

Reflections on the Bound Conscience¹ in Lutheran Theology

The concept of the bound conscience is not often used in ethical considerations of other Christian churches. However, in the Lutheran church, chiefly because of its history and its central theological principles, this concept does play an important part in ethics and pastoral care. Indeed, it highlights the pastoral underpinnings of all Lutheran theology and the Lutheran rejection of both papalism and its individualistic equivalent, “*enthusiasmus*” in ethical deliberation.

The term “bound conscience,” which has found use in a recent proposal from the Task Force on Studies in Sexuality for the ELCA, has its origins both in the Pauline correspondence (Romans 14-15 and 1 Corinthians 6, 8-10) and in the early Lutheran appropriation of this term for use in the ethical dilemmas they faced.

Luther uses the term conscience in at least two ways. On the one hand, he sometimes simply accepts the medieval scholastic understanding of the conscience as a faculty of the soul that can distinguish right from wrong and truth from falsehood. However, both Luther and Melancthon also use the term more generally to apply to the entire person as we stand before God and view ourselves in the light of God’s Word, understood as Law and Gospel.

¹ Because of a quirk in English pronunciation, some people mistakenly speak of a bound “conscious,” which is incorrect. Consciousness is the ability of the creature to be aware of its surroundings; the conscience is the human being’s ability to determine right from wrong and truth from falsehood.

The Historical Beginnings: Bound to the Gospel

In 1518, when Martin Luther appeared in Augsburg before the papal legate, Cardinal Cajetan, he had posted and defended the 95 Theses. His theological position had become a case before Rome. In deference to Luther's prince, the elector Frederick the Wise, Cajetan did not simply haul him off to Rome for summary judgment but interviewed him in Augsburg. Of the two points on which Cajetan faulted Luther's writings, one concerns us here. Cajetan insisted that one could not ever be certain that we are in a state of grace but must always doubt the words of absolution (lest we be overcome with the security of pride). Luther responded this way:

May it please your highness to intercede with our most holy lord, Leo X, in my behalf so that he will not proceed against me with such stern rigor that he cast my soul into darkness, for I seek nothing but the light of truth and I am prepared to give up, change, or revoke everything if I am informed that these passages are to be understood in another sense. For I am neither arrogant nor so eager for vainglory that for this reason I would be ashamed to revoke ill-founded doctrines. Indeed, it will please me most of all if the truth is victorious. However, I do not want to be compelled to affirm something contrary to my conscience, for I believe without the slightest doubt that this is the meaning of Scripture.²

Here Luther appeals to the pope and his representative as pastors to his own soul and begs them not to make him choose between the Scripture and obedience to the Holy See. Thus, the bound conscience always appeals for comfort from those who speak God's Word of promise and hope.

Three years later, Luther would make similar statements before the Emperor, Charles V, except that the matter was no longer open.

² LW 35: 275.

Since then your serene majesty and your lordships seek a simple answer, I will give it in this manner, neither horned nor toothed: Unless I am convinced by the testimony of the Scriptures or by clear reason (for I do not trust either in the pope or in the councils alone, since it is well known that they have often erred and contradicted themselves), I am bound by the Scriptures I have quoted and my conscience is captive to the Word of God. I cannot and I will not retract anything, since it is neither safe nor right to go against conscience.³

This notion that the Word of God, as it is heard by the sinner-declared-saint, binds the conscience to it, serves as a warning to Lutherans not to dismiss summarily the person who makes such a claim. We are neither pope nor emperor but fellow believers to one another. This means that we cannot simply assert one interpretation of Scripture over another but must always respect the conscience of others with whom we may disagree. If Luther had no choice but to appeal to the conscience bound to the gospel in his case before Rome, so much more must we respect lesser cases of bound consciences regarding matters of law and ethics!

This position was for Luther not an easy one to hold. It was not, as later historians often portrayed it, the first instance of a free, enlightened conscience shedding the shackles of medieval religion. Luther's conscience was not free but bound to God's Word, which assured him of God's free and unconditional forgiveness in Christ. However, because of the vulnerable nature of such a position, Luther was often assaulted with *Anfechtung*, attacks of the devil, which tried to undermine his confidence by asking "Are you alone right? ("Bist Du allein richtig?") Those who make claims that their conscience is bound to a particular interpretation of Scripture, must likewise demonstrate such humility and must anticipate such doubts and struggles.

³ LW 36: 112.

The Bound Conscience in Early Lutheranism: Concern for the Weak

In the recent movie about Luther, the filmmakers used two apocryphal events to underscore the pastoral side of the Reformation. Luther comforts a poor mother and tries to free her from the burden of purchasing indulgences; he also buries a suicide in consecrated ground. However crudely the movie dealt with history, it did point to a side of Luther often forgotten, but one that derives directly from his own experience with the bound conscience: Nothing dare trump the free forgiveness of God in Christ.

Thus (in fact), Luther comforted the wife of a suicide victim with the hope of the man's salvation.⁴ And, in the case of indulgences, the 95 Theses themselves are a testimony to his pastoral concern for a laity misled by the wild claims of preachers of indulgence. More than that, however, Luther consistently responded to the burning ethical issues of his day not simply with pronouncements and laws but with pastoral sensitivity for the weak, bound conscience. No wonder that in the first parish visitations of 1527-28, when Luther's colleague, Philip Melancthon, most often represented the theological faculty, that Melancthon, too, always counseled respect for the weak, bound conscience. The word that both men often employed to describe their approach was "*aequitas*" (German: *Gleichmut*; Greek: *epieikeia*). This Stoic ethical category provided that any case of violation of an ethical principle should be dealt with not simply according to the letter of the law but with sensitivity to the specifics of the case—what we might call fairness or equity.

⁴ *Luther: Letters of Spiritual Counsel*, ed. Theodore G. Tappert (Philadelphia: Westminster, 1955), 58-59.

To understand the situation in the Pauline churches or in Wittenberg in 1522, the use of the term “adiaphora” may be somewhat misleading.⁵ Although we think of things like food sacrificed to idols or whether one receives both bread and wine in the Lord’s Supper as minor matters, in fact the people involved in these controversies understood them to be far more serious. Indeed, the question in Paul’s day revolved around the first commandment (“You shall have no other gods”) and whether one ought to treat idols as nothing or as demonic forces and thus whether food sacrificed to such idols constituted a breaking of that commandment or an affirmation of God’s creation. In Luther’s day, too, the question of whether to receive both bread *and* wine in the Lord’s Supper went back to Christ’s very command in the meal: “Drink of this *all* of you.”

In Luther’s case, his sensitivity to the bound conscience first came into play when he returned from the Wartburg in 1522 and preached eight sermons in eight days, his so-called “Invocavit Sermons.”⁶ In his absence, other clerics in Wittenberg (notably Andrew Bodenstein von Karlstadt and Gabriel Zwilling) and the Wittenberg city council had urged fundamental changes in Wittenberg parish life: the reception of the Supper in both kinds (bread and wine) and in the hand (as opposed to the mouth), the removal and destruction of all images from the churches, the lifting of fasting laws and the like.

⁵ The Greek term “adiaphora” refers to a category in Stoic ethics, which was employed directly by the Latin writer Cicero. It was translated into Latin as “indifferentia,” a technical term used even by Luther that should be translated *not* as “indifferent things” (that is, as if the things under dispute do not matter) but as undifferentiated things, that is, things where one cannot determine whether they are right or wrong, true or false.

⁶ LW 51: 67-100. “Invocavit” was the traditional name for the first Sunday of Lent.

Although Luther admitted that all these matters accorded with his own proposals and with the gospel, he objected to them because they were not done out of love and patience for those who were weak and who would follow such changes not because they believed they were true but because of the authority of the leaders of these changes. Thus, in the case of communion in both kinds, Luther even threatened, if forced to commune in both kinds, *only* to take the bread—this despite the fact that Christ himself had commanded “drink of it all of you.” For him, the weak conscience was more important than even a dominical command.

I was glad to know when some one wrote me, that some people here had begun to receive the sacrament in both kinds. You should have allowed it to remain thus and not forced it into a law. But now you go at it pell mell, and headlong force every one to it. Dear friends, you will not succeed in that way.⁷

This same respect for bound consciences (even those bound to things that were contrary to Christ’s command!) shows itself in the official “Visitation Articles” of 1528.⁸ The document instructed pastors to teach that it is right to receive both kinds, and it emphasized that this was a dominical command, using words like “clear witness,” “Christ has so ordained,” “St. Paul has done so,” and concluding “No human being may alter

⁷ LW 51: 91.

⁸ LW 40: 263-320. The title should be translated: *Instructions by the Visitors for Parish Pastors in Electoral Saxony*. It was jointly prepared by Luther and Melancthon, with help from Johannes Bugenhagen and Johann Agricola.

such a divine ordinance.”⁹ Pastors were to show that celebration in a single kind was wrong. Then the Articles add,

Inasmuch, however, as no one is to be forced to believe, or driven by command or force from his unbelief, since God likes no forced service and wants only those who are his servants by their own free will, and in view of the fact that the people are confused and uncertain, it has been and still is impossible to establish a rule concerning persons to whom both kinds are to be offered or from whom they are to be withheld according to the teaching of Christ.¹⁰

In what follows, Luther and Melancthon outlined what should be done. “But as this article arises daily and troubles the conscience, we have not wanted to leave the pastors without any guidance at all.”¹¹ They are to teach the true doctrine; “where there are weak Christians ... one may allow these to take communion in one kind ... In this way the doctrine of both kinds will not be weakened or compromised, but only the application or use of the doctrine will be temporarily postponed through Christian patience and love.”¹² They compare this approach to the patience of Christ, who tolerated the apostles’ desire to call down fire from heaven (Luke 9:54ff.) and their quarreling over which one was superior (Matthew 20:24ff.). Even beyond this, they add, “Further, it is uncharitable, even un-Christian, to force these weak ones to receive the sacrament in both kinds or to withhold it in one kind. For thus they feel they are made to

⁹ LW 40: 289.

¹⁰ LW 40: 290. This exception continued in force for at least ten years.

¹¹ LW 40: 290.

¹² LW 40: 290-91.

sin.”¹³ Of course, some are not weak but merely obstinate. “The pastor, who knows his people and daily associates with them, must distinguish between the weak and the obstinate.”¹⁴ We know from Melanchthon’s correspondence that the preceding year a group of nuns had petitioned him as visitor on this very matter.¹⁵ Although the question of communion using both bread and wine may seem to us like a small matter, nevertheless for the people involved this was a problem of the highest importance, involving the conflict between Christ’s clear command and pastoral care for the bound conscience.

Note here, as elsewhere, that concern for the bound conscience is not simply a matter of toleration for different points of view but more profoundly realizing that the neighbor’s conscience is bound to a totally different, perhaps even incorrect, understanding of the matter and that to uproot that understanding would shake the neighbor’s faith and trust in God’s mercy and forgiveness.

The Weak Conscience and the Freedom of Pastoral Advice

This respect for bound consciences spilled over into other aspects of Melanchthon and Luther’s pastoral concerns. A few examples will give some flavor of the freedom with which they approached ethical matters, despite their clear understanding of God’s

¹³ LW 40: 291.

¹⁴ LW 40: 292.

¹⁵ See *Melanchthon’s Briefwechsel*, vol. T 3: *Texte 521-858 (1527-1529)*, edited by Richard Wetzel (Stuttgart: Frommann-Holzboog, 2000), 112-13 (no. 567, dated 29 July 1527).

law. As we have seen, in dealing with the question of communion in both kinds, Luther insisted that receiving both bread and wine in communion accorded with Christ's command and thus with faith. However, for the sake of love, he urged his Wittenbergers to respect the weak.¹⁶

In one instance, Luther dealt with specific matters of sexual behavior in his tract *On the Estate of Marriage*.¹⁷ There he defended his earlier suggestion that the wife of a man unable to fulfill his conjugal duty should be able to contract a secret marriage to another and thus bear children.¹⁸ In another instance, Luther counseled soldiers about refusing to serve in an unjust war.¹⁹ Here, as in his 1523 writing *On Temporal Authority*, Luther emphasizes the role of equity in governing.²⁰ In particular, he leaves the determination of a just or unjust war not under the purview of religious leaders but in the soldiers' own hands.²¹

¹⁶ Luther, as pastor in Wittenberg, defines consciences bound to a particular interpretation of Scripture as "weak." In the present dispute over ordination in the ELCA, however, to designate one side or the other as "weak" may appear to be demeaning. Thus, the task force uses a more neutral term, the bound conscience, to define different sides in this debate, since people on various sides are conscience-bound in their beliefs about the interpretation of Scripture.

¹⁷ LW 45: 11-49.

¹⁸ LW 45: 20-21.

¹⁹ LW 46: 87-137, the tract *Whether Soldiers, Too, Can Be Saved* from 1526.

²⁰ LW 45: 118-29.

²¹ LW 46: 130-31.

Finally, both Luther and Melanchthon suggested to Landgrave Philip of Hesse, who was staying away from the Lord's Supper because he was living with another woman, that he should commit bigamy rather than divorce his wife—advice that the prince followed (with unfortunate consequences).²² In all of these cases, Luther and Melanchthon behaved with a kind of ethical freedom rarely practiced today. For them, in pastoral issues the individual conscience, freedom in Christ's forgiveness, and the right use of reason (equity) in specific cases outweighed slavish adherence to the law.

The Book of Concord: *Adiaphora*²³ and the Bound Conscience

For the most part, *The Book of Concord* is concerned with the conscience terrified by judgment and the law, crushed by the burden of works righteousness, and in need of salvation through the grace and mercy of God in Christ alone. This, of course, also echoes Luther's own experience with Cajetan and before Charles V. Nothing can trump the free forgiveness of God in Christ!

Only in the dispute over church practices, especially as reflected in article ten of the Formula of Concord on adiaphora, can one see how later Lutherans understood the way in which pastoral care and the weak, or bound, conscience interact. In one respect, however, this dispute does not exactly match the present situation, since today the debate hinges on whether or not a word and command of God applies to a particular situation in

²² In another case, Luther speculated that perhaps an adulterous divorced person could move to a far country and remarry, if the desire for companionship was too strong to resist.

²³ See footnote 5.

our church's life. In the adiaphoristic controversy that arose in the late 1540s, the issue was whether practices "neither commanded nor forbidden by God could be revived under the pressure and demands of the opponents."²⁴ Indeed, the Solid Declaration warns against confusing adiaphora with "the kind of things presented under the name and appearance of external, undifferentiated things that are nevertheless fundamentally opposed to God's Word (even if they are painted another color)."²⁵ Our debate today is precisely between several different ways to interpret Scripture and how it applies to our present situation.

That being said, in the context of debating what role practices established for "good order and decorum" should play in Christian community, the concordists argued both for the centrality of each community to determine such matters and for the fact that "special consideration must be given particularly to those who are weak in faith."²⁶ Indeed, under persecution (when adiaphora is no longer adiaphora) among the authors' stated concerns is the avoidance of confirming open idolatry "as well as the protection of the weak in faith from offense."²⁷ If such avoidance and protection is the chief concern

²⁴ The Epitome of the Formula of Concord, X.2, translated by Robert Kolb, in: *The Book of Concord*, edited by Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress, 2000), 515 [henceforth: Ep. X.2 in *BC 2000*: 515].

²⁵ The Solid Declaration (SD) X.5, translated by Robert Kolb in *BC 2000*: 636, correcting the translation "indifferent" as "undifferentiated."

²⁶ Ep. X.5 in *BC 2000*: 515. Cf. SD X.9 in *BC 2000*: 637

²⁷ Ep. X.6 in *BC 2000*: 516.

in matters of adiaphora, how much more must it be a pastoral concern when consciences are bound to fundamentally different ways to understand specific moral demands in Scripture!

Papalism and Enthusiasm

In 1538, when he came to publish the Smalcald Articles, Martin Luther made some small adjustments to the text (probably as a result of conversations with and requests from other theologians at Wittenberg). In one addition, he defined what happens when people abandon God’s Word for their own authority, what he called *enthusiasmus*. All sides in the present debate face the temptation merely to assert their own authority over those who differ from them. Perhaps Luther’s words can help guide the debate.

In these matters, which concern the spoken, external Word, it must be firmly maintained that God gives no one his Spirit or grace apart from the external Word which goes before. We say this to protect ourselves from the enthusiasts, that is, the “spirits,” who boast that they have the Spirit apart from and before contact with the Word. ... [T]here are still many doing this today, who set themselves up as shrewd judges between the spirit and the letter without knowing what they say or teach. The papacy is also purely religious raving in that the pope boasts that “all laws are in the shrine of his heart” and that what he decides and commands in his churches is supposed to be Spirit and law—even when it is above or contrary to the Scriptures or the spoken Word. This is the old devil and old snake, who also turned Adam and Eve into enthusiasts and led them from the Word of God to “spirituality” and their own presumption—although he even accomplished this by means of other, external words. In the same way, our enthusiasts also condemn the external Word, and yet they themselves do not keep silent. ... In short: enthusiasm clings to Adam and his children from the beginning to the end of the world—fed and spread among them as poison by the old dragon.²⁸

²⁸ Smalcald Articles, III.8.3-9, translated by William Russell, in *BC 2000*: 322-23.

Here the warning for our discussion seems quite clear. It is one thing to say, “This is what I believe Scripture says about this issue.” It is quite another to insist that others must adhere to our interpretation. When Christians differ over interpretations of Scripture, no one may simply arrogate to him or herself the authority to judge others but must always beware of “spirituality,” presumption, and pontificating, that is “*enthusiasmus*,” literally, worshiping the god within (*en theou*). Moreover, one cannot simply assume that someone else’s position is merely a matter of stubbornness or pride. Instead, one must carefully discern where the neighbor’s conscience is in relation to a particular interpretation of God’s Word. Thus, pastoral concerns and protection for the weak or bound conscience must never be placed out of bounds in theological discussion, especially when dealing with matters of ethics and morality about which Christians fervently disagree.

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