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## What Our Lutheran Heritage Entails for Lutheran Colleges and Affirmative Action

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# What Our Lutheran Heritage Entails for Lutheran Colleges and Affirmative Action



The debate over the character of Lutheran colleges is nothing new, but with new marketing realities in the competition for students the positioning of our church colleges may make the matter even more crucial. Of course we know the trends: Since the 1950s, the general consensus (especially

for schools north of the Mason-Dixon Line located on the Coasts) has been that we need to make ourselves more attractive to non-Lutheran constituencies. This is not just about student recruitment. It's about making our schools more inclusive. Thus let's go a little lighter on our church-relatedness. Besides a quality liberal arts institution cannot be confused with Bible schools. The freedom of academic pursuits and commitments must never be curtailed by Biblical teachings. This sort of thinking has even led some ELCA-related colleges (I am referring even to my undergraduate alma mater) to abolish the requirement that students must take at least one Religion course during their matriculation, to eliminate all theologians and/or historians of the

Church from the faculty. But what then makes such schools church-related?

I confess a bias on this matter. I believe that these arguments favoring looser church-relatedness are based on fallacious assumptions, on pre-1960s evaluations of cultural dynamics, and on ignorance about what the Lutheran Confessional heritage entails for church-related institutions and their curriculum. When we work through these matters, some fresh approaches to making our educational institutions more inclusive will emerge.

## Faulty Assumptions?

What is the purpose of a liberal arts education? Duke University says that its purpose is for the student to gain skill and ways of thinking that can take them anywhere they want to go. In the same spirit, other commentators speak of the goal of such an education as creating well-rounded, informed, independent thinkers who are capable of continuing their learning in a wide variety of fields. College is a venue, then, not just for providing students with critical-thinking skills, but also with exposure to disciplines and knowledge which they have not heretofore

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engaged. True, through the 1950s and even into the 60s, we could assume that students (esp. Lutheran college students) had been well exposed to religious training and Christian assumptions. Indeed Christian Protestant assumptions and images were all over pop-culture. Lightening up the requirements on Religion courses in favor of finding place for requiring student engagement in other fields made sense. But is that the reality today in 21st-century America?

“College is a venue, then, not just for providing students with critical-thinking skills, but also with exposure to disciplines and knowledge which they have not heretofore engaged.”

All the poll data suggest the growing influence of secular dynamics in America and increased ignorance of things religious and spiritual among Americans.<sup>1</sup> In 2023 for the first time it was revealed by the Gallup Poll that those who identify themselves as religious in America are no longer a majority in the nation.<sup>2</sup> This is the definition of a secular culture. It is precisely at this point, I contend, that the church-related college has a vital role to play in America. In a society biased away from religion, with a culture no longer propagating Christian images (Christmas, Easter, and perhaps Thanksgiving are the exceptions, and most of us would agree that these American holidays do not really propagate truly Christian understandings), educated people need exposure to religious themes in college in order truly to be exposed to disciplines and knowledge which they have not heretofore engaged. Graduates of institutions with no Religion requirements have not truly been educated because they have not been exposed to the full range of human culture and history. I submit that making this case need not undermine the academic credibility of our schools and might even open promising doors.

But how can Lutheran colleges assume this task without becoming mere “Bible Colleges,” taking a step back to the

early 20th-century and undermining the positive images Lutheran colleges have carved out in the academy? One answer might be simply to establish Religion requirements (as in the case of most Lutheran colleges). But if you take that track, without making exposure to Christianity and the heritage in Martin Luther at least an attractive option, are you really still a church-related college? After all, most Christians, including those of the ELCA, are not inclined to regard what transpires in their ecclesiastical communities as mere expressions of religiosity/spirituality. And besides, the study of Religion and Christianity interpreted as just one manifestation of Religion, is an Enlightenment invention of the West which too often distorts distinct religious institutions and is readily put to use by the secular trends of Western society we have been discussing.

There is in the historical Lutheran heritage another option for raising religious issues in an academic curriculum while still fully respecting the integrity and independence of intellectual pursuits other than Theology and Biblical Studies. We call it the Two-Kingdom Ethic (*Zwei Reich Lehre*). Though there has been controversy about the utility of the Two-Kingdom Ethic, and it has been alleged that it is biased towards reactionary political positions, contributing to Hitler's policies (the concluding section of the article will put that concern to rest), it seems to be a position deeply rooted in the catholic heritage, dating back to Augustine from whom Luther self-consciously appropriated it.<sup>3</sup> The Reformer could not abide any view that would suggest that the Gospel be legislated by the state and made law of the land.<sup>4</sup> Were that to transpire, the Gospel would be transformed into the Law, thus forfeiting justification by grace. It is evident, state church legislation in Europe notwithstanding, that any effort to impose Christian principles on human activities like politics is to be critiqued from a Lutheran perspective.

The Reformer unfolds the concept of the Two-Kingdom Ethic by dividing human beings into two classes, those belonging to the Kingdom of God and those belonging to the kingdom of the world.<sup>5</sup> Thus the Church and government must remain distinct—distinct, but not separate for Luther.<sup>6</sup> Earthly government in his view is not purely secular (and neither are the classical academic disciplines); they belong to God. And the Christian lives in

both realms. Secular government and the civil righteousness it demands (and is required in most human pursuits and academic disciplines) is good.<sup>7</sup>

In one of his sermons, Luther made clear that the goodness of earthly disciplines (not just government, but other human pursuits) do not require Biblical enlightenment. He proclaimed:

... it is necessary to make a distinction between God and men, between spiritual and temporal things. In earthly, human affairs man's judgment suffices. For these things he needs no light but that of reason. Hence God does not in Scriptures teach us how to build houses, to make clothing, to marry, to wage war, to sail the seas, and so on. For these, our natural light is sufficient.<sup>8</sup>

Reason's legitimate role is not just confined to government and the undertakings just noted. For Luther it is the innovator of art, medicine, and power.<sup>9</sup> The Lutheran heritage is not advocating for the imposition of Biblical principles on academic disciplines. Indeed, a college of the Church in line with Lutheran teachings is committed to academic freedom, to the use of reason without Biblical and ecclesiastical imposition.

"In one of his sermons, Luther made clear that the goodness of earthly disciplines (not just government, but other human pursuits) do not require Biblical enlightenment."

Of course this is not to say that anything goes politically or academically with regard to the Two-Kingdom Ethic. Luther was a realist about politics and most human endeavors, and the academy can use some lessons in realism and humility, can it not? These institutions and undertakings are subject to sin, since we sin in all we do.<sup>10</sup> For this reason the Reformer added qualifications about loyalty and non-interference with these human institutions. Concerning that matter, on two occasions he wrote:

We should be subject to power and do what they order so long as do not bind our conscience...<sup>11</sup>

Men must adapt themselves to laws and regulations wherever possible and where the laws are beneficial. But where laws prove detrimental to men's interests, the former must yield.<sup>12</sup>

The Church's role, the role of Christian faith, in the academy is that of whistle blower, to ensure that the academic institution and its various departments are truly being governed by reason, they do not violate principles of the natural law and do not function in ways that are not in the best interests of human beings.

It should be evident now that a college truly committed to the Two-Kingdom Ethic heritage has nothing to fear from church-relatedness and a strong religious voice on campus, unless of course that college is convinced that idolatry and pride are never a threat in the academy. Church-relatedness is no threat to academic freedom, just to idolatry. The religious perspective is not a rival to the various academic disciplines, just complements them.

It's obvious, is it not? Including the study of Religion, even featuring it on campus and in recruiting, is most compatible with academic excellence and freedom in all other fields (as long as Religion and other academic disciplines are presented in accord with the norms of the Two-Kingdom Ethic). What better way for Liberal Arts colleges to "stick to [take seriously] the science" than to ensure dialogue among Religion and their other departments of the institution is vibrantly active?

## The Lutheran Heritage and Its Implications for Affirmative Action in our Colleges

Let's turn now to the implications of the Lutheran theological heritage for our colleges to maintain the fight for Affirmative Action. We have already made the case that getting more interdisciplinary Religious reflection in the curriculum need not diminish our prospective student pool, need not undermine the involvement of minorities. But the Lutheran approach to social justice is

a most valid ethical option for keeping the struggle for Affirmative Action alive.

First let's address the charges that Luther's Two-Kingdom Ethic leads to reactionary politics and Anti-Semitism. True enough to a point. Luther did critique a rebellion of the impoverished in 16th-century Germany and his condemnation of the Jewish community is well-known. But neither of these actions is directly related to the Two-Kingdom Ethic.

Regarding his harsh and infamous condemnation of Jews in 1543, it is rarely noted that previous to this confrontation he had called for their human treatment and called on Christians to love Jews.<sup>13</sup> It seems (according to the Reformer) that his attitudinal change was related to the fact that Jews who had profited from the relaxed strictures against them had been reportedly proselytizing lapsed Catholics.<sup>14</sup> This is no excuse for Luther's blind anger, and world Lutheranism has properly apologized for his writings. But it seems clear that it was a sense of betrayal, not the Two-Kingdom Ethic which was the cause of this anti-Semitism, as the same social ethical model in the background of his critique of Judaism supported his earlier defense of Jewish rites.

We find similar dynamics involved in the Reformer's infamous condemnation of the Peasants Revolt and his defense of royal interests. But this position was not related to their economic agenda, but their efforts to overthrow government in order to realize the Kingdom of God on earth (a position which rejects his commitment to salvation by grace alone) and to impose Biblical values on society.<sup>15</sup> It looks like a politically reactionary position, until you see what the Reformer wrote and did for the poor when theological disputes were not at stake.

Indeed in most other contexts Luther's view of government displayed a clear bias for caring for the poor, evidenced by his critique of the economics of his day which worked to the advantage of the rich at the expense of the poor.<sup>16</sup> He insisted that Christ's Kingdom is also for the poor.<sup>17</sup> In *The Large Catechism* he claimed that government is "to establish and maintain order in all areas of trade and commerce in order that the poor not be burdened and oppressed."<sup>18</sup> In his interpretation of the Commandment against killing he contends that it mandates that we are to "help and support them [neighbors] in all of life's needs."<sup>19</sup>

Not surprisingly given these commitments, the first Reformer was critical of the free market, contending there the poor are daily defrauded.<sup>20</sup> He contended that government's job included the regulation of the economy on behalf of interests of the poor.<sup>21</sup> Certainly sounds like an early modern version of Socialism, Affirmative Action on behalf of the poor. The Reformer played a significant role in establishing generous safety nets for the poor in various German cities.<sup>22</sup> Indeed, it should come as little surprise that the Lutheran nations of Europe operate with democratic socialist economies.

"Luther's view of government displayed a clear bias for caring for the poor."

We might even refer to Luther's Affirmative Action policies on behalf of women and the enslaved. To be sure, though clearly still ensconced in Medieval patriarchy, the Reformer did advocate for the education of women and late in his career advocated for the escape of slaves and government's responsibility to care for the freedmen.<sup>23</sup> The Lutheran Two-Kingdom Ethic is certainly friendly to Affirmative Action. Would it be too much of an imposition on Lutheran colleges for the Church to expect that History, Political Science, Philosophy, and Religion Departments in these schools attend to these facts, to help students appreciate the progressive heritage of aspects of the Lutheran tradition, especially in view of how they challenge many social stereotypes of Luther and his heritage? A school that is not doing so seems not to be church related.

Let's turn in closing to issues of Affirmative Action today on our campuses and in the ELCA in light of the Supreme Court's Decision on Students for Fair Admissions, Inc. v. President and Fellows of Harvard College. What can we do about it, and has the Two-Kingdom Ethic provided guidance? I am told that some voices in ELCA headquarters think we have no policy on Affirmative Action in the ELCA, truly striking in view of the data just provided about Luther's thought. But should the feeling that we in the ELCA

have no policy on Affirmative Action be a comment made about ELCA-specific statements, I have two examples to the contrary. First see below the quote from the “User Guide for Faith, Sexism and Justice: A Lutheran Call To Action.”<sup>24</sup>

Equity means treatment and access to resources and influence according to a person’s needs. The principle of equity takes into account that **people live within uneven playing fields** due to economic inequalities, sexism, racism, etc. **Because of different contexts, individuals or groups may require different resources and support to ensure that they have fundamental rights** and the ability to make choices as others do (such as having a choice of quality doctors, careers, neighborhoods, etc.). The goal of equity is to ensure that each person receives what they need to flourish and is not disadvantaged.

This certainly looks like action in the affirmative to me. And if one contends that this statement is not official policy since it was not approved by the Assembly, how about the following remarks from the approved Social Statement itself?

**28) Develop and support more extensive policies and practices within the ELCA that promote equitable authority and leadership** within this church in all its expressions. In many instances this requires **promoting the leadership of women**, with special concern for women of color. In other cases, this means promoting the participation of men in more varied roles, including those traditionally seen as “women’s work.” **29) Promote changes that are economically just, including equitable pay and benefits, for women** in all ELCA institutions and organizations, with special attention to the situations of people affected by intersecting forms of discrimination.

We seem on record as promoting Affirmative Action for women (and especially women of color). The church is then inconsistent if this is not applied to those without a level playing field due to race. Put this data together with

the Affirmative Action propensities of the Two-Kingdom Ethic, and it seems impossible to explain why the ELCA and its church colleges are not vigorously denouncing the apparent American retreat from Affirmative Action.

Ah, but The Supreme Court has opened doors for Lutheranism and colleges in Lutheran tradition to keep Affirmative Action alive. The media has convinced us all that Affirmative Action is dead as a result of the Supreme Court’s recent judgment. But a pregnant observation by Chief Justice Roberts can keep Affirmative Action healthy and alive (and implementing it is right in line with the Lutheran Two-Kingdom Ethic commitment to a reliance on reason and the natural law in making our points on behalf of justice). I raise these issues here in closing in case your college lawyers have not noted this loophole we have for continuing to practice Affirmative Action. The media certainly has not done much with it, and this loophole opens the door for the ELCA and its associates to do some “good trouble.”

On p.8 (f) of the Syllabus of the Court’s decision on *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, while critiquing Harvard’s and the University of North Carolina’s admissions programs for lack of specificity and measurable objectives for using race in admissions that Court agrees that

At the same time, nothing prohibits universities from considering an applicant’s discussion of how race affected the applicant’s life, so long as that discussion is concretely tied to a quality of character or unique ability that the particular applicant can contribute to the university.

The Court’s opinion proceeds to critique universities for too often concluding that the touchstone of an individual’s identity is race and “not challenges bested.” Let’s explore and exploit this observation. Together it opens doors for a partnership between the Black community and universities or businesses committed to diversity to keep Affirmative Action alive.

There is much to be gained in breaking down this comment of the Chief Justice. He contends that the Court has not forbidden questions about one’s race to

be part of the application process, and so by implication such questions could be appropriate for job applicants in business. On these grounds, being Black or a member of some other minority does not get you any extra points. But it would be appropriate, Roberts and the Court majority concede, to have applicants write on how race had affected her/his life. (Many of my friends in the Black community and I don't like how the Court's comments could imply that being Black could be a problem since it seems regarded by the Chief Justice as a "challenge." But for now let's work with what opening the Court gives.) A well-written reflection on being Black (its joys and challenges) could help you get in that school or get that good job.

How can these concessions help the cause of freedom? Colleges and businesses committed to Affirmative Action and diversity in their communities could do a lot to help the cause by putting extra weight on this question, justifying this by contending that applicants who demonstrate in answering the question ability to relate to other ethnicities are just right for these institution's communities. Whether universities institute the use of this question for all applicants, the use of this question of coping with race for all applicants or just for minorities would be up to each institution and perhaps best practices in implementation of this commitment would begin to emerge. Yet I cannot understand why a Lutheran college would not want to proceed in this manner.

"The Court has opened a door to keep Affirmative Action alive. Let's get our church and its colleges organized in order to make it happen!"

Assuming we can get our higher-education system and the business community to buy in on this, there is work to be done by our public schools. In order to keep Affirmative Action going in the new reality it will take some good, thoughtful writing by applicants.

Of course in helping Black kids and job seekers write thoughtfully about how race impacts their lives it will take

empathetic facilitators and conversation partners. We will need more Black teachers in our classrooms. Could this become a mission for Lutheran colleges through recruitment of Black students and also in gearing educational programs to develop through dialogue with the broader African-American community and Black Lutherans in particular curricula for training students to write well on the subject of race and how it impacts them? Could ELCA congregations, especially those with Black membership volunteer to assist in such recruiting and resourcing?

The Court has opened a door to keep Affirmative Action alive. Let's get our church and its colleges organized in order to make it happen! It's the rational, Two-Kingdom Ethic way to proceed. And as we have observed, plunging into this sort of activity on the part of the oppressed is right in line with our Two-Kingdom Ethic. Church-related colleges that are serious about their church relatedness, can do no other, making it clear to all constituents the historical theological rationale for such ethical, community-action commitments. Church-relatedness on our terms contributes to making college communities better citizens.

## Endnotes

1. As reported by "US Religious Knowledge Survey," *Pew Forum* 28 (20210), at [pewforum.org/Other-Believes-and-Practical/U-S-Religious-Knowledge-Survey.aspx](http://pewforum.org/Other-Believes-and-Practical/U-S-Religious-Knowledge-Survey.aspx).
2. Gallup Poll, "In U.S., 47% Identify as Religious" (2023).
3. Martin Luther, *Auslegung des 101 Psalms* (1534-1535), in *D. Martin Luthers Werke*, Kritische Gesamtgasugabe, Vol. 51 (Weimarer Ausgabe) (Weimar: Hermann Böhlhaus Nachfolgers, 1883ff.), p.242, l.1 [hereafter the collection is cited as WA] / English translation: *Luther's Works*, Vol.13 (St. Louis and Philadelphia: Concordia Publishing – Fortress Press, 1955ff.), p.198 [hereafter collection is cited as LW]; Martin Luther, *Von Weltlicher Oberkeit, wie weit man ihr Gehorsam schuldig sei* (1523), WA11:245-280 (esp, p 249)/ LW45:81-129 (esp. p.88); Martin Luther, *Ob Kerigesleute auch in seligem Stande sein können* (1526), WA19:629,14/ LW46:99-100; Martin Luther, *Epistel S. Petri gepredig und ausgelegt* (1522), WA12:330f,30ff./ LW30:76ff. Those of the world are under the Law Luther claims in *Von Weltlicher Ob erkeit, wie weit man ihr Gehorsam schuldig sei*, WA11:251,1/ LW45:90; *Ibid.*, WA11:262,3/ LW45:105. On the need for secular government to be under the Law, see *Ob Kerigesleute auch in seligem Stande sein können*, WA19:629,17/ LW46:99. Cf. Augustine, *Dei civitate dei* (413-425), XI.1ff; IV.33; XLV54; XIX17,26.

4. Luther, *Von Weltlicher Oberkeit, wie weit man ihr Gehorsam schuldig sei*, WA11:251,22/ LW45:91; Luther, *Auslegung des 101 Pslamos*, WA51:239,22/ LW45:105; Luther, *Ob Kerigesleute auch in seligem Stande sein können*, WA19:629,17/ LW46:99.
5. Luther, *Von Weltlicher Oberkeit, wie weit man ihr Gehorsam schuldig sei*, WA11:249,24/ LW 45:88.
6. Martin Luther, *Briefwechsel* (1540), in *Dr. Martin Luthers Briefe, Senuschreiben und Bedenken*, Vol.5 (Berlin: Georg Reimer, 1825-1856), p.492, II.10ff./ LW49:383.
7. Luther, *Ob Kerigesleute auch in seligem Stande sein können*, WA19:629,21/ LW46:99-100.
8. Martin Luther, *Weinachpostille* (1522), WA101/1:531,5/ *Collected Sermons*, Vol.3/2, eds. John N. Lenker and Eugene Klug (Grand Rapids, MI: Baker Books, 2000), p.319: "... du must hie scheyden got and und den menschen, oder ewig and zeitlich Ding. In zeitlichen dingen un die den menschen angehen, da ist der mensch vornunfftig genug, da darf er seyness andern liechts den der vornunfft. Darumb leret auch gott ynn der schrift nit, wie man hewsser bawen, kleyder machen heyratten, kriegem, schriftten, oder berglichen thus soll, dass sie geschehen; den da is das natürliche Licht genugsam zu."
9. Martin Luther, *Die Thesen für Promotionsdisputation von Hieronymus Weller and Nikolau Medler* (1535), WA391:175,9-10/ LW34:127.
10. Martin Luther, *Grund und Ursach aller Artikel* (1521), WA7:436f.,23ff./LW32:86; Martin Luther, *Von Abendmahl Christi Bekenntnis* (1528), WA26:345,32/ LW37:233; Martin Luther, *Sermon von den guten Werken* (1520), WA6:244,10/ LW44:72-73.
11. Luther, *Epistel S. Petri gepredig und ausgelgt*, WA12:334,29/ LW30:80: "Der gewallt sollen wyr untethan seyn, and thun was sie heyssen, weyl sie unser gewissen nicht binden und nur von eusserlichen dingen gepieten wenn sie uns gleych mit faren also tyrannen."
12. Martin Luther, *Kirchen-Postille-Epistel-Predigten* (1522/1524), in *Dr. Martin Luthers Sammtlich schridften*, Vol.12, ed. George Walch (St. Louis, 1880-1910), p.370, I.19: "Also muss es ja sein, dass die Leute sich nach dem Gesetz and Werk schicken, wo sie können und ihnen gut ist; schädlich aber wiederum, wo es ihnen schädlich ist, soll wahrlich das Gesetz sich beugen und weichen..."
13. Martin Luther, *Dass Jesus Christus ein gobroner Jude sei* (1523), WA11:314-336/ LW45:199-229 (esp. p.200); cf. Martin Luther, *Von den Juden und iren Lugen* (1543), WA53:417ff.,1ff./ LW45:174-176.
14. Martin Luther, *Briefwechsel* (1537, in *Dr. Martin Luthers Briefe, Senuschreiben und Bedenken*, Vol.8 (Berlin: Georg Reimer, 1825-1856) p.899/ LW38:62,67. It should be noted, though, that even prior to his defense of Jewish rites, Luther did call the Jews wretched in his *Dictata super Psalterium* (1513-1516), WA4:367,19. LW11:500.
15. Martin Luther, *Wider die rauberischen und modrederischen Rotten der Bauern* (1525), WA18:361,24 / LW46:54-55.
16. Martin Luther, *Von Kaufshandlung und Wucher* (1524), WA6:58ff.,26ff./ LW45:305-306
17. Martin Luther, *Deuteronomion Mosi cum annotationibus* (1525), WA14:776,657,30/ LW9:148.
18. Martin Luther, *Deutscher Katechismus* (1529), WA301:168,15.
19. Martin Luther, *Kleiner Katechismus* (1529), I.14, WA301:244,23: "Wier solle Gott fürchten und lieben das wier insern nechste an seinem leyb seynen schadē noch laud thun, sondern ynn helfen und fördern in allen Leibesnoten."
20. Luther, *Deutscher Katechismus*, I.7/WA301:166f.,30ff.
21. See n.18, above.
22. Martin Luther, *Ordnung eyns gemeynen Kastens* (1523), WA12:11-130/ LW45:169-194.
23. *Ibid.*, WA12:25,16/ LW45:188-180; Luther, *Deuteronomion Mosi cum annotationibus*, WA14:709,23/ LW9:232-233.
24. "Faith, Sexism and Justice: A Lutheran Call To Action," (2019) [https://download.elca.org/ELCA%20Resource%20Repository/Faith\\_Sexism\\_Justice\\_Social\\_Statement\\_Adopted.pdf](https://download.elca.org/ELCA%20Resource%20Repository/Faith_Sexism_Justice_Social_Statement_Adopted.pdf)