with the laws of the society in which they live because they can see God's good purposes and God's will in those laws. They are *internally impelled* to obedience by their faith-filled desire to fear, love, and trust in God above all things.

Christian citizens should not try to impose explicitly “Christian” laws onto the secular society in which they live, but they will obey the laws that are in place – assuming that these laws do not contradict the moral law of God – with a deeper understanding of their source, and with a deeper commitment to their purpose. And they will advocate for better and more just laws, not on the basis of the Ten Commandments *per se*, but on the basis of what the voice of natural law would call all people to do and refrain from doing.

Pieper contrasts the ethical and moral foundation that is proper for the governance of physical bodies and of physical life in the civil realm, with the ethical, moral, and evangelical foundation that is proper for the governance of bodies and souls and of spiritual life in the ecclesiastical realm. He explains

(1) that the State cannot and should not be ruled with the Word of God, but should be organized and ruled according to natural reason (common sense); and (2) that the Church cannot and should not be built with force and coercion, but only with the Word of God, and that all external coercion in matters of faith blocks the growth of the Church unless God later corrects the errors committed by men.¹²

Those who publicly govern under the aegis of the state – as they deal with criminals – are authorized by God to wield a sword of physical restraint and punishment. But those who publicly govern under the aegis of the church – as they deal with sinners – have recourse only to “the sword of the Spirit, which is the word of God” (Eph 6:17, ESV).

Just as the spiritual realm can be ruled by God through various forms of external polity and ecclesiastical order, so too can the civil realm – as it exists in various places on earth – be ruled by God through various forms of external government. Some human societies have been governed as democracies; others have been governed under an absolute monarch or dictator. Many countries today function as constitutional republics with democratic components; others function under a constitutional monarchy with legislative components. Any of these systems can work, although some of them work better than others.

Luther lived in a territory of the Holy Roman Empire that was ruled by a hereditary prince, but he also knew that the imperial free cities within the Empire were governed by mayors and city councils who were elected to their offices by the city’s burgers. This system was an early example of government by the consent of the governed, which Luther actually thought was the best form of secular government, and which he recommended. In his “Lectures on Deuteronomy,” when commenting on Moses’ directive to the Israelites, “Choose for yourselves wise and discerning men, known to your tribes, and appoint them as your leaders” (Deut 1:13, ISV¹³), Luther wrote:

Choose wise men. Beasts are managed by power and skill. Men should be ruled by wisdom and understanding, since man thrives on reason, which cannot be assaulted with a rope or brandished sword but through a word directed to the ear. And when reason has been grasped through a word, the whole man is moved and led wherever you wish. Here you see that the magistrates should be chosen by the votes of the people, as reason also demands. Therefore this nation, too, is taken in charge by this means through the word of Moses, and it gladly follows and praises Moses. For to thrust government upon a people against its will is dangerous or destructive. He calls them “known” because they should be known among the people; much more, however, because they should be experienced and acquainted with affairs, so that you may

¹²Pieper, III:418.

¹³*The Holy Bible: International Standard Version*, copyright © 1995-2014 by ISV Foundation.

understand *well-known* and *knowledgeable* to be the same. They are the wise men who understand affairs divine and human, especially those who know the statutes and laws and all that is necessary for the life of the people.¹⁴

THE TWO KINGDOMS IN PRACTICE, PAST AND PRESENT

As the Confessions lay out the Biblical and Christian teaching on each of the two kingdoms or realms of God, so too do they compare and contrast those two kingdoms or realms, to clarify differences and to avoid confusion. And so the Lutherans say in the Augsburg Confession that their teachers

have been compelled, for the sake of instructing consciences, to show the difference between the power of the church and the power of the sword. They have taught that because of the command of God both are to be devoutly respected and honored as the highest blessings of God on earth. However, they believe that, according to the gospel, the power of the keys or the power of the bishops is the power of God's mandate to preach the gospel, to forgive and retain sins, and to administer the sacraments. For Christ sent out the apostles with this command [John 20:21-23]: "As the Father has sent me, so I send you. ... Receive the Holy Spirit. If you forgive the sins of any, they are forgiven them; if you retain the sins of any, they are retained." And Mark 16[:15]: "Go...and proclaim the good news to the whole creation...." This power is exercised only by teaching or preaching the gospel and by administering the sacraments either to many or to individuals, depending on one's calling. For not bodily things but eternal things, eternal righteousness, the Holy Spirit, eternal life, are being given. These things cannot come about except through the ministry of Word and sacraments, as Paul says [Rom. 1:16]: "The gospel...is the power of God for salvation to everyone who has faith." And Psalm 119[:50]: "Your promise gives me life."

Therefore, since this power of the church bestows eternal things and is exercised only through the ministry of the Word, it interferes with civil government as little as the art of singing interferes with it. For civil government is concerned with things other than the gospel. For the magistrate protects not minds but bodies and goods from manifest harm and constrains people with the sword and physical penalties. The gospel protects minds from ungodly ideas, the devil, and eternal death. Consequently, the powers of church and civil government must not be mixed. (AC XXVIII:4-12)

What is articulated here sounds good to American Lutheran ears. Hence we are puzzled when we learn that Luther himself seems not to have fully grasped the significance of the Augustana's statement that "civil government is concerned with things other than the gospel." Luther in many ways remained as a man of his times, who held to many of the medieval assumptions and prejudices that were still common in his era, even though the Augsburg Confession, and the Reformation as a whole, had begun to unravel the bases for many of those medieval assumptions and prejudices.

Luther did not believe in the principle of religious freedom as we would understand and value that principle. With others of his day, he thought instead that the cohesiveness and stability of a society required there to be one publicly-practiced religion in that society, and that to this end the government should regulate religious matters.

Regarding the controversies that were then raging between Christians who adhered to the reform movement of which he was the leader, and Christians who adhered to the authority and teachings of the pope, Luther said in his 1530 commentary on Psalm 82:

¹⁴Martin Luther, "Lectures on Deuteronomy," *Luther's Works* 9 (Saint Louis: Concordia Publishing House, 1960), 18.

If it happens that in a parish, a city, or a principality, the papists and the Lutherans (as they are called) are crying out against one another because of certain matters of belief, and preaching against one another, and both parties claim that the Scriptures are on their side, I would not willingly tolerate such a division. My Lutherans ought to be willing to abdicate and be silent if they observed that they were not gladly heard... But if neither party is willing to yield or be silent, or if neither can do so because of official position, then let the rulers take a hand. Let them hear the case and command that party to keep silence which does not agree with the Scriptures. ... It is not a good thing that contradictory preaching should go out among the people of the same parish. For from this arise divisions, disorders, hatreds, and envyings which extend to temporal affairs also.¹⁵

Most people in Luther's day believed that people who were guilty of sedition should be punished by the civil authorities. Luther agreed, but he also expanded the definition of "sedition" to cover many of the non-violent yet socially disruptive practices that the Anabaptists of his time were advocating. In the same commentary he wrote that

some heretics are seditious and teach openly that no rulers are to be tolerated; that no Christian may occupy a position of rulership; that no one ought to have property of his own but should run away from wife and child and leave house and home; or that all property shall be held in common. These teachers are immediately, and without doubt, to be punished by the rulers, as men who are resisting temporal law and government (Rom. 13:1, 2). They are not heretics only but rebels, who are attacking the rulers and their government..

For Luther and for most others in his time, the enforcement of blasphemy laws was also seen as a proper duty of the civil government. Luther simply assumed that secular rulers have the duty "to advance God's Word and its preachers." So,

If some were to teach doctrines contradicting an article of faith clearly grounded in Scripture and believed throughout the world by all Christendom, such as the articles we teach children in the Creed – for example, if anyone were to teach that Christ is not God, but a mere man and like other prophets, as the Turks and the Anabaptists hold – such teachers should not be tolerated, but punished as blasphemers. For they are not mere heretics but open blasphemers; and rulers are in duty bound to punish blasphemers as they punish those who curse, swear, revile, abuse, defame, and slander. ... In like manner, the rulers should also punish – or certainly not tolerate – those who teach that Christ did not die for our sins, but that everyone shall make his own satisfaction for them. For that, too, is blasphemy against the Gospel and against the article we pray in the Creed: "I believe in the forgiveness of sins" and "in Jesus Christ, dead and risen." Those should be treated in the same way who teach that the resurrection of the dead and the life everlasting are nothing, that there is no hell, and like things, as did the Sadducees and the Epicureans, of whom many are now arising among the great wiseacres.

By this procedure no one is compelled to believe, for he can still believe what he will; but he is forbidden to teach and to blaspheme. For by so doing he would take from God and the Christians their doctrine and word, and he would do them this injury under their own protection and by means of the things all have in common. Let him go to some place where there are no Christians.¹⁶

¹⁵Martin Luther, "Psalm 82," *Luther's Works* 13 (Saint Louis: Concordia Publishing House, 1956), 62-63.

¹⁶Luther, "Psalm 82," 61-62.

Turkish Muslims, Anabaptists, and others who might dissent from the public religious orthodoxy, would have found little comfort in the concession that they may believe as they wish as long as they do not tell others what they believe (or what they do not believe). According to this medieval way of thinking, it is also easy to see how the presence of a synagogue in an otherwise Christian community would be perceived as even more socially disruptive than conflicting Christian congregations with conflicting Christian theologies in a community. And it is easy to see how the Jewish teachings that Jesus was not the Son of God, was not born of a virgin, did not by his death atone for the sins of humanity, and did not rise from the grave, were perceived as blasphemous teachings.

Luther had previously called upon the German princes to take direct charge of reforming the church, as “emergency bishops,” since the canonical bishops were unwilling to introduce necessary reforms. As Luther saw it, the princes were Christians, who not only should be concerned about the serious problems that were then troubling their church, but who also were in a position to do something about those problems. He had written in his 1520 address *To the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate* that “those who exercise secular authority have been baptized with the same Baptism, and have the same faith and the same Gospel as the rest of us.” For this reason “we must regard their office as one which has a proper and useful place in the Christian community.”¹⁷ The Treatise also states that

It is especially necessary for the most eminent members of the church, the kings and princes, to attend to the church and take care that errors are removed and consciences restored to health, just as God expressly exhorts them: “Now therefore, O kings, be wise; be warned, O rulers of the earth” [Ps. 2:10]. The first concern of kings should be to promote the glory of God. It would, therefore, be most shameful for them to use their authority and power to encourage idolatry and countless other disgraceful acts and to slaughter the saints. (Tr 54)

The German-American Lutheran theologian and historian J. L. Neve explains that

The early Lutherans led by Luther and his co-laborers put the government of the young evangelical church into the hands of the princes. It was intended to be temporary. Luther looked forward to a time when this government could be put into the right hands. But it looked like a permanent condition. That temporary arrangement was made at a time when the princes were generally men of sincere interest in the Church and at a time when they were the best fitted persons for the task. Nevertheless it laid the foundation for a continuing injury to Lutheranism... The time came when the Church had to bear the yoke of the State for definite service. Some of the worst cases may be seen in the forced introduction of the Church Union in Prussia and other parts of Germany.¹⁸

In Neve’s view, “Purely political aims as such must not be made an interest of the church.” But in the old state-church system, the church and its operations were almost always under the influence of national politics, and were generally imbued with the political and social agendas of the political rulers of the day, so that “the Church was degraded into a mere factor of civilization, in line with the education through school, theater and press. In times of war,

¹⁷Martin Luther, “To the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate,” *Luther’s Works* 44 (Philadelphia: Fortress Press, 1966), 129.

¹⁸J. L. Neve, *Churches and Sects of Christendom*, revised edition (Blair, Nebraska: Lutheran Publishing House, 1944), 159.

through the pulpit, it was her task to stir the sentiment of the nation for the cause of the country irrespective of right or wrong.”¹⁹

What we have in Luther’s 1530 commentary are not descriptions of what he thinks “the most eminent members of the church” might do in their temporary capacity as emergency bishops. Rather, we hear Luther telling us what he thinks secular princes *as secular princes* should do on a permanent, ongoing basis. Lutherans are very much aware of the fact that Luther was not infallible, and that he sometimes did err – especially when he veered off from his Biblical expositions and opined on social and political matters. In what he said concerning the relationship between the state and the church within the state, and concerning the enforcement of religious laws by the state, Luther was simply wrong. I say this not because he disagrees with me – or with Roger Williams and Thomas Jefferson – but because he disagrees with Jesus, who said: “Render to Caesar the things that are Caesar’s, and to God the things that are God’s” (Mark 12:17, ESV). When Caesar’s imperial office became Christianized in the Constantinian era, “the things that are God’s” did not then automatically become “the things that are Caesar’s.” The divine division of duties remained as before – or at least it should have. That this division of duties did not remain in actual practice, became for centuries the cause of no end of grief for the church in this world.

Luther’s medieval way of thinking was also the context for his supposed anti-Semitism. In truth, Luther did not have a special animus against the Jews as a distinct ethnic or national group, but he did think that in a Lutheran territory or city the public practicing of the rabbinic Jewish religion should be proscribed. He also believed that in a Lutheran territory or city, the public practicing of Roman Catholicism, Anabaptism, Islam, and everything else other than Lutheranism, should likewise be proscribed. In Luther’s notorious treatise “On the Jews and Their Lies,” where he called upon government officials to shut down and destroy the synagogues and to silence the rabbis, and also to impose upon the Jews other harsh restrictions, the worst punishment that Luther envisioned for Jews who would not desist from publicly practicing Judaism in a Lutheran territory, was that they might “be expelled from the country and be told to return to their land and their possessions in Jerusalem.”²⁰

Thinking of Luther as a forerunner of Zionism would therefore probably be just as accurate as thinking of him as a forerunner of Naziism, which was based on a purely racial definition of Jewishness, and which prohibited the conversion of Jews to Christianity. But for Luther that was the whole point of his agenda – misguided though it may have been in means and methods. He wrote with respect to the Jews that “With prayer and the fear of God we must practice a sharp mercy to see whether we might save at least a few from the glowing flames.” And Luther prayed for the Jews: “May Christ, our dear Lord, convert them mercifully and preserve us steadfastly and immovably in the knowledge of him, which is eternal life. Amen.”²¹

A new movement of “Christian nationalism” is currently growing in America, emerging from within certain Reformed and Evangelical circles, and also including many who seldom go to any church but who yearn for a restoration of what they consider to be a vanishing “Christian” culture – as it existed in America circa the 1950s or thereabouts. This is a real movement and a real set of ideas, and is not just an epithet hurled by the liberal media at any politically active person whose Christian faith influences the way he lives. A leading spokesman is Presbyterian layman Stephen Wolfe, whose book, *The Case for Christian Nationalism*,²² sets

¹⁹Neve, 159-60.

²⁰Martin Luther, “On the Jews and Their Lies,” *Luther’s Works* 47 (Philadelphia, Fortress Press, 1971), 276.

²¹Luther, “On the Jews and Their Lies,” 268, 306.

²²Stephen Wolfe, *The Case for Christian Nationalism* (Moscow, Idaho: Canon Press, 2022).

forth a comprehensive social, cultural, and political agenda. Believing that the American experiment of governmental religious neutrality has failed, Christian nationalists want to institute twenty-first century versions of some of the medieval policies that Luther held to and advocated. In an online interview, Wolfe stated:

I don't know where Lutherans are on this, but I do think, as Protestants, we can actually have a lot of – we can recognize – spiritual unity among brethren, and still have disagreements even in political matters, certainly in theology, but still seek some kind of country and nation that can at least, in a sort of pan-Protestant sense, become Christian. And so that's the end goal. ... We as Christians need to start talking to one another about how abnormal we are in relation to the history of the church. The history of Christianity is Christians saying, "This is my Christian place and I'm going to defend it; and this is a Christian land and this is a Christian people and we're going to use the powers God had ordained in order to make it that way, or to keep it that way." So it's not just that we have to come up with an action plan, like how are we going to go through electoral politics to win. We should think about that; we should also think about: How do we talk to our fellow Christians who are so thoroughly modernized in their thinking in politics that they can't even conceive of the idea that you'd have a public school with prayer – just a generic prayer? To most Evangelicals it would seem – and most would find that – odd.²³

"Where Lutherans are on this" is reflected in the fact that Confessional Lutherans in America would not like to see the introduction of generic prayers in public schools, either. They do not (or at least they should not) share Luther's medieval perspective in regard to these matters. Neither should they embrace the kind of Christian nationalist agenda for which Wolfe contends. Rather, in view of the painful yet instructive lessons that the church has learned during the past five centuries, they have a clearer and more consistently Biblical understanding of the proper and distinct roles of the state and of the church. Carroll Herman Little writes in *Disputed Doctrines*:

We Lutherans should honor the State as an institution of God for the regulation of the outward affairs of men, that we may lead quiet and peaceable lives here upon earth. God has given us this institution "for the punishment of evil doers and for the praise of them that do well" [1 Peter 2:14]. And for the execution of this purpose God has bestowed upon it the sword. The State has authority from God to employ force where this is necessary for the accomplishment of its ends.

The Church also is a Divine institution, but its realm is quite different from that of the State. It is limited to spiritual affairs. It touches matters which the State cannot reach – religion, conscience, the thoughts and intents of the heart. God has entrusted it with the means of grace and has laid upon it the obligation to preach the Gospel and administer the Sacraments. The Church's work is, in a word, evangelization. The Church has no sword but the sword of the Spirit, which is the Word of God. She employs no force, but uses only the persuasive power of the Word. Church and State observing their appropriate spheres should dwell together in harmony.²⁴

In *Lutheran Confessional Theology*, Little also writes that

Civil government is independent of Christianity. It exists also among non-Christians and is the ordinance of God there as well as in the most Christianized lands. By God's ordinance civil governments are authorized to enact and enforce laws for external

²³Stephen Wolfe, an interview on "Turnip's Digest," February 4, 2023. www.youtube.com/watch?v=lw7PL-QFmMo

²⁴C. H. Little, *Disputed Doctrines* (Burlington, Iowa: The Lutheran Literary Board, 1933), 88-89.

peace and order. This does not imply that they will never make mistakes or err or become vicious. Subjection to them is therefore not absolute. It does not, e.g., pertain to them when they transgress their bounds and extend their authority to spiritual things or abrogate the rights of conscience. In all cases of real conflict between civil government and the Word of God, Christians must follow the apostolic example and obey God rather than men (Acts 5:29).²⁵

And Pieper writes that

If we desire to retain the Christian doctrine, namely, the doctrine that we are justified and saved by God's grace through faith without the deeds of the Law, we must, for one thing, hold to the divinely ordained means of grace; and, secondly, we must be content with these means and refrain from employing the powers of the State to build the Church.²⁶

In reflecting on his own personal growth over time in understanding how the Lutheran doctrine of fellowship would properly be applied in the pulpits and at the altars of Lutheran congregations, Charles Porterfield Krauth articulated a principle that is also germane to our observation that the Lutheran Reformers did not immediately grasp all the necessary practical implications of the sound principles regarding civil and spiritual authority that they had articulated in the Lutheran Confessions. Krauth wrote:

Our aim is to see whether, in the light which we now have, we can come to the full comprehension of our own language: for often nothing is harder than to comprehend the full force of our own words. We have often found a principle to the acceptance of which we had been brought in the providence of God, unfold and again unfold itself, until we have been astonished at the result. We have admitted the acorn and it has become an oak.²⁷

So too, Luther's *acorn* of the doctrine and practice of the two kingdoms in the sixteenth century has grown into the Confessional Lutheran *oak* of the doctrine and practice of the two kingdoms in the twenty-first century.

With respect to things like the restoration and preservation of public morality and the rule of law, a nation in decline does not need to have forced upon it a new state-church system – which as Wolfe envisions it would be something like a pan-Protestant Prussian Union. What a nation in decline needs, for the sake of a renovated and reinvigorated political and civil life, is a robust re-appropriation of natural law as a governing principle in the making and enforcing of laws and public policies. Christian citizens can and should make valuable contributions to such a project. But Christians citizens should not want the government to become, in effect, a church – even if it becomes a variation on their own brand of church.

In Europe, the Lutheran governments in the Reformation era that took the Lutheran Church under their wings, to reform and protect it, in time sat on the church and crushed the life out of it. Pietism, Rationalism, Liberalism, and modern historical-criticism were all incubated in the theological faculties of state-run universities, where the church, strictly

²⁵C. H. Little, *Lutheran Confessional Theology: A Presentation of the Doctrines of the Augsburg Confession and the Formula of Concord* (Saint Louis: Concordia Publishing House, 1943), 87-88.

²⁶Pieper, III:182.

²⁷Charles Porterfield Krauth, remarks on the floor of the 1876 Pennsylvania Ministerium convention in Reading, Pennsylvania; quoted in Adolph Spaeth, *Charles Porterfield Krauth*, 2 vols. (New York: The Christian Literature Company, 1898-1909), II:220.

speaking, had little if any control over what its future pastors were being taught. And it was the Swedish parliament that forced women's ordination onto the Church of Sweden in 1960.

Confessional Lutherans in America and elsewhere are and should be willing to share public space with people of various confessions and religions, and with people of good will who may not adhere to any particular religion, as long as we can all live together civilly under the dictates of natural law. And we should continually work together to heighten and improve our collective understanding of the duties and civic obligations that natural law lays upon us. To be sure, it is a great benefit for a country to have a religious population, as long as the religions to which its citizens adhere inculcate in them a moral code that is in harmony with the standards of natural law by which the society functions and is governed. But *any* religion that impresses upon its adherents a deep commitment to this kind of public morality is as good as any other, as far as the state is concerned.

The concept of an identifiable "Judeo-Christian" religious and moral tradition can make some sense when that concept is applied to the common ethical standards for life in this world that various religions fundamentally share, even when they teach different ways of acquiring *eternal* life for the *next* world. But there is no single "Judeo-Christian" *religion* or "Abrahamic faith" that would allow all monotheists to worship and pray together, or to assure each other of a shared heavenly hope. A government that would press for this kind of thing is overstepping its bounds, and is also grasping for something beyond what it really needs from the various religions that exist within its domain.

THE TWO KINGDOMS AND CONTEMPORARY ISSUES AND CONTROVERSIES

In his 1521 *Loci Communes*, Philip Melancthon spoke of the role of natural law in determining what is just and right for a civil society, and also in guiding citizens to work toward legal reforms where they are necessary. He gave as an example an issue that later tore apart the United States, due to the fact that the United States as a whole failed to see what Melancthon had seen. In his *Loci* we read that

so-called civil law contains many things which are obviously human affections rather than natural laws. For what is more foreign to nature than slavery? ... A good man will temper civil constitutions with right and justice, that is, with both divine and natural laws. Anything that is enacted contrary to divine or natural laws cannot be just.²⁸

In other words, civil laws and constitutions that allow for slavery should be changed, because slavery contradicts natural law and is accordingly unjust. As much as possible, civil laws and constitutions should be brought into conformity with natural law, through the efforts of good men.

Important areas of permissive civil law and of societal laxity and perversion in the United States of our time, regarding which natural law can shed some corrective light, are also touched on by Luther, as he criticizes the concubinage and homosexuality that were either engaged in or winked at by the papal clergy – even while they were criticizing Luther and many of his evangelical colleagues for renouncing their vows of celibacy and getting married. In a polemical blast that he aimed at the Roman clergy in 1530, Luther wrote:

²⁸Philip Melancthon, *Loci Communes* (1521), *Melancthon and Bucer*, edited by Wilhelm Pauck (Philadelphia: The Westminster Press, 1969), 53. Luther described the 1521 edition of Melancthon's *Loci Communes* as "an unanswerable little book which in my judgment deserves not only to be immortalized but even canonized" ("The Bondage of the Will," *Luther's Works* 33 [Philadelphia: Fortress Press, 1972], 16).

Though you can reproach us for our wives, whom we acknowledge before God and before the world with a good conscience not as our whores but as our wives, you would never believe how masterfully we will picture for you your harlots and stolen wives, whom we both know you have without a good conscience, and whom you do not acknowledge before the world as anything but your whores. You must let yourselves be styled and judged before God and the world as procurers and harlot keepers. We shall depict for you in addition your Roman sodomy, Italian marriage, Venetian and Turkish brides, and Florentine bridegroom, so that you shall see and comprehend that our marriage has taken honest vengeance on your honorless chastity.²⁹

Luther also observed that bestiality and homosexuality were to be found in abundance among the Muslims in the Ottoman Empire. He wrote in 1529:

God...smites them with blindness so that it happens to them as St. Paul says in Romans 1[:28] about the shameful vice of the dumb sins, that God gives them up to a perverse mind because they pervert the word of God. Both the pope and the Turk are so blind and senseless that they commit the dumb sins shamelessly, as an honorable and praiseworthy thing. Since they think lightly of marriage, it serves them right that there are dog-marriages (and would to God they were dog-marriages), indeed, also "Italian marriages" and "Florentine brides" among them; and they think these things good. I hear one horrible thing after another about what an open and glorious Sodom Turkey is, and everybody who has looked around a little in Rome and Italy knows very well how God revenges and punishes the forbidden marriage, so that Sodom and Gomorrah, which God overwhelmed in days of old with fire and brimstone [Gen. 19:24], must seem a mere jest and prelude compared with these abominations.³⁰

The kind of "forbidden marriage" of which Luther speaks so derisively is, as we know, no longer forbidden in the United States.

The regulation of marriage, on the basis of natural law, is within the purview of the state, since marriage is a divine institution for this world and not for the next. In the resurrection "they neither marry nor are given in marriage, but are like angels in heaven" (Mark 12:25, ESV). Marriage is an institution that exists in all human societies, Christian and non-Christian alike. And it is an institution through which many temporal blessings are received by those who enter it, Christians and non-Christians alike. Unlike other human relationships, the state has a unique interest in promoting and protecting marriage as God instituted it, since it is through marriage, and the procreation of children in marriage, that the next generation of citizens is brought into existence. It is in the interest of the civil society to see to it that children within the society are, as much as possible, being raised in functional, stable homes, with a proper moral formation that will equip them for responsible adult participation in the society.

In countries where clergy are permitted to solemnize marriages, they do so indeed as representatives of God, but also as agents of the state. When judges and other magistrates preside at a civil wedding, they likewise do so as representatives of God – whether or not they realize it. It is God who unites a man and a woman in a lifelong union, under the aegis of the civil government, whether the wedding ceremony is religious or is secular in character.

²⁹Martin Luther, "An Exhortation of Martin Luther to All the Clergy Assembled at Augsburg for the Diet of 1530," *Luther's Works* 34 (Philadelphia: Fortress Press, 1960), 48. "Florentine bridegroom" was a reference to the then-current Pope, Clement VII, who was the natural son of Giuliano de' Medici of Florence and a mistress.

³⁰Martin Luther, "On War Against the Turk," *Luther's Works* 46 (Philadelphia: Fortress Press, 1967), 198.

This is also why a pastor may not declare a man and woman to be husband and wife in a wedding ceremony that is not performed on the basis of the pertinent laws of the state, and that is not recognized by the state. We would be sympathetic to the financial plight of an older man and an older woman who want to get married, but whose Social Security incomes would be significantly reduced if they were no longer single or widowed. Yet a pastor could not accede to a request to officiate at a surreptitious religious wedding for such a couple, without a marriage license and without legal recognition, because he has no legal right to do this and no divine vocation to do this. He would be sending them into fornication, not into marriage, because an illegal marriage, even if it has religious trappings, is not a real marriage. As long as there is a legal way for such a man and such a woman to marry, then they should marry according to and under the law, even if there would be a financial penalty. If they are not willing to do this, then they should remain unmarried.

A possible exception to this rule, in discrete pastoral practice, might be justifiable in circumstances where the state forbids marriage altogether to people who, according to the standards and criteria of natural law, should be allowed to marry. One thinks of laws in the past which forbade interracial marriage, even though a man and a woman of differing racial backgrounds are able to have a fully functional and normally fruitful married life according to the purposes for which God instituted marriage. A Christian pastor might therefore conclude that he can and should speak God's blessing upon the lifelong committed union of a man and a woman who would otherwise be allowed to marry legally, if an unnatural ideology had not been imposed upon the marriage laws of the governmental jurisdiction in which they live.³¹

But of course, there are some legal "marriages" that are *not* real marriages, according to the standards and criteria of natural law. A "marriage" between two men or between two women is not a real marriage, even if the state permits it and even if the society approves of it. This is because such a relationship is clearly and objectively outside the parameters of how God defines marriage, not only in Scripture, but also and most relevantly in natural law, in view of the anatomical and biological facts of human sexuality. A Christian pastor may not, therefore, officiate at a wedding involving two persons of the same sex. And even if he were to do so, before God, and in the eyes of anyone with common sense, this would not be a marriage.

The ideological narrative that pushed for allowing same-sex marriage in the United States, before the Supreme Court granted this wish in its 2015 Obergefell decision, included an argument that laws which prohibit such marriages were akin to those laws of the past which prohibited interracial marriage; and that allowing same-sex marriage is the next logical step in the march toward full civil rights for all with respect to marriage. But this is a false argument. Laws that forbade interracial marriage, and laws that allow same-sex marriage, are actually similar to each other, in that both sets of laws contradict and depart from natural law through the imposition of a foreign ideology onto the divine institution of marriage.

And while Luther's understanding of reproductive biology was woefully lacking,³² he in his conscience did at least know that

³¹We read in the Apology that "the jurists have...spoken wisely and rightly that the union of male and female is a matter of natural law. However, since natural law is immutable, the right to contract marriages must always remain. For where nature is not changed, it is necessary for that order with which God has endowed nature to remain; it cannot be removed by human laws. ... Therefore let this remain the case, both what Scripture teaches and what the jurists wisely have said: the marriage of male and female is a matter of natural right. Moreover, a natural right truly is a divine right, because it is an order divinely stamped upon nature. However, because this right cannot be changed without an extraordinary act of God, the right to contract marriages must of necessity remain, for the natural desire of one sex for the other sex is an ordinance of God in nature" (Ap XXIII:9, 11-12).

³²See Paul Althaus, *The Ethics of Martin Luther*, trans by Robert C. Schultz (Philadelphia: Fortress Press, 1972), 96-97 [note 82].

there should be no joking with pregnant women, but they should receive careful attention because of the fetus. For there are countless dangers of miscarriages, monsters, and various deformities. Therefore a husband should live “considerately” with his wife at this time most of all, as Peter says (1 Peter 3:17). ... For those who pay no attention to pregnant women and do not spare the tender fetus become murderers and parricides. Thus some men are so cruel that they vent their rage on pregnant women even with blows. Of course, they are brave and full of courage against the weak sex! Otherwise, however, they are complete cowards.³³

Elective abortions should be illegal in any civilized nation. This is not only because Holy Scripture in many places recognizes the humanity of unborn children, but also and most relevantly because natural law, in conjunction with the scientific facts of fetal development, likewise identifies the life that is in the womb as a human life and consequently as a life deserving of protection in an ethical human society. At the same time, support mechanisms for girls and women whose pregnancy is a crisis pregnancy should also be put in place. Christians are very good at this sort of thing, but the civil society should also make such provisions. At the very least the civil society should not try to shut down Christian counseling and assistance agencies.

In his book on *The Christian Life*, Lutheran theologian Joseph Stump delves into the subject of how church and state should properly relate to one another, what they should each be doing according to the tasks assigned to them by God, and what they should not be doing. He writes:

The relation of Church and State is to be determined on the basis of Christ’s command to render unto Caesar the things which are Caesar’s, and unto God the things which are God’s (Matt. 22:21). The sphere of the Church and that of the State are different. Neither must interfere with the affairs of the other. Since the Church possesses an external organization, it is in temporal matters subject to the laws of the State; but in spiritual matters, in those which concern the sphere of the Church as such, the State has nothing to say. On the other hand the Church has no right to interfere in the affairs of the State. She has no right as an organization to take any part in politics. In all her activities she must aim at spiritual results and use spiritual means. Her one fundamental duty is that of administering the Means of Grace. She has no call officially as a Church, therefore, to enter into any purely humanitarian enterprises, to organize plans for social uplift, to take sides in industrial disputes, to line up with a particular political party, or to push political measures of any kind through legislatures or congress. Her members as individual Christian citizens may and often should do many of these things. They have political rights and duties which they are to assert and fulfill in a Christian and conscientious manner. But the Church as a Church should confine herself to that work which belongs to her; namely, the work of preaching the Gospel of Jesus Christ and of enunciating the principles of love and righteousness which should guide men in their social and political relations.³⁴

Basically, according to Stump, “The State is concerned with the temporal welfare of men and the maintenance of outward law and order; while the Church is concerned with the spiritual welfare of men and the maintenance of genuine religion and morality in the heart.”³⁵

³³Martin Luther, “Lectures on Genesis,” *Luther’s Works* 5 (Saint Louis: Concordia Publishing House, 1968), 381-82.

³⁴Joseph Stump, *The Christian Life* (New York: The Macmillan Company, 1930), 245-46.

³⁵Stump, 265-66.

Stump's approach demonstrates that he is not at all encumbered by any remnants of medieval thinking. He makes a careful distinction between the relationship of the state to the church *as church*, and the relationship of the state to the church as an external organization. He makes a careful distinction between what the church *per se* should or should not do in the political sphere, and what individual *members* of the church – who are also citizens – should or should not do in the political sphere.

Stump states that the church “has no right as an organization to take any part in politics,” and that the church as such is not called by God “to enter into any purely humanitarian enterprises, to organize plans for social uplift, to take sides in industrial disputes, to line up with a particular political party, or to push political measures of any kind through legislatures or congress.” These assertions require comment.

The work of the church does often include a human care component, and Stump would not deny this. What he condemns is the church involving itself in projects that are *purely* humanitarian enterprises, and that include no gospel witness. And people with social problems that flow directly or indirectly from sinful dysfunctions, such as substance abuse, will ordinarily *be* socially uplifted when they find restoration and spiritual strength in the forgiving and healing grace of Christ. If industrial disputes involve criminal actions, such as assault or destruction of property, a pastor can condemn those specific actions as contrary to the Fifth and Seventh Commandments, even if he does not take sides with respect to the underlying issues. And if the dispute involves concerns over unsafe working conditions or an unhealthy work environment, then a pastor may certainly point out how the Fifth Commandment would apply to such concerns, and guide a mine owner or a factory owner in making reasonable provisions for the safety and health of his employees.

When Stump speaks against the church's involvements in party politics and in political advocacy, we do need to make a distinction between politics strictly speaking, and ethical issues that have become politicized but that are still ethical issues in their own right, touching on the moral law of God. In our time, the church *as church*, and not merely the individual members of the church, must defend the First Article of the Creed, and those who adhere to that Article, from the attacks that are being launched against it and against them by an angry and demanding transgender insurgency. Even if it seems to be a lost cause, the church must still teach, in accord with the Sixth Commandment, what marriage truly is, and for what purposes God created humans as sexual beings. Our elected and appointed civil officials, especially when they are Christians, can also be reminded of what the Bible teaches concerning their duty under God, in protecting the lives and property of law-abiding citizens, and of people who are vulnerable and at risk, from the predations of criminals.

These things are done by the church *as church*, partly for the sake of instructing people in the larger society in what God says concerning the hot issues of the day, when God has in fact said something about those issues in Scripture. These things are done by the church *as church* in order to shine a beacon of life and healing that can be seen and followed by those with a troubled conscience, whose current lifestyle matches one of the LGBTQIA acronym letters, but who are now ready to hear what God wants to say to them and to receive what God wants to give to them. But these things are done by the church *as church* mostly for the instruction of the *members* of the church, so that they will not be drawn to error or to the loss of their faith by the siren songs of the decadent culture in which we live.

Another thing to remember is that Christians may “appeal to Caesar,” as St. Paul did when his rights as a Roman citizen were under threat. The context of that threat was a religious context and not a secular context. The Jewish leaders in Jerusalem were trying to silence Paul, specifically in regard to his apostolic calling to preach the gospel. They had been lying about him and even plotting to kill him. Paul did not expect Porcius Festus, the Roman governor before whom he stood in Caesarea, to sympathize personally with his religious convictions. But

Paul did expect the governor to defend his right to believe what he wanted to believe and to preach what he wanted to preach, without being harassed and threatened. And so to Festus

Paul said, "I am standing before Caesar's tribunal, where I ought to be tried. To the Jews I have done no wrong, as you yourself know very well. If then I am a wrongdoer and have committed anything for which I deserve to die, I do not seek to escape death. But if there is nothing to their charges against me, no one can give me up to them. I appeal to Caesar." Then Festus, when he had conferred with his council, answered, "To Caesar you have appealed; to Caesar you shall go." (Acts 25:10-12, ESV)

Churches and other religious bodies in America, and their official representatives, can and should likewise "appeal to Caesar" by means of lawsuits and similar actions, when the guarantees of the First Amendment of the United States Constitution are ignored by government agencies; or when the right to "the free exercise of religion" as articulated in that amendment is arbitrarily redefined by a secularizing state apparatus to mean nothing more than a right to worship – so that it can claim control over the church's educational and human care institutions.

Christians in many other countries do not have the kind of constitutionally-enshrined religious protections that American Christians have (or are supposed to have). Others in Paul's time did not have the protections of *Roman citizenship*, either. But Paul did have those protections, and he made use of them for the sake of the gospel and the mission of the church. And we in the United States do, by divine providence, have the First Amendment, to which we can and should appeal when we are persecuted, threatened, or harassed on account of our faith and worldview. As followers of Christ who acknowledge his absolute sovereignty over our consciences, we are indeed *more* than American citizens. But we are *not less* than American citizens.

We expect others to obey those laws that do protect our rights under the Constitution, and other laws as well. And we also obey the laws of the land, with due respect for the government officials who make and enforce them, and for the God who stands behind those officials and whom those officials represent, whether or not they realize it. But an exception to this is the principle that St. Peter and the other apostles articulated when they stood before the Sanhedrin, to answer for their disobedience of an earlier decree from these Jewish leaders that they may not preach about, or in the name of, Jesus:

And the high priest questioned them, saying, "We strictly charged you not to teach in this name, yet here you have filled Jerusalem with your teaching, and you intend to bring this man's blood upon us." But Peter and the apostles answered, "We must obey God rather than men. The God of our fathers raised Jesus, whom you killed by hanging him on a tree. God exalted him at his right hand as Leader and Savior, to give repentance to Israel and forgiveness of sins. And we are witnesses to these things, and so is the Holy Spirit, whom God has given to those who obey him." (Acts 5:27-32, ESV)

So, when the civil authorities command something that God forbids, or when they forbid something that God commands, we must, without relish but with firmness, disobey. This is why totalitarian regimes never want to have Christians in their domains. Even though Christians, as a general rule, make the best citizens, they will not worship the state, and they will not sacrifice their consciences to the demands of the state. Christians will know that when the state commands what God forbids, or forbids what God commands, it is in that very moment defying its divine purpose, and is forfeiting its claim on the obedience of its subjects with respect to that particular matter. Christians are willing to put up and comply with many onerous rules that they would rather not have to deal with, as long as those rules do not reach the point of touching a matter of conscience as defined by God's Word. But God's Word does draw lines that we will not cross.

Where those lines are, in each case of moral and ethical deliberation, is not, however, always clear to all people in the same way or at the same time. When we sincerely believe that our conscience has been shaped and instructed by God's Word with respect to a certain troubling or controversial matter, and when we then follow our conscience in making a certain ethical decision on that matter, we may find that other conscientious Christians are making a different decision. God's Word is inherently clear in what it teaches, but our ability to perceive and apply what it teaches is not always clear, and in some cases is very cloudy indeed, because of the effects of sin and human weakness on our minds and emotions.

An issue that conscientious young men in human history have often needed to wrestle with, when they were conscripted for military service in a controversial war, was whether or not they should go. Others, too, have often needed to wrestle with the question of whether they should support their government's decision to engage in a certain war or to involve itself in a certain military operation. In a way that might surprise many, Luther offers some helpful guidance on this matter when he writes that

it is the duty of subjects to obey. They must diligently and carefully do or leave undone what their superiors desire of them, and not allow themselves to be dragged or driven from this task, regardless of what others do. Let no man think that he is living properly or that he is doing good works...if he does not earnestly and diligently discipline himself in this matter of obedience. But if, as often happens, the temporal power and authorities, or whatever they call themselves, would compel a subject to do something contrary to the command of God, or hinder him from doing what God commands, obedience ends and the obligation ceases. In such a case a man has to say what St. Peter said to the rulers of the Jews, "We must obey God rather than men" [Acts 5:29]. He did not say, "We must not obey men," for that would be wrong. He said, "God rather than men." [It is] as if a prince desired to go to war, and his cause was clearly unrighteous; we should neither follow nor help such a prince, because God has commanded us not to kill our neighbor or do him a wrong. Likewise, if the prince were to order us to bear false witness, steal, lie or deceive, and the like, [we should refuse]. In such cases we should indeed give up our property and honor, our life and limb, so that God's commandments remain.³⁶

It is true, of course, that government officials often know more than ordinary citizens do about the circumstances of an international situation, and about the threats that are posed to our country by an enemy power. So, in reaching a judgment about the righteousness of a war, we would give the benefit of the doubt to the duly-constituted government which God has placed over us. We will support the war, or at least will acquiesce in it, if we know that it is righteous, or if we do not know that it is unrighteous. But if, as Luther says, we are called upon to be a part of something that *is* "clearly unrighteous," we may, as a matter of conscience, decline to be a part of it, and accept the consequences that come with that decision.

A Russian friend of mine who was serving as a Lutheran pastor in Russia at the time of Russia's invasion of Ukraine, and who in the recent past had served as a pastor also in Ukraine, knew from his own firsthand experience that Vladimir Putin's justifications for the invasion were bogus. He knew that Ukraine was not being run by Nazis. And he knew that the Ukrainian government was not oppressing Russian-speaking residents of Ukraine, because until recently he had been one. So, he risked his life and liberty by speaking out against the war, and by telling the truth about Ukraine and Ukrainian society. And before long he concluded that, in order to avoid arrest, he needed to flee with his family to another country. Here he is serving once again as a Lutheran pastor. Luther's counsel as cited was helpful to him in confirming the decisions he had made regarding his duty in this matter.

³⁶Martin Luther, "Treatise on Good Works," *Luther's Works* 44 (Philadelphia: Fortress Press, 1966), 100.

We recall Little's sobering observation that civil governments may sometimes "become vicious," so that a Christian citizen's "Subjection to them is therefore not absolute." Stump also explores what this might mean in difficult political times:

The duty of obedience to the State is enjoined in Scripture (Matt. 22:21; Rom. 13:1-5; 1 Pet. 2:13). Insurrection and rebellion are forbidden (Rom. 13:2). Changes in the forms and methods of government are to be obtained by legal means. Resistance is justifiable only when those in authority persist in violating the basic principles of the State, and when resistance therefore is really a defense of the State against those who are seeking to revolutionize it from above.³⁷

It would no doubt be a challenging task to determine when a weak and flawed government that is still deserving of respect and obedience, has crossed over into becoming a revolutionary and tyrannical anti-government that is no longer deserving of respect and obedience. And it is certainly not a decision that would be reached easily or quickly.

Another principle that would come into play is the distinctly Lutheran conviction, articulated in the Magdeburg Confession of 1550, that such resistance is not the business of a mob; but that a lesser magistrate may resist a greater magistrate when the greater magistrate oversteps the boundary of his divinely-assigned authority.³⁸ This is what happened when Luther's princes refused to implement the imperial death sentence that had been issued against him. This is what happened during the Schmalkaldic War when the city of Magdeburg resisted the military onslaughts of Maurice, Elector of Saxony, who was at the time allied with Holy Roman Emperor Charles V.

A compelling case can be made that something like this is what happened in the War for American Independence, when the colonial legislative assemblies resisted the British monarch, with whom they were supposed to rule in tandem, due to his collusion with the usurpations of the British Parliament, in its claim to have the right to rule and tax the colonies. Today we see milder versions of this in our country, when a state steps in to enforce federal immigration laws that the federal government will not enforce, against the protests of the federal government; and when the principal and school board in a conservative community refuse to obey a court order to allow a teenaged anatomical boy who identifies as a girl to use the girls' locker room, showers, and restroom, in the public high school.

These examples of ordered resistance can be contrasted with the chaotic upheavals of the French and Russian Revolutions; and with the various riots and incidents of mob violence that we have seen during the past few years in our own country. Actions taken by a mob against all authority are very different from actions taken by one aggrieved authority against another aggressive authority.

We also recall Stump's statement that "Since the Church possesses an external organization, it is in temporal matters subject to the laws of the State; but in spiritual matters, in those which concern the sphere of the Church as such, the State has nothing to say." This needs to be teased out, especially in view of what happened in our country, and in the world, during the time of the COVID-19 pandemic.

³⁷Stump, 267.

³⁸See *The Magdeburg Confession, 13 of April 1550 AD*, trans. by Matthew Colvin (privately printed, 2012). See also David Mark Whitford, *Tyranny and Resistance: The Magdeburg Confession and the Lutheran Tradition* (Saint Louis: Concordia Publishing House, 2001).

The state has a legitimate interest in promoting public health and safety, also in places that are dedicated to religious worship and instruction. Christians recognize this, so that in their worship spaces Christian congregations have therefore always been willing to comply with building and septic system codes, with occupancy limits, and with regulations that require illuminated exit signs, fully-charged fire extinguishers, and functioning fire suppression systems.

The state also has a legitimate interest in restricting or controlling the personal behavior of its citizens, when that personal behavior, if not regulated, might pose a danger to others. So, there are speed limits on the roads and highways, so that a driver will not lose control of his vehicle through going too fast and cause injury or death to his passengers, to other drivers and their passengers, or to pedestrians. A driver may think that he can drive safely at 70 miles per hour in a 30 mile-per-hour zone, but if he were to drive that fast, he would not only be putting himself at risk but would be a public menace. For the sake of the well-being of others, his personal behavior is therefore properly restricted. This is also why drivers are required to wear seat belts, and why they are prohibited from driving while under the influence of intoxicants or while texting on their cell phones.

Christians consider it to be a necessary part of their religious practice to gather regularly for public worship and instruction. And Jesus said “This do” in regard to a sacred action that cannot be carried out apart from a physical gathering involving at least two or three persons in the same place at the same time. In principle, then, we do not recognize the state as having an authority from God to prohibit such gatherings.

Yet we also recognize that external circumstances sometimes exist that would prompt us to modify or temporarily curtail our implementation of this divine obligation to worship. So, we do not lay upon the consciences of sick or elderly parishioners, an obligation to go to church when they are not physically able to do so. Instead, their pastors bring church to them, through hospital and shut-in visits. As Lutherans we do ordinarily follow the longstanding Christian custom of gathering for worship on every Sunday morning. Yet we also recognize that God has not directly commanded us to comply with a strict Sabbath observance obligation on a particular day each week. Article 41 of the 1932 *Brief Statement of the Doctrinal Position of the Missouri Synod* speaks also for us:

We teach that in the New Testament God has abrogated the Sabbath and all the holy days prescribed for the Church of the Old Covenant, so that neither “the keeping of the Sabbath nor any other day” nor the observance of at least one specific day of the seven days of the week is ordained or commanded by God, Col. 2:16; Rom. 14:5.

Sometimes the external circumstances in which we find ourselves do not allow us to follow our usual custom of worshiping on a certain day or in a certain place. When weather conditions make driving to church on a Sunday morning dangerous, services are canceled.

During the 1918 Spanish Flu pandemic, many states and cities ordered all organizations and venues that normally hold or host public gatherings to refrain from doing so for a certain period of time, or to do so with certain restrictions (such as the wearing of a cloth mask over the nose and mouth), in order to curtail the spreading of the disease. Most churches, including most Lutheran churches, complied with these requirements, especially when they saw that they were being applied evenly and fairly to all public gatherings in the society and not just to religious gatherings. But they were also not happy about these restrictions, and wanted them to be lifted as soon as possible. The way this played out in the District of Columbia can be seen as typical:

In the District of Columbia, an order was issued requesting that clergy not hold services. Numerous groups of pastors, ministers, and church representatives approved the request and agreed not to hold services. Several churches received permits to meet

outdoors in front of their buildings or in public parks to comply with the request. However, the health department quickly banned outdoor gatherings as well.

It was not until the number of new cases began to decline that the ministers began to openly resist the closure of the churches. In a letter to the editor, one pastor wrote that “nothing has so contributed to that state of panic which has gripped this community as the fact that the normal religious life of our city has been disorganized.” Despite the complaints, the church leaders obeyed the order.

On the first Sunday after the ban was lifted, Reverend J. Francis Grimke noted in his sermon: “The fact that the churches were places of religious gathering, and the others not, would not affect in the least the health question involved. If avoiding crowds lessens the danger of being infected, it was wise to take the precaution and not needlessly run in danger, and expect God to protect us.”³⁹

When Christians are required by circumstances to refrain for a time from something that is so very important to them, they are – in love for their neighbor – guided by two key Biblical principles:

Bear one another’s burdens, and so fulfill the law of Christ. (Gal 6:2, ESV)

Do nothing from selfish ambition or conceit, but in humility count others more significant than yourselves. Let each of you look not only to his own interests, but also to the interests of others. (Philip 2:3-4, ESV)

Our church’s decisions on certain occasions not to hold public worship services – whether because of a dangerous storm or because of a dangerous virus – do lay a spiritual burden upon us. It is a burden that we share with our fellow congregants. But in love for them and for others we bear that burden, and we bear it together with them, because we are not thinking only of ourselves and of the risks that we are personally willing to take, but are thinking also of those who may be weaker in their faith or bodily health, or who may be more cautious in their emotional constitution. We are our brother’s keeper.

Especially in regard to the sharp controversies that raged among Americans and also among American Christians during the COVID-19 pandemic, Carl P. E. Sprunger offers some sage insights:

It is true, Christians are not to live in fear of anything, including death by COVID. After all, “perfect love casts out fear” (1 John 4:18). But such godly fearlessness is not at all the same as the denial of what is true. Deliberately ignoring the reality of this most recent epidemic, refusing to believe reliable statistics, downplaying the danger of COVID – all of this not only makes those who do so look foolish and out of touch but also callous in regard to the concerns of others and heedless of the real suffering close to home and around the world.⁴⁰

Refraining from our normal Christian gatherings for a time may seem to be a violation of the Third Commandment, which obligates us to hear and learn God’s Word gladly. But we also need to consider that under certain unusual circumstances, gathering as usual, or in the usual way, could also be seen as a violation of the Fifth Commandment, which obligates us to have a care for the health and bodily well-being of our neighbor. And if the civil authorities have directed us not to gather, or have directed us to gather only with certain restrictions in place – such as masking and social distancing – then a lack of compliance could be seen as a

³⁹Matthew Brown, “How Did Churches Respond to the 1918 Spanish Flu Pandemic?,” July 7, 2020. matthewbrown.blog/2020/07/07/how-did-churches-respond-to-the-1918-spanish-flu-pandemic/

⁴⁰Carl P. E. Sprunger, “Death as Friend: The Consolation of Philosophy,” *Logia XXXI:2* (Eastertide 2022), 40.

violation of the Fourth Commandment, which obligates us to honor and obey the superiors whom God has placed over us. This is a typical example of casuistry, where competing Biblical principles converge on a particular situation with directives that seem to be contradicting each other, so that a careful and prayerful consideration of all pertinent factors needs to take place before a decision on how to proceed is made.

During the recent COVID-19 pandemic, the civil authorities acted in ways that were similar to how they acted during the 1918 pandemic. But the reaction of many churches and individuals was not similar. This can be attributed to several factors.

First, due to a general societal malaise that has been with us for many years, the citizenry in general had already largely lost its confidence in government, especially at the national level. Government spokespersons were simply not trusted or respected. And that did not change when new government spokespersons emerged from the Centers for Disease Control and Prevention, and from the National Institutes of Health, wearing white lab coats.

Second, government decisions about curtailing the liberty of Americans that should have been made with great circumspection on the basis of inviolable Constitutional principles and objective scientific facts, were often made instead on the basis of other much less noble data, and in ways that often seemed thoughtless and arbitrary. Almost everything was politicized, and dissenting voices were censored: not just the voices of conspiracy theorists but the voices of credentialed scientists and medical school professors whose competency in medicine and epidemiology rivaled and often surpassed that of the government-employed scientists who were making the decisions and advising the elected leaders. So, alternate approaches, and alternate treatments, with arguments and evidence to back them, were – with few exceptions – not a part of the public discussion.

And third, unlike the approach of the civil authorities in 1918, there were many examples of uneven application of the restrictions that were imposed, with churches almost always being treated with less respect and less leniency than other similar organizations and venues. A particularly egregious example of this was the situation in Nevada, when tight restrictions and a near total shut-down of the state were lifted somewhat by Governor Steve Sisolak at the beginning of June 2020. At that time,

Instead of prioritizing religious freedom, Gov. Sisolak continued to restrict church meetings while providing exceptions for “non-essential” businesses – such as casinos, restaurants, bars, theme parks, and gyms. While these secular organizations could reopen at half capacity, churches faced criminal and civil penalties if they opened their doors to 50 or more attendees – no matter how large their buildings or the safety precautions in place.⁴¹

In its explicit guarantees of freedom of the press and the free exercise of religion, the First Amendment gives special protections to two specific kinds of organizations in the United States: organizations dedicated to gathering and reporting the news, and organizations dedicated to worshipping and serving a deity. During the pandemic, no newspapers or television news networks were shut down or severely curtailed in their operations. But in many states there was no special regard for churches and synagogues at all, and in some states – such as Nevada – government officials showed what seemed to be a special disdain for houses of worship and for their Constitutionally-guaranteed right to function in the United States. If church members might have wondered where the line was, between a well-intentioned fair-minded government imposing temporary restrictions that require religious organizations to make the same kinds of sacrifices that everyone else was being asked to make, and a hostile

⁴¹Alliance Defending Freedom, “Casinos Are Open, But Churches Are Closed?,” June 8, 2020. adfllegal.org/article/casinos-are-open-churches-are-closed

secularist government singling out churches for persecution, they did not need to wonder any more when things like this were done.

When the government in effect tells everyone, "Please make some sacrifices for the common good and for the health and safety of your neighbors," Christians and Christian churches should not see themselves as being exempt from this request. Complying with it would be in keeping with the Fourth and Fifth Commandments. But when the government allows other organizations to function in a normal or nearly normal manner, while in effect telling churches, "You may not do what God has commanded you to do; you may not gather according to Christ's Word around his gospel and sacraments for the sake of your souls' salvation," I think something else is afoot. I think something dark and evil is being snuck in, under the guise of public health. I think something diabolical and hateful is being imposed in the name of love. And I therefore think that complying with such a directive would not be in keeping with the Third Commandment.

Christians and Christian churches could rightly and fairly conclude that they must obey God rather than man in such a case, because in such a case the government would be overstepping its God-given bounds. It would effectively be putting itself in the place of the Sanhedrin, when the Sanhedrin forbade the apostles to preach in the name of Jesus and to carry out the ministry and mission that Jesus had entrusted to them.

Within the family, children are obligated by the Fourth Commandment to honor and obey their parents – even if they have flawed and imperfect parents – while exercising forbearance and forgiveness as needed in their relationship with those parents. Everyone does not have Ward and June Cleaver or Ozzie and Harriet Nelson as parents. Sometimes it is not easy to obey the Fourth Commandment at home. But it is still to be done.

And sometimes it is not easy to obey the Fourth Commandment in the civil society, either, when the civil authorities impose foolish and unnecessary burdens upon us; when they require us to do stupid things that we do not want to do; and when they seem to be neglecting important duties that God has entrusted to them for the public good. But if the foolishness and stupidity of the government do not rise to the level of violating God's Word, then this foolishness and stupidity do not involve matters of conscience, and we must obey. Unless I am sincerely persuaded that complying with something foolish and stupid would violate not only my pride but also the principles of my faith, and would insult not only my intelligence but also the authority of my God, then I, as a citizen of my country and state, must do foolish and stupid things.

Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do evil and to praise those who do good. For this is the will of God, that by doing good you should put to silence the ignorance of foolish people. (1 Pet 2:13-15, ESV)

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ELS Great Plains Pastors' Conference
Mankato, Minnesota, May 22, 2024

– *Soli Deo gloria* –

This essay was published in Lutheran Synod Quarterly, Vol. 64, No. 4 (December 2024), pp. 307-45.