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"Partakers of Divine Majesty": Retrieving Martin Luther's Critical Public Theology of Political Authority for the Global Civil Society of the 21st Century

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Woe to those wise in their own eyes,
and shrewd in their own sight!
Isaiah 5:21

Rise up, O God, judge the earth; for all the nations belong to you!
Psalm 82:8

Introduction

He looked straight into my eyes that night and said it. "America is a nation with a mission, and that mission comes from our most basic beliefs. We have no desire to dominate, no ambitions of empire."[1] President Bush tendered that assurance eyeball to eyeball to the American people and to the nations of the world in his 2004 State of the Union Address. At the very same time Washington neocon policy makers were fashioning their dream for full spectrum "global benevolent hegemony." During these same bleak days United Nations Secretary General Kofi Annan was promoting global civil society as "the world's new superpower."[2]

A key dynamic of global civil society is the twofold medium of solidarity and publicity. Today I concentrate on publicity and save the ethos of solidarity for another occasion. The term publicity does not nest within the semantic field of public relations,

[1] The President's 2004 *State of the Union Address,* at www.whitehouse.gov/news/releases/2004/01/print20040120-7.html (accessed 5 August 2007). Four days after this, Vice President Cheney, in Davos, Switzerland, again disavowed any US ambition to empire and used a territorial definition of empire. See http://www.whitehouse.gov/news/releases/2004/01/print/20040124-1.html (accessed 5 August 2007). The President first stated this disavowal in his now-famous West Point graduation speech on 1 June 2002, at http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html (accessed August 5, 2007). He again denied empire on November 11, 2002 in a speech at a White House reception for veterans. "We have no territorial ambitions, we don't seek an empire. Our nation is committed to freedom for ourselves and for others," see http://www.whitehouse.gov/news/releases/2002/11/print/20021111-2.html (accessed 5 August 2007). The West Point speech has become famous, first, as the start of "the Bush Doctrine." Second, four quotations from this speech appear as official epigrams in *The National Security Strategy of the United States of America*, September 2002, which officially contains much of the Bush Doctrine. See http://www.whitehouse.gov/nsc/nss.html (accessed 5 August 2007).

[2] For a report of Kofi Annan's remark go to: http://ipsnews.net/interna.asp?idnews=28943; also see "Our Challenge: Voices for Peace, Partnerships and Renewal," 58th Annual DPI/NGO Conference, United Nations, New York 7-9 September 2005 at: http://www.ngodpiexecom.org/conference05/resources/DPI_Conference_Programme.pdf. Annan ascribes superpower-like significance to civil society as far back as 1998 (see http://www.un.org/News/Press/docs/1998/19980714.sgsm6638.html.

which deliberately aims to manage the public perception of something or somebody. Rather, publicity is a term of art within the fields of political and civil society theory. It refers to public transparency, accessibility, and accountability to wider publics. Eleanor Roosevelt, for instance, used the term publicity precisely in this sense when she guided the nations of the world to discern, fashion, and underwrite the *Universal Declaration of Human Rights* just over sixty years ago on December 10, 1948.

It is my contention that Martin Luther's critical theology of political authority can provide theological imagination for the dynamic of publicity as it relates to the churches' vocation of public companion with God in today's global civil society. Luther is deeply interested in how God holds political authority accountable, which we might call God's publicity. This leave us with the problem of how to engage Luther on these questions in light of the still authoritative, standard interpretation of Luther promulgated by Ernst Troeltsch and Reinhold Niebuhr. Their oft-drawn-from legacy has rendered Luther useless, even counter-productive for the kind of theological exploration that is needed relative to today's global civil society. First, I will review the key feature of the Troeltsch-Niebuhr interpretation. Second, we will explore Luther's constructive reflections on God's publicity in the 16th century. We will find the Troeltsch-Niebuhr legacy to be in error. Finally, we will offer a brief suggestion for how Luther's theology of God's publicity might ignite our vocational imagination within global civil society.

The Troeltsch-Niebuhr Legacy of Luther Interpretation

Reinhold Niebuhr wrapped Luther's political thinking up with Hobbes as fathers of "anti-democratic theory."[3] Niebuhr's overall argument to vindicate democracy by means of a critique of its traditional liberal basis is persuasive. He stakes his claim around his now well-known maxim, "Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary."[4] While liberalism is "too consistently optimistic" to anchor democracy in the long run, Luther and Hobbes are portrayed in the opposite way. As Niebuhr sees it, their "error was due to their too consistent pessimism."[5] In their "purely pessimistic analysis of man's nature human desires are regarded as inherently inordinate, and human character is believed to be practically devoid of inner checks upon expansive desires." They, therefore "assigned only the negative task of suppression to government; and they failed to provide any checks upon the inordinate ambitions which the community as such, or its rulers, might conceive and thereby imperil the rights and interests of the individual." Their "pure pessimism" "reveals the moral naïveté of every form of absolutistic political theory."[6] I have no quarrel with the portrayal of Hobbes, but Niebuhr is wrong on Luther. Luther does not, of course, know a democratizing ethos as we have come to know it. His

[3] Reinhold Niebuhr, The Children of Light and the Children of Darkness: A Vindication of Democracy and a Critique of Its Traditional Defense, (New York: Scribner, 1941), p. 29.

[4] Ibid., p. xi.

[5] Ibid., p. 44.

[6] Ibid., p. 45.

theological reflections on God's publicity, however, offer one key to a contemporary critical theory of democratization with global civil society as a key component.

As is well known, Niebuhr was channeling Ernst Troeltsch's interpretation of Luther. Luther, noted Troeltsch, "glorifies power for its own sake."[7] Therefore, "all order and welfare depend upon unconditional obedience towards the authorities which have come into being in the course of the historical process. . . . [and] therefore glorifies whatever authority may be dominant at any given time."[8] "In this glorification of authority," continued Troeltsch, "there were certain resemblances to the doctrine of Machiavelli, which the early Lutherans had already noted [in Luther]."[9]

Troeltsch, of course, was fighting the mid-nineteenth-century Lutheran absolute monarchists. "The main features of the conservative doctrine of the State and of Society have been foreshadowed in Luther's theory," said Troeltsch. Unfortunately, Troeltsch far too readily accepted the Lutheran absolutists' interpretation of Luther. In fact, when he did indeed find something in Luther that went against absolutism, as he did in Luther's turn toward resistance theory, he chalked it up to "foreign influence . . . [that] did not harmonize either with Luther's [usual] opinions or with his logic."[10] (II, 532). Furthermore, "Wherever the Christian-Social ethic and social policy strikes out in another direction [than absolutism] we may be sure that other influences are at work than those of genuine Lutheranism. As a rule these influences are due to Calvinism . . . "[11] (II, 576). But Niebuhr and Troeltsch were wrong. Luther was more complex than they gave him credit for, though he did, however, also change his mind on things and not always in the right direction, as he did most notoriously in the case of the Jews.

God's Publicity within Luther's Critical Theology of Public Theology

We can portray Luther's critical public theology of political authority around thirteen themes, aspects, or components. I give an account of divine publicity as the eleventh component. Many of these themes are well known and well contested, and I will not offer any exposition or analysis here. Certain well-known aspects are regularly misconstrued because interpreters leave them dangling alone without integrating them into a more comprehensive whole. This partially explains why interpreters "class together" Luther with Machiavelli or Hobbes.[12] Of course, the occasional nature and situated character of Luther's

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[7] Ernst Troeltsch, *The Social Teaching of the Christian Churches* (Louisville, KY: Westminster/John Knox Press, 1931, 1992), vol. 2, p. 529.

[8] Ibid.

[9] Ibid., p. 532.

[10] Ibid.

[11] Ibid., p. 576.

[12] Ibid., 543, n. 257; also see John Figgis, *Studies of Political Thought from Gerson to Grotius* (Cambridge: Cambridge Press, 1931, second edition).

writings could lend themselves to that kind of one-sided interpretation if one were careless or malicious.

The first six aspects are the most well known and of course merit extensive discussion and deliberation, which will not happen here.

law-gospel hermeneutics;

the two kingdoms;

political authority within creation and law;

humanity created in image of God, fallen yet preserved;

God's worldly immanence through *larvae dei*;

the sword of political authority;

First, Luther deals with God's Word and work by considering the question of the distinction and coordination of law and gospel, or more precisely, law and promise. Second, this leads to Luther's well-know and contested "both kingdoms" teaching regarding God's two ways to rule the one world. Third, political authority comes within the scope of God's left-hand rule of the world and is tethered to God's creative work and law. Fourth, God creates humans embodied in the image of God who in the mystery of Adam and Eve inherit the inclination to distrust their Creator and the consequential outcome of that inheritance. James Madison, not Thomas Hobbes, is thus the better traditioner of Luther's theological anthropology. "As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust," noted Madison in *The Federalist Papers* No. 55, "so there are other qualities in human nature which justify a certain portion of esteem and confidence." Fifth, Luther has a lively imagination for God's immanence in the world through *larvae dei*—the masks of God—resulting in ordinances, estates, offices, and vocations, which is why Luther waxes eloquently on Psalm 127 in this regard and traditions that eloquence in the *Large Catechism* under the first commandment.

The sixth aspect of Luther's public theology of earthly sovereignty is the sword as one such creational ordinance and office, and thus as a legitimate candidate for Christian vocation. The *locus classicus* for Luther's reflections on this matter came on the occasion of a 1523 request made from his own soon-to-be prince, John the Steadfast. Many of the key features of Luther's reflections on earthly sovereignty come to the foreground in *Temporal Authority: To What Extent It Should Be Obeyed*. But, not all of the features! Because *Temporal Authority* is the only text that most people read, they get an incomplete portrayal of Luther's overall critical public theology.

John the Steadfast has a circumscribed question and Luther considers only those features that are sufficient to address John's anxieties now that he had committed himself to the evangelical cause. As is well known, Luther takes up this vocational question within his twofold critique, first, of the then-dominant monastic captivity of vocation, and second, of the emerging purist captivity of vocation among certain Anabaptists, subjects which I will not take up today. At this point let me merely flag the subtitle of *Temporal Authority* and its

subtle though significant evocation of the famous *clausula Petri*. When confronted with a conflict of obediences, we must obey God rather than human authority (Acts 5:29). That is, "to what extent it should be obeyed." There is no "unconditional obedience" to earthly sovereignty in Luther. Though he regularly gives the benefit of the doubt to temporal authority, it is not absolute. This is precisely the point of Luther's theology of divine publicity, as we shall see. An exemplary case is Luther's exhortation to selective conscientious objection to an unjust war.

Luther, of course, follows the common place of medieval Christianity and refers to earthly sovereignty with the synecdoche of "the sword." Being the consummate rhetorician that he was, and that many were in and after the Renaissance, Luther invoked this part—the sword—for the whole. But as is the case with synecdoche, and as Luther very well knew, the part is never merely the whole. In our age of rhetorical challenge it is far, far too easy to literalistically confuse part and whole and, vice versa, whole and part when reading a ubiquitous employer of synecdoche as was Luther.

The last seven components of Luther's critical public theology of political authority are less well known and thereby would deserve considerable attention in a larger project.

the scepter of political authority;

earthly peace through civic friendship and enjoyment;

natural law;

reason and wisdom;

legitimate resistance of lower magistrates to tyranny;

divine publicity;

penultimate pessimism and the question of earthly progress.

The seventh aspect of Luther's public theology of earthly sovereignty is the scepter, or to use Luther's synecdoche from the fourth petition in the *Large Catechism*, the bread loaf. He notes, there, that it would be "fitting if the coat of arms of every upright prince were emblazoned with a loaf of bread instead of a lion or a wreath of rue, or if a loaf of bread were stamped on coins."[13] The scepter as the synecdoche for the authority of distributive justice takes its place along sided of the sword as can be seen in Psalm 45. In Western Christendom, however, the scepter as chief synecdoche has usually given way to the sword. This is terribly unfortunate and accounts for why Niebuhr, for instance, thinks that Luther "assigned only

[13] Luther, *Commentary on Psalm 82*, *Luther's Works*, The American Edition, eds. Jaroslav Pelikan and Helmut Lehmann, 55 vols. (St. Louis and Philadelphia: Concordia Publishing House and Fortress Press, 1955-1986), vol. 13, pp. 54-55 (hereafter *LW*); Luther, *Large Catechism*, in Robert Kolb and Timothy Wengert (eds), *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress, 2000), p. 401.

the negative task of suppression to government." He too often contributed to this low esteem for the scepter within God's law by his oft summary of the law as a dike against sin.

Luther undeniably assigned the positive task of promoting the commonwealth to government. Hear him. "The second virtue of a prince [after the virtue of allowing free course for the proclamation of the Gospel] is to help the poor, the orphans, and the widows to justice, and to further their cause. But, again, who can tell all the virtues that follow from this one? For this virtue includes all the works of righteousness." He used the image of a great hospital, which provides both palliative **and** preventive care, to talk about distributive justice and the prince as just peacemaker. "[It is to be] a general, true, princely, indeed, a heavenly and divine hospital." It will serve "especially the really poor people . . . [though] it preserves rich or poor, his living and his goods for everyone, so that he does not have to become a beggar or a poor man." "[T]here are many who are not beggars and do not become beggars. For them the overlord is providing in this hospital. For so to help a man that he does not need to become a beggar is just as much of a good work and a virtue and an alms as to give to a man and to help a man who has already become a beggar."[14]

Over the last couple of decades several interpreters of Luther have done important work along this line.[15] I leave it at that for the moment except for this assertion. In Luther's numerous mirrors of the prince the bread loaf is the more circumscribing work of the prince's vocation within which the sword then has a rightful, necessary place. Without an encircling bread loaf, the sword too readily contorts under the temptation of tyranny and totalitarianism. The tradition of just war reflection, for instance, must keep just war within the wider circumference of a vigorous and vigilant just peacemaking ethos. The larger arc of just peacemaking guards against just war reflection from degenerating into a more imperial war realism, which happened under the Bush doctrine after 9/11.

The eighth aspect continues to remain a far too hidden gem in Luther and will largely remain unexamined here. He considers earthly peace by means of civic friendship or solidarity and by means of enjoyment. Just briefly on both. As he develops the conditions for earthly peace he quotes approvingly first Aristotle and then Terence. "Whatever is maintained by force cannot last . . . [for] whoever thinks that a dominion is better maintained by force than by friendship is mistaken."

Luther takes up the question of enjoyment throughout his work and indeed focuses it catechetically in the fourth petition of the Lord's Prayer. He always couples the use of daily bread with its enjoyment. What God hath joined together let no one rend asunder, even Luther's great teacher Augustine. Augustine famously opposes *uti et frui*. Therefore, "the peace which we enjoy in this life . . . is rather the solace of our misery than the positive

[14] Luther, *Commentary on Psalm 82*, pp. 53-54.

[15] See, for instance, Carter Lindberg, *Beyond Charity: Reformation Initiatives for the Poor* (Minneapolis: Fortress Press, 1993); and Samuel Torvend, *Luther and the Hungry Poor: Gathered Fragments* (Minneapolis, MN: Fortress Press, 2008).

enjoyment of felicity."[16] Luther goes against that Augustinian grain and the history of its effects and this colors Luther's understanding of earthly sovereignty as well.

The ninth and tenth components of Luther's public theology of earthly sovereignty are natural law, on the one hand, and reason and wisdom, on the other. Luther's reflections on natural law are very important but are beyond our scope here. I offer only a brief little glimpse into this direction through the following passage on reason and wisdom.

God is a gentle and wealthy Lord. He casts much gold, silver, wealth, dominions, and kingdoms among the godless, as though it were chaff or sand. Thus He casts great intelligence, wisdom, languages, and oratorical ability among them, too, so that His dear Christians look like mere children, fools, and beggars by comparison . . .

These components of Luther's public theology deserve much more attention and remain ongoing tasks for contemporary Lutheran theology and ethics as they develop a critical natural law approach for the twenty-first century. They also bear on the thirteenth aspect of Luther's critical public theology, that is, on Luther's penultimate pessimism and the question of progress, something that we will not take up at all but that Niebuhr is also helpful on.

The eleventh aspect of Luther's critical public theology of earthly sovereignty is the resistance of lesser magistrates, an aspect that develops through three stages over the last two decades of his life. I, and others, have given good attention to this aspect.

The twelfth component of Luther's critical theology of political authority is God's publicity. God's publicity is a key in the face of empire and for the development of a Lutheran theological theory of global civil society and of an ethic of deliberative democracy, universal human rights, and global governance. Luther took up the question of political publicity in his spring 1530 Commentary on Psalm 82.[17] Luther wrote this commentary as a "mirror of the prince"—*speculum principi*—a familiar genre in Western civilization. He wrote this *speculum principi* within a few month after returning from the Saxon Visitations and just prior to his departure for the Coburg Castle where he waited out the Diet of Augsburg. In a *speculum principi* a wise and respected person, like a theologian, would write a treatise addressed, and sometimes dedicated, to a prince or other political official. Upon rising each morning the prince was to recall the treatise, that is, to gaze on this "mirror" and see what a righteous prince was to look like, and then go and do likewise. Both Erasmus and Machiavelli wrote mirrors of the prince during this same time period.

Luther did not address his *Commentary on Psalm 82* mirror to any particular prince as he did with most of his other mirrors.

The first two verses read:

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[16] Augustine, *City of God*, 19.27 at: http://www.newadvent.org/fathers/1201.htm.

[17] Martin Luther, "Commentary on Psalm 82."

God stands in the congregation of God,

And is Judge among the gods.

How long will you judge unjustly

And prefer the persons of the godless?

First, one preliminary item! Luther, like others before him, interprets the first verse to refer to earthly sovereignty in the polis. The gods are all the offices of government, which stand under God's ordinance as Paul famously notes in Romans 13. The "congregation of God" is the earthly city not the congregation gathered around Word and Sacrament. Luther indeed stresses that earthly cities are "God's own" and God "accepts them as God's own work." Interestingly Luther's example is Nineveh and he waxes lyrical about God's creativity and care for the city, thus heightening the urgency for good government. "For this 'congregation of God,'" says Luther, "is a precious word."

For He has made, and makes, all communities. He still brings them together, feeds them, lets them grow, blesses and preserves them, gives them fields and meadows, cattle, water, air, sun and moon, and everything they have, even body and life, as it is written (Gen. 1:29). For what have we, and what has all the world, that does not come unceasingly from Him? . . .

Such communities are God's work, which He daily creates, supports, and increases, so that they can sit at home and beget children and educate them. Therefore this word is, in the first place, a great and pleasant comfort to all those who find themselves situated in such a community. It assures them that God accepts them as His work and His creation, cares for them and protects and supports them, as we can, in fact, see with our own eyes. . . For this word "congregation of God" is a precious word; . . .

After noting that the purpose of law and sword is to "keep down the disorder of the rabble," Luther stresses that God also "keeps down the rulers, so that they do not abuse His majesty and power according to their own self-will but use them for that peace for which He has appointed and preserves them." In this regard Luther couples, as does Calvin as well, the standard Romans 13 text with 2 Chronicles 19:6-7. "Now, let the fear of the Lord be upon you; take care what you do, for there is no perversion of justice with the Lord our God, or partiality, or taking of bribes." Here King Jehoshaphat warns the officials under him to be sure to judge rightly because they are the earthly masks or media of God's judging. They will exercise wise and just judgment to the degree that they live within the fear of the Lord. This is why the hallmark of all biblical wisdom literature is "the fear of the Lord is the beginning of wisdom." The "fear of the Lord" is the biblical way to emphasize accountability to God and thus the biblical trope for divine publicity, the third structural pillar for nations and for a civic international order.

Luther does not, of course, have an imagination for democratic citizenship or for something like the consent of the governed. But he does recognize the problem of the accountability of political authority and that recognition is itself significant. He upbraids princes who "will not allow [anyone] to rebuke their wickedness and self-will."

Princes, he notes, have “now discovered a new device, and declare that whoever rebukes them is seditious, rebels against the authority ordained by God, and defames their honor.” These princes’ “ultimate desire,” says Luther, “is to be able to do whatever they wish, without hindrance or rebuke, without shame or fear, and with honor and glory, so that they become that noble, praiseworthy folk” cited in 2 Peter “who live according to their own self-will and do what they please.” Luther’s concludes, “Against such little squires the psalm is written.”

Luther goes on to note that princes are not gods in the polis in such a way that they have this position all to themselves and can do as they like. Not so! God Himself is there also. He will judge, punish, and correct them; and if they do not obey, they will not escape. “He stands in His congregation,” for the congregation is also His; and “He judges the gods,” for the rulers, too, are His. And because both [the polis and the rulers] are His, it is right for Him to take the part of both.

Psalms 82 is therefore a terrible and threatening word against the wicked and self-willed gods or rulers . . . and when they think that no one is to judge them or rebuke them without being called a rebel, a little peg is driven into them, and a club is laid beside the dog. Thus they are properly rebuked, boldly spoken to, and threatened sharply and hard, as this psalm does. For it says here: “God stands in His congregation and judges the gods”; that is, He rebukes them.

About the necessity for publicity Luther is quite clear, he does not countenance political absolutism. About the ultimate source of publicity he is also equally clear. It is God. Luther is quite aware, however, that he still has a big problem. While publicity’s rebuke comes *from* God, Luther’s biblical imagination also tells him that God does not work immediately, but rather works all of God’s doings *through* earthly media. God rebukes mediatedly, we might say. In this sense then publicity is the vehicle that instills the fear of the Lord, which is the beginning of wisdom and wise politics.

Luther asked, “Where, then, is God? Or how do we become sure that there is a God who thus rebukes?” As he scans the late medieval landscape there are not many good options for earthly agents. One possible agent that he considered already back in 1523 were the commoners, the peasants. “The common man [sic] is learning to think . . . Men will not, men cannot, men refuse to endure your [princely] tyranny and wantonness much longer. . . . The world is no longer what it once was, when you hunted and drove the people like game.”[18] Note how Luther used political and moral categories—“tyranny” and “wantonness” respectively—to characterize their critical reflection on the aristocratic ethos. Still, he cannot imagine commoners having an office and calling for the emerging public use of their reason. Drawing on Psalm 110 he designated their emerging critical reflection as the *contemptum pricipi*—the scourge of the princes—of Psalm 110, which in the 1530s becomes a text for another of his mirrors of a prince. While Luther originally took up the just cause of the peasants, he finally settled on them being an instance of God using one scoundrel to

[18] Luther, “Temporal Authority: To What Extent It Should Be Obeyed,” *LW* 45, p. 116.

discipline another scoundrel. The disastrous slaughter of the peasants took place under Luther’s urging. Tragically, he had not yet in 1523 developed an adequate resistance theory.[19]

Early in the 1530s he would begin looking toward lesser magistrates at least vis-à-vis the emperor. Luther also notes that God engages in random acts of raising up special stars and prophetic heroes of justice, and that God does not raise them up merely within Christendom but also among “the heathen,” as he puts it.

In 1530, however, Luther identified a fourth earthly agent: preachers. For there in the city, notes Luther, God “has His appointed priests and preachers, to whom he has committed the duty of teaching, exhorting, rebuking, comforting, in a word, of preaching the Word of God.” A year earlier Luther had participated in the Saxon Visitations and even he was amazed at how miserably preachers and bishops understood and exercised their office. We will see this in Luther’s own words, which follow.

Observe, however, that a preacher by whom God rebukes the gods is to “stand in the congregation” He is to “stand”: that is, he is to be firm and confident and deal uprightly and honestly with it; and “in the congregation,” that is, openly and boldly before God and people.”

I note here also, without analysis, one further point. Within six months Luther will deepen and expand his notion of publicity with its open, bold and vigilant transparency, accessibility, and accountability in his *Dr. Martin Luther’s Warning to My Dear German People*, that wonderful treatise from October 1530 on the occasion of the failure of the Diet of Augsburg. He developed his account of publicity as a critical theology of confessing that would eventually make it into the Lutheran Confessions of 1580 through Article X of the *Formula of Concord* and into the heart and center of Dietrich Bonhoeffer’s life and thinking of *tempus confessionis*, of times for confessing.[20]

Back now to the Psalm 82 mirror of a prince! When preachers stand up boldly and openly *coram deo—coram hominibus* two sins are prevented, noted Luther, the sin of unfaithfulness and the sin of backbiting. He is both brilliant as a theological and political ethicist and just plain capable and fun as a rhetorician. In the art of rhetoric to address unfaithfulness goes to the character—the *ethos*—of the pastoral office. His just completed riff on the stipulation that preachers and bishops are “to stand” dealt with the positive side of their *ethos*. By addressing backbiting he dealt with the world of the audience and their emotions, with *pathos* as rhetoricians call it following Aristotle. Positioned between *ethos* and *pathos* is *logos*. A persuasive appeal made on the basis of *logos* uses a logical or reasonable argument to persuade. In this mirror of the prince Luther appeals to the Psalm’s rationale about the substance of the prince’s office, which centers, among other things, on distributive justice for the most vulnerable among us and for all of us in our vulnerability. As we will hear

[19] For Luther’s path to resistance theory see Gary M. Simpson, “Toward a Lutheran ‘Delight in the Law of the Lord’: Church and State in Light of Civil Society,” in *Church and State: Lutheran Perspectives*, edited by John Stumme and Robert Tuttle (Minneapolis: Fortress, 2003).

[20] See Robert W. Bertram, *A Time for Confessing* (Grand Rapids, MI: Eerdmans, 2008).

in a moment Luther's use of emotionally vigorous and vivacious language relevant to both princes and pastors suggests that he imagines a multilayered audience. So, allow me to read at length. First, regarding unfaithfulness:

There are many bishops and preachers in this ministry, but they do not "stand" and serve God faithfully. On the contrary, they lie down or otherwise play with their office. These are lazy and worthless preachers because they do not tell the princes and lords their sins. They lie down and snore in their office and do nothing that pertains to it except that, like swine, they take up room where good preachers should stand. These form the great majority. Others, however, play the hypocrite and flatter the wicked gods and strengthen them in their self-will. . . . Still others fear for their skins and are afraid that they must lose life and goods. All these do not "stand" and are not faithful to Christ.

So the office that I, as a seminary professor, am called to prepare students for!

Luther's critique of the sin of backbiting is particularly crucial when one looks toward developing a theological theory of publicity and global civil society.

The whole world is full in every corner of preachers and laypeople who bandy evil words about their gods, i.e., princes and lords, curse them, and call them names, though not boldly in the open, but in corners and in their own sects. But this accomplishes nothing except to make the evil worse. . . . If you are in the ministry and you are not willing to rebuke your gods openly and publicly, as your office demands, at least leave off your private backbiting, calling of names, criticizing, and complaining, or go hang [yourself]! . . .

So, then, this first verse teaches that to rebuke rulers is not seditious, provided that it is done in the way here described: namely, by the office to which God has committed that duty, and through God's Word spoken publicly, boldly, and honestly. To rebuke rulers in this way is, on the contrary a praiseworthy, noble, and rare virtue, and a particularly great serve to God, as the psalm here proves. It would be far more seditious if a preacher did not rebuke the sins of rulers; for then he makes people angry and sullen, strengthens the wickedness of rulers, becomes a partaker in it, and bears responsibility for it.

Luther does, indeed, glorify power but, quite contrary to Troeltsch and Niebuhr, not "for its own sake" or "on its own." First, Luther tethered power tightly to distributive justice for the common good and especially for the well-being of the most vulnerable among us and for all of us in our vulnerability. Secondly, Luther imagines that God holds princes accountable through earthly offices of publicity for maintaining this tight tether between power and justice. The majesty or prestige of the prince is doubly dependent then on power's connection to justice within offices of publicity. That bold and open rebuke is such a "rare virtue" for individual preachers and bishops, as Luther noted, only highlights the necessity to develop the infrastructure of publicity as a third necessary component of the structure of

nations both internally and internationally. That is precisely what the emergence of global civil society is all about as well as its connection with democratization.[21]

So let me conclude with a final rhetorical flourish from Luther.

In a word, after the Gospel or the ministry, there is on earth no better jewel, no greater treasure, nor richer alms, no fairer endowment, no finer possession than a ruler who makes and preserves just laws. Such people are rightly called gods. These are the virtues, the profit, the fruits, and the good works that God appointed to this rank in life. It is not for nothing that He has called them gods; and it is not his will that it shall be a lazy, empty, idle estate, in which people seek only honor, power, luxury, selfish profit, and self-will. He would have them full of great, innumerable, unspeakable good works, so that they may be partakers of His divine majesty and help Him to do divine and superhuman works.

A Brief Suggestion

Publicity together with solidarity form the core dynamic of the emerging age of global civil society and its democratizing ethos relative to both the political state and the market economy. Renowned social philosopher Anthony Giddens has thrown down the following gauntlet: "The emergence of a *global civil society* is perhaps one of the most momentous developments taking place in the world today, and its exploration one of the major challenges for the social sciences in the years to come"[22] Luther's public theology of God's publicity might just help us today to imagine global civil society as God's preferential arena for prophetic speech, sapiential reflection, and pacific action, and for the public church vocation of public companions with God in global civil society. Will Lutherans around the world each in their particular God-given locations take up Giddens's challenge to explore this new reality within God's created world?

[21] For my theological and sociological account of global civil society see Gary M. Simpson, "God in Global Civil Society: Vocational Imagination, Spiritual Presence, and Ecclesial Discernment," in *Missional Church and Global Civil Society*, edited by Gary M. Simpson (Grand Rapids, MI: Eerdmans, forthcoming).

[22] Anthony Giddens, "Foreword," in *Global Civil Society: 2001 (Yearbook)*, eds. Helmut Anheier, Marlies Glasius, and Mary Kaldor (Oxford: Oxford University Press, 2001), p. iii.