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Between Sanctity and Depravity: Human Dignity in Early Protestant Perspective

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This Article argues that Martin Luther's classic tract, Freedom of a Christian (1520) had a shaping influence on modern theories of human dignity, liberty, and equality. For Luther, the essence of human dignity lies in the juxtaposition of human depravity and human sanctity. Human dignity is something of a divine fulcrum that keeps our depravity and sanctity in balance. The essence of human freedom is our right and duty to serve God, neighbor, and self, and to do so with the ominous assurance of divine judgment. Human freedom is the divine calling that keeps our individuality and community in balance. While Luther did not draw out the radical implications of his theory for law, politics, and society, later Protestants did, eventually rendering Protestantism a formidable force for the construction of modern Western theories of law, liberty, and democracy.

Keywords: Martin Luther; Freedom of a Christian; Dignity; Freedom; Equality; International Human Rights; *Dignitatis Humanae*; Cain and Abel; Image of God; Rights and Duties

Human Dignity as Modern "Ur-Principle"

"A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man," Pope Paul VI declared in his preface to *Dignitatis Humanae* (1965). "And the demand is increasingly made that men should act on their own judgment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty."²

¹ This article draws in part on my "Between Sanctity and Depravity: Human Dignity in Protestant Perspective," in Robert P. Kraynak and Glenn Tinder, eds., *In Defense of Human Dignity* (Notre Dame, IN: University of Notre Dame Press, 2003), 119-38 and *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge/New York: Cambridge University Press, 2002), 87-117, 293-303.

² Walter M. Abbott and J. Gallagher, eds., *The Documents of Vatican II* (New York: Herder & Herder, 1966), 675.

This was an historic statement about human dignity, signaling a momentous swing in the pendulum of world opinion. Only two decades before, the world had stared in horror into Hitler's death camps and Stalin's gulags where all sense of humanity and dignity had been brutally sacrificed. In response, the world had seized anew on the ancient concept of human dignity, claiming this as the "ur-principle" of a new world order.³ The Universal Declaration of Human Rights of 1948 opened its preamble with classic words: "recognition in the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."⁴

By the mid-1960s, church and state alike had translated this general principle of human dignity into specific human rights precepts. In *Dignitatis Humanae* and several other documents produced during and after the Second Vatican Council (1962-1965), the Roman Catholic Church took some of the first decisive steps. Every person, the Church now taught is created by God with "dignity, intelligence and free will ... and has rights flowing directly and simultaneously from his very nature."⁵ Such rights include the right to life and adequate standards of living, to moral and cultural values, to religious activities, to assembly and association, to marriage and family life, and to various social, political, and economic benefits and opportunities. The Church emphasized the religious rights of conscience, worship, assembly, and education, calling them the "first rights" of any civic order. The Church also stressed the need to balance individual and associational rights, particularly those involving the church, family, and school. It urged the abolition of discrimination on grounds of sex, race, color, social distinction, language, or religion.⁶ Within a decade, various Ecumenical groups, some Protestants, and a few Orthodox Christian groups crafted comparable comprehensive declarations on human rights--albeit with varying emphases on the concept of human dignity.⁷

Not only the world's churches, but also the United Nations and several nation-states issued a number of landmark documents on human dignity and human rights in the 1960s. Foremost among these were the two great international covenants promulgated by the United Nations in 1966, each of which confirmed the belief in the "inherent dignity" and "the equal and inalienable rights of all members of the human family," and the belief that all such "rights derive from the inherent dignity of the human person."⁸ The International Covenant on Economic, Social, and Cultural Rights (1966) posed as essential to human dignity the rights to self-determination, subsistence, work, welfare, security, education, and cultural participation. The International Covenant on Civil and Political Rights (1966) set out a long catalogue of rights to life and to security of person

³ The term "ur-principle" is from Louis Henkin, et al., *Human Rights* (New York, Foundation Press, 1999), 80.

⁴ Ian Brownlie, ed., *Basic Documents on Human Rights*, 3d ed. (Oxford: Oxford University Press, 1992), 21.

⁵ Pacem in Terris (1963), paragraph 9, in Joseph Gremillion, ed., *The Gospel of Peace and Justice: Catholic Social Teachings Since Pope John* (Maryknoll, NY: Orbis Books, 1976), 203.

⁶ Ibid.; *Documents of Vatican II*, 675.

⁷ Juergen Moltmann, *On Human Dignity, Political Theology and Ethics*, trans. M. Douglas Meeks (Philadelphia: Fortress Press, 1984); Wolfgang Huber and Heinz Eduard Tödt, *Menschenrechte: Perspektiven einer menschlichen Welt* (Stuttgart: Kreuz Verlag, 1977); Wolfgang Vögele, *Menschenwürde zwischen Recht und Theologie: Begründungen von Menschenrechte in der Perspektive öffentlicher Theologie* (Gütersloh: Chr. Kaiser, 2001).

⁸ *Basic Documents on Human Rights*, 114, 125.

and property, freedom from slavery and cruelty, basic civil and criminal procedural protections, rights to travel and pilgrimage, freedoms of religion, expression, and assembly, rights to marriage and family life, and freedom from discrimination on grounds of race, color, sex, language, and national origin. Other international and domestic instruments issued in the later 1960s took close aim at racial, religious, and gender discrimination in education, employment, social welfare programs, and other forms and forums of public life -- viewing such discrimination as a fundamental betrayal of the "dignity and equality inherent in all human beings."⁹

So matters stood three decades ago. Today, the concept of human dignity has become ubiquitous to the point of cliché -- a moral trump frayed by heavy use, a general principle harried by constant invocation. In the past thirty years, there have been more than 1,000 books and more than 10,000 scholarly articles on dignity published in English alone. We now read regularly of the dignity of animals, plants, and nature; the dignity of luxury, pleasure, and leisure; the dignity of identity, belonging, and difference; the dignity of ethnic, cultural, and linguistic purity; the dignity of sex, gender, and sexual preference; the dignity of aging, dying, and death. At the same time, the corpus of human rights has become swollen to the point of eruption -- with many recent rights claims no longer anchored in universal norms of human dignity but aired as special aspirations of an individual or a group.

On the one hand, the current ubiquity of the principle of human dignity testifies to its universality. And the constant proliferation of new human rights speaks to their power to inspire new hope for many desperate persons and peoples around the world. Moreover, the increased pervasiveness of these norms is partly a function of emerging globalization. Since the first international documents on human dignity and human rights were issued, many new voices and values have joined the global dialogue -- especially those from Africa, Asia, and Latin America, and from various Buddhist, Confucian, Hindu, Islamic, and Traditional communities.

On the other hand, the very ubiquity of the principle of human dignity today threatens its claims to universality. And the very proliferation of new human rights threatens their long-term effectiveness for doing good. Human dignity needs to be assigned some limits if it is to remain a sturdy foundation for the edifice of human rights. Human rights need to be founded firmly on moral principles like human dignity, lest they devolve into a gaggle of wishes and wants. Fairness commands as broad a definition of human dignity as possible, so that no legitimate human good is excluded and no legitimate human rights claim is foreclosed. But prudence counsels a narrower definition of human dignity, so that not every good becomes part of human dignity, and not every aspiration becomes subject to human rights vindication.

⁹ International Convention on the Elimination of all Forms of Racial Discrimination (1969), preface, in *Basic Documents on Human Rights*, 148. See comparable language in International Convention on Suppression and Punishment of the Crime of Apartheid (1973), in *ibid.*, 162; Convention on the Elimination of all Forms of Discrimination Against Women (1979), in *ibid.*, 169.

The task of defining the appropriate ambit of human dignity and human rights today must be a multi-disciplinary, multi-religious, and multi-cultural exercise. Many disciplines, religions, and cultures around the globe have unique sources and resources, texts and traditions that speak to human dignity and human rights. Some endorse dignity and rights with alacrity and urge their expansion into new arenas. Others demur, and urge their reform and restriction. It is essential that each community be allowed to speak with its own unique accent, to work with its own distinct methods on human dignity and human rights. It is also essential, however, that each of these disciplines, religions, and cultures develops a capacity for conceptual bilingualism -- an ability to speak with insiders and outsiders alike about their unique understanding of the origin, nature and purpose of human dignity and human rights.

My task in this little article is to test the meaning and take the measure of human dignity and human rights in the early Protestant tradition. I start with Luther's famous little tract, *Freedom of a Christian* (1520). This tract was something of a Protestant *Dignitatis Humanae* in its day, a grand theory of human dignity, liberty, equality, and responsibility, ultimately grounded in the sovereignty of God. Luther's early theory provided an alternative both to earlier Christian teachings that based human dignity on a person's reason, class, and vocation, and to later Enlightenment teachings that based human dignity on inalienable rights and popular sovereignty. The Conclusion draws out some of the enduring insights of these early Protestant writings, and their pertinence for contemporary discussions of human dignity and human rights.

Saint and Sinner, Priest and King

Martin Luther's *Freedom of a Christian* (1520) was one of the defining documents of the Protestant Reformation, and it remains one of the classic tracts of the Protestant tradition still today.¹⁰ Written on the eve of his excommunication from the Church, this was Luther's last ecumenical gesture toward Rome before making his incendiary exit. Much of the tract was written with a quiet gentility and piety that belied the heated polemics of the day and Luther's own ample perils of body and soul. Luther dedicated the tract to Pope Leo X, adorning it with a robust preface addressed to the "blessed father." He vowed that he had to date "spoken only good and honorable words" concerning Leo, and offered to retract anything that might have betrayed "indiscretion and impiety." "I am the kind of person," he wrote in seeming earnest, "who would wish you all good things eternally."¹¹

Luther was concerned, however, that the papal office had saddled Leo with a false sense of dignity. "You are a servant of servants" (*servus servorum*) within the Church,

¹⁰ *De Libertate Christiana* (1520), in *D. Martin Luthers Werke: Kritische Gesamtausgabe* (Weimar: H. Boehlaus Nachfolger, 1883-), 7:49-73 [hereafter WA], translated in Jaroslav Pelikan et al., eds., *Luther's Works* (Philadelphia: Muhlenberg Press, 1955-), 31:327-377 [hereafter LW]. A shorter German edition, *Die Freiheit eines Christenmenschen*, appears in WA 7:20-38.

¹¹ LW 31:334-336.

Luther wrote to Leo, citing the classic title of the Bishop of Rome.¹² And as a "servant of God for others, and over others, and for the sake of others," you properly enjoy a "sublime dignity" of office.¹³ But the "obsequious flatters" and "pestilential fellows" of your papal court do not regard you as a humble servant. Instead, they treat you as "a vicar of Christ," as "a demigod [who] may command and require whatever you wish." They "pretend that you are lord of the world, allow no one to be considered a Christian unless he accepts your authority, and prate that you have power over heaven, hell and purgatory." Surely, you do not believe any of this, Luther wrote to Leo, tongue near cheek. Surely, you can see that "they err who ascribe to you alone the right of interpreting Scripture" and "who exalt you above a council and the church universal." "Perhaps I am being presumptuous" to address you so, Luther allowed at the end of his preface. But when a fellow Christian, even a pope, is exposed to such "dangerous" teachings and trappings, God commands that a fellow brother offer him biblical counsel, without regard for his "dignity or lack of dignity."¹⁴

In later pages of the *Freedom of a Christian* and in several other writings in that same crucial year of 1520, Luther took aim at other persons who were "puffed up because of their dignity."¹⁵ He inveighed at greatest length against the lower clergy, who, in his view, used the "false power of fabricated sacraments" to "tyrannize the Christian conscience" and to "fleece the sheep" of Christendom.¹⁶ He criticized jurists for spinning the thick tangle of special benefits, privileges, exemptions, and immunities that elevated the clergy above the laity, and inoculated them from legal accountability to local magistrates.¹⁷ He was not much kinder to princes, nobles, and merchants -- those "harpies," as he later called them, "blinded by their arrogance," and trading on their office, pedigree, and wealth to lord it over the languishing commoner.¹⁸ What all these pretentious folks fail to see, Luther wrote, is that "there is no basic difference in status ... between laymen and priests, princes and bishops, religious and secular."¹⁹ Before God all are equal.

Luther's *Freedom of a Christian* thus became, in effect, his *Dignitatis Humanae* -- his bold new declaration on human nature and human freedom that described all

¹² LW 31:341.

¹³ LW 31:341, 342. The quote is from *Luther: Lectures on Romans* [1515-1516], trans. Wilhelm Pauck (Philadelphia: Westminster Press, 1961), 8. Many of the teachings from these *Lectures* are repeated in Luther's *Freedom of a Christian*.

¹⁴ LW 31:341-342. See similar sentiments in Luther's *Address to the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate* (1520), LW 44:123-217, at 136.

¹⁵ Quotation is from Luther's *Lectures on Genesis* 38-44 (1544), LW 7:182.

¹⁶ See esp. LW 44:126-155; *The Babylonian Captivity of the Church* (1520), LW 36:11-126; *Treatise on Good Works* (1520), LW 44:21-114, at 87-94, with expansion in *The Keys* (1530), LW 40:321-370. In LW 44:158, Luther recommended that a new imperial law be passed against papal appointments of clergy so that "no confirmation of any dignity whatsoever shall henceforth be secured from Rome." In LW 44:129 and LW 36:117, Luther attacked the notion that the clergy were special because of the "indelible mark" of their ordination, terming this "a laughingstock."

¹⁷ LW 44:157ff., 202ff.

¹⁸ LW 7:182ff.; LW 44:203ff. See also Luther's fuller statement in *Temporal Authority: To What Extent it Should be Obeyed* (1523), in LW 45:75-129.

¹⁹ LW 44:129.

Christians in his world regardless of their "dignity or lack of dignity," as conventionally defined. Pope and prince, noble and pauper, man and woman, slave and free -- all persons in Christendom, Luther declared, share equally in a doubly paradoxical nature. First, each person is at once a saint and a sinner, righteous and reprobate, saved and lost -- *simul iustus et peccator*, in Luther's signature phrase.²⁰ Second, each person is at once a free lord who is subject to no one, and a dutiful servant who is subject to everyone. Only through these twin paradoxes, Luther wrote, can we "comprehend the lofty dignity of the Christian."²¹

Every Christian "has a two fold nature," Luther argued in expounding his doctrine of *simul iustus et peccator*. We are at once body and soul, flesh and spirit, sinner and saint, "outer man and inner man." These "two men in the same man contradict each other" and remain perennially at war.²² On the one hand, as bodily creatures, we are born in sin and bound by sin. By our carnal natures, we are prone to lust and lasciviousness, evil and egoism, perversion and pathos of untold dimensions.²³ Even the best of persons, even the titans of virtue in the Bible -- Abraham, David, Peter, and Paul -- sin all the time.²⁴ In and of ourselves, we are all totally depraved and deserving of eternal death. On the other hand, as spiritual creatures, we are reborn in faith, and freed from sin. By our spiritual natures, we are prone to love and charity, goodness and sacrifice, virtue and peacefulness. Even the worst of persons, even the reprobate thief nailed on the next cross to Christ's, can be saved from sin. In spite of ourselves, we are all totally redeemed and assured of eternal life.²⁵

It is through faith and hope in the Word of God, Luther argued, that a person moves from sinner to saint, from bondage to freedom. This was the essence of Luther's doctrine of justification by faith alone. No human work of any sort -- even worship, contemplation, meditation, charity, and other supposed meritorious conduct -- can make a person just and righteous before God. For sin holds the person fast, and perverts his or her every work. "One thing, and only one thing, is necessary for Christian life, righteousness, and freedom," Luther declared. "That one thing is the most holy Word of God, the gospel of Christ."²⁶ To put one's faith in this Word, to accept its gracious promise of eternal salvation, is to claim one's freedom from sin and from its attendant threat of eternal damnation. And it is to join the communion of saints that begins imperfectly in this life and continues perfectly in the life to come.

A saint by faith remains a sinner by nature, Luther insisted, and the paradox of good and evil within the same person remains until death. But there is "a difference between sinners and sinners," Luther wrote. "There are some sinners who confess that they have sinned but do not long to be justified; instead, they give up hope and go on

²⁰ LW 31:344-347, 358-361. The theme recurs repeatedly in Luther's later writings. See, e.g., LW 12:328, 27:230ff., 32:173; WA 39/1:21, 492, 552.

²¹ LW 31:355.

²² LW 31:344.

²³ LW 31:344, 358-361; see also LW 25:120-130, 204-213.

²⁴ See, e.g., LW 19:47-48, LW 23:146.

²⁵ LW 31:344-354, 368-377.

²⁶ LW 31:345.

sinning so that when they die they despair, and while they live, they are enslaved to the world. There are other sinners who confess that they sin and have sinned, but they are sorry for this, hate themselves for it, long to be justified, and under groaning constantly pray to God for righteousness. This is the people of God," the saints who are saved, despite their sin.²⁷

This brought Luther to a related paradox of human nature -- that each Christian is at once a lord who is subject to no one, and a priest who is servant to everyone. On the one hand, Luther argued, "every Christian is by faith so exalted above all things that, by virtue of a spiritual power, he is [a] lord."²⁸ As a redeemed saint, as an "inner man," a Christian is utterly free in his conscience, utterly free in his innermost being. He is like the greatest king on earth, who is above and beyond the power of everyone. No earthly authority -- whether pope, prince, or parent -- can impose "a single syllable of the law" upon him.²⁹ No earthly authority can intrude upon the sanctuary of his conscience, can endanger his assurance and comfort of eternal life. This is "the splendid privilege," the "inestimable power and liberty" that every Christian enjoys.³⁰

On the other hand, Luther wrote, every Christian is a priest, who freely performs good works in service of his or her neighbor and in glorification of God.³¹ "Christ has made it possible for us, provided we believe in him, to be not only his brethren, co-heirs, and fellow-kings, but also his fellow-priests," Luther wrote. And thus, in imitation of Christ, we freely serve our neighbors, offering instruction, charity, prayer, admonition, and sacrifice even to the point of death.³² We abide by the law of God so far as we are able so that others may see our good work and be similarly impelled to seek God's grace. We freely discipline and drive ourselves to do as much as good as we are able, not so that we may be saved but so that others may be served. "A man does not live for himself alone," Luther wrote, "he lives only for others."³³ The precise nature of our priestly service to others depends upon our gifts and upon the vocation in which God calls us to use them.³⁴ But we are all to serve freely and fully as God's priests.

"Who can then comprehend the lofty dignity of the Christian?" Luther wrote. "By virtue of his royal power he rules over all things, death, life, and sin." The person is entirely free from the necessity of doing good works and fully immune from the authority of any one. But by virtue of "his priestly glory, he is omnipotent with God because he does the things which God asks and requires."³⁵ He devotes himself entirely to doing good works for his neighbor, he submits himself completely to the needs of others.

²⁷ *Lectures on Romans*, 120. See also LW 23:146; LW 12:328-330; LW 8:9-12.

²⁸ LW 31:354.

²⁹ LW 36:70, echoing LW 31:344-346.

³⁰ LW 31:355-358.

³¹ LW 31:355-356; see also LW 36:112-116, 138-140, LW 40:21-23; LW 13:152, and esp. the long diatribe in LW 39:137-224.

³² LW 31:355; see also LW 36:241.

³³ LW 31:364-5; see also LW 51:86-87.

³⁴ LW 38:188; LW 28:171-172.

³⁵ LW 31:355; see also LW 17:209ff.

Such are the paradoxes of the Christian life in Luther's view. We are at once sinners and saints; we are at once lords and servants. We can do nothing good; we can do nothing but good. We are utterly free; we are everywhere bound. The more a person thinks himself a saint, the more sinful in fact he becomes. The more a person thinks herself a sinner, the more saintly she in fact becomes. The more a person acts like a lord, the more he is called to be a servant. The more a person acts as a servant, the more in fact she has become a lord. This is the paradoxical nature of human life. And this is the essence of human dignity.

Luther intended his *Freedom of a Christian* to be a universal statement for his world of Christendom -- a summary of "the whole of the Christian life in a brief form," as he put it in his preface to Leo.³⁶ He grounded his views in the Bible, liberally peppering his tract with all manner of biblical citations and quotations. He wove into his narrative several strong threads of argument pulled selectively from a number of Church Fathers and late medieval Christian mystics. He published his tract both in Latin and in simple German, seeking to reach both the scholar and the commoner alike. He wrote with a pastoral directness and emotional empathy, convinced that if he could point out the Jekyll and Hyde in everyone, his readers would find both ample humility and ample comfort. So convinced was Luther of the veracity and cogency of his views that he believed even the Jews, the one perennial sojourner in his world of Christendom, would convert *en masse* to the Gospel once they heard it in this simple form.³⁷ Though this latter aspiration proved fanciful, Luther's views on human dignity did command an impressive readership among Christians. *Freedom of a Christian* was a best seller in its day -- going through twelve printings in its first two years, and five editions by 1524. It remained a perennial favorite of commentaries and sermons long after Luther's passing, and well beyond the world of Lutheranism.³⁸ It is no small commentary on the enduring ecumenical efficacy of Luther's views of human nature, dignity, and freedom that they lie at the heart of the "Joint Declaration on the Doctrine of Justification," signed by Catholic and Evangelical leaders on October 31, 1999.

What all this elegant dialectic theology meant for the nature of freedom of the Christian in this world, Luther's little tract did not so clearly say. Luther did make clear that all Christians have the freedom and duty to follow the Bible conscientiously and to speak out against human ideas and institutions that conflict with the Bible. The Bible was for Luther the great equalizer of Christians -- to the remarkable point of allowing Luther, a lowly Augustinian monk from an obscure German town, to address His Holiness Leo X as if he were the pope's equal. Luther also made clear that clergy and laity are fundamentally equal in dignity and responsibility before God. The traditional assumption that the clergy were superior to the laity, and entitled to all manner of special privileges, immunities, and exemptions was anathema to Luther. Luther at once laicized the clergy and clericized the laity, treating the office of preaching and teaching as just one other

³⁶ LW 31:343.

³⁷ See *That Jesus Christ was Born a Jew* (1523), in LW 45:129.

³⁸ Mark U. Edwards, Jr., *Printing, Propaganda, and Martin Luther* (Berkeley, CA: University of California Press, 1981), 39, 64, 100-101.

vocation alongside many others that a conscientious Christian could properly and freely pursue.³⁹

Luther's *Freedom of a Christian*, however, was no political manifesto on freedom. Spiritual freedom may well coexist with political bondage, Luther insisted. The spiritual equality of persons and vocations before God does not necessarily entail a social equality with all others.⁴⁰ Luther became doubly convinced of this discordance after witnessing the bloody Peasants' Revolt in Germany in 1525, and the growing numbers of radical egalitarian and antinomian experiments engineered out of his favorite theological doctrines of the priesthood of all believers and justification by faith alone. In the course of the next two decades, Luther defended with increasing stridency traditional social, economic, political, and ecclesiastical hierarchies as a necessary feature of this earthly life.

Luther came to defend this disparity between the spiritual and temporal dimensions of human freedom, dignity, and status with his doctrine of the two kingdoms. God has ordained two kingdoms or realms in which humanity is destined to live, Luther argued, the earthly or political kingdom and the heavenly or spiritual kingdom. The earthly kingdom is the realm of creation, of natural and civic life, where a person operates primarily by reason, law, and passion. The heavenly kingdom is the realm of redemption, of spiritual and eternal life, where a person operates primarily by faith, hope, and charity. These two kingdoms embrace parallel forms of righteousness and justice, truth and knowledge, but they remain separate and distinct. The earthly kingdom is distorted by sin, and governed by the law. The heavenly kingdom is renewed by grace and guided by the Gospel. A Christian is a citizen of both kingdoms at once, and invariably comes under the distinctive jurisdiction of each kingdom. As a heavenly citizen, the Christian remains free in his conscience, called to live fully by the light of the Word of God. But as an earthly citizen, the Christian is bound by law, and called to obey the structures and strictures of ecclesiastical, political, and parental authority, even if they are sometimes hard and abusive.

Protestant Instincts About Human Dignity and Freedom Today

Nearly half a millennium after its publication, Luther's *Freedom of a Christian* still shapes many Protestants' instincts about human dignity and human freedom.

First, Luther's doctrine of *simul iustus et peccator* renders many Protestants instinctively skeptical about too optimistic a view of human nature, and too easy a conflation of human dignity and human sanctity. Such views take too little account of the radicality of human sin and the necessity of divine grace. They give too little credibility to the inherent human need for discipline and order, accountability and judgment. They give too little credence to the perennial interplay of the civil, theological, and pedagogical uses of law, to the perpetual demand to balance deterrence, retribution, and reformation in

³⁹ See further Martin Luther, *Concerning the Ministry* (1523), in LW 40:21ff.

⁴⁰ LW 31:354-356, 364-365.

discharging authority within the home, church, state, and other associations. They give too little insight into the necessity for safeguarding every office of authority from abuse and misuse. A theory of human dignity that fails to take into account the combined depravity and sanctity of the human person is theologically and politically deficient, if not dangerous.

This cardinal insight into the two-fold nature of humanity was hardly unique to Martin Luther, and is readily amenable to many other formulations. Luther's formula of *simul iustus et peccator* was a crisp Christian distillation of a universal insight about human nature that can be traced to the earliest Greek and Hebrew sources of the West. The gripping epics of Homer and Hesiod are nothing if not chronicles of the perennial dialectic of good and evil, virtue and vice, hero and villain in the ancient Greek world. The very first chapters of the Hebrew Bible paint pictures of these same two human natures, now with Yahweh's imprint on them. The more familiar picture is that of Adam and Eve who were created equally in the image of God, and vested with a natural right and duty to perpetuate life, to cultivate property, to dress and keep the creation (Gen 1:26-30; 2:7, 15-23). The less familiar picture is that of their first child Cain, who murdered his brother Abel and was called into judgment by God and condemned for his sin. Yet "God put a mark on Cain," Genesis reads, both to protect him in his life, and to show that he remained a child of God despite the enormity of his sin (Gen 4:1-16).⁴¹ One message of this ancient Hebrew text is that we are not only the beloved children of Adam and Eve, who bear the image of God, with all the divine perquisites and privileges of Paradise. We are also the sinful siblings of Cain, who bear the mark of God, with its ominous assurance both that we shall be called into divine judgment for what we have done, and that there is forgiveness even for the gravest of sins we have committed.

Luther believed that it is only through faith and hope in Christ that we can ultimately be assured of divine forgiveness and eternal salvation. He further believed that it was only through a life of biblical meditation, prayer, worship, charity, and sacramental living that a person could hold his or her depravity in check and aspire to greater sanctity. I believe that, too, as do many Christians today. But this is not to say that, in this life, Christians have the only insights into the two fold nature of humanity, and the only effective means of balancing the realities of human depravity and the aspirations for human sanctity. Any religious tradition that takes seriously the Jekyll and Hyde in all of us has its own understanding of ultimate reconciliation of these two natures, and its own methods of balancing them in this life. And who are we Christians to say how God will ultimately judge these?

Luther also believed that the ominous assurance of the judgment of God is ultimately a source of comfort not of fear. The first sinners in the Bible -- Adam, Eve, and Cain -- were given divine due process: They were confronted with the evidence, asked to defend themselves, given a chance to repent, spared the ultimate sanction of death, and then assured of a second trial on the Day of Judgment, with appointed divine counsel -- Christ himself, our self-appointed "advocate before the Father" (1 John 2:1). The only time

⁴¹ See alternatives exegeses in Ruth Mellinkoff, *The Mark of Cain* (Berkeley, CA: University of California Press, 1981); Claus Westermann, *Genesis 1-11: A Commentary*, repr. ed. (Minneapolis: Augsburg Publishing House, 1990).

that God deliberately withheld divine due process was in the capital trial of His Son -- and that was the only time it was and has been necessary. The political implications of this are very simple: If God gives due process in judging us, we should give due process in judging others. If God's tribunals feature at least basic rules of procedure, evidence, representation, and advocacy, human tribunals should feature at least the same. The demand for due process is a deep human instinct, and it has driven Protestants over the centuries, along with many others before and with them, to be strident advocates for procedural rights.

Second, Luther's doctrine of the lordship and priesthood of all believers renders many Protestants instinctively jealous about liberty and equality -- but on their own quite distinct theological terms. In the modern liberal tradition liberty and equality are generally defended on grounds of popular sovereignty and inalienable rights. The American Declaration of Independence (1776) proclaimed it a "self-evident truth" "that all men are created equal [and] ... are endowed with certain unalienable rights." The Universal Declaration of Human Rights (1948) proclaimed "[t]hat all men are born free and equal in rights and dignity." Protestants can resonate more with the norms of liberty and equality in these documents than with the theories of popular sovereignty and inalienable rights that generally undergird them.

The heart of the Protestant theory of liberty is that we are all lords on this earth. We are utterly free in the sanctuary of our conscience, entirely unencumbered in our relationship with God. We enjoy a sovereign immunity from any human structures and strictures, even those of the church when they seek to impose upon this divine freedom. Such talk of "sovereign immunity" sounds something like modern liberal notions of "popular sovereignty." And such talk of "lordship" sounds something like the democratic right to "self-rule." Protestants have thus long found ready allies in liberals and others who advocate liberty of conscience and democratic freedoms on these grounds. But, when theologically pressed, many Protestants will defend liberty of conscience not because of their own popular sovereignty, but because of the absolute sovereignty of God, whose relationship with his children cannot be trespassed. Many Protestants will defend certain unalienable rights not in the interest of preserving their personal privacy but in the interest of discharging their divine duties.

The heart of the Protestant theory of equality is that we are all priests before God. "You are a chosen race, a royal priesthood, a holy nation, God's own people" (1 Pet. 2:9; Rev 5:10, 20:6). Among you, "[t]here is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus" (Gal 3:28; Col 3:10-11; Eph 2:14-15). These and many other biblical passages, among Luther's favorites, have long inspired a reflexive egalitarian impulse in Protestants. All are equal before God. All are priests that must serve their neighbors. All have vocations that count. All have gifts to be included. This common calling of all to be priests transcends differences of culture, economy, gender, and more.

Such teachings have led a few Protestant groups over the centuries to experiment with intensely communitarian states where life is gracious, lovely, and long. Most

Protestant groups, however, view life in such states as “brutish, nasty, and short,” for sin invariably perverts them. Structures and strictures of law and authority are necessary and useful, most Protestants believe. But such structures need to be as open, egalitarian, and democratic as possible. Hierarchy is a danger to be indulged only so far as necessary. To be sure, Protestants over the centuries have often defied these founding ideals, and have earnestly partaken of all manner of elitism, chauvinism, racism, antisemitism, tyranny, patriarchy, slavery, apartheid, and more. And they have sometimes engaged in outrageous hypocrisy and casuistry to defend such shameful paths. But an instinct for egalitarianism -- for embracing all persons equally, for treating all vocations respectfully, for arranging all associations horizontally, for levelling the life of the earthly kingdom so none is obstructed in access to God -- is a Lutheran gene in the theological genetic code of Protestantism.

Finally, Luther's notion that a person is at once free and bound by the law has powerful implications for our modern understanding of human rights. For Luther, the Christian is free in order to follow the commandments of the faith -- or, in more familiar and general modern parlance, a person has rights in order to discharge duties. Freedoms and commandments, rights and duties belong together in Luther's formulation. To speak of one without the other is ultimately destructive. Rights without duties to guide them quickly become claims of self-indulgence. Duties without rights to exercise them quickly become sources of deep guilt.

Protestants have thus long translated the moral duties set out in the Decalogue into reciprocal rights. The First Table of the Decalogue prescribes duties of love that each person owes to God -- to honor God and God's name, to observe the Sabbath day and to worship, to avoid false gods and false swearing. The Second Table prescribes duties of love that each person owes to neighbors -- to honor one's parents and other authorities, not to kill, not to commit adultery, not to steal, not to bear false witness, not to covet. Church, state, and family alike are responsible for the communication and enforcement of these cardinal moral duties, Protestants have long argued. But it is also the responsibility of each person to ensure that he and his neighbors discharge these moral duties.

This is one important impetus for Protestants to translate duties into rights. A person's duties toward God can be cast as the rights to religious exercise: the right to honor God and God's name, the right to rest and worship on one's Sabbath, the right to be free from false gods and false oaths. Each person's duties towards a neighbor, in turn, can be cast as a neighbor's right to have that duty discharged. One person's duties not to kill, to commit adultery, to steal, or to bear false witness thus gives rise to another person's rights to life, property, fidelity, and reputation. For a person to insist upon vindication of these latter rights is not necessarily to act out of self-love. It is also to act out of neighborly love. To claim one's own right is in part a charitable act to induce one's neighbor to discharge his or her divinely-ordained duty.

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