The Principle of the Separation of Church and State Applied to Our Times

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We who are American Lutherans are so accustomed to accepting the principle of the separation of Church and state as axiomatic that we may forget how few there are after all who lie in that principle and may even fail to note the attacks that are being made on it from all quarters, not least in our own favored land. Yes, we may too often find that we ourselves have been transgressing against that principle in some way, although we in our hearts are fully convinced that Church and State should in no way interfere with each other. For as American citizens and Lutheran Christians, we are, or should be, loyally active in both State and Church; and there may be times when it is rather difficult to draw the line between what we do as citizens and what we do as Christians. It shall, therefore, be our purpose in this essay to call attention to some of the pitfalls and dangers that beset the Christian citizen in free America in his efforts at maintaining and observing the principle of the separation of Church and State today.

I. When the Church Interferes with the State

The 28th Article of the Augsburg Confession, on the Power of Bishops, says: "The power of the Church and the civil power must not be confounded. The power of the Church has its own commission, to teach the Gospel and to 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; let it not abolish lawful obedience; let it not interfere with judgments concerning civil ordinances or contracts; let it not prescribe laws to civil rulers concerning the form of the commonwealth. As Christ says (John 18:36): "My kingdom is not of this world;" also (Luke 12:14): "Who made me a judge or a divider over you?" Paul also says (Phil. 3:20): "Our citizenship is in heaven." (II Cor.: 10:4): "The weapons of our warfare are not carnal, but mighty through God to the casting down of imaginations." After this manner, our teachers discriminate between the duties of both these powers, and command that both be honored and acknowledged as gifts and blessings of God."

This is directly opposed to the teaching of the Roman Catholic Church which for centuries has maintained that all states and governments are subject to it as representing Him who is King of kings and Lord of lords. Pope Gregory VII, who in addressing King Henry IV (December, 1076) qualified his "apostolic benediction" with the words : "if he be obedient to the Apostolic See as is becoming in a Christian king," taught that the Pope "has the power to depose emperors;" that "he can be judged by no man;" that "he has the power to absolve the subjects of unjust rulers from their oath of fidelity,"-to quote only a part of his arrogant claims. Pope Leo XIII 800 years later proclaimed "The Pope has supreme authority, spiritual and temporal, over all societies; and has the keys of the kingdom of heaven; and has supreme legislative, judicial, and coactive authority in both spheres." Pope Pius X, his successor, likewise said: "The Papacy still maintains and will ever maintain its traditional doctrine of official, political union.—The teaching that the Church and State should be separated is a most false and pernicious doctrine." Although some Catholic spokesmen in our midst may, for reasons of expediency, proclaim adherence to the American Constitution's principle of separation of Church and State, especially so long as Catholics are in the minority, yet they unceasingly labor to get control of the State and Federal governments for their own ends. Those who have observed the growing political power of the Catholics in recent years were not surprised to find President Roosevelt appointing a personal

representative to the Vatican, under cover of an alleged desire to help the Pope in his efforts toward peace. This move brought protests, not only from Lutherans, Presbyterians and Baptists, but even from such an organization as the Federal Council of Churches.

A statement by the Men's Missionary Conference of the Ohio District of the American Lutheran Church is typical of the various protests by Lutheran leaders and organizations and is quoted in full here because it presents the essential facts in the case "Whereas the Roman Catholic Church, in its official teachings, vigorously denounces as 'a fatal theory' the separation of Church and State and the resultant equality of all sects before the civil law; and Whereas the Roman Catholic Church has for years been. trying to bring about official diplomatic relations between our government and the Vatican; and Whereas the Roman Catholic Church has, in the official Vatican newspaper, Osaervatore Romano, hailed the coming of Mr. Myron C. Taylor as marking the 'culmination' in the restoration of cordial relations between the United States government and the Holy See; and Whereas a Vatican jurist has stated that Mr. Taylor 'will be just as much an ambassador to the Holy See as the representatives of other nations,' and that he might 'remain accredited to the Holy See even after Mr. Roosevelt ceased to be President;' and Whereas this interpretation has not been publicly repudiated by President Roosevelt, but rather, in the letter on this subject which the President has written to Dr. George Buttrick, President of the Federal Council of Churches, the President adds insult to injury by expressing shocked surprise over the possibility of anyone seeing in the appointment of Mr. Taylor and his reception at Rome a threat to the preservation of the principle of the separation of Church and State; and Whereas assurances that the sending of Mr. Taylor to the Vatican do not constitute the inauguration of formal diplomatic relations with the Vatican are meaningless, since, although the formal procedure for the sending of an ambassador to a foreign political state was not observed in the sending of Mr. Taylor as an ambassador to the Pope as head of the Roman Catholic Church, nevertheless Mr. Taylor was received as an official ambassador by the Pope and is discharging the functions of an ambassador and has set up a full-fledged embassy in Rome; and Whereas the Lutheran Church stands foursquare for the principle of the separation of Church and State and views with the utmost misgiving every gesture toward infringement upon this principle; therefore *Be it resolved* that we protest vigorously against the appointment of Mr. Taylor as the President's ambassador to the Vatican and urgently petition for his immediate recall."

The Executive Committee of the Federal Council of Churches, on Jan. 26, 1940, gave "a qualified and carefully worded approval" of the President's appointment, but said: "If the appointment should unfortunately prove a stepping-stone to a permanent diplomatic relationship, we should feel obliged in good conscience to oppose it, as a violation of the principle of separation of governmental function and religious function, which is a basic American policy, and which both history and conscience approve, and as an ultimate injury to all faiths."

However, the President has, to date, paid little attention to such protests and warnings. The Jews approve of the appointment, Mr. Taylor being the recipient of the 1939 American Hebrew Medal for Outstanding Services between Christian and Jew in America, while President Roosevelt was the recipient in 1938. For the Jews, as well as the Catholics, traditionally oppose the separation of Church and State. The Old Testament theocratic state is still the ideal of religious Jews, and all Jews, whether orthodox, Modernist, or atheistic Communists, look forward to the time when the Messianic kingdom of the Jews shall be established, with "the godly" (to quote the language of the Augsburg Confession on Chiliastic "Jewish dreams"), *viz.*, the Jews and their proselytes, ruling over all the world, and "the ungodly," *viz.*, the enemies of the Jews, "everywhere exterminated." Therefore the Rabbinical Assembly of America and the National Council of Young Israel have formally endorsed the Roosevelt religion-and-government Christmas message, in which he announced the appointment of Mr. Taylor; while Rabbi Louis I. Newman lauds the appointment of "a peace ambassador" to the Vatican and says: "President Roosevelt may be regarded as a new Moses speaking before the Pharaohs of today" (*N. Y. Times*, Dec. 12, 1939). Rabbi Israel M. Goldman, according to the *American Hebrew*, Nov. 3d, 1939, said: "We are convinced that Religion and Democracy are inseparable. We as Jews are certain that

Judaism and Democracy are inseparable." Thus it is a principle with the Jews, as with the Catholics, to affirm the interdependence of Church and State.

Furthermore, the Jews, like the Catholics, are organized, on an international scale, for political action. And in predominantly Protestant countries it is an old story to find Jewish and Catholic minorities cooperating to acquire political power for themselves at the expense of the unorganized Protestant majority, although they may quarrel among themselves as to who shall wield most of that power.

But it is not only Catholics and Jews who threaten to break down the principle of the separation of Church and State in our country by their activities and their continual reaching out for political power. Too many Protestants, afflicted by the Judaizing errors of Chiliasm and Calvinism, do everything they can to "break into the office of another," the State, and to "prescribe laws to civil rulers concerning the form of the commonwealth." The noted Reformed theologian, Karl Barth, has recently published articles which are summarized in the Boston Evening Transcript, Feb. 17, 1940, as follows: "Barth blames Martin Luther and his doctrine for the present condition in Germany. The country and its people are suffering from the heritage of 'the greatest Christian German' whose great error was in regard to the relation of Law and Gospel, of the secular and the spiritual order and power. Luther was a 'heathen' in his theory of the Church and the State, according to Barth, who is of the Reformed theology and of the lineage of Calvin. Recognition of the divine sanction of the State and the participation of the Church by all proper means in making the State the true Christian society, is a Reformed principle. The Lutheran position is historically different from that of the Reformed ideology, in that withdrawal from the world and acknowledgement of the Independence of the world, by the church, is contrary to the Reformed belief which teaches that Christ is Lord not only of the Church but of the world also, and it is His part to make the political order. The claim, which that order imposes on every man is founded not on a special law governing the world, but on God's law, which is proclaimed in the Church and holds good for the world also."

The Federal Council of Churches is organized "to secure a larger combined influence for the churches of Christ in all matters affecting the moral and social condition of the people, so as to promote the application of the law of Christ in every relation of human life." It is, of course, entirely right that Christians use their influence and power *as citizens* to further justice, peace, and civil righteousness. It constitutes a serious offense if those called Christian are guilty of unjust, dishonest or selfish acts in the conduct of their business or profession and in their social relations with their fellow-men. Certainly Christian citizens should be active in working for peace, social justice, good laws and strict enforcement of the laws against high and low. But for Christians to *speak in the name of the Church or to use the influence of the church organizations* in lobbying for or against legislation that concerns purely civic or social matters is obviously an infringement of the principle of the separation of Church and State.

The Federal Council of Churches, which for years has been trying to build up a sort of Protestant Papacy, has little ground on which to stand, accordingly, when it protests against the President's appointment of Mr. Taylor to the Vatican. Father Michael J. Ahern in his *Catholic Truth Hour* broadcast on May 26; 1940, contended that the appointment was no encroachment of Church upon State and illustrated his contention by pointing out that "Protestant church groups have initiated movements toward safeguarding the rights of conscientious objectors in time of war, for study of problems involved in unemployment, housing, taxes, control of armaments and many other things within the sphere of civil government." He said: "It would be foolish to hold that recommendations to the government affecting the solution (of these problems) is either a movement toward union of Church and State or interference by religion with the Work of the State."

Our answer to Father Ahern is that these Protestants are transgressing on the functions of the State, and that his parallels, so far from proving that the appointment of Mr. Taylor was in harmony with American principles, only prove the opposite,—as we shall see in more detail later.

The Synod of the Reformed Presbyterian Church likewise contends for a union of Church and State along strictly Calvinistic lines when it agitates for an Amendment to the U. S. Constitution to read: "That the preamble, or enacting clause, of the National Constitution be amended by inserting after the words, 'We, the people of the United States,' this clause, 'devoutly recognizing the Authority and Law of Jesus Christ, the Savior and King of nations.'" These Presbyterians do not hesitate to draw the logical conclusion from their premises and say publicly that a "Christian cannot consistently swear, or affirm, that he will support the Constitution until the Constitution accepts the Lord Jesus Christ." The anti-Christian sect, Jehovah's Witnesses, similarly maintains that it is disloyalty to God to affirm loyalty to the government of the United States, because that government does not recognize God as King.

When it is faced with such flagrant violations of the principle we are discussing as the President's public recognition of the Papacy as a political power, the Lutheran Church in this country is as one in protesting. But in other respects, many Lutherans are themselves transgressing that principle. The current agitation for social legislation, to combat unemployment, poverty and "social insecurity" has been largely supported, not only by the Federal Council and its Modernistic affiliates, but also by Lutheran churches. Mr. Carl Flo, writing in Lutheran Herald, March 21, 1989, said: "Every so often, someone within the Church will rise to demand that it condemn the present economic system, or offer some substitute for it; that we follow in the footsteps of apostate leaders in other churches, who are more interested in politics and social problems, than in the salvation of souls. The sad thing is that these blind leaders do not know practical economy, but only untried theories." Then he answered very effectively some of the arguments and theories that leading men in his own church had been publishing in recent years in favor of Socialistic schemes for solving our national and social problems. Even publications within the Synodical Conference have sponsored Socialistic views and principles which are directly contrary to sound Christian doctrine. For modern Socialism has its roots, not in Christianity, but in the anti-Christian, evolutionistic theories of Karl Marx and his school of materialistic philosophers; while the attempt of so-called "Christian Socialists" to Christianize Socialism is born of the same compromising spirit which manifests itself in the attempt to "Christianize the evolution theory." In short, Christian Socialism, the Social Gospel, and evolutionary Modernism. are synonymous terms.

The failure to distinguish properly between the functions of the Church and those of the State has become so common today that politicians are increasingly playing up "religion" as a necessary part of democratic forms of government. Thus President Roosevelt in his annual message to Congress said: "An ordering of society which relegates religion, democracy and good faith to the background can find no place in it for the ideals of the Prince of Peace. The United States rejects such an ordering and retains its ancient faith."

It was to be expected that an agnostic Jew like Walter Lippman should approve of this and state that the President's "message contains within it the outline of that reconstruction of their moral philosophy which the democracies must undertake if they are to survive." But that Lutherans, e.g., the *News Bulletin* of the National Lutheran Council, should commend it as "characteristic of a deepening regard on the part of political liberals for the importance of religion's place in the state,"—this betokens only muddled thinking on their part. For the Prince of Peace. never approved of "religion" in general, Jewish or pagan, but condemned all false religions as the curse to the world that they are. Neither did Christ make his "religion" depend on the existence of so-called "democracy," but established his spiritual kingdom in the midst of one of the worst political tyrannies the history of the world records. Such expressions by our President are but another straw in the wind, warning us of the schemes that are afoot to establish a State religion which will be a sort of common denominator of Jewish, Catholic and Protestant religions, and to persecute all those who in any way oppose that "common religion."

Our country has in the past witnessed bitter conflicts between Catholics and Protestants and between the organized churches and anti-Christian organizations. So long as they caused no public disturbance, the government in no way interfered, but allowed the greatest freedom in attacking the religious or irreligious views and practices of others. Now, however, it is getting to be a different story.

The Catholic Church exerts sufficient power over the press to keep out of practically all influential publications anything derogatory to their church. The Jews are likewise on the alert to suppress anything unfavorable to them. But they are no longer satisfied with preventing the powerful secular press from attacking them. They are now moving to prevent *all* criticism, especially of their schemes for gaining political power, by introducing new legislation which would "prohibit the spread of racial or religious propaganda, barring such propaganda from the U. S. mails." The Brooklyn Jewish Examiner, May 8, 1840, referring to one such bill, says : "The purpose of the proposal is to bar from the U. S. mails all material tending to incite racial and religious strife. Conceivably, Father Coughlin's Social Justice may be affected by the bill." But what becomes of our religious liberties, if Catholics no longer are to be allowed to criticize the Jews, or we to oppose Catholics, Jews and other false teachers by exposing the satanic character of their words and deeds? The false tolerance now so aggressively advocated by the Jewish-Christian Fellowship movement is in reality the bitterest enemy of true Christianity and will soon enough manifest its intolerant character, if its advocates ever succeed in pushing through Congress and the courts such measures as those referred to above. The Supreme Court has, indeed, recently reversed a decision of a lower court which punished a man for broadcasting his criticisms of the Catholic Church in the vicinity of a Catholic home. But this did not stop a Boston judge from fining a member of the "Jehovah's Witnesses" sect, who had been distributing literature attacking Catholicism. The judge, A. C. Cohen, said he "had no sympathy with a person who passes out material intended to decry a religion and to excite animosity" (Boston Traveler, June 4, 1940). How long will it be before a Lutheran is arrested for selling the Lutheran Confessions, which call the Pope the Anti-Christ, or the New Testament which calls the unbelieving Jews children of the devil? And how long will our Supreme Court remain independent enough to stand up against these repeated demands for suppression of criticism of other churches in this day and age, when that last bulwark of minority rights is supposed to "follow the elections"---or be attacked and abused by high and low?

The senator who introduced the legislation quoted above said in defense of it: "While the spirit of tolerance lives, America lives. When it dies, America dies.-These movements (anti-Semitic)-are intended to set citizen-group against citizen-group, religious faith against religious faith, and to weaken our solidarity as a nation." This is essentially the same idea as that of the Japanese Premier Hiranuma, who is reported to have said: "In our country, the Way of the Gods (Shintoism) is the religion par excellence,—and is the religion proper to our country. All teachings that run counter to this Way cannot be permitted to exist.—Some religious organizations are opposed to bowing before the photograph of the Emperor, visits to shrines and military training in the schools, being internationalistic and quite un-Japanese in every way. Anything that should militate against our national spirit should not be given shelter in our country, even if it is the world's greatest religion." Such statements we rightly find to be a threat to religious liberty in Japan. And the senator's statement is no less a threat to our religious liberty. For the senator forgets that Americans have for 160 years been characterized by outspoken intolerance of all who differed from them, carrying their differences often to extreme lengths. He forgets that the "tolerance" which has made America free is the tolerance which the Government has given to all sorts and conditions of mutually intolerant, not to say, inassimilable elements. It is the tendency to use the strong arm of the government to enforce what the government considers tolerance which really sounds the death-knell of liberty and of traditional American principles. Yet churches of all kinds are approving such legislation today, even demanding it, in the sacred name of American tolerance and freedom! (Cf. Stanley High's article in the June 1, 1940, Saturday Evening Post, entitled "Satan, Be Warned"). What a tragedy is it not that infringements on religious liberty should come, not only from secular authorities, but from religious groups which seek to use their political power to avenge themselves on their opponents, little heeding the lessons of history that their turn to be suppressed as "intolerant" may come sooner than anyone could foresee!

One way in which many churches today interfere with the functions of the State is with respect to war. Our Augsburg Confession says, in the 16th Article: "Of Civic Affairs, they teach that lawful civil

ordinances are good works of God, and that it is right for Christians to bear civil office, to sit as judges, to determine matters by the Imperial and other existing laws, to award just punishments, to engage in just wars, to serve as soldiers, to make legal contracts, to hold property, to make oath when required by magistrates, to marry, to be given in marriage.—Christians are necessarily bound to obey their own magistrates and laws, save only when commanded to sin, for then they ought to, obey God rather than men (Acts 6:29)."

But after the second World War started last September, the church press has been filled with agitated discussions of the "problems of war and peace," not least in Lutheran circles. The Board of Social Missions of the United Lutheran Church states "Whereas it is constantly being said, whether rightly or wrongly, that a true unprejudiced study of the teachings of Jesus discloses the fact that war is per se evil; Therefore we recommend that the United Lutheran Church in America through its proper authorities restudy and reinterpret the declarations referring to war in its Confessions. We believe that it is the bounden duty of the Christian Church to stand resolutely in teaching, in speech, and in political action against recourse to war. We believe that the Christian Church must admit the inviolability of the Individual conscience in its attitude toward war."

The May *American Lutheran* quotes the *Lutheran Companion* of the Augustana Synod as saying: "It may seem heresy for any one to question any part of the Augsburg Confession, but we make bold to assert that the time may not be far distant when the Lutheran Church will find it necessary to reexamine this part of its Confession in the light of the Word of God.—It is undoubtedly true that the Lutheran Church has been influenced through the centuries in its attitude toward war by the fact that it has occupied the position of a State Church in many European countries. This situation does not obtain in America, and it should be possible here to approach the whole subject of the Church and the Christian and the evil of warfare without being handicapped by age-long traditions which have no application in a democracy and which may be found to be in direct contradiction with the spirit of the Gospel of Christ.—If it is true, as the Oxford Conference declared, that 'War is a particular demonstration of the power of sin in this world, and a defiance of the righteousness of God as revealed in Jesus Christ and Him crucified,' can the Church continue to give sanction to it? Can the Church sanctify sin by calling it 'just'?" (referring to the phrase in the Augsburg Confession, "just wars").

Now it is certain that Christians will not work to bring about war; that they will not join the lying propagandists who seek to fill the hearts of men with hatred of their fellowmen till they become "fighting mad"; that their influence will always be used for peace and sanity in the relations of nations with each other as well as of individuals with each other. It is also certain that even in the midst of war, the true Christian will keep his heart free from hatred and the spirit of revenge and blood-lust. It is due to Christianity alone that the horrors and cruelties of war have been tempered by such practices as humane treatment of prisoners, caring for the wounded of both sides, out-lawing of barbarous methods of war which strike at the civilian population rather than the military forces, etc. There is, indeed, something decidedly incongruous about a situation where a Christian soldier does his best to kill or wound the enemies of his country, and then immediately puts himself out to bring aid to his wounded victims, instead of scalping and torturing them as the original American used to do. Yet it is only the same incongruity which manifests itself in so many ways with the Christian who is a citizen of two kingdoms at the same time, a temporal kingdom of this earth and the spiritual kingdom of Christ. Luther discusses, in connection with Matt. 5:38-41, "the two persons which a Christian must bear about in himself in this present world" and says: "We read of many holy martyrs, who also under unbelieving emperors and lords went to war, when it was demanded of them, and who with a good conscience have slain and murdered even as others, so that there was no difference here between Christian and heathen; and yet they did not violate this text ('resist not evil'). For they did it, not as Christians, for their own personal sake, but as obedient members and subjects, bound to a worldly person and government. Where you are free and unbound, however, by such a worldly government, there you have other rules governing you, as another person," (St. L. Walch, VIII, 469).

It manifests only a complete failure to separate between the domains of the Church and the State and to distinguish between ones duties as a Christian and as a citizen, when Christians condemn all wars as "sin" and claim exemption from war duties as "conscientious objectors." The Lutheran Literary Board has published a book entitled *Christianity and War, Can They Coexist?*, by a "Country Pastor," and describes it thus: "A remarkable book. The author proves clearly that war is against the Scriptures. He adduces an array of witnesses high in the councils of the Church endorsing his viewpoints. His interpretation of Scripture texts is most unique and often readily convincing." It must, indeed, be a "unique interpretation of Scripture" that can arrive at the conclusion that "war is against the Scripture," which recounts so many wars and even commands war. For as Luther says, in his comment on Isaiah 41:2: "We must here also note that herewith the sword and governmental office are sanctioned, and that also Christians (contrary to the errors of the Anabaptists) are permitted to hold governmental positions and to carry on wars," (St. L., Walch, VI, 493). And in speaking of Abraham's going to war against the kings of the East (Gen. 14:1-16), he says: "Since it is necessary because of evil people to defend oneself against them and to protect the pious, a Christian may, when it is demanded of him by God or those who are in God's stead, go forth to slaughter even as the others," (St. L., Walch, III, 246.)

The Apology of the Augsburg Confession, Article XVI, is then entirely in harmony with Scripture when it says: "The Gospel forbids private redress, and Christ inculcates this so frequently with the design that the apostles should not think that they ought to seize the governments from those who held otherwise, just as the Jews dreamed concerning the kingdom of the Messiah;—but that they might know that they ought to teach concerning the spiritual kingdom that it does not change the civil state. Therefore private redress is prohibited, not by advice, but by command (Matt. 6:39; Rom. 12:19). Public redress, which is made through the office of the magistrate, is not advised against, but is commanded, and is a work of God, according to Paul (Rom. 13:1 ff.). Now the different kinds of public redress are legal decisions, capital punishment, wars, military service." That is, war is in itself no more wrong than is guarding oneself against criminals, punishing them for their crimes, etc. War is an extension of police service, without which anarchy would prevail in the world. Pacifism is, strictly speaking, of the same brood as Anarchism and Communism,—entirely impractical, dangerous and destructive in this world of sin and lust, because it is based on false, anti-Scriptural notions of the perfectibility of man and society and the innate goodness of all human nature.

But if pacifists are wrong, so are also their brethren-under-the-skin, the "war-preachers" who turn their pulpits into war-drums and curse the enemy as blood-thirstily as any lying propagandist could do. In the last World War, some of these apostles of a holy Crusade against Germany went so far that President Wilson exclaimed in astonishment: "I think our ministers are going crazy," (H. C. Peterson, *Propaganda for War, 1914-1917*). Usually it is the same preachers who go to both extremes. In war-time, when war is the popular theme, they sound the tocsin valorously for war. In peace-time, when the popular reaction against war sets in, they repent in dust and ashes and proclaim their undying pacifism. True Lutherans who have their feet solidly on the rock of God's Word should be proof against the prevailing winds both of war and of peace and should proclaim the same Christian principles and doctrines in season and out of season.

In this connection, there is one problem which seems to have caused too many Lutherans to forget Lutheran principles: that of the conscientious objector to war. The Augustana Synod, according to *The Bond* (Feb., 1940), passed the following resolution: "We believe that the government should not violate the Christian conscience by seeking to compel conscientious objectors to engage in military service. We ask exemption from all forms of military preparation or service for all conscientious objectors who may be members of the Augustana Synod." The Lutheran Students' Association likewise resolved: "That the Lutheran Church of America recognize, honor, and make known the validity of the right of those claiming exemption from military service in time of war on the grounds of conscientious objection." The Executive Board of the United Lutheran Church adopted a more guarded *Statement on the Rights and Duties of the Christian Citizen in the Emergencies of War*, affirming that "the conscience"

of the individual, informed and inspired by the Word of God, is the final authority in determining conduct," and recognizing "the individual right to conscientious objection to service in a war;" but at the same time stating that this recognition does not necessarily "imply the Church's approval of such conscientious objection, but does proclaim its devotion and respect for the scriptural principle of the supreme moral responsibility of the individual conscience." It holds also that war may on occasion be justified, and that then the "Christian citizen is in duty bound to bear arms and to offer his life if need be in defense of His country."

Dr. Dell, writing in the Journal of the American Lutheran Conference (January, 1940), discusses the Lutheran Students' Association resolution quoted above and suggests the following answer: 1) Though the Augsburg Confession states that a Christian may take part in just wars, Lutherans, like other Christians, look upon war as a barbarous method of settling differences, not in keeping with modern civilization, not reconcilable to our Christian love for all mankind, and not calculated to obtain any satisfactory results. 2) A Lutheran Christian therefore regards only those wars as just which are not sought but are thrust upon us, and whereby our own territory is invaded and the lives of our people are endangered. We believe that to defend ourselves from attack on our own soil by vicious and unprincipled aggressors is not contrary to the will of God. 3) Lutheran Christians honor their government as placed over them by God; but since experience teaches that governments and peoples are subject to mass hysteria and may be swept off their feet by propaganda and war excitement, we reserve the right to decide for ourselves, at the bar of our individual conscience, whether any particular war is a just one. And we respectfully ask that the State honor the rights of an honest conscience, in Lutherans as well as others."

All these resolutions and statements, however, reveal considerable confusion as to the duties of the Christian to the State under whose protection he lives. Our very liberal American Constitution gives such sects as the Quakers, who publicly teach that it is sinful to take any part in war, the same freedom of belief as other churches, and their members are exempted from military service on the ground that it would be an infringement of the constitutional guarantee of religious liberty to force them into military service. But if Lutherans take the position that it is sinful to serve as soldiers, they are going directly contrary to the public teachings of their church; and have no constitutional basis for requesting exemption from military service until they leave the Lutheran Church and join the Quakers or some similar heretical sect. If Lutherans admit that there are "just wars" in which they could with good conscience take part, as Dr. Dell suggests they must, then it is obvious that the government will in every case reserve to itself the authority and right to decide when war is justified. So long as a country still is neutral or at peace, the Christian should exert all his influence against "mass hysteria and war excitement." But when "the powers that be" have decided that they are justified in declaring war, the individual citizen must yield to their judgment, or accept the status of a rebel against his government and expect to be treated accordingly. As a loyal citizen, he has then no longer the right to "decide for himself whether any particular war is a just one."

Under our Constitution, it is not his business or responsibility to do that, but the Government's, to whom the power to declare war has been delegated by the citizens. If the law should require a popular referendum on war, the individual would, indeed, have to decide for himself whether the proposed war is a just one when the vote is taken. But the basic assumption in the case of such a referendum is that the majority shall rule and that the minority agrees to accept its decision. To ask for the individual the continued right "to decide for himself;" against the constituted government or the majority vote, is simply to abandon all forms of government and revert to anarchy. For that matter, no individual is likely to have access to all the facts in the case which would be required for a just judgment. History has now proven, I believe, that our country's participation in the last World War was anything but "just;" yet most people thought it was so at the time and threatened to mob anyone who said otherwise. If Lutherans, remembering the lessons of the last war, now make up their mind that any participation in the present war would also be unjust, they might and that history eventually would prove them sadly

mistaken. Therefore a Christian, no matter how prejudiced he may be against taking any part in a certain war, cannot do otherwise than obey his government, remembering what Luther says, in his comment on Is. 9:6: "Since we after the outward man are under a government, therefore we must be obedient unto the commands of the government, and also go to war, when necessity demands it" (St. L., Walch, VI, 168-169); and on Matt. 6:88-87: "When your sovereign wants to employ you, and orders you to go to war, it is your bounden duty to do so, courageously and confidently to fight, for it is no longer your fist or sword, but that of the government to which you are subject" (St. L., Walch, VII, 460-1). He says also: "But what about it, when the subjects do not know for certain whether or no their sovereign is right? Answer: Since they do not know, nor can learn to know by all possible research, they may follow their sovereign without endangering their soul. For in such instances we must apply the law of Moses (Ex. 21:13), where he writes that a murderer, who unwittingly and unintentionally has committed a murder, shall flee to a city of refuge, where he shall be judicially declared innocent" (St. L., Walch, X, 418-414). The responsibility for the deaths caused by a soldier rests on the government, not on him personally, and God Himself will hold him guiltless, just as the responsibility for the death of criminals rests, not on the executioner who might even be convinced of the innocence of the condemned man, but solely and alone on the government that has condemned him to death.

To sum up: The Lutheran who considers himself a "conscientious objector" must indeed follow his conscience, misguided though it be. But the Lutheran Church has the clear duty to teach such an one that he is being guided by an erring conscience. However much we may sympathize with the individuals whom our government under these circumstances might treat as rebels or traitors, the Church as such cannot espouse their cause and ask the government to "recognize their right to conscientious objection," without deserting its own public Confessions or involving itself in inconsistencies and absurd arguments which, it is safe to say, even a "packed Supreme Court" would easily expose and refute. Let us, then, not give occasion to the enemy to charge the Lutheran Church with preaching a "gospel that would rend asunder states, because it prohibits legal redress and teaches certain other things not at all suited to political association." But let us remember that "the Gospel does not introduce laws concerning the civil state, but is the remission of sins, and the beginning of a new life in the hearts of believers; besides that it not only approves outward governments, but subjects us to them (Rom. 18:1), just as we have been necessarily placed under the laws of the seasons, the changes of winter and summer, as divine ordinances," (The Apology of the Augsburg Confession). Lutherans must not make Quakers of themselves, whose objections to war are a characteristic part of their heretical religion. Nor should they become Jews, like the Central Conference of American Rabbis, which in 1986 reaffirmed "its conviction that conscientious objection to military service is in accord with the highest interpretation of Judaism," and therefore petitioned "the Government of the U.S. to grant to Jewish religious conscientious objectors to war the same exemption from military service as has long been granted to members of the Society of Friends and similar religious organizations," (Vol. XLVI, Conventions of Cent. Conf. of Amer. Rabbis, June, 1986, p. 74). Let Lutherans remain Lutherans, accepting the challenge of the American Constitution to maintain the principle of the Separation of Church and State over against Jews, Catholics and Reformed Churches, even if we, like Luther, must stand alone, with all the powers of Church and State arrayed against us.

II.

When the State Interferes with the Church

But it is not only Jews, Catholics, Reformed Churches, and pseudo-Lutherans who continually threaten the principle of the separation of Church and State by their interference with the affairs of the State, and whose activities should be protested by us both as citizens and as members of the Church. In our day that principle is threatened even more by secular authorities who have no respect for the rights of religious societies, and of Christian Churches in particular; but do everything they can to undermine and destroy all true religion. They oppose and persecute not only those churches which interfere unduly with the work of the State, but also those which confine themselves strictly to their religious tasks. Martin Luther, who spoke out so clearly against interference by the Church in the affairs of the State, was no less definite in condemning interference by the State in the affairs of the Church. In his treatise on "The Limit of Secular Authority" he said: "Temporal government has laws that do not reach farther than over persons and property, and what is external on the earth; for God will not permit anyone to rule over the soul of man but Himself. Therefore, where temporal power presumes to give laws to the soul, it touches God's rule and destroys the soul. We wish to make that so clear that men may comprehend it, in order that our knights, the princes and bishops, may see what fools they are when seeking to force people by their laws and commandments to believe anything. Now, when imperial authority stretches itself over into God's Kingdom and authority and does not keep within its own separate jurisdiction, this discrimination between the two realms (Church and State) has not been made."

It would be an interesting study in history to seek to measure the harm that has been done to both Church and State by the failure to distinguish properly between their functions, and to establish whether most harm has resulted when the State tried to control the Church, or when the Church tried to control the State. Essentially there is no difference in principle between those who try to make either the one or the other supreme in both domains. The Catholic, Jew or Reformed Christian who believes that he has the right to impose his religious views upon the State, and to force them upon others with the aid of the State, is the full brother of him who would have the State impose its pagan, irreligious or anti-Christian views on all the churches and their members. Both are tyrannical. Both are "totalitarian." Both are going contrary to Scripture and to sound principles of government. To illustrate: In old Russia there was, through most of its history, very little religious liberty. The State Church, the Russian Orthodox Church, persecuted all other forms of religion and called upon the State to help it suppress them. Only in the last century did other churches, such as the Lutheran, gain a strong foothold under somewhat more liberal regimes. Now, since the rise to power of the Bolshevik Communists, the State has suppressed all churches and all forms of religion. For it is an essential part of Communist philosophy and theories of government that religion is a social menace, harmful to the state and society, and that all citizens must for their own good be forced to accept the atheistic, socialistic views of the Communist Party. This is in reality to make a State religion out of Socialism and to enforce it by fire and sword, in exactly the same way as heathen, Mohammedan and even certain Christian governments have, down through history, sought to force their state-espoused religions upon their subject peoples.

State interference with the work of the Church has come about very often as a result of the Church's too willing dependence on the State for direct financial support. The early Christians called the State religion of pagan Rome "a beggar religion," because it was supported by the State, which paid the salary of its priests, the expenses of their cult and the maintenance of their temples. They boasted of their independence of the State even after the emperors had turned Christian. Thus St. Ambrose of Milan, in the 4th century, answered the complaint of the pagans at the confiscation of their property by the State and the suppression of all subsidies from the State treasury, saying: "Why do you expect to be supported by the State? What obligation has the State to support any cult? We Christians, our churches and our institutions do not receive anything from the State. You cannot say that you are persecuted or discriminated against: it is not persecution to be reduced to the common conditions of all and to be submitted to common laws. Look at the Christian Church which has grown without asking to be supported by the State. We are proud of our blood that we have shed; you are solicitous only for your money. This poverty that we cherish as an honor, you dread as an insult. You confess that you cannot live without being paid by the State. What a shame! A religion bound to the State, as your religion is, must not be shocked if the prince considers himself to be the master of it and to have the right to dispose without any scruple of its possessions," (Quoted in Prof. La Piana's Problems and Conflicts of Today, Harvard Divinity School Bulletin, April, 1940).

But it was not long before Christians were accepting the support which once they had found so unnecessary and objectionable. And in too many countries, including Lutheran lands, the Church to this day leans on the State for support, demanding it as a right and complaining of "persecution" if it is in any way denied them. Prof. La Piana's statement is here also worth quoting: "The doctrines of political liberalism developed in the eighteenth and nineteenth century, having accepted the principle of freedom of conscience, led logically and wisely to the adoption of the system of separation of Church and State. This was the most important step that modern civilization had ever taken for securing not only religious peace but also the return of the Churches to their religious mission and their Spiritual aims. Religion was no longer to be a State law enforced by penal sanctions, but the voluntary free adhesion of minds and souls to a spiritual and moral ideal. No coercion either in favor of or against any religious creed or any religious body was permitted. The churches had to depend for their existence and for their survival only upon their own efforts and their own spiritual and moral resources. But the spirit of institutionalism and the greed for temporal advantages which dominates so many churches turned away with horror from such a prospect. They dubbed the State which adopted the principle of separation a 'secular State' or 'agnostic State' or (worse) 'atheist State,' as if the proclaiming and protecting of religious freedom for all under the law implied rejection of all religions and of the religious spirit and the religious aspirations of all."

In Germany today, the State churches could escape many of the persecutions they are complaining of at the hands of the Nazis, if they would cut themselves off from State support. So long as the State is supporting them, the Nazi contention is that the Church must serve the interests of the State. In our own country, where the fundamental law of the land establishes complete separation of Church and State, efforts are being made continually, by Catholics and others who have no appreciation of the value of independence from the State, to get subsidies of some kind or other from the government for their schools, charitable institutions, etc. Lutherans have been almost alone in opposing such laws in New York, Ohio, and other places.

The danger of depending on the State for religious aid is well illustrated by the fate of the American Indians. A circular published by the American Indian Federation describes the activities of the U. S. Indian Bureau as follows: "Established in 1852, through Christian influence, for the purpose of Christianizing and civilizing the Indians.—At the time of its creation a small percentage of the Indian population was Christianized and civilized. Today there are no uncivilized and few non-Christian Indians in the United States.—The present Indian Bureau program of Christianizing the Indian is highly questionable,---the Bureau is under control of the most dangerous Christ-mocking, Communist-aiding subversive and seditious organization in the Nation.-Do you know that under the present administration of the Department of Interior, the Indian wards of the United States are being forced into a program of anti-Christian communism; that Christian activities among the Indians are being hampered ability;—that Indian children are being educated to be atheist communists; and that the entire program of the present Indian bureau regime, legislative, administrative and educational, was designed and is being administered by people who have been actively associated for a long period of time with atheists, anarchists, communists and other radical and subversive forces in the United States; and that the condition of the Indian wards today, mentally, physically and spiritually, is the worst it has ever been in the history of this Nation?"

This is in brief, the history of all State-supported religion. The very same system which in one place or at one period is used to press Christianity upon a people may soon be used to force Communism or some other false religion upon it. There is never any safety, accordingly, for the Christian in any union or mixture of Church and State. Consider the history of the Saxon founders of the Missouri Synod. The Christian who looks to the State to support his Christian activities is only helping to dig the grave of those very causes. Some Lutheran Churches have thus been wise enough to petition Congress not to include pastors and other church workers in the Federal Social Security legislation; while others

have short-sightedly asked to be included. Here the parable of the camel's nose in the tent should be remembered. The support of aged and incapacitated pastors, as well as of active pastors, is as definitely not the responsibility of the State as it is the responsibility of the Churches which they have served.

The experience of Christian Indians with the Communistic Indian Bureau today affords a good example also of the danger to the Church in any socialistic, paternalistic system of government which makes the people the wards of the State and guarantees them a living. What has happened, and is happening, to the Indians is what will happen to us all, if we allow the Federal Government, first to support or subsidize us, then to acquire the same kind of control over our lives that it long has had of the American Indians. We will become, in effect, slaves, carried first this way, then that way, with the changing views and character of the Administration. We will no longer be free agents, dependent solely on the Lord and our own efforts to make our way in the world, but dependent on a huge bureaucracy for our living. And the time to resist such a trend is in the *beginning*, before it becomes so strong that resistance is useless. True Christians have not hesitated to resist the State when it thus sought to force upon them views and beliefs contrary to their Christian faith, or to take from them the economic and political rights which safeguarded their religious liberty. The first apostles answered the tyrannical priests who would have robbed them of their freedom of speech: "We ought to obey God rather than men" (Acts 5:29). Where Christians have been a persecuted minority, their resistance had, perforce, to be a passive resistance, suffering patiently whatever trials and tortures might be visited upon them. But Christians have also from the beginning actively resisted the encroachments of the State upon their faith and their rights, by every legal means open to them. Thus did Paul appeal to Caesar when the Jews sought to slay him. Thus did the early Christians draw up their "apologies," defending their faith, to present to emperors and governors. Tertullian, a hundred years after the last of the apostles, "stated the right of the Christians to be left in peace by the Roman government in the name of the right of every man to worship God according to his own conscience." (Prof. La Piana, loc. cit.) Luther turned his fiery pen, not only against corrupt priests and popes, but no less boldly against secular princes who in any manner interfered with the rights of the Church. So we today should guard our Christian faith, not only against the errors and attacks of heretical religionists, but also against the wiles and violence of secular agencies who would fain use the church for their own ends or else destroy its power over, the hearts of men, lest it prevent them from gaining dictatorial, totalitarian control of the people.

We are all familiar with the manner in which a triumphant Socialism has persecuted the Christian Church in the Soviet Union and its subject territories,-closing the churches; slaving or starving out the priests and ministers; barring the Bible; controlling the education of the young, so as to wean them away from all religious faith and instill in their hearts a hatred for everything Christian; and, by an inhuman, satanic system of propaganda, spying and terrorism, forcing everyone to recognize no creed but that of Communism and no prophets except Marx, Lenin and Stalin. We have also heard a great deal about the persecution of the Church in Germany under the National Socialism of Adolf Hitler. Much of this latter will, indeed, have to be discounted. For we are informed that our affiliated Saxon Free Church and other Free Churches have not been molested in their work, and that much of the try of persecution comes from those churches which have long wielded political power in Germany while relying upon the State for support; and which, therefore, feel injured when the State takes that power and support away from them. In this connection, the words of St. Ambrose, quoted above, are pertinent. In Austria, the triumph of the Nazis meant, not persecution, but the restoration of religious liberty and the end of the persecution of Evangelical Churches by the Catholic dictatorship under Schusnigg, so that "the president of the Evangelical Church published a real Thanksgiving proclamation because of this development" (the incorporation into Germany). See the address by Dr. P. O. Bersell, in The Bond, Oct., 1939.

But the fact remains that all Socialism, whether it be International-Jewish, or National-anti-Semitic, or Catholic "Social Justice," or Christian "Social Gospel," is totalitarian in its very root-nature, so that it cannot but demand control of the whole man in body and soul sooner or later. The greater the success of the National Socialist Party in building up a strong nation internally and in conquering its enemies, the greater will the danger be in Germany for true Christians accordingly. Control of the education of children is passing more and more into the hands of the Nazis and away from the Church. The government has within the last year banned radio broadcasts of religious services, on the ground that "the radio is a government institution and the government is not an instrument of the Church." Although we can agree with this statement in principle, it is not clear why the Church should not be allowed to use even a government-owned radio; if it pays for its use.

The triumph of Socialism in France, and its great progress in England and our own country, are likewise a threat to the religious liberty which has existed in these countries for a century or more. It is, therefore, not an undue "mixing into politics" if a Christian Church warns and preaches against Socialism, as our Lutheran Church has done from the days of Dr. Walther down to the present time, in order to prevent Socialistic laws from being foisted upon our people. We have thus from the beginning guarded jealously the right to teach our children in our own schools, considering that we thereby best serve not only the children but also the State. We have been active, as a Church, in protesting State and Federal legislation which interfered with or threatened that right, is with the notorious Oregon and Nebraska laws 26 years ago, and, in recent years, with the so-called Child Labor Amendment to the Federal Constitution,—a thoroughly Socialistic measure in its origin, purpose and scope. Persistent attempts are being made today to put our educational system under Federal control. "The American Coalition," representing 114 patriotic organizations, warns that the purpose of the Federal Education Bills, Sen. 1305 and H. R. 3517, is "to centralize direction of the Educational System of the country in the Federal government;---the enactment of these bills would enable any coterie of educational socialistic crack-pots who might attain office to communize the Nation in a generation. Remember the Federal Theatre Project and the Communist propaganda it has disseminated. Remember the F. E. R. A. Schools and the Communist text books from Moscow which they utilized." We are closer than many people realize to having our schools become like the Communist schools, where according to the Soviet Commissariat of Education, "teaching must be so conducted that by the end of his schooling the pupil has a clear understanding that, though religions differ in form, they all in essence lead to the same end, all are ideologies of slavery, all implacably contradict science and all are directed against the interests of toilers." Many of our State Universities and High Schools are already doing their best to inculcate such ideas in the minds of our young people.

The present-day popularity of Socialistic schemes for "social justice" has made it difficult for the conservative Church to speak out against the dictatorial, totalitarian trends in our own government, although that certainly is needed more today than ever before. Too many of our own people have been seduced by the fair promises and attractive schemes of Socialism, often masquerading under innocent-appearing aliases, and will not listen to the warnings of the better informed. Even churches that should know better have publicly sponsored Socialistic doctrines, if they have not gone the whole way over to the "Social Gospel" and Modernism. The result is that America is in serious danger of losing its heritage of civil and religious liberty. Earl Browder, general secretary of the Communist Party in the United States, recently discussed "America's ripeness for a quick transition to Socialism" and pictured the United States as they would appear "after the Red Revolution." According to a New York A. P. dispatch, Nov. 12, 1838, he said: "Opposition political parties probably would meet the same fate as the 18 noncommunist parties that survived revolution in Russia. They disappeared from the political scene one by one as they took up arms against the government.-The educational system would follow Communist ideologies and become adjusted to the needs of the people, instead of capitalists.—Religion would be purged of most of its present leaders and teachings. Religious institutions which could be shown in public debate as not a social menace to the new system would survive.—Industry, national economy, property and profits would be taken over by the government and expanded rapidly. The press is a great industry; therefore it is impossible to think of it continuing as it is."

Surely this is clear enough to make anyone who is not willfully blind see that American Communism is no better than its Russian parent, even if it does in this country work so largely through churches, universities, and prominent politicians and industrialists, and has neatly "pressed its pants." Nor should we be deceived into believing that Communism is no longer a menace to our country because the official party so named has lost its popularity with large numbers of people over since Stalin made terms with Hitler. The Communist leader, Trotsky, is no less a Communist, because he opposes Stalin and charges him with having betrayed the cause of Communism and world revolution. The thousands of Jews and other prominent Americana who have left the Communist Party since last fall have not changed their Socialistic, anti-Christian views, because they could not follow Stalin in his tortuous diplomacy. And there are still hundreds of prominent writers, millionaires and social and political leaders who will espouse the cause of the Communists and its subsidiary organizations, who will speak of their "Communist friends;" and who will fight to the last ditch to preserve "civil liberties" for them which they neglect to uphold when it comes to defending anti-Jewish or anti-Socialistic propagandists. The millionaire head of the Socialistic Party in Massachusetts, Mr. Alfred Baker Lewis, may condemn both Communists and Nazis as a menace to the world; but he is no less an anti-Christian Socialist himself for all that.

In the face of this situation, it is necessary for our Church to let its opposition to all Communistic schemes and all encroachments upon our American Constitutional rights be known, and for Christian citizens to be active in their capacity as loyal American citizens against all subversive and dangerous trends and activities, even if this entails opposing and attacking highly placed officials who are not true to their oath of office. Our Constitution says in its very first Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press." Yet such laws are being proposed continually by men whose attitude to the Constitution is well expressed in the words: "What is the Constitution between friends?" and who look upon it as an out-moded, out-of-date document, unsuited to the modern world. We have the duty, both as Christians and as citizens, to defend the Constitution against every treacherous, treasonable effort that is being made to undermine it and to change its basic character. For in our country, the Constitution takes the place of the King whom Scripture commands us to obey and to honor. I Peter 2:18, 17. And as law-abiding citizens, we should be first among those demanding that the fundamental law of the land be honored. Do we want our churches burned, our altars desecrated, our Christian schools closed or turned into instruments for de-Christianizing our children, as has been the case within our own lifetime in Russia, Hungary, Spain, Mexico, China and many other places? Do we want a Socialistic dictatorship,call it Communist, Nazi, Fascist, Christian, or what you will,-fastened upon our people, perhaps under the pretext of destroying Communism or Fascism in other lands? If not, we must not wait till the noose is fastened securely about our necks, but must keep our eyes open and guard against every single move to deprive us of the liberties that have made America great and turned it into a haven of refuge for persecuted minorities from every land and given the Christian Church the grandest opportunities for growth and for service that history records.

These are troubled times. We do not know what the future has in store for us. We know only that the even-tide of the world draws on apace and that we need daily to pray with Martin Luther:

"Lord, keep us steadfast in Thy Word; Curb Pope and Turk and all that horde Who fain would hurl from off Thy throne Christ Jesus, Thy beloved Son.

Destroy their counsels, Lord our God, And smite them with an iron rod, And let them fall into the snare Which for Thy Christians they prepare;

So that at last they may perceive That, Lord our God, Thou still dost live, And dost deliver mightily All those who put their trust in Thee."

We can find no better description of our day and age and in better words with which to close this discussion of the dangers threatening Church and State in our times than Selnecker's hymn:

"Lord Jesus Christ, with us abide, For round us falls the even-tide; Nor let Thy Word that heavenly light, For us be ever veiled in night.

"In these last days of sore distress Grant us, dear Lord, true steadfastness, That pure we keep—till life is spent— Thy holy Word and Sacrament.

"Oh, keep us in Thy Word, we pray; The guile and rage of Satan stay; Unto Thy Church grant, Lord, Thy grace, Peace, concord, patience, fearlessness.

"O God I how sin's dread works abound! Throughout the earth no rest is found, And wide has falsehood's spirit spread, And error boldly rears its head.

"Those haughty spirits, Lord, restrain, That fain would o'er Thy Christians reign, And e'er bring forth some fancies new, Devised to change Thy statutes true.

"And as the cause and glory, Lord, Are Thine, not ours, do Thou afford Us help and strength and constancy; With all our heart we trust in Thee.

"A trusty weapon is Thy Word, Thy Church's buckler, shield and sword; Lord, let us by this Word abide, That we may seek no other guide."