JETS 60/4 (2017): 793–815

THE PUBLIC/PRIVATE DISTINCTION: AN INDISPENSABLE HEURISTIC TOOL FOR EVANGELICALS

RONALD M. ROTHENBERG*

***Abstract**: The public/private distinction has long been an indispensable heuristic tool for evangelicals because of its basis in Scripture, use as a biblical hermeneutic principle, and inescapable instrument for shaping ethical discussion. However, the distinction has moved recently from being a tool for framing contentious debates to the target of criticism. The thesis of this article is that the public/private distinction is an indispensable heuristic tool for evangelicals. Despite the inherent limitations and use in secular ethical arguments of the public/private distinction, the scriptural evidence, history of biblical interpretation, and systematic theological tradition all indicate that the distinction is an indispensable heuristic tool for evangelical interpretative, theological, and ethical reflection.*

***Key words**: theology, ethics, applied ethics, public/private distinction, contemporary issues, hermeneutics*

The public/private distinction has been called "one of the 'great dichotomies'" of Western civilization.[1] Moreover, the dichotomy has been labeled a "central organizing principle" for understanding social thought and life.[2] Additionally, the dualism has been used as a heuristic tool in social, political, public policy, and ethical debates for centuries, primarily in western societies.[3] For instance, various authors, both secular and evangelical, note the role of the public/private distinction through the so-called "right to privacy" in abortion, bioethics, euthanasia, homosexuality, and the nature of marriage and/or apply the distinction to pacifism, capital punishment, and other issues.[4] The distinction has long been an indispensable

* Ronald M. Rothenberg is an independent researcher residing at 123 Dewey Ave., Unit G, San Gabriel, CA, 91776. He may be contacted at rmrothenberg@outlook.com.

[1] Norberto Bobbio, *Democracy and Dictatorship: The Nature and Limits of State Power* (trans. Peter Kennealy; Minneapolis: University of Minnesota Press, 1989), 1.

[2] Jeff Weintraub and Krishan Kumar, "Preface," in *Public and Private in Thought and Practice: Perspectives on a Grand Dichotomy* (ed. Jeff Weintraub and Krishan Kumar; Morality and Society; Chicago: University of Chicago, 1997), xvii.

[3] Jeff Weintraub, "The Theory and Politics of the Public/Private Distinction," in *Public and Private*, 1.

[4] James P. Eckman, *Biblical Ethics: Choosing Right in a World Gone Wrong* (Biblical Essentials Series; Wheaton, IL: Crossway, 2004), 65; Jean Bethke Elshtain, "The Displacement of Politics," in *Public and Private*, 170; John S. Feinberg and Paul D. Feinberg, *Ethics for a Brave New World* (2nd ed.; Wheaton, IL: Crossway, 2010), 44, 151, 157, 356, 361; Norman L. Geisler, *Christian Ethics: Contemporary Issues and Options* (2nd ed.; Grand Rapids: Baker Academic, 2010), 105, 139, 168, 227, 266, 287, 293; Dennis P. Hollinger, *Choosing the Good: Christian Ethics in a Complex World* (Grand Rapids: Baker Academic, 2002), 101–3, 242–44; Catharine A. MacKinnon, "Abortion: On Public and Private," in *Toward a Feminist Theory of the State* (Cambridge, MA: Harvard University Press, 1989), 184–94; Scott B. Rae, *Moral Choices: An*

heuristic tool for evangelicals because of its basis in Scripture, use as a biblical hermeneutic principle, and inescapable instrument for shaping ethical discussion. However, recently the distinction has moved from being a tool for framing contentious debates to the target of criticism.

Not only is the distinction extremely important, particularly for applied ethics, but it is also highly controversial. Part of the controversy over the distinction is how exactly to define the relationship between the public and the private and what each respective sphere entails as public and private. The public/private distinction may be thought of as two spheres of social relation, the public and private, which stand in opposition to each other. However, in order to gain an initial understanding of what is meant by the distinction, it may be helpful to note that some define the private as "the individual" in contrast to the public as "the government." One important aspect of the dichotomy as a heuristic tool in applied ethical problem solving is the principle that moral obligations sometimes differ between the public and the private spheres. A related aspect to this ethical principle is the distinction's vital use as a hermeneutic tool or principle of interpretation to properly understand Scripture. The distinction becomes particularly important for understanding sets of passages that stand in apparent contradiction and may be harmonized by recognizing that the seemingly contradictory passages refer respectively to the public and the private.

Although evangelicals may recognize the importance of the distinction, it seems that discussion of the dichotomy has taken place primarily in secular scholarship and that there is relatively little evangelical discussion focused on the principle itself rather than its *ad hoc* application to ethical or other issues.[5] Furthermore, a few

---

Introduction to Ethics (3rd ed.; Grand Rapids: Zondervan, 2009), 18–20 ("Morality and the Law"), 64 ("Participant 2"), 84–87 ("Different Forms of Relativism"), 171–72 ("Moral Issues with Surrogate Motherhood"), 227–29 ("The Argument from Autonomy"), 342–43 ("Dual Morality"); Lewis B. Smedes, *Mere Morality: What God Expects from Ordinary People* (Grand Rapids: Eerdmans, 1983), 99–156 ("Respect for Human Life"). Within *Dictionary of Scripture and Ethics* [*DSE*] (ed. Joel B. Green; Grand Rapids: Baker Academic, 2011), see Kevin Carnahan, "Military Service," 523–24; idem, "Pluralism," 596–97; Miguel A. De La Torre, "Praxis," 617–18; Mark Douglas, "Media, Ethical Issues of," 517–18; David J. Downs, "Materialism, Contemporary Reflection," 515; Kristen J. Leslie, "Sexual Harrassment," 728–29; Hugo Magallanes, "Latino/Latina Ethics, Common Themes," 464–66; idem, "Oppression," 566–67; Christopher Marshall, "Punishment," 649–50; Rebekah Miles, "Feminist Ethics," 303–6; Keith Graber Miller, "Anabaptist Ethics, Perspectives on the State," 64; Susan S. Phillips, "Care, Caring," 121–25; Michael A. Rynkiewich, "Land," 461–64; Gary M. Simpson, "Just-War Theory, Classical Footsteps of the Just-War Tradition," 446–47; Max L. Stackhouse, "Public Theology and Ethics," 646–49; Allen Verhey, "Marriage and Divorce, Contempoary Applications," 511–12. For more detailed histories of the public/private distinction than may be presented by this article, see Philippe Aries and Georges Duby, eds., *A History of Private Life* (5 vols.; Cambridge, MA: Harvard University Press, 1987–1991); Jean Bethke Elshtain, *Public Man, Private Woman: Women in Social and Political Thought* (Princeton, NJ: Princeton University Press, 1981); Jürgen Habermas, *Strukturwandel der Öffentlichkeit: Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft* (Berlin: Herman Luchterhand, 1962); Morton Horwitz, "The History of the Public/Private Distinction," *University of Pennsylvania Law Review* 130.6 (1982): 1423–28; Barrington Moore Jr., *Privacy: Studies in Social and Cultural History* (Armonk, NY: M. E. Sharpe, 1984).

[5] Some Christian discussions of the distinction include Clarke E. Cochran, *Religion in Public and Private Life* (Routledge Revivals; New York: Routledge, 1990); Hollinger, *Choosing the Good,* 101–3, 242–

evangelicals have followed the recent secular scholarly trend of repudiating the distinction altogether.[6] The thesis of this article is that the public/private distinction is an indispensable heuristic tool for evangelicals. Despite the inherent limitations and use in secular ethical arguments of the public/private distinction, the scriptural evidence, history of biblical interpretation, and systematic theological tradition all indicate that the distinction is an indispensable heuristic tool for evangelical interpretative, theological, and ethical reflection.

The thesis is defended in five steps. First, some examples familiarize the reader with the prevalence and indispensability of the distinction for ethical discussion. Second, evaluation of the objections to the distinction demonstrate the dichotomy's heuristic limitations rather than its invalidation. Third, the legitimacy of the distinction is demonstrated by observing the long tradition of approval it has received in the history of ideas. Fourth, the validity and indispensability of the dichotomy for evangelicals is established by selectively marshalling some of the biblical evidence and the history of interpretation of that evidence. These facts indicate the biblical consistency of the distinction and its acceptance by Christian thought in church history. Fifth, the systematic theological tradition substantiates the veracity of the distinction for evangelicals.

I. SOME EXAMPLES

Before proceeding to the formal argument for the indispensability of the public/private distinction for evangelicals, several examples of the distinction's use in ethical discussion may help to familiarize readers with the prevalence and necessity of the distinction for ethical discussion. One important aspect of the dichotomy as a heuristic tool in applied ethical problem solving is the principle that moral obligations sometimes differ between the public and the private spheres. In the following examples, the reader is encouraged to observe how the public/private distinction is used in moral argument rather than to agree with the conclusions. Even if readers disagree with some or all of the following claims, the public/private distinction is still involved in the objection either by reinterpreting the dichotomy or in some cases by denying the public/private distinction. Furthermore, the following statements are not meant to summarize the arguments on the various ethical positions, but rather merely to state the case from the perspective of the public/private distinction.

For example, in the case of abortion, both pro-life and pro-choice proponents use the public/private distinction to argue for their respective positions but do so by interpreting the dichotomy differently to either allow for or deny the practice of abortion. In the pro-life argument against abortion, neither the public government

---

44; Gordon Preece, "The Public People of God: A Paradigm for Social Ethics," *ERT* 24.4 (2000): 328–53; Lawrence M. Stratton, "Privacy," *DSE* 628.

[6] Cochran, *Religion in Public and Private Life*, 2–3, 11–12; Hollinger, *Choosing the Good*, 207; John G. Stackhouse Jr., *Making the Best of It: Following Christ in the Real World* (New York: Oxford University Press, 2008), 336.

nor the private individual has the right to murder or to kill without just reason such as redress and/or deterrence of crime (Exod 20:14; Deut 19:18–20; Rom 13:3–5) and proper authority (Rom 13:1–2).[7] Since in the case of abortion, killing the unborn child in the womb would be unjust, except possibly to save the mother's life due to medical complications (Eccl 3:1–3; 4:12), then the pro-life position argues that neither the private individual nor the public state has the right to abort the child. In the pro-choice argument for abortion, since there is a private right to abortion, then the public government cannot interfere with this right.[8]

Similarly, in the capital punishment debate, either (1) the government may kill but the private individual may not, because the government has the divine authority (Rom 13:1–2) and responsibility to deter and punish crime (Deut 19:18–20; Rom 13:3–5) while the private individual does not (Exod 20:13; Rom 12:17–21); or (2) there is no difference between the public and the private because neither the government nor the individual has the right ever to take life (Exod 20:13).[9]

In some sense, the war and pacifism debate is an extension of the capital punishment debate. Those favoring the just war position argue that the public government has the responsibility to defend its citizens from evil (Rom 13:4) while private citizens primarily have the responsibility to defend others (Eccl 3:1–3; 4:12) but possibly not themselves (Matt 5:38–39; cf. Exod 22:2–3; Eccl 4:12).[10] As in the capital punishment debate, those favoring pacifism deny a difference of moral responsibilities in the public/private distinction and claim that neither the government nor the individual has the right to take a life (Exod 20:14; Matt 5:38–39) so that all war is wrong.[11]

With regard to profiling, proponents might argue that the government may profile without prejudice on the basis of objective crime statistics as an aspect of its responsibility to protect its citizens (Rom 13:3–5). However, advocates may qualify that since profiling is by definition a public or governmental act invoked for the motive and purpose of protecting citizens, then private individuals are not profiling but rather acting with biblically prohibited prejudice (Jas 2:1) when they make similar judgments. Opponents to profiling hold that both public governments and private individuals are equally prejudiced so that profiling is prohibited as an act of prejudice and/or that by definition there is no difference between the acts of profiling and prejudice (Jas 2:1).

While readers may not agree with some or all of the ethical arguments just presented, these opposing statements of sundry moral controversies demonstrate the prevalence and inextricable involvement of the public/private distinction in ethical and other fields of discussion. Despite its widespread and perhaps unavoidable use, the distinction is not an infallible heuristic tool and does have some limitations.

---

[7] Geisler, *Christian Ethics*, 139.

[8] Ibid., 135.

[9] Ibid., 215–16; Hollinger, *Choosing the Good*, 27.

[10] Feinberg and Feinberg, *Ethics*, 356, 361.

[11] Ibid.

II. SOME LIMITATIONS

The recent objections against the public/private distinction serve to highlight its limitations rather than refute it. The biblical evidence for, the long history of, and the use of the public/private distinction in diverse fields establish the concept as a useful and indispensable heuristic tool for evangelical ethics. However, the last two of these factors (history and use), as well as internal features of the distinction itself, create problems which have incited objections. In turn, these objections reveal the limitations of the distinction and clarifying qualifications for its application to solving problems in various fields.

Although the distinction has a long tradition of use in the history of ideas, this long history creates a chronological problem with its definition as demonstrated in the next section. Through the various time periods in which scholars have appealed to the dichotomy, the two dimensions of public and private have been defined differently. Following Weintraub's classification, to which we also add Preece's Christian definition, there are five main historic definitions or views of the distinction that are summarized in the following chart:[12]

Table 1: Historic Views of the Public/Private Distinction

Position	Private	Public	Sociohistorical Point of Reference
Aristotle	Household [*oikos*]	Political Community	*Polis*
Ariès	Domesticity	Sociability	Old Regime
Marxist Feminism	Family	Market Economy	Capitalism
Mainstream Economics	Market Economy	Government (that is, administrative "intervention")	Capitalism
Christian (Preece)	The Individual(?)	*Ecclesia Theou* (public assembly of the city of God) as prior to and served by the *polis* [state/regime] (Rom. 13:1–7)	*Ecclesia Theou*

These diverse historical definitions have caused confusion and even resulted in contradictory definitions.[13] Consequently, the historical changes in definition over time have led to the view that the dichotomy is in some sense "indefinable."[14] However, rather than indicating that the distinction is indefinable and so by implication not useful, the change in definition over time merely indicates that the di-

[12] Preece, "Public People," 342–44 ("4. The Republic of God as a Republic"); Weintraub, "Public/Private Distinction," 7, 35.

[13] Weintraub, "Public/Private Distinction," 1–4, 38; Alan Wolfe, "Public and Private in Theory and Practice: Some Implications of an Uncertain Boundary," in *Public and Private*, 188, 195.

[14] Zizi A. Papacharissi, *A Private Sphere: Democracy in a Digital Age* (Malden, MA: Polity, 2010), 16–17.

chotomy needs to be carefully qualified with regard to the time period and society to which it is referring in order to be used effectively.[15]

Not only is the long history of the distinction problematic, but also its use in diverse fields of study has caused conceptual problems in defining the dichotomy. Since the term has been used in sociology, public policy, economics, ethics, and other fields, then definition of the distinction has been shaped by the diverse methodologies, ideologies, presuppositions, and goals of the various areas of inquiry which have sought both to theoretically investigate it and to apply it as a heuristic tool in solving practical problems.[16] For example and similarly to the historical problem, the diverse usage and applicability of the distinction has led to the conclusion regarding the dichotomy as practically applied in the area of public policy that "there is no set definition, nor can there be a set definition of public private partnerships."[17] However, as in the historical situation, difficulty in defining the dichotomy is not an indicator of its ineffectiveness as a heuristic device, but rather a signal that careful qualification is required to effectively use it in a given field of study and in contrast to other areas of inquiry.

Another limitation of the distinction comes from the internal features of the distinction itself. One reason that the distinction is conceptually hard to define is that its two spheres, the public and the private, are difficult to differentiate in practice because they tend to "overlap" (Cochran), "bleed" (Elshtain), or "blur" (Weintraub) into one another.[18] In other words, it is often difficult to determine where the public sphere ends and where the private begins and vice versa. Consequently, some have obliterated the distinction entirely by "collapsing" one or the other pole into the other.[19] However, rather than leading to the demise of the distinction, the non-absolute demarcation between the public and the private also points to the need for delimiting qualifications in arguments that use the distinction to solve practical problems.

A further limitation stems from the internal feature of the distinction as a polarity or dualism. As part of the postmodern critique, there is not only an incredulity toward metanarratives but also toward modern dualisms or "binary oppositions" in general.[20] In harmony with this postmodern critique, critics of the public/private

---

[15] Weintraub and Kumar, "Preface," xiv; Weintraub, "Public/Private Distinction," 38.

[16] Weintraub, "Public/Private Distinction," 1–4, 34.

[17] Erinn N. Harris, "Trends in Public Private Partnerships," in *Emergency Management and Disaster Response Utilizing Public-Private Partnerships* (Public Policy and Administration; ed. Marvine Paula Hamner et al.; Hershey, PA: Information Science Reference, 2015), 19; see also 18.

[18] Cochran, *Religion in Public and Private Life*, 3; Elshtain, "Displacement of Politics," 167; Weintraub, "Public/Private Distinction," 5.

[19] Elshtain, "Displacement of Politics," 170–72.

[20] Jean-François Lyotard, *The Postmodern Condition: A Report on Knowledge* (trans. Geoff Bennington and Brian Massumi; Theory and History of Literature 10; Minneapolis: University of Minnesota Press, 1984), 11–14; Kevin J. Vanhoozer, *Is There a Meaning in This Text? The Bible, the Reader, and the Morality of Literary Knowledge* (Grand Rapids: Zondervan, 1998), 52. Some feminist objections to the public/private distinction are based on the postmodern incredulity toward modern dualisms or "binary oppositions" in general. Weintraub, "Public/Private Distinction," 33. Other feminists seek to redefine the distinction so that women are not exclusively relegated to the private sphere within the family.

distinction have correctly determined that the binary opposition of public and private does not comprehensively describe every aspect of society.[21] However, rather than relegating the distinction to obscurity, the suggestion has been made that some third sphere or "intermediate realm" needs to be defined in addition to the public and the private in order to capture all of the relations in society.[22] This internal difficulty points to both the indispensability of the distinction through the critic's modification rather than dismissal of the dichotomy and to the need to qualify that the distinction may not capture every aspect of a problem that is being solved.

Adding to these historic, utilitarian, and intrinsic problems and corresponding limitations, the sparse evangelical interaction with the public/private distinction has been anything but positive. For example, in their otherwise laudatory introductions to ethics, both Rae's and Hollinger's discussions of the dichotomy seem limited to its negative use by the opponents of Christianity. Rae depicts the distinction as a tool of deontologists, relativists, and proponents of surrogate motherhood, euthanasia, and compartmentalization in business ethics.[23] Likewise, Hollinger only mentions the dichotomy as a weapon in the hands of those who seek the privatization of religion and secularization of society.[24] Whether unintentional or not, Rae and Hollinger's presentations give the false impression that the distinction makes no positive contribution to Christian ethics by omission of the arguments in favor of Christian positions that also use the dualism. Cochran is more explicitly negative in his assessment that the public/private "dichotomy is untenable, at least in the forms in which it normally appears" and "features of contemporary policy issues and conflicts that cast doubt on the distinction itself."[25] However, the preceding section demonstrated examples from Geisler and Feinberg where the public/private distinction was used by both the opponents and proponents of Christian ethical positions, and these examples show the indispensability of the use of the distinction as a heuristic tool in contradictory ethical positions. While a limitation of the distinction is that it does not win arguments, neither side is able to avoid using it in making their case. If evangelicals capitulate the use of the distinction to their secular opponents, then they lose a valuable explanatory tool in presenting their positions. Rather than surrendering use of the public/private distinction, evangelicals should seek to demonstrate how their opponents' use of the distinction does not support their secular arguments by disputing definitions, disagreeing with the logic, and pointing out how conclusions contradict the Bible, and so forth. When evangelicals make their positive case for various issues, the use of the distinction may greatly enhance the explanatory power of their arguments.

---

[21] Weintraub, "Public/Private Distinction," 1, 34.

[22] Alan Wolfe, "Public and Private," 182.

[23] Rae, *Moral Choices*, 64 ("Participant 2"), 84–87 ("Different Forms of Relativism"), 171–72 ("Moral Issues with Surrogate Motherhood"), 227–29 ("The Argument from Autonomy"), 342–43 ("Dual Morality").

[24] Hollinger, *Choosing the Good*, 101–3, 242–44. Stackhouse makes a similar argument in *Making the Best of It*, 336.

[25] Cochran, *Religion in Public and Private Life*, 2, 3.

Therefore, while many objections have been raised against the distinction, these critiques show the limitations of the dichotomy that require qualification rather than refutation of the dualism. Not only does the prevalence of the distinction in the history of ideas demonstrate its general validity, but also the scriptural evidence, history of biblical interpretation, and systematic theological tradition all indicate that the dichotomy is an indispensable heuristic tool for evangelical interpretative, theological, and particularly ethical reflection.

III. THE HISTORY OF IDEAS

The public/private distinction has a long history of use in moral philosophy and related fields that establishes it as a valid heuristic tool. In philosophy and theology, it is conventional to use the following periodization scheme with approximate dating as nomenclature to divide the history of ideas into three worldviews: premodern (recorded history to 1600), modern (1600–1950), and postmodern (1950 to the present).[26] According to Camiciotti, Habermas's modern thesis is "well known," that although premodernity had some concept of a public/private distinction, it was not until the modern period that the two spheres became polarized into the dualism as we now have it.[27] His thesis has also been enshrined in the works of esteemed scholars such as Arendt, Ariès, Duby, and Siedentop.[28] Ariès summarizes the changes that brought about the rise of the individual and the private in the modern period as follows: (1) increased state intervention in local communities; (2) the spread of silent reading associated with the rise of literacy and the advent of the printing press; and (3) the diversification and individualization/privatization of

---

[26] Stephen Barker, "Introduction," in *Signs of Change: Premodern, Modern, Postmodern* (Contemporary Studies in Philosophy and Literature 4; ed. Stephen Barker; Albany, NY: State University of New York Press, 1996), xv, xvii–xviii, xix; Gábor Betegh, "Modernism and Postmodernism," in *Macmillan Encyclopedia of Philosophy* (ed. Donald M. Borchert; New York: Macmillan, 2006), 316–18; David Ray Griffin, "Introduction to SUNY Series in Constructive Postmodern Thought," in *God and Religion in the Postmodern World: Essays in Postmodern Theology* (SUNY Series in Constructive Postmodern Thought; ed. David Ray Griffin; Albany, NY: State University of New York Press, 1989), ix–xii; Craig A. Phillips, "Postmodernism," in *The Encyclopedia of Christianity* (ed. Erwin Fahlbusch and Geoffrey W. Bromiley; Grand Rapids: Eerdmans, 2005), 4:296–99.

[27] Gabriella Del Lungo Camiciotti, "Introduction," in *The Language of Public and Private Communication in a Historical Perspective* (ed. Nicholas Brownlees, Gabriella Del Lungo, and John Denton; Newcastle, UK: Cambridge Scholars, 2010), 4. Habermas's modern thesis may be summarized by his claim, "First of all, through the Middle Ages, the categories of the public and the private [des Öffentlichen und des Privaten], in the definitions of the Roman law, had been handed down as the *res publica*. They found a technical legal, operative application of course only again with the development of the modern state and that sphere of the bourgeois society separated from it" (All translations by the author unless otherwise noted; Habermas, *Strukturwandel der Öffentlichkeit*, 16–17).

[28] Hannah Arendt, *The Human Condition* (2nd ed.; Chicago: The University of Chicago, 1998), 28; Philippe Ariès, "Introduction," in *A History of Private Life*, vol. 3: *Passions of the Renaissance* (ed. Robert Chartier; Cambridge, MA: Harvard University Press, 1989), 1–2, 8; Georges Duby, "Preface," in *A History of Private Life*, vol. 2: *Revelations of the Medieval World* (ed. Georges Duby; Cambridge, MA: Harvard University Press, 1988), ix; Larry Siedentop, *Inventing the Individual: The Origins of Western Liberalism* (Cambridge, MA: Harvard University Press, 2014), 2, 18.

Christianity as a consequence of the Reformation.[29] Due to space constraints of this *mise-en-scène* and the aim of this argument, the following history of ideas is representative rather than exhaustive, with the goal of demonstrating the presence rather than the development of the public/private distinction in the various periods of thought leading up to the present.

In premodernity, the public/private distinction has its roots at least as far back as the writings of Aristotle (384–322 BC). For instance, Aristotle claims, "Economics and politics are different not only to the degree as the household and the city … There are four kinds of economy, … royal, satrapic, political, and private."[30] The distinction was later canonized into the *Corpus iuris civilis Romani* (Body of Civil Law of Rome; AD 529–33), a compilation of law codes that became the authoritative statement of Roman law and the basis of most contemporary western law codes.[31] For example, the *Institutes of Justinian* (AD 533), one of the codes incorporated into the *Corpus iuris civilis*, opens by stating, "This pursuit has two positions, public and private. The public law is, what considers the business of the Roman state, the private, what pertains to the advantage of individuals."[32]

In the modern period, Okin and Thiessen seem to credit John Locke (1632–1704) and John Stuart Mill (1806–1873) as being the modern authors who popularized the distinction for more recent thinkers by respectively giving "famous distinctions" and "the classic formulation of the distinction."[33] In *Two Treatises on Civil Government* (1689), Locke famously speaks of "distinct powers … a ruler of a commonwealth, a father of a family" and respectively labels these "the public … a political, or civil society" and "Adam's private dominion."[34] In his essay, "Considerations on Representative Government" (1861), Mill contrasts "public business" and "private interest," and, in a "Letter to Robert W. Oliver" (1867), speaks of "public

---

[29] Ariès, "Introduction," 2–4.

[30] ἡ οἰκονομικὴ καὶ πολιτικὴ διαφέρει ου᾽ μόνον τοσοῦτον ὅσον οἰκία καὶ πόλις ... οἰκονομίαι δέ εἰσι τέσσαρες, ... βασιλική σατραπική πολιτική ἰδιωτική. Aristotle *Oec.* 1.1.1343a.1–4; 2.1.1345b.10–14 (*Aristotelis Opera* [ed. I. Becker, K. F. Neumann, and F. Sylburg; Oxford: e Typographeo academico, 1837], 10:343, 349). Although this citation is from Aristotle's economics and argues for a differentiation between politics and economics, Aristotle viewed economics and politics as closely related to ethics. Aristotle argued for three types of science—contemplative, productive, and practical—and he classified economics, politics, and ethics all as types of practical inquiry (Fred D. Miller Jr., "Aristotle: Ethics and Politics," in *The Blackwell Guide to Ancient Philosophy* [ed. Christopher Shields; Blackwell Philosophy Guides; Malden, MA: Blackwell, 2003], 185).

[31] "Justinian, Code of," in *The Oxford Dictionary of the Christian Church* (ed. F. L. Cross and Elizabeth A. Livingstone; 3rd rev. ed.; Oxford: Oxford University Press, 2005), 916.

[32] *Huius studii duae sunt positiones, publicum et privatum. Publicum ius est, quod ad statum rei Romanae spectat, privatum, quod ad singulorum utilitatem pertinet.* Justinian, "*Iustiniani Institutiones* 1.1," in *Corpus Iuris Civilis* (ed. Paul Krüger; Berlin: Weidmann, 1872), 3.

[33] Susan Moller Okin, "Gender, the Public and the Private," in *Political Theory Today* (ed. David Held; Stanford, CA: Stanford University, 1991), 84; Elmer J. Thiessen, *The Ethics of Evangelism: A Philosophical Defense of Proselytizing and Persuasion* (2nd ed.; Milton Keynes, UK: Authentic Media, 2011), 139–40.

[34] John Locke, *Two Treaties of Government* [1689], 2.1.1–2; 2.7.89 (*The Works of John Locke* [12th ed.; London: Rivington, 1824], 4:338–39, 389).

& private happiness & morality."[35] According to Werhane, Radin, and Bowie and Horwitz, "the public/private distinction began to play an influential role in American legal discourse" in the landmark Supreme Court case of the Trustees of Dartmouth College v. Woodward, 17 U.S. 518 (1819).[36]

In postmodernity, numerous historically recent and contemporary authors accepted and used the distinction without serious challenge until some feminists and practitioners of public policy/administration/ethics objected to the dichotomy during the last century but failed to overturn it as "the dominant ideology" in these fields.[37] In the field of law, Horwitz depicts ultimately unsuccessful attacks on the public/private distinction occurring in late modernity (1905–1940) just prior to the rise of postmodernity (1950) and in connection to political and world events.[38] Also writing from the perspective of the law, Kennedy has argued that all of the theoretical objections arising in the postmodern period and covered in the previous section on the limitations of the distinction indicate that the dichotomy is in the last stages of decline.[39] However, writing in the same year, Horwitz claims that despite its historic objectors, the distinction is still "alive and, if anything, growing in influence."[40] Therefore, and as argued in the previous section, although the objections from these fields and others have uncovered certain limitations of the pub-

---

[35] John Stuart Mill, "Considerations on Representative Government" [1861], in *Collected Works of John Stuart Mill* [*CW*] (ed. J. M. Robson; Toronto: University of Toronto Press, 1963–1991), 19:389; idem, "1108. Letter to Robert W. Oliver" [1867], in *CW* 16:1287.

[36] Patricia Werhane, Tara J. Radin, and Norman E. Bowie, *Employment and Employee Rights* (Foundations of Business Ethics; Malden, MA: Blackwell, 2004), 34; Horwitz, "History," 1424–25. In his opinion, Justice Story defined the distinction: "Another division of corporations is into publick [*sic*] and private. Publick corporations are generally esteemed such as exist for publick political purposes only, … although they involve some private interests; but strictly speaking publick corporations are such only as are founded by the government for publick purposes. … If therefore the foundation be private though under the charter of the government, the corporation is private." Trustees of Dartmouth College v. Woodward, 17 U.S. 518, 668–69 (1819) in *Report of the Case of the Trustees of Dartmouth College against William H. Woodward* (ed. Timothy Farrar; Portsmouth, NH: John W. Foster and West, Richardson, & Lord, 1819), 342.

[37] John Rohr, *Ethics for Bureaucrats: An Essay on Law and Values* (2nd ed.; Public Administration and Public Policy 36; New York: Marcel Dekker, 1989), 31; Weintraub, "Public/Private Distinction," 33. For feminist objections, some based on their infamous slogan, "the personal is political," see Elshtain, *Public Man, Private Woman*, 4, 203, 326; Elizabeth Frazer, "Feminist Political Theory," in *Contemporary Feminist Theories* (ed. Stevi Jackson and Jackie Jones; Edinburgh: Edinburgh University, 1998), 50; Alison M. Jaggar, *Feminist Politics and Human Nature* (Philosophy and Society; Lanham, MD: Rowman & Littlefield, 1983), 145, 254; Catharine A. MacKinnon, "Privacy v. Equality: Beyond Roe v. Wade (1983)," in *Feminism Unmodified: Discourses on Life and Law* (Cambridge, MA: Harvard University Press, 1987), 93–102; Okin, "Gender, the Public and the Private," 75–76. For objections in public policy/administration/ethics, see Harlan Cleveland, *The Future Executive: A Guide for Tomorrow's Managers* (New York: Harper & Row, 1972); Frederick C. Thayer, *An End to Hierarchy and Competition: Administration in the Post-Affluent World* (2nd ed.; New York: New Viewpoints, 1981); Thiessen, *Ethics of Evangelism*, 139–40; Manuel Velasquez, "Corruption and Bribery," in *The Oxford Handbook of Business Ethics* (ed. George G. Brenkert and Tom L. Beauchamp; Oxford Handbooks in Philosophy; New York: Oxford University, 2010), 482–84.

[38] Horwitz, "History," 1426–27.

[39] Duncan Kennedy, "The Stages of the Decline of the Public/Private Distinction," *University of Pennsylvania Law Review* 130 (1982): 1349–57.

[40] Horwitz, "History," 1427.

lic/private distinction, they have not successfully discredited the dichotomy as a valid heuristic tool for evangelicals and others.

IV. THE BIBLICAL EVIDENCE AND HISTORY OF INTERPRETATION

More important for evangelicals than the traditional use of the public/private distinction in the history of ideas is its relation to the Scriptural evidence and use in the history of biblical interpretation. Both the OT and the NT contain evidence of or consistency with the concept of a distinction between the public and private spheres. In fact, a few passages that appear to contradict each other are best harmonized by appealing to the public/private distinction. In addition to the biblical text itself, interpreters have made use of the public/private distinction as a hermeneutic tool to rightly understand Scripture in the history of interpretation of both testaments. The following presentation of both the biblical evidence and the history of interpretation is select and is aimed at providing sufficient evidence for evangelical use of the distinction rather than an exhaustive study.

1. *The OT evidence.* Moore's study of the public/private distinction in the OT seems to be the longest and possibly the only extended investigation of this issue in the OT.[41] Despite the fact that Moore writes from a Feuerbachian-critical perspective that conservative evangelicals will find objectionable and that causes him to misinterpret some aspects of Scripture, nonetheless his sociological analysis of the public/private distinction in the OT raises points that deserve serious consideration.[42] Moore carefully qualifies that the OT does not use the language of public and private and so does not explicitly draw the public/private distinction.[43] However, he does claim that some of the practices of the OT imply a public/private distinction. In Moore's account, he seems to equate the public with the government and the private with the individual.[44] With the institution of the monarchy, Moore claims that since a "charter" was used (1 Sam 10:25), then this document signified "the first appearance of a distinction between public authority and private rights" in the OT.[45] In Moore's view, the king's authority represents the secular public sphere, while the accounts of David and Bathsheba (2 Sam 11:1–12:31) and Ahab and Naboth's vineyard (1 Kgs 21:1–29) indicate that the ethical system embedded in Hebrew religion provided "protection of private rights" respectively such as marriage and property.[46] Due to his critical perspective in which the books of the OT receive a late date, Moore finds later traditions from the monarchy, such as the public/private distinction, projected back into the earlier OT books.[47] For example,

---

[41] Moore, *Privacy*, 168–218. In Stratton's brief article, he notes בָּלָט ("private"; 1 Sam. 18:22) occurs in distinction to the public and that הַחַדְרָה ("inner room"; *HALOT*, s.v. "חֶדֶר"; Gen. 43:30) is interpreted by the NIV as "private" in distinction to the public (Stratton, "Privacy," 628).

[42] Moore, *Privacy*, 176.

[43] Ibid., 182.

[44] Ibid., 168, 177.

[45] Ibid., 178–79.

[46] Ibid., 179–81.

[47] Ibid., 170.

Moore claims that in the exemption from war for the newly married (Deut 24:5; cf. 20:7), a conflict occurs between the public duties of the state and the private duties of the individual to the family.[48] In a controversial but intriguing example, Moore argues that the last of the Ten Commandments regarding one's attitude (covetousness) is private in contrast to the public behaviors (worship, murder, theft, lying) covered by the earlier commandments.[49] Although readers may find some of Moore's numerous examples more plausible than others, overall Moore seems to have made his case that the OT evidence implies a public/private distinction.

2. *The OT history of interpretation.* Not only does the OT at least imply a public/private distinction, the history of interpretation has also found such a distinction to be implied by or at the very least related to the text of Scripture. The Jewish-Hellenistic philosophers Philo (20 BC–AD 50) and Josephus (AD 37–100) both interpreted some of the various OT sacrifices as respectively falling into the public and private categories. For example, Philo claims, "For at another time, the priests [offered] the sacrifice for the public and for each private person according to the command of the law."[50] Similarly, Josephus states, "For indeed there are two sacrifices, and of these one on behalf of the private person and the other being carried out on behalf of the assembly [the public], according to these two ways being carried out."[51] Their interpretations set an early precedent for finding an implicit public/private distinction in the OT. The Mishnah (ca. AD 200), Jerusalem Talmud (ca. AD 400), and Babylonian Talmud (ca. AD 600) each continue the tradition found in Philo and Josephus of interpreting the OT as implying or as being closely related to the public/private distinction.[52] For example, *m. Parah* 2:1 states, "And not only this, but all public and private offerings, exist from the land and from beyond the land."[53] The references to the public/private distinction in these sources and the secondary sources commenting on them are too numerous to enumerate and address in this setting. However, two additional samples may suffice to demonstrate some of the usage of the distinction in this tradition. For instance, the translator of the Talmud, Neusner, notes that the Mishnah (*m. B. Qam.* 5:5; cf. *b. B. Qam.* 49B) interprets the OT regulation regarding the digging of a pit (Exod 21:33) in terms of the public/private distinction in order to apply it more widely and specifically to particular contemporary circumstances at the time of the Mishnah.[54] Finally, Hezser

---

[48] Ibid., 200.

[49] Ibid., 189–90.

[50] τὸν γὰρ ἄλλον χρόνον οἱ ἱερεῖς τάς τε κοινὰς θυσίας καὶ τὰς ἰδίας ἑκάστου προστάξει νόμων ἐπιτελοῦσι. Philo, *Spec.* 2.145.

[51] δύο μὲν γάρ εἰσιν ἱερουργίαι, τούτων δ᾽ ἡ μὲν ὑπὸ τῶν ἰδιωτῶν ἑτέρα δ᾽ ὑπὸ τοῦ δήμου συντελούμεναι κατὰ δύο γίνονται τρόπους. Josephus, *Ant.* 3.224, in *Flavii Iosephi Opera*, vol. 1: *Antiquitatum Iudaicarum* (ed. Benedikt Niese; Bellingham, WA: FaithLife, 2008), 203.

[52] Compare Hezser's remarks particularly regarding "ritual objects" or sacrifices to the citations of Philo and Josephus. Catherine Hezser, "Between the Public and Private: The Significance of the Neutral Domain (*Carmelit*) in Late Antique Rabbinic Literature," in *Public and Private in Ancient Mediterranean Law and Religion* (ed. Clifford Ando and Jörg Rüpke; RVV 65; Boston: de Gruyter, 2015), 217–18.

[53] ולא זו בלבד, אלא כל קרבנות הציבור והיחיד, באין מהארץ ומחוצה לארץ

[54] Jacob Neusner, *The Talmud: What It Is and What It Says* (New York: Rowman & Littlefield, 2006), 24. Also see Novak, who considers the Mishnah's commentary (*m. B. Bat.* 6:7; cf. *b. B. Bat.* 99b; *b. B.*

observes that in the Talmud one significant application of the distinction is to the interpretation of the OT Sabbath regulations.[55] In the Talmud's interpretation (*y. 'Erub.* 9:3, 25C; *y. Šabb.* 1:1, I.5.A; cf. *m. 'Erub.* 8:7), of the OT Sabbath regulations (Exod 16:29–30; 20:8–11; 35:2–3) there is a parallel to the contemporary discussion of the distinction in that the Talmud defines a third sphere in addition to the public and the private, namely, "the neutral domain."[56] Consequently, like the tradition before them, the rabbinic writings do not necessarily find the public/private distinction explicitly in the OT, but their interpretations set a further precedent for finding a public/private distinction implied by or at least closely related to the biblical text.

3. *The NT evidence.* The situation in the NT is similar to that in the OT such that the public/private distinction is not explicitly stated, but rather implied by the language, practices, and arguments. A representative picture of the NT evidence may be painted by considering Stassen's and Stratton's relatively brief essays in the *Dictionary of Scripture and Ethics* as well as some of the promient lexical examples from BDAG. However, the most important data seems to be the apparent contradiction of Matt 5:38–42 and Rom 12:19 with Rom 13:4.

The implicit nature of the public/private distinction in the NT may be represented through the cumulative evidence presented by Stassen, Stratton, and BDAG. Despite the fact that Stassen views the public/private distinction as a "false split" that involves "rationalizing, evading, and accommodating" the biblical text, he does recognize that it is one of six "usual ways of interpreting the Sermon on the Mount" and that such interpreters find the distinction implied by Jesus's teachings on this occasion.[57] Additionally, although Stratton claims that the "Bible is a poor resource for the modern concept of private," he notes a number of places in the NT where the term ἴδιος stands for private in contrast to public and where the concept occurs without the term.[58] Finally, several prominent lexical examples from BDAG indicate that the distinction is implied by the language used in the NT. For example, in implied distinction to the private, the term δημόσιος "pert. to belonging to the state, *public*" (Acts 5:18) and "pert. to being able to be known by the general public, *in the open, public*" (Acts 5:18–19; 16:37; 18:28; 20:20).[59] Likewise, a well-known but controversial example occurs in Gal 3:1 where "many would prefer to

---

Qam. 27b) involving the public/private distinction, on the OT land inheritance regulations (Num 36:1–13) and he applies the rabbinic interpretation to the contemporary issue of eminent domain (David Novak, *Covenantal Rights: A Study in Jewish Political Theory* [Princeton, NJ: Princeton University Press, 2000], 209). See also Alfred Edersheim, *Sketches of Jewish Social Life in the Days of Christ* (London: The Religious Tract Society, 1876), 45–46; Jacob Neusner, *Introduction and the Hermeneutics of Berakhot and Seder Mo'ed*, vol. 1: *The Comparative Hermeneutics of Rabbinic Judaism* (Binghampton, NY: Academic Studies in the History of Judaism, 2000), 236.

[55] Hezser, "Between the Public and Private," 219.

[56] Ibid., 215–19.

[57] Matt 6:3–6; 17:19; 24:3; Mark 4:34; 7:33; 9:28; 13:3; Luke 9:10; 10:23; John 11:28; Gal 2:2. Glen H. Stassen, "Sermon on the Mount," *DSE* 715 ("Ways of Interpreting that Lead to Evasion: 4. Double Standard")

[58] Stratton, "Privacy," 628.

[59] BDAG, s.v. "δημόσιος."

transl. [the term προγράφω] *placard publicly, set forth in a public proclamation* so that all may read" as it is in the NASB.[60] A similar prominent NT example occurs in Rom 3:25 where προτίθημι is glossed as "to set forth publicly, *display publicly, make available publicly*."[61] A final well-known occurrence is found in 1 Cor 4:9 where the term ἀποδείκνυμι receives the gloss, "to show forth for public recognition as so and so, *make, render, proclaim, appoint*."[62] While the above-mentioned examples may not have included the best-known instances in the minds of some readers, they do capture the general lexical situation in the NT out of the 165 instances of "public" and 36 instances of "private" according to adjusted Logos Bible Software searches of the terms in BDAG.[63]

Although the foregoing lexical evidence may solidly establish the implicit presence of the public/private distinction in the NT, the most important data seems to be the apparent contradiction of Matt 5:38–42 and Rom 12:19 with Rom 13:4 because it is best harmonized by appealing to the public/private distinction. In Matt 5:38–42 and the parallel drawing on the teaching of Jesus in Rom 12:19, the principle of non-retaliation stands in an apparent contradiction to the explicit statement in Rom 13:4 that the ἄρχοντες (ruler) from Rom 13:3 is to ἔκδικος (take revenge) on behalf of citizens.[64] The apparent contradiction is particularly emphasized through the language in Romans by which revenge rather than justice is prohibited among members of the Roman church by the participle ἐκδικοῦντες (ἐκδικέω) "taking vengeance/revenge" (Rom 12:19), but said to be the proper behavior of rulers on behalf of their subjects by use of the cognate adjective, ἔκδικος ("avenger/revenger").[65] While some may harmonize the apparent contradiction between the non-retaliation principle (Matt 5:38–42; Rom 12:19) with the ruler's role of exacting judicial vengeance (Rom 13:4) in other ways, as the next section will demonstrate, the dominant solution in the history of interpretation has been to use the public/private distinction to argue that private citizens may not exact revenge (Matt 5:38–42; Rom 12:19), but that public officials have the duty to exact judicial vengeance on behalf of private citizens (Rom 13:4). Therefore, since by the doctrine of inerrancy, evangelicals must assume that the contradiction between Matt 5:38–42 and Rom 12:19 with Rom 13:4 is merely apparent and since the public/private distinction is the dominant method of harmonization of these passages, then this apparent contradiction points to the implicit presence of the distinction in

---

[60] BDAG, s.v. "προγράφω."

[61] BDAG, s.v. "προτίθημι."

[62] BDAG, s.v. "ἀποδείκνυμι."

[63] "Public" needs to be adjusted by excluding the search term "Festschr." and "private" by excluding "priv."

[64] On the interpretation of the terms ἐκδικοῦντες (ἐκδικέω; Rom 12:19) and ἔκδικος (ἔκδικος; Rom 13:4) as "revenge" see Gottlob Schrenk, "ἐκδικέω, ἔκδικος," *TDNT* 2:442–46; Spiros Zodhiates, *The Complete Word Study Dictionary: New Testament* [*CWSDNT*] (1993; elec. ed., Logos, 2009), s.v. "ἐκδικέω, ἔκδικος." On the understanding that Paul is drawing on the teaching of Jesus see Colin G. Kruse, *Paul's Letter to the Romans* (PNTC; Grand Rapids: Eerdmans, 2012), 483–84.

[65] On the cognate nature of the terms, see *CWSDNT*, s.v. "ἐκδικέω."

the NT and to the dichotomy as a hermeneutic principle for solving apparent contradictions.

4. *The NT history of interpretation.* The most prominent evidence in the history of interpretation of the NT for the implied presence of the public/private distinction in the biblical text surrounds the harmonization of the apparent contradiction between Matt 5:38–42 and Rom 12:19 with Rom 13:4. Luz claims that in the history of interpretation of Matt 5:38–42, prior to Constantine (and presumably the adoption of Christianity as the official religion of the Roman Empire with the Edict of Milan in AD 313), Matt 5:38–42 received a strict literal interpretation which included extreme forms of non-resistance and pacifism as typified by Tertullian and perpetuated in the Waldensians, Francis of Assisi, the followers of Wycliff, Erasmus, Schwenkfeld, the Anabaptists, and the Quakers.[66] "In the post-Constantinian period" and through the Reformation to the present, Augustine stands as the father of the dominant "moderating" interpretation that softens "the harshness of Jesus' commands in various ways."[67] Although there are various ways and variegated concerns involved in the moderating interpretations of Augustine, and those such as Aquinas, Luther, and Calvin who stand in his tradition, one of the dominant features of their ameliorating exegesis of Matt 5:38–42 is the public/private distinction. Additionally, some of the biblical interpreters standing in this Augustinian tradition also contrast or harmonize Matt 5:38–42 and Rom 12:19 with Rom 13:4.

The so-called moderating tradition of Jesus's commands not only uses the public/private distinction to ameliorate exegesis of Matt 5:38–42, but also to harmonize Matt 5:38–42 and Rom 12:19 with Rom 13:4. Luz claims that Augustine's "most important comment on Matt 5:38–39" is made "when he is compelled to refute the objection of Marcellinus that Jesus' teaching 'is contrary to the laws of the state.'"[68] In interpreting the command of non-retaliation in Matt 5:38–39, Augustine draws the public/private distinction when he claims:

> But in another way [Matt 5:38–39] is accustomed to be understood, as if [Jesus] had said … and so a righteous and pious man ought to be prepared to patiently put up with the wickedness of those, whom he seeks to make good. … On the other hand, many things still with a certain reluctant, kind severity ought to be punished, to the advantage rather than the wish of anyone who ought to be consulted, which the former book [the Bible, Rom 13:4] clearly praised in the ruler of the state.[69]

Following in the Augustinian moderating tradition of interpretation and in commenting on Matt 5:38–42, Aquinas explicitly follows Augustine's interpretation

---

[66] Ulrich Luz, *Matthew 1–7* (Hermeneia; ed. Helmut Koester; trans. James E. Crouch; rev. ed.; Minneapolis: Fortress, 2007), 277–78.

[67] Ibid., 277–80.

[68] Ibid., 278–79.

[69] *Sed sic intellegi solet, ac si dictum esset … paratus itaque debet esse homo iustus et pius patienter eorum malitiam sustinere, quos fieri bonos quaerit, … agenda sunt autem multa etiam cum inuitis benigna quadam asperitate plectendis, quorum potius utilitati consulendum est quam voluntati, quod in principe ciuitatis luculentissime illorum litterae laudauerunt.* Augustine, *Epist.* 138.2.12, 14 (CSEL 44:137–38, 140).

and explicitly draws the public/private distinction: "As Augustine says in his epistle against Marcellinus … anyone is able to resist evil in two ways: out of love for the public and also private good. But God did not intend to prohibit that anyone may not resist for the cause of the public good, but that anyone ought not be provoked according to vengeance for the private good."[70] In his remarks on Rom 12:19, Aquinas not only explicitly follows Augustine and draws on his interpretation of Matt 5:38–39, but also uses the public/private distinction to harmonize the two passages.[71] Lastly, when Aquinas gives his three criteria for a just war, he explicitly interprets Rom 13:4 in terms of the public/private distinction by arguing that this verse gives the power to declare war to the *auctoritas Principis* (chief authority) rather than the *personam privatam* (private person).[72]

Moving from the patristic and medieval periods to the Reformation, both Luther and Calvin used language that strongly resembles the public/private distinction to interpret and harmonize Matt 5:38–42 and Rom 12:17–21 and 13:4. Discussion of Luther's analysis is reserved for the next section treating theological constructions, because it involves his two-kingdom doctrine. In his *Harmony of the Gospels* and the *Institutes*, Calvin explicitly follows Augustine's interpretation and deals with all three passages, although Rom 13:4 seems to be only implied. In his interpretation of Matthew 5, Calvin claims, "As God had decreed in his law [Lev 24:20] that judges and magistrates punish with equal penalty those inflicting injury … it came to pass that everyone took this as a pretext … to exact his own revenge … judges were charged with defense of the community … Augustine."[73] In the *Institutes*, Calvin's claim also alludes to Rom 13:4.[74]

In contemporary interpretation of Matt 5:38–42 and Rom 12:17–21 and 13:4, while some commentators (Hagner, Luz, Morris) more explicitly appeal to the public/private distinction than others (Bloomberg, Keener, Nolland), a careful reading of many of them indicates at least some reliance upon or allusion to the dichotomy.[75] Therefore, from Augustine to the present, there are respected and well-known scholars who both interpret and harmonize Matt 5:38–42 and Rom 12:17–

---

[70] *Ut dicit Augustinus in epistola contra Marcellianum. … Potest enim aliquis resistere malo dupliciter: ex amore publici boni et privati. Deus autem non intendit prohibere quod non resistatur malo pro bono rei publicae, sed quod non exardescat quis in vindictam pro bono privato.* Aquinas, *Evang. Matt. Lec.* C.5 L.11.529 (181); see also C.5 L.11.526 (180).

[71] Aquinas, *Epist. B. Rom.* C.12 L.3.1011–12 (344–45).

[72] Thomas Aquinas, *ST* II–II.40.1 resp., *Opera Omnia Iussu Impensaque* [*OOII*]*, Leonis XIII P.M. Edita.* vol. 8 (Rome: Ex Typographia Polyglotta S.C. de Propaganda Fide, 1895), 312. All *Summa* references from this version unless otherwise noted.

[73] *Quum Deus iudices et magistratus sua lege iussisset iniurias pari poena ulcisci … quisque eo praetextu sibi ultionem sumebat … iudicibus mandata sit communis defensio … Augustinus.* Calvin, *Comm. Harm. Evang.,* Matt 5:38 (Corpus Reformatorum 73:183–84).

[74] Calvin, *Inst.* 4.20.20 (Corpus Reformatorum 30:1108–09).

[75] Craig Blomberg, *Matthew* (NAC 22; Nashville: Broadman & Holman, 1992), 113; Donald A. Hagner, *Matthew 1–13* (WBC 33A; Dallas: Word, 1998), 130–32; Craig S. Keener, *Matthew* (IVPNTC 1; Downers Grove, IL: InterVarsity, 1997), 126–32; Luz, *Matthew 1–7*, 272; Leon Morris, *The Gospel According to Matthew* (PNTC; Grand Rapids: Eerdmans, 1992), 126–27; John Nolland, *The Gospel of Matthew* (NIGTC; Grand Rapids: Eerdmans, 2005), 255–58.

21 and 13:4 by using the public/private distinction. This history of NT interpretation lays a solid foundation upon which current evangelicals may confidently use the distinction as an implicit principle in the text to solve their ethical and other problems as well as a hermeneutic guide contained within the text to provide the principles of its own interpretation.

V. THEOLOGICAL CONSTRUCTIONS

In addition to strict biblical interpretation of particular passages, there are also systematic theological constructions of biblical concepts that support or at least resemble the dichotomy. Two such constructions are the tripartite division of the law as expressed by Aquinas, Melanchthon, and others, as well as Luther's two-kingdom doctrine.

1. *The tripartite division of the law.* The tripartite division of the law as historically constructed and interpreted by its proponents has been understood in a manner that reflects the idea of the public/private distinction. Although defined with some variation, the tripartite division of the law may be understood as a view of the biblical law as unified, but with distinct and overlapping civil, ceremonial, and moral aspects and in which the ceremonial law was fulfilled in Christ, the civil law expired with the state of national Israel, and only the moral aspect continues to be in force for believers.[76] Some of the primary evidences to which proponents point in favor of the tripartite construction include: (1) some laws seem to neatly fit into the three categories of moral (Exod 12:13, 15–16), civil (Exod 22:12–14), and ceremonial (Lev 5:2); (2) the Ten Commandments are distinct as abiding eternal moral law (**וְלֹא יָסָף** [added nothing more], Deut 5:22); (3) Jesus came "not to abolish the law, but rather to fulfill it" (Matt 5:17); (4) the contrast between weightier and implied lighter matters indicates a distinction between moral and ceremonial laws (Matt 23:23–23); and (5) some passages are taken to imply that the ceremonial law alone ceased due to its temporary role of pointing to Christ (Col 2:16; Heb 7:12).[77] In recent scholarship, the tripartite division of the law has primarily been discussed in debates about the nature of law (some in relation to the law itself and others with respect to New Perspective on Paul), the doctrine of sanctification, the field of ethics, and the relationship between the OT and the NT with respect to eschatology (traditional Reformed versus dispensational, and more recently, progressive cov-

---

[76] Alan Cairns, *Dictionary of Theological Terms* (rev. and enl. ed.; Greenville, SC: Ambassador Emerald International, 2002), 254–55; Paul P. Enns, *The Moody Handbook of Theology* (rev. and exp. ed.; Chicago: Moody, 2014), 751; Joe M. Sprinkle, "Law," *Evangelical Dictionary of Biblical Theology* (Baker Reference Library; ed. Walter A. Elwell; Grand Rapids: Baker, 1996), 469.

[77] Walter C. Kaiser Jr., *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1991), 45–46; Philip S. Ross, *From the Finger of God: The Biblical and Theological Basis for the Threefold Division of the Law* (Fearn, Ross-shire, Scotland: Christian Focus, 2010), 18–19, 86–88; 199–220, 279–86, 357–70. Contrary to proponents, Strickland holds the view on Matt 5:17 characterized as "abolishment by fulfillment" (Wayne G. Strickland, "A Dispensational View," in *Five Views on Law and Gospel* [Zondervan Counterpoints Collection; ed. Stanley N. Gundry; Grand Rapids: Zondervan, 1999], 257–58).

enantalism versus progressive dispensationalism).[78] With his *From the Finger of God*, Ross has written the definitive contemporary work on the tripartite division in terms of its scope and comprehensiveness.[79] Whether one agrees or disagrees with the systematic construction of the tripartite division of the law, this long and widely held tradition has set a historic precedent or perhaps shaped a presupposition in Christian thought by implying a public/private distinction.[80] Since the study of the tripartite division has complex historical, exegetical, and theological aspects, all of which are hotly debated, this brief article therefore selectively relates the constructions of the tripartite division of two historical figures to the public/private distinction.

a. *Aquinas's construction.* Although Stylianopoulos argues that Justin Martyr (AD 100–165) is the first Christian writer to present an implicit tripartite division of the law (*Dial.* 44), Aquinas's construction is far better known and significant for this study.[81] In connection with his explanation of the relation between the testaments, and in some sense popularizing for later Bible interpreters, Aquinas is properly credited with systematizing rather than originating the preexisting and established tradition of the tripartite division of the law, that is, understanding the law as having moral, civil, and ceremonial aspects.[82] Aquinas succinctly states the tripartite division, "From all of which it is evident, that all of the precepts of the law are contained under the moral, ceremonial, and judicial."[83] In contemporary thinking, the tripartite division is likely viewed such that the moral and ceremonial laws correspond to the private, while the civil laws correspond to the public sphere. However, Aquinas's understanding of the relation of the types of law in the tripar-

---

[78] E.g. see Gundry, ed., *Five Views on Law and Gospel*, 30–31, 36–37, 103–08, 188–89, 195–97, 231, 261, 336, 378–79; idem, ed., *Five Views on Sanctification* (Zondervan Counterpoints Collection; Grand Rapids: Zondervan, 1987), 25–27, 85–88, 101; Kaiser, *Toward Old Testament Ethics*, 44–48; Stephen J. Wellum and Brent E. Parker, eds., *Progressive Covenantalism: Charting a Course between Dispensational and Covenantal Theologies* (Nashville: B&H Academic, 2016), 5–6, 71–73, 87–88, 216–18, 221, 226.

[79] Ross, *From the Finger of God.*

[80] *The Catechism of the Council of Trent* (trans. Theodore Alois Buckley; London: George Routledge and Co., 1852), 351–53 (3.1.1–3), 393–95 (3.4.4, 6, 8); A. P. Forbes, *An Explanation of the Thirty-Nine Articles* (2nd ed.; London: James Parker & Co., 1871), 113, 121–22; Seraphim Slobodskoy, *The Law of God: For Study at Home and School* (trans. Susan Price; Kindle ed.; Jordanville, NY: Holy Trinity, 1994), s.v. part 3, chapter 27 (OT): "God Gives the Law on Mt. Sinai," and part 3, chapter 64 (NT): "The Ecumenical Councils"; Westminster Confession of Faith, 19.1–7.

[81] Theodore G. Stylianopoulos, *Justin Martyr and the Mosaic Law* (SBLDS 20; Missoula, MT: SBL, 1975), 51–76; Peter T. Vogt, *Interpreting the Pentateuch: An Exegetical Handbook* (ed. David M. Howard Jr.; Handbooks for OT Exegesis; Grand Rapids: Kregel, 2009), 51–53.

[82] D. A. Carson, "Mystery and Fulfillment: Toward a More Comprehensive Paradigm of Paul's Understanding of the Old and the New," in *Justification and Variegated Nomism*, vol. 2*: The Paradoxes of Paul* (ed. D. A. Carson, Peter T. O'Brien, and Mark A. Seifrid; Grand Rapids: Baker Academic, 2004), 429; D. A. Carson and Douglas J. Moo, *An Introduction to the New Testament* (2nd ed.; Grand Rapids: Zondervan, 2005), 43–44; Matthew Levering, "Ordering Wisdom: Aquinas, the Old Testament, and Sacra Doctrina," in *Ressourcement Thomism: Sacred Doctrine, the Sacraments, and the Moral Life* (ed. Reinhard Hütter and Matthew Levering; Washington, DC: The Catholic University Press of America, 2010), 82; Ross, *Finger of God,* 30–33; Vogt, *Interpreting the Pentateuch*, 36–37.

[83] *Ex quibus omnibus apparet, quod omnia legis praecepta continentur sub moralibus, caeremonialibus, et judicialibus.* Aquinas, *ST* II–I.99.5 resp. (*OOII* 7:203).

tite division follows from his view that there are four general types of law, "Thereupon it is that this law ought to be called eternal … besides the natural law and the human law, it was necessary to direct human life to have a divine law."[84] For Aquinas, since the moral law of the tripartite division is equated to the natural law and the natural law is discerned by the reason of individuals and is at the same time the basis for human law, then the moral law/natural law has both a private and a public aspect.[85] Since Aquinas argues that both the ceremonial and civil laws are derived from the moral law, then by implication both the ceremonial and civil laws have a private and a public aspect.[86] Aquinas explicitly details a private aspect of exchange of property and a public aspect of punishment of evildoers in the civil law of the tripartite division.[87] In his exposition of the ceremonial law, Aquinas perhaps only implies that sacrifices are public, while the preparation of worshippers for worship is private.[88] Therefore, for Aquinas, there is a public and private part to the moral and civil laws and possibly also to the ceremonial laws.

b. *Melanchthon's construction.* Melanchthon's understanding of the correspondence of the types of law in the tripartite division to the public and private spheres meets and is probably part of the historical basis for contemporary expectations. Melanchthon seems only partly to follow Aquinas in arguing for three rather than four general types of law, "These types: the divine law, the natural law, [and] the human law."[89] Melanchthon departs from Aquinas in that rather than using the natural law to find a private and public part within each of the types of law that compose the tripartite division as Aquinas does, Melanchthon correlates the moral law to the individual or private sphere and the civil law to the public sphere when he claims, "Not only were laws put forward according to the morals of individuals, but also public and ceremonial laws were added. Therefore, there are three parts of the whole Mosaic law: moral, ceremonial, and public or judicial laws."[90] Therefore, in different, but complementary ways, both Aquinas's and Melanchthon's constructions of the tripartite division of the law found in the biblical text support the idea of the public/private distinction.

Therefore, the widely held theological construction of the tripartite division has been intertwined with the public/private distinction throughout its long history.

---

[84] *Inde est, quod hujusmodi legem oportet dicere aeternam* and *quod praeter legem naturalem, et legem humanam, necessarium fuit ad directionem humanae vitae habere legem divinam.* Aquinas, *ST* II–I.91.4 resp.; II–I.91.1 resp. (*OOII* 7:153, 156).

[85] Aquinas, *ST* II–I.99.4 resp.; II–I.100.1 resp.; II–I.104.1 resp. (*OOII* 7:202, 206, 258). For a similar judgment see Jean Porter, *Recovery of Virtue: The Relevance of Aquinas for Christian Ethics* (Louisville: Westminster John Knox, 1990), 147.

[86] Aquinas, *ST* II–I.101.1 resp. (*OOII* 7:223).

[87] Aquinas, *ST* II–II.105.2 resp. (*OOII* 9:265).

[88] Aquinas, *ST* II–I.99.3 resp.; II–I.101.1 ad. 1 (*OOII* 7: 201, 223).

[89] *Hae species: Lex divina, Lex naturae, Leges humanae.* Philip Melanchthon, *Melanchthons Werke in Auswahl* [*MW*], vol. 2.1: *Loci communes theologici* 6 (ed. Robert Stupperich; Gütersloh: C. Bertelsmann, 1953), 310.

[90] *Non tantum Leges de singulorum moribus propositae sunt, sed etiam additae sunt Leges forenses et ceremoniae. Tres igitur partes sunt Legis Mosaicae universae: Leges morales, ceremoniales et forenses seu iudiciales.* Melanchthon, *Loc. com.* 6 (*MW* 2.1, 310).

Consequently, this systematic construction that has at times assumed and at others merely reflected the public/private distinction has served to indirectly promote the presupposition of the dichotomy throughout history.

2. *The two-kingdom doctrine.* Similarly, Luther explicitly interprets Matt 5:38–42 using his doctrine of the two kingdoms with language that is best understood as a premodern, rather than a dualistic modern or postmodern, form of the public/private distinction.[91] The term describing Luther's thought, "doctrine of the two kingdoms," coined by Barth (1922), refers to two separate but related states or kingdoms, the earthly and the spiritual, or the kingdoms of Christ and of the world.[92] The doctrine of the two kingdoms is one of the most debated aspects of Luther's theology.[93] In part due to the extent of the controversy, all we may do in this article is summarize a portion of the debate in relation to the public/private distinction, present Luther's statement of the doctrine with regard to his exposition of Matt 5:38–42, and interpret his comments in relation to the public/private distinction.

a. *The debate in Luther scholarship.* Wright depicts five main "approaches" that are currently debated in Luther scholarship regarding the doctrine of the two kingdoms.[94] The first and the fifth approaches are the most relevant to the public/private distinction and henceforth will be termed the "dualistic" and "reconstruction" approaches. DeJonge emphasizes that the dualistic interpertation of Luther's two-kingdom doctrine is characterized by both dualism and autonomy.[95] The concept of dualism "takes the kingdoms that for Luther were both distinguished and related, and treates them as rigidly distinguished spheres."[96] The aspect of autonomy is that each kingdom has different ethical norms that are independent of each other.[97] There is a scholarly consensus which charges that the dualistic approach is "a misappropriation of Luther's original teaching" that turns the two-kingdoms doctrine into "a political teaching or a political and social ethics," involving an identification of the two kingdoms with the public/private distinction.[98] In contrast, the reconstruction approach is a reaction to and denial of the

---

[91] On Luther's connection of the doctrine to Matthew and the foundational role of the idea in his thought, see respectively: Heinrich Bornkamm, *Luther's Doctrine of the Two Kingdoms* (trans. Karl H. Hertz; Philadelphia: Fortress, 1966), 30, and William John Wright, *Martin Luther's Understanding of God's Two Kingdoms: A Response to the Challenge of Skepticism* (Texts and Studies in Reformation and Post-Reformation Thought; Grand Rapids: Baker, 2010), 11, 15.

[92] Michael P. DeJonge, *Bonhoeffer's Reception of Luther* (Oxford: Oxford University Press, 2017), 95; Wright, *Two Kingdoms*, 32–34.

[93] Bornkamm, *Two Kingdoms*, 1; Wright, *Two Kingdoms*, 18–19, 36.

[94] Ibid., 36–38.

[95] DeJonge, *Reception of Luther*, 96.

[96] Ibid.

[97] Ibid.

[98] Wright, *Two Kingdoms*, 18–19, 28–29, 32; cf. Bornkamm, *Two Kingdoms*, 1–3; DeJonge, *Reception of Luther*, 99. For an example of this identification, see Stanley Hauerwas, *Performing the Faith: Bonhoeffer and the Practice of Nonviolence* (Eugene, OR: Wipf & Stock, 2015), 51; Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation*, vol. 2: *Human Nature* (Gifford Lectures; New York: Charles Scribner's Sons, 1953), 194.

dualism, autonomous, and "political teaching" elements of the dualistic view and instead seeks to reconstruct Luther's original meaning of the two kingdoms as his "understanding of Christian reality."[99] Therefore, modern and postmodern Luther scholarship has been opposed to identifying Luther's two kingdoms with the public/private distinction because it views the doctrine as being non-dualistic, non-autonomous, and theological rather than political or ethical.

b. *Luther's words on Matt 5:38–42.* In Luther's interpretation of Matt 5:38–42, while Luther's two-kingdom doctrine may not be identical with the modern or postmodern dualistic public/private distinction, his language certainly bears a strong resemblance to the distinction such that Luther's two-kingdoms may be understood as a premodern, non-dualistic, and non-autonomous form of the distinction. In interpreting Matt 5:38–42, Luther states that the text is only properly understood by recognizing the doctrine of the two-kingdoms within it.[100] Even if there is not a dualism or two separate and opposing principles or spheres of life, Luther's use of the adversative "but" (*ausser*) explicitly indicates a contrast between "how they for themselves in themselves" (*wie sie fur sich selbs*) and "the earthly government" (*dem weltlichem regiment*). Furthermore, the two elements in the contrast of "how they for themselves in themselves" (*wie sie fur sich selbs*) and "the earthly government" (*dem weltlichem regiment*) bear a strong resemblance respectively to the private and public spheres. Additionally, Luther's language "not rightly known the separation of the two parts" (*nicht recht gewust haben zuscheiden die zwey stuck*) not only further accentuates the contrast but also emphasizes his main point that the correct interpretation of Jesus's ethical commands in Matt 5:38–42 depends upon recognizing that those commands apply differently in each of the two kingdoms. These observations do not necessarily indicate dualism and autonomy.[101] Furthermore, Luther's language explicitly interprets Jesus's ethical commands in Matt 5:38–42 as meaning that there are different moral obligations with respect to the two kingdoms in the specific case of the non-retaliation command.[102] Therefore, while Lu-

---

[99] Wright, *Two Kingdoms*, 38.

[100] *Dieser text hat auch uberaus viel fragen und irthum gemacht schir allen Lerern so nicht recht gewust haben zuscheiden die zwey stuck, weltlichen und geistlichen stand odder Christus und der welt Reich.* He interprets the text through his remark, *Es heissen Christus Junger, die er leret wie sie fur sich selbs leben sollen ausser dem weltlichem regiment, Denn Christen sein.* "This text has also created a great deal of questions and errors among all the teachers as far as they have not rightly known the separation of the two parts, earthly and spiritual states or the kingdoms of Christ and the world" and "They are called Christ's disciples, the ones he teaches how they for themselves in themselves should live apart from the earthly government." Martin Luther, "Reihenpredigten über Matthäus 5–7," 1530, Matt 5:38–42, in *D. Martin Luthers Werke: Kritische Gesamtausgabe* [WA], vol. 32 (Weimar: Hermann Böhlaus Nachfolger, 1906), 387, 394.

[101] Contrast does not necessitate dualism, and differentiating the two kingdoms/spheres in order to have ethical commands apply separately to them does not demand an absolute autonomy between the two kingdoms.

[102] Luther applies *wie sie fur sich selbs* ("how they for themselves in themselves") and *dem weltlichem regiment* ("the earthly government") to *die zwey stuck* ("the two parts"). Moral responsibilities only differ between the two spheres/kingdoms when the Bible explicitly states they do or at least implies such a difference. Luther is following the Bible in his interpretation of Matt 5:38–42 and distinguishing between the ethical demands of the private and public realms with regard to the specific instance of non-retaliation and not in a general or absolute manner because he has the apparent contradiction in mind

ther's two-kingdom doctrine as stated in his comments on Matt 5:38–42 may differ from the modern public/private distinction in not being dualistic and in not defining autonomous moral spheres, his interpretation is similar to the distinction in defining different moral obligations in the two kingdoms in a limited manner with regard to the moral obligation of non-retaliation.

c. *Interpreting Luther with regard to the public/private distinction.* The chronological problem with definition from the limitations section of this article impacts the relationship between Luther's two-kingdom doctrine and the public/private distinction. The chronological problem is that the public/private distinction has been defined differently over the various time periods, premodern, modern, and postmodern. With regard to the chronological problem, the reconstructionists are correct that Luther's doctrine is not dualistic. However, dualists are correct to identify Luther's doctrine with the public/private distinction because just as there were non-dualistic tripartite (Ausonius, Cicero, Isidore, and Ulpian) and even fourfold (Aristotle) understandings of the public/private distinction in premodernity, so also Luther's two-kingdoms understanding is a non-dualistic but binary form of the distinction.[103] Furthermore, and with regard to the autonomy of the two spheres, the reconstructionists are correct that Luther's two kingdoms are not autonomous; however, the dualists are correct to find different ethical obligations in each sphere. In the preceding section on the limitations of the distinction, the postmodern debate over the public/private distinction has questioned the modern independence or autonomy of the two spheres through the blurring, bleeding, and overlapping of them into one another and argued instead for more of a non-autonomous premodern conception. Additionally, Luther follows the Bible in making ethical obligations differ between the two spheres in a non-absolute manner. Consequently, Luther's two kingdoms may be understood as a premodern form of the public/private distinction in which the two spheres are not autonomous, but are recognized as separate and interconnected spheres.

Therefore, Luther's two kingdoms may be correctly understood as a non-dualistic, non-autonomous, and premodern form of the public/private distinction that is a forerunner or precursor to the modern (and postmodern) dualistic forms of the dichotomy, that have overlapping, but not autonomous spheres. Furthermore, the systematic theological constructions of the tripartite division of the law and the doctrine of the two kingdoms lend support to an implicit biblical concept of a public/private distinction.

---

between private (Matt 5:38–42 and Rom 12:19) and public (Rom 13:4) due to his repeated mention of Romans (Luther, "Reihenpredigten über Matthäus 5–7," Matt 5:33ff.; Matt 5:38–42 [WA 32:384, 387, 391]).

[103] Aristotle, *Oec.* 1.1.1343a.1–4; 2.1.1345b.10–14; Ausonius, *Opsc.* 16; *Edyll.* 11; Cicero, *Rep.* 3.24; Isidore, *Etym.* 5.4.1; Ulpian, *Dig.* 1.1.2–4.

VI. CONCLUSION

The public/private distinction is an indispensable heuristic tool for Christian ethical argument and an essential hermeneutic key for interpreting Scripture. If evangelicals capitulate polemic use of the distinction to their secular opponents, then they are unnecessarily disarming themselves in their efforts to defend the faith and articulate Christian morality. Objections against the distinction itself only serve to define the dichotomy's limitations rather than refute it. Such limitations point to the necessity of carefully qualifying use of the distinction rather than the need to abandon it. Used properly, the public/private distinction is a vital part of evangelical arguments dealing with issues ranging from capital punishment, just war, and abortion, to bioethics. With regard to hermeneutics, historically the public/private distinction has been one of the primary means of harmonizing apparent contradictions between such passages as Matt 5:38–42, Rom 12:19, and Rom 13:4. If the distinction is rejected, then evangelicals lose a foundational tool for biblical interpretation. While some secular thinkers may be able to break with centuries of thought in the history of ideas that supports the dichotomy, evangelicals would be unwise to divest themselves of eons of tradition not only in biblical interpretation but also systematic constructions such as the two kingdoms and tripartite division of the law that presuppose and imply the public/private distinction. The public/private distinction has long been part of and should remain in the evangelical toolbox.