

Justification and a Theological Concept of Agency

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In this essay I will first present Luther's concept of action in relation to his doctrine of justification. I will then introduce basic notions of contemporary theories of agency. Finally a theological concept of person and action will be put to the test by confronting it with theories of mind based on recent brain research and applying it to relevant social issues.

1. Luther's Concept of Agency

In his great lecture on Galatians from 1531 Luther points out that it is necessary to develop a theological concept of action (*facere*) in contrast to the common natural and philosophical understanding. He distinguishes between acting in natural settings, in moral theory and in theology: "aliud est facere in natura, aliud in Philosophia, aliud in Theologia" (WA 40/I, 410). The meaning of the notion of action (*facere*) is different in each realm. Let us first take a closer look at agency in nature and in moral philosophy.

In *nature* agency is described by reference to the chain of cause and effect, when being precedes acting¹, and thus action expresses what we

already are. First there is a being, which then brings forth a certain effect: first there is the tree, then the fruit. In *moral philosophy* agency is explained by will and reason, which bring about qualified action as their effect: first there has to be good will and proper reasoning², then the moral deed will follow.

Theology does not simply deny these concepts of natural and moral agency. On the contrary, Luther often refers to the parable of the tree, which brings forth fruit³ in theological contexts, and he asserts that in a theological perspective acting requires appropriate reasoning and good will as well. But in theology the relation of cause and effect, or good will and deed, has to be envisioned in a larger perspective or dimension, which Luther determines as theological rather than moral.⁴ Within a theological notion of agency, cause and effect are included as well as is moral reasoning, but now a different realm (*circulus*) or a new kingdom is opened which transcends the realm of natural and moral action.⁵

What is the difference? Natural and moral agencies describe natural and human causes; they aim at what can be achieved by common worldly means. And what at best can be achieved is what the tradition designated as the *common good of society*, the “*communis utilitas Reipublicae*”⁶. Thus, as we might say, scientific and ethical perspectives on agency have their own right, provided that they restrain their competence within their own limits and do not mingle the human with the divine – a transgression most sharply criticised by Luther.

In contrast to natural and moral perspectives the theological concept of agency primarily refers to God's action and reconsiders human agency from that perspective, ascribing to God what is God's and

¹ M. Luther, *In epistolam S. Pauli ad Galatas Commentarius*. [1531] 1535, WA 40/I, 410: “in natura Esse praecedere operari”.

² “habere bonam voluntatem et rectam rationem operandi” (WA 40/I, 410).

³ Cf. M. Luther, *Von der Freiheit eines Christenmenschen*. 1520, in: *Studienausgabe* vol.2, ed. H.-U. Delius, 1982, 263-309 (= WA 7,20-73), 291 (= WA 7,33).

⁴ “... requirat etiam rectam rationem et bonam voluntatem, sed theologice, non moraliter” (WA 40/I, 411).

⁵ WA 40/I, 412.

⁶ WA 40/I, 411.

ascribing to human beings what is theirs. Thus acting acquires a new meaning in a theological perspective, that integrates, supervenes on, and at the same time transcends the restricted worldly notions. The central theological concept that guarantees the respective difference between divine and human action is *faith*. In theology action must be rooted in faith,⁷ because it is faith that expresses dependency on God alone and not on any created being. By faith, and by faith alone we ascribe to God what is God's, so that God and faith always and inseparably go together.⁸

By faith we discover that we are already justified, that we are constituted as integrated persons by what God has done to us through Jesus Christ. As this discovery, faith is nothing we can produce. Faith is no activity in its natural or moral meaning. It is not part of the natural order of cause and effect. There is not a Being and then faith as the action brought forth by this Being. And we do not come to the decision of faith by volitional effort, because we only become ourselves, we are only constituted as integrated persons *within* and through this decision.⁹ To speak in Aristotelian terms: it is *praxis* rather than *poiesis*, a way of living with its end in itself rather than a way of making with its end in its product. And in this sense Luther can say, that it is faith, which constitutes ('makes') the human person: "Fides facit personam."¹⁰

According to Luther this faith as the proper source of theologically qualified agency must not be understood as abstract or absolute belief.¹¹ It is more than, let us say, an intellectually sound conviction routed in propositional axioms. The full theological notion is, as Luther says, the complex, concrete, and incarnated faith¹² that is working through love.

⁷ "Ergo facere in Theologia necessario praerequit ipsam fidem" (WA 40/I, 412).

⁸ *Great Catechism*, BSLK 560, 21f.: "Denn die zwei gehören zuhaufe, Glaube und Gott."

⁹ Cf. R. Bultmann: "Der Mensch steht nicht hinter seiner Glaubensentscheidung, sondern in ihr" (R. Bultmann, Gnade und Freiheit, in: *Glauben und Verstehen vol. II*, (Tübingen, J.C.B. Mohr 1965) 149-161, 160).

¹⁰ M. Luther, *Die Zirkulardisputation de veste nuptali*. 1537, WA 39/I, 283, 1.

¹¹ *Fides absoluta seu abstracta*, WA 40/I, 415.

¹² *Fides composita, concreta seu incarnata*, ibd.

Thus justification is ascribed only to the incarnated faith or the faithful action.¹³ In contrast to the scholastic “faith formed by love”¹⁴ Luther sees it just the other way around: action formed by faith, which results in a “beautiful incarnation”.¹⁵

Only through faith can God's law be fulfilled in the sense, which can be summoned up by the commandment to love one's neighbour, because only faith acknowledges God's justice, mercy, and promises. Those who simply identify fulfilling the law with empirical deeds in space and time, thus reducing the theological meaning of agency to its natural and moral equivalents, deny the importance of faith. They want to constitute their personal identity and justice through their own action and consequentially ascribe to themselves what should be ascribed to God. They want to reach through action what they should receive as a gift from God, and they oppose against being blessed by God and being formed through the creator's hand.¹⁶ In other words, they hinder that God's intention can prevail through their action. Faith should be the form, in which God is active in the universe, in human persons, through human hands and feet.¹⁷ But by being faithless we hinder God's love and spirit by reducing reality to natural and ethical chains of cause and effect, of reason and deed.

Consequently, Luther's theological concept of agency focuses on spontaneous action: faith serves the neighbour “with joy and delight, ... free and spontaneously.”¹⁸ Not obedience towards God's commandments is the ratio of Christian acting, but the new and liberated orientation of Christian life in accordance to God's love. Christian agency is action out of one's new identity, not out of moral reasoning.

¹³ *fidelis 'facere,' ibd.*

¹⁴ *fides caritate formata*, cf. WA 40/I, 421.

¹⁵ *pulchra incarnatio*, WA 40/I, 426.

¹⁶ WA 40/I, 407.

¹⁷ WA 40/I, 417.

¹⁸ Cf. M. Luther, *Von der Freiheit eines Christenmenschen*: „da geht der glaub mit lust vnd lieb ynß werk“ (StA 297 = WA 7, 34), latin version: „cu(m) gaudio (et) dilectione ... qua alteri gratis (et) sponte seruit“ (StA 2, 296 = WA 7, 64).

2. Contemporary Theories of Agency

When we act, we change the course of the world. But the changes induced by our actions are only a small part of all the changes that form reality in due course of time. Most of what happens in the world happens without our active involvement. Thus the main task of every theory of agency is to distinguish between these two kinds of changes, between actions and events. With the claim that the concept of action is irreducible to empirical events, a theological concept of agency along the lines of Luther's thinking is quite in consent with the mainstream of contemporary theories of agency.

There have been attempts, however, to deny the difference between these two categories. Behaviourist reductionism might be seen as the most prominent school in this respect. Natural events and voluntary body-movements, for example, are regarded as indistinguishable. Objective descriptions of the empirical data, it is argued, that refrain from attributing intentional notions to unobservable internal procedures, are incapable of establishing a significant difference, and therefore such a difference does not exist. Intentional notions that characterize actions are considered illusionary. Actions are nothing else but events caused by natural causes, which are by definition unintentional, and they are only accompanied by mental and linguistic epiphenomena such as self-conscious authorship, which can by no means be regarded as effective causes for the observable changes of state.

I don't want to discuss such theories of 'nothing-else-buttery' (so the biologist Julian Huxley) any further. They do not give justice to our intuitions regarding agency and authorship that rest on the presupposition that there is a significant difference between action and event, and that actions are irreducible to events. When we act we hold ourselves and others responsible. When something happens to us, we do not. Actions, we can state as a first, preliminary definition, are those changes in the course of events that are ascribed to an acting subject and not to the circumstances. Given the same circumstances the changes in the course of events would have been different if the acting subject would have acted differently.

If that is right, another type of theories of agency is already excluded as well, namely those that try to avoid any kind of conflict between descriptions of actions and descriptions of events, in that they claim that both categories belong to two different kinds of language games, or as Hamlyn formulated, two different 'modes of talk.'¹⁹ Insofar as these two types of language games are incommensurable, one commits a mistake in one's use of language if one mixes those two perspectives and refers from one to the other.²⁰ Both supply two different, incompatible, yet both justifiable descriptions of the same phenomenon.

According to my view, actions and events cannot be distinguished as two different and in their difference incompatible accounts of what happens, one referring to an object-event-type of argument, the other referring to person-action-type while both have nothing to do with each other. They must be founded in a defensible distinction within a common realm, since we still have identifiable criteria for when and why to change from a language of events to a language of action. And we locate both categories, events and actions, within one frame of reference, when we subscribe some events to the circumstances and others to the agent.

A glimpse on our use of language is in favour of this, namely that we equivocally refer to causes both when we speak of events and when we speak of actions. *Cause* is the notion, which prevents our world-view from dissociating body from mind and falling apart into a schizophrenic dichotomy between a realm of nature and a realm of subjectivity and decision. "Causality is the cement of the universe; the concept of cause is what holds together our picture of the universe, a picture that would otherwise disintegrate into a diptych of the mental and the physical."²¹

But we distinguish actions from events by referring to two *different kinds of causes*, internal and intentional on one hand, external and

¹⁹ D.W. Hamlyn, "Behaviour", in: *Philosophy* 28 (1953), 132-145, 136; German translation in: A. Beckermann (Hg.), *Analytische Handlungstheorie vol. 2: Handlungserklärungen*, 1977, 85-105, 88.

²⁰ Cf. G. Ryle, *Dilemmas* (Cambridge University Press, 1954).

²¹ D. Davidson, *Essays on Actions and Events* (Oxford University Press, 1980), XI (Introduction).

unintentional on the other. But exactly this leads us into the aporetic situation of modern theories of agency²²: We distinguish actions from events by referring to different categories of causes, but how can we identify the different kinds of causes without already referring to a notion of action?

We can either introduce a specific kind of causality that has nothing to do with natural causes or try to conceptualise our notion of causality in such a way, that it integrates agency as well. Immanuel Kant and in our days for example Roderick Chisholm are in favour of the first option and try to establish a category of causality in its own right. Persons or intelligible subjects are seen as sources of a specific kind of causality, namely causality out of freedom. Kant defined freedom as “a faculty of the *spontaneous* origination of a state; the causality of which, therefore, is not subordinated to another cause determining it in time.”²³ The will of a free rational being (*ens rationis ratiocinatae*)²⁴ is conceptualised as, at least potentially, sovereign over sensible impulses and inclinations. Such self-determination is capable “of *spontaneously* originating a series of events.”²⁵ Or, as Chisholm formulates: “each of us, when we act, is a prime mover unmoved.”²⁶

But the price to pay for such a concept of special causation is high. Kant had to describe a human person as citizen of two worlds, ascribing natural, empirical causality to the world of phenomena, the *mundus sensibilis*, and free causality to the world of noumena, the *mundus intelligibilis*, with both worlds coming together in some inexplicable way only in the volitional acts of sensible and at the same time rational beings (having an *arbitrium sensitivum liberum*)²⁷ such as us. The price of such

²² Cf. G. Keil, *Handeln und Verursachen* (Frankfurt a.M., Klostermann 2000).

²³ I. Kant, *Critique of Pure Reason* (London 1993), 376 (B 561: „das Vermögen, einen Zustand *von selbst* anzufangen, deren Kausalität also nicht nach dem Naturgesetze wiederum unter einer andern Ursache steht, welche sie der Zeit nach bestimmte“).

²⁴ I. Kant, *Critique of Pure Reason*, 454 (B 709).

²⁵ I. Kant, *Critique of Pure Reason*, 377 (B 562).

²⁶ R.W. Chisholm, “Human Freedom and Self”, in: G. Watson (Ed.), *Free Will*, (Oxford University Press 1982), 24-35, 32.

²⁷ I. Kant, *Critique of Pure Reason*, 377 (B 562).

a concept is a dichotomy, which poses as many questions as it claims to answer.

Therefore a *compatibilist* view seems to be the primary choice: human agency is a phenomenon that is integrated into the causal nexus of events. We do not inhabit two worlds, it is one world in which we decide and in which we act.

But any non-reductive compatibilist who sticks to the event-action-difference then has to explain, what it is, that discerns actions from plain events. Or to use the words of Wittgenstein: "What is left over when I subtract the fact that my arm goes up, from the fact that I raise my arm?"²⁸ And the obvious answer is, that I *wanted* to raise my arm. We usually refer to special *volitional causes* that initiate the deliberate act. It is reasons, motives, and purposes that distinguish events that simply happen from acts that are intentionally initiated. Intentionality has become the relevant feature.²⁹

This concept of agency has gained the status of orthodoxy for any analytical theory of agency:³⁰ Agents cause actions intentionally by reasons, "and an action is performed with a certain intention if it is caused in the right way by attitudes and beliefs that rationalize it."³¹ Any reason-explanation is not seen as an antithesis to a causal explanation as

²⁸ L. Wittgenstein, *Philosophical Investigations* §621.

²⁹ Or at least the possibility of a description based on intentional notions, cf. D. Davidson, "Agency", in: *Essays on Actions and Events*, Oxford 1980, 43--61, 46: "a man is an agent of an act if what he does can be described under an aspect that makes it intentional." According to Davidson something is an action if there exists a description of it under which it is consistently described as intentional. The same action may be intentional under some descriptions and unintentional under others. Thus, whether something is an action or not can be verified by existential quantification over descriptions of what happens. Though this is as such an *extensional* concept, the descriptions over which to quantify include the reference to intentions and reasons (or their absence) and therefore include intensional elements as essential features: "although the *criterion* of agency is, in the semantic sense, intentional [sic!], the expression of agency is itself purely extensional" (ibid., 47). In these intensional features the opacity of reason-explanations is routed.

³⁰ Cf. G. Keil, *Handeln und Verursachen*, 18f.

³¹ D. Davidson, *Intending*, in: *Essays on Actions and Events* (Oxford University Press, 1980), 83--102, 87.

in empirical science, because “reason-explanations are a species of causal explanations.”³² And the volitional agent is seen as a generator of motives, wishes, goals and aims, preferences and dislikes, which all together shape the reasons relevant. Thus an agent is someone who is able to generate reasons for intentional acts out of him- or herself, and the more this generation is not determined by external causes but the inner process itself, the more this person is free.

3. A Theological Theory of Agency in Dialogue with Science

In accordance with the mainstream of contemporary thoughts on agency a theological understanding of action objects against all reductionist theories of human agency that reduce human action to natural causes, as well as against subjectivist theories of intentionality that imply a dualistic ontology or a categorical hiatus between nature and language. However, as Luther had claimed, in a theological perspective the concept of agency (*facere*) adopts new meaning and transcends the worldly notion. It does so insofar it supervenes on the ordinary meaning and at the same time makes the worldly meaning transparent for the divine transcendent dimension and thus puts it into its appropriate place. The theological concept of agency is not simply different, it goes beyond. And in doing so it might be able to communicate its intentions as dimensions that are opening up concepts too narrow to fully account for human personality.

But it faces a challenge common to all contemporary philosophical enterprises, not only to integrate our intuitions of human action, of personhood, identity, and ethical reasoning, but also to make this compatible with what *empirical science* tells us about the structure and function of our neuronal system and its development. In this third and last part of this essay I want to develop perspectives on this task in which I think the theological concept of agency shows a high potential of relevance, which might be communicated with secular accounts of agency and personhood quite effectively.

All contemporary theories of agency have in common that they concentrate on deliberate and planned action as their paradigm: action in

³² A. Goldman, *A Theory of Human Action* (Princeton N.J., Prentice Hall, 1970), 77.

its most particular form is the result of subjective, reflexive, rational, and self-determined freedom of choice.³³ And, as we have seen, what distinguishes acts from events is the assignment of this kind of volitional causation. So ethical or moral action is envisioned mainly as the result of cognitive consideration. But this is a reduction of human beings to their rational faculties and does not include the human person in its totality. When we act, and that is also something Luther always emphasized, we act as a whole person. In contrast to philosophical theories his theological notion of agency focuses on spontaneous action and not on volitional freedom of choice. In his controversy with Erasmus of Rotterdam Luther concedes that the power of the human will is “a power, or faculty, or disposition, or aptitude, to will or not to will, to choose or refuse, to approve or disapprove, and what other actions so ever belong to the will.”³⁴ But he also stresses that the will cannot want what it wants.³⁵ When the will wants, when it chooses, it does so in a spontaneous act from which the will cannot dissociate itself.

Thus a comprehensive concept of agency must put spontaneous action into the centre of its considerations as the process in which the identity and personality of a human being become actual. Only then freedom of action can also be conceptualised in a theological perspective. Acting out of freedom means acting out of one's own identity, and not acting out of abstract reasoning and impersonal moral principles. Especially the significant acts of communication and social interaction are not without reason, but reasoning is not their primary cause. This broader view, which we argued for also out of theological insights, is in concordance with our intuitions regarding agency. It refers to the intuitive, pre-rational and pre-linguistic level, in which our power of will and our process of decision-making are routed. By it also integrates what is often neglected in contemporary philosophical theories of agency,

³³ Cf. J. Fischer, *Theologische Ethik* (Stuttgart/Berlin/Köln, Kohlhammer 2002), 97ff.

³⁴ WA 18, 663.

³⁵ Cf. G.W. Leibniz as a philosophical defender of this thesis: “In nullius potestate est velle quæ velit ...” (Letter to Magnus Wedderkopf, May (?) 1671, in: *Akademie-Ausgabe vol. III/1. Philosophischer Briefwechsel* (Berlin, Akademie-Verlag, 1972), 117.) Luther concedes such a free will in its absolute form only in the case of God, cf. M. Luther, *De servo arbitrio*, WA 18, 712,24-38.

namely spontaneous attentive actions that shape our communicative and social relationships, like friendship or the care of a mother for her child or forgiveness. In these contexts the pre-reflexive level of agency comes into sight within purely secular phenomena. It cannot be argued for in terms of cause and effect or reason and deed. We destroy friendship when we ask whether it is profitable. We can only observe the rules and enjoy benefits of friendship, parental care, or mercy in private or juridical contexts, we can only appeal to them as being self-evident in their potential for human relationships. But we cannot obligingly establish them by calculating their benefit. By subordinating them to considerations of cause and effect or cost and benefit we would destroy them.

This view is also in coherence with empirical science and brain-research.³⁶ Paul Broca, the discoverer of Broca's area, a brain region that processes the syntax or word arrangement in a sentence, had already identified certain circular, sub-cortical structures, that are arranged around the brain stem and that form the neuronal circuitry that controls emotional behaviour and motivational drives. He called it the Limbic System, a designation still used today, although the limbic system is nowadays seen as a more complex fabric, which is heterogeneous both in its anatomical structure and its functional role. It includes the amygdala, an almond-shaped nucleus, that plays a central role for the origin and control of emotions, as well as other thalamic nuclei, then the hippocampus, the hypothalamus and quite a few other areas and pathways of the brain. Phylogenetically the limbic lobe is the oldest part of the cerebral cortex, and its different subsystems promote *feeding, food-search, anger, and defensive behaviours* related to obtaining food as well as *sexual pleasure, courtship, and maternal behaviour*. It generates a whole variety of emotions and emotional attitudes and stands in close

³⁶ For the following cf. G. Roth, *Fühlen, Denken, Handeln* (Frankfurt a.M., Suhrkamp, 2001), 232ff. and other comprehensive accounts of recent brain research such as A. Damasio, *The Feeling of What Happens. Body and Emotion in the Making of Consciousness*, (New York, Hartcourt 1999) or J. LeDoux, *Synaptic self. How our brains become who we are* (Viking Press, New York, 2002). See also from the author: D. Evers, *Der menschliche Mensch. Hirnforschung und christliches Menschenbild*, in: H.-J. Fischbeck/J.C. Schmidt (Ed.), *Der entthronte Mensch? Anfragen der Neurobiologie an unser kulturell geprägtes Menschenbild* (Mentis Verlag, Paderborn 2003), 329-349.

connection to the vegetative neuronal system, as the basis of our physiological affective states as well as it is responsible for evoking and entertaining *memory, attention and awareness*.

But it completely functions in a nonverbal, intuitive way. The cerebral cortex, which is where our rational and verbal thinking is processed, has more inputs from the limbic system than the limbic system has coming from the cortex. It is especially the orbito-frontal cortex (the part of the brain directly behind the eyes), that receives input from the limbic system and which is responsible for integrating emotional responses generated in the limbic system with higher cognitive functions, such as planning and language. One of the leading researchers in this area, Joseph LeDoux, has shown, that we have emotional reactions before we even know to what we are reacting.

Another scientist, Antonio Damasio, has pointed out the important role of emotions and feelings for decision making, when he examined patients that showed lesions of their orbito-frontal and pre-frontal lobe. Before we apply any kind of cost/benefit analysis, and before we reason toward the solution of a problem, intuitive emotional responses are generated, which Damasio calls somatic marker, because they mark possible alternatives of action through bodily emotions. They help us by narrowing down our options and orienting us in our decision-making. We could not even focus on chains of cause and effect if we had not emotional propensities.

Investigations on neglected children have proved this thesis. An underdevelopment of the orbito-frontal cortex is the basis for such symptoms as difficulty regulating emotion, lack of cause-effect thinking, inability to accurately recognize emotions in others, inability of the child to articulate its emotions, an incoherent sense of self and autobiographical history, and a lack of conscience. Because much of the emotional brain works in a subconscious and pre-verbal way, these levels of human agency cannot be reached easily by rational reasoning, propositional argument, or logical calculi.

With these considerations let us once again return to Luther. Especially in the tradition of the Enlightenment the concept of the two kingdoms has often been interpreted as if Luther had justified an autonomous realm for secular reason, and that he welcomed it on theological grounds. Indeed Luther had granted what later was called

the "Eigengesetzlichkeit," the autonomy of secular order, reason, and politics. In his well-known statement about the subject of theology he disqualified everything apart from the doctrine of justification as plain error and vanity in theology, because we do not find in the scripture anything about economy, corporeal health, or political subjects, which are all entrusted into our own hands and responsibility.³⁷

But at the same time Luther envisions all human agency and order as rooted in the concrete and specific human person. Thus even secular reasoning cannot be carried out only along considerations of welfare, happiness, or utilitarian categories. Also for the kingdom of the left, for all worldly order and authority Luther demands that love (*charitas*) must be the criterion: "Every law has to be ordered in love."³⁸ And that is what theology in the secular context has to do, to ask whether and how our social and juridical order fosters love and serves our neighbours. Theology has to insist on the human task to serve love by law and order.

Luther can even speak of the "Law of Love,"³⁹ and what he calls the natural law (*lex naturae* or *naturalis*) is identical for him with the commandment to love one's neighbour. And to illustrate this natural law, Luther appeals to those human moral intuitions, that ideally shape our basic social relationships, such as the love and care of parents for their child, the love between husband and wife, and friendship.

That is one of the reasons why Luther from the very beginning of the Reformation movement proclaimed and supported a solid

³⁷ „Cognitio dei et hominis est sapientia divina et proprie theologica, Et ita cognitio dei et hominis, ut referatur tandem ad deum iustificantem et hominem peccatorem, ut proprie sit subiectum Theologiae homo reus et perditus et deus iustificans vel salvator. quidquid extra istud argumentum vel subiectum quaeritur, hoc plane est error et vanitas in Theologie, quia non expectamus in sacris literis possessiones, sanities corporum vel politicarum rerum, quae omnia tradita sunt in manus nostras et creata“ (M. Luther, *Ennaratio Psalmi LI*. 1532, WA 40/II, 327,11-328,5). For other quotations cf. K. Holl, "Der Neubau der Sittlichkeit", in: *Gesammelte Aufsätze zur Kirchengeschichte I: Luther*, Tübingen 1948, 155-287, 264.

³⁸ "omnes leges ordinantur in charitatem" (M. Luther, *Predigten des Jahres 1524*, WA 15, 691,19f); cf.: "*charitas* quae moderatur omnes leges tam ceremoniales quam *prophanas* excepta fide" (M. Luther, *Deuteronomium Mosi cum annotationibus*. 1525, WA 14, 714,17f).

³⁹ Cf. M. Luther, *Ob Kriegsleute auch in seligem Stande sein können*. 1526, WA 19, 657,26f.

comprehensive education, significantly for both boys and girls. The law of love is something that every human being is endowed with and that is acknowledged through the voice of one's conscience, although suppressed by a multitude of people. But it can and must be evoked and appealed to, both for spiritual as well as for secular reasons. And this education must not only train reason and intellectual skills, but also appeal to the moral, ethical, and religious intuitions that should prevail in worldly secular contexts as well. Theologically the problematising and renunciation of self-evident humanity is as dangerous and unbearable as is the moralising of political reasonable decision-making.

In my view the potential of the moral and ethical intuition and self-evidence prior to propositional reasoning could be made fruitful especially in the aporetic discussions in our secular societies where we face the dilemma that we cannot refer to commonly accepted values and ethical or anthropological axioms any more and at the same time have to define anew what a human being is and what we ought to be. One challenge our societies face in this respect is the bioethical debate. In Germany Jürgen Habermas has explicitly made the point that the bioethical debate imposes on us the anthropological question in its most comprehensive generality.⁴⁰ The Human Genome Project seems to verify that the biological nature of human beings does not supply any normative orientation (if it ever did), but just states the evolutionary status quo and opens the space for possible bio-technical variations. We cannot define humanity just by formal and structural aspects; we have to reconsider what makes humans human.

Habermas claims that for that purpose we have to regain religious semantical contents in a secular language. Here Lutheran theology could contribute, beyond casuistic scholasticism and utilitarian cost-benefit-arguments, by referring to human categories and presuppositions without having to oblige all others to propositional ethical axioms. To my opinion the text published by the Protestant Churches of Germany, "Relating to Life in the Spirit of Love: Im Geist der Liebe mit dem Leben

⁴⁰ Cf. J. Habermas, *Die Zukunft der menschlichen Natur. Auf dem Weg zu einer liberalen Eugenik?* (Frankfurt a.M. Suhrkamp, 2001); see also: J. Habermas, *Glauben und Wissen. Friedenspreis des Deutschen Buchhandels 2001* (Frankfurt a.M. Suhrkamp, 2001).

umgehen"⁴¹ has done a good job in this respect, insofar it presents controversial arguments and states dissents in substantial question, but at the same time refers to fundamental insights derived from a spiritual dimension, which is also unfolded in its secular relevance in terms of an ethics of discourse.

Another relevant field of controversy is that of religious pluralism, tolerance and dialogue, in which it is often impossible to refer to commonly accepted axioms of tolerance. To my opinion Hans Küng's effort towards a "Global Responsibility" has quite narrow limits. He developed the idea that the religions of the world should make a contribution to the peace of humankind by reflecting on those elements of ethics which they already have in common: on a fundamental consensus on binding values, irrevocable standards and personal attitudes.⁴² But such a top-down-approach, in which at the end some political and religious leaders agree on a set of ethical fundamentals, I am afraid, would prove fairly limited confronted with the strong sentiments and aggressive potential of the cultural, economic, and ethnical clashes we have today. Concrete human relations and a development of fundamental humanity could provide a supporting and more thorough basis of seeking practical ways for just political, social, and cultural order.

Theologically the emphasis must be put on the unconditional foundation and acceptance of every human person. What we are is not what we do. In the perspective of faith we are not the result of what we achieve or accomplish. We always and already start with being a person, owing our life and personality to relations we find ourselves in. While, with Luther's words, Jew and Pope answer the question on what to ground our personhood by saying: on what you bring fourth, do this and that, then you will be a holy and just person, Paul dissents and says, that

⁴¹ Im Geist der Liebe mit dem Leben umgehen. Argumentationshilfe für aktuelle medizin- und bioethische Fragen, ed. Evangelische Kirche in Deutschland, Frankfurt am Main 2002 (epd-Dokumentation 34/2002).

⁴² Cf. H. Küng, *Global Responsibility: In Search of a New World Ethic* (London: SCM, 1991).

we receive our personhood from God.⁴³ And Luther sees this as a comprehensive perspective: Justification does not define the Christian alone, but any human beings as such.⁴⁴

Every human being receives him- or herself from the creator through creation. Thus everyone can and shall find in the certainty of faith, which ascribes to God what is God's and to humans what is theirs, the basis for spontaneous action that knows its limitations, its time, and its place, and which respects that the other as a person is beyond our authoritarian manipulative accessibility.

Therefore a theological concept of agency has its place especially in all contexts that deny and endanger human agency as free agency, in which human beings are denied the possibility of identity, where their humanity is restricted to what they do and reduced to their economical or social value. Justification by faith has to be seen not as an external acquittal of sin, but as a reintegration of the sinner, that affects the individual as a totality and that is rooted in the certainty of faith, which explicates that nothing can separate us from God's love that became incarnate and effective in Jesus Christ. By witnessing this, the believer at least poses the human question asking for the sources from which we gain our identity and integrity. That this is an adequate question and that any answer to it must refer to something, which is beyond our manipulative control is a contribution Christian churches can make to a totally secular society as well.

⁴³ M. Luther, *Die Zirkulardisputation de veste nuptali*, WA 39/I, 283, 13-16: "Hic respondet Iudaeus et papa: Ex fructu, fac hoc et hoc, et eris persona sancta et iusta. ... Sed Paulus negat et dicit, quod persona sit facta per fidem a Deo".

⁴⁴ M. Luther, *Disputatio de homine*. 1536, WA 39/I, 176,33-35: "Paulus ... breviter hominis definitionem colligit, dicens, Hominem iustificari fide".