

Christian Sources of German Social State

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Abstract

The social state is a result of a historic process driven not only by economic arguments but by ideological - and that includes religious ideas - concepts too. Because the further development of biblical social approach during the centuries on different areas (theology, politics, arts) the parents of Basic Law were - at least partially - influenced by Christian social ideas. These ideas did not form a coherent concept rather than important topics on the way "to make the world better than they found it."

Keywords: Social state; Christian social ideas

Introduction

Does it make a sense to discuss in the beginning of 21st century the role of religion, especially of the Christian religion, in regard with public or state issues?

Today we do not remark the dying out of religion but an increasing of them. And in consequence Jürgen Habermas, one of the leading western philosophers, demands to hear the religious voices in the discourse of public affairs [1].

The former German chancellor Helmut Schmidt formulated the thesis that the invention of social state was one of the latest European big points in the history of social progress [2].

Whereas the European constitution, primarily formulated in the Treaty of European Union, the Treaty on the functioning of the European Union and the European Charter of Human Rights, does mention neither "God" nor "social state", we find in the Grundgesetz (GG), the German Basic Law, both "God" but not "Christian God" and "social state".

The most important religious source for development of German history with respect to social behavior is still Christianity [3]; for example in 2013, the official celebration of the "Day of German Unity" was opened by an ecumenical service.

On this basis searching Christian sources of the social state makes sense.

The Concepts "God" and "Social State" in the Basic Law

General remarks to interpretation of legal concepts

Since only few legal terms are so clear that they do not require interpretation topoi of interpretation are very important tools in legal decision-making [4]. Beside semantic, genetic/historic, systematic, and theological topoi the precedents are of great practical importance for interpretation of legal terms [5]. Thus, we will study the concepts "God" and "social state" under semantic, genetic/historic, systematic and prejudicial aspects.

The concept "God"

Semantic aspects: Following the well-known German encyclopedia, Brockhaus, the word "God" comes from Indo-European and means "holy transcendental endless might in personal shape" [6]. After this paraphrase God could be Allah, Jehovah, the Christian God or another God.

Genetic aspects: The Basic Law was discussed and formulated by the "Parlamentarischer Rat" (Parliamentary Council); its members were aware of the "theological formula" of God [7].

Whereas in the so called Weimarer Republik the Christian oriented parties did not describe themselves as "Christian" parties [8], after the world-war II catholic and protestant Christian politicians founded the "Christian Democratic Union". One of their representatives in the Parliamentary Council, Adolf Süsterhenn, introduced the concept of God in the Parliamentary Council and meant of course the Christian God.

The second largest party in the Parliamentary Council was the Social Democratic Party. Although it's theoretical Marxian atheistic tradition their representatives assumed that "God" in the preamble to the Basic Law was for the most residents of the Federal Republic of Germany the God taught in the churches of Germany; they also pointed out that other meanings of "God" must be accepted [9].

"Based on the biographies of Basic Law fathers and their anchoring in the occidental Christian thinking should also be no doubt that the reference to God meant the Christian God." [10].

Historic aspects: Looking into former German constitutions we see that they were in the majority God-oriented.

The Holy Roman Empire of the German Nation (962-1806), was not only by its name but also by its legitimacy a Christian institution. The constitution of 1871 had been enacted by "Wilhelm, Grace of God German Emperor" [11].

Even the obviously not God-based-Weimarer Reichsverfassung [12] accepted in article 42 the religious affirmation of oath of office of the Reichspräsident; also this article meant the Christian God. As historic result we can summarize that German constitutions mainly appealed to the Christian God.

Systematic aspects: Beside the preamble God is mentioned in the wording of the official oath of the Federal President in Article 56

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GG. "So help me God." Again, the majority of "parents" of Basic Law thought in the Christian God [13].

Prejudicial aspects: In 1956 the Federal Constitutional Court (FCC) pointed out: "The Christian faith and the Christian churches have been of high efficiency; however one may value their heritage today [14]. These traditions of thought, sensory perception and behavior patterns cannot be indifferent to the state."

Interim conclusion: This short overview of interpretation of "God" in GG shows that this "God" is-at least-to be understood as Christian God.

The concept "social state"

Semantic aspects: The social state is committed to social equality and social security on the one hand [15] and on the other hand he can transform the social and economic order for securing the social rights [16].

Genetic aspects: It is notable that social state is not identical with welfare state. The concept of the welfare state, which is set in the Anglo-American considerations in the place of the social state, was rarely used in Germany until the 1970s because of its connotation with the absolutist welfare state [17].

Historic aspects: It seems that Hermann Heller invented the formula "social state" [18], speaking first time of "sozialen Rechtsstaat" [19]. However, Lorenz von Stein used already the concept of "social administration" [20].

Systematic aspects: In Basic Law we find some indications for interpreting "social state": Article 3 formulate different equalities, article 7 the state educational mandate, article 14 paragraph 2 the social-obligation of property and Article 14 paragraph 3 allows expropriations for the public good.

Article 74 paragraph 1 GG lists public welfare (nr. 7), social security (nr. 12) and prevention of the abuse of economic power (nr. 16).

Prejudicial aspects: The FCC interprets the social state as auxiliary readiness of state, however relativized also in accordance with the economic performance of society and state:

"Given its ("social state" H. P. P.) Broad and vague meaning an obligation to grant certain social benefits cannot be deduced. It is merely mandatory that the social state shall establish the minimum conditions for a dignified life of its citizens.... In addition, the legislature is open to a wide range of discretion." [21].

However the court interpreted social state as principle of social justice of all governmental measures [22].

Interim conclusion

Although the God of the preamble of Basic Law is not exclusively the Christian God, genesis as well historical aspects allow at least an interpretation of that term in the sense of Christianity. This intermediate result is also recognized by the FCC highlighting the formative power of Christian values and attitudes to the German society and law.

In this context, the social state is designed at least by Christian ideas without a promise of a worldly paradise because we can read in the Bible: "In the sweat of thy face shalt thou eat thy bread." [23].

The Relations between Christian Sources and German Social State

General

These interim results are sufficient cause to search for Christian paths to welfare state. Here we have to be aware that this historic road is not only finding historical facts rather than the result of historical construction.

The original Christian texts

The Bible - Old testament: In following four examples from Old Testament are cited:

(1) Even in the Old Testament we find the divine command of brotherly love: [24] "Do not seek revenge or bear a grudge against anyone among your people, but love your neighbor as yourself. I am the Lord." Here "love" does not mean "falling love" but empathy and solidarity [25].

(2) Beside this general commandment to brotherly love we read in the Old Testament under the heading "Jubilee year" quite precise economic directions [26]:

"The land must not be sold permanently, because the land is mine and you reside in my land as foreigners and strangers. Throughout the land that you hold as a possession, you must provide for the redemption of the land. If one of your fellow Israelites becomes poor and sells some of their property, their nearest relative is to come and redeem what they have sold. If, however, there is no one to redeem it for them but later on they prosper and acquire sufficient means to redeem it themselves, they are to determine the value for the years since they sold it and refund the balance to the one to whom they sold it; they can then go back to their own property. But if they do not acquire the means to repay, what was sold will remain in the possession of the buyer until the Year of Jubilee. It will be returned in the Jubilee, and they can then go back to their property."

(3) A very prominent aspect of social state as preventive or precautionary state we find in the Joseph legend [27].

"Pharaoh said to Joseph, "I had a dream, and no one can interpret it. But I have heard it said of you that when you hear a dream you can interpret it." "I cannot do it," Joseph replied to Pharaoh, "but God will give Pharaoh the answer he desires." Then Pharaoh said to Joseph, "In my dream I was standing on the bank of the Nile, when out of the river there came up seven cows, fat and sleek, and they grazed among the reeds. After them, seven other cows came up-scrawny and very ugly and lean. I had never seen such ugly cows in all the land of Egypt. The lean, ugly cows ate up the seven fat cows that came up first. But even after they ate them, no one could tell that they had done so; they looked just as ugly as before. Then I woke up. "In my dream I saw seven heads of grain, full and good, growing on a single stalk. After them, seven other heads sprouted-withered and thin and scorched by the east wind. The thin heads of grain swallowed up the seven good heads. I told this to the magicians, but none of them could explain it to me." Then Joseph said to Pharaoh, "The dreams of Pharaoh are one and the same. God has revealed to Pharaoh what he is about to do. The seven good cows are seven years, and the seven good heads of grain are seven years; it is one and the same dream. The seven lean, ugly cows that came up afterward are seven years, and so are the seven worthless heads of grain scorched by the east wind: They are seven years of famine. "It is just as I said to Pharaoh: God has shown Pharaoh what he is about to do. Seven

years of great abundance are coming throughout the land of Egypt, but seven years of famine will follow them. Then all the abundance in Egypt will be forgotten, and the famine will ravage the land. The abundance in the land will not be remembered, because the famine that follows it will be so severe. The reason the dream was given to Pharaoh in two forms is that the matter has been firmly decided by God, and God will do it soon. "And now let Pharaoh look for a discerning and wise man and put him in charge of the land of Egypt. Let Pharaoh appoint commissioners over the land to take a fifth of the harvest of Egypt during the seven years of abundance. They should collect all the food of these good years that are coming and store up the grain under the authority of Pharaoh, to be kept in the cities for food. This food should be held in reserve for the country, to be used during the seven years of famine that will come upon Egypt, so that the country may not be ruined by the famine."

(4) In Decalogue we find a sociopolitical basic requirement-the limitation of working hours [28]:

"Remember the Sabbath day, to keep it holy. You shall labor six days, and do all your work, but the seventh day is a Sabbath to the Lord your God. You shall not do any work in it, you, nor your son, nor your daughter, your male servant, nor your female servant, nor your livestock, nor your stranger who is within your gates."

The Bible - New testament: Now following five statements of Jesus, the founder of Christianity, are very important for social activities of Christians.

(1) In the New Testament Jesus repeated the demand of brotherly love [29]: "One of the teachers of the law came and heard them debating. Noticing that Jesus had given them a good answer, he asked him, 'Of all the commandments, which is the most important?' 'The most important one' answered Jesus, 'is this: 'Hear, O Israel: The Lord our God, the Lord is one. Love the Lord your God with all your heart and with all your soul and with your entire mind and with all your strength. The second is this: Love your neighbor as yourself. There is no commandment greater than these.'"

(2) Whereas the charity is a quite general demand the example of "eye of needle" is more concrete. Jesus said: "Again I tell you, it is easier for a camel to go through the eye of a needle than for a rich person to enter the kingdom of God." [30].

(3) The parable of Samaritan: [31] "On one occasion an expert in the law stood up to test Jesus. 'Teacher,' he asked, 'what must I do to inherit eternal life?' 'What is written in the Law?' he replied. 'How do you read it?' He answered, 'Love the Lord your God with all your heart and with all your soul and with all your strength and with your entire mind'; and, 'Love your neighbor as yourself.' 'You have answered correctly,' Jesus replied. 'Do this and you will live?' But he wanted to justify himself, so he asked Jesus, 'And who is my neighbor?' In reply Jesus said: 'A man was going down from Jerusalem to Jericho, when he was attacked by robbers. They stripped him of his clothes, beat him and went away, leaving him half dead. A priest happened to be going down the same road, and when he saw the man, he passed by on the other side. So too, a Levite, when he came to the place and saw him, passed on the other side. But a Samaritan, as he traveled, came where the man was; and when he saw him, he took pity on him. He went to him and bandaged his wounds, pouring on oil and wine. Then he put the man on his own donkey, brought him to an inn and took care of him. The next day he took out two denarii and gave them to the innkeeper. 'Look after him,' he said, 'and when I return, I will reimburse you for any extra expense you may have.' Which of these three do you think was a neighbor to the man who fell into the hands of robbers?' The expert in

the law replied, "The one who had mercy on him." Jesus told him, "Go and do likewise."

(4) Very important texts are the beatitudes of Jesus in the Sermon on the Mount: [32] blessed are the poor in spirit: for theirs is the kingdom of heaven.

- Blessed are the gentle: for they shall inherit the earth.
- Blessed are those who mourn: for they shall be comforted.
- Blessed are those who hunger and thirst after righteousness: for they shall be filled.
- Blessed are the merciful for they shall obtain mercy.
- Blessed are the pure in heart: for they shall see God.
- Blessed are the peacemakers: for they shall be called children of God.

(5) And the announcement of the last judgement by Jesus: [33] Come, blessed of my Father, inherit the kingdom prepared for you from the foundation of the world: for,

- I was hungry, and you gave me to eat.
- I was thirsty, and you gave me drink.
- I was a stranger, and you took me in.
- I was naked, and you clothed me.
- I was sick, and you visited me.
- I was in prison, and you came unto me.

The first social results of these demands are described in Acts: [34] "All the believers were one in heart and mind. No one claimed that any of their possessions was their own, but they shared everything they had. With great power the apostles continued to testify to the resurrection of the Lord Jesus. And God's grace was so powerfully at work in them all that there were no needy persons among them. For from time to time those who owned land or houses sold them, brought the money from the sales and put it at the apostles' feet, and it was distributed to anyone who had need. Joseph, a Levite from Cyprus, whom the apostles called Barnabas (which means "son of encouragement"), sold a field he owned and brought the money and put it at the apostles' feet."

Later canonical Christian texts

The later texts of Christian institutions and Christian persons of great influence are intentionally only concretizations of biblical commandments.

Council of Nicea: The Council of Nicaea requires all Christians to help the poor, strangers and the sick-as result a Confessional of the late Middle Ages declares the withholding of wages an outrageous sin [35].

Benedict of Nursia: By the formula "ora et labora" (pray and work) [36] Benedict of Nursia, the founder of western Christian monasticism, obliged the monks each day eight hours to prayer and eight hours to work; that included works of charity too [37].

Second Lateran Council: The second Lateran Council condemned "that practice accounted despicable and blameworthy by divine and human laws, denounced by Scripture in the old and new Testaments, namely, the ferocious greed of usurers; and ... sever(s) them from every comfort of the church" [38].

Thomas Aquinas: Thomas Aquinas, one of the catholic doctors of the church, explicitly pointed out that "things which are of human right

cannot derogate from natural right or Divine right. Now according to the natural order established by Divine Providence, inferior things are ordained for the purpose of succoring man's needs by their means. Wherefore the division and appropriation of things which are based on human law do not preclude the fact that man's needs have to be remedied by means of these very things. Hence whatever certain people have in superabundance is due, by natural law, to the purpose of succoring the poor" [39]. Clearer one cannot describe the social obligation of owners.

Francis of Assisi: In the phrase "Happy the man who carries his neighbor in all its frailty, as he wishes to be carried by the others in his own weakness" [40] Francis of Assisi (1181-1226) showed the reason of general solidarity by individual feeling of happiness.

Martin Luther: Martin Luther demanded not only to help others through good works [41]. He advocated especially for an all-access education [42].

Pope Pius XI: Pius XI released "Quadragesimo anno", where he formulated the subsidiarity [43]: "Still, that most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them."

Christian saints

Saint Nicholas: For the poverty of Saint Nicholas' neighbor his three daughters were constrained, and in very purpose to abandon them to the sin of lechery, so that by the gain and winning of their infamy they might be sustained. And when Nicholas knew hereof he had great horror of this villainy, and threw by night secretly into the house of the man a mass of gold wrapped in a cloth [44]. That's the reason why still today in Germany on Nicholas eve shoes are left outside, under the bed, beside a radiator, or on a windowsill in hopes of finding goodies from Saint. During the night Saint Nicholas goes from house to house carrying a book in which all the children's deeds are written. If they have been good, he fills their plate, shoe or boot with delicious fruits, nuts and candies.

Saint Martin: In a winter time as Saint Martin [45] passed by the gate of Amiens, he met a poor man all naked, to whom no man gave any alms. Then Martin drew out his sword and carved his mantle therewith in two pieces in the middle, and gave that one half to the poor man, for he had nothing else to give to him, and he clad himself with that other half [46].

That's the reason why still today in many German villages on St. Martin's Day lantern parades are held and children get Martin's pretzel.

Saint Elisabeth of Hungary: Saint Elisabeth of Hungary in Germany called heilige Elisabeth von Thüringen -was the daughter of the Hungarian King Andrew II and married at age of fourteen the Thuringian Landgrave Louis IV. During marriage with and after death of Louis IV, Elisabeth built hospitals for the poor and cared personally for the weak [47].

Christian practices

Common goods: The first example of sharing goods we can see in

the so called Primitive Church, described in Acts [48].

Alms: Because the sentence of Jesus: "Most certainly I tell you, because you didn't do it to one of the least of these, you didn't do it to me" [49] and followings the examples given by Saint Nicholas, Saint Martin or Saint Elisabeth almsgiving was a highly practiced Christian culture [50].

Hospitals: Camillus de Lellis (1550-1614) was an Italian priest who founded the religious order of the Camillians. Its members give four vows: the poverty, chastity, obedience – and as a special promise in the fourth vow to serve the sick, even risking their lives for. The Camillians wear on their habits the Red Cross, a sign of charity and service; hundreds of years before foundation of International Red Cross Organization.

The protestant Friedrich von Bodelschwingh (1831-1910) led since 1872 Evangelical mental hospital for epileptics in Bielefeld.

Professional Schools: Regardless of the alms distribution the churches also have taken care for education of children and youth long before the state did it. A particularly striking example is the Franckesche Stiftungen (Francke's Foundations) in Halle where especially orphans-even today-are trained academically and professionally since 1695 [51].

Social States: During the 17th and 18th centuries Jesuits created in South American Indian Reductions to protect the indigenous population for being enslaved on the one hand and on the other hand to organize successful agriculture and handicrafts [51]. These Reductions were the forerunner of social state [52,53].

The "Social Question": "Social Question" indicates the hardship of the working class caused by industrial revolution in the 19th century: poor living conditions, malnutrition and harsh working conditions [54].

Wilhelm Emanuel von Ketteler: The Catholic bishop of Mainz, Wilhelm Emmanuel Freiherr von Ketteler described the basic problem so [55]: "This whole business income now falls exclusively to the capital, while the workers do not have the least share. This distribution of the excessive profits, however, does not seem to conform to the natural justice" In consequence he made proposals to alleviate the problems at least; insofar we note a practical closeness to the proposals of Ferdinand Lassalle.

Johann Hinrich Wichern: Similar critic was expressed by the Protestant minister Johann Hinrich Wichern [56], who founded in 1833 the "Rauhe Haus", an institution for sheltering and training children, the mentally handicapped and disturbed, and caring for the aged.

Pope Leo XIII: *Rerum novarum*, Pope Leo XIII addressed in encyclical *Rerum Novarum* (of new things) for the first time social inequality and social justice issues with Papal authority, focusing on the rights and duties of capital and labor [57]: "As regards the State, the interests of all, whether high or low, are equal. The members of the working classes are citizens by nature and by the same right as the rich; they are real parts, living the life which makes up, through the family, the body of the commonwealth; and it need hardly be said that they are in every city very largely in the majority. It would be irrational to neglect one portion of the citizens and favor another, and therefore the public administration must duly and solicitously provide for the welfare and the comfort of the working classes; otherwise, that law of justice will be violated which ordains that each man shall have his due."

Social aspects in christian arts

Because lawmakers are influenced by arts too, we take a look at the

Christian orientated arts in respect with social problems. On ground of restricted space only three examples concerning German saint Elisabeth should be presented:

Here you see a chalk lithograph from the 16th century after the respective picture of Hans Holbein the Elder: Elisabeth personally helping the poor (Figure 1) [58].

Friedrich Liszt, a very famous German composer and pianist, converted to Catholicism and composed religious works for boosting and spreading catholic religion, especially “the legend of saint Elisabeth”-pointing out the social dedication of this saint [59]. Here you see the cover of the performance of this opera directed by Carl St. Clair in 2007 (Figure 2) [60].

Of course literature focused on the topic “Saint Elisabeth” too. The book shown in Figure 3 was written by Alban Stolz was edited 50 times

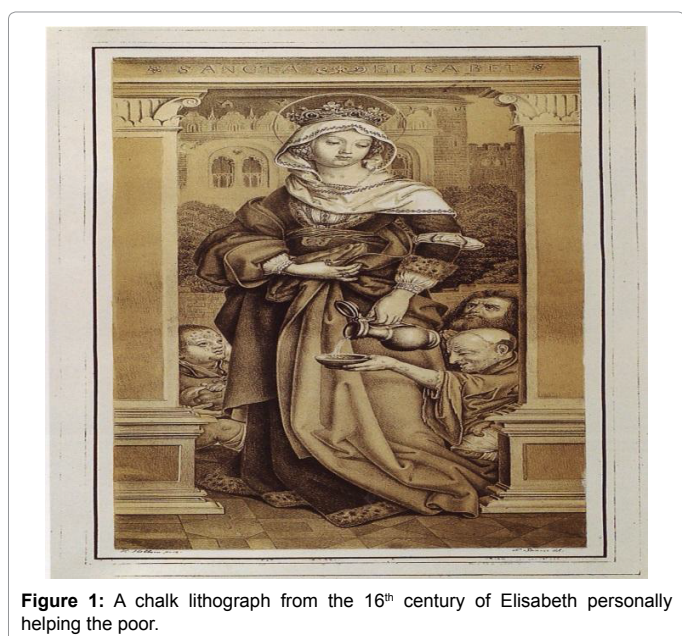


Figure 1: A chalk lithograph from the 16th century of Elisabeth personally helping the poor.

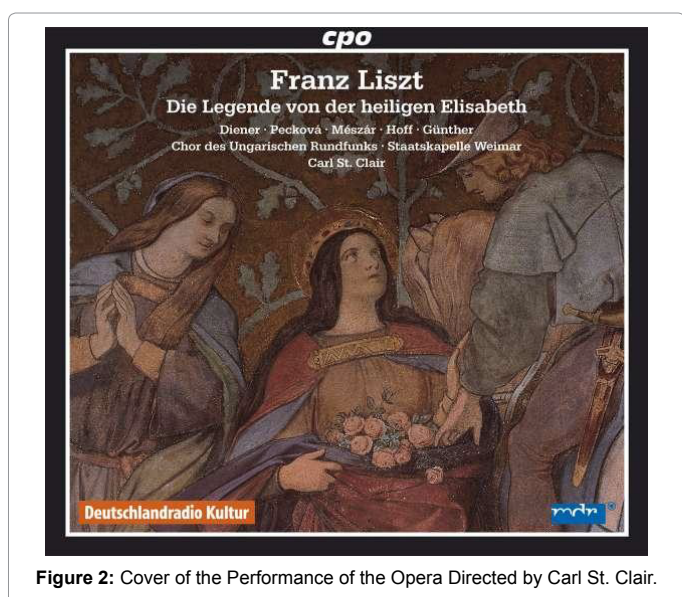


Figure 2: Cover of the Performance of the Opera Directed by Carl St. Clair.

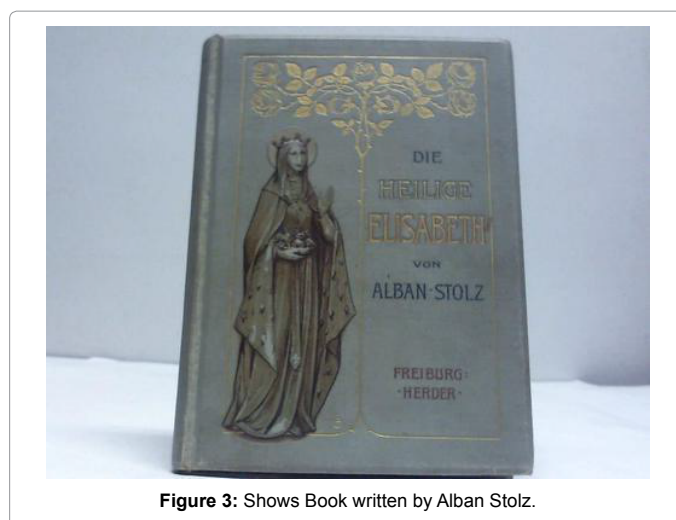


Figure 3: Shows Book written by Alban Stolz.

in 23 years. It would be understood not merely as narrative rather than an appeal to charity [61].

Conclusion

The social state is a result of a historic process [62] driven not only by economic arguments but by ideological-und that includes religious ideas-concepts too [63]. Because the further development of biblical social approach during the centuries on different areas (theology, politics, arts) the parents of Basic Law were-at least partially-influenced by Christian social ideas. These ideas did not form a coherent concept rather than important topics on the way “to make the world better than they found it.” [64,65].

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