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Bonhoeffer, *status confessionis*, and the Lutheran tradition

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Abstract

It has frequently been suggested that Bonhoeffer's resistance did not draw substantively from his own Lutheran theological tradition. Nonetheless, his reliance on the Lutheran tradition's resistance resources is evident in his use of the phrase *status confessionis*. The phrase is a hallmark of the gnesio-Lutheran position in the sixteenth-century intra-Lutheran adiaphora controversy, the position authoritatively endorsed in the *Formula of Concord*. Bonhoeffer demonstrably knew this tradition of Lutheranism and in the early Church Struggle deployed the idea of *status confessionis* in a way that was faithful to it. Because *status confessionis* arguably more than any other term conveys the theological reasoning of his early resistance activity, this alone merits the conclusion that Bonhoeffer's resistance drew substantively from the Lutheran tradition.

Key words

Bonhoeffer; status confessionis; Formula of Concord; adiaphora; resistance

1. Introduction

In the light of 500th anniversary of the Protestant Reformation, the time is ripe for re-evaluating Dietrich Bonhoeffer's relationship to the Reformation traditions.[1] In this connection, I want to look at something that has been of specific interest in South Africa and among South African scholars of Bonhoeffer, namely, the idea of *status confessionis* ('state' or 'stance of confession').

1 This paper was originally delivered at the 2017 Bonhoeffer Consultation at the Faculty of Theology, Stellenbosch University. The published version retains some of the characteristics of this oral delivery. For fuller scholarly documentation of this paper's claims, see DeJonge, 2017.

The significance of the phrase *status confessionis* in South Africa is of course connected with the anti-apartheid movement. In 1977 the Lutheran World Federation, assembled in Dar es Salaam, Tanzania, declared that the 'situation in Southern Africa constitutes a *status confessionis*' that requires that the churches 'publicly and unequivocally reject the existing apartheid system' (de Gruchy and Villa-Vicencio 1983, 161). And in 1982 the World Alliance of Reformed Churches, assembled in Ottawa, Canada, declared that the apartheid situation 'constitutes a *status confessionis* for our churches, which means that we regard this as an issue on which it is not possible to differ without seriously jeopardising the integrity of our common confession as Reformed Churches' (Perret 1983, 177). In a development that South African theologian Dirk Smit evaluated as 'simply amazing,' this 'almost unknown expression *status confessionis* appeared in the churches in South Africa and became common property practically overnight, vigorously discussed in every forum from the daily press to church council meetings' (1984, 7).

The phrase *status confessionis* is significant not only in the South African, anti-apartheid context, but also for Bonhoeffer in the early years of the German Church Struggle. The links between these two episodes in the life of the phrase *status confessionis* are not accidental. South African theologians saw parallels between their own struggle against apartheid and the German Church Struggle, and they drew from the German Church Struggle both inspiration and conceptual resources.

There is in addition a third relevant historical episode in the life of *status confessionis.* Chronologically first, this is the sixteenth-century episode upon which Bonhoeffer himself drew and about which I will have much more to say. For now, let me just say that the concept of *status confessionis,* seen in these three episodes, nicely ties together our own location here in South Africa, our shared interest in the theology of Bonhoeffer, and our commemoration of the 500th anniversary of the Reformation.

I have just pointed to three historical episodes in the life of the phrase *status confessionis:* the sixteenth century, Bonhoeffer's 1930s Germany, and South Africa in the late 1970s and early 1980s. Of these three episodes, I will talk today about the first two especially, although of course I hope that my talk opens up conversations about the third episode. I leave the third topic at the edges of my talk in large part because, in comparison with many here, I

am quite ignorant about it. As a first time guest in South Africa, I certainly do not want to repay your hospitality by presuming to tell you about your own history. On this count, I would much rather listen. So, I will look especially at the first two episodes, talking about how Bonhoeffer's use of *status confessionis* relates to the sixteenth-century episode.

Having just pretended to be a polite guest, I want immediately to do something very rude, which is to disagree with John de Gruchy. He has argued in general that Bonhoeffer's resistance against the state drew more from the Calvinist than the Lutheran tradition (1981, 1982, 1984). And he has argued specifically that in Bonhoeffer's 'reaction to Hitler's non-Aryan legislation… Bonhoeffer went against the…Lutheran heritage in which he was steeped' (1981, 246). Regarding the general issue of Bonhoeffer's resistance, I have argued the opposite, both in my recent book *Bonhoeffer's Reception of Luther* (2017) and in a forthcoming book on Bonhoeffer and political resistance, where I show how he drew from Lutheran resources throughout the struggle and resistance. And the specific issue claim I want to make today is that in his reaction to Hitler's non-Aryan legislation, Bonhoeffer demonstrably drew from the Lutheran tradition.

I argue this with reference to *status confessionis,* which better than any term captures Bonhoeffer's theological response to the 1933 Aryan paragraph legislation. His use of *status confessionis* clearly depends on the Lutheran tradition. This is so both in terms of the sources of Bonhoeffer's thinking about *status confessionis,* which are in the gnesio-Lutheran strand of the Lutheran tradition, as well as the logic of his thinking about *status confessionis,* which is essentially tied with gnesio-Lutheran thinking about adiaphora.

2. *Status confessionis* in the *sixteenth century*

The origins of the phrase *status confessionis* are in the intra-Lutheran dispute known as the adiaphora controversy. This was one in a series of controversies that occurred between Luther's death in 1546 and the 1577 *Formula of Concord,* the Lutheran confessional document that provided official resolution to these disputes.

Before getting into the details about the adiaphora controversy, some historical background is helpful. The Roman Emperor Charles V had

long wanted to establish religious unity in the empire by rooting out the Lutherans. The cessation of a number of domestic and foreign conflicts just after Luther's death finally gave him the opportunity to do so. He strengthened his alliance with the papacy and moved against the Protestants. His military campaign was a success, overcoming the defences of the pro-Protestant princes. The imperial/papal alliance found success on the religious front as well. Specifically, in the Augsburg and Leipzig Interims of 1547–48, emperor and pope were able to reinstate in the Lutheran churches many of the Catholic liturgical practices the Protestants had previously abandoned. This initiated the adiaphora controversy, a disagreement among Lutherans about whether to accept changes in church practice forced on them by empire and papacy in the interims.

The term 'adiaphora' is usually translated as 'indifferent things,' and it appears in the *Augsburg Confession's* definition of the church.

> The church is the assembly of saints in which the gospel is taught purely and the sacraments are administered rightly. And it is enough for the true unity of the church to agree concerning the teaching of the gospel and the administration of the sacraments. It is not necessary that human traditions, rites, or ceremonies instituted by human beings be alike everywhere (Kolb and Wengert 2000, 43).

This definition of the church offers a distinction between gospel and adiaphora. The gospel (including things like preaching, confession of faith, and theology) is put forward as the defining feature of the church. Adiaphora, in contrast, are matters of church order and practice, and the *Augsburg Confession* says these do not define the church.

This definition of the church, with its distinction between gospel and adiaphora, functions as a standard for Lutheran church unity: it is enough that Lutheran churches are united in the gospel, they need not be united in adiaphora such as, say, whether clergy wear vestments. Individual Lutheran churches can decide to vest their clergy or not. What they cannot do and still remain Lutheran is fail to preach the gospel. That is the meaning of adiaphora established by the *Augsburg Confession* in 1540, so before the interim situation brought about by Charles V.

We can see why the interim situation raised the question of adiaphora. The various church practices that were re-introduced among Lutherans by

emperor and pope fell under the domain of adiaphora. The interims did not legislate doctrine or preaching and in that sense did not touch on the gospel. Instead, the interim changes were limited to the adiaphoral realm of church rites and practices. The adiaphora controversy arose as a theological dispute about whether or not to go along with these changes.

On the one side of the dispute were the Philippists, led by Luther's Wittenberg colleague, Philip Melanchthon. They eventually argued for accommodation to the interim changes and did so by appeal to the idea of adiaphora. These changes in church practice, the Philippists argued, need not be resisted, for they rest in the realm of adiaphora rather than the gospel. For the Lutheran churches to remain faithful, it is enough that they continue to preach the gospel. So, by appeal to the distinction between gospel and adiaphora, Melanchthon and his followers made peace with the changes of the interims.

On the other side of the adiaphora controversy were the gnesio-Lutherans, or true Lutherans, led by Matthias Flacius. In contrast to Melanchthon, Flacius saw the interim measures as no indifferent matter, for in them the emperor overstepped into ecclesial jurisdiction. Lest the emperor gain a foothold against the Reformation faith, he argued, all imperial attempts to regulate religious issues, even adiaphora, must be resisted.

But how could the gnesio-Lutherans argue this position when the *Augsburg Confession,* to which they too were committed, so clearly located the interim changes in the realm of adiaphora? Flacius's anti-interim, anti-compromise argument is encapsulated in this pregnant phrase: 'in casu confessionis et scandali nihil est adiaphoron' (1549, sig. vi). Loosely translated, this means, 'when persecution demands confession, nothing is indifferent.' I will explain the argument contained in this, but for now let me make two points about this phrase. First, notice the appearance of 'casus confessionis,' which echoes in Bonhoeffer's *status confessionis.*[2] This is where the concept of *status confessionis* is said to originate. Second, notice the close connection between *status confessionis* and adiaphora.

2 There is a technical distinction between *casus confessionis* (case of confessing) and *status confessionis* (stance of confessing) (Hinlicky 2008). Because the distinction is not relevant to the present argument, I simply use *status confessionis.* For more details on this point, see DeJonge 2017, 205–6.

'When persecution demands confession, nothing is indifferent' means: *in statu confessionis,* nothing is adiaphora. So we see in this phrase from Flacius the origin of the term *status confessionis* and its connection with the issue of adiaphora.

The *Formula of Concord* settled the adiaphora controversy, siding against the Philippists and with the gnesio-Lutherans. This occurs in Article X, 'Concerning Ecclesiastical Practices: Which Are Called Adiaphora or Indifferent Matters,' which echoes Flacius's logic and terminology. With this, gnesio-Lutheran, anti-interim thinking in general and Flacian thinking in particular were incorporated into the Lutheran confessional writings. Because Bonhoeffer's thinking about *status confessionis* so closely follows this Flacian line of thinking, I will unpack the logic of this article.

The first thing to say is that *Formula of Concord* X affirms adiaphora. It defines them as 'ceremonies and ecclesiastical practices that are neither commanded nor forbidden by God's Word but have been introduced into the church with good intentions for the sake of good order and decorum or to maintain Christian discipline' (FC X.1, 635).[3] These are 'external matters of indifference' that the church community has 'authority to change' (FC X.9, 637). Here the *Formula of Concord* reiterates what is said in the *Augsburg Confession's* definition of the church: there are genuine adiaphora which the church, under normal circumstances, can change without threat to the gospel. So far, so good. Both sides of the adiaphora controversy agreed on this.

But here comes the gnesio-Lutheran argument. The *Formula* goes on to say that the status of adiaphora changes 'in casu confessionis.' There again is the phrase that originated with Flacius, and that Bonhoeffer picks up in the modified form of *status confessionis.* So, the *Formula of Concord* says, there are adiaphora, but the indifference of these matters somehow changes *in statu confessionis.* To understand what is going on here, we need to answer four questions.

First question: What exactly is the change concerning adiaphora that occurs in a time for confessing? Adiaphora serve the gospel but are not themselves

3 I cite the *Formula of Concord* (FC) by article and section, followed by page number in Kolb and Wengert 2000.

the gospel and are therefore ordinarily open to change without threat to the gospel itself. But in a time for confessing, this distinction between variable practices and stable gospel gets erased. Adiaphora collapse into the realm of the gospel, so to speak, and themselves become identified with the gospel. That is the change: In a time for confessing, adiaphora are no longer adiaphora but are part of the gospel itself. In other words, Flacius and the *Formula of Concord* argue that the distinction between gospel and adiaphora established in the *Augsburg Confession* applies only during ordinary times. In extraordinary times for confession (marked by the language of *status confessionis*) this distinction no longer applies such that adiaphora, too, must be treated as belonging to the gospel itself.

Second question: What constitutes a *status confessionis*? What conditions necessitate this change in the status of adiaphora? How do we know when an otherwise adiaphoral matter should be treated as a matter of the gospel itself? *Formula of Concord* X actually details two scenarios that bring about a *status confessionis,* so I consider the next three questions in connection with each scenario.

In the first scenario, the conditions of a *status confessionis* obtain when adiaphora are treated as if they were not adiaphora, as if they were 'necessary for righteousness and salvation' (FC X.12, 637). This scenario is elaborated with reference to the Apostle Paul's position on circumcision. For Paul, as the *Formula* presents him, circumcision is an adiaphoron; some early Christian communities practiced circumcision, others did not, but both kinds of communities were Christian. The *status confessionis* arose, however, when one of these communities insisted that the other follow its practice of circumcision, when the 'Judaizers' said that circumcision is a precondition for following Christ. In what the *Formula of Concord* portrays as a prototypical case, Paul treated circumcision as an indifferent matter until others treat it as necessary for salvation. So, in the first scenario, the answer to the second question is: a *status confessionis* comes about when one church faction treats an adiaphoron as necessary for salvation.

With regard to this first scenario, we can ask the third or theological question: Why is it that what is otherwise a matter of indifference suddenly becomes an issue that brooks no compromise? What is at stake theologically? When an adiaphoron is treated as necessary for salvation, this

reveals that the change in external order is actually motivated by a heresy or false teaching, namely, that works of the law are necessary for salvation. Going back to the example with Paul, when the first-century 'Judaizers' insisted on circumcision and thereby moved an adiaphoral concern to the centre, they revealed themselves as victims of a heretical legalizing of the gospel. By insisting on Christian circumcision, according to the *Formula of Concord's* reading of Paul, they insisted on the fulfilment of the Jewish law as a precondition for following Christ. But the message of the gospel is that Christ calls his followers without precondition. To use Luther's language, justification is apart from works of the law, and circumcision is one such work. To insist on circumcision, then is to undermine the gospel through its legalization. When an adiaphoral issue is wrongly identified with the heart of the gospel, it forces the true church to reject that identification as undermining the gospel of unmerited grace. What is actually at stake is not an indifferent ceremonial practice but the heart of the gospel. This explains why adiaphora cease to be adiaphora, namely, because an issue of gospel significance (rather than adiaphoral significance) gets attached to this adiaphoron. In this case, the gospel issue of justification gets attached to the adiaphoron of circumcision.

The fourth question to ask in this first scenario is: What is the proper response? As suggested by the phrase *status confessionis,* the proper response of the church is confession. And given the nature of the threat to the church, namely, a heretical legalizing of the gospel, the content of the confession ought to be a reassertion of justification by grace apart from works of the law.

Now we can ask the last three questions of the second scenario considered in the *Formula of Concord*. The second question again is: What brings about the *status confessionis*? With regard to the second scenario, a *status confessionis* arises when adiaphora are imposed by 'violence or chicanery' by 'political lords and princes' (FC X.19, 639). Adiaphora are free so long as they are shaped and informed by the church and are an expression of the gospel. But if adiaphora are dictated by the violence and chicanery of political lords and princes, those dictates are to be resisted as if the very gospel itself were under threat.

This second scenario gets a little more complicated because the 'political lords and princes' to whom the *Formula* refers actually include the pope

and his bishops. They are called political lords and princes because they 'do not want to be true bishops'; they 'do not want to undertake preaching, teaching, baptizing, communing, or any proper work or office of the church' (FC X.19, 639). The *Formula* indicates here that ecclesial change is being imposed not only by secular authority overstepping its bounds, as when Charles V sought religious unity by force, but also by church leaders acting in the manner of secular authority, as when the Catholics united with Charles, and when the Philippists accepted those changes based on political expediency rather than the gospel. In the second scenario, then, a *status confessionis* arises when adiaphora are imposed by political authorities or by church authorities who fall into the logic of political expediency rather than proper consideration of church order on the basis of the gospel.

The third question again: What theological issue is at stake when political actors and political logic drive changes in adiaphora? The theological issue at stake here is the nature, scope, and freedom of the church's authority. The church has the freedom to decide about its rites and order, and it does so on the basis of the gospel. This issue of the church's authority is inseparable from the issue of the nature and scope of political authority, what we now call state authority. So, the theological issue here is actually the grounds and limits of both spiritual and temporal authority. In Lutheran shorthand, the theological issue at stake is the two kingdoms. The structure of the two kingdoms, and with it the respective authorities of church and state, are under threat through the incursion of state into the realm of adiaphora.

Fourth, what's the response? Again it is confession. What requires confessional re-assertion here is the two kingdoms, the idea that the church and political authority operate in qualitatively different ways.

Now we can finally step back and see the logic of the Flacian position as articulated by the *Formula of Concord*. It says that, yes, there are adiaphora, issues in church practice and order that admit of variation without fundamental threat to the church or gospel. But there are also times (signalled by the phrase *status confessionis*) when otherwise adiaphoral issues become identified with the gospel. This happens, first, when a heretical legalizing of the gospel treats adiaphora as if they were necessary for salvation. Here the free character of the gospel must be reasserted in confession. Adiaphora attain gospel significance, second, when changes to them are brought about by political authorities overstepping their bounds or by church authorities

betraying the logic of the gospel in favour of political expediency. Here the proper limit and scope of both political and church authority (in short, the two kingdoms) must be confessed anew. That is the logic of *status confessionis* as developed in the Flacian, anti-interim, gnesio-Lutheran line of tradition that finds authoritative expression in *Formula of Concord* X.

3. *Status confessionis* in 1933

Bonhoeffer's use of *status confessionis* follows this gnesio-Lutheran tradition both theologically and historically. Theologically, Bonhoeffer's *status confessionis* follows the logic of the *Formula of Concord* just presented. I will spend the bulk of my remaining time on this point. The second, more historical claim is that Bonhoeffer demonstrably drew from precisely this anti-interim tradition. This historical point is quite straightforward, so I handle that before getting to the more theological point.

The historical point is this: Bonhoeffer knew this tradition. He was of course familiar with the *Formula of Concord* since he was a student. He also taught it with passion to his own students at Finkenwalde. As Bethge reports,

> Every page of the Formula of Concord in Bonhoeffer's copy of the confessional writings is covered with underlined passages, exclamation marks, and question marks. During the later courses at Finkenwalde it became the predominant theme in this series of lectures. His notes from the entire seminary period contain no fewer than eighty-one themes and questions on this subject that he assigned the ordinands to work on. He loved the Formula of Concord … (Bethge 2000, 92).

Bonhoeffer's familiarity with Article X of the *Formula of Concord* in particular is evident in a number of places, where he refers to it directly.

Bonhoeffer also knew some Flacius. He quotes directly from his book on true and false adiaphora in a way that faithfully distils Flacius's point that there is in ordinary times a distinction between gospel and adiaphora but that *in statu confessionis* the distinction disappears for the sake of the gospel (2013, 703–5). One likely source of Bonhoeffer's knowledge of the anti-interim tradition is his theological conversation partner and first cousin Hans-Christoph von Hase. In the early years of the Church Struggle, von

Hase wrote a master's thesis on the concept *status confessionis,* the source material of which was the 1548 anti-interim polemical literature. He later published a book covering much of the same material (1940). Given what we know of the relationship between von Hase and Bonhoeffer, it is likely they discussed these issues.

In short, there is a preponderance of evidence to conclude that Bonhoeffer knew this Flacian, anti-interim, gnesio-Lutheran tradition. This evidence includes direct citations, allusions, and more circumstantial kinds of evidence. Now let us look at some of his Church Struggle writings to see how he deployed the resources of this tradition.

It is helpful to start here, as I did for the sixteenth century, with a little context. Soon after Hitler came to power in 1933, it became clear that the policy of *Gleichschaltung,* the forcible coordination of all aspects of life under the Nazi worldview, would be extended to the church. This was clear, for example, in the introduction of the Führer principle of leadership into the churches in the form of a Reich bishop. Another important example was the threat that the civil Aryan paragraph, which restricted Jewish participation in certain civic functions, would be extended to the church, either by barring ethnically Jewish Christians from ministry positions or by segregating ethnically Jewish Christians into separate congregations. In view of these sorts of policy decisions and proposals, it was clear to Bonhoeffer that the Nazi state was intent on dictating terms to the church. At the same time, there were plenty within the church who were quite willing to accommodate these incursions by the state. The German Christian movement was winning control of significant governing bodies within the Protestant churches, and they were frequently eager to put Hitler's ideas into effect.

What we have in 1933, then, is a political authority – Hitler and the Nazi Regime – imposing its will on the church. We also have a faction within the church – represented especially by the German Christian movement – theologically facilitating this political imposition. For someone familiar with the confessional history of Lutheranism, the parallels to the sixteenth-century interim situation are striking. In the 1540s, as in 1933, a political authority's attempt at political consolidation extended into the church, where church policy was pursued for political reasons, with state means, and with assistance from groups within the church. It is precisely this

parallel that Bonhoeffer invokes when he deploys the language of *status confessionis*.

Consistent with this, Bonhoeffer identifies two threats that bring the church into a stance of confession: the threat of heretical legalism from inside the church and the outside threat of an intrusive state. His recognition of this dual threat is apparent in a number of places, but it finds concise expression in his 1933 essay, 'The Church and the Jewish Question,' where he first publicly uses the language of *status confessionis*. The first part of that essay is dedicated to the threat of an intrusive state, and the second part to that of heretical legalism. Given that Bonhoeffer identifies this dual threat, we can take each scenario in turn to see how, in each case, he follows the logic of the *Formula of Concord*.

The threat of heretical legalism is handled in a few places, most prominently the second part of 'The Church and the Jewish Question.' There Bonhoeffer is pushing against those within the church who advocate for the adoption of an ecclesial Aryan paragraph, in this case in the form of segregating ethnically Aryan and ethnically Jewish Christians into separate congregations. I will summarize Bonhoeffer's argument in the second part of 'The Church and the Jewish Question' before commenting on it in light of what I have said so far.

Bonhoeffer begins his analysis there by noting that the discussion of the Aryan paragraph in the church is being governed by what he calls a dubious biological or racial understanding of Jewishness. It is a racial understanding of Jewishness at work in the civil Aryan paragraph's exclusion of Jews from certain offices and positions, and it is this definition of Jewishness that would be imposed on the church by the state or adopted from within. In such a case where the racial logic of the Aryan paragraph would be extended for the purpose of excluding Jews from Christian churches, 'Jewish Christians' would be defined racially, that is, as Christians who are racially Jewish.

The church, continues Bonhoeffer, understands 'Jewish Christian' differently since it treats Jewishness as 'a religious and not a racial concept' (2009b, 368). In explaining the church's religious understanding of Jewishness, Bonhoeffer recalls the conflict between Paul and the pro-circumcision faction of early Christians recounted in Galatians, the

same conflict that the *Formula of Concord* X treats as paradigmatic for understanding the logic of adiaphora. In that conflict, the Jewish Christians were those who saw circumcision as a necessary condition for following Jesus while the Gentile Christians were those who rejected this as a false teaching that treated the Jewish law as a precondition for faith in Christ. Bonhoeffer derives from this conflict a generalized religious or theological definition of Jewish Christians: those who, regardless of their racial or ethnic background, understand their church membership as determined by the observance of a law.

Having abstracted from the biblical conflict surrounding circumcision a theological definition of Jewish Christianity, Bonhoeffer proceeds to apply this category to the contemporary situation. The key here is the analogy between racial uniformity and mandatory circumcision, both of which he characterizes as matters of law. Given this analogy, any church group that would, through an extension of the racial logic at work in the Aryan paragraph, impose a racial standard for church membership would define itself as a spiritually Jewish form of Christianity. Therefore Bonhoeffer connects the contemporary situation with the New Testament dispute over circumcision, ironically casting the pro-Aryan German Christians in the role of first century pro-circumcision Jewish Christians. He accuses the German Christian movement of a heretical legalizing of the gospel.

That is a summary of Bonhoeffer's argument in the second part of 'The Church and the Jewish Question.' How does that map onto the gnesio-Lutheran logic of *Formula of Concord X*? Crucial to the sixteenth-century iteration of *status confessionis* is the essential place of adiaphora in its logic. In order for us to say that Bonhoeffer faithfully invokes this logic in the 1930s, then, he would need to identity some issue of church order or practice that is under normal circumstances a matter of indifference but in this specific 1933 context essential for the maintenance of the church and gospel.

And in fact his argument identifies racial composition of congregations as adiaphoron. When Bonhoeffer rejects a racial definition of Jewishness in favour of a theological one, he says, in effect, race is not a theological category but rather an indifferent matter. Race belongs, to use the logic of the *Augsburg Confession's* definition of the church, not in the realm of

the gospel but in the realm of adiaphora. He further establishes this point by drawing the parallel between race and circumcision, the archetypal adiaphoron. He even further establishes race as adiaphoron by, perhaps surprisingly, pointing to the permissibility of congregations populated exclusively by ethnic Jews (2009b, 369, 2009c, 373). This last move especially is a way of clearly making the point that the racial composition of congregations is adiaphoron. If, through a combination of historical accident and proper church government, it happens to be that there is a congregation composed entirely of ethnic Jews, this would not be contrary to the gospel nor a threat to the substance of the church.

As any claim about adiaphora must, Bonhoeffer's insistence that race is adiaphoron rests on the basis of his understanding of the gospel. Because in Christ there is no Jew nor Greek, the racial status of the individual Christian is adiaphoron. Because the church of Christ is defined not by race but by being gathered around the word that justifies regardless of race, the racial composition of the congregation is adiaphoron. Because justification is without precondition, the condition of race is adiaphoron.

Again as with any adiaphoron, race can cease to be a matter of indifference and become identified with the gospel itself. This happens when a church faction makes the adiaphoron in question into a gospel necessity. And this is in fact what Bonhoeffer accuses the German Christians of doing. By making racial status a precondition for full participation in the body of Christ, they make an adiaphoron (race) a precondition of the gospel. In this they follow the logic of the pro-circumcision faction in Galatians.

Just so we are keeping up with the logic established in *Formula of Concord* X, we now have, so far as the inside threat is concerned, the identification of an adiaphoron the status of which changes *in statu confessionis*. That is question one. And we have the condition that signals the *status confessionis,* namely, treating an adiaphoron as necessary for salvation, as when those in favour of the Aryan paragraph in the church make race a precondition of full membership in the gospel community. That is question two.

Now we approach the third question: *Why* is this adiaphoron now central? What theological issue is at stake? Bonhoeffer's argument in the second half of 'The Church and the Jewish Question' reveals that pro-Aryan paragraph theology is corrupted by legalism. This theology does not in fact

preach that the gospel calls all regardless of precondition, for it makes race a precondition. In this way, Bonhoeffer unmasks the heretical legalizing at work in the push for segregated congregations. And because such a heresy is a threat to the gospel, he declares that the very substance of the church is under threat.

The logic of adiaphora that Bonhoeffer uses here is crucial, I think, for understanding the frequently extreme positions he took during the Church Struggle. We can perhaps understand why some contemporaries saw Bonhoeffer's position as extreme, what with his language of heresy, schism, and threats to the very substance of the church. We are talking about a mere matter of church structure, after all. What is all this talk about the very substance of the church? Isn't he a bit hysterical here?

Bonhoeffer explicitly handles this objection in a later 1933 text, 'The Aryan Paragraph in the Church.' There he puts this objection in the mouth of the German Christians, having them say 'We don't want to take away from [racially defined] Jewish Christians the right to be Christians but they should organize their own churches. It is only a matter of the outward form of the church…The Aryan paragraph is an adiaphoron, which doesn't affect the confession of the church' (2009a, 427). Far from being a matter of the church's substance or confession, Bonhoeffer has the German Christians object, the Aryan paragraph is indifferent to the substance of the church and its message, a mere matter of the church's external form. What Bonhoeffer is doing here is putting the Philippist position in the mouth of the German Christians. They say the Jewish question is only a matter of the outward form of the church and therefore an adiaphoron, not something to get worked up about.

Then, still in 'The Aryan Paragraph and the Church,' Bonhoeffer responds with gnesio-Lutheran argumentation, showing how the otherwise adiaphoral issues of the racial status of ministers and the racial composition of congregations in this situation (*in statu confessionis*) reveal substantive betrayals of central Lutheran theological commitments. In the form of segregating ethnic Jews into their own congregations, Bonhoeffer argues, the Aryan paragraph in the church would undermine the substance of the church as the community defined by the word alone. Here he quite clearly alludes to the definition of the church in the *Augsburg Confession* (2009a, 427). And in the form of excluding ethnic Jews from ministry

positions, Bonhoeffer argues, the Aryan paragraph in the church would undermine the substance of the ministry, which he defines with reference to Luther's understanding of the priesthood of all believers. So, while the German Christians follow the Philippist line of argument by relying on the category of adiaphora to downplay the theological significance of the Aryan paragraph, Bonhoeffer follows the gnesio-Lutheran line of argument by showing how the proposals of the Aryan paragraph, while directly concerning matters of mere church form, actually strike at the heart of key theological issues. He concludes the piece by quoting from *Formula of Concord* X. Bonhoeffer argues straight from the gnesio-Lutheran, anti-interim playbook.

Let us review with regard to the first scenario (the inside threat) and the four questions. First, there is in Bonhoeffer's argumentation the connection between *status confessionis* and adiaphora that we see in *Formula of Concord* X. He identifies racial status as adiaphora, a matter of church order that is indifferent under normal circumstances but is identified with the gospel *in statu confessionis*. Second, the conditions of a *status confessionis* are met in this case when a faction within the church identifies an adiaphoron as central to the gospel. This happens when Aryan-ness is made into a precondition for full participation in the life of the gospel community. Third, we have the theological rationale for why this mishandling of adiaphoron is a threat to the gospel itself, namely, it reveals a heretical legalizing through the law of racial purity. Now we can ask the fourth question: What does Bonhoeffer expect in the confession that is constituent of *status confessionis*? It must be the confessional re-affirmation of the free character of the gospel, the gospel that calls without preconditions, including the precondition of race.

Now let us turn to the second scenario that initiates a stance of confession, the outside threat to the gospel posed by a political authority interfering with the church's authority. One place Bonhoeffer deals with this issue is in the first part of the 1933 essay, 'The Church and the Jewish Question.' Because the theological issue at stake is the two kingdoms, Bonhoeffer frames that first part of the essay in terms of the differing mandates of church and state (2009b, 362–64). He defines the state's work as the maintaining of law and justice for the preservation of fallen creation. In general, the church should leave that work to the state so that the church can carry out its distinct task of gospel proclamation. State and church work side-by-side here as divinely

mandated institutions, each playing a role in God's salvific plan: the state preserving the world for the redemption proclaimed through the gospel in the church.

As the first part of 'The Church and the Jewish Question' continues, Bonhoeffer argues that this cooperative vision of state and church becomes confrontational especially when the state oversteps its own mandate and encroaches into the mandate of the church. This happens in his context when the state dictates to the church the conditions under which it ministers to Jews. In this situation, the state threatens its own mandate by over-extending it and threatens the church's mandate by intruding into it. The state threatens the structure of both temporal and spiritual authority. This puts the church, as Bonhoeffer says, *in statu confessionis,* in a state of confession. Here the church must make a special confession, one that re-establishes the grounds and limits of both temporal and spiritual authority.

Taking together the two parts of 'The Church and the Jewish Question,' we see that Bonhoeffer, in using the language of *status confessionis,* draws the parallel between the sixteenth-century situation and the 1933 situation. In both, the church faces a dual threat from an intrusive state and an accommodating church faction. Put theologically, the external threat attacks the two kingdoms, component of which is the freedom of the church to structure its activities in light of the gospel rather than in light of political goals. The internal threat of accommodation is, put theologically, a heretical legalizing of the gospel, which arises when accommodations are made to those who dictate terms in the realm of adiaphora. And Bonhoeffer's hard-line response follows the gnesio-Lutheran tradition of Flacius and the *Formula of Concord,* arguing that, in such circumstances (*in statu confessionis*) these changes in adiaphora are actually threats to the church and the gospel itself.

4. Conclusion

The idea of *status confessionis* has its origin in the gnesio-Lutheran strand of the Lutheran tradition, represented by Matthias Flacius and incorporated into the *Formula of Concord.* When Bonhoeffer uses the concept of *status confessionis* beginning in 1933, he uses it in a way that depends on this sixteenth-century tradition. He depends on it, first, in the sense that he

derives the idea, so far as we can tell, from this gnesio-Lutheran tradition. He depends on it, second, in the sense that he follows its logic. For Bonhoeffer, as for the gnesio-Lutherans, we are *in statu confessionis,* that is, we are in a situation where adiaphora are freighted with gospel significance, when adiaphora are dictated from outside by the state, and when those within the church accommodate either through straightforward political expedience or with the support of a heretical legalization of the gospel. Bonhoeffer's use of *status confessionis* has its clear antecedent in sixteenth-century gnesio-Lutheranism. Furthermore, *status confessionis* is for Bonhoeffer no throwaway phrase. It, arguably more than any other term, conveys the theological logic of his resistance activity early in the Church Struggle. On this basis alone, although there are plenty of other bases, we have to conclude that Bonhoeffer's resistance thinking drew from the Lutheran tradition.

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