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Bernd Oberdorfer

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Law and Gospel and Two Realms: Lutheran Distinctions Revisited

Bernd Oberdorfer

Religion matters. This was definitely true in sixteenth-century Europe. Rather like during the times of the first ecumenical councils in Byzantium when—so it is said—women at the market quarreled about the two natures of Christ, during the Reformation talk about religion dominated the public sphere and changed the world. The specific theological insights, based on the liberating concept of justification by grace through faith, gave theology a new relevance which, in many ways, permanently shaped society.

Discussions on the impact of Reformation theology on society have always been controversial if not ambiguous. For instance, from its very beginning the Reformation was subject to the critique that its emphasis on justification through faith alone renders human acts irrelevant, underestimates ethics, reduces persons to passive recipients, and thus destroys human dignity by no longer requiring that one is responsible for one's actions. At the same time, it has been pointed out that the Reformation enhanced the prestige of secular life. For instance, the Reformers abolished the distinction between "clergy" and "laity," claiming that there is only one status or rank in Christianity that is based on common baptism. They therefore declined a "two-tiered ethics," which restricted the "normal" Christian to the Ten Commandments, whereas monks and clergy, the "perfect" Christians, were dignified by additionally observing the *consilia evangelica*, the "evangelical counsels," i.e., poverty, chastity and obedience. Luther insisted that every Christian is liberated and challenged to practice love in everyday life, be it in the church or in the secular world. This resulted in a new esteem for the worldly professions, which were now also regarded as "vocations."

As to its historical effect, this new assessment of social life was and still is judged in very different ways. On the one hand, it has been noted

that the theological quasi "upgrading" of the worldly professions implied an expansion of the "sphere of holiness." Therefore, it has been remarked that while the Reformers closed down the cloisters they instead turned the whole world into a monastery. On the other hand, exactly the same phenomenon has been interpreted as an important step toward secularization. This can be meant critically as well as affirmatively. Critics such as Charles Taylor[1] have emphasized that by evening out the difference between clergy and laity and abolishing many forms of religious life such as monastic vows, relics, processions, pilgrimage, veneration of saints etc., the Reformers sobered up the world, eliminated the specific sphere of religion, and made religion increasingly invisible because it diffused into society and eventually was indistinguishable from it. Others insisted that secularization established a world in which religion would find its proper place, precisely because it had lost its comprehensive authority and only retained responsibility for its own, intrinsically religious affairs, and that the Reformation played a significant role in this process. Thus, they claim, secularization should be appreciated by religion itself because it helped to give God what is God's and Caesar what is Caesar's.

Max Weber developed another perspective.[2] He observed that modern capitalism implied that entrepreneurs had a specific mental disposition, which was mainly found in countries under the influence of Calvinism or Calvinist Puritanism. He therefore stated that there must be a causal nexus between Calvinist theology and the mental habitus of the economic stakeholders. He found such a nexus in the Calvinist idea of the *syllogismus practicus*, i.e., the idea that the individual's eternal (pre-)destination manifests itself in their industrious, non-hedonistic attitude toward life and the resulting welfare. Although this particular nexus, as well as his respective assessment of Lutheranism, have been discussed critically, Weber's basic insight that religion shapes the individual's attitude to life and thus has an indirect, even unintended, impact on culture, politics and economics, has inspired considerable research in the social sciences and religious studies.

Thus, the question of how the Reformation influenced society, politics and the economy is a complex one. As to the historical origins, the Reformation clearly started with a critique, first of the profanation of the church and its perversion into an institution with worldly structures, interests and purposes, and, second, of the monetization of salvation evident in the selling of indulgences. Luther's insight of justification through faith alone resulted

[1] Cf. Charles Taylor, *A Secular Age* (Cambridge/MA: Harvard University Press, 2007).
[2] Cf. esp. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, transl. Talcott Parsons with an introduction by Anthony Giddens (London/New York: Routledge Classics, 2001).

in the explicit message that salvation is not for sale. From the beginning, the Reformation fought against the confusion between and combination of religion and economics or politics. Reformation meant returning the church to its primary and proper form and function of spreading the gospel, which the Reformers felt to be obscured by this blending of religion and politics. Clearly, they did not aim at withdrawing the church from the world. Not incidentally, in his seminal treatise "Open Letter to the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate (1520)," Luther not only focused on the reform of the church but also pleaded for reforms in politics and society. He was convinced that the crisis in the church also provoked a crisis in society and that reforming the church would also impact society. In other words: by distinguishing the church from the "'world," the Reformers did not want to isolate the church from the "world" but, rather, to enable the church again to serve the "world." Reformation, thus, always implied the diagnosis of a crisis in society and the intention to change society.

Reformation meant distinction. But distinction did not mean separation or isolation. On the contrary, it meant identifying differences in order to establish relations. The most famous distinctions developed during the Lutheran Reformation are the distinction between "law and gospel" and the "two realms." In the following, I would like to show that both are intended to identify the church in its specific function, including its relations to the "world." Moreover, they are supposed to display the real dignity of the "world" in light of the gospel, and to indicate basic guidelines for a Christian way of dealing with it.

LAW AND GOSPEL

Whereas the distinction between the two realms marks the outward threshold of the church as it were, distinguishing law and gospel defines the church's inner identity. For Luther, this distinction seemed so crucial that he wrote, "Therefore, whoever knows well how to distinguish the Gospel from the Law should give thanks to God and know that he is a real theologian."[3] For Luther, the confusion between law and gospel was at the root of the Roman as well as the Anabaptist fallacy. According to him, the Roman church made the gospel a law by demanding human works as a prerequisite for salvation—but also by offering the ordinary people affordable ways to fulfill God's demand (because this made salvation look as if it were for sale). According to Luther, the Anabaptists converted the gospel into a legal code for the Christian

[3] Martin Luther, "Lectures on Galatians, 1535," in *LW* 26, 15.

community, thus turning salvation into a human action. In his famous autobiographical retrospective of 1545,[4] Luther recalled how he had suffered, knowing that he could never be righteous before the righteous God, until he understood that true righteousness "lives by a gift of God, namely by faith,"[5] in other words: not law but gospel.

From this basic insight follows a veritable spate of consequences, for the church as well as for how Christians perceived society. First, given that salvation is a pure gift, it cannot and need not be merited or bought. This implied a critique of the medieval system of repentance, which made absolution dependent on acts of contrition beforehand and satisfaction after. Furthermore, it included a critique of the church imposing new rules, such as fasting, on Christians without biblical legitimation, but claiming them to be indispensable for eternal salvation. This critique extended to the popular "bargains" the church offered to shorten and alleviate the Christian's way to eternal fulfillment, such as indulgences, because the logic of "bargains" would lead people to believe that salvation depends on what they pay for it. Thus, to concentrate on the preaching of the gospel required a restructuring of the church itself. As to the content of the preaching, it also required a new emphasis on freedom, because preaching the gospel means to communicate salvation as a free gift that liberates Christians from the stressful pressure of having to be agents of their own salvation.

Yet, to distinguish law and gospel does not mean to eliminate the law. Actually, within the Lutheran movement, there were some theologians, the "Antinomists," who claimed that for Christians the law has lost its relevance. But Luther strongly objected to this idea. The law would only be superfluous if we already lived in a state of perfection. We still live in a state of transition in which our certainty of being saved is always at risk of getting lost because of the lack of evidence of salvation. Thus we often fall back into our old life. We are "justified and sinners at the same time" (*simul iustus et peccator*). Therefore we are still in need of the law in its, as Lutheran dogmatics puts it, theological use" (*usus theologicus* or *elenchticus*). Here the law does not function as a way of salvation but a way to salvation. It is a reminder of our lacking perfection. It is a mirror that shows us that we still do not comply with God's will and are not able to overcome our inability ourselves. The law gives us a realistic, disenchanting picture of ourselves. We are neither what we ought to be nor what we wish to be, and we cannot make ourselves what we ought and wish to be either. The law leads us into a salutary desperation.

[4] Cf. Martin Luther, "Preface to the Complete Edition of Luther's Latin Writings," in *LW* 34, 323–38.
[5] Ibid., 337.

This paradox might sound like it were taken from a handbook on sado-masochism, but it is not. "Salutary desperation" does not mean pleasure in feeling pain or, even worse, God's pleasure in causing pain. The desperation is not salutary in itself, only insofar as it directs the hope to the gospel. The law, as Paul puts it in his letter to the Galatians, was "our disciplinarian until Christ came" (Gal 3:24). In other words: the law is salutary because it cuts off all human-made ways to salvation, leaving only the way God chose by sending his son.

But besides this "negative function" the law has also a positive one, which makes it relevant to social ethics. The Lutheran Reformers called it the *usus politicus*, the "political use" of the law. This use refers to the order of society. The Reformers were convinced that it is part of God's will to preserve, and sustain God's creation and to keep culture as well as nature, and thus also human societies, in good order. God's law provides orientation for individual and social life and God introduced institutions to establish, maintain and safeguard the social order based on the law. With reference to Romans 1-3, the Reformers regarded the law as being universal and thus as the binding authority for every human being. Whereas the Jews had the privilege to receive the law in a written form, all other people have the same law inscribed in their hearts. Luther therefore saw himself entitled to change the text of the Decalogue for use in his "Small Catechism." He emended all allusions to the specific context of Old Testament Israel and replaced it with general terms, such as "holiday" instead of "Sabbath." Of course, "law" then only entailed those parts of the Torah that did not particularly refer to certain cultic practices but, rather, were applicable to universal ethics.

Evidently the law can have this "political" function only because it is not the gospel. It only orientates the exterior life but does not (and is not entitled to) touch the soul. It has neither the competence nor the responsibility to spread the gospel. The law in this use is valid not exclusively for Christians, but for every human being. Luther therefore sometimes polemically reminded the Christian nobility that the Turkish sultans apparently governed their state better than they did.

With the *usus politicus* of the law we have already touched on the other basic distinction of the Lutheran Reformation, the "two realms."

THE "TWO REALMS"

The Lutheran distinction between the two realms has been called a maze or labyrinth (*Irrgarten*) because of the many different explanations. It is interesting that it was not referred to as a "doctrine" until the twentieth

century. Remarkably enough, the term *Zwei-Reiche-Lehre* (doctrine of the two realms) was critically introduced by the Reformed theologian Karl Barth. Barth claimed that the distinction between God's realm (or Christ's) and the worldly realm resulted in (or even aimed at) the church's withdrawal from the world. By ascribing autonomy to the worldly spheres of politics, economy or culture, the Lutheran tradition, in Barth's view, diminished the "reign of Christ" (*Königsherrschaft Christi*), which extended to the whole cosmos. Thus, it participated in the ideas of modernity, which Barth interpreted as a process of emancipation from God.

I find Barth's critique of modernity one-sided. In any case, the distinction between the two realms was not meant to qualify God's caring attitude toward the world. Although the term realm might suggest a spatial separation of two different spaces that are situated side by side and have nothing in common, the alternative terminology of the two regiments (*zwei Regimente*) shows that the distinction identifies two different ways in which God governs God's one world, or the two different ways in which God cares for God's one world: on the one hand by revealing and spreading God's *euangelion*; on the other, by establishing a stable order that warrants peace in social life. Luther calls the first one God's "proper work" (*opus proprium*) because spreading the gospel purely expresses God's very essence, which is love. The second one is God's "extrinsic work" (*opus alienum*) because it is only necessary for external reasons, namely human sin that causes disorder and destruction in society. It is the political authority's God-given duty then to fight disorder and to establish, organize and safeguard a stable and peaceful order of human beings' external life. Of course this is also motivated by God's love because it is part of God's *conservatio mundi*: God does not leave us alone with the mess that we have created ourselves. But it is not a direct expression of God's love, for the authorities must have the competence and ability to oblige people to obey the rules or to use force in order to overcome violence. This does not always look like an act of love.

The distinction between the two realms has a number of consequences, both for the church and the world. For the church this implies a critique of any attempt to foster the spreading of the gospel by means of external coercion. The famous words of CA XXVIII, namely that the bishops should preach the gospel *sine vi humana, sed verbo*, "without human force, but rather through God's word alone," exactly describe the character of the church's *opus proprium*: convincing, not coercing. The Reformers trusted in the convincing power of God's word itself. We may wonder why this did not immediately lead to the idea of religious freedom and tolerance and may recall the acts of intolerance and religious coercion that the Reformers were able and willing to perform: the expulsion of Karlstadt, the persecution of the "Anabaptists," the uninhibited polemics against the Jews, to name but a few.

Seen from today's perspective, this is an obvious self-contradiction. However, I believe that in these cases the Reformers did not argue with the *opus proprium* but with the *opus alienum.* They thought that the propagation of alternative interpretations of the gospel (not to speak of heresies) would confuse the people and lead to controversial debates that could jeopardize peace in society. So they considered it to be a part of the state's responsibility to protect the citizens from this confusion. Unlike today, the peaceful coexistence of people of different religious backgrounds seemed impossible in the sixteenth century. Moreover, the legal system, too, had not yet been truly disconnected from religion and therefore heresy, such as contesting the doctrine of the Trinity or the baptism of children, constituted a crime that had to be prosecuted. The *sine vi humana sed verbo* unfolded its full potential only centuries after the Reformation.

As to the world, it is crucial to recognize that the Reformers distinguished between the two realms: they did not regard the *civitas terrena* as *civitas Diaboli.* Of course, Luther in particular, reckoned with the power of the devil. In his famous hymn, "A Mighty Fortress is our God," he even called him "this world's prince," adding that "on earth is not his equal." This, however, does not mean that the world is a sphere beyond God's power that Christians have to flee. The Lutheran Reformation did not support escapism or "quietism" as has often been argued. On the contrary, this world continues to be governed by God, and God limits the devil's power by making rules and creating institutions to safeguard the good order of the social world. Therefore Christians are entitled and even obliged to participate in the duty of maintaining the social order. This is clearly expressed in CA XVI,

> Concerning civic affairs they teach that lawful civil ordinances are good works of God and that Christians are permitted to hold civil office, to work in law courts, to decide matters by imperial and other existing laws, to impose just punishments, to wage just war, to serve as soldiers, to make legal contracts, to hold property, to take an oath when required by magistrates, to take a wife, to be given in marriage.[6]

The Confession explicitly condemns first "the Anabaptists who prohibit Christians from assuming such civil offices,"[7] and second "those who locate

[6] "The Augsburg Confession–Latin Text–Article XVI: Civic Affairs," in Robert Kolb and Timothy J. Wengert (eds), *The Book of Concord* (Minneapolis: Fortress Press, 2000), 49. The Augsburg Confession's condemnation of the Anabaptists had been used by some Reformers to justify the persecution of Anabaptists. At its Eleventh Assembly in 2010, the LWF asked Mennonites for forgiveness and committed to interpret the Lutheran Confessions in light of the "jointly described history between Lutherans and Anabaptists." See *Healing Memories. Implications of the Reconciliation between Lutherans and Mennonites*, LWF Studies 2016/4 (Geneva: The Lutheran World Federation, 2016), 132.
[7] *BC*, 49.

evangelical perfection not in the fear of God and in faith but in abandoning civil responsibilities"[8] (addressed to the claim that monastic life constitutes the perfect form of Christian life). Repeatedly, the Confession insists that the gospel aims at "justice of the heart" and does not demand an alternative lifestyle that competes with (and retreats from) the "civil ordinances" such as state or family.

The Confession almost inconspicuously hints at the Reformers' theological assessment of civic life. It is condensed in the word "love"." The gospel itself—as the Confession puts it—"requires [...] the exercise of love in these ordinances."[9] "Civic affairs," in other words, are the place where (and not beyond which) Christians are to exercise love of the neighbor. To engage in civic affairs, thus, is a matter of Christian love. This does not only mean that Christians are requested to practice love also when dealing with civic affairs. Rather, it implies that civic affairs are institutions of love themselves because God established them to give social life a stable order that frames and structures people's peaceful life. This is why Lutherans have always emphasized loyalty to the state's authority and institutions. It is well known that this has been criticized as "Lutheran authoritarianism," which has led Lutherans to long-term heteronomy. As a result, Lutheran churches were dependent on the state and prevented from developing or fostering a culture of civil society. Historically, we must admit that there is some truth to this, particularly in Germany. From a more systematic perspective I see considerable potential in the idea that human well-being requires stable institutions (or institutions of stability) and that loyalty to these institutions, taking responsibility for their maintenance and further development, is an expression of Christian love.

This idea has, of course, to be adapted to the structures and standards of modern society. When the Augsburg Confession states that "Consequently, Christians owe obedience to their magistrates and laws" (CA XVI),[10] we need to consider what this implies today in light of the structures of modern societies which, according to the sociologist Niklas Luhmann,[11] are no longer hierarchical and mono-centered but "functionally differentiated," and in which the political system is much more participatory than it was in the sixteenth century. Obeying the magistrates may rather mean being loyal to the procedures of democratic decision making, accepting the results of elections, being willing to stand for office, etc. The Confession also mentions the law. Obeying the law today might include defending the right to

[8] Ibid.
[9] Ibid.
[10] Ibid., 51
[11] Cf. Niklas Luhmann, *Soziale Systeme* (Frankfurt a.M.: Suhrkamp, 1984).

have rights, namely the civil or human rights that are incorporated into many constitutions, fighting corruption and other illegal forms of taking advantage, etc.

It is essential to see that the Confession does not demand unconditional "obedience to their magistrates and laws." Repeatedly, it speaks of "just punishment" or "just wars" and of "lawful civil ordinances," and thus, by implementing the category of justice, indicates that not every law and magistrate may be regarded as the "good works of God." Explicitly, moreover, after the phrase "Christians owe obedience to their magistrates and laws," it adds, "except when commanded to sin. For then they owe greater obedience to God than to human beings (Acts 5 [:29])."[12]

Luther was very hesitant with this restriction. To him, the order in itself was such a blessing that he was willing to prefer a bad order to the chaos that protests and rebellions were likely to cause. In case of necessary resistance, he therefore preferred passive martyrdom to active opposition. But this has remained a matter of debate within the Lutheran tradition. In any case, qualifying obedience indicates an "anti-totalitarian impulse" that fits very well with the distinction between the "two realms": The "realm of the world" is not the sphere of perfection and absolute decisions, but the sphere of imperfection and preferences. In his papers on "Ethics,"[13] Dietrich Bonhoeffer appropriately introduced the category of the "penultimate" to characterize the questions of worldly life, the sphere of ethical decisions. These "penultimate" questions do not determine the "ultimate" question of eternal salvation but have their own dignity, precisely because of that. For the Christian faith, they are neither a field of indifference (anything goes) nor a space of permanent *status confessionis*. Worldly life is supposed to witness, express and reflect the faith of the "heart" through the "bodily" works of love. The sphere of "works" very seldom requires an exclusive "either/or." Mostly it is a sphere of "more or less," that means, it implies a spectrum of possibilities that are "more or less" appropriate expressions of Christian love. It cannot be decided in advance what is more and what is less. It depends on the context, which might also change. This idea is fundamental to Paul's ethic: "everything is lawful, but not everything builds up," and "test everything; hold fast to what is good."[14]

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[12] *BC*, 51.

[13] Cf. Dietrich Bonhoeffer, *Works*, vol. 6, Ethics, ed. Clifford J. Green, transl. Reinhard Krauss et al. (Minneapolis: Fortress Press, 2005).

[14] Cf. Bernd Oberdorfer, "A New Life in Christ: Pauline Ethics, and its Lutheran Reception," in Eve-Marie Becker and Kenneth Mtata (eds), *Pauline Hermeneutics: Exploring the "Power of the Gospel,"* LWF Studies 2016/3 (Leipzig: Evangelische Verlagsanstalt, 2016), 159; 163.

What follows from this in terms of the impact of theology on social life? I will conclude with some brief remarks referring to one famous, highly controversial example of how Luther dealt with questions of social ethics: his notorious statements during the Peasants' War.

LUTHER ON THE PEASANTS' WAR: CONCLUDING REMARKS

Given that today the church is frequently advised to remain silent *in rebus politicis* because this is supposedly not its business, it is remarkable in itself that Luther commented on politics. Of course, he was a public figure, whose every statement was collected (cf. the *Tischreden*) and disseminated. Yet, he did not simply present his opinions as a "public intellectual" (as we would put it today), but deliberately as a theologian. Consistently with his concept of the "two realms," he did not claim the role of ultimate referee in matters of culture, politics or economy. He emphasized that the church has no superior knowledge in these spheres. And he also made clear that the Bible does not offer concrete prescriptions for how to build a house, govern a state, educate children, run a business, etc. Nevertheless, he did not hesitate to speak out on social conflicts and political crises. Of particular significance are his public statements during the Peasants' War of 1525.[15]

Luther felt impelled to comment for several reasons. First, the peasants relied on his reformatory idea of "Christian freedom" when demanding freedom from their lords. Thus, these lords could accuse him of being responsible for the riots. Second, the peasants derived their political and economic demands directly from the gospel. Third, they fought for their issue in a non-legal, violent way, disobeying the authorities and destabilizing the order of society. Therefore, although he regarded the peasants' complaints about being treated unjustly by their lords as legitimate on the whole and supported many of their political demands, he believed that the peasants were wrong in at least two respects. They confused law and gospel by making the gospel law, and they disdained the rules and principles that are valid in God's worldly realm by violently rebelling against the authorities and changing order into chaos. So, on the one hand he criticized the nobility for treating the peasants badly and strongly requested them to comply with the peasants' legitimate demands, while, on the other, he emphatically challenged them to stave off the rebellion with the harshest

[15] Cf. esp. Martin Luther, "Admonition to Peace referring to the Twelve Articles of the Peasants' Union in Swabia," in *WA* 18, 291–334, *LW* 46, 3–43; "Against the Murderous, Thieving Hordes of Peasants," in *WA* 18, 357–61, *LW* 46, 45–55; "Open Letter on the Harsh Book Against the Peasants," in *WA* 18, 384–401, *LW* 46, 57–85.

possible means. He even reminded them that they did God's work when using their swords against the rebelling peasants. In other words, he urged them to use force in the name of God.

We might tend to say, *si tacuisses*—if [only] you had remained silent. But even in these notorious, horrible, rude and almost blasphemous words we can still discover the Reformer's positive assessment of the world as a sphere of God's caring and conserving power. Luther's concern was to protect and to stabilize the social order essential for a peaceful life. He was convinced that in a world contaminated by sin it is sometimes necessary to use force. Yet, in contrast to his aggressive verbal outburst against the peasants, he strictly bound the use of force to the law and legitimacy. Some years later, in his 1532 series of sermons on the Sermon on the Mount, he explicitly stated that princes who start a war without a legitimate reason should be called "children of the devil" rather than "children of God," and he requested people who suffered injustice to go to court instead of taking revenge individually.[16] In principle, this is consistent with his statements on the Peasants' War. He criticized the peasants for not following the path of the law when pursuing their concerns, and exclusively addressed the state authority to end the rebellion with force. However, by legitimizing unlimited force, he damaged his cause, and for centuries Lutherans have been confronted with the image of being devoted servants to the state, unable to raise a critical voice and to put limits to the authority of the state. It took centuries until Lutherans clearly recognized that the concept of the "two realms" allowed them to support the emergence of a civil society that would resist totalitarian excesses of the state.

This example might warn us to be cautious in our political statements; they are not straight from heaven. They are always at risk of eventually being proven to be false. They have to be continuously reevaluated in light of the principles of Lutheran social ethics. These principles not only allow for but even require an active involvement of Lutherans and the Lutheran churches in the processes of developing a society, "in which justice dwells." The concept of the "two realms" does not prevent but rather encourages this involvement, precisely because we cannot save the world, we can merely engage with it.

[16] Cf. Bernd Oberdorfer, "How Do We Deal with a Challenging Text," in Kenneth Mtata and Craig Koester (eds), *To All the Nations. Lutheran Hermeneutics and the Gospel of Matthew*, LWF Studies 2015/2 (Leipzig: Evangelische Verlagsanstalt, 2015), 75–88.