

The first chapter is written by **Michael Welker**, Senior professor at the University of Heidelberg. It starts with a sketch of main features and functions of civil societies in general. Since civil society is often named “third sector”, it also explains the difference from the “third sector” in the economic “three sector theory”. In a second step relations between civil society and religion in contemporary Germany are explained. The important role and social power of a few large welfare associations in the country is highlighted. The two biggest of them (Diakonie and Caritas with about one million paid employees and another million of voluntary workers) are church-based. In the third part of this chapter the normative depth structures are explored, that relate the “culture of help” in the civil societies and the correlation between religious and moral convictions. The biblical law with its normative connection of justice and mercy and the biblical Spirit traditions provide these beneficial impacts.

Michael Welker

RELIGION AND CIVIL SOCIETIES

1. Civil Societies in General

It is not easy to define the contours and textures of what is called civil societies in our different countries. Since they are also often named “third sector”, it might be tempting to approach them with what is known as the “three sector theory”. The economic three-sector hypothesis has been developed by the British and Australian economist Colin Clark and the

French economist Jean Fourastié.¹ It says that in societies with low per capita income the primary sector deals with the extraction of raw materials and has a workforce of 70%. The secondary sector with 20% of the workforce deals with manufacturing and the third sector with 10% of workforce deals with services.

Countries in a more advanced phase of development with a median national income shift to a ratio of 40 % primary, 40 % secondary, 20 % tertiary sector. In countries with a high national income, the sector of services dominates the output of the economy. With only 10 % of workforce in the primary sector, 20 % manufacturing and 70 % of services we see a reversal of the ratios over against the poor countries. It is very likely that the transformation of a society into a society dominated by the workforce of services is favorable for the emergence and development of a so-called civil society. And this is the reason why we should not neglect the economic theory and terminology. However, the *term third* sector often used for the civil society, is meant to indicate the differentiation of this sector of public life from the state and from the market. In addition, it has to be differentiated from the family, which is particularly important in situations where families are very large, rich and influential, functioning as social networks.

A civil society operates in a multitude of associations, in which human beings come together and cooperate voluntarily, as a rule unpaid and without interests in economic profit and achievement of public career (thus the difference from the market and politics). Although some civil societal associations follow local or regional interests, the active respect or rather

¹ See Fourastié 1969.

the promotion of central societal values and the care for the “common good” should be visible. An association under the motto “Get rid of foreigners!” cannot claim to be a civil societal association. *Public openness and peaceful moral communication should characterize all civil societal associations and organizations.* Since the purposes and interests should at least indirectly serve the common good, a group of friends that build private swimming pools for each other could not claim to be a civil societal association. I would also argue that stamp collecting clubs and cannery bird breeding clubs should not be called civil societal associations. The mere differentiation from state and market and the “advancement of shared interests” is not enough for this qualification.²

Civil societies in many countries have been greatly shaped by the so-called “new social movements” which have gained an enormous national and international visibility since the 70s of the 20th century. These movements are very often connected with political protest and with a critical stance over against powers of the market: the associations and movements for human rights, for equality, for the rights of women, for minority and refugee rights, movements against racism, associations and movements against weapon production and weapon trade and for peace, the environmental movements and groups, again local and global, the movements for the protection of animals and endangered species gain a clear visibility.

All these initiatives often cultivate conflicts and contrasts over against injustice and careless politics and ecologically and socially brutal economic interests. But the civil societies should not be limited to this spectrum of

² See the programmatic statements of CIVICUS, The World Alliance for Citizen Participation (civicus.org).

activities and concerns. Their radiation moves beyond the impacts revolving around the most important issues of human rights, social justice and the care for healthy environments.

Broader concepts of improving people's lives make it clear that organized activities concerning nonprofit sports, nonprofit activities to improve fellow citizen's health and education, nonprofit work for schools and kindergartens fall in the realm of civil society activities. Nonprofit work for the conservation of the arts and architectural treasures, for the development and presentation of musical skills, unpaid work in public libraries and museums - all this should belong to the spectrum of civil societal engagements. A whole cluster of values emerges as guiding all these activities: a mutual respect and the banning of coercive force against fellow human beings, a striving for general education and healthcare, affirmation of a state respecting the law (Rechtsstaat) and a welfare-state, respect for human rights and the respect for the rights of freedom, public openness of the activities and rules of democratic participation, the search for justice and truth and the engagement for an open society which accepts a plurality of interests and tolerance over against different styles of life, worldviews and traditions of faith.

2. Empirical Example: Civil Society and Religion in Germany

To a vast part the civil society in Germany is generated by associations and unions which are called "Vereine". About 600.000 registered Vereine exist in Germany, six times more than 50 years ago. In addition, Germany has about 20.000 private foundations, many of them with a capital below

500.000 €. About one third of the population is seen to be active in all sorts of engagement in the civil society. With these figures Germany keeps a middle rank in comparison with other European countries.

Ranked in terms of *quantity of participating members*, the key areas of civil societal activities in Germany seem to be:

Sports and social activities;

health and healthcare;

church and religion;

culture, music and education;

engagement for the elder;

engagement for children and youth;

political, environmental and social interest groups;

local civic engagements, e.g. voluntary firemen and emergency etc.

The ranking, of course, looks very different, when we emphasize on public political and media radiation and on international interconnectedness of the civil societal associations. A few glimpses into the internet will provide a strong impression of many German civil societal associations, globally connected, for the concern of human rights issues, antidiscrimination and equality concerns, working for ecological issues and the protection of specific environments. The strength and the energy of these associations becomes visible when one picks examples. The German union for the

protection of animals, to select just one case, has 750 local unions with 500 homes for animals and has more than 800.000 members.

The quantitatively third-largest area of civil societal engagement in Germany is covered by churches and religious communities. This is partly due to the presence of six welfare associations (Wohlfahrtsverbände), five of which are very large, one of them being Protestant and one of them Roman Catholic. The Roman Catholic Caritas has 560.000 employees and an equal amount of voluntary and unpaid workers and covers an enormous amount of social societal activities. Similar the Protestant Diakonie with 450.000 employees and 700.000 voluntary and unpaid coworkers involved. The third religiously shaped Wohlfahrtsverband, an association of the Jews, is the only small one of the six. In the diaconal activities the care for physical needs, the training of professionals and the establishment of institutions is dominant: 60.000 institutionalized places with 2 Million beds or places of care are offered by Diakonie and Caritas in Germany.³

The three secular big welfare associations are also most impressive as civil societal powers. They bring half a million employees altogether and many, many volunteers: The German Red Cross, the Arbeiterwohlfahrt, and the Paritätischer Wohlfahrtsverband with many big associations such as German AIDS-help, German cancer-help, German lifesaving Society, the German youth hostel organization, German homes for children, SOS villages for children, pro familia etc. As one can see, there are ticklish

³ Cf. Johannes Eurich in this volume, Eurich 2016. See also Eurich & Maaser 2013 and more general: Evers & Laville (eds) 2004.

boundaries between civil societal organizations and the organizations of the big welfare associations with employed and paid members, partly supported by state funds and tax privileges. This, of course, is a constant source for public debate.

The strong connection of ecclesial and diaconal organizations is not only quantitatively most impressive (two-third of the Wohlfahrtsverbände!), it is also an important breeding ground for civil societal value systems and forms of organization. How does a civil society emerge and gain shape and structure? What are the impacts and roles of religion in these processes?

About twenty years ago the Princeton sociologist Robert Wuthnow stated:⁴ “The role of religion has been a central aspect of the civil-society debate, if for no other reason than the fact that churches, synagogues, and other places of worship have played a vital role in efforts to rebuild and maintain voluntary bases of self-government. In Russia, for example, new converts to the Orthodox Church have been struggling to rebuild civil society on a parish basis from the bottom up, and, if the efforts are proving successful, then the statistics are at least heartening because 30 percent of Russians age 18 to 25 have become Christians since 1988 (and this means: within a decade, M.W.) and the number of churches in Moscow alone has quadrupled in this period.”⁵

Today we hear of an impressive 60 % of the Russians belonging to the Russian Orthodox Church in a formerly oppressively secularized country. But have they really build up a civil society? If so, what are the forms and

⁴ Wuthnow 1996:4.

⁵ Davis 2003.

textures and the political and societal concerns? Twenty years ago, Wuthnow acknowledged that many religious leaders, in many countries “Protestants and Catholic alike, are hopeful that Christianity can be a spiritual and ethical force in the formation of a new civilization that will be more democratic ... vibrant.”⁶ But he also rightly asks whether it were really genuinely Christian and biblical values that promoted the evolution of civil societies and rather not secular democratic ideals which we better connect with philosophers of the Enlightenment. “To insist that Christianity always has a healthy influence on civil society because it is true or good or humanitarian, therefore, is to ride roughshod over the difficult terrain of social reality, and the contemporary debate is no exception ...”⁷

It is therefore important to identify clear modes of interdependence between religious value-orientation and institutionalized practiced social action which is undoubtedly beneficial for the individual and the common good. I would argue, that the connection of genuinely Christian and biblical orientation and diaconal work can provide such an orientation. With respect to institutionalized diaconal work, it is the connection of justice and mercy already in the biblical law traditions that has been formative for the Occidental ethos.

3. Theological and Normative Depth-Structures Relating Church and Diacony: Their Formative Impact on the Civil Society in Germany and in Other Contexts

⁶ Wuthnow 1996:4.

⁷ Wuthnow 1996:6.

When Germany, after the horrors of Nazi dictatorship and two World Wars, tried to regain trust and recognition again among the peoples, it established itself as a “*Rechtsstaat*” and “*Sozialstaat*,” a state of law and a welfare state. This was a good choice, deeply rooted in the biblical law traditions and their basic normative dynamics, but even rooted in a political, legal, religious and moral tradition of roughly 4500 years.

It is the connection of justice and mercy, which has been formative for the Occidental ethos and has become one of the most important impulses in shaping civil societies. As early as around 2400 BCE, the Sumerian Emperor Urukagina claims to have “established freedom” and to have “protected the orphans and the widows” in Lagash, one of the oldest cities of the Ancient Near East, northwest of the junction of the Euphrates and Tigris rivers. The protection of the weak in general, and of widows and orphans in particular, and the establishment of freedom go hand in hand. The king thus does not only set a great example of mercy, compassion and care, he does not only promise to provide relief for people in situations of poverty and suffering. He also offers relief for the strong and the healthy with respect to their fear for their beloved ones should they themselves die in the near future. He comforts their souls at least to some degree, and recursively wins their loyalty and trust. All this generates a climate of freedom and harmony.

In the laws of Ur-Nammu, King of Ur, the oldest existing law code from around 2100 BCE, the special protection of orphans, widows and the poor is already proclaimed in the prologue.⁸ The Codex Hammurabi, the emblem of Mesopotamian civilization, established in the 18th century BCE, is the

⁸ Fensham 1962:129-139. Cf. also Assmann 1990:245-252.

most important legal compendium of the ancient Near East, even of antiquity in general. The prologue says that prince Hammurabi “who feared God” is elected “to bring about the rule of righteousness in the land ... so that the strong should not harm the weak.” And the epilogue repeats that this law code is put on the memorial stone so “that the strong might not injure the weak, in order to protect the widows and orphans.”⁹

The topic of the protection of the weak and of the widows and orphans in particular becomes a most important and normatively shaping topic in the biblical traditions, the “holy scriptures” of both Judaism and Christianity. The topic is essential for the biblical law traditions and for the central commandment to love one another. I have proposed to speak of the “mercy code of the biblical law” and to acknowledge the tremendous political, moral, and religious power of the connection between justice and mercy. I have also proposed to define mercy as “the free, creative self-withdrawal in favor of [another person] or in favor of others.”¹⁰

The power of mercy in biblical law is tremendous. Many people try to assert, that mercy is a natural tendency of life. This, however, is highly questionable, at least without strong further qualifications. Natural life lives at the cost and expense of other life. Even if we are vegetarians we have to destroy an enormous amount of life to sustain ourselves. “Life is robbery”, as Alfred North Whitehead rightly said. Mercy, however, is not just self-limitation in the midst of this natural tendency of life to sustain itself at the

⁹ King (ed) 1910.

¹⁰ Welker 2014:225-235. In the following, I refer to some ideas of this text.

expense of others. Mercy is a creative, supporting and freeing activity in favor of the frail, the weak, the poor, the person in need.

The activity of mercy is essential for family life. No baby, no child could be raised without massive free and creative self-withdrawal in its favor. The solidarity between the generations is also expressed in mercy for the sick, the frail, the old and the dying. In family life, mercy is often blessed by love and turns into a *joyful* free and creative self-withdrawal in favor of others. The experience of receiving and giving mercy and love and the acknowledgment that we all are in need of mercy at least in specific phases of our life leads to a subtle self-experience.

The biblical traditions cultivate such a self-experience very often with duals. One of the most famous dual is the double identity of the slave in Egypt and the free person living in the blessed land. The so-called “motive clause” of the Old Testament traditions argues for the practice of mercy with the poor and the stranger “because you know, how it feels to be a stranger and because you are grateful to God who has freed you from slavery in Egypt with mighty hand and outstretched arm”.¹¹

Basic human experiences rooted in family life are thus moved into the broad social realm and gain moral, political, even legal and religious importance. The mercy laws in favor of the widows and orphans, the poor and the weak, not only in one’s own family, but in one’s whole social environment, gain an enormous normative shaping power. The normativity of the law reaches beyond the capacity of conflict solution into the capacity of social transformation. This is particularly clear in the so-called slave laws which

¹¹ Cf. Ex: 22,20; 23,9; Lev: 19,34; Deut: 10,19; 23,8; 26,5.

require the freeing of slaves, at least of Hebrew slaves, after six years of slavery (Exodus 21:2ff). The legal routinizing of almsgiving and tithing in favor of the poor and needy points in the same direction. The laws of mercy become an instrument for social stabilization and transformation.

The mercy laws do not only learn from family ethos, they recursively strengthen this ethos and the radiating power of family life and love. They even strengthen the legal culture and the religious symbolisms and practices. With respect to the juridical law, laws of mercy strengthen and challenge its competence. On the one hand, no case can fall outside the purview of the law, no person, however weak, poor, and miserable can fall beyond the reach of the law. On the other hand, the systematic orientation of the law towards compassion demands the continual refinement of the legal culture and its progression towards humanization and universalization.

The mercy code of the law enables us to deal with a strange paradox that plagues all moral and legal evolution. Many human societies have the desire to improve the juridical law and to develop their moral matrices. However, how can this be done without destroying the binding force of law and morals, their capacity to provide “security of expectations”?¹² The mercy code of the law allows for transformation without relativization. It allows the balancing of normative stability and creative innovation.

Mercy laws finally connect the moral and legal attempts to strive for justice and to care for the weak with religious orientation. In the religious perspective on the just and merciful God the biblical traditions open broad historical horizons. They extend memories and expectations over vast

¹² Welker 1986:237-260.

historical time-spans. The just and righteous God will deal with human beings in time-spans that reach far beyond the imagination of human courts or of individual and communal moral memory.

Again we see a recursive strengthening of the religious imagination and communication. The fatherly mercy, the care for justice and love provides an understanding of the powers of the divine which can deal with the very sobering insight, that natural life has to live at the expense of other life, that robbery and death are essential parts of natural existence.¹³ Enormous counterforces are discovered and unleashed that shape a diaconal, mutually supportive and humane culture. Sensitivities for distortions on the one hand (the whole area of sin, trespasses, temptations and evil) and for moral refinement (the whole area of love, forgiveness and ennoblement in many forms) are cultivated, can become taught and practiced.

The teaching and the practice of justice, mercy and love can become self-referential: the teaching of teaching, the teaching of healing, the teaching of good legal and religious practices can become essential for the whole society and its culture. The cultivation of memories and expectations becomes part of the value system. Truth and justice and salvation seeking communities are established in institutionalized and in fluid forms.

Another biblical symbol- and value-system of growing importance for the development of civil societies should be seen in the Spirit narratives and Spirit traditions. These narratives and traditions support a contemporary

¹³ Cf. Welker 2014:409-421.

particularly vital interest in so-called “plurality and diversity” in communal life. The figure of the “pouring of the spirit” on male and female, old and young, masters and slaves (Joel 2) and on people from different traditions, cultures and languages (Acts 2), the power of the Spirit to endow people with very different gifts and to establish communities with different “members” for mutual strengthening and support is crucial. It can offer helpful orientations against monistic, monohierarchical and dualistic moral, political and religious forms of thought and organization.

The biblical insight that these more complicated forms of social organization can be helpful in dealing with normative distortions, with limits of moral, legal, political and religious regulations and steering, can provide an orienting power in shaping pluralistic civil societies without plunging into social chaos and relativism. We do not yet have a long history and routines of praxis in dealing with these more demanding symbolisms and forms of thought. For the benefit of sound civil societies it will be important to rise to the theological, academic and educational challenges connected with the biblical insights into the powers of the Spirit. The Spirit generates what I have called a “structured or organismic pluralism”, a “body-forming” community with different gifts and responsibilities to work for a complex common good.”

For Christian faith, the divine Spirit gains a clear Gestalt in the revelation of God in Jesus Christ. The messianic promises which say that the elected “servant of God” on whom the spirit rests will bring justice, mercy and universal cognition of God not only to Israel but also to the nations, even to the remote islands (Is 11,42 and 61) will be related to Jesus Christ in the

New Testament traditions. A revolutionary insight for early Christianity says: Jesus Christ on whom the Spirit of God rests, pours the Spirit upon his witnesses:¹⁴ He gives them a share in his divine powers. Jesus' enormous diaconal radiation in his healing of the sick, in his praxis of table fellowship, but also in his spiritual and ethical teaching is a gift that is passed on to his witnesses. They experience these powers for their own benefit, but they also practice this diaconal existence in the fellowship of Jesus Christ.

The diaconal radiation comes with a strong prophetic-ethical dimension. The praxis of mercy in all its dimensions is in itself a moral and even political call. Ecclesial proclamation and education should strengthen this ethos of justice and mercy. The prophetic dimension of Jesus Christ's praxis takes on very dramatic forms in his conflicts with the religious and political elites of his time. The biblical traditions picture an almost demonic union of resistance against the presence of the humble and loving divine powers in Jesus Christ. The global political power of Rome and the contemporary religious leaders unite, and they claim to have the Jewish and the Roman law on their side. They manipulate the public morals and opinion: "Crucify him!"

Prophecy in the spirit of Jesus Christ is able to deal even with these kinds of situations without creating a climate of hate and without a call for physical violence. The spirit of this prophecy and the spirit of active love for the neighbor strengthen each other mutually.

The diaconal and the prophetic-ethical radiations are further deepened and strengthened by the spiritual priestly dimension of Jesus Christ's existence

¹⁴ Cf. Dunn 2006:3-26.

and the fellowship of his witnesses. Traditional protestant dogmatics connected this with the “priestly office of all baptized believers”. The enormous spiritual freedom and dignity attributed to the human beings in this spirit should by no means be disconnected from the prophetic and diaconal dimensions of a striving for a realistic freedom and ethical responsibility. The concentration of Christian and ecclesial life on “Word and Sacrament” and the cognition of God rooted in these elements of Christian worship should not lead to a liturgical idling.

The combination of spiritual and christological orientation is very powerful in the discovery and shaping of civil societal normative structures.¹⁵ Yet there are fruitful alternatives, related to these. Stanley Hauerwas, Max Stackhouse, Koos Vorster and others have argued for a strong orientation towards a Reign of God symbolisms and correlated ethical forms of guidance.¹⁶ Hanna Reichel has recently proposed a non-triumphalist, self-critical missional paradigm to elaborate and control the relations between religions, religious communities and civil societies.¹⁷ Dirk Smit has offered a very nuanced warning: “What would be theologically possible and legitimate when considering the role of the church within civil society? The temptation is obvious that theologians and churches may (once again) see their own role and task in civil society uncritically in terms of their own implicit and perhaps unacknowledged assumptions about the kind of society they assume (their country, in this case) South Africa should be. This may make them (once again) servants of political ideals without realizing what

¹⁵ I try to elaborate this in my books (Welker 2015; 2016).

¹⁶ Cf. Hauerwas 1983. See also Stackhouse 1995 and Vorster in this volume, Vorster 2016.

¹⁷ Cf. Reichel in this volume, Reichel 2016.

they are doing. In this way, theology and church may (once again) be instrumentalized for exterior purposes, although theologians may proclaim and churches may believe that these are indeed purely theological insights and longings.”¹⁸

The critical and self-critical academic discourse - international, ecumenical and inter-religious – could serve not as a perfect protection, but certainly as an immune-system against these temptations. The convincing connection of ecclesial life with the challenges of diaconal service and prophetic calling can and should also counter tendencies of self-secularization accompanied by the opinion that fruitful and sustainable cultures of help will automatically grow and flourish in each context. Civil societies should appreciate the cultivation of spiritual powers that radiate creatively into diaconal and educational-prophetic forms of social life. These spiritual powers contribute to the fruitful development of a civil society that embraces a life-furthering ethos in serious and practiced search of justice and mercy, of truth and freedom.

References

Assmann J. 1990. *Ma'at. Gerechtigkeit und Unsterblichkeit im Alten Ägypten*, München: Beck.

CIVICUS, The World Alliance for Citizen Participation

<http://civicus.org/index.php/en/>

¹⁸ Smit in this volume, Smit 2016.

Davis N. 2003. *A long Walk to Church: A Contemporary History of Russian Orthodoxy*. 2nd Edition. Boulder: Westview Press.

Dunn J. 2006. Towards the Spirit of Christ: The Emergence of the Distinctive Features of Christian Pneumatology. In: M. Welker (ed). *The Work of the Spirit: Pneumatology and Pentecostalism*, Eerdmans: Grand Rapids. 3–26.

Eurich J & Maaser W. 2013. *Diakonie in der Sozialökonomie. Studie zu Folgen der neuen Wohlfahrtspolitik*. Leipzig: EVA 2013.

Eurich J. 2016. Diaconia an as ecclesial place in civil society. Reflections from the German Context. In: *This Volume*, ###.

Evers A. & Laville J. (eds). 2004. *The Third Sector in Europe (Globalization and Welfare)*. Cheltenham & Northampton: Elgar.

Fensham FCh. 1962. Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature, *The Journal of Near Eastern Studies (JNES)* 21:129-139.

Fourastié J. 1969. *Die große Hoffnung des zwanzigsten Jahrhunderts* (transl). 2nd Edition. Köln: Bund Verlag.

Hauerwas S. 1983. *The Peaceable Kingdom: A Primer in Christian Ethics*. Notre Dame: University of Notre Dame.

King W (ed). 2010. *Codex Hammurabi*. Kessinger Publishing.

Reichel H. 2016. The Sending of the Church and Civil Society: A Test Case for a Comprehensive Missional Paradigm. In: *This Volume*. ###.

Smit D. 2016. Religion and civil society in „South Africa“? Searching for a grammar for life together. In: *This Volume*. ###.

Stackhouse ML. 1995. *Christian Social Ethics in a Global Era. Reforming Protestant Views*. Nashville: Abingdon Press.

Vorster JM. 2016. Kingdom, church and civil society: A theological paradigm for civil action. In: *This Volume*. ###.

Welker M. 1986. Security of Expectations. Reformulating the Theology of Law and Gospel. *Journal of Religion*, 66:237-260.

- . 2014. Gottes Gerechtigkeit. *Neue Zeitschrift für Systematische Theologie und Religionsphilosophie*, 56(4):409-421.
- . 2014. The Power of Mercy in Biblical Law. *Journal of Law and Religion*, 29(2):225-235.
- . 2015. *Gottes Geist, Theologie des Heiligen Geistes*. 6th Edition. Neukirchen-Vluyn: Neukirchen (= God the Spirit, new ed. Wipf & Stock 2013).

- . 2016. *Gottes Offenbarung: Christologie*. 3rd Edition. Neukirchen-Vluyn: Neukirchen (= God the Revealed: Christology, Eerdmans 2012).

Wuthnow R. 1996. *Christianity and Civil Society: The Contemporary Debate*. Valley Forge, PA: Trinity Press.