

# Lutherans and Catholics: The Journey toward Oz. Reflections on Conscience, Faith and Freedom

Colleagues,

Marie A. Failinger is today's guest writer. She describes herself as "a lifelong Lutheran, a law professor at Hamline University School of Law, and editor of the Journal of Law and Religion." She recently blessed me with a chapter in my 75th Birthday Festschrift, which is just as teasingly Lutheran as this week's ThTh posting. A version of this paper was delivered in response to Fr. J. Bryan Hehir, Parker Gilbert Montgomery Professor at the Kennedy School of Government, Harvard University, at the "Faith and Freedom: The 40th Anniversary of Vatican II and the Declaration on Religious Liberty," conference October 17, 2005, co-sponsored by the Fordham Center on Religion and Culture, Francis and Ann Curran Center, and the Institute on Religion, Law and Lawyers' Work, see [www.fordham.edu/ReligCulture](http://www.fordham.edu/ReligCulture). Marie insists that add this line: "My thanks to Ed Schroeder, whose support and critique of this work has been extremely helpful."

Peace and Joy!

Ed Schroeder

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## ***Lutherans and Catholics: The Journey toward Oz.***

*My assigned task today is to talk about how Lutherans might think differently about religious freedom, conscience and authority. I speak in dialogue with Catholics and other Christians, knowing that my audience is perhaps not all Christian, or even all religious. But, I hope you will not hear, in my attempt to be responsive to the question and the person, a claim that excludes any of you from the conversation.*

*If we were to tell a story about how we Lutherans understand the difference between ourselves and Catholics on the relationship between moral choice and moral truth at the heart of religious truth, it might go something like this. In the Catholic story, Dorothy is on a tortuous journey along the Yellow Brick Road to Oz, the Land of Truth. Along the way, as the Wicked Witch beholds her through the crystal ball, Dorothy encounters four trials. They test her ability to stay loyal to the search for truth. First, there is the trial of need, symbolized by the huge apple tree that refuses to be picked to fill her empty stomach. That trial the Scarecrow outsmarts. Second, there is the trial of suffering, the Witch's attempt to set Scarecrow on fire. (And here, as Fr. Larry McCormick suggests, we might remember St. Ignatius, Bishop of Antioch, martyred in 113 by being thrown to wild beasts in the Coliseum, whose feast day is today.) That trial is evaded by the Tin Man. Third, there is trial of fear, the "dark and creepy" forest full of lions and tigers and bears that menace her life. Dorothy and her friends finally make it out of there. Finally, Dorothy succumbs to the temptation to avoid the problem of good and evil: she falls asleep in the bed of poppies. But she is ultimately rescued by her friends and the Good Witch watching over her. In the Catholic version, exercising the virtues of practical wisdom, perseverance, courage, and care, and with some divine intervention, Dorothy and her companions emerge*

from the forest into the light of the City of Truth. They may be a bit intimidated to be there, but they are sure they have come to the right place.

In the Lutheran version of the story, Dorothy and her friends never leave the forest thicket. The temptations of need, of suffering, fear, and the temptation to avoid moral problems are a daily part of their lives, the last day as much as the first. They can't measure their progress by the shining light of the Land of Truth ahead of them. Rather, they have to settle for the hope brought by an unexpected voice breaking through the dark forest onto the road, assuring them against all the evidence that there is every reason to hope. Unfortunately, the voice SEEMS to them to be gone as soon as it is heard. Of course, despite what they see around them, Dorothy and her companions still really want to believe that they are on the Yellow Brick Road. But in the Lutheran version, as they move forward, they find only an ever deepening web of menacing thorns. In fact, if they have the courage to look closely enough, they find these thorns to be growing out of their very own hearts, ever more tangled and thick. It is only in the moments that they care for each other in the deepening forest, as they sit down to share a meager lunch of bread and cheese, hunched against each other in the cold night, that they hear the voice of the Land of Truth they seek.

In the Lutheran version of the Wizard of Oz, human hope is not located in our glimpse of the City of Truth. Rather, it is located in the promise that confounds the reality we live every day: it is located in the promise we cannot verify by ANY human means: though the thorns thoroughly conceal the City, it is really there. Or, more in keeping with the movie's story line, our hope is in the unbelievable promise that home has always been there for us, if only we will give up our own self-preoccupation with OUR truths and our own search to EARN for

ourselves for what has been promised and given to us all along.

Thus, the Lutheran view of the relationship between truth, human freedom, conscience and the moral expectations of community is a paradoxical and elusive brew. Lutherans say “no” to many alternative constructions of this relationship. We say “no” to behavioralist claims that human beings really have no freedom of moral decision and action. We say “no” to the modernist view that all moral decisions are the personal choices of human beings with virtually unlimited moral freedom. We deny an expressivist construction that “I should do what feels right.”

But Lutherans also say “no” to a legalistic construction of the truth, one that suggests that “out there,” we will be able to find a clear set of rules about the way we should live our lives in this world, whether in a text or anywhere else. Lutherans have a doctrine of natural law that recognizes God’s creative work in living relational structures that bring order to human action and human community—in Luther’s time, the household, the state, and the church. But we say “no” to the view that the truth can ever be fully discovered in such structures—or any fixed and immutable structure of the universe—or by a moral journey using our skill, wisdom and virtue.

For Lutherans, God is nothing if not a God who moves and breathes and changes as a part of history. God is not a truth-destination; God breaks in as a voice of truth at the most unexpected moments of our despair about human events. But then, as we reach out to trace God’s features and know God’s will, God runs and hides from us. For us Lutherans, there is only one true and clear message that informs how we live our lives, the claim that is the heart and soul and mind of Scripture: I am a sinner and saved, not by my own reason or strength, but solely

*by the blood of Jesus Christ.*

*As a result, the common-sense idea that human beings can learn to know the good, do it, and then feel good in their consciences that they are truly acting as Christians does not hold for us Lutherans. Paradoxically, we Lutherans do not believe that one's "conscience" can confirm even one's faith: rather, "the testimony of the conscience . . . contradicts faith in the promise."*

*Luther recognized both the antecedent and the consequent functions of conscience-that is, both its role in making moral decisions and in judging the actions of persons after they have occurred. However, in wrestling with his soul, he turned his primary theological attention to the consequent: to the guilt we humans experience when our judging conscience tells us that we have chosen the evil.*

*Luther believed that original sin affects both reason and will to an enormous extent: within both reason and the will, good and evil are constantly contending. Thus, all moral conclusions that the most brilliant rational mind of the Church or world reaches-pick your best saint or philosopher-have to be regarded as just as suspect as any common sinner's willful refusal to do that good, because they are just as likely to be self-justifications. That is, any grand moral scheme or specific moral judgment is likely to be just a fancy explanation for why what we want to do in our own self-interest is right. It is likely to be a rationalization that we are really the 'good guys' because of what we choose and what we do. It is not that Luther discarded the idea that the mind was inclined to truth and the will to good actions. His insight simply made it impossible to suggest that human rationality, the will, or the actions themselves-any of them-could be untainted by sin. In this view, Mother Theresa, George W. Bush, and Saddam Hussein*

*stand equally condemned before God.*

*For Luther, conscience is important when it is guilty, not when it seems pure. Luther argued that our innate desire for the good and our consciousness that we are free to consent to the good make it possible for us to realize, in conscience, when a sinful choice has been made and to feel guilt. The conscience, thus, makes it possible for us to realize that we are condemned, that we are utterly worthless before God. That moment does not often happen because we are so good at justifying ourselves. But when it does happen, even though in that moment our conscience suggests we are hopeless, we for the first time become open to the possibility of salvation, which is the only real truth.*

*For Lutherans, this puts in some confusion the question of how Christians should make antecedent moral decisions such as those by an individual who stands against the state or the church “in conscience.” Luther claimed that good works would follow our surrender to the cross, as we began living out of faith and not works. He did not believe that the saved Christian’s rational faculties or will would be cleansed of sin so she could deduce what the moral law required her to do. Rather, Luther argued that morally good action would flow from a Christian’s faith like an unstoppable river, that it would well up in response to the need of the neighbor, a response that embraced the affective as much as the cognitive, the Christian’s whole being. Through the Holy Spirit, God’s law moves from the inside out, not imposed externally upon us but as our delight in God’s law expresses itself: faith becomes active in love for the neighbor.*

*However, at the very same time, because we are simultaneously sinners and saints, there is no Christian—not one—who is not still living a life infected with self-absorption and self-*

delusion. If Christians are faced with a moral decision, then, how do they know whether the response that is “within” them is the overflow of faith active in love or simply the rationalization of a sin-infected conscience? This dual character of the Christian life might freeze the overwhelmed Christian into inaction, for any action he would take is necessarily immoral and insufficient before God. That would be wrong because each Christian is called to act deeply and decisively as co-governor of this world’s affairs, drawing from resources of natural law and its governances, human experience, and the Word. Conversely, a conscience fully freed from the law would seem to be the devil’s playground: who knows what elaborate justifications the “simultaneous sinner” might concoct to excuse his sins against God and his neighbor under the guise of faith active in love?

We might be tempted to resolve this dilemma in a number of ways:

1. We might propose a two-spheres solution When Christians are making decisions relating to the affairs of this world, they should just go ahead and parse universal moral principles for specific moral responsibilities and when they act in Christian community, their love should express their faith. However, this “separate spheres” solution misunderstands Luther. When Luther spoke of God’s “left-hand” and God’s “right-hand” reigns, he was not talking about God’s separate activities in a secular sphere of life and a sacred sphere or Christian community. Rather, in all of earthly life, no matter where and who is involved, God is acting to create and preserve the creation, His “left-hand” governance. He is also acting to save all humankind from our sins, His “right-hand” governance. We live in the whole world as Christians, out of our faith and out of our reason at the

same time.

2. We might also suggest that the Christian's conscientious decision is right if it is confirmed by the revealed law of Scripture. Indeed, Scripture is the one source of confirmation Luther really trusted, but even there, he described a paradox: as one fulfills the law most perfectly, he is most likely to be condemned by the law because he is most likely trying to justify himself. Conversely, it is just as one's conscience judges him to be most worthless, most violating the law, that he is probably closest to the kingdom of heaven because he is most open to receiving the gift of salvation.
3. Third, we might propose that a conscientious objector to institutional practices seek to confirm his conscience with external authority, such as the community of the church. However, the turn to authority per se is not an easy answer for Lutherans, either. To the extent humans are infected with sin, so human institutions are infected. Luther had a very robust sense of the work of the devil in this world. Even though the Gospel will ultimately prevail—of this Luther is sure—the devil works the hardest at turning away the human heart in the church, the state, and the household, the very institutions God has designed for the spread of the Gospel and the preservation of human community. Thus, to tread on a sensitive topic, a modern-day Luther might remark upon the clergy abuse scandals plaguing both Catholic and Protestant churches by responding, “Duh! Just where did you EXPECT the devil to be spending his time?”
4. Depending on “received tradition” or “common wisdom” handed down from the generations to confirm one's conscience is just as problematical. Tradition or human wisdom is just as likely to reflect the “spin” of self-



*justifying people pursuing their own self-interest on the backs of the oppressed and needy as it is to be a trustworthy corrective to individuals' moral misperceptions or evil wills. Any number of examples in the past two hundred years of history--the complex moral arguments for the Nazi state, human slavery and women's oppression, just for starters--show that human self-justification, exponentially magnified in human "wisdom traditions," becomes almost intractable oppression.*

*So, Lutherans continually dance between thoughtful and planned moral choice informed by Scripture, tradition, and the need of the human community, and always infected by desire and self-justification; and response out of the eruption of boundless love toward our neighbor. Given that dance, it is hard to know when we can trust a decision of the "conscience" to challenge external authority, whether the church or the state.*

*Briefly, how might this theology speak to the arguments for religious freedom Dr. Hehir has raised in the written remarks prepared for this lecture?*

- 1. Yes, human beings are created in the image of God and thus, their right of religious freedom is rooted in human dignity.*
- 2. Yes, moral discernment is a gift of God's creative activity, and especially when an individual is working out of his office, as parent, as pastor, as judge, as lawmaker. Thus, the authority of the office is to be respected by the disobedient, as much as the conscience of the disobedient is to be respected by the authorities.*
- 3. Yes, the government must use force, if necessary, to preserve public order or the human community, even against those who believe they are doing God's will and acting in God's name. Moreover,*

1. *The use of coercion against the conscience is as much to be feared because the coercer may be justifying himself as it is because it might violate the dignity of the coerced. To give the coercer the power to continue in his soteriological delusion is as wrong as to strip the disobedient of her right to follow her conscience. Thus, the right of individual conscience, and the corporate free exercise of religion, are necessary as a means to bring authority structures to repentance. The fact of religious freedom in a culture stands as a symbolic affirmation of the First Commandment: only God knows, only God rules, only God saves.*
2. *The use of coercion, state or church, to force individuals to believe or act contrary to conscience violates the basic relational reality of the Gospel. Coercion does not simply deny the human dignity of the person per se. It also negates the reality that all human beings are in relationship with God, who is waiting for and expects a response from them. To interrupt either the call of God to each of them to come home, or to shortcut their freedom to respond that they are ready, with coercion is to disrupt all that matters. And for what? For the sake of something that we cannot even know, that is, an elusive truth about how the world is to be preserved.*
3. *At the same time, all Christians, including those with authority in church and the state, must be prepared to call fellow human beings, including conscientious disobedients, to account for their self-justification. Every Christian, with the power of the sword if necessary, must stand against the oppression of the neighbor. Every Christian must*

deny humans' claims that their evil works are good, that cowardice and selfishness and corruption are necessary in "real life" or mandated by conscience. Only if we have the courage to ask each person to experience his utter sinfulness before God as we witness to the hope of home can we serve as God's true instruments in this world. Only if her conscience is laid low can any human being to open her hand to the gracious hand of a crucified Christ. And that IS the whole world.

Marie A. Failing