

# THE ORDER OF MARRIAGE AND THE LORD OF THE ORDERS

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In his *On the Pagan Servitude of the Church*, arguably the most vitriolic of his “three great treatises” of 1520, Luther launches a scathing attack on those who would cavalierly determine the nature of the sacraments without scriptural basis. “Going simply by the sound of the words, they have founded their own opinions of them... transforming the proper meaning into what they themselves have fabricated, turning anything into anything else.”<sup>1</sup> Specifically, Luther is attacking the Roman classification of marriage as a sacrament. His position rests on the uncompromisingly alien character of salvific grace. The Word of God comes from without and solely through the means that Christ himself specified. There is no scriptural justification for the notion that marriage is a sacrament. Case closed. After establishing this, Luther goes on to describe what Scripture does indicate concerning marriage: that “the union of man and wife is in accordance with divine law, and this holds good no matter how it may contradict any regulations made by men.”<sup>2</sup>

Once again, the history of the church has proven that there is nothing new under the sun. In an ironic twist, however, the theological attack is now coming from the opposite direction. It is the status of marriage as divine law that is now under fire. The current assault on marriage is part and parcel of the larger rejection of the orders of creation tradition in Lutheran theology.

This system of established ethical categories of existence reached its apex in the theology of Paul Althaus (d. 1966), whose career at the University of Erlangen spanned the disappointment of the Weimar Republic, the rise of Hitler, the height (or nadir) of the Third Reich, and the collective guilt of the Holocaust. His theology did not emerge the war unscathed. The *Deutsche Christen*, who formed the pro-Nazi faction of the Protestant church in Germany and some of whom were Althaus’s former students, distorted his ideas to give credence to a utopian vision of the Reich, including rampant advocacy of racial ideology and the

messianic cult of the Führer. His thought thus fell victim to the *Schwärmertum* of the *Zeitgeist* and was consequently associated with National Socialism and all the evils perpetrated by it.

Karl Barth rejected the orders of creation outright in favor of a christomonistic model, an ethical paradigm based solely on the one Word of God alone, the risen Lord Jesus Christ.<sup>3</sup> Enhanced by postwar hindsight of the colossal scope of evil committed by the Nazi regime, the force of Barth’s charisma made the orders of creation unpopular in

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Lutheran circles up to the present day. In an article in *Modern Churchman*, for example, Richard Higginson describes the notion of orders of creation as “a rather static, compartmentalized view of existence, one which allowed little scope for a critical assessment of the existing state of affairs.”<sup>4</sup> Likewise, the ELCA’s proposed social statement, “Human Sexuality: Gift and Trust,” portrays the orders as “strict, one-time acts of God in the past” that “indicate the establishment of human society in a hierarchy of fixed and unchanging social arrangements.”<sup>5</sup> The study acknowledges that the term “‘orders of creation’ also has been theologically enriching within Lutheran tradition.”<sup>6</sup> But the message is clear: because of past ideological distortion and their association with historical tyranny and social inequality, the terminology is obsolete. We have crossed the Rubicon, and there is no going back, for good or for ill.

Not all are of one mind on the matter. Carl Braaten made a strong argument in 1992 for a “rehabilitation” of the orders of creation, which he regarded as a viable ethical model consistent with the Lutheran confessional witness. He called Barth’s christomonism “the soteriological captivity of creation,” a world-denying, watered-down Calvinism that rejects any meaning to human activity in the world apart from God’s salvific activity in Jesus Christ.<sup>7</sup> Though he likened such a rehabilitation to “raising the Titanic,” Braaten maintained that, at its heart, the doctrine of the orders of creation is sound: “If misuse were

the criterion of elimination, the whole of Christian dogmatics would have to be abolished.”<sup>8</sup> Moreover, its absence has left Lutheran ethics rudderless on a chaotic sea, where every Geist that blows is taken to be the Spirit of God: “We have lost our way in a labyrinthine antinomianism that leaves it up to each individual to intuit his or her way out of moral dilemmas. In any ethical situation, Christians are told to rely on what the Spirit nudges them to do on the spur of the existential moment.”<sup>9</sup>

The rehabilitation that Braaten recommends has to begin with a tactic from the Luther playbook. For it seems that, when it comes to the orders of creation, scholars and ideologues have turned “anything into anything else.” The clutter of history stands in the way, and only by cutting through truncated formulations, historical stigma, and outright scholastic blundering, can we begin to set the record straight.

The term *Schöpfungsordnung* (order of creation) originated with Adolf von Harless (d. 1879), Althaus’s predecessor at Erlangen. Despite widespread opinion to the contrary, Harless did not use the term in the context of hierarchical universal principles. For instance, questions concerning the role of women in worship, which have ever after been lumped under the “order of creation,” belong in Harless’ *Christian Ethics* under the rubric of *Berufsordnungen* or “vocational ordinances,” the biographical conditions (e.g., gender, citizenship, spiritual gifts) within which people carry out their baptismal struggle.<sup>10</sup> *Schöpfungsordnung*, on the other hand, Harless specifically associated with the “foundational forms of human community” that correspond to Luther’s three estates: marriage, the state, and the church.<sup>11</sup> A far cry from static, hierarchical laws, these are vibrant institutions, each interacting freely with the others but grounded firmly by its own ontological roots.

This is the model that Althaus would use as his basis a century later, though he added *Volk* (the totality of

the people), the law, and the economy to the list. The latter two he often submerged under state, but he was quite explicit in granting the order of *Volk* its own ontological integrity. The inclusion of an order so obviously grounded in historical relativity is not unproblematic, and it left Althaus vulnerable to neopagan abuse and liberal scapegoating in postwar theology.

A thorough examination of the relationship of *Volk* to the other orders is best tabled for a later discussion. For the moment, it is sufficient to note that Althaus did not grant the *Volk* an a priori ascendancy over other forms of community. He recognized its vulnerability to demonic distortion, particularly the reductionistic, racist abuses of the Third Reich.

The problem of the *Volk*-distortion is the problem of evil. Does one really think that the will of the *Volk* alone, that the point of view of the eugenists and the racial-hygienists of our *Volk*, can make marriage and morality healthy again? One cannot underestimate the demonic power that also races through German blood!<sup>12</sup>

Far from endorsing racial ideology, Althaus saw the avowedly racist, social Darwinistic deconstruction of marriage as “the disaster of our time.”<sup>13</sup> Marriage, for Althaus, held pride of place as “the basic order of God’s creation,” the source of all economic justice and human community.<sup>14</sup> But in a torrent of ideological fanaticism, what was once self-evident had been rationalized away to nothingness. For Althaus, this constituted a call to arms. “We cannot remain silent... the time to avoid [this challenge] is over.”<sup>15</sup> In his 1929 treatise *Ehe und Kinder* (“Marriage and Children”), Althaus openly criticized the racial ideologues for their reductionistic short-sightedness concerning the family: “The security of the *Volk* [here meaning the German people] is not dependent upon the crude production of bodies, as racial hygienists would have it; it is tied to

the rearing and education of capable, life-embracing children able to cope in the world.”<sup>16</sup> Would that there had been ears to hear.

Theology and ethics always have a context; they never occur in a vacuum. This is due to the simple fact that they deal with specific and unique relationships: between the God revealed in Jesus Christ and individual human beings in all times and places, of all cultures and customs, strengths and weaknesses.

The same is true for the orders of creation. Like the Word that spoke them into being, they are embodied, incarnate. Thus, in Althaus’s framework, there is no such thing as an “ideal” order of creation akin to a cosmic ultimatum from the deus absconditus. To set up the orders as absolute, universal principles outside of time (e.g., Platonic forms) is for Althaus nothing less than idolatry: “When we endow [the orders] with the limitless significance of final bonds, then we sin against the first commandment.”<sup>17</sup>

Rather, the orders of creation are incarnate and dynamic possibilities of human community, bent on furthering love between human beings and between creature and creator.<sup>18</sup> Though the ontological makeup of the order of marriage consists of one man and one woman, a fact we will consider presently, individual marriages themselves (*Gestalten*) are quite varied,<sup>19</sup> as they consist of very different people of diverse hopes, faults, virtues, and experiences. Every relationship between two or more people is different, and these variations must be recognized.

Nevertheless, to use the paradoxical and mysterious quality of sacramental language, “in, with, and under” the accidental qualities of every specific marriage is a universal core of substance. All marriages throughout human history, alongside of and successive to each other, have the duty and the underlying longing to respond to God’s vocational mandate.<sup>20</sup> One cannot classify marriage as some sort of intangible institution, whether a

product of divine mandate or a social contract of pragmatic human invention. When an individual woman and an individual man become one flesh, their union constitutes a new mode of being. They bring something specifically fresh, uniquely useful, and distinctly problematic to the table. And their marriage aims at the unalterable divine standard within it, what Althaus calls the quality of being bound together (*Aneinandergebundensein*) in a community of life, responsible for each other and life to come.<sup>21</sup>

Creation is ongoing within these divine ordinances, within human relationships and with human participation. Althaus defined these foundational forms of human community as creatures in their own right. He is entirely within confessional bounds to do so: Melancthon says the same in the Apology to the Augsburg Confession, Article XXIII, concerning the marriage of priests: “This creation [i.e., marriage] or divine ordinance in the human creature is a natural law.”<sup>22</sup>

How, then, does one avoid viewing the orders as hierarchical, static institutions? The answer is as old as Aristotle: form and substance. Althaus scrutinizes the problem: “There is... no specific form of marriage, but there is a specific, unalterable being (*Wesen*) of marriage.”<sup>23</sup> This one word, *Wesen*, is the cornerstone of Althaus’s entire theology of the orders of creation. In the joining of woman and man in the order of marriage, there is an ontological shift that takes the form of a new vocational paradigm. This is a totality of body and soul, a dedication to a fuller quality of life, “the highest, innermost form of community between two people.”<sup>24</sup> The need for intercourse in the full sense of the term lies at the heart of human existence: the bodily dedication to each other, the expression and consummation of the full community (*Geschlechtsgemeinschaft*) of husband and wife.<sup>25</sup> In marriage this bond of personal community is joined to the larger community in a new reality. It gives rise to family, the source and des-

tiny of community, the entelechy and most basic expression of all human relationships.<sup>26</sup> Through the effort of conceiving, bearing, and raising a family, God provides the couple and the larger community with enough enduring miracles, adventures, and stories to enrich their life together indefinitely.<sup>27</sup>

Althaus counters any and all forms of reductionism that attempt to paint marriage as less than it is. That goes especially for the determinist argument of the racial ideologues, who equated humanity’s destiny with the mechanisms of natural selection and

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the biological imperative to procreate. In this context, “marriage” is simply a socioeconomic strategy for assembling new human bodies, which could theoretically be retired in favor of more efficient means of production. There were those who advocated this strategy precisely: “The shackling of man through monogamous marriage, so the argument goes, is racial- and *Volk*-biological nonsense and injustice.”<sup>28</sup> This model holds that the human libido compels men and women to animalistic action (*triebhafter Tiermenschen*),<sup>29</sup> iconic examples of Shakespeare’s “beast with two backs.” Sex is a given, and marriage is a human construct that simply ensures stabil-

ity. Althaus counters this perversion by defending the nobility of marriage as a gift of God. To rationalize away the human sex drive, with all of its potentially violent proclivities, as an evolutionary necessity is patently unacceptable. The concepts of “individuality” and “community” are alien to the vocabulary of evolution—and Christianity has never squared with survival of the fittest in any case.

The other side of this reductionistic equation is, for Althaus, just as deficient: that is, that marriage is a long-term sexual contract, a private agreement between two lovers. Althaus terms this *Gattungsleben*—“living as if one has a spouse, but does not”—or, to put it in colloquial terms, shacking up.<sup>30</sup> On this end of the spectrum there is no deontological imperative ascribed to fertility. Instead of being intrinsic to the nature of marriage, it is nothing more than an often inconvenient byproduct of the contractual agreement. Althaus does not dispute the reality that childless marriages can certainly be legitimate, but holistic readiness for God’s blessing of children must always be on the table. Likewise, Althaus cautions that the absence of children should be an expected (and accepted) possibility.<sup>31</sup>

The unceasing process of God’s creation is entangled with sin and death. They usurp God’s desire for human enjoyment (*Genusswillen*) and turns enjoyment in upon itself, using it to destroy its own holistic dimension.<sup>32</sup> In this case, rather than mystery, the basis of enjoyment is sheer biology. The urges of the body can then divide what is lawfully indivisible. The bride’s love for her husband, desire for a unique person, metastasizes into a cycle of enslavement. The spiritual love between the sexes degenerates into an endless selfish quest for “fulfillment,” new forms of stimuli serving an ever-mutating addiction.<sup>33</sup> The result is an unavoidable struggle between actual, God-given surrender to the other, on the one hand, and the demonic obsession with lust, on the other. This struggle is unavoidable,

whether one succumbs to traditional and expected forms of temptation or not. Sin is always corporate, always reductionistic, and every marriage feels its effects. By the same token, the false asceticism that demonizes sexual love in marriage is just as sinful. This is what C. S. Lewis referred to as the “double triumph of hell,” a rejection of the wholesome and pleasurable along with the detrimental. Althaus calls either sort of sin a direct violation of Christian consciousness.<sup>34</sup>

Along with his regard for the inflexible ontology of marriage, Althaus recognizes the presence of divine freedom above and beyond it. This is by no means a bid for ethical relativism, the notion that one may discard the vocational and procreative essence of marriage on a whim. “God is Lord of the orders. So I may neither take away from them, nor set them as absolute principles and thereby idolize them.”<sup>35</sup> To say that God is “Lord over the orders” is the same as saying that He is Lord over human relationships, the venue of vocation. He can call some to marriage and others to celibacy, just as Jesus called men away from their families to be his disciples. “Divine freedom does not negate the validity of the orders. The call of God out of the orders always means an exception, an extraordinary situation, a sacrifice.”<sup>36</sup> In any case, the Christian who consciously embraces the state of remaining single, whether voluntary or imposed, becomes a living sacrifice in full accordance with God’s will. Althaus calls this condition a “special form of Christian discipleship.”<sup>37</sup> Husbands and wives who are too caught up in their own satisfaction in the pleasures of marriage and family will benefit from the selflessness of the unmarried. These embody for the community the path of the cross that Luther voiced in “A Mighty Fortress”: “Were they to take our house, goods, honor, child, or spouse; though life be wrenched away, they cannot win the day. The kingdom’s ours forever.”

This brings us back to Luther’s

assertion that marriage is both gift and law, but never a sacrament. As a Luther scholar, Althaus readily agrees. The true happiness found in marriage comes through the forgiveness of

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sins, accomplished in the ministry of word and sacrament alone. The vocational essence of marriage continually directs the Christian back to the daily struggle of dying and rising in holy baptism. In this sense, “till death do us part” does not signify the sorrowful end of a union but the telos of baptism accomplished by God. The Lord of the orders in Whom all things were made is also the risen Lord. He uses the union of female and male not only to bring new life into the world, but also to expose their own grievous faults through conflict and guilt, to reveal their desperate need for divine grace, the source of all true reconciliation. “Christian marriage means, last of all, the struggle in all seriousness to obedience and purity; that God in Christ certainly makes marriage holy; and that He gives growth in faith and strength, so that a marriage in every moment lives according to the forgiveness of sins and hope for the day when we will become like God’s angels.”<sup>38</sup> This, then, is the true miracle in marriage. As at Cana, God has saved the best wine for last. ✠

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#### Notes

1. Martin Luther, “On the Pagan Servitude of the Church,” in *Martin Luther: Selections from His Writings*, ed. John Dillenberger (Doubleday: New York, 1967), 327.
2. *Ibid.*, 332.
3. Carl E. Braaten, “God in Public Life: Rehabilitating the ‘Orders of Creation,’” *First Things* (December 1990): 33.
4. Richard Higginson, “The Two Kingdoms and the Orders of Creation in Twentieth-Century Lutheran Ethics,” *Modern Churchman* 25 (Winter 1982): 40.
5. “Human Sexuality: Gift and Trust,” fn. 11.
6. *Ibid.*
7. Braaten, 33.
8. *Ibid.*, 32.
9. *Ibid.*, 34.
10. Adolph von Harless, *Christliche Ethik*, 8<sup>th</sup> and partially extended edition (Gütersloh: Bertelsmann, 1893), 483.
11. *Ibid.*, 518.
12. Paul Althaus, *Grundriss der Ethik*, 2<sup>nd</sup> rev. ed. (Gütersloh: Bertelsmann, 1956), 119.
13. Paul Althaus, *Ehe und Kinder* (n.p., n.d.), 100.
14. Paul Althaus, *The Ethics of Martin Luther*, trans. Robert Schultz (Minneapolis: Fortress, 1972), 86.
15. Althaus, *Ehe und Kinder*, 100.
16. *Ibid.*, 104.
17. Paul Althaus, *Theologie der Ordnungen* (Gütersloh: Bertelsmann, 1935), 21.
18. *Ibid.*, 10.
19. *Ibid.*, 31.
20. *Ibid.*
21. *Ibid.*
22. Philip Melancthon, “Apology to the Augsburg Confession,” in *The Book of Concord*, eds. Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress, 2000), 249. Emphasis mine.
23. Althaus, *Theologie der Ordnungen*, 31.
24. Althaus, *Ehe und Kinder*, 101.
25. *Ibid.*, 100.
26. *Ibid.*
27. *Ibid.*, 102.
28. *Ibid.*, 103.
29. *Ibid.*, 102.
30. *Ibid.*
31. *Ibid.*
32. Althaus, *Grundriss der Ethik*, 113.
33. *Ibid.*
34. *Ibid.*
35. Althaus, *Theologie der Ordnungen*, 25.
36. *Ibid.*, 23.
37. Althaus, *Grundriss der Ethik*, 122.
38. Althaus, *Ehe und Kinder*, 114.