Would Jesus Kill Hitler? Bonhoeffer, Church, and State

Kenneth K Ching
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INTRODUCTION

Whether Jesus would kill Hitler is a symbolic question about the relationship between church and state. Jesus did not have occasion to answer, but Dietrich Bonhoeffer did. Bonhoeffer tried to “live the life of Jesus” while participating in a plot to assassinate Hitler. He was a German pastor, a philosopher, a spy, and a member of an anti-Nazi conspiracy that. Much can be learned from Bonhoeffer about the relationship between church and state.

Bonhoeffer’s political thought and action grew out of a political tradition this article calls the Natural Law and the “Two Kingdoms” (“NL2K”) tradition, which was developed over many centuries by men like St. Augustine, William of Ockham, Martin Luther, and John Calvin.

Section I of this article summarizes NL2K thought, identifying primary themes such as the paradoxical antithesis and commonality between Christians and non-Christians, the institutions of church and state, whether to use coercive force in religious matters, and natural law as the standard for civil law. Section II describes a persistent problem in the history of NL2K thought: the tendency of the church to influence the state either too much, as in theocratic Geneva and

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2 This article’s summary of NL2K thought is based primarily on Dr. David VanDrunen’s 2010 book, Natural Law and the Two Kingdoms, A Study in the Development of Reformed Social Thought. VanDrunen’s book has been praised as “an excellent work of historical theology.” See, e.g., C. Scott Pryor, Natural Law and the Two Kingdoms: a Study in the Development of Reformed Social Thought, 26 J.L. & Rel. 695, 695, 700 (2011). Pryor has indicated to me areas in which VanDrunen’s claims in Natural Law and the Two Kingdoms should be clarified, especially with regard to Abraham Kuyper, the neo-Kuyperians, and aspects of John Calvin’s theology. However, addressing these issues would not affect this article’s claims, and reassessing VanDrunen’s theological history is beyond the scope of this article.
Puritan Massachusetts, or too little, as in the Antebellum American South and Nazi Germany. Section III uses the NL2K themes as a framework to assess Bonhoeffer’s relationship to the NL2K tradition, concluding, contrary to some, that Bonhoeffer embraced NL2K thought though he developed it. In light of Bonhoeffer’s development of the NL2K themes, Section IV analyzes his actions during the rise of the Nazis, including his participation in the plot against Hitler. Finally, Section V assesses Bonhoeffer’s mostly positive contributions to NL2K thought, including the solutions he suggested to the problem of the church having either too much or too little influence on the state.

This article is relevant to both religious and non-religious readers for several reasons. First, it describes a vision of the church/state relationship that is compatible with the norms of liberal democracy. Second, it raises, even from the secular perspective, the possibility that religion can have too little influence on social and political issues. Third, it identifies solutions to difficult problems presented by religion in modern societies. Fourth, it provides guidance on both the restraint and encouragement of religion in secular society. Fifth, at a minimum, it is fascinating to consider what a rigorous ethicist like Bonhoeffer thought while he acted to oppose the Nazis and Hitler. It is akin to thinking through whether Jesus would have killed Hitler.

I. NATURAL LAW, TWO KINGDOMS THEORY

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3 Jean Bethke Elshtain, Freedom and Responsibility, in THEOLOGY AND THE PRACTICE OF RESPONSIBILITY at 273 (Wayne Whitson Floyd, Jr. and Charles Marsh eds., 1994) (Bonhoeffer’s life cannot be separated from his work.)

4 Cf. Pryor, supra note __, at 697.
Natural law theory, for purposes of this article, claims that humans possess God-given reason by which they can know right from wrong. Two kingdoms theory holds that there is a Kingdom of God and a Kingdom of the World, represented in this life by the church and the state. These theories go back to at least the second century and remain prominent today. It has been argued that natural law rights are embedded in the American Constitution and that “[t]he two-kingdoms view . . . is at the heart of our First Amendment.”

Dr. David VanDrunen’s 2010 *Natural Law and The Two Kingdoms* identifies a long tradition in which natural law and two kingdoms theories are connected. To be clear, neither VanDrunen nor this article argues that there exists one “NL2K” tradition or theory to which all the figures addressed in VanDrunen’s book are joined. However, this article does claim that VanDrunen’s book reveals consistent themes in the tradition and even that a majority position emerges in NL2K thought. Nevertheless, “NL2K” is simply a rubric used in this article to associate various natural law and two kingdoms thinkers and themes. This article will use as an analytical framework seven key NL2K themes: (1) the God-ordained state; (2) two institutions: church and state; (3) antithesis between the two kingdoms; (4) commonality between the two kingdoms; (5) coercion in religious matters; (6) whether the state is redemptive; and (7) natural law as the standard for civil law.

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6 *See infra* Section I(A)(2). Though many two-kingdoms thinkers associate the Kingdom of the World with the state, others believe it encompasses many social institutions and activities.


10 VAN DRUNEN, *supra* note __, at ix.
These themes can be identified in the following historical figures. St. Augustine (354-430), the Bishop of Hippo, was a Roman who lived to see the Visigoths sack Rome. His epic *The City of God* describes the relationships between the church and state and the City of God and the Worldly City.\(^{11}\) Pope Gelasius I (died 496), in a letter to Emperor Anastasius, described the relationship between church and civil powers using the evocative language of Two Swords.\(^{12}\) Gelasius lived in Christendom and did not consider pluralistic societies, but not so with William of Ockham (1280-1349), a monk and philosopher who wrote extensively on politics and rejected the pope’s claim to civil authority.\(^{13}\) Thomas Aquinas (1225-1274), was a Catholic priest and the writer of the *Summa Theologicae*, which described the concept of natural law.\(^{14}\) Martin Luther (1483-1546), the German monk who started the Protestant Reformation,\(^{15}\) articulated the language of the “two kingdoms.”\(^{16}\) Luther wrote extensively on the concepts of and relationship between natural law and the two kingdoms.\(^{17}\) Luther’s contemporary, John Calvin (1509-1564), was a pastor in Geneva, Switzerland, and drafted church and government reforms based on his positions on NL2K themes.\(^{18}\) The Dutchman Abraham Kuyper (1837-1920) was a remarkable figure, a pastor, university founder, theologian, newspaper editor, member of Parliament, and Prime Minister.\(^{19}\) Kuyper developed NL2K thought with his theories of sphere sovereignty and

\(^{11}\) BRUCE L. SHELLEY, CHURCH HISTORY IN PLAIN ENGLISH, 124-131 (1995).


\(^{15}\) Edward M. Plass, Monasticism, in WHAT LUTHER SAYS: AN ANTHOLOGY, 2:964 (1959).

\(^{16}\) VAN DRUNEN, *supra* note __, at 55-62.

\(^{17}\) Id., at 55-65.

\(^{18}\) Id., at 67-115.

\(^{19}\) See id., at 276 (citing LOUIS PRAAMSMA, LET CHRIST BE KING: REFLECTIONS ON THE LIFE AND TIMES OF ABRAHAM KUYPER (1985); FRANK VADEN BERG, ABRAHAM KUYPER (1950); and P. KASTELL, ABRAHAM KUYPER (1938)).
organic Christianity.\textsuperscript{20} And Karl Barth (1886-1968), described by Pope Pius XII as the most important theologian since Aquinas, systematically broke with NL2K thought, but considered himself a “theologian of the Reformed Church” and was a contemporary of Bonhoeffer.\textsuperscript{21} Later this article will also consider early American NL2K thinkers like John Cotton, Stuart Robinson, and James Henley Thornwell.

This section describes seven NL2K themes. There are differences of opinion among NL2K thinkers, but a majority view emerges. What also emerges is a problem: sometimes the church influences the state too much, sometimes too little.\textsuperscript{22}

A. Key themes

1. The God-ordained state

The large majority of NL2K thinkers have held the state is a legitimate, divinely-ordained institution.\textsuperscript{23} Characteristically of NL2K thinkers, Ockham believed Romans 13:1 describes the state’s authority.\textsuperscript{24} Luther described temporal authority as “truly God’s own government,” claiming the authority of the state and its right to use coercive force are ordained by God and sanctioned by Christ.\textsuperscript{25}

2. Two Institutions: Church and State

\textsuperscript{20} See id., at 276 et seq.
\textsuperscript{21} E.g., http://www.gci.org/history/barth; see VANDRUNEN, supra note __, at 316 et seq; see METAXAS at 60, 120, et seq.
\textsuperscript{22} “[O]ne problem consistently appears …: the inability of Reformed theologians to clearly identify the borders of the two kingdoms … This confusion of the two kingdoms plagued Reformed socio-political theorizing thereafter …” Pryor, supra note 4, at 696-97.
\textsuperscript{23} VANDRUNEN, supra note __, at 33-35, 39, 56-60, 91, 123-8, 297, 329. Augustine, however, viewed the state as a necessary evil under a “cloud of suspicion,” largely because of the participation of non-Christians. Id. at 34.
\textsuperscript{24} “Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God.” Romans 13:1; VANDRUNEN, supra note __, at 60.
\textsuperscript{25} VANDRUNEN, supra note __, at 56-57, 60.
NL2K thinkers have generally held that the two kingdoms are expressed by two institutions, church and state. But there is significant variety among NL2K thinkers on the nature and relationship of these two institutions. Augustine identified two peoples, the City of God and the City of Man, and he loosely identified the City of God with the church and the City of Man with civil government. Gelasius described the world as being ruled by two institutions, church and state (as opposed to two peoples). Identifying two peoples suggests there is no overlap between Christians and non-Christians. But identifying two institutions implies that Christians and non-Christians can be members of both the church and the state.

Gelasius described the two institutions as “Two Swords,” saying “[b]oth are from God and have distinct purposes.” These two “Swords” must be mutually submissive to one another in their respective areas of competence. “Spiritual activities” are the domain of the clergy, and “secular affairs” are the domain of the civil magistrate.

Ockham emphasized the state’s independence from the church, observing that Christ himself had refused to become a secular ruler. Ockham claimed the church should not use its power in temporal or secular matters. For Ockham, temporal rule could be exercised by

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26 Id., at 22-28 (citing AUGUSTINE, CITY OF GOD, Books 14, 19 (Trans. Markus Dods, 1950)).
27 Id., at 33-34.
28 Id. Augustine acknowledged the possibility of Christians and non-Christians intermingling in both church and state. Id. at 32.
29 Id., at 33-34 (citing BRIAN TIERNEY, THE CRISIS OF CHURCH & STATE: 1050-1300, 13-15 (1964)).
30 Id.
31 Id.
32 Id., at 38-9 (citing generally WILLIAM OF OCKHAM, A SHORT DISCOURSE ON TYRANNICAL GOVERNMENT (Ed. Arther Stephen McGrade, Trans. John Kilcullen, 1992)).
33 Id., at 38-9.
Christians and non-Christians and “obliges everyone, believer and unbeliever alike.” Ockham glimpsed the possibility of religious pluralism.

Within the NL2K tradition, Luther’s thought seems the most modern. The state is neither subject to the church, nor should it encroach on the church’s spiritual sphere. There are two governments or kingdoms, one spiritual and one temporal. Both are ordained by God, but they have different purposes. The spiritual government’s purpose is to produce Christians, and the temporal government’s purpose is to restrain evil. The Kingdom of God is ruled by the Holy Spirit not the sword, and civil magistrates should not use physical coercion in religious matters. Heresy should be fought with Scripture, not force (though Luther was not always consistent about this teaching, a subject discussed below). However, in the Kingdom of the World, the government must use the sword to restrain evil. Thus, Christian civil government is impossible: spiritual/Christian government is non-coercive, but civil government must rule by coercion; moreover, many people are not Christians, and they should not be coerced into obeying Christian standards.

Calvin’s position was close to Luther’s. There are two kingdoms, institutionally expressed as the church and the state. The church governs the “life of the soul,” but the state

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34 *Id.*
35 See *id.*, at 40-41.
36 *Id.*, at 57-58; see also SCHLINGENSIEPEN at 125-26.
38 See *id.*
39 *Id.*
40 *Id.*
41 *Id.*
42 See *id.*; see also SCHLINGENSIEPEN at 125-26.
43 VAN DRUNEN, *supra* note _, at 79 (citing JOHN CALVIN, INSTITUTES OF THE CHRISTIAN RELIGION, 4.20 (Trans. Henry Beveridge, 1953)).
governs “matters of the present life” and external life.\(^44\) God grants the sword to the state but denies it to the church; the state may coerce its citizens through force, but the church may not (Calvin’s inconsistencies on these points are discussed below).\(^45\) In the spiritual kingdom, the only authority is God’s Word.\(^46\) But the same is not true for the state.\(^47\) The church and state have their own sovereign jurisdictions, so the church should not exercise the duties of the state, nor should the state exercise the duties of the church.\(^48\) However, Calvin also believed that the state should assist the church by preventing idolatry and blasphemy.\(^49\) How can this be reconciled with his position that the state should not exercise authority over spiritual matters? We will consider this apparent inconsistency in Calvin’s thought in Section II(A).

Kuyper believed that not only is the state independent from the church, but that each “sphere” of life – art, science, politics, education, commerce – is independent and sovereign.\(^50\) The state’s role is to maintain the independence of each sphere.\(^51\) Kuyper believed in religious liberty for all people.\(^52\) Society in general has inherent potential for goods like peace, justice, and prosperity that should be developed.\(^53\) Kuyper’s view of the church’s relationship to the other spheres is unique among NL2K thinkers. For Kuyper, the church is an institution, but it is also an

\(^{44}\) VanDrunen, supra note _, at 73, 76-79. The distinction between internal spiritual and external physical life is important and will be discussed in Section II(A).

\(^{45}\) Id., at 81, 87.

\(^{46}\) See id., at 74.

\(^{47}\) Id., at 73-74, 78.

\(^{48}\) Id., at 81-82.

\(^{49}\) Id., at 82, 86 (citing John Calvin, Commentary on a Harmony of the Evangelists, Matthew, Mark, and Luke, in Calvin’s Commentaries, vol. 16 (Trans. William Pringle, 2003)).

\(^{50}\) Id., at 296-7 (citing Abraham Kuyper, Sphere Sovereignty, in Centennial Reader, 467 (Ed. James D. Bratt, 1998)); Abraham Kuyper, Lectures on Calvinism, 90, 94-96, 157 (1931)).

\(^{51}\) VanDrunen, supra note _, at 297.

\(^{52}\) Id., at 306 (citing John Witte, Jr., The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism, chpt. 6 (2007)); J. Budziszewski, Evangelicals in the Public Square, 59-62, 67-69; James W. Skillen, From Covenant of Grace to Equitable Public Pluralism: The Dutch Calvinist Contribution, Calvin Theological Journal, 31 (1996)).

\(^{53}\) See VanDrunen, supra note _, at 305-6.
organism.\textsuperscript{54} As an institution, the church deals with “religious” matters.\textsuperscript{55} But as an organism, the church should pervade and transform the other spheres of society.\textsuperscript{56}

3. Antithesis

NL2K thinkers often describe antithesis between the two kingdoms, which stands in tension with another important theme, commonality, discussed in the next section. Augustine described a fundamental hostility between Christians and non-Christians.\textsuperscript{57} There is theological antithesis because Christians worship God, but non-Christians reject God. There is ethical antithesis because Christians live “after the spirit,” but non-Christians live “after the flesh.” And there is eschatological antithesis because Christians are destined for eternal life, but non-Christians are doomed to eternal death.\textsuperscript{58}

Unlike Augustine, who lived in Rome at a time of social conflict between Christians and non-Christians,\textsuperscript{59} Gelasius lived in religiously homogeneous Christendom.\textsuperscript{60} Thus, he described the two kingdoms living in harmony, and the theme of antithesis is absent from his Two Swords visions.\textsuperscript{61}

Luther’s and Calvin’s thought corresponds to Augustine’s in identifying fundamental antithesis between the two kingdoms, especially in terms of ethics and eschatology.\textsuperscript{62} Further, the

\textsuperscript{54} Id., at 298.
\textsuperscript{55} Id.
\textsuperscript{56} Id., at 296, 304 (citing Abraham Kuyper, \textit{Common Grace in Science}, in \textit{CENTENNIAL READER}, 188-89 (Ed. James D. Bratt, 1998)).
\textsuperscript{57} Id., at 27 (citing generally \textit{AUGUSTINE, CITY OF GOD}).
\textsuperscript{58} Id., at 22, 27.
\textsuperscript{59} \textit{See id.}, at 24.
\textsuperscript{60} \textit{See id.}, at 32-36.
\textsuperscript{61} Id., at 34, 36 ((citing \textit{BRIAN TIERNEY, THE CRISIS OF CHURCH & STATE: 1050-1300}, 13-15 (1964)).
\textsuperscript{62} Cf. \textit{id.}, at 56-59 (citing generally \textit{MARTIN LUTHER, TEMPORAL AUTHORITY}), 71, 91 (citing \textit{CALVIN, INSTITUTES, supra})).
means of ruling the two kingdoms are antithetical, as the Kingdom of God is ruled non-coercively, but the Kingdom of the World is ruled coercively.63

Kuyper identified an epistemological antithesis between the two kingdoms.64 Antithesis arises from people’s basic worldviews, with Christians acknowledging and non-Christians rejecting God as sovereign ruler.65 Kuyper believed correct knowledge depends on acknowledging God.66 He believed Christians should engage in their own cultural endeavors (science, for example) based on premises about God.67

4. Commonality

The theme of commonality stands in tension with the theme of antithesis. For Augustine, although a person could be a citizen in only one “city,” God’s or Man’s, Christians and non-Christians both participate in the church and state.68 Augustine contemplated Christians participating cooperatively with non-Christians in many cultural endeavors, including government, for the sake of “earthly peace.”69

Ockham contemplated a religiously heterogeneous society with Christians and non-Christians sharing everything not specifically related to the spiritual teachings of the church, including temporal authority.70 Similarly, Luther taught that temporal authority was exercised by and obliging on both Christians and non-Christians.71 A large common space emerges in

63 Id., at 59; see supra note 4.
64 VAN DRUNEN, supra note _, at 303.
65 Id., at 291 (citing KUYPER, LECTURES, at 79, 155; citing Abraham Kuyper, Calvinism: Source and Stronghold of Our Constitutional Liberties, in CENTENNIAL READER, 303, 307 (Ed. James D. Bratt, 1998)).
66 Cf. id., at 291.
67 Id., at 292-93.
68 Id., at 22.
69 Id., at 22-24, 28-30 (citing AUGUSTINE, CITY OF GOD supra).
70 Cf. id., at 38-41 (citing generally OCKHAM, SHORT DISCOURSE).
71 Id., at 60.
Ockham’s and Luther’s two kingdoms, which can be occupied by Christians and non-Christians harmoniously: Christians must be allowed to live as Christians, and non-Christians must be allowed to live as non-Christians.

Calvin also recognized that Christians and non-Christians have common interests in civil government.\(^{72}\) However, his thought is similar to Gelasius’s in that he primarily contemplated a uniformly Christian society, and so it is unclear how he would have organized a pluralistic one.\(^{73}\) That Calvin approved of the execution of a heretic is troubling.\(^{74}\)

Kuyper believed that commonality between Christians and non-Christian is defined by “common grace.”\(^{75}\) Common grace applies to all human life and is “a \textit{temporal restraining} grace, which holds back and blocks the effect of sin.”\(^{76}\) Common grace also positively develops culture and inherent human potential.\(^{77}\) “Common grace, therefore, allows a measure of cooperation among believers and unbelievers in cultural life, despite the ever-present reality of antithesis . . . .”\(^{78}\) Kuyper may have described the largest degree of commonality in the NL2K thinkers we have considered. He contemplated Christians and non-Christians working together to advance God’s original plans for the world. Kuyper’s commonality is not merely negative (i.e., restraining evil) but positive, affirming the inherent value of the contributions of Christians and non-Christians to society and culture.

\(^{72}\) \textit{Id.}, at 91 (citing \textsc{Calvin, Institutes}, 2.2.13-17).
\(^{73}\) \textit{Id.}, at 93.
\(^{74}\) Calvin’s approval of the execution of Michael Servetus is discussed in Sections I(A)(6) and II(A).
\(^{75}\) \textit{Id.}, at 307.
\(^{76}\) \textit{Id.}, at 295 (citing \textsc{Kuyper, Common Grace}, 168).
\(^{77}\) \textit{Id.}, at 295.
\(^{78}\) \textit{Id.}, at 295.
Barth also described great commonality between Christians and non-Christians. He endorsed religious pluralism. For Barth, Christ is reflected and manifested even in non-Christians.

Given the commonality between Christians and non-Christians, the consensus in NL2K thought is that Christians should participate in civil government, but there is significant variety on the quality of that participation. Augustine permitted Christians to participate in the state and society for the purpose of “earthly peace” and to advance Christian interests. Gelasius necessarily envisioned Christians in government, since he contemplated a society populated only by Christians. Ockham sounded a warning: Christians should not impose their religion on or through the civil government. Luther encouraged Christians to participate in civil government not to advance Christianity but to bless their neighbors by working for peace, safety, and against evil. Calvin said Christians can offer “pleasing service to God” by serving in the civil government, though there is significant tension in Calvin’s thought on whether Christianity should be advanced by the civil government. And Kuyper, too, had tensions in his thought, advocating a Christianized culture and politics, yet upholding religious liberty and the inherent value of non-Christian social and cultural life. Finally, Barth held that Christians should

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79 Id., at 339.
80 Id., at 325-26 (citing KARL BARTH, CHURCH DOGMATICS, IV/3/1 (Eds. G.W. Bromiley and T.F. Torrance, trans. T.H.L. Parker, W.B. Johnston, Harold Knight, J.L. M Haire, 1957)).
81 Id., at 22.
82 Id., at 34, 36.
83 Id., at 38-39 (citing generally OCKHAM, SHORT DISCOURSE).
84 Id., at 58 (citing generally LUTHER, TEMPORAL AUTHORITY).
85 See id., at 84-85 (citing generally CALVIN, INSTITUTES); See Section II(A).
participate in civil government, but he opposed Christian political parties and thought that Christian influence on civil government should be indirect and “anonymous.”

5. Coercion in religious matters

NL2K thinkers generally oppose using coercion to promote Christianity. But this statement must be qualified. Augustine, Luther, and Calvin each taught that the church should not rule by the sword, but at times each of them approved of the government persecuting heretics. Augustine’s allowance for a common life shared by Christians and non-Christians and his belief that Christians could work in the civil government for common peace suggest that Christianity should not be imposed by the sword. But he called for the civil government to persecute a North African Christian sect, the Donatists, who left the Catholic Church. Luther opposed religious coercion. But he allowed the civil persecution of certain Anabaptists. And Calvin taught that the church does not have the right to act coercively, but he approved of the execution of a heretic, Michael Servetus, and promoted a closely allied and intermingled church and state.

6. Is the state redemptive?

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87 VANDRUNEN, supra note __, at 330.
89 VANDRUNEN, supra note __, AT 30, 58, 85
90 CF. ID., AT 22, 30-31
91 ID., AT 30-31.
92 ID., AT 57-58; CF. SEE ALSO SCHLINGENSIEPEL AT 125-26.
93 VANDRUNEN, supra note __, AT 58.
94 ID., AT 81, 87 (CITING CALVIN, INSTITUTES).
95 ID., AT 85. See Section I (A)7 and II(A).
A theme that informs much of the foregoing is whether the state is “redemptive,” that is, whether the state’s purpose is Christian salvation. The majority position in NL2K thought is that the state is not redemptive because God has a different relationship with the church than with the state. God is the state’s Creator, but He is the church’s Redeemer.96 Since the state is not redemptive, the state should not be Christianized. This perhaps suggests pluralism, religious liberty, and a robust commonality between Christians and non-Christians.

However, Barth and some of Kuypers’ interpreters “rejected the traditional creation-order foundation of cultural and political life, in favor of a redemptive-christological … foundation.”97 Barth believed separating God into Creator and Redeemer was to create two false gods.98 Jesus is Lord of both the church and the world.99 For Barth, the Creator and Redeemer are the same Jesus Christ.100

7. Natural law as the standard for civil law

NL2K thought has consistently held that natural law is the standard for civil law based upon St. Paul’s writing in Romans 2:14-15: “For when Gentiles, who do not have the law, by nature do what the law requires … . They show that the work of the law is written on their hearts, while their conscience also bears witness … .”101 Aquinas, Luther, Calvin, Kuyper, and many others held this view.102

96 Id., at 32-34, 73 (citing CALVIN, INSTITUTES, 3.19), 74.
97 Id., at 278, 322-23 (citing BARTH, CHURCH DOGMATICS, II/1-2); see supra note 4.
98 Cf. id., at 342.
100 Id., at 323.
101 Romans 2:14-15.
102 VANDRUNEN, supra note __, at 45 (citing THOMAS AQUINAS, SUMMA THEOLOGIAE, 1a2ae 95.2 (Trans. Fathers of the English Dominican Province, 1981)), 62, 100 (citing CALVIN, COMMENTARY ON ROMANS, 2:14-15), 108, 156, 166, 288. Barth denied that there was any free standing knowledge outside of Christ such as natural law known via reason. Id. at 33.
NL2K thought generally has held that natural law is known by reason. But what is the content of natural law? The answer to this question will not only inform us about the moral and legal norms of NL2K thought, but it will also help us understand some of the apparent inconsistencies in NL2K thinkers, especially Calvin. NL2K thought has generally held that the content of the natural law is identical to the Decalogue (“the Ten Commandments”) and the Mosaic moral law. Aquinas, Luther, Calvin, and many others held this position. In other words, NL2K thought has held that the Decalogue and the Mosaic moral law are known via reason to all human beings. For NL2K thinkers, the Decalogue and the Mosaic moral law are appropriate standards and content for civil law – not because these laws are articles of Christian faith, but because they are known by reason to all human beings. Obviously this is controversial: “whether natural law exists at all is itself a controversial question …” let alone what its content may be. Nevertheless, this position begins to explain why NL2K thinkers often supported both religious liberty and the use of the civil government’s coercive force in seemingly religious matters. NL2K thinkers have believed that the Decalogue and the Mosaic moral law were not just doctrines of private religion but dictates of universal reason, and therefore legitimately enforceable as civil law.

Many of the NL2K positions are severable. The NL2K position on religious liberty could be taken independently from its position on natural law. Or it could be accepted that natural law is the standard for the civil law yet rejected that the Decalogue and Mosaic moral law are

103 How reason interacts with natural law has been described differently by different thinkers. For example, Aquinas describes conscience as reason applying general precepts to particular moral acts, a deductive act of reasoning. Calvin, however, describes conscience as an immediate awareness of the requirements of natural law. VANDRUNEN, supra note _, at 101. Barth did not hold this position. Id. at 320-23; see note 124 supra.

104 Cf. id., at 46, 63-64, 100, 134, 160.

knowable by universal reason. Some aspects of NL2K thought, like its teachings on religious liberty, might remain helpful, while others are no longer plausible.

B. Summary of NL2K thought

We now summarize the majority views in NL2K thought. It must be recognized that this article omits much about natural law and two kingdoms thought and thinkers that can be found in VanDrunen’s book and elsewhere.

The state is a God-ordained institution and is inherently legitimate. So is the church. Church and state are separate and independent. God relates to the state as Creator but to the church as Redeemer. The church should use spiritual means for spiritual ends, and the state should promote civil peace and justice using coercive force. The civil government should use the sword to promote temporal peace, but it should not use force to impose Christianity. The sword has been given to the civil government, not the Church. The state is not redemptive. It is not through the state that people are to become Christians. The state need not be Christianized. The state is common to and for the benefit of both Christians and non-Christians. Despite their theological, ethical, and eschatological antitheses, Christians and non-Christians have much in common. The inherent goodness of these commonalities, the facilitation of the church, and the love of one’s neighbor, are grounds for Christian participation in civil government. That Christians and non-Christians can work for and enjoy temporal peace together suggests religious liberty for Christians and non-Christians alike.

The standard for civil law is natural law, which all human beings can know by reason. The content of the natural law includes the Decalogue and the Mosaic moral law. There is a

106 VAN DRUNEN, supra note _, at 23-24, 29-30.
tension between the position that non-Christians are entitled to religious liberty and the position that the Decalogue and Mosaic moral law are appropriate content for civil law.

II. THE CHURCH’S INFLUENCE ON THE STATE: TOO MUCH OR TOO LITTLE?

Reviewing NL2K history reveals a problem: the church can have too much influence on the state, but it also can have too little. In this section we will consider three cases. The first two focus on John Calvin and John Cotton as instances in which the church exercised too much influence on the state. But then we will consider a third case in which the church exercised too little influence, when two kingdoms theory was used to argue that the church should not speak out against slavery in the Antebellum American South.

A. Calvin and Geneva

During Calvin’s life (1509-1564), church and state were parts of a unified Christian society. In Europe, it was widely agreed that there could be only one church in a civil jurisdiction. Religious pluralism was not a live option. In the 1530s and 1540s, Calvin was the pastor of the leading church in Geneva. There he drafted reforms regarding church and civil government, which were implemented by the city council. The Genevan government consisted of several bodies, including the “Small Council.” The Small Council met daily and was

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107 Id., at 86-91. My discussion of Calvin and Geneva below is similar to and indebted to VanDrunen’s.
108 Id., at 83.
109 Id.
110 Id.
111 COTTRET, BERNARD, CALVIN: A BIOGRAPHY, 120 (2000); Wulfert De Greef, Calvin's writings, in, THE CAMBRIDGE COMPANION TO JOHN CALVIN, 50 (Donald K. McKim ed., 2004); Alexandre Ganoczy, Calvin's life, in THE CAMBRIDGE COMPANION TO JOHN CALVIN, 15-17 (Donald K. McKim ed., 2004); VANDRUNEN, supra note _., at 83.
112 Id., at 84.
closely involved with Genevan affairs. The church government included a body called the Consistory comprised of church leaders.

These civil and church authorities were allied and interdependent. The members of the church Consistory were nominated and approved by the civil government. The Consistory regulated much that might be governed by the state: education, medical care, business practices, and “disrespect for the leaders of government . . . .” And it had jurisdiction over not only church members, but all Genevans. The Consistory lacked coercive power, but it could refer matters to the Small Council for civil penalties, and it sometimes advised the Small Council on these matters. The Consistory “acted as a kind of preliminary hearings court, something like a Grand Jury … .”

Calvin often favored mixed church/state action. He believed the state should “foster and maintain the external worship of God … defend sound doctrine,” and “prevent the true religion … from being with impunity openly violated and polluted by public blasphemy.” Most notably, Calvin approved of the execution of the heretic Michael Servetus.

We should consider Calvin’s context. “Characterizations of Calvinist Geneva are only meaningful relative to the standards of the time, and relative to reasonable expectation. Pluralism

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113 Id., at 84.
114 Id.
115 Id. (citing JOHN WITTE, JR. and ROBERT M. KINGDON, SEX, MARRIAGE, AND FAMILY IN JOHN CALVIN’S GENEVA, 1-2 (2005)).
116 Id.
117 Id., at 85.
119 Id., at 85 (citing WITTE and KINGDON, SEX, MARRIAGE, AND FAMILY, at 68).
120 Calvin suggested cases like drunkenness and prostitution should be dealt with in coordination by the church and state. Cf. id., at 85 (citing CALVIN, INSTITUTES, 4.11.3).
121 Id., at 86.
122 Id., at 85.
was not a value of late medieval and early Renaissance Europe … .” Despite his non-liberalism, he might be credited for generally denying the church the sword even though he lived in a society in which people’s Christianity was assumed. Even his role in the execution of Michael Servetus deserves some qualification:

Judicial violence – torture and barbarous punishment – was commonplace everywhere; if this is not borne in mind, it is easy to mistake the normal workings of civil law for bizarre manifestations of local pathology. … (Calvin’s) special reputation for severity was established by the burning of Michael Servetus for heresy. (Calvin) did not serve on the tribunal which condemned Servetus, but he did approve of the sentence . . . . He is associated with only one such death . . . . Of course, the assent to the killing of Servetus is absolutely deplorable, but precious few who have figured in religious and political history as significantly as (Calvin) did, in his time or in ours, have only one life to answer for. This is not exculpation – he of all people should have had advanced views about tolerance toward heresy …. (But) [i]t is fair to remember, however, that his association with the killing of Servetus was an anomaly in his career.  

And aspects of the Genevan church/state relationship that are arguably consistent with NL2K theory. For example, Calvin charged the state with the maintenance of the “external worship of God” and to prevent “public blasphemy.” Recall that NL2K theory holds that the Decalogue is part of the natural law, knowable by all people. So, Calvin held the state should enforce norms that he believed were generally known. On his account, he was not telling the state to enforce dogma; he was telling it to enforce the objectively knowable. In this way, his position is consistent with NL2K thought, that only the church governs the spiritual and only by spiritual means. The result may lack je ne sais quoi, but on these points Calvin was not inconsistent with his theory of church and state.

124 Id., at 200.  
125 VANDRUNEN, supra note _, at 86.  
126 Exodus 20:3.
All of this does highlight the debatable proposition that the objectively knowable natural law is synonymous with the Decalogue. If it is objectively knowable that no one should worship false gods, then it may be reasonable for the state to regulate the worship of false gods. But if we think that the identity and nature of God are not objectively knowable by universal reason, then even on NL2K theory, the same should not be regulated by the state. The proposition that civil law should be based on natural law is severable from the proposition that natural law is synonymous with the Decalogue. Later, we will see Bonhoeffer suggest an interesting solution to this problem by emphasizing the “neighbor duties” of the Decalogue,\(^ {127}\) rather than the Decalogue’s prescribed duties to God.\(^ {128}\)

Even if Calvin was consistent with NL2K theory in some regards, the relationship between he describes between the Consistory and Small Council crosses the line. The Consistory was a church body that regulated conduct of not only church members, but all Genevans. But if the church is only concerned with Christian spiritual matters, what grounds could there be for it presiding over non-Christians? Further, the Consistory had no coercive powers, but it could refer

\(^{127}\) Exodus 20: 12-17. Honor your father and your mother, that your days may be long in the land that the Lord your God is giving you. You shall not murder. You shall not commit adultery. You shall not steal. You shall not bear false witness against your neighbor. You shall not covet your neighbor's house; you shall not covet your neighbor's wife, or his male servant, or his female servant, or his ox, or his donkey, or anything that is your neighbor’s.

\(^{128}\) Exodus 20:1-11. And God spoke all these words, saying, “I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery. “You shall have no other gods before me. You shall not make for yourself a carved image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth. You shall not bow down to them or serve them, for I the Lord your God am a jealous God, visiting the iniquity of the fathers on the children to the third and the fourth generation of those who hate me, but showing steadfast love to thousands of those who love me and keep my commandments. You shall not take the name of the Lord your God in vain, for the Lord will not hold him guiltless who takes his name in vain. Remember the Sabbath day, to keep it holy. Six days you shall labor, and do all your work, but the seventh day is a Sabbath to the Lord your God. On it you shall not do any work, you, or your son, or your daughter, your male servant, or your female servant, or your livestock, or the sojourner who is within your gates. For in six days the Lord made heaven and earth, the sea, and all that is in them, and rested on the seventh day. Therefore the Lord blessed the Sabbath day and made it holy.
people to the Small Council for civil sanction, and it could advise the Small Council on these cases. Such action by a church body exceeds the normal NL2K parameters. The church, through the Consistory and Small Council, was wielding the sword, if indirectly, and over non-Christians. Little could be clearer in NL2K thought than that this was impermissible: God has withheld the sword from the church and given her jurisdiction only over Christians.

Calvin revealingly said, “[s]eeing the church has not, and ought not to wish to have the power of compulsion (I speak of civil coercion), it is the part of pious kings and princes to maintain religion by laws, edicts, and sentences.” In VanDruten’s words, Calvin was saying

[T]he state has to do it because the church cannot. But why assume that religion needs to be maintained by outward compulsion of some sort, or even that religion (or society) is benefited if such takes place? In hindsight, from the perspective of twenty-first-century America, such an assumption seems dubious or at least eminently debatable, though in Calvin’s sixteenth-century context it was surely more plausible.

We should acknowledge that in religiously homogeneous Christendom, Calvin’s inconsistencies were less apparent. But, there was a crucial breakdown in Calvin’s theory and faith. The NL2K theory must be that God can rule the church effectively through spiritual means. Thus, it is a lack of faith in those spiritual means that leads to the use of state power to accomplish spiritual goals.

Calvin seems to have made two mistakes. First, he should not have enforced the first table of the Decalogue by the sword. Second, Calvin should have been more consistent with NL2K theory by having faith that God can effectively regulate spiritual matters using spiritual

129 VANDRUNEN, supra note _, at 90.
130 Id.
131 See id., at 227.
means without resorting to the sword. Calvin had the theoretical resources to do so, even if he sometimes failed to put his faith into practice.\textsuperscript{132}

\textbf{B. John Cotton and Theocratic New England}

John Cotton came to Massachusetts in 1623 and was its leading intellectual.\textsuperscript{133} He generally accepted the traditional NL2K positions, including the different jurisdictions, competencies, purposes, and powers of church and state, and that the church and state should not be mixed.\textsuperscript{134} Yet, Cotton was involved in the mixed church/state actions against Roger Williams and Anne Hutchinson.\textsuperscript{135}

Though Cotton believed theocracy was the best form of government, he believed the traditional NL2K theory applied to a religiously heterogeneous society.\textsuperscript{136} However, it was a different situation if a new Christian society were founded like Massachusetts. In a Christian society, the state should be used to establish true religion and punish false religion that might tempt Christians to leave the church.\textsuperscript{137} A Christian state should not tolerate anything that could harm its citizens’ souls.\textsuperscript{138}

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\textsuperscript{132} Luca D’Isanto, \textit{Bonhoeffer’s Hermeneutical Model of Community} in \textit{Theology and the Practice of Responsibility} at 139 (Wayne Whitson Floyd, Jr. and Charles Marsh eds., 1994). “The novelty of Calvin lies in connecting the doctrine of providence and creation with the experience of faith. The conditions of estrangement to which the human being and the world as nature and history are subject are a testing for the Christian faith. Such faith has to stand up in the face of the appearance of chaos and fragmentation, believing that the God who created the world will reverse the chaos and fulfill God’s plan of salvation.”
\textsuperscript{133} \textit{VanDruten}, supra note \_, at 215.
\textsuperscript{134} \textit{Id.}, at 217-19 (citing \textit{John Cotton, A Discourse About Civil Government in a New Plantation Whose Design Is Religion}, 5 (1963)).
\textsuperscript{135} \textit{Id.}, at 216.
\textsuperscript{136} \textit{Id.}, at 221-22 (citing \textit{Cotton, Discourses on Civil Government}, at 16-23).
\textsuperscript{137} \textit{Id.}, at 222-23.
\textsuperscript{138} \textit{Id.}, at 221, 224 (citing \textit{Cotton, Discourses on Civil Government}, at 12-13).
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VanDrunen notes several criticisms of Cotton.\textsuperscript{139} Foremost, like Calvin, Cotton’s theocratic teaching reflects a lack of faith in God’s administration of the church.\textsuperscript{140} Cotton stated “[t]hough the Spiritual weapons be absolutely sufficient to the end for which God hath appointed them …. yet if an Heretic still continue obstinate … such Gangrenes would be cut off by another Sword, which in the hand of the Magistrate is not borne in vain.”\textsuperscript{141} But if God’s means were “absolutely sufficient” to their ends, then the Magistrate’s sword is unnecessary. Either God is omnipotent or He is not. As with Calvin, what we really want from Cotton is faith that God can rule his church without resorting to the sword.

\textit{C. The Spirituality of the Church in the Antebellum South}

Having considered Calvin and Cotton, it may seem as if the church needs to be restrained from over-influencing the state. The doctrine of the spirituality of the church, which curtailed church influence on the state, may seem like a necessary corrective. But we will find that this too has its dangers. The doctrine was promoted in the 1800s by Stuart Robinson, a Presbyterian pastor and professor, who led churches in Virginia, Kentucky, and Maryland.\textsuperscript{142} Robinson taught that the church should only concern itself with spiritual things and that the church was prohibited from expressing political views.\textsuperscript{143} The result was to completely remove the church from state affairs.\textsuperscript{144}

\begin{flushleft}
\textsuperscript{139} \textit{Id.}, at 226.  \\
\textsuperscript{140} \textit{Id.}  \\
\textsuperscript{141} \textit{Id.}, at 227.  \\
\textsuperscript{142} \textit{Id.}, at 249.  \\
\textsuperscript{143} \textit{Id.}, at 247.  \\
\textsuperscript{144} \textit{Id.}, at 249.
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Robinson advocated for the spirituality of the church during the civil war.\textsuperscript{145} In his role as a pastor, he refused to support the North or the South.\textsuperscript{146} Some have claimed that the spirituality of the church was created by Southern and border states to keep the church from condemning slavery, but Robinson’s interest was in the purity of the church.\textsuperscript{147} Robinson believed the church was purest when it carefully separated the powers of church and state.\textsuperscript{148} For Robinson, the spirituality of the church was the correct outcome of the NL2K doctrines.\textsuperscript{149} The purpose of the church is evangelism, not “to rectify wrong public opinion, wrong moral views of social and civil affairs … (not to) reform civil evils and to arraign the State on national wrong-doing.”\textsuperscript{150} Robinson believed the church should stay out of politics entirely.\textsuperscript{151}

Robinson’s position was principled, but his contemporary James Henley Thornwell’s, another Southern Presbyterian, was less so. Thornwell preached the spirituality of the church, but he did so, in part, to prevent the church from opposing slavery.\textsuperscript{152} Thornwell’s lack of good faith in promoting the doctrine was demonstrated by his sermons encouraging the South to secede and resist the North.\textsuperscript{153} He apparently did not mind mixing religion and politics when it suited his views.

The very limited scope of this section must be acknowledged. In no way does this section or article attempt a comprehensive assessment of the role of the Church, Christianity or Christians

\textsuperscript{145} Id., at 249.
\textsuperscript{146} Id.
\textsuperscript{147} Id., at 248, 250 (citing Stuart Robinson, \textit{Relation of the Temporal and Spiritual Power Historically Considered: The Scoto-American Theory}, in \textit{A Kingdom Not of This World: Stuart Robinson’s Struggle to Distinguish the Sacred from the Secular During the Civil War}, at 209 (Ed. Preston D. Graham, Jr., 2002)).
\textsuperscript{148} Id., at 250.
\textsuperscript{149} Id., at 250-52.
\textsuperscript{150} Id., at 251 (citing \textit{Stuart Robinson, The Church of God as an Essential Element of the Gospel, and the Idea, Structure, and Functions Thereof}, at 84, 123-24 (2002)).
\textsuperscript{151} Id., at 251, 254.
\textsuperscript{152} Id., at 260-61.
\textsuperscript{153} Id., at 260, n. 159.
in Antebellum American slavery. It is not suggested that Christians and churches failed to oppose slavery only because of NL2K thought. Many supported slavery. Some wrote Biblical defenses of slavery. Scholars continue to note that certain biblical passages might be interpreted to support slavery. These issues are outside the scope of this article. This section only makes the limited claim that some Christians were discouraged from opposing slavery on two-kingsdoms grounds.

D. Church Influence on the State: Too Much or Too Little?

Distortions of the NL2K theory has led to the church having too much influence over the state, as in Geneva and Massachusetts, but it has also led to the church having too little influence, as when Christians were discouraged from opposing American slavery because of the doctrine of the spirituality of the church. Calvin and Cotton fell into theoretical inconsistencies, and they lacked faith that God could accomplish spiritual ends through spiritual means. But Robinson’s and Thornwell’s NL2K thinking led them to restrain the church from opposing American slavery. A problem emerges in NL2K thought: how may the church properly influence the state? Bonhoeffer also faced this problem when many Christians in Germany, steeped in two-kingsdoms thought, believed it was not the church’s role to oppose the Nazi state. Bonhoeffer developed NL2K thought specifically in response to this problem.

III. BONHOEFFER IN THE TWO KINGDOMS

Dietrich Bonhoeffer (1906 to 1945) lived in Germany during the rise of Nazism. He died at the end of World War II, executed by the Nazis for his antiwar activities, including helping Jews escape from Germany to Switzerland and participating in the Officers’ Plot by seeking Allied support for a coup against Hitler. He was a Lutheran pastor, a theologian, and a philosopher. He was a spy, a member of the anti-Nazi resistance, and a conspirator against Hitler. And his anti-Nazi, anti-Hitler thoughts and actions resulted from his thinking through the NL2K themes.

This section describes Bonhoeffer’s position on the seven NL2K themes. He is part of the NL2K tradition, but he also differed from and developed NL2K thought in important ways, which were fundamental to his anti-Nazi activities. Section IV will demonstrate how Bonhoeffer’s anti-Nazi, anti-Hitler activities were informed by his NL2K thought.

This section focuses on Bonhoeffer’s book *Ethics*, which includes extensive treatment of NL2K themes, and which Bonhoeffer and many commenters have said was his most important work. Many subjects and themes from Bonhoeffer’s other works are omitted or not emphasized in this article.

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157 ROBINSON, supra note __, at 108; ANDREAS PANGRITZ, KARL BARTH IN THE THEOLOGY OF DIETRICH BONHOEFFER, 68 (1989) JOEL LAWRENCE, BONHOEFFER A GUIDE FOR THE PERPLEXED, 8 (2010); SCHLINGENSIEPEN at 263-64, 270.

158 Cf. JOEL LAWRENCE, BONHOEFFER A GUIDE FOR THE PERPLEXED, 7 (2010); Wayne Whitson Floyd, Jr., *Style and the Critique of Metaphysics: The Letter as Form in Bonhoeffer and Adorno*, in THEOLOGY AND THE PRACTICE OF RESPONSIBILITY at 239 (Wayne Whitson Floyd, Jr. and Charles Marsh eds., 1994) (“Indeed, the general assumption about Bonhoeffer’s letters has been that they were composed out of the exigencies of history . . . .”).

159 EBERHARD BETHGE, EXILE AND MARTYR 19-20 (1975).

160 There is little to no discussion of “religionless Christianity,” “the four mandates,” “the world come of age,” “etsi deus non daretur” or “arkandisziplin.” The descriptive purpose of this article is to describe Bonhoeffer’s relationship to the NL2K themes. Discussion of the relationship between omitted topics’ and NL2K themes is beyond the scope of this article. Further, this article does not emphasize Bonhoeffer’s Letters and Papers from Prison, which may be surprising given the extensive attention *Letters* has been given by others. But in addition to the primacy of Ethics, I agree with Barth, who believed *Letters* was of lesser significance and was overemphasized by many, and I agree with Bethge who believed *Letters* offers only “scanty clues” to Bonhoeffer’s thought. See EBERHARD BETHGE, EXILE AND MARTYR 16, 21 (1975) (Barth advised sticking with Bonhoeffer’s “early
A. Bonhoeffer on the NL2K Key Themes

It has been argued that Bonhoeffer rejected “two kingdoms” thought. But we will see that Bonhoeffer is very much an NL2K thinker. Bonhoeffer did not reject Luther’s two kingdoms doctrine or the related ethics, but only their misinterpretations that justified a worldly status quo. He rejected “pseudo-Protestant” and “pseudo-Lutheran” thought that divides the two kingdoms by a static line. But he associated himself with the Reformation and Luther’s two kingdoms, being intent on “remaining true to the tradition of the Reformers.” He was a Lutheran, and has often been described as a Calvinist. Others have observed that Bonhoeffer is part of the tradition of thought that runs through Augustine, Luther, Calvin, and Kuyper.

1. The God-ordained State

and middle writings rather than to the letters” and that there was “slender basis” for new theological developments therein. Barth believed many misinterpreted Letters; cf. DAVID H. HOPPER, A DISSENT ON BONHOEFFER at 58 (1975); but see EBERHARD BETHGE, EXILE AND MARTYR 138 (1975) (Bethge wrote that Letters do “say something” about Bonhoeffer’s thought).

161 John W. Matthews, Responsible Sharing of the Mystery of Christian Faith: Disciplina Arcani in the Life and Theology of Dietrich Bonhoeffer, in REFLECTIONS ON BONHOEFFER: ESSAYS IN HONOR OF F. BURTON NELSON at 114 (Geffrey C. Kelly and C. John Weborg eds., 1999); Cf. LAWRENCE, supra note _, at 52, 70 (2010); EBERHARD BETHGE, EXILE AND MARTYR at 11 (1975).


163 BONHOEFFER, supra note _, at 168-71; cf. SCHLINGENSIEPEN at 331.

164 Cf. EBERHARD BETHGE, EXILE AND MARTYR 17, 48 (1975); BONHOEFFER, supra note _, at 171-72, 258; see also SCHLINGENSIEPEN at 135.


Bonhoeffer’s position on the nature of the state accords with NL2K thought, but with significant developments. Bonhoeffer emphasized that the state is to *preserve creation for Jesus Christ*. For Bonhoeffer, civil government is ordained by God. Echoing Luther, he wrote that God uses civil government to restrain evil. Like Luther and Kuyper, Bonhoeffer believed temporal life was inherently valuable and worth preserving via the state.

However, he described the state’s legitimacy in different terms from most NL2K thinkers. Bonhoeffer began at the end. The ultimate destiny of the world is the justification of sinners by grace and the coming of Christ. And the ultimate must be preceded by the penultimate, including civil government. Thus, penultimate things like civil government are necessary means to arrive at the ultimate ends of Christian faith. Penultimate means should be used to remove temporal obstacles to Christian faith. In this way, the state preserves creation for Christ. So, civil government is justified not inherently, but derivatively.

Bonhoeffer also held that the state could negate its legitimacy by rejecting its duty to preserve creation for Christ. No other NL2K thinker we have considered described the conditions in which a state could negate its legitimacy:

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167 See BONHOEFFER, supra note __, at 87, 179-82, 297.
168 BONHOEFFER, supra note __, at 87; cf. VANDRUNEN, supra note __, at 57.
169 Cf. VANDRUNEN, supra note __, at 58, 305-06; BONHOEFFER, supra note __, at 131.
170 See BONHOEFFER, supra note __, at 110-19; LAWRENCE, supra note __, at 70 (2010) (“Bonhoeffer describes the ultimate as the justification of the sinner by grace.”).
171 Id.
172 See BONHOEFFER, supra note __, at 111-12.
173 See id., at 113-14.
174 Id., at 182.
175 See id., at 115.
176 Many Christian thinkers have believed in a “right of revolution.” Cf. Andrew C. Spiropoulos, *Just Not Who We Are: A Critique of Common Law Constitutionalism*, 54 Vill. L. Rev. 181, 227 (2009) (“This right to revolution is utterly at odds with the traditional Christian teaching that the established temporal authorities receive their mandate from God and should not be resisted. When one examines the sermons of the Revolutionary period, however, one finds sermon after sermon supporting Lockean principles of political obligation, including the right to revolution.”);
Participation in this conspiracy (against Hitler and the Nazis) offered the greatest difficulty to somebody belonging to the Lutheran tradition, for this tradition provided the office of guardianship, but not the possibility of revolutionary interference as a conspirator. Luther did not exclude from justification opposition to a prince who infringes laws and constitution and thus has become a revolutionary himself. But Lutheranism forgot about and did not develop this possibility, because for so long there had been no diabolically dictatorial government.

2. TWO INSTITUTIONS: CHURCH AND STATE

Bonhoeffer generally followed NL2K thought regarding the institutions of church and state. He identified the Kingdom of God with the church, and the Kingdom of the World with the civil government. The church rules by the Word of God; the state rules by the sword. Echoing Gelasius, Bonhoeffer said the church and state mutually submit to one another based on respective jurisdiction and competency. Christians are to obey the government, as long as the government does not compel them to disobey God or interfere with the church’s mission. Church and state are sovereign but interdependent. They must neither be mixed together nor yet be torn asunder. Bonhoeffer said the church and state mutually support one another based on the civil government. The church rules by the Word of God, the state rules by the sword. He identified the Kingdom of God with the church, and the Kingdom of the World with the state. He believed the institution of church and state

Government should support religious practices. The church and state are allies against evil. The church and state are sovereign but interdependent. They must neither be mixed together nor yet be torn asunder. Bonhoeffer said the church and state mutually support one another based on the civil government. The church rules by the Word of God, the state rules by the sword. He believed the institution of church and state
Undermining the church undermines the state, and vice versa.\textsuperscript{188} If necessary, the church should point out to the state its failings that might jeopardize its legitimacy.\textsuperscript{189} Notice how this counteracts aspects of the “spirituality of the church” doctrine considered in Section II(C). The spirituality doctrine taught that because the church was spiritual, it should not speak to the state regarding politics. Bonhoeffer agreed that the church’s jurisdiction is spiritual, but because of this spiritual concern the church must engage the state politically.

The church’s primary concern with the state is that it not impede Christian faith.\textsuperscript{190} The state is concerned with the penultimate and the church is concerned with the ultimate.\textsuperscript{191} From the church’s perspective, the state is primarily a means to the end of Christian faith and eternal salvation.\textsuperscript{192}

But Bonhoeffer also saw dangers in thinking in terms of church/state “spheres” with static boundaries.\textsuperscript{193} These spheres should not be artificially separated. The state, though independent from the church, is still a servant of Christ.\textsuperscript{194} NL2K thought generally distinguishes between the state’s relating to God as Creator but the Church relating to Christ as Redeemer. Describing the state serving Christ carries many implications which we will explore in Section III(A)(7) and IV. For now, note that Bonhoeffer was disinclined toward systematic thought.\textsuperscript{195} No law or rule can specify one’s exact duties, he believed.\textsuperscript{196} Thus, he rejected a static line between church and state that designated precisely their powers and duties. This prevents easily

\textsuperscript{187} Id., at 87-88, 119.
\textsuperscript{188} Id., at 119-20.
\textsuperscript{189} Id., at 314.
\textsuperscript{190} See id., at 324.
\textsuperscript{191} Cf. id., at 102-03.
\textsuperscript{192} See id., at 103.
\textsuperscript{193} Id., at 172.
\textsuperscript{194} Id., at 176, 264.
\textsuperscript{195} HOPPER, supra note _, at 82.
\textsuperscript{196} BONHOEFFER, supra note _, at 225-26.
assigning matters to their proper jurisdiction, but it also prevents the imposition of a boundary like the one that kept some churches from speaking against American slavery or German Nazism.

Yet Bonhoeffer also rejected the idea that a person’s or institution’s scope of action was unlimited.\footnote{Jean Bethke Elshtain, *Freedom and Responsibility*, in *THEOLOGY AND THE PRACTICE OF RESPONSIBILITY* at 271 (Wayne Whitson Floyd, Jr. and Charles Marsh eds., 1994) (“Bonhoeffer is no ‘don’t worry, be happy’ kind of guy.”)} He believed one can go wrong both ways: either allowing or prohibiting too much.\footnote{BONHOEFFER, supra note _, at 226.} It simply cannot be said with abstract precision what Bonhoeffer would allow or prohibit. “A traditional ethicist, particularly one skeptical of religion, might level the … charge of nihilism and irrationalism against Bonhoeffer.”\footnote{Walter Lowe, *Bonhoeffer and Deconstruction*, in *THEOLOGY AND THE PRACTICE OF RESPONSIBILITY* at 214 (Wayne Whitson Floyd, Jr. and Charles Marsh eds., 1994).} But St. Paul himself was prone to drawing dynamic lines such as “[a]ll things are lawful, but not all things are profitable. All things are lawful, but not all things edify…”\footnote{1 Corinthians 10:23-24.} Paradox has been described as at the heart Christianity.\footnote{M. Cathleen Kaveny, *Listening For The Future In The Voices Of The Past: John T. Noonan, Jr. On Love And Power In Human History*, 11 JLREL 203, 215 (1994-1995) (citing JOHN T. NOONAN, JR., BRIBES at 82 (1984)).} Such thinking may be native to Christianity rather than novel in Bonhoeffer.

3. Antithesis

Bonhoeffer’s thoughts on antithesis evolved during his life. Earlier, he emphasized antithesis; later, he emphasized commonality.\footnote{Cf. LAWRENCE, supra note _, at 48 (2010); SCHLINGENSIEPEN at 295.} The discussion here focuses on Bonhoeffer’s *Ethics*, written later in his life.\footnote{See BONHOEFFER, supra note _, at ix et seq; see also SCHLINGENSIEPEN at 249-52.} What is most notable about his discussion of antithesis is how it differs from NL2K thought. At times, Bonhoeffer’s treatment of antitheses between Christians...
and non-Christians is similar to most NL2K thinkers’. He believed man was alienated from God because of sin, and the church was separate from the world. He believed the Kingdom of God must not be mixed with the Kingdom of the World. Commenting on Jesus’ saying, “He that is not with me is against me,” Bonhoeffer saw a great divide between those who profess Christ and those who do not. Even near the end of this life, he spoke in terms of eschatological antithesis.

But more prevalent in his thought is a different type, or at least characterization, of antithesis: between those who justify themselves by their “knowledge of good and evil” and those who are justified by Jesus Christ. The antithesis is between the man who is “in Christ” and the man who is his own creator, judge, and restorer. These statements appear to be references to the Reformation doctrine of justification by grace through faith, that a person is justified before God only by Christ’s righteousness, which is credited to the person who has faith in Christ. For Bonhoeffer, it was not the individual’s conduct that determines whether he was righteous or wicked, but whether that person placed his faith in Christ. Bonhoeffer claimed that often there will be little that is externally visible to distinguish the true Christian from the non-

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204 Bonhoeffer, supra note __, 265 (some accept Christ while others reject Him), 303 (the ultimate destiny for God’s people is a “holy city”), 314 (sin leads to eternal perdition).
205 Lawrence, supra note __ at 39, 48 (2010) (“The separation (between the church and the world) seen in (The Cost of Discipleship) is part and parcel of Bonhoeffer’s later theology.”).
206 Bonhoeffer, supra note __, 75 (Bonhoeffer also notes the two kingdoms must not be separated).
207 Matthew 12:30.
208 See Bonhoeffer, supra note __, at 40.
209 Bonhoeffer, Letters and Papers from Prison at 304.
210 Bonhoeffer, supra note __, at 32, 89.
211 Id., at 32, 89; Robert P. Scharlemann, Authenticity and Encounter, in Theology and the Practice of Responsibility at 257 (Wayne Whitson Floyd, Jr. and Charles Marsh eds., 1994) (“Bonhoeffer rightly saw that “being in” expresses more than a location; it expresses a way of knowing.”)
212 Cf. Bonhoeffer, supra note __, at 98; Lawrence, supra note __, at 30, 38, 69, 100 (2010) (“… Christ is both judgment and justification …. Christ has fulfilled the law, and so become ‘the beginning of [humanity’s] new existence … .’”); cf. Eberhard Bethge, Exile and Martyr 48, 50, 60 (1975).
Christian.\textsuperscript{213} What counts is true faith. And, for Bonhoeffer, whether one placed his faith in Christ determined one’s eschatological destiny.\textsuperscript{214} So, Bonhoeffer’s discussion of antithesis is compatible with NL2K thought. But it could never be reduced to a simple ethical antithesis of those who do good versus those who do evil.\textsuperscript{215} What is antithetical to Christianity is any ethic that attempts to define goodness based on human merit rather than on faith in Jesus Christ.\textsuperscript{216} Thus, virtue, consequentialist, and deontological ethics are all antithetical to Bonhoeffer’s ethics.\textsuperscript{217}

Bonhoeffer also described a different antithesis between the natural/penultimate and the unnatural. The penultimate state is often not antithetical to the church because it preserves creation for Christ. Rather, it may be that which undermines the state that is antithetical to both the church and state. This is similar to a point often made in NL2K thought, that the church and state are allies against evil. But Bonhoeffer enriches this idea by describing the alliance of the church and state on the redemptive-Christological grounds: that the penultimate preserves creation for Christ and the unnatural undermines the penultimate and hinders the coming of Christ.

Bonhoeffer’s discussion of antithesis also differs significantly from that found in NL2K thinkers. Commentators have suggested that Bonhoeffer moved away from the traditional notions of antithesis.\textsuperscript{218} Sometimes, he even seemed to suggest universalism, the idea that all

\footnotesize{\textsuperscript{213} BONHOEFFER, supra note _, at 63.  
\textsuperscript{214} Cf. METAXAS, supra note _, at 287.  
\textsuperscript{215} BONHOEFFER, supra note _, at 161; Cf. LAWRENCE, supra note _, at 30, 38, 69, 100 (2010); cf. BETHGE, EXILE AND MARTYR 48, 50, 60 (1975). Cf. BONHOEFFER, supra note _, at 98; cf. Romans 3:26.  
\textsuperscript{216} BONHOEFFER, supra note _, at 161. Virtue, consequentialist, and deontological ethics are all antithetical to Bonhoeffer’s ethics. Cf. BONHOEFFER, supra note _, at 164-65; LPP at 4-5.  
\textsuperscript{217} Cf. BONHOEFFER, supra note _, at 164-65; LPP at 4-5.  
\textsuperscript{218} See DAVID H. HOPPER, A DISSENT ON BONHOEFFER, at 33, 51, 90 (1975); but see LPP at 304 (describing eschatological antithesis even near the end of his life).}
people (not just Christians) are reconciled to God. He described the world as “loved, condemned and reconciled in Christ.”219 This idea seems inconsistent with NL2K thought on antithesis.220 Such statements even make Bonhoeffer inconsistent with himself; for he often used the concepts and language of antithesis.221 It is difficult to reconcile these conflicting positions.

4. Commonality

We saw Bonhoeffer’s treatment of Jesus’ antithetical saying “he that is not with me is against me.” But Bonhoeffer also wrote that this saying must not be separated from another: “He that is not against us is for us.”222 “These two sayings necessarily belong together as the two claims of Jesus Christ, the claim to exclusiveness and the claim to totality.”223 Thus, Bonhoeffer identified not only antithesis but also commonality between the two kingdoms.

The church and state are allies against evil and forces that undermine the state.224 If the unnatural attacks the state directly, it attacks the church indirectly because the state is a means to the church’s ends.225 And Christians and non-Christians share many penultimate goods, not just

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219 BONHOEFFER, supra note __, at 202 (emphasis added); see also id. at 177. “If we now follow the New Testament in applying to the Church the concept of the body of Christ, this is not by any means intended primarily as representing the separation of the Church from the world. On the contrary, it is implicit in the New Testament statement concerning the incarnation of God in Christ that all men are taken up, enclosed and borne within the body of Christ … By allowing this reality to take effect within herself, she testifies that it is effectual for the whole world.” BONHOEFFER, supra note __, at 178.
221 See EBERHARD BETHGE, DIETRICH BONHOEFFER: THEOLOGIAN, MAN FOR HIS TIMES at 520 (2000); see METAXAS, supra note __, at 287, 292 (Bonhoeffer suggested some churches were separated from salvation. (“Eternal salvation and eternal damnation are decided by its (the Church’s) word.”); see also Stephen J. Plant, Ethics and Materialist Hermeneutics, in THEOLOGY AND THE PRACTICE OF RESPONSIBILITY at 112 (Wayne Whitson Floyd, Jr. and Charles Marsh eds., 1994) (describing Bonhoeffer’s authorization of anathematization of “theologically impure German Christians”); BONHOEFFER, supra note __, at 314 (some fated for “perdition”).
222 Mark 9:40; BONHOEFFER, supra note __, at 41.
223 Id., at 41.
224 Id., at 87, 119-20.
225 Id., at 119-20.
civil government. For example, Christians and non-Christians both need food and shelter.\textsuperscript{226} The Christian may view these things as penultimate means to ultimate ends; the non-Christian may not. But nothing prevents them from working together for food and shelter. Moreover, Bonhoeffer said the Christian must promote penultimate goods to facilitate his neighbor’s ultimate salvation.\textsuperscript{227} “The hungry man needs bread and the homeless man needs a roof; the dispossessed need justice and the lonely need fellowship; the undisciplined need order and the slave needs freedom … To provide the hungry man with bread is to prepare the way for the coming of grace.”\textsuperscript{228} Thus, Christians and non-Christians should collaborate in civil government to accomplish such tasks.\textsuperscript{229}

Christians and non-Christians also share reason.\textsuperscript{230} “… [M]an’s reason is the organ of the knowledge of the natural.”\textsuperscript{231} Reason and the knowledge of the natural are common to Christians and non-Christians, and they are useful in the tasks of both church and state. It follows that the church and state, Christians and non-Christians, can and should cooperate in tasks suggested by reason.\textsuperscript{232}

Yet these commonalities seem minor compared to the next.

\begin{footnotesize}
\textsuperscript{226} Cf. id., at 111-13.
\textsuperscript{227} See id.
\textsuperscript{228} Id., at 114.
\textsuperscript{229} Id., at 283.
\textsuperscript{230} Id., at 122.
\textsuperscript{231} Id. Bonhoeffer notes that this “knowledge of the natural” is not naturalistic. In fact, it appears to be Platonic-rationalist: “Reason … (perceives) as a unity whatever is entire and general in the real. … Reason understands the natural as something that is universally established and independent of the possibility of empirical verification.” Id. at 122-23. Cf. Kenneth K. Ching, Han Solo vs. Luke Skywalker on Objectivity, Naturalism, and Publicity, ST. LOUIS L. J. (forthcoming).
\textsuperscript{232} Id., at 284.
\end{footnotesize}
One is denying the revelation of God in Jesus Christ if one tries to be ‘Christian’ without seeing and recognizing the world in Christ. There are, therefore, not two spheres, but only the one sphere of the realization of Christ, in which the reality of God and the reality of the world are united.233

Bonhoeffer’s thought here is like Barth’s.234 Bonhoeffer still perceived the traditional two kingdoms (“reality of God” and “reality of the world”), but they are united in Christ. So, Christianity is never irrelevant even to a secular state. Christianity is always relevant because there is no reality outside of Christ.235 Bonhoeffer believed the church and the world’s unity in Christ is responsible for the interdependence of the penultimate and ultimate.236

Though there are two kingdoms and two institutional representations of those kingdoms, there is only one reality in Christ, and it is common to Christians and non-Christians, church and state.237 Bonhoeffer recommended abandoning the two kingdoms imagery and instead understanding the relationship between the Church and world through the picture of the body of Christ Himself … In the body of Jesus Christ God is united with humanity, the whole of humanity is accepted by God. There is no part of the world, be it never so forlorn and never so godless, which is not accepted by God and reconciled with God in Jesus Christ … Everything would be ruined if one were to try to reserve Christ for the Church and to allow the world only some kind of law … .238

It is not that the traditional antitheses don’t exist. But they exist within Christ. “God and the world are thus at one in Christ in a way which means that although the Church and the world are different from each other, yet there cannot be a static, spatial borderline between them.”239

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233 Id., at 170.
234 Cf. VANDRUNEN, supra note __, at 342.
235 Cf. id., at 169-70.
236 BONHOEFFER, supra note __, at 170-71.
237 Id.
238 Id., at 177-78.
239 Id., at 178, 202.
Thus, Bonhoeffer applauded any good cause, not only Christian causes.\textsuperscript{240} And Bonhoeffer believed that even lawlessly obtained civil power is eventually used for justice.\textsuperscript{241} He said civil government is beneficial to human beings, who are inherently valuable.\textsuperscript{242} Bonhoeffer believed Christians should cooperate with non-Christians in mutually beneficial projects like government.\textsuperscript{243} Thus, Bonhoeffer clearly contemplated Christians participating in government.

More interesting is how Bonhoeffer dealt with issues of justice, sin, and guilt involved with government through what he called “responsible action”:

In all political decisions the historical entanglement in the guilt of the past is too great to be assessed, and it is therefore generally impossible to pass judgment on the justice of a single particular decision. It is here that the venture of responsibility must be undertaken …  \textsuperscript{244}

Bonhoeffer doubted that governments come to power with clean hands.\textsuperscript{245} Yet he rejected any idealism that would prohibit Christians from participating in government for fear of sharing in guilt.\textsuperscript{246} The Christian should be willing to share guilt in order to help his neighbor.\textsuperscript{247} This is responsible action. He cited Christ as an example:

For the sake of God and of men Jesus became a breaker of the law. He broke the law of the Sabbath in order to keep it holy in love for God and for men. … He sat at table with sinners and outcasts; and for the love of men He came to be forsaken by God in His last hour. … Thus it is Jesus Christ who sets conscience free for the service of God and of our neighbor; He set conscience free even and especially when man enters into the fellowship of human guilt. The conscience which has been set free from the law will not be afraid to enter into the guilt of another man.

\textsuperscript{240} Id., at 42.
\textsuperscript{241} Id., at 96; LPP at 6-7.
\textsuperscript{242} BONHOEFFER, supra note _, at 65, 98 et seq. 131.
\textsuperscript{243} Id., at 284.
\textsuperscript{244} Id., at 308; see also LPP at 3, 11, 41.
\textsuperscript{245} Cf. BONHOEFFER, supra note _, at 96.
\textsuperscript{246} Cf. id., at 308; LAWRENCE, supra note _, at 30, 36, 39-40 (2010).
\textsuperscript{247} See BETHGE, DIETRICH BONHOEFFER: THEOLOGIAN, MAN FOR HIS TIMES at 134-35 (2000).
for the other man’s sake … And so conscience joins with the responsibility which has its foundation in Christ in bearing guilt for the sake of our neighbor.248

Bonhoeffer believed responsible action was “vicarious action” on behalf of one’s neighbor where, like Christ, one vicariously takes responsibility – even sin and guilt – for the good of their neighbor. “We are certainly not Christ; we are not called on to redeem the world by our own deeds and sufferings … .”249 But he believed Christ had set Christians free from guilt and sin so that they could act responsibly and vicariously for their neighbors.250

Bonhoeffer was not claiming there is no law or guilt or good or evil. But “necessity knows no commandment.”251 There is ethical law, but sometimes it must be broken. There is guilt, but sometimes it must be incurred. Neither guilt nor necessity can be denied.252 And God forgives sin: “Only now are the Germans beginning to discover the meaning of free responsibility. It depends on a God who demands responsible action in a bold venture of faith, and who promises forgiveness and consolation to the man who becomes a sinner in that venture.”253

Responsible action was Bonhoeffer’s basis for conspiring against Hitler, even taking “duplicitous action” by working as a double-agent in the German military intelligence.254 He was careful to note that this type of necessary, responsible action should be the rare exception, never the rule.255

248 BONHOEFFER, supra note _, at 213.
249 LPP at 14.
250 SCHLINGENSIEPEN at 251.
251 BONHOEFFER, supra note _, at 209.
252 Id., at 209.
253 LPP at 6.
254 LAWRENCE, supra note _, at 30-31 (2010). For Bonhoeffer, “[t]he use of camouflage became a moral duty.” BETHGE, EXILE AND MARTYR 123 (1975); see also SCHLINGENSIEPEN at 246.
255 See LPP at 11.
So, Bonhoeffer was no Kantian.\textsuperscript{256} But neither was he a consequentialist.\textsuperscript{257} He rejected universally valid systems.\textsuperscript{258} No fixed rule can specify one’s exact duties.\textsuperscript{259} But the case of “necessity” is peripheral and extraordinary, and it cannot be treated as typical.\textsuperscript{260} One can go wrong in necessity as well as in principle.\textsuperscript{261} One can only be advised listen to the “concrete call of Jesus.”\textsuperscript{262}

5. Coercion in religious matters

Bonhoeffer followed NL2K thought regarding coercion in religious matters. “The kingdom of God is being revealed, not brought in by force.”\textsuperscript{263} “In His Church, Christ rules not by the sword but soley with His word. … the sword is the property of the secular government … .”\textsuperscript{264} “The sword can never bring about the unity of the church and of the faith.”\textsuperscript{265} The church must preach Scripture and the Gospel to people in government, but the civil government is never expected to be Christian.\textsuperscript{266} “It is only when Christian faith is lost that man must himself make use of all means … in order to secure by force the victory of his cause.”\textsuperscript{267}

\textsuperscript{256} See Elshtain, Freedom and Responsibility, in THEOLOGY AND THE PRACTICE OF RESPONSIBILITY at 273 (describing Bonhoeffer’s view that the categorical imperative was absurd and grotesque, from a Bonhoefferian point of view); cf. Jean Bethke Elshtain, “There Oughta Be A Law”--Not Necessarily, 58 EMORY L.J. 71, 81 (2008); Jean Bethke Elshtain, The Perils Of Legal Moralism, 20 J. LAW & POL. 549, 567 (2004) (describing Bonhoeffer as an “anti-Kantian”); Bonhoeffer disliked the Kantian aspects of Barth. LPP at 328. But, it has been argued that significant parallels exist in Kant’s and Bonhoeffer’s thought. Walter Lowe, Bonhoeffer and Deconstruction, in THEOLOGY AND THE PRACTICE OF RESPONSIBILITY at 218-19.

\textsuperscript{257} Cf. BONHOEFFER, supra note __, at 164-65.

\textsuperscript{258} Cf. id., at 65, 164-65; cf. LPP at 4-5.

\textsuperscript{259} Cf. BONHOEFFER, supra note __, at 225-26.

\textsuperscript{260} Id., at 208.

\textsuperscript{261} See id., at 226.

\textsuperscript{262} Id., at 226.

\textsuperscript{263} BETGHE, DIETRICH BONHOEFFER: THEOLOGE, CHRIST, ZEITGENOSSE, at 1060 (1967) (citing Bonhoeffer’s lecture ‘Das Wesen der Kirche’).

\textsuperscript{264} BONHOEFFER, supra note __, at 75.

\textsuperscript{265} Id., at 75.

\textsuperscript{266} Id., at 261-62, 305.

\textsuperscript{267} Id., at 73.
Bonhoeffer generally refused to draw bright lines, but there is little indication that he was interested in imposing Christianity by force. However, a few ambiguities exist. He did follow NL2K thought in the belief that the content of the Decalogue is appropriately enforced by the state.\textsuperscript{268} Theoretically, this position can be reconciled with the rejection of using coercion in religious matters by finding the Decalogue to be part of the natural law. But Bonhoeffer always rejected religious coercion. Even in the context of commenting on the Decalogue’s relationship to civil law, Bonhoeffer reiterated that the state is not to be ruled by the church.\textsuperscript{269} The government should support religion, by which he meant “upright conduct,” while itself remaining religiously neutral.\textsuperscript{270}

6. Is the state redemptive?

Bonhoeffer broke with NL2K thought and followed Barth on whether the state is ruled by God as Redeemer. Like Barth, he always described God as acting simultaneously as Creator and Redeemer, including when God relates to the government.\textsuperscript{271} He opposed separating the world into “two orders of creation and of salvation.”\textsuperscript{272} All of reality is “embedded in … God, the Creator, Reconciler, and Redeemer.”\textsuperscript{273} There are no realities outside of Christ, and we cannot place Christ and the world in “two spheres.”\textsuperscript{274} It is consistently suggested by Bonhoeffer that the world is reconciled to God through Christ.\textsuperscript{275} “(Jesus Christ) is the center and the strength of the

\begin{footnotes}
\item[268] See id., at 277.
\item[269] Id., at 293.
\item[270] See id., at 312.
\item[271] Id., at 264; LPP at 140.
\item[272] Wolfgang Huber, \textit{Bonhoeffer and Modernity} in \textit{Theology and the Practice of Responsibility} at 12.
\item[273] BONHOEFFER, supra note _, at 161.
\item[274] Id., at 169-170.
\item[275] See id., at 172, 177, 182, 184, 189, 288, 302.
\end{footnotes}
Bible, of the church, and of theology, but also of humanity, of reason, of justice and culture."\textsuperscript{276} Values like truth, justice, and freedom find protection and justification in Christ.\textsuperscript{277}

Bonhoeffer believed the church cannot disregard that God has reconciled the world to Himself through Christ the Redeemer and only think of the world in relation to God as Creator.\textsuperscript{278} There can be no principles, like natural law, to govern the world that are autonomous or isolated from Christ.\textsuperscript{279} “The Church does not proclaim two different messages, a message of universal reason and natural law for unbelievers, and a Christian message for believers.”\textsuperscript{280} The church must preach the gospel to the government.\textsuperscript{281}

Doesn’t it then follow that the state should be Christianized? No, because Bonhoeffer rejected “Christianizing” the state.\textsuperscript{282} The state is not to be formed in accordance with “Christian principles.”\textsuperscript{283} The church cannot encroach on the authority of the government.\textsuperscript{284} Though the government is subject to Christ and the Decalogue,\textsuperscript{285} it is not subject to the church.\textsuperscript{286}

There are tensions here. Bonhoeffer claimed that the purpose of the penultimate state is to prepare the way for the ultimate coming of Christ and remove hindrances to the Gospel.\textsuperscript{287} But how can we distinguish government actions that are Christian from those that are neutral? For example, religious liberty might create opportunities for people to adopt religions besides Christianity. Is Buddhism a hindrance to Christian faith?

\textsuperscript{276} Id., at 39.  
\textsuperscript{277} Id., at 41-42.  
\textsuperscript{278} Id., at 184.  
\textsuperscript{279} Id., at 202.  
\textsuperscript{280} Id., at 261.  
\textsuperscript{281} Id.  
\textsuperscript{282} Id., at 283, 288.  
\textsuperscript{283} Id. The church is not a model for the state. Id. at 65.  
\textsuperscript{284} Id., at 246.  
\textsuperscript{285} Id., at 295.  
\textsuperscript{286} Id., at 264, 293-94.  
\textsuperscript{287} Id., at 111, 113, 306, 324.
Bonhoeffer did not expressly answer such questions, but we can infer them. He held that the church must limit forms of government that impede faith in Christ. Bonhoeffer’s concern is that faith in Christ not be impeded by forms of government. The presence of other religions does not prevent Christianity from being proclaimed or accepted. A person might choose another religion, but the government has not impeded him from choosing Christ. Bonhoeffer is only opposed to the government impeding Christian faith; he rejects abrogating individual choice or non-Christian religion.

But won’t the penultimate purpose of preparing the way for Christ exercise a Christianizing influence on the state? For example, should tax incentives be offered to Christian clergy? Would they be denied to non-Christian clergy? Bonhoeffer rejected discriminating in this way or suppressing non-Christian religion. Again, government must be religiously neutral.

How can the idea of government neutrality be squared with the idea of the penultimate preparing the way for Christ? Consider Bonhoeffer’s alternate phraseology for the penultimate: that it “preserves creation” for Christ. Government should not impede Christian faith, but it is not meant to promote a Christian agenda. Though the “prepares the way” language is malleable, when we consider Bonhoeffer’s alternate language of “preserving creation,” along with his position on government neutrality and impediment, his meaning becomes clear enough. The government is not to impede Christian faith, but it also is not to become Christian or promote

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288 Id., at 325.
289 See id., at 312-13. (“The government) remains religiously neutral … It affords protection to every form of service of God which does not undermine the office of government. It takes care that the differences between the various forms of service of God do not give rise to a conflict which endangers the order of the country. But it achieves this purpose not by suppressing one form of service of God … (Christians in government) must know that the Christian proclamation is delivered not by means of the sword but by means of the word.”)
290 See id., at 312-13.
291 See id., at 312.
292 Id., at 182.
Christianity. It prepares the way for Christ, but only by preserving creation in a religiously neutral way.

Though his theology of the state is different than other NL2K thinkers, Bonhoeffer’s application turns out similarly. He described a sovereign state that rules according to the Decalogue and natural law. Though he described the government serving Christ, this service consists of the enforcement of outward justice by the sword. He notes that it is only in the Church that Christian “renewal” and the forgiveness of sins occurs. Is it consistent to say that Christ is relevant to the state, but that the state shouldn’t be Christianized? Bonhoeffer described the natural/penultimate as a form of life that directs the fallen world toward redemption and renewal through Christ, mirroring another Pauline discussion of the law as a “tutor” that leads people to Christ. So the natural/penultimate state plays a role in redemption but itself is not redemptive. The distinction to be drawn between Bonhoeffer and other NL2K thinkers is mostly at the theoretical level: NL2K thinkers generally describe God’s different relationships with state and church (Creator versus Redeemer), but Bonhoeffer insisted that everything, including the state, is in Christ. But even to the extent that the government is in Christ, its role is similar to that contemplated by NL2K thought. Jesus sets the government free so it can fulfill its allotted function. He does not impose Christianity on the state. What Bonhoeffer meant, then is not that the government is redemptive or a tool for making people Christians but that the government finds its justification and essence in Christ as opposed to elsewhere, like natural law. He also seems to have meant that the church cannot merely preach “natural law” to the government; law

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293 Id., at 276, 278.
294 Id., at 294, 305-311.
295 Id., at 90, 95-96; L. Gregory Jones, The Cost of Forgiveness, in THEOLOGY AND THE PRACTICE OF RESPONSIBILITY at 158 (unlike the church the world’s guilt is never forgiven); see SCHLINGENSIEPEN at 278.
296 BONHOEFFER, supra note _, at 122; Gal. 3:24.
297 Id., at 264.
298 Cf. id., at 264-65; cf. id. at 178 (describing the proclamation of the church as an “alien” message).
must always be preached alongside Gospel.299 But he did not say that the government should become Christian or redemptive, only that the “proper relation of the Church to the world cannot be deduced from natural law or rational law … but only from the gospel of Jesus Christ.”300

7. Natural law as the standard for civil law.

Bonhoeffer often spoke of the “natural” rather than “natural law,” but the terms are close synonyms. In NL2K thought, natural law was synonymous with the Decalogue and the Mosaic moral law. For St. Paul, the Decalogue and Mosaic Law directed human beings toward Christ.301 Bonhoeffer’s concept of the “natural” is the penultimate that is directed toward the coming of Christ.302 Thus, the “natural” for Bonhoeffer is akin to the natural law described by NL2K thought.303 The natural is the form that God has given to life.304 Such form is embedded in life itself.305 Alluding to Rom. 2:14-15, the primary text for the NL2K thinkers on natural law, Bonhoeffer said natural law is innate in the human heart.306

NL2K thought holds that natural law is the standard for civil law. Bonhoeffer generally agreed, but with some variations. He believed the government learns the morality it should promote primarily from the Decalogue and the church.307 However, Bonhoeffer emphasized the second table of the Decalogue.308 The first table states human duties toward God and seems

299 Id., at 321.
300 Id., at 321.
301 Galatians 3:24.
302 BONHOEFFER, supra note _, at 121.
303 Cf. id., at 275.
304 Id., at 125.
305 Id., at 130, 206; LPP at 10 (describing how evil often defeats itself because it transgressions of divine law are self-destructive).
306 Cf. BONHOEFFER, supra note _, at 275, 291.
307 Id., at 305.
308 Id., at 305-06.
patently religious: thou shalt have no other gods before me, keep the Sabbath day holy, etc.\textsuperscript{309} But the second table restricts actions among people: thou shalt not kill, thou shalt not commit adultery, thou shalt not steal, thou shalt not bear false witness, thou shalt not covet.\textsuperscript{310} Bonhoeffer said the second table is meant to preserve and protect life.\textsuperscript{311}

In accord with NL2K thought, Bonhoeffer said “man’s reason is the organ of knowledge of the natural.”\textsuperscript{312} Reason is part of the “preserved form of life,” and it perceives the universal.\textsuperscript{313} It is through reason that natural law takes effect.\textsuperscript{314} But because reason can be overcome by evil, the Decalogue, not reason, is the final arbiter of the content of natural law.\textsuperscript{315} Bonhoeffer believed the content of the natural law included the Decalogue and also the “natural,” which can be known by reason.\textsuperscript{316}

We have now considered the seven NL2K themes in Bonhoeffer’s thought. Section V will argue that Bonhoeffer thought in NL2K terms, but also developed and deviated from them in significant ways. We will now consider the application of the NL2K themes in Bonhoeffer’s struggle against the Nazis and Hitler.

IV. \textsc{Would Jesus Kill Hitler?}

The question “Would Jesus Kill Hitler?” is meant to symbolize questions about the church/state relationship based on Bonhoeffer’s Christological thought. Jesus Christ was the unifying theme of Bonhoeffer’s life and theology, and he believed life must be viewed through

\textsuperscript{309} See Exodus 20:1-17.
\textsuperscript{310} See Exodus 20:1-17.
\textsuperscript{311} \textsc{Bonhoeffer}, supra note \_\_, at 305.
\textsuperscript{312} \textsc{Id.}, at 122.
\textsuperscript{313} \textsc{Id.}, at 122-23.
\textsuperscript{314} \textsc{Id.}, at 276.
\textsuperscript{315} \textsc{Id.}, at 276, 278.
\textsuperscript{316} \textsc{Id.}, at 123-25, 133-35, 144, 149-50, 157-60.
The Christian is to be conformed to and “live the life of Jesus Christ.” Christ must give himself for others as Christ did for humanity. Christ is present in the world as the church: “Here Christ has come in the closest proximity to humanity.” And Bonhoeffer was concerned with how Christ was to be understood in the specific context of Nazi Germany and World War II. He not only lived through the rise of Nazism, he opposed the Nazis and participated in a conspiracy against Hitler that included multiple assassination attempts. In this section we will analyze select events in Bonhoeffer’s opposition to the Nazis and Hitler based on his Christological approach to the NL2K themes.

On January 30, 1933, Adolf Hitler was elected German Chancellor. Two days later, Bonhoeffer gave a radio address called “The Younger Generation’s Altered Concept of Leadership,” addressing an idea called the Fuhrer Principle. This address was not directed toward Hitler, his personification of the Fuhrer Principle was central to Bonhoeffer’s objection to Hitler. Bonhoeffer said Germans were seeking a strong leader, a Fuhrer, to guide them out of Germany’s post-World War I troubles. But unlike legitimate leadership, which derived its

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317 Cf. LAWRENCE, supra note _, at 5 (2010); Christology is what is central to Bonhoeffer’s thought. HOPPER, at 29-34, 80 (1975).
318 BONHOEFFER, supra note _, at 23.
319 LAWRENCE, supra note _, at 29-30, (2010); see also id. at 37-38, 70.
320 DIETRICH BONHOEFFER, ACT AND BEING, at 110 (Ed. Wayne Whitson Floyd, trans. H. Martin Rumscheidt, 1996); Cf. LAWRENCE, supra note _, at 62 (2010); see BETHGE, DIETRICH BONHOEFFER: THEOLOGIAN, MAN FOR HIS TIMES 70-71, 82-83.
321 LAWRENCE, supra note _, at 67 (2010).
322 See LAWRENCE, supra note _, at 11-12, 18, 25 (2010).
324 METAXAS, supra note _, at 138; SCHLINGENSIEPPEN, DIETRICH BONHOEFFER 1906-1945, MARTYR, THINKER, MAN OF RESISTANCE at 114 (Trans. Isabel Best, 2010)
325 BETHGE, DIETRICH BONHOEFFER: THEOLOGIAN, MAN FOR HIS TIMES at 259-60; METAXAS, supra note _, at 139; SCHLINGENSIEPPEN at 117.
326 METAXAS, supra note _, at 139-41.
327Id., at 141; see also Geoffrey Kelly, Bonhoeffer and Romero, in THEOLOGY AND THE PRACTICE OF RESPONSIBILITY at 94 (describing Hitler’s appeal to Germans on the basis of making “Germany a proud, secure nation once again.”).
authority from God, a Fuhrer’s authority was self-derived. A Fuhrer submitted to no one, including God. A leader’s authority is legitimate “[o]nly when a man sees that office is a penultimate authority in the face of an ultimate, indescribable authority, in the face of the authority of God . . . . Leaders or offices which set themselves up as gods mock God . . . and must perish.”

Thus, even before the enormous evils of Nazism became manifest, Bonhoeffer was applying his notions of government legitimacy and the penultimate to the political situation in Germany. Bonhoeffer believed that civil government was God ordained. But as a penultimate entity, its legitimacy was derived from its relationship to God. But a Fuhrer rejected the basis for legitimate authority and created the possibility of a government that had to be opposed, not obeyed.

Shortly thereafter, the Nazis put forward the Aryan Paragraph, which required government employees to be Aryan, and Jews to be dismissed from government. The German church was state-sponsored, and therefore Jewish pastors would be dismissed. Many in the church did not know how to respond to the Aryan Paragraph; some believed they should accept it. Some thought Jewish Christians could simply form their own churches. But Bonhoeffer opposed the Aryan Paragraph from the beginning. He wrote an essay, *The Church and the

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328 Metaxas, supra note __, at 141-42.
329 Id.
330 Id.; Bethge, Dietrich Bonhoeffer: Theologian, Man for His Times at 259-60.
331 Metaxas, supra note __, at 150.
332 Id., at 150-51; Schlingensiepen, 121.
333 Metaxas, supra note __, at 151-52.
334 Id.
335 Id.
336 Cf. J. Deotis Roberts, Bonhoeffer and King: Speaking Truth to Power 89-90 (2005); see Schlingensiepen, 121, 125.
He acknowledged the deep-seated Lutheran attitude toward government: “There is no power, but of God; the powers that be are ordained of God. … the Church of the Reformation has no right to address the state directly in its specifically political actions.” But the Church must “ask the state whether its action can be justified as legitimate action of the state …” and alert the government if it is failing in its God-ordained role. Further, the government may not interfere with the Church’s mission. “The state which endangers the Christian proclamation negates itself.”

Bonhoeffer outlined three possible actions the church could take: (1) encourage the state to act within its God-ordained parameters, (2) aid the victims of wrongful state action, or (3) disable the state from doing further evil. This third option was permissible only when the Church’s existence was threatened, but this condition did exist when the German state forced the “exclusion of baptized Jews from our Christian congregations or in the prohibition of our mission to the Jews.” Bonhoeffer insisted that if the Aryan Paragraph were adopted, the church’s mission to preach the gospel to the Jews would become impossible. However, few in the church accepted his arguments.

This situation is reminiscent of the “spirituality of the church,” the notion that on two kingdoms grounds the church cannot address political issues. Many German churches felt that, in

337 Metaxas, supra note __, at 150-52; see Schlingensiepen, 125.
338 Metaxas, supra note __, at 153.
339 Id.
340 Id.
341 Id.
342 Bethge, Dietrich Bonhoeffer: Theologian, Man for His Times at 274-75; Metaxas, supra note __, at 153-54; see also Schlingensiepen at 126; Bonhoeffer called for solidarity with victims of oppression, even over against other Christians, such as the so-called German Christians, if those Christians support oppressive forces. John W. De Grucy, Christian Witness in South Africa, in Theology and the Practice of Responsibility at. “[M]any Nazi leaders considered themselves and their agenda to be basically Christian.” Jonathan Malesic, Secret Faith in the Public Square 125 (2009); see also Bethge, Exile and Martyr 68, 106 (1975).
344 Metaxas, supra note __, at 154.
345 cf. Bethge, Exile and Martyr 66, 106 (when the paper was read to a group of Berlin ministers, one objected to it, and another walked out of the room); Cf. Schlingensiepen, 125.
principle, they could not speak against the government regarding the Aryan Paragraph because of that aspect of NL2K thought that requires the church to submit to the state in the state’s jurisdiction and areas of competence.\footnote{Cf. SCHLINGENSIEPEN 125-26 (the historically close relationship between the German church and state was also at issue).} Remember Gelasius’s Two Swords. Bonhoeffer acknowledged this is true to an extent. The state is not subservient to the church. However, the state as a penultimate entity is not autonomous or inherently legitimate. Its legitimacy is derived from God. And if the state’s actions threaten its legitimacy, the church must protest. Bonhoeffer maintained the state’s authority but also authorized the church to speak against the state when necessary. Moreover, the state is to preserve creation for Christ. The Aryan Paragraph hindered the church’s mission. The church could not preach Christ to Jews against whom it was discriminating by exclusion. Through the Aryan Paragraph, the state was undermining the church and also its own legitimacy. The German state was becoming “unnatural” by destroying the natural and hindering Christianity. As the German state forsook its God-ordained purpose and became unnatural, Bonhoeffer advised an escalating response from the church.

Later, an ecclesiastical struggle ensued when Hitler sought to have his ally, Ludwig Muller, installed as bishop of the German church.\footnote{METAXAS, supra note _, at 177.} When this failed, there was agitation from a group called the German Christians, who supported Hitler and believed in a national church.\footnote{Id., at 151, 177.} Muller then used Nazi troops to occupy church offices in Berlin.\footnote{Id., at 179.} In response, Bonhoeffer suggested the churches protest the state’s interference by refusing to perform weddings and funerals.\footnote{Id., at 179; BETHGE, EXILE AND MARTYR 107; see also SCHLINGENSIEPEN at 132; cf. BETHGE, DIETRICH BONHOEFFER: THEOLOGIAN, MAN FOR HIS TIMES at 291-93.} His suggestion went unheeded.\footnote{METAXAS, supra note _, at 179.} Later, Bonhoeffer helped pioneer the Pastors’
Emergency League, which, among other things, committed to showing solidarity with non-Aryan clergy, rejecting the Aryan Paragraph, and providing financial assistance to those persecuted by the Nazis.\textsuperscript{352} Bonhoeffer began to act against the German state which was undermining its legitimacy, hindering the church’s mission, and harming Jews.

By 1934, Muller was bishop.\textsuperscript{353} He nominated as legal administrator of the German church Dr. August Jager, an anti-church lawyer, who had said “The appearance of Jesus in world history ultimately represents a burst of Nordic light in the midst of a world tormented by symptoms of degeneracy.”\textsuperscript{354} Bonhoeffer believed Jager’s appointment meant “that all power of the church government has been handed over to political and party authorities.”\textsuperscript{355} Indeed, it was Hitler’s intent to control “the whole man” to the exclusion of the church.\textsuperscript{356} Bonhoeffer now believed that being Christian and National Socialist were mutually exclusive.\textsuperscript{357} Here, Bonhoeffer crossed a Rubicon. Why? He had been patient in seeking to call the German state to acknowledge its God-ordained parameters of authority. But we have seen that NL2K thinkers, including Bonhoeffer, always opposed the state encroaching on church authority. When Bonhoeffer saw that church authority had been handed over to a state official who was a Nazi fanatic, he realized the state’s negation of its authority was complete. The German state had abrogated the church and its mission. It was now mutually exclusive to be Christian or National Socialist.

\begin{footnotes}
\item[352] \textit{Bethge, Dietrich Bonhoeffer: Theologian, Man for His Times} at 309-11; \textit{Metaxas, supra} note \_, at 188; \textit{see also Schlingensiepen} at 137-38.
\item[353] \textit{Metaxas, supra} note \_, at 206.
\item[354] \textit{Id.}, at 219; \textit{see also Schlingensiepen} at 130.
\item[355] \textit{Metaxas, supra} note \_, at 219.
\item[356] \textit{See Schlingensiepen}, 115.
\item[357] \textit{Metaxas, supra} note \_, at 236; Bonhoeffer had anticipated this scenario many years earlier in 1927 writing, “There is a moment when the church dare not continue to be a national church, and this moment has come when the national church can no longer see how it can win though it be a gathered church … , but on the contrary is moving into complete petrification and emptiness in the use of its forms, with evil effects on the living members as well.” \textit{Dietrich Bonhoeffer, The Communion of the Saints} at 189-90 (1963); \textit{cf.} Vigen Guroian, \textit{Church and Nationhood}, in \textit{Theology and the Practice of Responsibility} at 178.
\end{footnotes}
Yet many in the church were cautious about opposing the German Christians.\textsuperscript{358} Bonhoeffer believed the church was experiencing a “theologically based restraint towards the state’s actions,”\textsuperscript{359} that is, the German Lutheran tendency to defer to the state on political matters.\textsuperscript{360} So, the problem of the church deferring to the state on two kingdoms grounds persisted. Bonhoeffer wished the church would break with this restraint and “[s]peak out for those who cannot speak.”\textsuperscript{361} Here we see the absence in Bonhoeffer’s thought of a static line between church and state. The “static line” was preventing the church from responding appropriately to the Nazis. But Bonhoeffer often used his position with the church to resist Hitler and the Nazis and urge others to do the same.\textsuperscript{362} He rallied members of the ecumenical church movement to condemn the Aryan Paragraph, and Bonhoeffer kept the ecumenical movement informed of “the horrors unfolding in Germany,” pleading with its members to take action against the German Christians and the Nazis.\textsuperscript{363}

The Nuremberg Laws were enacted on September 15, 1935.\textsuperscript{364} They forbade marriages and sex between Jews and Germans.\textsuperscript{365} They prohibited German women under the age of 45 from working for Jews.\textsuperscript{366} And they prohibited Jews from displaying Germany’s flag and colors.\textsuperscript{367} The church tended to think that it was to oppose the state only when the state

\textsuperscript{358} \textsc{Metaxas}, supra note \_, at 236.
\textsuperscript{359} \textit{Id.}, at 247; LPP at 6 (Bonhoeffer said that the Germans’ submissiveness to government authority had been exploited for evil); \textit{see also} Schlingensiepen at 125-26.
\textsuperscript{360} \textsc{Metaxas}, supra note \_, at 153, 265, 280; Lutheran theology was susceptible of being exploited “to justify nonresistance to evil and the fusion of church and state.” See Harold J. Berman and John Witte, Jr., \textit{The Transformation Of Western Legal Philosophy In Lutheran Germany}, 62 S. Cal. L.R. 1573, n. 238, (September 1989).
\textsuperscript{361} \textsc{Metaxas}, supra note \_, at 247.
\textsuperscript{362} \textit{Id.}, at 113, 189, 279.
\textsuperscript{363} \textit{Id.}, at 189, 199, 217; John W. De Gruchy, \textit{Christian Witness in South Africa}, in \textsc{Theology and the Practice of Responsibility} at 286; \textit{see also see also} Schlingensiepen at 186-88, 248, 261.
\textsuperscript{364} \textsc{Metaxas}, supra note \_, at 279.
\textsuperscript{365} \textit{Id.}, at 280.
\textsuperscript{366} \textit{Id.}
\textsuperscript{367} \textit{Id.}
encroached on the church, not when it acted politically.\textsuperscript{368} This position might justify opposition to the Aryan Paragraph, which required churches to fire Jewish pastors, but not justify opposition to the Nuremberg Laws which addressed civil society.\textsuperscript{369} Bonhoeffer, of course, drew no bright line between church and state. He believed the church must aid victims of illegitimate state action because the state was negating its authority by destroying rather than preserving creation. He believed it was very much the church’s role to speak for Jews who were being politically persecuted by the Nazis.\textsuperscript{370} Thus, when the church actually proposed a resolution recognizing the legitimacy of the Nuremberg Laws,\textsuperscript{371} Bonhoeffer opposed the resolution, and the resolution ultimately failed (though not because of Bonhoeffer’s opposition).\textsuperscript{372} “Declarations of solidarity with the victims of injustice … were precisely what Dietrich Bonhoeffer had demanded from the churches … . Bonhoeffer goaded the churches finally to act like the true church of Jesus Christ and to defend those brutalized by governmental injustice.”\textsuperscript{373}

Later, Bonhoeffer ran a church seminary.\textsuperscript{374} There he pushed his students to reconsider their support of the German state.\textsuperscript{375} He asked them to forego the financial and social advantages of working for the state church and not to allow the Nazis to tamper with their ministries.\textsuperscript{376} Once again, he was working against the German Lutheran tendency (similar to that of the church in the American Antebellum South) to automatically concede the legitimacy of state action and fail to act on behalf of the Jews, and this on two kingdoms grounds.

\textsuperscript{368} Cf. \textit{id.}, at 280.
\textsuperscript{369} Cf. \textit{Schlingensiepen} at 127.
\textsuperscript{370} Cf. \textit{Metaxas, supra} note _, at 280-81.
\textsuperscript{371} \textit{Id.}, at 281.
\textsuperscript{372} \textit{Id.}, at 281-82.
\textsuperscript{373} Gefrey Kelly, \textit{Bonhoeffer and Romero}, in \textit{Theology and the Practice of Responsibility}, at 87.
\textsuperscript{374} \textit{Metaxas, supra} note _, at 247.
\textsuperscript{375} \textit{Id.}, at 265.
\textsuperscript{376} See \textit{Bethge, Exile and Martyr}, at 57.
In 1939, Bonhoeffer learned of mass murders committed by the SS, enslavement of Poland, and plans to exterminate Jews. Bonhoeffer had become frustrated with the church’s failure to oppose Hitler and the Nazis, and these atrocities drove him to join a conspiracy to oppose the Nazis and remove Hitler from power. Actively joining the political resistance was a serious decision for Bonhoeffer because he thought in NL2K terms, viewing the role of Christian minister as basically complementary to that of the civil magistrate. If Bonhoeffer had been content with typical NL2K thought, he may have found himself stuck with a doctrine like the spirituality of the church. But his theoretical innovations facilitated his joining the conspiracy. Thus, he tried to help Jews escape from Germany and secure Allied support for the conspiracy.

Bonhoeffer joined the Abwehr, the German military intelligence agency, so he could work as a double-agent against Hitler. He used his position with the Abwehr to carry out illegal pastoral activities and help the conspiracy. He was acting simultaneously as a pastor and a political conspirator. At this point, it would be impossible to assign Bonhoeffer’s activities to one of the two kingdoms. He was acting for both simultaneously. This may have created an insurmountable ethical dilemma for some NL2K thinkers, but not for Bonhoeffer. He rejected any static line between church and state action. Bonhoeffer was acting at the nexus of the

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377 Metaxas, supra note __, at 351-52.
378 cf. Bethge, Exile and Martyr 90-92 (1975); cf. Joel A. Nichols, James W. McCarty III, When the State Is Evil: Biblical Civil (Dis)Obedience In South Africa, 85 St. John’s L. Rev. 593, n. 84 (2011); LPP at 6 (Germans’ submissiveness to government authority had been exploited for evil).
379 Metaxas, supra note __, at 350; Bethge, Dietrich Bonhoeffer: Theologian, Man for His Times at 623-25 (Bonhoeffer’s brother-in-law, Hans von Dohnanyi, introduced him to the conspirators).
380 cf. Bethge, Exile and Martyr 43, 120.
381 Robinson, supra note __, at 108; cf. Schlingensiepen at 248-49, 260; Bethge, Dietrich Bonhoeffer: Theologian, Man for His Times at 904.
382 Bethge, Exile and Martyr 126; Andreas Pangritz, Karl Barth in the Theology of Dietrich Bonhoeffer, 60-61 (1989); Lawrence, supra note __, at 7 (2010); Metaxas, supra note __, at 365-67.
383 Metaxas, supra note __, at 369-71; see also Schlingensiepen at 241, 245, 247-48; cf. Bethge, Dietrich Bonhoeffer: Theologian, Man for His Times at 515-16.
penultimate and the ultimate. Acting for one was acting for the other because they are interdependent. By opposing the Nazis, Bonhoeffer was supporting the penultimate and also the church. The Nazis were negating the state’s legitimacy, and so there were no two-kingsoms grounds for Bonhoeffer to submit to their authority, as a Christian or as a German. The Nazis were acting unnaturally, destroying creation rather than preserving it. Bonhoeffer had to act to preserve creation and life for their own sakes, but also for the Kingdom of God. His actions were political and spiritual simultaneously, and there was no need or way to separate the two kingdoms because they were interdependent. Moreover, he believed Christ set him free so that he could act responsibly for others, even if it meant incurring the guilt of acting “duplicitously” as a double-agent.  

One of Bonhoeffer’s roles within the conspiracy was acting as “theologian and moral compass.” In 1942, Wolf-Dieter Zimmermann, who would eventually attempt to assassinate Hitler, discussed killing Hitler with Bonhoeffer. Zimmerman was a staff lieutenant at the Army High Command. He had access to Hitler, and he asked whether he should shoot him. Bonhoeffer gave no simple answer. Another conspirator, Werner von Haeften, who would eventually lead the July 20, 1944 attempt on Hitler’s life, also asked Bonhoeffer if he should kill Hitler. Bonhoeffer emphasized the need to have a clear plan and foresee the consequences. But von Haeften was more interested in whether it was morally permissible for him to kill

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384 See LAWRENCE, supra note __, at 30-33 (2010).
385 METAXAS, supra note __, at 445.
386 Id., at 425-26.
387 Id.
388 Id.
389 Id.
390 Id.
391 Id.
Hitler. But he certainly did not forbid killing Hitler.

Ethics for Bonhoeffer were not abstractions that could be definitively stated. What mattered was learning in one’s particular circumstances what the will of God is. “Preoccupation with the practical, to the extent that it means giving precedence to the concrete rather than the abstract, is critically important to Bonhoeffer’s own approach to ethics.” Bonhoeffer could not tell Zimmerman or von Haeften in the abstract “yes, you should kill Hitler,” though Bonhoeffer himself was ready to kill Hitler. But whether Zimmerman or von Haeften should do so was between them and God. But Bonhoeffer also did not say “no, you should not kill Hitler.” What was he thinking? He believed human life was inherently good and should be preserved. He might have argued for killing Hitler on philosophical grounds. But he didn’t believe in justifying actions that way. He believed in responsible action: that sometimes it was necessary to take guilty action for the sake of other people. Bonhoeffer probably believed that the assassination of Hitler was a sin, but a necessary sin. And, while he tried to “live the life of

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392 Id.  
393 Id.  
394 Id.  
395 BONHOEFFER, supra note __, at 236; LPP at 6-7 (Abstract ethics are not “responsible.”); see also SCHLINGENSIEPEN at 250-51.  
396 BONHOEFFER, supra note __, at 24.  
398 BETHGE, DIETRICH BONHOEFFER: THEOLOGIAN, MAN FOR HIS TIMES at 751-52.  
399 BONHOEFFER, supra note __, at 123-25, 133.  
400 Id., at 134-35 (killing of the enemy in war, unintentional killing of civilians during war, and capital punishment are not arbitrary killings).  
401 Id., at 209.  
Jesus,**403 Bonhoeffer participated in the conspiracy that culminated with multiple attempts on Hitler’s life. Bonhoeffer seemed to think Jesus would kill Hitler.404

V. CONCLUSION

A. Bonhoeffer and NL2K thought

We have surveyed NL2K thought looking at Augustine, Ockham, Luther, Calvin, Kuyper, Barth and others including Dietrich Bonhoeffer. Though he differed with and developed it in significant ways, NL2K thought more often than not was the framework for Bonhoeffer’s thought and action. He recognized the existence of the two kingdoms and their institutional expressions of church and state. He recognized the God-given legitimacy of the state. He endorsed the different powers and jurisdictions of the church and state, the church governing spiritual matters by spiritual means and the state governing worldly matters by the sword. He rejected imposing Christianity by force or Christianizing government. He encouraged Christians to cooperate with non-Christians by participating in civil government and accomplishing projects of common interest. He recognized both antithesis and commonality between Christians and non-Christians. He recognized the roles of natural law and reason in civil law.

Even when his thought differs from NL2K thought, often he is building on the NL2K template. His concepts of the penultimate and the ultimate can be seen as developments of traditional NL2K ideas like God relating to the world as Creator and the church as Redeemer or that the church and state are allies against evil. His position that there is no static line dividing church and state presumes the NL2K position that there are two kingdoms with different powers and jurisdictions and finds precedent even in Augustine’s teaching that citizens of the two

403 Cf. BONHOEFFER, supra note _, at 23.
404 Cf. SCHLINGENSIEPEN at 251 (For Bonhoeffer, following Christ meant assassinating Hitler.).
kingdoms often mingle in the church and state. His teaching on the state potentially negating its God-given authority may be seen as a development of the traditional position that the state may not encroach on the jurisdiction of the church. In fact, his only significant break with NL2K thought was rejecting the Creator/Redeemer distinction. Admittedly, this is a profound break which influenced many of the themes we have considered.

The descriptive purpose of this article has been to demonstrate the role of NL2K thought Bonhoeffer’s life, and we have found Bonhoeffer in substantial continuity with the NL2K themes, if with developments and deviations.

B. Bonhoeffer’s development of NL2K thought

1. No static line

Bonhoeffer recognized the line between the two kingdoms and the church and state, but he did not believe this line was fixed.\(^{405}\) Bonhoeffer believed a misinterpretation of two kingdoms theory had left German Christians unprepared to resist the Nazis. We saw a similar problem in the Antebellum South and the doctrine of the spirituality of the church. For Bonhoeffer, the two kingdoms and the church and state were independent and interdependent. So the church cannot simply draw a line around the state and ignore politics. Sometimes the church acting properly as the church must act politically.

Bonhoeffer gave multiple theoretical justifications for this. One was his great break with NL2K thought. NL2K thought held that the state did not relate to God through Christ as Redeemer. For Bonhoeffer, everything was in Christ. Thus, the church could not concern itself

\(^{405}\) Cf., Pryor supra note _ at 699-700 (observing that the conceptualizing the two kingdoms in “static terms” is problematic, and also questioning the continued utility of the two-kingdoms paradigm).
only with the church. The state is also “in Christ” and is a proper matter of church concern. Bonhoeffer also relied on the relationship between the penultimate and ultimate. They are distinct but interdependent. The ultimate justifies the penultimate, and the penultimate is a means to the ultimate. One cannot undermine one without undermining the other. Therefore, the church cannot fail to concern itself with state action that affects ultimate matters.

This teaching has dangers. If there is no static line between church and state, on what grounds could church influence on state ever be limited? Does Bonhoeffer’s teaching underwrite John Cotton’s theocratic notion that the state must concern itself with people’s souls by suppressing other religions? No. Bonhoeffer insisted the state be religiously neutral and that Christianity be advanced only by spiritual means. Also, Bonhoeffer’s “no static line” position assumes that the church and state are normally independent. It assumes there is a line between church and state, but it is dynamic. Also, Bonhoeffer was not facing the problem of theocracy. He was facing the problem of church quiescence before Nazism. We will consider shortly whether Bonhoeffer has provided sufficient resources to solve the problem of church on state influence.

2. Responsible action

Bonhoeffer’s concept of responsible action is unprecedented in NL2K thought. It is both helpful and problematic. It helps the church avoid failing to oppose wrongful state action on two-kingdoms grounds. It is problematic because its theological basis is foreign to NL2K thought. Because Christ became a vicarious representative for human beings, taking guilt on himself, Bonhoeffer claims the church should do likewise. But NL2K thought nowhere teaches that the church is like Christ in this way.
Perhaps “responsible action” could be based on other biblical teachings. St. Paul taught that “all things were permissible,” only they must be “beneficial.”\footnote{1 Corinthians 10:23} A Lutheran interpreter of Paul has said

[I]t is folly to insist on doing things just because they are lawful when these things bring no benefit but rather hurt and harm either me or others. It is absurd to insist on doing things just because they are lawful when these things do not build up and further the Christian life but damage and destroy it for me or for others.\footnote{R. C. H. Lenski, The Interpretation of St. Paul’s First and Second Epistle to the Corinthians, 418 (1963).} Here, we can see a concern for the lives of others that would have been familiar to Bonhoeffer. Further, St. James described arguably “sinful” actions as justified because they were done in “faith.”\footnote{Cf. James 2:25.} Some have argued that Christians might be required to violate lesser norms like truth-telling for the sake of greater norms such as preserving life.\footnote{See Larry O. Natt Gantt, II, Charles H. Oates, Samuel Pyeatt Menefee, Professional Responsibility And The Christian Attorney, 19 Regent. U. L. Rev. 1, 19 et seq. (2006-2007).} Augustine noted that in such cases, God rewards the upright conduct but not the wrongful conduct, which was excusable because of the moral immaturity of the person committing the wrongful act.\footnote{See Joseph Boyle, The Absolute Prohibition Of Lying And The Origins Of The Casuistry Of Mental Reservation: Augustinian Arguments And Thomistic Developments, 44 Am. J. Juris. 43, 47 (1999) (Citing Augustine, Contra Mendacium, c. 21, 165-167 (Ed. R. Deferrari, 1957); see also, Robert Barry, The Biblical Teachings On Suicide, 13 Issues in Law and Medicine 283, n. 34 (Winter 1997) (a person may have “grave moral faults” but be saved by faith).} Thus, it is possible to agree with Bonhoeffer that some actions which are technically “unlawful” should be taken to benefit or preserve life. This does not require endorsing Bonhoeffer’s concept of responsible or vicarious action.

3. The unnatural and the negation of the state’s legitimacy

Bonhoeffer described an antithesis not previously considered in our survey of NL2K thought: the antithesis of the natural and the unnatural. Bonhoeffer noted that antithesis was generally
located between the spiritual and the worldly/natural. But he believed the antithesis between the natural and the unnatural was often overlooked. To put it concretely, NL2K thought usually describes antithesis between Christians and non-Christians. But Bonhoeffer experienced a different antithesis: between the Nazis and everyone else. Christians and non-Christians alike were allies against this unnatural evil that undermined and destroyed the natural without discriminating between Christians and non-Christians.

The concept of the unnatural overlaps with another NL2K theme, and here we see further innovation by Bonhoeffer. Bonhoeffer described how a state could negate its God-given authority by rejecting its commission to preserve creation and instead acting unnaturally and destroying creation. This respected the traditional position that the state was a legitimate authority but described conditions in which evil regimes like the Nazis should be rejected. Thus, Bonhoeffer developed NL2K thought on the legitimacy of government as he responded to Hitler and the Nazis.411

4. The Christological interdependence of the penultimate and ultimate

Many NL2K thinkers have said the church and state should assist one another and oppose evil together, but for Bonhoeffer the relationship between them was even closer. Bonhoeffer’s redemptive Christology drove his analysis of the relationship between the penultimate and ultimate and the church and state. The penultimate state is primarily a means to an ultimate end, the coming of Christ. The ultimate justifies the penultimate. But without the penultimate means there is no getting to the ultimate ends, and thus the ultimate requires the penultimate. Likewise,

411 See BETHGE, EXILE AND MARTYR 131; see supra note _ (discussing the “right of revolution” in Christian political thought).
for Bonhoeffer, the church and state are interdependent, and undermining one undermines the other.

These developments are redemptive-Cristological, yet they do not require accepting Bonhoeffer’s argument that the state is reconciled to God or is “in Christ.” There is some evidence even Bonhoeffer did not think so. Bonhoeffer’s position on the natural/penultimate and their relationship to Christ can be understood as a version of the biblical teaching that “the law is a tutor leading to Christ,” discussed in Section III(A)(7). NL2K thinkers could endorse Bonhoeffer’s concepts of the penultimate and ultimate without accepting his positions that God relates to the state as Redeemer or that the state is reconciled to God through Christ.

5. An Indication of Natural Law: Proper Conditions for the Proclamation of the Gospel

NL2K thought generally holds that natural law is known by human reason. Bonhoeffer agreed but went further. Bonhoeffer’s concept of the natural/penultimate suggests an indication of natural law not previously considered. The natural/penultimate is the proper conditions of human life for the proclamation of the Christian Gospel. The natural is the form of life that allows the proclamation of the Gospel. Natural law is the form human life must take so that the Gospel may be proclaimed “freely and unhindered.”

Bonhoeffer gave us concrete examples of what he means. If a slave is sufficiently deprived of his freedom, he cannot hear the Gospel preached. Human bondage, poverty, and ignorance can impede human beings from receiving the Gospel. A full analysis of this Gospel-centered

412 The world’s and the nations’ guilt is never forgiven by God. BONHOEFFER, supra note __, at 95-96; L. Gregory Jones, The Cost of Forgiveness, in THEOLOGY AND THE PRACTICE OF RESPONSIBILITY at 158.
413 See BONHOEFFER supra note __, at 110-19.
414 See id., at 111-12.
415 Id., at 111.
416 Id., at 112.
inquiry into natural law is outside the scope of this paper, and it is by no means suggested that the “proper conditions for the Gospel” is an exclusive indication of natural law. But it is interesting to consider: Does abortion hinder Christian faith? Does same sex marriage? Does social or economic inequality? Bonhoeffer provided a new line of inquiry into the content of natural law.

C. Church Influence on the State: Too Much or Too Little.

NL2K thought has had problems with determining the appropriate quantity and quality of church influence on the state. NL2K theory holds that the state’s coercive power should not be used to impose the church’s agenda. But Augustine, Luther, Calvin, and Cotton all allowed or called for the persecution of heretics. And Calvin and Cotton engineered societies with strong theocratic leanings. Yet, the pendulum also swings in the other direction. Some Christians in the Antebellum South were restrained from speaking out against slavery on the theory that politics was the purview of the state, and German churches failed to oppose the Nazis for similar reasons. If the church is only spiritual, on what grounds can it oppose social evils like slavery or Nazism? But if the church is to act socially and politically, how is it to refrain from imposing religious values by force? Here we will consider whether Bonhoeffer offered any solutions to this problem.

Bonhoeffer’s life seems to strike the right balance. He insisted on the state’s religious neutrality and never considered imposing religion by force. Yet he opposed the Nazis literally unto death, participating in a plot against Hitler for which he was executed. “[W]ho would not have wanted the spiritual leadership of … Dietrich Bonhoeffer … during the human rights
struggles of their day?”

“‘One can find no better example of individual Christian conscience stirred to political action than that of Dietrich Bonhoeffer.’

Reinhold Niebuhr noted that Bonhoeffer’s example “enabled people to learn to overcome the one disastrous mistake of German Protestantism: that is, the complete separation of faith from political life.’

But does Bonhoeffer’s thought help NL2K theory?

The NL2K thought that the content of the natural law includes the Decalogue tends toward imposing religion by force. If the Decalogue is part of the natural law, and if natural law is the standard for civil law, then the persecution of heretics and blasphemers is reasonable. A possible solution to this problem is suggested by Bonhoeffer’s emphasis on the second table of the Decalogue. For while the first table contains “religious” content, the second table contains neighbor-oriented content like prohibitions on murder, stealing, and lying. Granted, some of the prohibitions of the second table such as ‘thou shalt not covet’ or ‘commit adultery’ would be controversial. But Bonhoeffer’s emphasis on ‘neighbor-duties’ as natural law is better suited for contemporary law and ethics than traditional NL2K thought on the Decalogue.

Bonhoeffer’s categories of the penultimate and ultimate help limit the encroachment of church on state and vice versa. The ultimate is the coming of Christ; the penultimate precedes the ultimate by preserving creation for Christ or allowing the proclamation of the Gospel. The state preserves creation for Christ but does not impose Christianity. Bonhoeffer insisted that the state must remain religiously neutral. This implies limitations on pro-religious state action. The state should not impede Christian faith, but neither should it become Christian or impose Christianity.

To the extent the state were to impede Christian faith, Bonhoeffer believed the church should

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419 EBERHARD BETHGE, COSTLY GRACE 185 (1979) (quoting testimony from Reinhold Niebuhr).
oppose the state. And Bonhoeffer commended religiously neutral projects that facilitate Christian faith, such as the provision of basic necessities for human life. But Bonhoeffer never suggested the state impose or regulate religious doctrine. Why? Because these are ultimate matters to be administered by the church. Unlike Calvin and Cotton (in some instances), Bonhoeffer had faith that the spiritual means of the church were sufficient to accomplish spiritual ends.

But how does Bonhoeffer help us with the problem of a church that is too deferential to state action? By referring us to the interdependent nature of the penultimate and ultimate and rejecting a static boundary between the two kingdoms. If one were to accept that the two kingdoms were completely independent and separate, it would be difficult to explain why the church, with its spiritual nature, should take action against the state in the social or political arenas. Bonhoeffer recognized the different natures, powers, and jurisdictions of the church and state, but also found them interdependent. Thus, the church cannot ignore political realities, especially those like slavery and Nazism that destroy the natural order and impede the Gospel. This does not mean there is no boundary line between the church and state, but it does mean there is state action to which the church must respond because of the interdependent nature of the penultimate and ultimate. Relatedly, Bonhoeffer’s concept of the unnatural, which is antithetical to both the church and state, provides a way for NL2K thought to acknowledge the God-given legitimacy of the normal state but distinguish a normal state from a state that negates its legitimacy and must be opposed.

Also, central to taking action against the unnatural is Bonhoeffer’s concept of “responsible action.” For the good of human beings, Jesus Christ took human guilt and punishment on himself. By doing so, Jesus created a new humanity that is free to also act

420 See LAWRENCE, supra note __, at 30-33, 36.
responsibly. Human beings should not hesitate to act on behalf of others for fear of incurring guilt; rather, they should be willing to take sin on themselves as they act for the benefit of others. “The one who would follow Christ must be willing to take on guilt, must be willing to bear the cross, and so suffer with Christ in his bearing of guilt for others.”

Bonhoeffer’s concept of responsible action frees a person from the fear of incurring guilt or sin by crossing the two-kingdoms line and encourages action for the benefit of one’s neighbor.

In summary, Bonhoeffer described natural law based on neighbor duties, avoiding the NL2K rationale for religious persecution. He described a state that may not impede Christian faith yet is religiously neutral, creating the necessary room for the church without requiring the state to impose Christianity. He acknowledged the authority and jurisdiction of the state yet opposed a state that acts unnaturally and yet required church action against grave social and political evils. Bonhoeffer thought in NL2K terms, yet he also developed NL2K thought largely to its benefit.

\footnote{LAWRENCE, supra note _, at 87.}