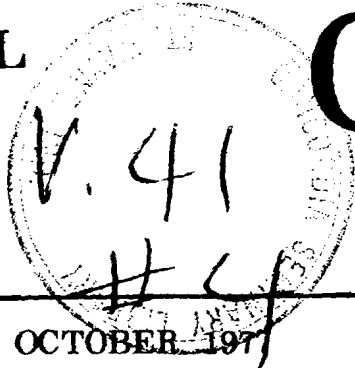


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Proclaiming Freedom in Church and State

Henry J. Eggold

"All power is given unto me in heaven and in earth," said our now exalted King of kings and Lord of lords. God exercises His sovereign power on earth in two kingdoms. The one is the kingdom of power, the kingdom of His left hand, the civil government, commonly called the state. The other is His kingdom of grace, the church, ruled by His Word. The kingdom of power is concerned chiefly to promote the temporal welfare of men; the kingdom of grace is concerned chiefly with the spiritual and eternal welfare of men. Church and state exist side by side and are to be mutually supportive, though distinct in nature and objectives. Recently church-state relationships have been described as that of institutional separation and functional interaction. The Augsburg Confession (XXVIII, 18) states: "Thus our teachers distinguish the two authorities and the functions of the two powers, directing that both be held in honor as the highest gifts of God on earth." In this essay, we want to summarize briefly the nature and function of state and church trying to demonstrate that they are to be mutually supportive, but not intermingled, so that the one arrogates to itself the right of the other.

Let us first consider the nature and function of the state. Our guide will be Romans 13:1-7. Notice first that Paul simply refers to higher powers. The Scriptures do not advocate any specific form of governmental organization. When Paul wrote these words, Nero was on the throne. A more pagan, more wicked, and more unjust government is hardly on record. Yet Paul says, "Be subject. . .for the powers that be are ordained of God." Even a scoundrel like Nero is called a minister of God, a servant of God. Luther says, "God sometimes permits much good to come to a people through a tyrant or scoundrel" (Smalcald Articles, II, iv, 3).

Paul continues by reminding us that government is "a minister of God to thee for good." The function of government is to establish moral order and to prevent anarchy. Emil Brunner says that the state is organized selfishness. The Apology (VII, 50) says that "lawful governments are ordinances of God and are preserved and defended by God against the devil."

Moreover, government exists for the protection of life, reputation, and property of the citizen, Luther remarks: "it would therefore be fitting if the coat-of-arms of every upright

prince were emblazoned with a loaf of bread. . .to remind both princes and subject that through the office of the princes we enjoy protection and peace, and without these we could not have the steady blessing of daily bread" (Large Catechism, I, 150). The framers of the Declaration of Independence assumed this truth when they wrote: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect safety and happiness." Similarly, the Preamble to the Constitution of the United States declares: "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and to our posterity, do ordain and establish this Constitution of the United States of America."

We look to our government to preserve to us and our children those freedoms and rights granted us in the Bill of Rights: freedom of religion, of speech, of the press, of assembly, and of petition to the government for a redress of grievances; freedom from unreasonable search and seizure, from excessive bails and fines, and from cruel and unusual punishment; the right to bear arms, to life, liberty, and property, to just compensation for private property, and to a fair trial.

To accomplish these purposes governments enact laws. Wrote Jefferson, "In questions of power, let no more be heard of confidence in man, and bind him down from mischief with the claims of the Constitution"¹. These laws are based upon reason, natural law, and expediency. To enact and carry out these laws, the government in our country maintains legislative, judicial, and executive branches, with proper checks and balances. Furthermore, taxes are levied to enable the government to protect our inalienable rights.

Government, according to Romans 13, exists not only to safeguard our freedoms, but also to punish evil-doers. "He beareth not the sword in vain, for He is a minister of God, a revenger to execute wrath upon him that doeth evil." Christians are not to engage in private revenge, but are to seek justice in the courts. So states the Apology (XVI, 7): "The Gospel forbids private revenge, and Christ stresses this so often lest

the apostles think that they should usurp the government from those who hold it, as in the Jewish dream of the Messianic kingdom; instead, he would have them know their duty to teach that the spiritual kingdom does not change the civil government. Thus private revenge is forbidden not as an evangelical counsel but as a command (Matt. 5:39); Rom. 12:19). Public redress through a judge is not forbidden but expressly commanded, and it is a work of God according to Paul (Rom. 13:1ff). Now the various kinds of public redress are court decisions, punishments, wars, military service."

The state seeks to preserve the nation from anarchy by the use of power. In the Little Rock school desegregation episode, President Eisenhower called in paratroopers. The government levels punishment in the form of fines and imprisonment. It has the right to take human life in cases which it considers to be of such gravity as to call for that extreme punishment. In his Large Catechism, Luther says that the government's "right to take human life is not abrogated" (I, 180). In Genesis 9:6 God says: "Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made He man."

Governments exist also to use the sword to protect the citizens against enemies from without. The Augsburg Confession (XVI) says: "That Christians may without sin. . . engage in just wars, serve as soldiers. . ." The Apology (XVI, 8) adds that by a just war vengeance "is done as God's work."

God rules not only in the kingdom of power but also in the kingdom of grace. In both its nature and purpose, it differs radically from the kingdom of this world. Jesus confessed before Pilate: "My kingdom is not of this world; if my kingdom were of this world, then would my servants fight that I should not be delivered into the hands of the Jews, but now is my kingdom not from hence To this end was I born and for this purpose came I into the world that I should bear witness unto the truth. Everyone that is of the truth heareth my voice" (John 18:36-37). Christ's kingdom is the kingdom of the truth of the Gospel of God's grace revealed in Him who is the truth. Everyone who confesses this truth is a member of Christ's spiritual, worldwide, and everlasting kingdom.

In an effort to describe the kingdom of grace, article 5 of the Augsburg Confession says: "To obtain such faith, God instituted the office of the ministry, that is, provided the Gospel and the sacraments. Through these, as through means, he gives the Holy Spirit, who works faith when and where he pleases, in those who hear the Gospel. And this Gospel teaches that we have a gracious God, not by our own merits but by the merit of Christ, when we believe this." So the great blessing which the

church mediates is saving faith; the means that it uses are the Gospel and the sacraments through which the Holy Spirit brings men to faith. This, then, is the peculiar church power which Christ has given to His church on earth, to forgive the sins of penitent sinners unto them and to retain the sins of the impenitent as long as they do not repent.

The Church exercises its power publicly through the called and ordained servants of the Word. Pastors are ministers of Christ and stewards of the mysteries of God who in Christ's name and in the name of the congregation which has called them preach the Word, administer the sacraments, and forgive and retain sins. And we firmly believe that when the called ministers of Christ deal with us by His divine command, especially when they absolve those who repent of their sins and are willing to amend, this is as valid and certain in heaven also as if Christ, our dear Lord, dealt with us himself.

By way of summary, we can make the following contrasts between the kingdom of power represented by the state and the kingdom of grace represented by the church: The state is composed of citizens; the church of Christians. The state is ruled by laws derived from reason; the church is guided by the Word of God. The state is a temporal kingdom; the church is a spiritual and an eternal kingdom. The blessing the state gives is protection; the blessing the church mediates is the forgiveness of sins. The state is concerned with the body; the church, primarily with the soul. The state aims at outward obedience; the church at faith active in love. The state uses force to maintain order; the church uses the sword of the Spirit, which is the Word of God.

The Christian in the world finds himself a citizen of both kingdoms at the same time, with responsibilities toward both. Jesus said: "Render unto Caesar the things that are Caesar's and unto God the things that are God's." As a citizen in Christ's kingdom, the Christian is to nourish his own soul by diligently hearing and reading the Bible. "Blessed are they that hear the Word of God and keep it," says Christ. Moreover, he is to support the work of the church by Word and deed. "Go and make disciples" is Christ's command. "Ye shall be witnesses unto me" is a word for every Christian. The Christian is to show forth the praises of Him who has called Him out of darkness into His marvelous light. The Christian is to support the work of the church. On the first day of the week he is to lay by him in store as the Lord has prospered him. In addition, he is to endeavor to keep the unity of the spirit in the bond of peace. He is to honor the office of the public ministry. St. Paul exhorts: "Let the elders that rule well be counted worthy of

double honor; especially they who labor in the Word of doctrine" (I Tim. 5:17).

Pastors, too, as guides of their flocks, have their responsibilities, "It is required in stewards that a man be found faithful" is the over-arching demand. Moreover, pastors are not to be lords over God's heritage but are to be examples to the flock (I Peter 5:3). They are to labor as those who must give an account. (Hebrew 13:17).

And pastor and people have God-given responsibilities as citizens. Paul says: "Let every soul be subject to the higher powers." Again "wherefore we must need be to subject not only for wrath but also for conscience sake." Not only the fear of the government's wrath, but the promptings of Christian conscience ought to urge us to obedience. St. Peter says: "Submit yourself to every ordinance of man for the Lord's sake" (I Peter 2:15). Luther affirms (Large Catechism, I, 150 f.): "The same may be said of obedience to the civil government, which, as we have said, is to be classed with the estate of fatherhood, the most comprehensive of all relations. In this case a man is father not of a single family, but of as many people as he has inhabitants, citizens, or subjects. Through civil rulers, as through our own parents, God gives us food, house and home, protection and security. Therefore, since they bear his name and title with all honor as their chief glory, it is our duty to honor and to magnify them as the most precious treasure and jewel on earth." Rulers, too, are obliged to submit to the law of the land, as the Watergate case reminded us all.

The Augsburg Confession says (XVI, 6f): "Christians are obliged to be subject to civil authority and obey its commands and laws in all that can be done without sin. But when commands of the civil government cannot be obeyed without sin, we must obey God rather than men" (Acts 5:29). When Peter and John were commanded to cease preaching, Peter replied: "We ought to obey God rather than man." However, before any Christian engages in civil disobedience, he should make quite sure that the government's demand is contrary to the Word of God. Furthermore, he should be willing to take the consequence for his action. As Gardner writes, "Whenever the citizens believes a law to be unjust, he has a duty to do what he can to change it by participation in the normal and legal processes whereby laws are made, amended, and repealed. In those countries where citizens have an opportunity to participate in the processes of government, obedience to God is not the same thing as mere submission to those who are in authority at a particular time. Rather, it involves the responsibility to assist those in authority in performing their appointed tasks by giving them support, by keeping their

actions under continuous criticism, and by preparing to replace the governing authorities themselves when this seems necessary in the interest of better government.”² The CTCR document, *Civil Obedience and Disobedience*, says that “when a Christian disobeys a law which he considers to be in conflict with the higher law of God, he should:

1. be quite sure that all legal means of changing the law have been exhausted;
2. consult with men of good conscience to test the validity of his judgment;
3. carry out his act of disobedience in a nonviolent manner;
4. direct his act of disobedience as precisely as possible against the specific law or practice which violates his conscience;
5. exercise restraint in the use of this privilege because of the danger of lawlessness.”³

Furthermore, the Scriptures tell us to give honor to whom honor is due (Romans 13:7). Speaking of rulers, Luther says: “If you regard their persons with reference to their noses etc. . . . they look no different from Turks or heathen . . . But because of the commandment, “You shall honor father and mother,” I see another man adorned with the majesty and glory of God” (LC, IV, 20).

Again, Christians are to pray for government. Jeremiah tells the Babylonian captives: “Seek the peace of the city whereunto I have caused you to be carried away captive and pray into the Lord for it. For in the peace thereof shall ye have peace” (Jer. 29:1-7). St. Paul exhorts: “I exhort, therefore, the first of all, supplications, prayers, and intercessions be made for all men, for kings and for all authority, that we may lead a quiet and peaceful life in all godliness and honesty” (I Tim. 2:1-3). In our General Prayer we pray: “Bestow Thy grace upon all nations of the earth. Especially do we entreat Thee to bless our land and all its inhabitants and all who are in authority. Cause Thy glory to dwell among us and let mercy and truth, righteousness, and peace everywhere prevail.”

Another responsibility we have is to pay the taxes necessary for running our government. Jesus himself paid the temple tax. And Paul urges us: “Render therefore to all their dues, tribute to whom tribute is due, custom to whom custom, fear to whom fear, honor to whom honor” (Romans 13:7).

In addition, Christians have the responsibility in our democratic society of participating in government by running for public office, by knowing the candidates for election so as to vote intelligently, by performing jury duty, and by affiliating with local community groups designed to improve the quality of life of our citizenry and to promote good government. Gardner

writes: "From the standpoint of responsible citizenship, what is needed to clean up politics is not cynicism and self-righteous withdrawal from the political process but more concern and participation in it by those Christians and others who deplore the existing corruption. This participation can take place at many levels, and it does not demand that everyone run for office. All the citizens share the responsibility for government. . . ." John Bennett suggests that in a democratic society the words *responsibility* and *participation* must be placed alongside the demand for obedience to government.⁵ When Christian people create a void by their inactivity in the process of good government, we can be sure that the devil will rush in to fill it.

While I have contended in this paper thus far that church and state should be mutually supportive, I want to state now that the two should remain separate and not be intermingled. For mingling produces tyranny. And tyranny unmasked is the work of the devil. The Augsburg Confession (XXVIII, 11f.) says: "Temporal authority is concerned with matters altogether different from the Gospel. Temporal power does not protect the soul, but with the sword and physical penalties it protects body and goods from the power of others. Therefore, the two authorities, the spiritual and the temporal are not to be intermingled or confused."

If the history of the Christian Church teaches us anything at all, it is that a mingling of the two powers produces tyranny. The Roman emperor was the *pontifex maximus*, the great high priest, and those who worshipped any other as God were fed to waiting lions in the coliseum. In 330 Constantine in the Edict of Milan declared Christianity to be a permitted religion. But soon the Christian Church became a compulsory institution of the state. In 800 the pope crowned Charlemagne as head of the Holy Roman Empire. Pope Boniface VIII in his bull *Unam Sanctam* declared that the church has two swords, the temporal and the spiritual. The Middle Ages are consequently one long bloody struggle between church and state for power. John Calvin felt that every offense was a transgression of the Ten Commandments and called upon the state to enforce church laws and to punish all offenders. Our spiritual forebears, the Saxons, came to this country to escape the harassment of the State Church in Germany which demanded that they use rationalistic textbooks in their schools. As late as 1665 the British Parliament, in an effort to compel all persons to attend the established Church, passed the Conventicle Act, making everyone over sixteen years who attended a conventicle subject to imprisonment and, for the third offense, to transportation beyond the seas. This was followed by the Test Act requiring

oaths in support of the established religion. And dissenters flocked to our shores.

Theodore Hoyer says, "Not until the United States of America was established did the world see a land in which this right and natural and scriptural relationship between church and state exists - separation."⁶ The government has nothing to do with the church as church, nor the church as church with the State.⁷ This principle is violated when either church or state usurps or interferes with the powers, rights, and duties of the other.⁸

Accordingly, the Augsburg Confession (XVIII, 12-14) says to the church: "The power of the church has its own commission to teach the Gospel and administer the Sacraments. Let it not break into the office of another; let it not transfer the kingdoms of this world; let it not abrogate the laws of civil rulers concerning the form of the Commonwealth." The church should not strive for temporal power. Nor should it resort to the sword as was done at the time of the Crusades and the Inquisition.

At the same time, the domain of the state does not include conscience and religion. Says Luther, "When civil government gives laws to the soul, it interferes with God's order and only seduces and destroys souls."⁹ Hence, civil government oversteps its authority when it names one religion as a religion of the state. Says Luther, "No ruler ought to prevent anyone from teaching or believing what he pleases, whether Gospel or lies. It is enough if he prevents the teaching of sedition and rebellion."¹⁰ Nor is it a function of the state to designate church festivals or pass blue laws or to settle doctrinal disputes.

The one area in which church and state have come into conflict most seriously is in the area of education. Now we grant to the state the right to insist that for the good of the nation children receive an education. However, when the state attempts to ban parochial schools, we have always insisted that to do so would constitute an abridgment of the First Amendment to the Constitution: "Congress shall make no law respecting an establishment of religion nor permitting the free exercise thereof." In a democratic society, it should be the prerogative of the parents to decide on the education of their children. At the same time, we cherish the privilege of giving our children a Christian education and must strive to conform to reasonable standards of education set by the state.

A second area of debate involves the teaching of religion, whether Bible reading or prayers, in the public school. Ardent supporters of the separation principle want to eliminate God altogether from public education. Opponents of this position

argue that if God is eliminated, then secularism, a view of life which operates as if God did not exist, is taught. And secularism, too, is a religion. Harold Brown has written: "The doctrine of the separation of church and state, if it refers to institutions and organizations, is salutary and acceptable. If it is interpreted to mean the systematic exclusion of all religious attitudes, insights and values from every aspect of life and every square feet of space where the state exercises a measure of involvement or regulation, then it is illegitimate and represents nothing less than a long-range program for the suppression of religion, and specifically, of the most widely represented and active religion in America, Christianity."¹¹ Many Christians argue that the case for creationism ought to be taught alongside of evolutionism, for example. On July 21, 1925, John Thomas Scopes was convicted of teaching the theory of evolution in a public school. At that time, Clarence Darrow, his attorney, declared: "It's bigotry for public schools to teach only one theory of origins."¹²

A third area of debate concerns services provided by the state for its children, like bus service, the hot lunch program, health services, etc. A case in point is the Supreme Court ruling in the case of *Meek vs. Pittinger*. The ruling states that the state may lend textbooks to children to nonpublic schools but may not lend instructional materials or equipment to nonpublic schools. The ruling also prevents public school personnel from providing auxiliary services (testing, speech therapy, special education for the handicapped, etc) to nonpublic school children on nonpublic school property.

Commenting on the decision Dr. Al Senske said: "It is impossible to understand why providing a secular textbook is constitutional and a secular filmstrip is not It does not make sense to believe that a public school teacher providing speech therapy on church property will be promoting religion while that same teacher will not be guilty of such an act while providing that same therapy off the church property . . . This present decision reaffirms our continuing position that the church and individuals committed to Lutheran elementary and secondary schools must be willing to be responsible for the basic support." Some argue that the children attending our parochial schools are as much entitled to such services as any others because the services come from tax dollars. After all, they say, we are already receiving federal funds because of our tax-exempt status. Others argue that state funds are for public education and should not be directed to assist private education. Even some of those in favor of parochial education argue against the acceptance of state aid on the theory that power follows purse. Sooner or later, they say, the strings of

the purse of state aid will strangle parochial education. I happen to be on the side of those who argue that we should pay our way in parochial education. The little we could receive in state aid is not worth the risk of state domination. Parochial education has been and always will be expensive. But in terms of training up children in the way they should go, it is well worth it.

As God's children, then, let us continue to proclaim liberty throughout the land by rendering unto Caesar the things which are Caesar's and unto God, the things which are God's.

FOOTNOTES

1. Thomas James Norton, *The Constitution of the United States* (New York: America's Future, 1943), preface IX.
2. Edward Clinton Gardner, *Biblical Faith and Social Ethics* (New York: Harper, 1960), p. 315.
3. Commission on Theology and Church Relations, the Lutheran Church-Missouri Synod, *Civil Obedience and Disobedience* (St. Louis: CTCR, 1967), p.5.
4. Gardner, *op. cit.*, p. 332.
5. *Ibid.*, p. 314.
6. Theodore Hoyer, *Church and State*, in Theodore Laetsch, ed., *The Abiding Word, II* (St. Louis: Concordia, 1947), p. 590.
7. *Ibid.*
8. *Ibid.*, p. 591.
9. Quoted in Hoyer, *op. cit.*, p. 595.
10. Quoted in Hoyer, *op., cit.*, p. 595.
11. Harold Brown, "The Passivity of American Christians," *Christianity Today*, XX (January 16, 1976), p. 10.
12. *Bible-Science Newsletter*, October 1974, p.4.