

# **SCRIPTURAL PRINCIPLES AS THEY APPLY TO LAWS GOVERNING THE SCHOOLS OF OUR SYNOD**

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[District Board Chairmen's Conference, West Allis Inn, February 8, 1977]

The Board for Parish Education, sponsoring this District Board Chairmen's Conference has asked me to serve you as an essayist today. I have been asked to set forth and unfold the scriptural principles which apply to laws governing the schools of our Synod.

After I had consented to take on this assignment, Executive Secretary Zimmermann sent me some material which he hoped might be helpful for an understanding of the topic to be treated. It was material which furnished examples of the kind of governmental laws which call for our evaluation. They are the school laws of various states in which our Synod has Christian day schools, laws which pertain to teacher certification, to curriculum requirements, and to the recognition of schools as this is to be determined on the basis of required enrollment size, of the number of grades assigned to individual teachers, and of adequate building and equipment facilities. Can our schools rightfully be expected to comply with such laws? Have the states the right to impose such regulations upon our Christian day schools?

What are the scriptural principles that must determine our attitude over against such state laws? Clarity in this matter is not just a recent concern. It was already called for during the period, fifteen years ago, when I served on our Synod's Board for Parish Education. Even then certain states like Michigan, Nebraska, and Ohio were obligating our teachers to certification requirements of various kinds. Not only have these school laws and teacher certification regulations, which also our Christian day schools are expected to observe, become more stringent in the meantime, but our Synod has also opened schools in many additional states of our country.

To arrive at the scriptural principles that must determine our attitude to such governmental laws and regulations, we ought to begin with reminding ourselves what we are doing when we establish and conduct Christian day schools on the elementary level of education.

## **I. The Purpose, Objectives, and Goals of Our Christian Day Schools**

During my service on the Board for Parish Education a problem arose in connection with the opening of a Christian day school in the state of Ohio. To receive recognition for the school we were asked to provide a statement on the philosophy and purpose of the Christian day schools of the Wisconsin Evangelical Lutheran Synod congregations. Quotations from the statement that was furnished at the time can, I believe, serve us well also in this study to remind us what we are really endeavoring to do in conducting Christian day schools.

In setting forth the purpose and aim of our schools we stated:

The congregations of the Wisconsin Evangelical Lutheran Synod establish, maintain, and foster Christian day schools in their midst with the thought of carrying out a program of unified Christian training. In the interest of such Christian training our congregations are ready to take over the full responsibility of offering also what our government requires in the way of elementary education.

With this statement of purpose we are ourselves admitting that in conducting our own Christian day schools we are in a certain respect taking over educational work which our government considers to lie in its own sphere of responsibility and which it would otherwise carry out directly. We are also saying that in taking

over the full responsibility for this educational work we are obligating ourselves to offer all that our government requires in the way of elementary education.

At the same time we are pointing out that on our part we are establishing and maintaining such schools in the interest of carrying out a program of unified Christian training. In other words, we are asserting that with our Christian schools we are doing church work. It is not that we take over some secular educational work and then in the interest of Christian training add some special religion courses. No, in our Christian day schools all that we are doing, not only a part of it, becomes an endeavor of Christian training. Hence it is church work throughout. We emphasize that are “carrying out a program of unified Christian training.” This was unfolded by the following additional statements.

Such Christian training aims to build up the individual child in Christian faith and thereby purposes also to motivate it to live as a Christian in all of its present and future activities and relationships of life.

In letting God’s infallible Word speak to the child in such a program of Christian education, we first of all impress upon it the scriptural truths that all men are by nature dead in trespasses and sins and eternally lost through sin, without any ability to save themselves or to do anything that is spiritually pleasing in God’s sight. These truths are not merely expounded in the direct study of God’s Word, but are constantly treated as truths and are permitted to stand and function as truths throughout every phase of instruction and training in the school.

Against this humbling background of man’s sin and its curses, Christian education brings to the child the joy-inspiring scriptural truth of the gospel, the dynamic message that God’s incarnate Son, Jesus Christ, has redeemed all men from sin and its curses and won full salvation and eternal life for them as a free gift. It lets the child see this gospel as the means through which the Holy Spirit has brought it to faith to enjoy all the blessings of salvation. It also points the child to this gospel as the only means through which the Holy Spirit preserves it in Christian faith and constantly fills its heart with thankful love to make it able and willing to strive after those things that are pleasing in God’s sight. While this gospel is to be clearly unfolded for the child in daily devotions and in special courses which involve a direct study of God’s Word, the gospel is also to be commended to the individual child through the Christian personality, example, and testimony of Christian instructors.

Directly or indirectly this gospel message is permitted to cast its illuminating light upon all subject matter, facts, happenings, activities, judgments, principles, interests and habits with which the child is confronted in the school’s curricular and extra-curricular activities.

In such a program of Christian education our Christian day schools purpose to neglect nothing that is generally considered essential to a curriculum of elementary education. They strive to do thorough work in imparting all the knowledge that belongs into a curriculum of elementary education. At the same time our schools give attention to whatever is called for by our government on this level of education in the way of perfecting useful skills, cultivating cultural interests and social graces, promoting physical health, and developing the special gifts and talents of the individual child. Our schools strive to do all these things in the conviction that they involve precious gifts of God which are to be cherished and utilized to enable the child to take its proper place and to render valuable services in the home, in the community, and in all other wholesome relationships in human society. To attain these objectives our congregations strive to equip their schools with adequate facilities and to provide for a properly trained teaching personnel.

Our congregations are convinced that through (such a program of education) ....they are providing faithfully for the eternal welfare of their children and at the same time supplying them with the one effective motivation for using their knowledge, their skills, and their developed talents in this life to God’s glory and for the service of their fellowmen.

As a contribution to good citizenship and its specific responsibilities and obligations, our Christian day schools, on the basis of God's Word, strive to implant in our children a high esteem for all governmental authority as being ordained by God. Out of thankful love for their God and Savior, which the Gospel inspires, children are constrained to serve and obey their government and to assist it in every way in carrying out its vital function of maintaining peace, law, and order.

This lengthy delineation of Christian education leaves little doubt that all that we do in our Christian day schools is meant to be included in a unified training for Christian faith and life. In that sense it can all be termed church work. It is a program of training that follows the scriptural injunction, I Corinthians 10:31: "Whether therefore ye eat, or drink, or whatsoever ye do, do all to the glory of God."

At the same time this delineation again touches upon the fact that in conducting our Christian schools we are also taking over educational responsibilities which our government feels that it has toward its citizens; we are assuming the government's responsibility of providing its future citizens with certain skills, with a certain fund of knowledge, and with certain attitudes and habits which will enable them to carry out all their duties and responsibilities in life, to provide for themselves and those committed to their care, to take their place in modern society, and to live, move, and work harmoniously among their fellowmen. This implies, however, that the government then also has the right to prescribe through laws and regulations what it must demand of our schools and of those who teach in them to have its interests safeguarded and its obligations toward its future citizenry carried out.

Thereby we are led right back to the question underlying the assigned topic of this presentation: What are the scriptural principles which permit us to conduct Christian schools in which everything that we do becomes a unified training for Christian faith and life, but in which at the same time we satisfy the educational benefits which human government may feel obliged to offer to its future citizenry? What are the scriptural principles which permit us to conduct Christian schools in which we endeavor to keep everything that we are doing in harmony with God's inspired and inerrant Word and its basic messages of law and gospel but which at the same time permit human government to obligate us to laws and regulations of its own, laws and regulations which it sets up to safeguard what it considers to be its educational obligations to its citizenry? Both questions compel us to say that they are the Scripture truths concerning church and state and their proper relation to each other. They are the scriptural principles to which we generally refer in Lutheran circles as the doctrine of the two kingdoms. Our assigned topic therefore calls for a review of this doctrine.

## **II. The Scriptural Doctrine of the Two Kingdoms**

### Introductory remarks

1. Ever since man fell into sin and brought God's temporal and eternal wrath upon himself, life here on earth is not an end in itself, but a means to an end. The end is God's saving activity in behalf of the gathering of His church through the gospel for eternal fellowship with Himself. Ever since man fell into sin his life span here on earth is to serve primarily as a time of grace.

2. During this time of grace we need to distinguish between the church and human society as a whole for which the divine institutions of marriage, the family, and civil authority are in effect. We need to distinguish between that which God offers to sinful mankind through the church, and that which He purposes to maintain for mankind through human authority. We need to distinguish between God's gift of justification and sanctification in Christ, and His gift of civic righteousness. Making these distinctions on the basis of Holy Scripture means upholding the doctrine of the two kingdoms.

### The Church and Salvation

3. The church is the spiritual body of all those whom the Holy Spirit through the gospel has brought to faith in Christ as their Savior. In Matthew 16:16-18 we hear how through his God-given faith in Jesus as his divine Redeemer Simon had become Peter, a building block laid on Christ, the foundation rock, to form a part of the growing edifice of Christ's church. Confer also I Corinthians 1:2; John 10:16.

The marks by which the presence of the church is recognized are the means of grace, the gospel in Word and sacraments. In a wider sense the designation of church is therefore applied to those who profess Christian faith by being gathered around the gospel Word and the holy sacraments.

4. The only task and mission specifically entrusted to the church is that of proclaiming the gospel, the whole counsel of God in Christ, to men for their salvation. Confer Matthew 28:18-20; Mark 16:15; Luke 22:19.20; Luke 24:47.

To the unregenerate the church is to proclaim the gospel, the whole counsel of God in Christ, in order to make disciples of them, i.e., that through its testimony the Holy Spirit may bring more and more sinners to saving faith in Christ (MISSION WORK).

To those who have already come to faith, the church is to continue to proclaim the gospel, the whole counsel of God in Christ, that they may be built up in Christian faith, joy, comfort, understanding, hope, and a sanctified life (CHRISTIAN EDUCATION).

Fostering Christian sanctification with the gospel also includes fostering Christian welfare work (Gal. 6:9-10). In Christian liberty the church may set up the machinery to administer welfare work and thus assist its members in carrying out this responsibility. When the church administers welfare work, it will, whenever possible, bring this into a close relationship with its prime responsibility of preaching the gospel to sinners for their justification and sanctification.

5. The means with which the church is to carry out its one entrusted task, or mission, of bringing sinners to salvation for time and eternity is the gospel, and together with it the entire Word of God, the Holy Scriptures. In proclaiming any part of God's Word to men the church is to keep it in close relation to the central message of pardon and salvation in Christ. Only in this way will the testimony of the church remain a part of the one task or mission specifically assigned to it.

6. The message of the gospel is basically the message of the forgiveness of sins. All other spiritual blessings flow from Christ's blood-bought forgiveness, and are an unfolding of its riches, such as peace with God, the comfort of God's fatherly love for time and eternity, the privilege of prayer and the assurance of being heard, the strength of thankful love for godliness. Where there is forgiveness of sins there is also life and salvation.

The gospel message is offered in the Word of God, which is the power of God unto salvation. The sacraments are the same gospel message with a seal attached to it (the visible Word). Forgiveness of sins is also the fundamental gift of the sacraments. All other blessings also of the Lord's Supper are transmitted in and through this fundamental gift of forgiveness apprehended in God-given faith and sealed by the real presence.

8. The church's proclamation of the law of God also stands in the service of its mission to preach the gospel. As far as the unregenerate are concerned, the only express purpose for which the church is to proclaim the law is that of bringing them to the knowledge of their sins and thus of preparing them for the comforting proclamation of the gospel. Yet the church cannot control the effect of its law preaching in those who are directly or indirectly exposed to its testimony. Though in some it may effect mere outward reform and civic righteousness, this is a by-product and not as such a part of the church's mission.

9. To those who have already come to faith in Christ the church is to preach the law as a mirror, curb, and guide, yet only in the interest of the believer's life of sanctification, his unrelenting struggle against his Old Adam. The preaching of the law cannot, of course, effect anything positive, supply any motivation, but is necessary because of the Christian's Old Adam.

#### Human Authority and Civic Righteousness

10. To serve in the gathering of the church of believers among sinful, depraved mankind during this time of grace the Lord has made provision, through human authority which He has ordained, that a measure of

outward decency, peace, and order be established and maintained (Rom. 13:1-7). God's ordinances of marriage and the family established at creation, the natural affections and emotions bound up with them, and the inscribed law pertaining to them, contribute to civic righteousness.

Establishing and MAINTAINING such OUTWARD PEACE AND ORDER (civic righteousness) IS THE SPECIFIC TASK, or function, OF CIVIL AUTHORITY beyond the home. Civic righteousness is God's gift. Man's goodness does not account for it. It is not a denial of the total depravity of natural man. God interposes with His sovereign judgments when man's natural endowments which should effect civic righteousness are dulled and not put to use.

11. The state, as designating all human governmental structure and authority beyond the home is a divine institution. No specific kind of government is prescribed by God, nor any specific manner of establishing it. We owe obedience to the government that is actually in control over us and whose benefits we are enjoying. Matt. 22:17-21, Romans 13:1b-2a: "There is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God."

With threats of punishment the state, or government, is to check and restrain the evil desires of the wicked, so as to prevent crime and violence. Romans 13:4: "But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil."

On the other hand, government is to protect the law-abiding, that they may be benefited. Romans 13:3b-4a: "Do that which is good, and thou shalt have praise of the same. For he is the minister of God to thee for good." To that end human government is also empowered to make the regulations in purely earthly and secular affairs which it deems necessary and beneficial. I Peter 2:13-14: "Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well."

12. The MEANS which God has given to human government for carrying out its specific function of maintaining civic righteousness are summed up by our Lutheran Confessions as "HUMAN REASON." This embraces the full scope of the abilities and endowments which according to Scripture belong to natural man and which are sufficient for maintaining a measure of civic righteousness.

13. HUMAN REASON includes a measure of ability to distinguish in purely earthly and secular affairs between that which is beneficial and that which is detrimental. Scripture in I Peter 2:13 acknowledges this ability by bidding the Christian to submit to every ordinance of man for the Lord's sake. We think of such ordinances as health rules, sanitation ordinances, traffic laws, building codes, banking rules, zoning ordinances, tax measures, school attendance laws, educational standards for teachers and pupils, teacher certification policies, etc.

14. HUMAN REASON includes the inscribed law, conscience, and also the natural knowledge of God gained from the things created. When government, therefore, enlists these forces as means for promoting and maintaining civic righteousness in its legislative, executive, judicial and educational functions, it is still within its realm and using its God-entrusted means.

The voice of conscience is man's realization that God is speaking to him in the inscribed law and that God will hold him accountable to act according to His inscribed law. In Romans 2:15 St. Paul speaks of conscience joining hands with the inscribed law in corroborating its testimony as divinely binding. This inborn knowledge of God can be deepened and developed by a study of nature (Rom. 1:20) and of history (Acts 14:15-17).

15. In carrying out its specific functions of promoting civic righteousness government is to judge these outward deeds and the motives behind them as to their effectiveness in bringing about the peace, order, justice, and welfare that it is to maintain and in restraining other deeds which hinder it.

Government is not to judge these acts or the motives that effected them as to their spiritual value before God. Deeds arising out of pride, fear, hope of reward, meet the demands of civil authority and civic righteousness as well as similar deeds flowing out of faith-born love for the Savior. Thus we can satisfy what the government seeks in outward training of the youth when our Christian schools send forth knowledgeable,

industrious, able, law-abiding, responsible, altruistic individuals, though for us the entire training is meant to be a gospel-centered and gospel-motivated training for a God-pleasing life of Christian faith and sanctification.

16. In the faithful discharge of its real and specific task the church promotes civic righteousness among those who are exposed to its testimony. The church fosters civic righteousness among those whom it brings to Christ and whom it thus enables to render their civic righteousness as a part of their life of sanctification.

The Christian will want to carry out all of his duties to society with distinctively Christian motivation and with the benefit of his richer scriptural insights. With its fervent prayers the church will effect and influence the outward conduct even of those whom it is not successful in winning for Christ and His salvation. With its testimony and its life the church will sharpen their conscience, and activate their consciousness of God and of His holy law (Matt. 5:16; Rom. 12:20). In doing its own assigned task faithfully, also with its schools, the church can exercise a decided influence upon human society. As the early Christian church carried out its own assigned task faithfully, it changed many social patterns in the apostolic age, undermined slavery and the bondage of women, stimulated charity and a greater regard for human life. This is, however, a by-product of the church's faithfulness in its assigned mission, not an additional mission of the church.

### Church and State Relations

17. A confusion of state and church takes place when either state or church presume to perform any part of the function which God has assigned to the other.

18. Church and state are also confused when the church seeks to do its work and perform its function through the means of the state; or when the state directly undertakes to do its work through the means which the Lord has assigned to the church.

That the functions of church and state are to be kept distinct lies in the Savior's statement, Matthew 22:21: "Render therefore unto Caesar the things which are Caesar's, and unto God the things that are God's." That the church and the state have their individual functions and means is set forth likewise by the Savior's statement to Pilate, St. John 18:36: "My kingdom is not of this world. If my kingdom were of this world then would my servants fight that I should not be delivered to the Jews: but now is my kingdom not from hence." Pertinent is also the following verse: "To this end was I born and for this cause came I into the world, that I should bear witness unto the truth. Everyone that is of the truth heareth my voice."

19. The individual Christian has been placed both in the realm of the church and of the state. In carrying out his responsibility in either realm he will do so in accordance with its distinctive functions and means. As he participates in the functions of the state he will, however, do so with Christian motivation and with his additional scriptural insights concerning God's holy will.

20. A confusion of state and church does not necessarily take place when both participate in one and the same endeavor, but each participates in this endeavor only in the sphere of its own function and restricts itself to its own means.

Insofar as our Christian day school teachers teach subject matter which also belongs in the realm of the state and apply approved teaching methods which have been devised by human reason, the state is pleased to have them perform a function and to use means which the state itself would otherwise carry out and utilize. The Christian day school teachers at the same time perform the functions and use the means of the church as they utilize this teaching situation and its entire program to train Christian children with the gospel and the whole counsel of God in Christian faith and life.

21. Actions and decisions in those church and state contacts and relations which are adiaphora in themselves, nevertheless call for very cautious and discerning judgment in order that in the handling of these adiaphora the interests neither of the church nor the state may actually or eventually suffer (I Cor. 6:12).

### **III. The God-pleasing Attitude Toward Laws Governing the Schools of our Synod**

As we apply these scriptural principles, the doctrine of the two kingdoms, to the laws governing the schools of our Synod, we will in each instance want to ask: Is this a law or regulation which pertains to interests and affairs which God Himself has placed into the realm and function of the state? Is it a law or regulation which has been set up by the state through the means which God has assigned to the state for its entrusted function? If we need to answer in the affirmative, the exhortation of I Peter 2:13 is in place: "Submit yourselves to every ordinance of man for the Lord's sake."

Our obligation to obey does not depend on whether or not we consider the particular law or regulation particularly helpful, necessary, or appropriate in our educational endeavor. We may, for example, feel that certain requirements for teacher certification are rather arbitrary, and actually contribute very little toward making a teacher knowledgeable and effective in our classrooms. For this reason we may respectfully plead for a waiver of the regulation, or at least for a temporary stay of its enforcement. Still, if the state is not willing to grant such pleas, are cannot on religious grounds withhold compliance. For in close context with the exhortation "submit yourselves to every ordinance of man for the lord's sake," the additional admonition is given: "Servants, be subject to your masters with all fear; not only to the good and gentle, but also to the froward." If the ordinance lies in the realm of the government's assigned function and has been established by its assigned means, "human reason," which is never perfect in its conclusions, the ordinance still calls for our obedience. The mere argument that it makes our educational endeavor of conducting Christian day schools more difficult does not in itself exempt us from compliance.

Only if the government, state or federal, bids us to do something in our educational endeavors that is directly against God's will and Word, do we have a right to disobey. In such cases we would not only have the right but also the duty to disobey. Then we would have to say with Peter and John, Acts 4:19b: "Whether it be right in the sight of God to hearken unto you more than unto God, judge ye." If the government required of us that we teach evolution as a fact in our schools, if the government demanded that we cease teaching that abortion is murder in God's sight, if the government obligated us to impress upon our children that capital punishment even of a first degree murderer is barbaric and inhuman, we would have to say with the apostles, Acts 5:29: "We ought to obey God, rather than men." We cannot, however, invoke a confusion of church and state and an infringement of our religious liberty to justify a refusal to comply with regulations and laws which are not against God's Word, but which we merely consider or find undesirable and unnecessarily burdensome and costly.

Under the democratic governments, state or federal, under which we are living and conducting our schools, we can, of course, make use of all of our legal and constitutional rights as citizens to effect a change of laws and regulations or of current interpretations and applications of regulations which we find ill-advised, disadvantageous, or discriminatory. We can make an appeal to constitutional rights, privileges guaranteed by existing laws, regulations, rulings and interpretations, appeal to equity and any other argumentation of "human reason." We can make use of everything that belongs to the due process of law. We can likewise join hands in all such efforts with others who feel the same way about certain laws and regulations and who also desire a change, even if they are groups with whom we could not carry out a joint endeavor of Christian education.

We have pleaded in the past for draft exemption of our students who were training for the teaching and preaching ministry. We have appealed cases in which income tax exemption for vicar stipends was called into question. We have fought for the continued property tax exemption of our parsonages, professorages, and teacherages on the basis of existing laws. Thus we also have the right to contest existing school laws and to work for their abrogation, if we are convinced that we can do so on the basis of citizen rights and with convincing argumentation lying in the realm of "human reason." Unless we as a synodical group of citizens feel a great need of such change and foresee a very high likelihood of success, we will, however, be reluctant to undertake the cost and effort of such an endeavor. As Christians we will also prefer not to appear contentious, or needlessly to be contentious.

As Christians we know that God has established human government as a blessing, and continues to maintain human government as a blessing. Holding on to that truth in faith will incite us to consider very earnestly whether some of the laws and regulations which our government has imposed or is imposing upon our

schools may not after all be hidden blessings, which have led us and are leading us to do things for the welfare of our schools which we should want to do of our own accord.

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