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THE JUST WAR

AND LUTHERAN THEOLOGY

E. Edward Hackmann

The title of this paper immediately raises questions about both terms involved in the title. To discuss the “just war” raises the question of the meaning of the term, as well as whose concept of the “just war” one is talking about. And to discuss the just war and “Lutheran theology”, raises the corresponding question: Whose “Lutheran theology” is one talking about?

To settle the latter question first, the “Lutheran theology” I will be discussing in this paper is what I understand to be the theological position of Luther himself, which was systematized by the orthodox Lutheran theologians of the seventeenth century, and which has continued to find its sources in that tradition within the Lutheran Church.

THE JUST WAR CONCEPT

It is not so easy to settle the other question about the meaning of the concept, “the just war.” This concept has had a long history; and various accoutrements have been added and subtracted to it in the course of its development. The first thinker who is usually acknowledged to have associated the term “just” with “war” in any sense is Aristotle. Aristotle’s concept of the type of war which might be termed “just,” however, is quite different from what is usually considered to be the classic concept of the just war. For Aristotle, that war is just which is based on the nature of things. By nature certain peoples are inferior to other people. Thus, for example, war which is the pursuit of those human beings who refuse to remain in their natural subordinate position is just.¹

As time went on the concept of “just war” acquired more explicit moral and religious connotations. The just war became characterized as a war in vindication of moral justice, aimed at the restoration of peace. And with the further passage of time, various writers added various principles with respect to the right to engage in war, as well as to the right conduct of warfare, until the formulation of what is commonly referred to as “the classic form of the just war theory” emerged at the close of the

1. Aristotle, *Politics* I, 1256b, 23-26, *Works of Aristotle*, W.D. Ross, Ed., Vol. X (Frome: D.R. Hillman & Sons Ltd., 1961).

Middle Ages. It is this concept of the just war to which I shall particularly refer, since it is the concept which seemed to crystallize around the time of Luther, and is the one which some writers maintain can first be recognized as the classic form of just war theory. Thus James Johnson writes,

Those authorities who have traced Christian just war theory back to its Augustinian and medieval roots have overlooked one simple yet devastating fact: there is not just war doctrine, in the classic form as we know it today, in either Augustine or the theologians or canonists of the high Middle Ages. This doctrine in its classic form, including both a *jus ad bellum* (statement on the right to make war) and a *jus in bello* (statement on what is allowable in the course of war), both in a reasonably elaborate form close to what twentieth century commentators mean when they say "just war doctrine," does not exist prior to the end of the Middle Ages. Conservatively, it is incorrect to speak of classic just war doctrine as existing before about 1500.²

The just war theory which emerged around 1500 embodied two basic concepts. The first was what came to be termed the *jus ad bellum*, the right to declare and engage in war. This emphasized that a just war must be declared by the proper authority; should be fought for a just cause and with the right intent; and the aim of such war should always be the restoration of peace. The second concept in classic just war theory was the *jus in bello*, right in the conduct of war. This was concerned with the principle of proportionality, the amount of force to be used in proportion to what was at stake, which could also call for weapons' restrictions; and the principle of discrimination, restricting the use of force to those who were engaged in combat, which provided for the immunity of noncombatants.³

These central elements are what continue to be understood as the just war concept. That many Lutherans, still today, accept this classic concept of the just war is evident from the statement of the Lutheran Council in the U.S.A. on "Our Peace/War Ethic." In that statement, formulated in the early seventies, it is asserted that "the idea of the just war is part of the ethical legacy of Lutherans." And the chief points of the idea are given as:

With respect to *jus ad bellum*:

- a) The war should have a just cause, e.g., the protection of the innocent or the restoration of basic rights wrongfully denied.
- b) The war should be a last resort, undertaken only when all methods short of violence have been exhausted.
- c) The war should be declared and waged on the basis of the nation's properly constituted authority and procedure for doing so.
- d) The war should have reasonable prospect of success or be able to attain its goals without squandering the lives and goods of people.

With respect to *jus in bello*:

- a) The war should be waged so that due proportion between means used and ends sought is maintained, avoiding wanton and unnecessary destruction. (This is the principle of proportionality.)
- b) The war should be waged so that noncombatants are safeguarded, using

2. Johnson, James, *Ideology, Reason, and the Limitation of War* (Princeton, New Jersey: Princeton University Press, 1975), p. 71.

3. *Ibid*, p. 26.

force only to restrain, and inflicting no harm on those who can inflict no harm, e.g., civilians and prisoners. (This is the principle of discrimination.)

- c) The victor should show mercy to a defeated enemy, including assistance with rebuilding what has been destroyed.⁴

If this is what some Lutheran theologians espouse as their just war doctrine, it might be salutary to point out that historically Lutheran theologians have not attempted to formulate or explicitly espouse a formal just war doctrine. It is true that distinctions were acknowledged between a just war and an unjust war already by Luther and the orthodox theologians of the seventeenth century. However, they were not concerned to present a systematic just war theory. Even the orthodox systemizers seem to simply acknowledge the criteria set forth by Aquinas in his *Summa Theologica*, where he posited three main conditions of a just war: right authority, just cause, and right intention.⁵ Thus Chemnitz writes, “The Scholastics say there are three requisites for a war to be lawful and just. 1. Declared by legal authority. 2. Patient offense, that is, a lawful and just cause. 3. A proper final intention.”⁶ Similarly Quenstedt writes that there are to be distinguished just wars which are not undertaken except in the case of urgent necessity, and unjust wars which have no such urgent necessity. The just war involves three conditions: 1. It is declared by the lawful authority; 2. it has a just cause; and 3. it has a right intention.⁷ Thus while Lutheran theologians recognized the concept of a “just war,” in terms of its then current understanding, they were not concerned to try to formulate a “Lutheran” just war theory, nor even a “Christian” just war theory. This was because they did not understand war to be an activity of the Christian Church. It was understood as an activity of the governing authority, and therefore was not a matter for theological exposition. The reason for this goes back to Luther and his doctrine of the two kingdoms.

THE TWO KINGDOMS

As is well known, Luther maintained that Scripture portrays human existence as being involved in two kingdoms. Both kingdoms have been established by God. The one is a spiritual kingdom, the other a worldly or temporal kingdom. The spiritual, Luther calls the kingdom of God; the temporal is the kingdom of the world. The kingdom of God is a kingdom of grace and mercy; its subjects display forgiveness and consideration for one another; their lives are characterized by love, service, the doing of good, peace, joy, and all the fruit of the Spirit. The kingdom of the world, on the other hand, is a kingdom of law and punishment. It is characterized by wrath, repression, judgment and condemnation to restrain the wicked and protect the good.⁸ Generally speaking, Christians alone are citizens of the kingdom of God; and all those who are not Christian are citizens of the world. More accurately, however, all human beings are, by birth, citizens of the kingdom of the world. At baptism or con-

4. The LCUSA Statement on “Our Peace/War Ethic,” *Peace/War/Conscience* (Minneapolis: Augsburg Publishing House, 1975), p. 8.

5. Aquinas, Thomas, *Summa Theologiae*, Vol. 35 (London: Blackfriars, Eyre & Spottiswoode, 1972), pp. 81-83.

6. Chemnitz, Martin, *Locorum Theologicorum*, Part II (Wittebergae: Impensis Clementij Bergeri & Zachariae Schureni Bibliopolarum, 1615), p. 128.

7. Quenstedt, Johann, *Theologia Didactio-Polemica*, Part IV (Wittebergae: Matthaei Henckelii, 1685), p. 429.

8. Luther, Martin, *Luther's Works*, Vol. 46 (Philadelphia: Fortress Press, 1967), p. 69.

version, however, a Christian renounces his citizenship in the kingdom of the world and is declared a citizen of the kingdom of God. Yet the Christian continues to live as a kind of landed immigrant (if I may draw an analogy from my Canadian experience) in the kingdom of the world. So the Christian lives in the world among members of the kingdom of the world as well as among members of the kingdom of God.

Furthermore, as a citizen of the kingdom of God and a resident in the kingdom of the world, the Christian comes under the jurisdiction of both kingdoms. Each has its own kind of jurisdiction. The kingdom of the world has laws which govern physical life and property, and the external affairs of this world. The kingdom of God is under the jurisdiction of divine grace and is concerned with the soul, spiritual life and salvation.⁹ The kingdom of God is instructed, governed, and upheld by the Gospel. Members of this kingdom have the Holy Spirit in their hearts; and from this perspective they need no coercive law nor threat of punishment. They do no injustice to anyone; they love everyone; they suffer injustice and even death willingly and cheerfully at the hands of anyone; their delight is in, and entire life is devoted to, doing the Will of God.¹⁰ Among themselves there is no higher authority. Each is subject to one another. Each considers the other a superior. If some hold an overseer position in God's kingdom, this is not a position of physical power and domination, but rather a position of service. Pastors and bishops are no higher or better than other Christians. Their rule and service is through the Word of God. It is alone through God's Word that they minister to the spiritual needs and welfare of those under their pastoral care.¹¹

The kingdom of the world, on the other hand, is governed by natural reason and coercive force. Members of this kingdom need laws to instruct, constrain, and compel them to do what even natural reason recognizes to be right. Consequently, this kingdom requires governing authorities who must be recognized as God's instruments for establishing and preserving order, justice, and peace in the world. To these authorities, then, God has given the power of the sword for the punishment of evil, protection of the good, and the preservation of peace. When the governing authority engages in activities aimed at establishing or maintaining peace and obedience, such activities too are to be seen as being instituted by God. Even with respect to war waged for such ends Luther writes,

For the very fact that the sword has been instituted by God to punish evil, protect the good, and preserve peace (Rom. 13:1-4; I Pet. 2:13-14) is powerful and sufficient proof that war and killing along with all the things that accompany wartime and martial law have been instituted by God. What else is war but the punishment of wrong and evil.¹²

It is in the light of his understanding of the two kingdoms that Luther speaks of "just" and "unjust" wars.¹³ It is in the light of this distinction that the Augsburg Confession¹⁴ and the Apology of the Augsburg Confession¹⁵ refer to "just wars." But it

9. Luther, Martin, *Luther's Works*, Vol. 45 (Philadelphia: Muhlenberg Press, 1962), p. 105.

10. *Ibid.*, p. 90f.

11. *Ibid.*, p. 117.

12. *Op. Cit.*, *Luther's Works*, Vol. 46, p. 95.

13. Luther, Martin, *Luther's Works*, Vol. 41 (Philadelphia: Fortress Press, 1966), p. 36.

14. Tappert, Theodore, Editor, *The Book of Concord* (Philadelphia: Muhlenberg Press, 1959), p. 37.

15. *Ibid.*, p. 222.

is significant to note that neither Luther nor the Confessions expound any theory of the just war. In general, within the context of the doctrine of the two kingdoms, Lutheran theology, historically, has not addressed itself to the just war theory as such, nor been concerned to formulate an explicit just war theory. This was because theology was understood to be an endeavor pursued within the kingdom of God and was concerned with matters of the kingdom of God. The kingdom of God does not plan, justify, nor execute wars. Such matters are the proper function of the kingdom of the world. Consequently, theories of just war are the business of the kingdom of the world, not the kingdom of God. It is the proper business of the kingdom of the world to formulate such theories in order to clarify its proper function as God's instrument for order, justice, and peace in the world.

This judgment itself, however, namely that just war theory is the business of the kingdom of the world, is a judgment of theology from within the kingdom of God. Similarly, it must be recognized that the doctrine of the two kingdoms is itself formulated from within the kingdom of God, and so is proposed with the authority of the kingdom of God. Consequently, the question as to whether the conduct of war itself is a God-given function of the government of the world or not is a proper question to be asked by theology. But this is the only proper kind of questions for theology to raise, the broad general questions about the functions which God has assigned to His kingdom of the world.

This does not mean, however, that the individual Christian may not be concerned about the justification of war and whether a particular war is just or not. The two kingdoms meet in the human being, and so a Christian, who is at the same time sinner and saint, is also at the same time a member of the kingdom of God and the kingdom of the world. Thus, the Christian's concern about war is a proper concern as a citizen of his country, as a member of the kingdom of the world. Since the kingdom of the world is God's "order" through which God carries out His Will on earth, the Christian citizen is properly concerned that the functions of the kingdom of the world be carried out in harmony with the revealed Will of God. In fact, if the governing authority demands of the Christian anything which is outside its sphere of authority and contrary to the Will of God, the Christian, like the Apostles, is conscience-bound to obey God rather than men. However, the concern the Christian does have with the operations of the kingdom of the world, he has as a member of that kingdom and not as a member of the kingdom of God. Should a number of Christians even decide to express their common views in a unified statement regarding actions of their government, actions which properly fall within the sphere of the kingdom of the world, and not within the sphere of the kingdom of God, they should be aware that such statements should not be viewed or represented as having the authority of the kingdom of God, but as speaking to the authority of the kingdom of the world by subordinate members of that kingdom.

Since Lutheran theology has not seen as its proper function to formulate a theory of just war; and yet, since a Christian is involved in both kingdoms, Lutheran theology has seen it as its proper function to consider the individual Christian's relation, as a member of the kingdom of God, to the kingdom of the world. Consequently, the questions which Luther and Lutheran theology have discussed most extensively are focused on the individual member of the kingdom of God and what is God's Will for him or her in relation to the activities of the world. Thus, what Lutheran theology has said about war and the conduct of war has invariably arisen in

the context of what God's Will is for the Christian citizen in the context of war. The questions most extensively discussed by Luther were questions such as: May a Christian serve as a soldier? May a Christian prince or governing authority initiate and engage in war? May a Christian rebel against governmental authorities?

A CHRISTIAN SOLDIER?

Luther's discussion of such questions came primarily in response to questions put to him by a Christian knight, who was having qualms of conscience in attempting to reconcile his confession as a Christian with his profession as a soldier. These questions finally resulted in Luther publishing his treatise on "Whether Soldiers, Too, Can Be Saved." In this treatise Luther asserts that the occupation of a soldier is an honorable and godly office. This is because it is a function of the temporal sword and temporal government which, according to Romans 13 and the First Epistle of Peter, has been instituted by God for the punishment of wrong, the protection of right, and the preservation of temporal peace. Of course, this office too can be abused, and so that which is godly and right may become evil and wrong if the person engaged in it is evil and unjust. Consequently, also such a person's work may be evil when it is carried out in a way that is not in accordance with the purposes for which God instituted the office. But that a soldier may rightfully serve in his occupation is justified, first of all by the fact that war itself may rightfully be waged. This is the case when the divinely-instituted governmental authority undertakes the war; and it is undertaken for the sake of those divinely-instituted purposes for which the governing authority was established by God. People may condemn war as the greatest evil on this earth; and if sin had not corrupted human nature, or if everyone were a perfectly sanctified child of God, war would indeed be the greatest plague on earth. But unfortunately sin motivates people to rob, steal, murder, rape women, abuse children, greedily grasp for international power and attempt to enlarge one's international boundaries at the expense of weaker countries. Consequently, war is necessary when properly undertaken and conducted in order to restrain and limit the natural chaos which would result otherwise, which would destroy everyone. The soldier's occupation then is as needful and useful as any other in the activities of the kingdom of the world.

This Luther maintains is demonstrated also in Scripture. First of all, in the Old Testament, Abraham, Moses, Joshua, the Judges, Samuel, David, and all the kings of Israel engaged in war and were praised for what they did. If it is objected that they fought under the explicit command of God, and that therefore their example is not relevant to the New Testament Christian, such objections are answered, by Luther, by again noting that the Apostles Peter and Paul exhort obedience to worldly rulers and ordinances. Furthermore, when soldiers came to John the Baptist (Luke 3:14) to be baptized, and asked John what they should do to exhibit fruits that befit repentance, he answered them, "Rob no one by violence or by false accusation, and be content with your wages." Thus John did not condemn the soldiers for being soldiers, nor did he tell them to cease doing their work as soldiers; rather he cautioned them to refrain from ungodly actions in their office. Jesus Himself clearly indicated that war in itself, in the kingdom of the world, is not evil when He told Pilate, "If my kingship were of this world, my servants would fight, that I might not be handed over to the Jews; but my kingship is not from the world." (John 18:36) "Therefore," Luther concluded, "even under the New Testament the sword is established by God's word and commandment, and those who use it properly and fight obediently serve

God and are obedient to his word.”¹⁶

Luther then proceeds to distinguish three kinds of war concerning which the question of whether a Christian may participate in them or not may be raised. Before discussing them, however, Luther emphasizes that a crusade or holy war, or a war in the name of the kingdom of God may be eliminated from consideration because war is not an activity of the kingdom of God. Consequently, a Christian can never rightly participate in a war carried out under the aegis of the kingdom of God, or conducted by bishops or popes in the name of the Church; not even if such wars are claimed to be conducted in order to protect the Gospel itself.

THREE KINDS OF WAR

Of the three kinds of war which may be properly discussed, the first is when war is waged between equals. Here equal does not mean equal in strength, but equal in sovereignty. Neither participant is subject to the other. Each is sovereign in his own right. A sovereign, however, should not engage in such wars lightly. He should try in every way to maintain peace and avoid war. War should be the last resort, when the situation compels the sovereign to go to war. This means that the conscientious ruler will not start a war. Whoever starts a war is in the wrong. Wars should be in self-defense because that is why God instituted worldly government, namely, to preserve peace and avoid war.¹⁷

But even if the governing authority is compelled to go to war, he must not think that just because he has a just cause for going to war that therefore God will invariably assure him victory; or that he is justified in doing whatever he pleases in carrying out the war.¹⁸ He should still conduct the war in the fear of God, and recognize that it is God alone who enables one to win the victory. He must not trust or take pride in the justice of his cause, but should trust alone in the grace and mercy of God. Luther’s conclusion then regarding war between equals is that it should be undertaken only when it is forced upon the one party, and then it should be fought in the fear of God.¹⁹

The second kind of war Luther discusses is that in which a subject fights against the governing authority. Here Luther finds the governing maxim in Romans 13, “No one shall fight or make war against his overlord; for a man owes his overlord obedience, honor, and fear.”²⁰ This is supported in various passages of Scripture. Exodus 22:28 says, “You shall not revile God, nor curse a ruler of your people.” Paul, in writing to Timothy, urges Christians to pray for their rulers; and in Romans he urges, “Beloved, never avenge yourself, but leave it to the wrath of God; for it is written, ‘Vengeance is mine, I will repay, says the Lord’.”

It is not difficult to obey these precepts of God’s Word as long as the governing authority is benevolent and just. But do these same precepts hold even when unjust tyrants occupy the governing office? Since these are God’s precepts, Luther answers, they hold no matter who holds the governing office. If Christians think that suffering the injustice of tyrannical rule is unreasonable, Luther suggests that the following should be kept in mind. First, remember that no matter how cruelly unjust rulers may

16. *Luther’s Works*, Vol. 46, pp. 94-98.

17. *Ibid.*, pp. 118-120.

18. *Ibid.*, p. 121.

19. *Ibid.*, pp. 123-125.

20. *Ibid.*, p. 103.

injure a person in physical and temporal things, they cannot harm the soul. It is the soul of the unjust ruler which is condemned eternally by such actions. Thus God will wreak vengeance upon the unjust. Secondly, if one were to suffer great physical and material harm in fighting for a benevolent authority for a just cause, one would not seek to avenge the ruler who had undertaken the war; and yet there may be more good and innocent people injured in such a war than are harmed by tyrannical rule. What's the difference whether the suffering is brought on by a destructive just war, or by a tyrannical government. Thirdly, God permits tyrants to rule and perpetrate their injustices because of the sin of those subject to such tyranny. People easily recognize that a tyrant is a scoundrel; what they are slow to recognize, is their own perverseness before God. If a people were truly repentant and God-fearing, God could easily remove a tyrannical government. Fourthly, one should not think that by obeying God's precepts not to rebel and fight against tyrannical government that one is aiding and abetting tyranny in its rule. There are plenty of people who do not heed God's precepts, and God may at any time lead them to overthrow and replace such a government. The tyrant is no more secure in his office with the obedience of those citizens who are Christian than he would be without them. Finally, the fact that God does not want Christians to rebel against their rulers does not mean that God may not accomplish the same thing through other means. He may raise up foreign rulers to carry out His vengeance against the tyrant. In general, then, Christian citizens should not fight against their governing authority no matter how unjust such a governance may be. Vengeance belongs to God; He will deal with injustice in His own time and in His own way. Should citizens take matters into their own hands to overthrow the government, the resulting conditions may be even worse than the former.²¹ Luther writes,

Every man is involved in justice and injustice. However, God alone is lord over justice and injustice, and God alone passes judgment and administers justice. It is God who commits this responsibility to rulers to act in his stead in these matters. Therefore let no one presume to do this, unless he is sure that he has a command from God, or from God's servants the rulers.²²

The third kind of war distinguished by Luther is that in which the governing authority engages in war against its subjects. Governing authority has been established by God for the sake of order and peace in the community. Therefore, if the authority governs well all should go well; subjects would be governed fairly, prudently, and peacefully; and there would be no need to use force and arms against subjects of the government. However, if subjects rebel against the governing authority, then the authority will be forced by necessity to fight against them. In this case, in fact, the ruler who does not use the power which God has given him to punish the evildoer and protect the innocent, and fails to use the sword to put down godless rebellion, is shirking his God-given responsibility and becomes responsible for all the murder and evil which such rebels commit.²³ However, in this case too, a ruler must not place confidence in his being in the right in thus undertaking war, but also such war should be undertaken in the fear of God; for unless this is the case, God may well determine that a ruler is to be punished by his subjects. This still does not mean that the subjects are right in their taking up arms against their ruler, but God may use them to ac-

21. *Ibid.*, pp. 108-113.

22. *Ibid.*, p. 114.

23. *Ibid.*, p. 53.

comply His purposes with respect to both the governing authority and those who are the governed.²⁴

PRINCIPLES FOR JUST WAR THEORY

In the writings where Luther either explicitly or incidentally discusses war, it is evident that he never attempts to set forth an explicit just war theory. His concern is always to delineate on the basis of God's Word what would be the God-pleasing course of action to follow either for the Christian citizen or for the Christian prince in respect to war. But while Luther did not expound an explicit just war theory, many have maintained that implicitly he accepted and taught principles which were the same as those of classic just war theorists.²⁵ Thus it is maintained the principle that war should have a just cause is espoused by Luther when he writes in "Whether Soldiers, Too, Can Be Saved,"

No war is just, even if it is war between equals, unless one has such a good reason for fighting and such a good conscience that he can say, "My neighbor compels and forces me to fight, though I would rather avoid it." In that case, it can be called not only war, but lawful self-defense, for we must distinguish between wars that someone begins because that is what he wants to do and does before anyone else attacks him, and those wars that are provoked when an attack is made by someone else.²⁶

The second principle that war should be a last resort, undertaken only when all methods short of violence have been exhausted, is said to be adopted by Luther when, in the same treatise, he writes,

Our conclusion . . . , then, is that war against equals should be waged only when it is forced upon us and then it should be fought in the fear of God. Such a war is forced upon us when an enemy or neighbor attacks and starts the war, and refuses to cooperate in settling the matter according to law or through arbitration and common agreement, or when one overlooks and puts up with the enemy's evil words and tricks, but he still insists on having his own way.²⁷

The third principle that war should be declared and waged on the basis of the properly constituted authority and procedure for doing so, is seen to be supported by Luther when in his treatise, "On War Against The Turk" he writes,

In the first place, if there is to be war against the Turk, it should be fought at the emperor's command, under his banner, and in his name. Then everyone can be sure in his conscience that he is obeying the ordinance of God, since we know that the emperor is our true overlord and head and that whoever obeys him in such a case obeys God also, whereas he who disobeys him also disobeys God.²⁸

The fourth principle that war should have reasonable prospect of success or be able to attain its goals without squandering the lives and goods of people is said to be echoed by Luther, again in reference to war against the Turk, when he writes,

24. *Ibid.*, pp. 125-126.

25. Niebanck, Richard J., *Conscience, War and the Selective Objector* (New York: Board of Social Ministry, Lutheran Church in America, 1972), pp. 29-31.

26. *Luther's Works*, Vol. 46, p. 121.

27. *Ibid.*, p. 125.

28. *Ibid.*, p. 185.

My advice, then, is that we not insufficiently arm ourselves and send our poor Germans off to be slaughtered. If we are not going to make an adequate, honest resistance that will have some reserve power, it would be far better not to begin a war, but to yield lands and people to the Turk in time, without useless bloodshed, rather than have him win anyhow in an easy battle and with shameful bloodshed.²⁹

The fifth principle of proportionality, that war should be waged so that due proportion between means used and ends sought is maintained, is seen as Luther's position when in his treatise on "Temporal Authority: To What Extent It Should Be Obeyed" he writes,

A prince must punish the wicked in such a way that he does not step on the dish while picking up the spoon, and for the sake of one man's head plunge country and people into want and fill the land with widows and orphans. . . . Let this be the rule: Where wrong cannot be punished without greater wrong, there let him waive his rights, however just they may be.³⁰

The sixth principle, that of discrimination, which says that war should be waged so that noncombatants are safeguarded, inflicting no harm on those who can inflict no harm, Luther is seen as supporting when in writing about the office of the soldier he says,

There are some who abuse this office, and strike and kill people needlessly simply because they want to. But that is the fault of the persons, not of the office, for where is there an office or a work or anything else so good that self-willed, wicked people do not abuse it? They are like mad physicians who would needlessly amputate a healthy hand just because they wanted to. Indeed, they themselves are a part of that universal lack of peace which must be prevented by just wars and the sword and be forced into peace.³¹

Finally, the seventh principle that the victor should show mercy to a defeated enemy, including assistance with rebuilding what has been destroyed, is said to be indicated by Luther when in reference to the Peasants War he advised the rulers that after the war, "if they won, they were to show grace, not only to those whom they considered innocent, but to the guilty as well."³²

LUTHERAN THEOLOGY AND THE JUST WAR

Now if Luther and Lutheran theology do not expound a just war theory, and yet express principles which are much the same as the just war theorist expounds, what can we finally say about the relation between Lutheran theology and the just war theory? First of all, it must be clearly and explicitly recognized that historically Lutheran theology has not been concerned to formulate or explicitly espouse a just war theory as such. Rather, the concern has always been to expound the teachings of God's Word in such a way that it provides spiritual power, guidance, and edification for the individual Christian, first of all for the salvation of his soul, but also for sanctification of living, so that in all aspects of life, even in war, the Christian may with clear conscience be assured of living according to the Will of God. Not that the Chris-

29. *Ibid.*, p. 201f.

30. *Luther's Works*, Vol. 45, p. 124.

31. *Luther's Works*, Vol. 46, p. 97.

32. *Ibid.*, p. 84.

tian can do so perfectly, without sin, but that he may endeavor to do so humbly in the fear of God.

With respect to war, Lutheran theology historically adopted Luther's concept of the two kingdoms, which he emphasized was nothing more than what God's Word taught. In the light of the two kingdoms, the Christian could be assured that the power of the sword had been given to the kingdom of the world by God, and that therefore there were wars of necessity which could be waged in accordance with the responsibility which God gave to the kingdom of the world. In such wars, the Christian, as a citizen in the kingdom of the world, also has a God-given obligation to obey his governing authorities and serve for the benefit and welfare of his fellow-citizens.

Does this mean that the Christian must always obey the governing authorities, and must fight also in unnecessary and unjust wars? No, although Luther did advocate that if there were doubt in the Christian citizen's mind whether a particular war was justified or not, he should give his governing authority the benefit of the doubt and serve conscientiously until it might become evident whether the war was in accordance with the responsibilities God has given to temporal authorities. If it is clear that a given war is contrary to the Word of God, and hence not in compliance with government's God-given responsibility and authority, then the Christian citizen is conscience-bound to obey God rather than human authority, and may with clear conscience refuse to serve in such a war. However, he still has no authority from God to resist his government by force.³³ Thus, the Christian lives as a member of both kingdoms. As a being who is *simul justus et peccator*, he continues to manifest the fruit of God's Spirit as a member of God's kingdom, and at the same time continues to serve as an obedient subject in the kingdom of the world as long as it does not demand that which is contrary to God's revealed Will. In all areas of life, where he falls short of Christian expectations, he daily finds forgiveness and healing at the throne of his ever-merciful Lord and Savior who is the divine King of both kingdoms.

Does Lutheran theology then support just war principles? It does insofar as they are understood to be in harmony with the authority and responsibility which God has given to secular government. The principles themselves are not God-given directives, but are understood by Lutheran theology to be the product of human reason operating in the light of natural law—"natural law" in the Lutheran understanding of that term.

Here, incidentally, we might note that the doctrine of the two kingdoms presents the just war ethicist with an unavoidable and morally insoluble dilemma. On the one hand, the kingdom of God, as such, does not engage in war, and so does not formulate any theory of what constitutes a just war. There are no just wars in the kingdom of God. Yet the kingdom of God recognizes that the kingdom of the world is God-instituted; and in this kingdom wars may be justly engaged in and fought. Therefore the formulation of just war theory is the business of the kingdom of the world. Such ethically just theories may be expounded, but the situation in the kingdom of the world is such that the majority are not ultimately controlled by rational freely chosen ethical principles. This was why God found it necessary to give the power of the sword to the kingdom of the world in the first place, namely to establish laws, pressure, and force to maintain ethical order and peace. But now if one government adopts a just war standard which is not accepted by an enemy government, or which is chosen to be violated by an enemy government, it renders any just war

33. *Ibid.*, p. 130f.

theory futile. War will occur anyway, and the just war government may have to throw its just war principles to the wind in order to try to maintain its very existence, let alone its ethics; for in the kingdom of the world existence is always of higher priority than ethics.

It was in the light of this dilemma that Luther advocated strength in the face of enemy threats. While the governing authority should seek by all means to avoid war, this does not mean that it should not take all necessary steps and build its military strength in the event that war becomes a necessity. In this regard, Luther praised his Elector Frederick for patiently taking all kinds of abuse from enemy princes and not being provoked into war. At the same time he also praised Frederick for saying that if his enemies should start a war against him, he would be the one who would decide when it would be time to stop.³⁴

CONTEMPORARY RELEVANCE?

Finally, to conclude this cursory consideration of Lutheran theology and just war theory, we might ask yet: Are the principles advocated by Luther and his theology any longer relevant today for the Christian and his situation in the world? There are many who would maintain that to attempt to apply Luther's thought to our nuclear age can result in little more than either a caricaturization of Luther's thought or a caricaturization of the nuclear situation, or both. But because Luther expounded his principles on the basis of God's Word, and not simply on natural law and evident reason, those who see the application of his thought to our modern age as a caricaturization, do so, I fear, because finally they do not accept the full authority of God's Word. Certainly the political structures, the sociological configurations, the economic powers, the weapons and methods of warfare of the twentieth century are completely different from Luther's sixteenth century situation. But Luther's theological principles were not based on these ephemeral aspects of human existence; but rather they were based on the enduring realities of God's creation and God's Word—the enduring realities of the nature of the human being, the 'orders' which God established in His creation—particularly in terms of the two kingdoms, and the relations between these created things and God.

The enduring truths which Luther expounded on the basis of God's Word are, of course, primarily of significance and relevance for the Christian citizen who still in the twentieth century wants to live his life, also as a member of the kingdom of the world, in harmony with God's revealed Will. How the kingdom of the world is to fulfil its God-given responsibilities in the twentieth century context is a matter of concern, policy formulation, and practice for the kingdom of the world to wrestle with. It must do so in the context of the corrupt sinful nature of the human being, and consequently may deviate far from the standards of natural law and sound reason. Christians, as citizens of the kingdom of the world, will certainly want to encourage and advocate that actions in harmony with God's law and sound reason characterize the operations of their governing authorities; but they do so as Christian citizens in the kingdom of the world, and not as representatives of the kingdom of God.

It may be objected, of course, that as long as the Christian is concerned to promote Christian principles and actions in government, that is what is important. It is useless to make the distinction whether he does so as a member of the kingdom of God or a

34. *Ibid.*, p. 119f.

citizen in the kingdom of the world. After all, it is the same person that does it. While this is true, the danger of ignoring or confusing the functions which God has given the Christian in each kingdom is that it tends to perceive the power of the Church as something which it is not, and may result in maintaining that the mission of the Church is to regulate the kingdom of the world; and consequently the alleged Church tends to become involved in all kinds of political activity to the neglect and detriment of the true spiritual mission of the kingdom of God.

In all situations, and particularly in our twentieth century, the Church and the members of God's kingdom need to keep in clear focus the nature of God's kingdom and its ultimate hope. From its beginning, the Christian Church lived in the midst of worldly danger and persecution, and in expectation of the imminent end of all things. Today we live in no less, but really no greater threat of danger. As with Christians of all ages, we make plans for the future responsibly, but always subject to the benevolent Will of our God. Our ultimate hope is not based on the success of worldly plans and principles. We know our salvation is not won if danger recedes or if nuclear threats are reduced. On the other hand, if dangers increase and nuclear destruction menaces, we know we need not despair. As the people of God, we will with the Apostle Paul of old, continue to live out our lives in faith "awaiting our blessed hope, the appearing of the glory of our great God and Savior Jesus Christ." (Titus 2:13)



THE GOOD SAMARITAN SOCIETY

(A LUTHERAN SOCIAL SERVICE ORGANIZATION)

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