

Summary

Demokratie, Recht und Religion

Das Rechtsstaatsprinzip aus evangelisch-theologischer Sicht

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The essay gives an insight into the discussion of the rule of law in Protestant theology. First, it describes the core elements of the discussion, and offers critical remarks on the Dilemma of Böckenförde according to which the libertarian, secularised state lives by prerequisites which the state itself cannot guarantee (I.). Subsequently, (II.) it sheds light on the relation between religion, law, and morality from the perspective of Protestant ethics. The memorandum *Evangelische Kirche und freiheitliche Demokratie* (1985) offers foundational statements of the Protestant Churches in Germany on the rule of law by analysing liberal democracy (III.). The memorandum seeks to approach political ethics theologically by means of anthropology, and not by means of the doctrine of God. The foundational term for all further thoughts is human dignity. Instead of ascribing the state directly to divine positing, the criterion of the memorandum, according to which different forms of government are evaluated, is which of them best matches human dignity as well as human rights – both are connected –, and is best able to protect them. The authors, however, are convinced that liberal democracy meets the criterion best, since it follows the rule of law, i.e. the principles of the separation of powers, as well as acknowledging dignity, freedom, and equality of all citizens. Finally, (IV.) the question is raised to which extent democracy prevails within the Church, and to what extent law within the Church offers an analogy to the rule of law.