Throughout the twentieth century evangelical theology and philosophy neglected or rejected the topic of natural law ethics. This pushed the evangelical community toward extreme positions with regard to culture and an inability to speak to the great ethical questions of our time in a manner that is both true to the evangelical faith and understandable in a post-Christian society. This study is an attempt to regain the classical Protestant doctrine of natural law ethics, which also brings this topic into dialog with important developments in philosophy and the social sciences. It is motivated by a heart-felt desire for a new evangelical voice that is able to contribute responsibly to the moral foundations of western culture.

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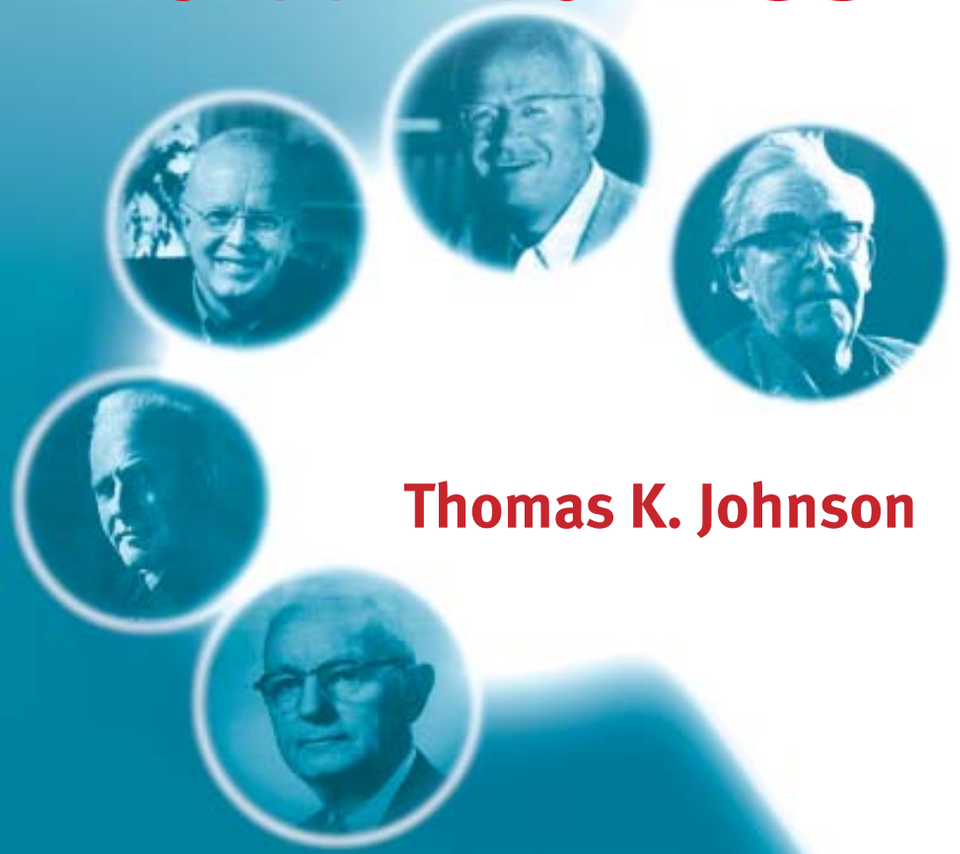
ISBN 3-938116-09-9
ISSN 1612-1171 (Christian Philosophy Today)

Verlag für Kultur und Wissenschaft
(Culture and Science Publ.)
Dr. Thomas Schirrmacher

VKW Christian Philosophy Today 6
VKW Thomas K. Johnson Natural Law Ethics
VKW Christian Philosophy Today 6

Natural Law Ethics



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An Evangelical Proposal

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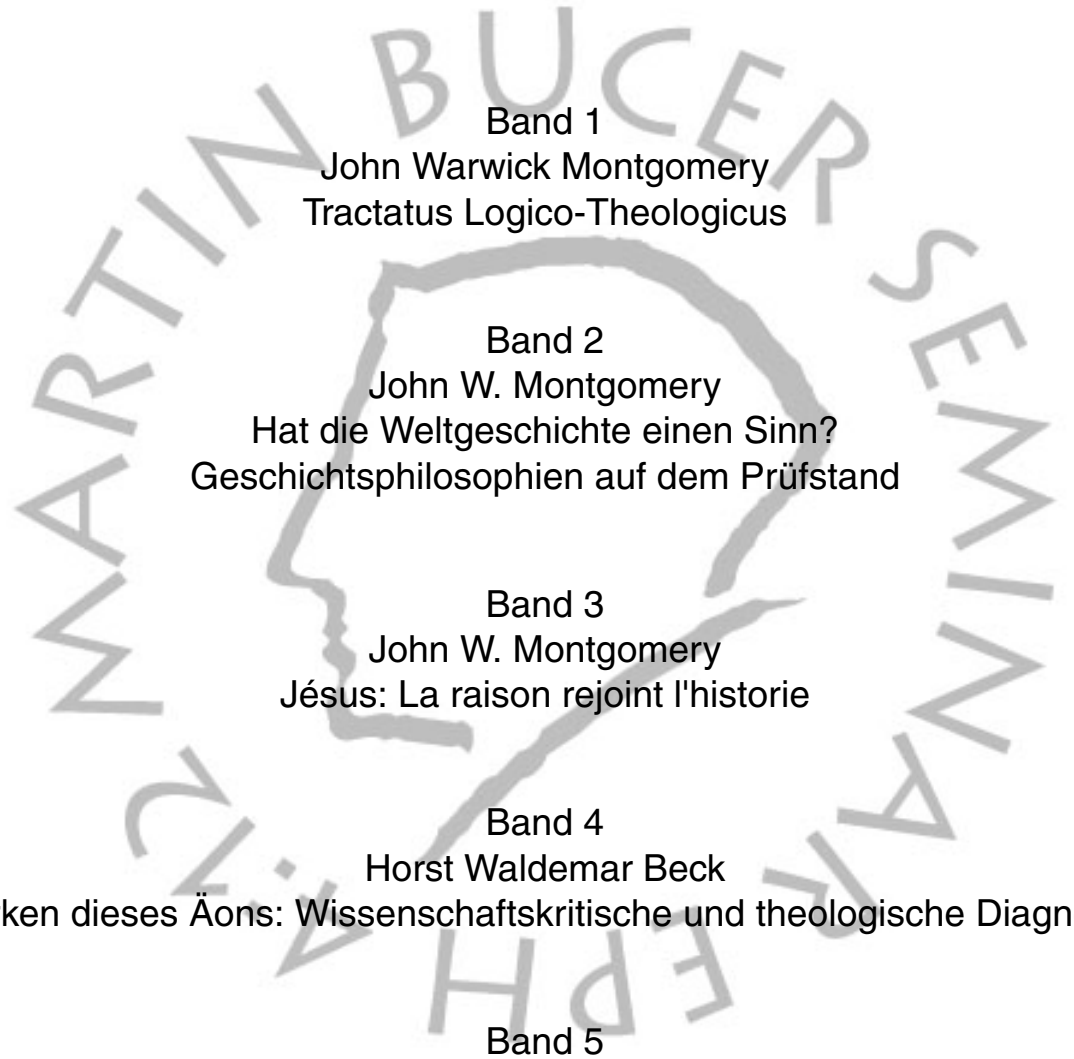

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Christian Philosophy Today 6

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Bibliografische Information der Deutschen Bibliothek
Die Deutsche Bibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über http://dnb.ddb.de abrufbar.
Bibliographic information published by Die Deutsche Bibliothek
Die Deutsche Bibliothek lists this publication in the Deutsche Nationalbibliografie;detailed bibliographic data is available in the Internet at http://dnb.ddb.de.

1. Aufl. 2005

ISBN 3-938116-09-9
ISSN 1612-1171
(Christian Philosophy Today)

Printed in Germany
Redaktion: Ron Kubsch
Satz: Beate Hebold
Umschlaggestaltung und Gesamtherstellung:
BoD Beese Druck, Friedensallee 76, 22765 Hamburg

Verlag für Kultur und Wissenschaft
(Culture and Science Publ.)
Friedrichstr. 38, 53111 Bonn
Fax 0228/9650389
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Verlagsauslieferung:
Hänssler Verlag
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Introduction

Natural Law after Barth

For the last two or three generations, the topic of natural law has seemed foreign to Protestant thought. Karl Barth's powerful "Nein!," which he proclaimed in response to the Nazi oriented natural theology and ethics of early twentieth century Germany, has continued to echo in the minds of Protestant thinkers in many lands so that the topic of natural law has largely fallen out of discussion in Protestant ethics.[1] And even a cursory reading of the "German Christian" theologians who supported Hitler shows the need at that time for a powerful, decisive response. How dare any one equate the law of the Nazi state with the law of God![2] But a prophetic "Nein" uttered in the midst of a life and death crisis does not necessarily provide a satisfactory foundation for serious social ethical thought for the next century, especially if that "Nein" cuts off a major conceptual resource of the Christian tradition.[3] Indeed, the denial of any place for general revelation and natural law and the neglect of other creation related themes in Christian ethics could easily push the Protestant movement into two opposing extreme positions. Both of these extreme positions arise because it is assumed that without special revelation in Christ and the Scriptures, people do not have any true knowledge of right and wrong. For once general rev-

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1. "Nein" was the German title of Barth's angry essay against his former colleague and friend Emil Brunner in reaction to his essay "Nature and Grace," in which Brunner affirmed general revelation and natural law ethics. But the reader has to see that Barth's "Nein" was more fundamentally aimed at the "German Christians," the Protestant supporters of Adolf Hitler. Some of the "German Christian" writers had written positive reviews of Brunner's publications in the late Twenties and early Thirties. The Barth-Brunner exchange is recorded in *Natural Theology*, edited and introduced by John Baillie, translated by Peter Fraenkel, which includes the article "Nature and Grace" by Emil Brunner and "No!" by Karl Barth. (London: The Centenary Press, 1946).

2. One of the most rabid of the "German Christian" theologians, Friedrich Gogarten, equated the law of the German people with the law of God. See *Einheit von Evangelium und Volkstum?* (Hamburg: Hanseatische Verlagsanstalt, 1933), pp. 8–15.

elation is denied or neglected, Protestant theology does not have a good way to acknowledge any true knowledge of right and wrong that does not come from special revelation.

1. The Ethics of a Separate, Christian Community

Once general revelation and natural law is rejected or ignored, a probable echo one can expect to hear in the Protestant movement will be a recasting of Christian ethics into the ethics of a separate or holy community that has little to say to society as a whole in the realm of ethics. This tendency arises because of two related reasons. First, Christians are not sure they have anything to say to the great moral questions of our age. Second, without any use of general revelation and natural law, Christian language about ethics is very hard to understand for people of other religions or for people of no defined religion. Some Christians may opt for a christological approach to ethics (similar to Barth), whereas other Christians may opt for a biblicistic approach to ethics (probably pietists and fundamentalists), but either approach makes it very difficult for Christians to address the deep moral questions arising in medicine, business and politics in a manner that is understandable to those who do not identify with the Christian message and tradition. If

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[3.] The reports coming from an ecumenical gathering of Catholic and Protestant scholars working on the topic of natural law contains an extremely large number of references to Barth, showing that both Protestant and Catholic scholars see Barth's widespread influence behind the loss of natural law ethics in Protestantism. See Michael Cromartie, ed., *A Preserving Grace: Protestants, Catholics and Natural Law* (Washington, DC: Ethics and Public Policy Center; Grand Rapids: Wm. B. Eerdmans, 1997). A quick review of a small sampling of both popular and more scholarly works in Protestant ethics shows that some writers do not address the topic of natural law, e.g., Carl F. H. Henry, *Christian Personal Ethics* (Grand Rapids: Eerdmans, 1957) and Kenneth L. Gentry, *God's Law in the Modern World* (Phillipsburg: P & R Publishing, 1993). A few other writers mention the topic briefly in a way that invites systematic discussion, e.g., David C. Jones, *Biblical Christian Ethics* (Grand Rapids: Baker Books, 1994), Philip E. Hughes, *Christian Ethics in Secular Society* (Grand Rapids: Baker Books, 1983), John Jefferson Davis, *Evangelical Ethics* (Phillipsburg: P & R Publishing, 1985) and Thomas Schirrmacher, *Ethik*, 3 volumes, (Hamburg: RVB and Nuernberg: VTR, 1994-2001). Other authors raise the topic only to reject any further discussion, e.g., Donald G. Bloesch, *Freedom for Obedience* (Harper & Row, 1987); and J. Douma, *Verantwoord Handelen: Inleiding in de christelijke ethiek* (Kampen: Uitgeverij Van Den Berg, 1992).

everything said about justice, faithfulness, honesty or mercy is based only upon a citation from the Bible or an analogy with Christ, Christian perspectives on moral questions would soon be seen as having legitimacy only within the distinct community formed by the Christian message.

The element of truth in this "ethics of community" tendency has been recognized by all those who have learned from Alasdair MacIntyre that conceptions of rationality and justice are partly tied to a particular community or tradition.[4] Whatever a person says on any serious topic is deeply influenced by that person's overall worldview, which has religious roots and is communicated by a community and tradition.[5] Lesslie Newbigin is surely right in his claim that the Christian life is "one in which we live *in* the biblical story as part of the community whose story it is."[6] Christian ethics clearly are the ethics of the community that accepts the Christian message and scriptures, and there probably is a need for Christian moral and pastoral writers who will more effectively motivate the Christian community to fully incarnate and practice the message it has received. This will lead to a lifestyle different from that of those who do not yet accept the Christian message and scriptures.

The main weakness of the "ethics of community" approach is that it does not sufficiently challenge the destructive plausibility structure of the developed world. That plausibility structure separates facts from values, and "truth" (usually meaning information in the natural sciences) from opinion, putting any religiously based ethics into the realm of opinions about values. Christian belief and Christian ethics are not

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4. Alasdair MacIntyre, *Whose Justice? Which Rationality?* (University of Notre Dame Press, 1988). Those who have read C. S. Lewis may hear a little exaggeration in MacIntyre's title. See C. S. Lewis, *The Abolition of Man: How Education Develops Man's Sense of Morality* (New York: Collier Books, 1947) and *Mere Christianity* (New York: Macmillan, 1943), especially the first part, "Right and Wrong as a Clue to the Meaning of the Universe." See also the discussion of Lewis later in this work.

5. See Roy A. Clouser, *The Myth of Religious Neutrality: An Essay on the Hidden Role of Religious Belief in Theories* (University of Notre Dame Press, 1991).

6. Lesslie Newbigin, *The Gospel in a Pluralist Society* (Geneva: WCC Publications and Grand Rapids: Eerdmans, 1989), p. 99.

seen as public truth; the faith is interpreted as being private opinion. This not only makes Christians doubt the relevance of the faith to important areas of public life, but also leaves western society with a plausibility structure of a highly individualistic relativism that destroys people and communities, leaving a despair of meaning.[7] Morally sensitive people should be driven to tears by the way that a lack of moral guidance is destroying people, marriages, families, businesses and institutions. And many who are not Christians might appreciate hearing about moral principles that make life flourish; they may also find an explanation of their heart cry for real values to be something enticing.

A further weakness that comes with the denial or neglect of general revelation and natural law is a misinterpretation of Christian ethics. Statements by Christians in the realm of ethics tend to be misinterpreted as the arbitrary impositions of an irrational or non-existent deity that do not serve the human good and do not connect with the natural sense of a need for values like justice, faithfulness and love. Love of our neighbors, both Christians and non-Christians, certainly requires some serious re-thinking.

2. The Ethics of Domination

The polar opposite of the ethics of the Christian community is the ethics of domination. For this perspective there are two starting points. First, the post modern world is interpreted as being in crisis due to the lack of a moral foundation for public life. Second, God's law as given in the Ten Commandments or in the entire Old Testament is seen as providing the moral foundations needed for any society. Therefore the task of the Christian community is to use political and educational means to impose God's law on the world today. All legitimate laws

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7. This assessment of the present plausibility structure comes from Newbigin and from David G. Myers, *The American Paradox: Spiritual Hunger in an Age of Plenty*, Foreword by Martin E. Marty (New Haven and London: Yale University Press, 2000). See also Richard John Neuhaus, *The Naked Public Square: Religon and Democracy in America* (Grand Rapids: Eerdmans, 1984).

and public policies are to be drawn from (or to at least be consistent with) the Ten Commandments or the entire Mosaic law, even if this leads to a large reduction in freedom of religion and freedom of speech and the loss of many other freedoms associated with modern democracy. Once one starts on this line of thought it is difficult to see why one should not advocate a theocracy or a return to Christendom.[8] The starting point for this line of thinking is that there is no knowledge of right and wrong unless that knowledge is derived from the special revelation of God in Scripture. Because legitimate laws need a moral foundation, legitimate laws will be very closely tied to the Bible. A typical representative of this line of thought, H. B. Harrington, says, "We must reject any personal or social ethic that is grounded on general revelation rather than on biblically revealed principles of conduct." It is not too surprising that a few paragraphs later he confesses, "I have always preferred to refer to myself as a 'Christian theocrat.'"[9] Non-Christians may be forgiven for wondering how this is different from a Muslim attempt to impose the Shariah law on modern society.

The element of truth in this approach is that if there truly is a moral law that comes from God, at least from God's perspective, it would not be restricted in its application to a realm of private opinion. It should be applicable to all people everywhere. This sounds very attractive for people who live in an age of moral uncertainty. Further, this approach is obviously radical in its attack on the modern plausibility structure; therefore, it appeals to people who very properly should want to be prophetic. However, this approach suffers from two massive internal theological problems, regardless of how it might be perceived in postmodern secular/pluralistic society. First, it is in danger of reducing the Christian faith into a new law, instead of the faith primarily being a message about the grace of God. And second, it makes too many anal-

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8. It is quite disturbing that in rather traditional Reformed and Presbyterian circles in the US, a large number of thinkers and pastors seem to lean toward some variety of theocratic or semi-theocratic model of Christian social ethics. See *God and Politics: Four Views on the Reformation of Government*, ed. Gary Scott Smith, forward by John H. White (Phillipsburg: Presbyterian and Reformed, 1989).

9. "The National Confession Response to Theonomy," Ibid. pp. 68, 69.

ogies between the covenantal societies of Israel and Judah in the Old Testament and modern governments. No modern nation claims to have come into existence as the direct result of an act of God's redemption in the way that ancient Israel and Judah made that claim. In a certain sense the "ethics of domination" thinks very much like the "ethics of community" with one crucial difference: the "ethics of domination" views all people on earth as if they are or soon will be part of the Christian community. Of course notions like this are a part of the Christian hope. But is this not a confusion of eschatological hope for the future with moral responsibility today?

3. The Problem Illustrated

In an important sense the ethics of Karl Barth should be understood as an attempt to articulate an ethics of community that also has some characteristics of an ethics of domination. He was very clear that even in the realms of diplomacy and the structure of government, "We have argued not from a conception of 'natural law' but from the gospel."[10] He was able to talk this way because he thought of the Christian community and the civic community as being two concentric circles, the Christian community being the inner circle and the civic community being the outer circle. And one must reason by analogy from the inner circle to the outer circle. We should, "regard the existence of the State as an allegory, as a correspondence and an analogue to the Kingdom of God which the Church preaches and believes in. Since the State forms the outer circle, within which the Church, with the mystery of its faith and gospel, is the inner circle, since it shares a common centre with the Church, it is inevitable that, although its presuppositions and its tasks are its own and different, it is nevertheless capable of reflecting indirectly the truth and reality which constitute the Christian community."[11]

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10. Karl Barth, "The Christian Community and The Civil Community," in *Community, State and Church: Three Essays by Karl Barth*, edited and introduced by Will Herberg (Anchor Books, 1960), p. 180.

11. Ibid. p. 169.

Therefore Barth uses a series of analogies to argue from the gospel to reach conclusions in the social-political realm. His examples are worthy of attention, since they illustrate the problem to be addressed. Some of his examples will be understandable to people who are thoroughly familiar with the Christian message and tradition. For example,

> *The Church is witness of the divine justification, that is, of the act in which God in Jesus Christ established and confirmed His original claim to man and hence man's claim against sin and death. ... This means that the Church will always be found where the order of the State is based on a commonly acknowledged law from submission to which no one is exempt, and which also provides equal protection for all.*[12]

This analogy makes sense at least for people who are quite familiar with the classical Protestant understanding of justification. Justification as an explanation of the gospel is understood within a context of stable, binding laws that govern human relations and our relation to God. That should lead believers to advocate the rule of law in society. But Barth's presentation only makes sense for people who are already quite familiar with Christian beliefs.

Another of Barth's Christological analogies that may be understandable for Christians claims, "The Church is witness of the fact that the Son of man came to seek and to save the lost. ... The Church must stand for social justice in the political sphere."[13] If "social justice" means protecting the weak and helpless, this argument has some plausibility within the Christian framework, though it may not make a great deal of sense for someone who is not familiar with Christian beliefs.

Other Barth analogies will strike the Christian reader as strange and some will be totally incomprehensible to non-Christians. For example, "Since the Church is aware of the variety of the gifts and tasks of the one Holy Spirit in its own sphere, it will be alert and open in the political sphere to the need to separate the different functions and "powers"

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12. Ibid. p. 172.

13. Ibid. p. 173.

– the legislative, executive and judicial – inasmuch as those who carry out any one of these functions should not carry out the others simultaneously."[14]

Another of Barth's model examples of what he regarded as proper moral reasoning will puzzle almost all readers. "The Church lives from the disclosure of the true God and His revelation, from Him as the Light that has been lit in Jesus Christ to destroy the works of darkness. ... The inevitable political corollary of this is that the Church is the sworn enemy of all secret policies and secret diplomacy."[15]

Moral reasoning of this sort attempts to move too easily from the message that properly shapes the Christian community to particular political principles. It is both an ethics of community and an ethics of domination with echoes of our Constantinian past. Barth was very clear that his method of reasoning resulted from his rejection of natural law ethics, but it has tragic results. It leaves the Christian community unable to explain public responsibility to its own members and it leaves the civic community without any Christian contribution to public ethics.

4. The Need

To overcome the dilemma just described, it seems wise to take a new look at the traditional natural law theory, then to look at the main reasons it was rejected by Protestants in the twentieth century, and then to look at some of the attempts to revive natural law thinking to see how these newer attempts fit with the traditional view and to see if they stand up to recent theological criticisms. In this way it may be possible to redevelop an authentically Protestant and theologically credible way of talking about natural law that speaks to the moral needs of today and that threads a way of responsibility between the poles of the "ethics of community" and the "ethics of domination."

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14. Ibid. p. 175.

15. Ibid. p. 176.

Chapter 1

The Traditional View and Its Rejection

Both the ethics of the believing community and the ethics of domination stand in contrast with traditional natural law ethics. Thomas Aquinas (1225–1274) is generally regarded as the classical Christian spokesman and theorist on the topic of natural law. He summarized much of the previous Christian thought regarding natural law in his scheme of four types of law, eternal, natural, human and divine. This framework avoids both horns of the dilemma, acknowledging the particularity of Christian ethics affirmed by the ethics of the believing community, and acknowledging the need for a moral basis for public life affirmed by the ethics of domination, while avoiding the need for an explicitly religiously grounded public life. This merits explanation.

Aspects of the Traditional View

Aquinas' scheme of four types of law systematized ideas developed over the preceding centuries of discussion in Christian ethics.[16] His framework was more or less assumed by the main Protestant Reformers,[17] but one seldom sees it mentioned in twentieth century discussions of Protestant ethics.

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16. Jean Porter, Natural & Divine Law: *Reclaiming the Tradition for Christian Ethics* (Cambridge and Grand Rapids: Eerdmans; Ottawa: Novalis, 1999). Foreword by Nicholas Wolterstorff. An excellent general introduction to Aquinas' theory of natural law is found in J. Budziszewski, *Written on The Heart: The Case for Natural Law* (Downers Grove: InterVarsity Press, 1997), pp. 51–94.

17. See the good articles by John T. McNeill, "Natural Law in the Thought of Luther," *Church History*: X (1941): 211–227; and "Natural Law in the Teaching of the Reformers," *The Journal of Religion*: XXVI (1946): 168–182. See also Paul Althaus, *The Ethics of Martin Luther*, translation and forward by Robert C. Schultz (Philadelphia: Fortress Press, 1972), and I. John Hesselink, *Calvin's Concept of the Law* (Princeton Theological Monograph Series, Kikran Y. Hadidian, General Editor; Allison Park: Pickwick Publications, 1992).

Aquinas claimed that the eternal law is that law which exists eternally in God's reason. "Since the Divine Reason's conception of things is not subject to time but is eternal according to Prov. Viii 23, therefore it is that this kind of law must be called eternal."[18] And he adds, "His law is not distinct from Himself."[19] Using terms reminiscent of Plato or Augustine, Aquinas sometimes refers to the eternal law as the type, idea, or exemplar of law that exists in the mind of God.[20] One might call it a "universal." All "knowledge of truth is a kind of reflection and participation of the eternal law, which is the unchangeable truth, as Augustine says (*De Vera Relig.* xxxi.)."[21] Only "the blessed" know the eternal law as it is in itself, for they see God. For now we must be satisfied with knowing only a reflection of the eternal law.

The natural law, according to Aquinas, is the "participation of the eternal law in the rational creature."[22] The natural law is how God reveals his will through creation. "The natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him naturally."[23] The natural law is so deep an imprint of the Divine light on the human mind that it can be called "the light of natural reason,"[24] which enables us to discern good and evil. The "common principles" of the natural law are known at least to some extent by all people,[25] though not all have equal degrees of wisdom. The precepts of the natural law in the human mind are the self-evident, indemonstrable first principles of practical reason that instruct us to seek the good and avoid evil. While some propositions about the natural law may only be self-evident to the wise, all people use the natural law when, by practical reason, they identify goods to pursue and evils to avoid.[26] And

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18. Thomas Aquinas, *Treatise on Law (Summa Theologica* Questions 90–97), with an introduction by Stanley Parry (South Bend: Regnery/Gateway, Inc., no date), p. 13. The quotation is from S.T. 91:1.
19. Ibid.
20. Ibid. p. 38. S.T. 93:1.
21. Ibid. p. 41. S.T. 93:2.
22. Ibid. p.15. S.T. 91:2.
23. Ibid. p. 11. S.T. 90:4.
24. Ibid. p. 15. S.T. 91:2.
25. Ibid. p. 41. S.T. 93:2.

while sin can blot out the natural law in particular cases, yet the knowledge of the general principles of the natural law cannot be totally blotted out by sin; all people know the difference between good and evil and know that they should pursue the good and avoid evil.[27]

The human law is framed by human lawgivers and given to the community for the common good of the state.[28] The human law is intended to promote peace and virtue, while protecting the innocent from the wicked. Aquinas thought it is better to have written laws than to have all matters decided by judges personally, and that for three reasons. Not all judges have the wisdom to frame just laws. A particular case before a judge does not allow enough time for the formulation of just laws. And it is better to have laws written in the abstract when people are not so effected by the loves and hatreds arising in particular conflicts.[29]

The divine law is the special revelation of God in the Old and New Testaments. Aquinas found four major reasons why it is necessary to have a divine law in addition to the natural law and the human law. First, the divine law is oriented to man's eternal happiness in a way that the natural and human laws are not. Second, because the human and natural laws use fallible human judgements, God also gave a law that allows us to know some things without doubt. Third, the divine law judges hidden, interior motivation in a way the human law cannot. Fourth, human law cannot forbid all evil without also hurting the common good; it is left to the divine law to forbid all evil.[30]

A crucial element in Aquinas' theory of law is that the human law is to be derived from and evaluated primarily by the natural law, not primarily by the divine law. This means that matters in the legal-political sphere of life are to be evaluated primarily by those principles of justice which God built into human practical reason, not by the revelation in Scripture or in Christ. In the words of Aquinas, "the force of law

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26. Ibid. pp. 58–60. S.T. 94:2.
27. Ibid. p. 72. S.T. 94:6.
28. Ibid. p. 85. S.T. 95:4.
29. Ibid. p. 76. S.T. 95:1.
30. Ibid. pp. 20–22. S.T. 91:4.

depends on the extent of its justice ... But if in any point it deflects from the law of nature, it is no longer a law but a perversion of law."[31] Further, "It belongs to the notion of human law to be derived from the law of nature."[32] And in his evaluation of political tyranny he says, "A tyrannical law, through not being according to reason, is not a law, absolutely speaking, but rather a perversion of law."[33]

The problem that arises for Christian ethics is how to provide a moral evaluation of public life in the political and legal spheres if there is no use of natural law. One could evaluate human law by means of divine law, which leads to a method of ethics that sounds like an ethics of domination, and makes the implicit assumption that public leaders know nothing about right and wrong which they did not learn from the revelation in Scripture and in Christ. If one wants to reject natural law and does not want to evaluate public injustice on the basis of divine law, one might say that Protestant ethics has nothing to say about public life; but this is a very dubious perspective for people who would honor the memory and message of the prophets. Or if one rejects natural law and does not want to evaluate public life on the basis of divine law, one could use an alien moral principle or method that has nothing to do with God as Christians understand God; but this also seems to be a very dubious move for anyone who thinks God might really be God. So one needs to ask exactly why natural law theory was rejected in Protestant thought.

The Rejection of Natural Law in Protestantism

Karl Barth led the way in rejecting natural law and natural revelation in Protestant theology and ethics. Most of the other thinkers who reject natural law are either followers of Barth or have been in some way

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31. Ibid. p. 78. S.T. 95:2.
32. Ibid. p. 84. S.T. 95:4.
33. Ibid. p. 33. S.T. 92:1.

influenced by the climate of opinion shaped by Barth's thought, that rejects the biblical-classical synthesis of the west in previous centuries. So we must first look at Barth and then at two later thinkers.

1. Karl Barth

"Human righteousness is, as we have seen, in itself an illusion: there is in this world no observable righteousness. There may however, be a righteousness before God, a righteousness that comes from Him."[34] With words like these Barth rejected the synthesis of Christianity with European culture and philosophy, a synthesis which he thought went back at least as far as Schleiermacher and which, he claimed, led to the religious endorsement of nationalism and militarism.[35] Barth was not so much addressing a single or particular theological issue as much as calling into question a whole pattern of the relation of the Christian faith to western culture, a pattern often called "Culture Protestantism."[36] This pattern reduced Christianity to being the religious component or dimension of the best in the West. Barth's comments on the thought of Schleiermacher typify his assessment of the whole cultural tradition. According to Schleiermacher, he writes, "The most authentic work of Christianity is making culture the triumph of the Spirit over nature, while being a Christian is the peak of a fully cultured consciousness. The kingdom of God, according to Schleiermacher, is totally and completely identical with the progress of culture."[37] Further, for Schleiermacher, according to Barth, the "existence of

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34. Karl Barth, *The Epistle to the Romans*, translated from the sixth edition by Edwyn C. Hoskyns (London, Oxford, and NewYork: Oxford University Press, 1933), p. 75.

35. See Robin W. Lovin, *Christian Faith and Public Choices: The Social Ethics of Barth, Brunner, and Bonhoeffer* (Philadelphia: Fortress Press, 1984), pp. 18–44; and Arthur C. Cochrane, The Church's Confession Under Hitler (Philadelphia: Westminster, 1962); Robert P. Ericksen, *Theologians Under Hitler: Gerhard Kittel, Paul Althaus, and Emanuel Hirsch* (New Haven and London: Yale University Press, 1985); and "The Social Philosophy of Karl Barth" by Will Herberg in *Community, State and Church: Three Essays* by Karl Barth edited by Will Herberg (New York: Anchor Books, 1960).

36. On the general topic of Culture Protestantism see C. J. Curtis, *Contemporary Protestant Thought* (New York: The Bruce Publishing Company, 1970), pp. 97–103.

churches is really an 'element that is necessary for the development of the human spirit.'"[38] Barth shows his own concerns when in dialog with Schleiermacher he suggests that real theologians "should seek the secret of Christianity beyond all culture."[39] Barth's witness is that God stands over against even the best in human culture as both the Judge and Redeemer.

A crucial part of this subordination of Christianity to the best in European culture, claimed Barth, was the doctrine of general revelation and the associated natural theology. Though Barth had been speaking out against natural theology for some time before the rise of National Socialism, Hitler's rise to power and the amount of religious support for Hitler brought the issue to a point. "The question became a burning one at the moment when the Evangelical Church in Germany was unambiguously and consistently confronted by a definite and new form of natural theology, namely, by the demand to recognise in the political events of the year 1933, and especially in form of the God-sent Adolf Hitler, a source of specific new revelation of God, which, demanding obedience and trust, took its place beside the revelation attested in Holy Scripture, claiming it should be acknowledged by Christian proclamation and theology as equally binding and obligatory." This would lead to "the transformation of the Christian Church into the temple of the German nature-and history-myth."[40]

However, Barth did not want the immediate crisis of National Socialism to blind Christians to the broader problem of which the church's endorsement of Hitler was merely a particular manifestation.

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37. "Kultur als Triumph des Geistes ueber die Natur ist das eigenste Werk des Christentums, wie Christlichkeit ihrerseits die Spitze eines durchkultivierten Bewusstseins ist. Das Reich Gottes ist nach Schleiermacher mit dem Fortschritt der Kultur schlechterdings und eindeutig identisch." Karl Barth, *Die protestantische Theologie im 19. Jahrhundert* (Zurich: Evangelischer Verlag, 1946), p. 388.

38. "Das Bestehen von Kirchen ueberhaupt 'ein fuer die Entwicklung des menschlichen Geistes notwendiges Element.'" Ibid. p. 396.

39. "das Geheimnis des Christentums noch jenseits von aller Kulture suchen wollten." Ibid. p. 388.

40. Karl Barth, *Church Dogmatics: A Selection*, Selected with an introduction by Helmut Gollwitzer. Translated and edited by G. W. Bromiley. (New York: Harper and Row, 1962), p. 55. The selection is from CD II,1.

"The same had already been the case in the developments of the preceding centuries. There can be no doubt that not merely a part but the whole had been intended and claimed when it had been demanded that side by side with its attestation in Jesus Christ and therefore in Holy Scripture the Church should also recognise and proclaim God's revelation in reason, in conscience, in the emotions, in history, in nature and in culture and its achievements and developments."[41] And Barth adds, "If it was admissible and right and perhaps even orthodox to combine the knowability of God in Jesus Christ with His knowability in nature, reason and history, the proclamation of the Gospel with all kinds of other proclamations ... it is hard to see why the German Church should not be allowed to make its own particular use of the procedure."[42]

That is why Barth saw the Barmen Confession (May 31, 1934), of which he was the principle author, as not only a response to the particular problem of the German Christian movement that supported Hitler but also as an attempt to purify the entire evangelical church of the problem of natural theology. One must read the Barmen Confession as a rejection of natural revelation and natural theology, which were interpreted as leading to the subordination of Christianity to the best or worst of European culture, when it claims, "Jesus Christ, as He is attested to us in Holy Scripture, is the one Word of God, whom we have to hear and whom we have to trust and obey in life and in death. We condemn the false doctrine that the Church can and must recognise as God's revelation other events and powers, forms and truth, apart from and alongside this one Word of God."[43]

In contrast with any approach that claims to encounter God through natural theology, natural revelation, natural law, or National Socialism, Barth proclaimed that God is known only through his Word,

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41. Ibid. On this topic see the excellent treatment in Bruce Demarest, *General Revelation: Historical Views and Contemporary Issues* (Grand Rapids: Zondervan, 1982), pp. 115–134.

42. Ibid. p. 57.

43. This is the first article of the Barmen Confession as quoted by Barth, Ibid. p. 54. The entire text of the Barmen Confession appears in Cochrane, op cit.

which means only through Christ. Any other approach, he claimed, reduced the Christian faith to a mere religious dimension of western culture.

Barth's approach may be illustrated by his discussion of the traditional Protestant topic of the relation between law and gospel. He thought that sinful humans were very inclined to give the rank and title "law of God" to some demand that does not come from God at all. That is why he recommended changing the traditional phrase "law and gospel" to "gospel and law." "Anyone who really and earnestly would first say Law and only then, presupposing this, say Gospel would not, no matter how good his intention, be speaking of the Law of God and therefore then certainly not his Gospel."[44] The order "law and gospel" used by Protestants since the Reformation assumed that there was a revelation of God's law that came through creation.[45] But this order, Barth thought, left one in danger of giving the title "law of God" to demands that came from the German people or from the Fuehrer. To avoid such a travesty he said, "Gospel and Law," to emphasize that we only know for sure that a law is from God if it follows the gospel. And when he says, "the Law is in the Gospel, from the Gospel and points to the Gospel" it is to make sure everyone knows that "we must first of all know about the Gospel in order to know about the Law, and not vice versa."[46]

To conclude Barth's critique of natural theology/natural law thinking, we should notice one final point. Barth claimed that natural law thinking robbed people of courage when they had to face and confront evil. "All arguments based on natural law are Janus-headed. They do not lead to the light of clear decisions, but to misty twilight in which all cats become gray. They lead to – Munich."[47] Barth's great courage in resisting the Nazis, as he saw it, arose from his starting point in hear-

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44. Karl Barth, "Gospel and Law," as found in *Community, State and Church: Three Essays by Karl Barth* edited and with an introduction by Will Herberg, (New York: Anchor Books, 1960), p. 71.

45. See Hans O. Tiefel, "The Ethics of Gospel and Law: Aspects of the Barth-Luther Debate." Ph.D. dissertation, Yale University, 1967.

46. Barth, "Gospel and Law," p. 72.

ing the revelation of God in Jesus Christ. He thought any other basis for ethics, whether natural law or any other method, led to moral compromise.

2. Helmut Thielicke

Helmut Thielicke's rejection of natural law broadly follows Karl Barth, who was one of his first theology professors in Bonn in the early Thirties. Nevertheless, Thielicke added a number of considerations that are worthy of separate discussion. One can start with his biblical exegesis. Whereas traditionally Protestants had associated the Ten Commandments with natural law, Thielicke associated the Ten Commandments with "natural lawlessness."[48] Noting the negative structure of most of the commandments ("thou shalt not ...") he claims, "There is within this negativity a protest against man as he actually is."[49] This is the opposite, he claims, of the assumptions that inform natural law theories. "The order of being presupposed in all conceptions of natural law can be assumed only on the presupposition that the fall has only a comparatively accidental but not an essential significance."[50] "Natural law and the Decalogue in fact belong to completely different worlds."[51] Rather than connecting with a natural law within human

47. Barth as quoted in Herberg, ed. p. 49. The reference to "Munich" is to the Munich Agreement of 1938 in which France and Britain permitted the Nazi takeover of the part of Czechoslovakia called the "Sudentenland." It became a watchword for the futile appeasement of totalitarianism.

48. Helmut Thielicke, *Theological Ethics: Volume 1: Foundations*, edited and translated by William H. Lazareth (Grand Rapids: Eerdmans, reprint edition, 1984; copyright Fortress Press, 1966), p. 444. The material about Thielicke is broadly dependent on Thomas K. Johnson, "Helmut Thielicke's Ethics of Law and Gospel," Ph.D. dissertation, University of Iowa, 1987. As an example of the traditional Protestant view, John Calvin claimed natural law, "which we have above described as written, even engraved, upon the hearts of all, in a sense asserts the very same things that are to be learned from the two Tables." *Institutes of the Christian Religion*, ed. John T. McNeill, trans. Ford Lewis Battles (Philadelphia: The Westminster Press, 1960), II.vii.1. This same connection with the Ten Commandments is present in most of the Protestant Reformers. See the above cited articles by John T. McNeill.

49. Ibid. p. 441.

50. Ibid. p. 443.

51. Ibid. p. 444.

nature, Thielicke claimed, the Ten Commandments harshly confront and condemn our natural lawlessness.

This relates closely to the problems Thielicke saw within Culture Protestantism. Whereas "The Decalogue is expressly set down within the context of a dialogue"[52] meaning a dialogue with God in personal faith, natural law and Culture Protestant ethics conceive of moral decisions as being made by solitary egos, seeing God as merely the distant author of moral laws.

> *Culture Protestantism makes Christianity into a form of the world (Weltgestalt) in the sense that the commands of God – including the command to love one's neighbor – are detached from the divine auctor legis and from the relationship of decision and faith with this author. One could also say that Culture Protestantism tends to separate the second table of the law from the first Commandment (I am the Lord your God; you shall have no other gods besides me.) and then represents the individual commandments as maxims of Christian behavior.*[53]

Thielicke thought that as soon as the commands of God are separated from their source, they undergo a change of meaning that leaves them significantly different from what they were intended to be. Specifically, biblical moral prescriptions are easily subject to ideological perversion once they are separated from God. For example, Thielicke thought the maxim "Gemeinnutz geht vor Eigennutz" ("The interests of the group come before the interests of the individual.") is a possibly legitimate application of the biblical love command. But it was used by the Nazis to support their program that was initially called "Christianity of Action" and was later called "Socialism of Action." Thielicke also saw in the early works of Karl Marx a secularized form of expression of Christian love, but once this love command was separated from its Source and integrated into the system of historical materialism, the meaning of the command was substantially changed.[54] Any moral the-

52. Ibid. p. 442.

53. Helmut Thielicke, *Kirche und Oeffentllichkeit: Zur Grundlegung einer lutherischen Kulturethik* (Tuebingen: Furche Verlag, 1947), p. 44.

ory that allows any independence of a moral command from God risks serious ideological perversion. "Only the one who stands in personal contact with the Lord of the First Commandment, as one who has been called and who follows, recognizes that the commands of God are something 'wholly other.'"[55]

Thielicke not only took a new direction in interpreting the Ten Commandments; he also took a new direction in interpreting the Sermon on the Mount that fits with his rejection of natural law ethics.

> *The harsh and apparently alien aspect of the Sermon on the Mount is its true point. It makes its demands with no regard for constitutional factors such as the impulses or for the limitations imposed on my personal will by autonomous structures. ... It does not claim me merely in a sphere of personal freedom. It thus compels me to identify myself with my total I. Hence I have to see in the world, not merely the creation of God, but also the structural form of human sin, i.e., its suprapersonal form, the "fallen" world. ... I have to confess that I myself have fallen, and that what I see out there is the structural objectification of my fall.*[56]

Whereas Culture Protestants, natural law theorists and "German Christians" generally saw societal structures as the result of creation, perhaps calling them "creation orders," Thielicke saw them as resulting from the Fall. Other views, he claimed, resulted from minimizing the total demand of God encountered in the Sermon on the Mount and left people without a complete sense of responsibility for all their actions.

This fits with Thielicke's discussion of the problem of "autonomous norms" (*Eigengesetzlichkeit* in German). To appreciate Thielicke's comments one must keep in mind Barth's concern that people tend to

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54. Helmut Thielicke, *Vernunft und Existenz bei Lessing: Das Unbedingte in der Geschichte* (Goettingen: Vandenhoeck & Ruprecht, 1981), p. 49.
55. *Kulturethik*, pp. 45,46.
56. Helmut Thielicke, *The Evangelical Faith: Volume Two: The Doctrine of God and of Christ*, translated and edited by Goeffrey W. Bromiley (Grand Rapids: Eerdmans, 1977), p. 248.

call a law "the law of God" or grant a moral authority to a norm that it absolutely should not have.

> *Since Kant the fact is known and deeply rooted in our thinking that the individual spheres of life are endowed with their autonomous norms (Eigengesetzlichkeit). He imputed this autonomous structure principally to the spheres of meaning (Sinngebiete) of the ethical, the esthetical and the theoretical. More recently one has learned to reckon with the autonomy of all the historical spheres of life; one knows of the autonomy of the state, of economic life, of law and of politics. One grants each of these historical spheres an autonomous structure because it is endowed with a constituting principle, from which all its proper functions can be derived.*[57]

Because people think there are "immanent principles which so control the processes involved as to make them proceed automatically,"[58] people tend to say business is business, art is art, politics is politics. People talk and act as if there is some kind of natural law or law of nature in each sphere of society that has its own validity and authority. But rather than falsely seeing these norms, whether in business, art, politics, or whatever as coming from God, Thielicke sees these norms as the expression of our fallenness. They are structural expressions of sin, not creation orders in which we encounter a God-given natural moral law. And if one of these immanent principles or autonomous norms is absolutized, turned into an idol, the great secular ideologies like National Socialism or Communism tend to arise.[59]

Thielicke claimed that all natural law theories of ethics made two crucial assumptions: (1) That there is a perceptible order of being or

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57. Helmut Thielicke, *Geschichte und Existenz: Grundlegung einer evangelischen Geschichtstheologie* (Guetersloh: Verlag C. Bertelsmann, 1935), p. 46.
58. TE, 2, p. 71.
59. TE, 2, p. 72. There is a very similar discussion of the topic of autonomous norms in the work of the Danish thinker N. H. Soe. See his *Christliche Ethik* (Muenchen: Chr. Kaiser Verlag, 1957). The similarity of the two discussions by two thinkers who were both deeply influenced by Karl Barth suggests that this type of assessment of societal structures flows from the basic lines of Barth's theology.

structure of the world that can be traced back to creation. (2) Human reason is largely untouched by sin so that this moral order can be perceived by all people.[60] From the preceding discussion it should be clear that Thielicke did not think the current structure of our world could be traced back to creation. In addition it should be noted that Thielicke claimed human reason is not able to discern the good without revelation. Human reason is so distorted by sin that it is the expression of human fallenness and therefore unable to ethically evaluate fallen humanity.[61]

Thielicke thought that Protestant ethics needed to go through a process of purification similar to the purification of Protestant theology that occurred during the Reformation. This means purifying Protestant ethics of any notion of natural law as an analogy to purifying Protestant theology of salvation by works. "Man's incapacity to justify himself by good works is logically to be augmented by, or integrated with, a similar incapacity truly to know the will and commandment of God."[62] All Protestant ethics should be only an ethics of justification by faith alone. This leaves no place at all for any notion of natural law or an ethics of general revelation.

3. H. Evan Runner

H. Evan Runner is a North American follower of the "Philosophy of the Cosmonomic Idea," crafted by the Dutch Calvinist thinker Herman Dooyeweerd (1894–1977). While this movement was not under much direct influence from Barth or Thielicke, yet it has some important similarities. Like Barth, the Dooyeweerdians are generally very critical of the medieval synthesis of the biblical and classical traditions, thinking this synthesis led to the secularization of Europe. And like

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60. TE, 1, p. 388.

61. Helmut Thielicke, *Theologische Ethik,* Band II,1: *Entfaltung* 1. Teil: *Mensch und Welt* (Tuebingen: J. C. B. Mohr, 1955), pp. 371-383. Unfortunately his "Theological Critique of Reason" does not appear in the English edition.

62. TE 1, p. 326. What Thielicke says on this topic can be seen as a development of related themes in Barth's writings. See Barth, "No!" in *Natural Theology*, p. 97.

Barth, this movement is very critical of any synthesis of Christian beliefs with Enlightenment or post-Enlightenment European culture.

In a speech delivered in 1957 in Calgary, Alberta, Canada, Runner argued vehemently that modern Calvinism should completely reject natural law theory.[63] Runner thought we should trace the origins of modern natural law theory to the deist philosophy of Lord Herbert of Cherbury (1583–1648), especially seen in his book, *De Veritate* (1624). In an age of raging conflict that was devastating Europe, Herbert advocated a "universal" religion and a "universal" law that could overcome the conflicts between men. Obviously this deprives Christianity of distinctiveness, which Runner thinks is clearly wrong.

Just a year later came Hugo Grotius' *De Jure belli et pacis* (1625). According to Runner's interpretation, Grotius sharply distinguishes the Law of God from the Law of Nature. And though Grotius believed in the Law of God, he thought the foundation of public life in Europe should be the Law of Nature, not the Law of God. These ideas were further developed a generation later by Samuel Pufendorf, who also sharply distinguished the plane of divine revelation from the plane of natural law. And thus, argues Runner, a whole new outlook developed that was contrary to Reformed religion. Man is no longer seen as a covenantal being whose meaning is found in relation to God. Man is now seen as a rational-moral being who has within himself a proper guide to life and the ability to act according to this guide. Though "Such men did not hesitate to leave Revelation and the Kingdom of Christ to the private lives of those who showed some concern for these matters," yet "These were the men who took up with unfailing confidence the building of the Kingdom of Man on Earth. Communism is one form of the general pattern."[64]

In this way Runner thinks the medieval dualistic scheme of Nature/Grace came back into Protestant lands with disastrous results. The

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63. "The Development of Calvinism in North America on the Background of its Development in Europe." As far as I know, this valuable lecture was never published. Its importance is shown by its presence in a very crude format in various libraries. I think illness may have prevented Runner from completing the project.
64. Runner, p. 8.

medieval synthesis, he thinks, was really an attempt to hold on to pagan philosophy in the realm of Nature while adding Christian beliefs in the restricted realm of Grace or Supernature. Runner and the other thinkers in his movement are quite critical of the Protestant Reformers for not more completely replacing the medieval Nature/Grace framework with an authentic evangelical philosophy. And because the Reformers failed in this important task, the Nature/Grace framework came back into Protestant thought and culture shortly after the Reformation. The theology of Melanchton already shows terrible signs of this trend. The Nature/Grace framework of thought made Revelation and the Christian faith irrelevant to the important areas of law, politics and business, in this way contributing to the secularization of western culture. Natural law theories, whether Protestant or Catholic, are an important part of Nature/Grace dualism. Therefore, argues Runner, Reformed Christians should reject any theory of natural law as part of rejecting Nature/Grace dualism and secularization.

4. Reflections

We have seen three very serious types of reasons for rejecting natural law as a part of Protestant theology and ethics. For Barth, natural law is part of the natural theology that reduced the Christian faith to the religious dimension of western culture and lost sight of the otherness of God. Thielicke claims that human life is largely structured by sin and human reason is so heavily shaped by sin that reason cannot derive any reliable moral norms from the structure of human life. Runner sees natural law as part of the Nature/Grace dualism that contributed to the secularization of western civilization. The rejection of natural law by Barth, Thielicke and Runner leaves the impression that our non-Christian neighbors can have no true knowledge of right and wrong, unless that knowledge is derived from Christ or the Bible. This, in turn, pushes the Christian community toward either an “ethics of community” or an “ethics of domination.”

However there are some questions that need to be raised by way of response. First to Evan Runner: is it possible that the type of natural

law theory one sees in Aquinas, Luther and Calvin is substantially different from that found in Grotius and Pufendorf? Is it possible that Grotius and Pufendorf put natural law theory within a Nature/Grace dualistic framework, but that Aquinas, Luther and Calvin used natural law theory without this dualism? Is it possible that classical Christian natural law theory as seen in Aquinas, Luther and Calvin is part of their doctrine of creation, that tends to overcome dualistic tendencies?

Of Thielicke's perspective some other questions must be raised. Is it possible that natural law does not assume that reason is sinless but rather that the general revelation of God's moral demand is the key element that makes moral reason possible, even when our moral reason may be defending itself against God's demand? Is it possible that the structural expression of sin assumes a deeper structure of life given in creation that still exists in a distorted manner? Does not the confrontation of our natural lawlessness by the law of God assume that people have some vague idea that murder, stealing and lying are wrong?

And of Karl Barth's courageous confrontation of the moral and theological weakness of Protestantism a question must also be raised. Is it possible that his grasp of the otherness of God and the need for revelation from on high could be better served by a different kind of critique of his religious/cultural situation? Could one not better use a transcendental critique of unbelief like one finds in the works of C. Van Til to assess the culture?[65] Could one not use a method like Thielicke's assessment of "Cartesian Theology" to show the problems of Culture Protestantism?[66] Could one not use language like H. Richard Niebuhr's "Christ of Culture" to point out the moral failure that has enervated the Christian movement?[67]

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65. A good survey of this subject is Greg L. Bahnsen, *Van Til's Apologetic: Readings and Analysis* (Phillipsburg, New Jersey: P & R Publishing, 1998), 764 pages. Many of Van Til's crucial theological and philosophical ideas are developments from the work of the Dutch thinker Herman Bavinck. See especially Bavinck's *The Philosophy of Revelation* (Grand Rapids: Baker Book House, 1979). Bavinck presented this material as the Stone Lectures at Princeton Seminary in 1908.

66. See Helmut Thielicke, *The Evangelical Faith: Vol. 1: Prolegomena: The Relation of Theology to Modern Thought Forms*, translated and edited by Geoffrey W. Bromiley (Grand Rapids: William B. Eerdmans, 1974), 420 pages.

In the following chapters a variety of twentieth century ways of talking about natural law will be explored. The purpose is to find a way to talk about natural law in ways that preserve the key insights of the classical view while also taking into account the types of concerns raised by Barth, Thielicke and Runner. First to be examined are three Protestant thinkers who were responding to Barth. That will be followed by a look at four Protestant thinkers who are responding to broader cultural problems, not so closely tied to Barth. And then there will be a brief dialog with some recent Catholic developments before drawing some systematic conclusions that should contribute to a renewed Protestant ethics of responsibility, that gives due place to a critically understood general revelation and natural law.

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67. See H. Richard Niebuhr's classic analysis in *Christ and Culture* (New York: Harper & Row, 1951) 259 pages.

Chapter 2

Theological Responses

While twentieth century Protestantism had powerful voices giving weighty reasons why natural law has no place in Protestant theology and ethics, not everyone was immediately convinced. A number of theologians saw the rejection of natural revelation and natural law ethics as a terrible mistake. These writers tended to write in explicit response to Barth, rather than to Thielicke or Runner, since Barth was much more prominent and well known. But their writings unintentionally respond to some of the theological concerns of Thielicke and Runner as well. The three theologians examined to see their response to Barth, Thielicke and Runner are Emil Brunner, I. John Hesselink and Gustaf Wingren. In their works one finds serious theological reasons why natural law should have some positive place in Protestant thought, as well as substantial descriptions of how Protestant Christians should talk about the natural law.

1. Emil Brunner[68]

Brunner was always open and clear about his personal theological debt to Karl Barth. Even in his essay "Nature and Grace" in which he articulated his disagreement with Barth about general revelation, he was careful to also articulate his gratitude to Barth. His words of praise for Barth are strong:

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68. This section primarily uses Brunner's later writings since his ideas on these subjects which he first articulated in *The Divine Imperative* (Philadelphia: The Westminster Press, 1937, translated by Olive Wyon), were presented in a much more developed and complete form with clarified terminology in his later writings.

> *The credit of having given back to Protestant theology its proper theme and subject-matter is due, without qualification and, if I may use the expression, without competition, to Karl Barth. It is not as though there were not before him, and to some extent beside him, men who also know the proper theme and subject. Men like Adolf Schlatter and, above all, Martin Kaehler did not wish to do anything but bring to bear the pure and undiluted message of the Bible upon the doctrines of the Church. But they were unable to break through the front of theological modernism. A task such as this demanded greater mental impetus and this Karl Barth possessed.*[69]

Nevertheless, in sharp disagreement with Barth, Brunner saw in scripture and in the Reformation the affirmation of a real but not redemptive self-revelation of God through creation. And Brunner thought that the assessment of this general revelation was extremely important in various spheres and sectors of life. He saw the relation between the revelation in creation and the revelation in Jesus Christ as one of the crucial issues that shapes one's faith and theology. He also thought it crucial to one's approach to education, the approach to the proclamation of the gospel by the church, and one's overall stance in the field of ethics, especially social ethics. Of education he claims,

> *A true appreciation of theologia naturalis and of its relation to the revelation in Christ is a presupposition for all kinds of Christian education. ... Experience teaches that whenever theologia naturalis is despised, there also the pedagogic factor is despised – which necessarily has disastrous consequences for the church.*[70]

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69. Emil Brunner, "Nature and Grace," in op. cit., p. 17.

And in the field of ethics he claimed,

> *That much is clear: the theologian's attitude to theologia naturalis decides the character of his ethics. ... Social ethics are therefore always determined as much by the concept of the divine grace of creation and preservation as by that of the redeeming grace of Christ.*[71]

Brunner took pains to point out that on most particular issues of personal and social conduct, he and Karl Barth came to rather similar conclusions, the main difference being that Brunner was quite outspoken in his criticism of communism while Barth was rather muted on this subject. Yet Brunner and Barth had very different overall stances on the relationship of Christianity toward politics, culture and society. This was largely because of Brunner's belief in general revelation, which forced him to conclude that natural law has a place in Christian ethics. Brunner believed that there is a revelation of God's demand for justice that comes through creation to all people and which is encountered in many ways, in conscience, reason, relationships and the social order. This he calls natural law, meaning God's moral law as it is proclaimed through nature.

In order to assign natural law the right place in an approach to ethics that emphasizes the Word of God, Brunner thought we must distinguish among three major types of natural law theories seen in western culture. He claimed that the pre-Christian (Greco-Roman), the modern and the Christian conceptions of a law of nature were fundamentally different from each other and that many twentieth century discussions

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70. Ibid. pp. 57, 58. In his later works Brunner changed his terminology while maintaining his basic point of view. He writes, "the prayers and hymns of all churches, all over the world, have at all times praised God, not only for his revelation in His Word, but also for His revelation in His Creation; this has produced what I used to call – wrongly in a misleading phrase – a 'Christian natural theology.'" *The Christian Doctrine of Creation and Redemption: Dogmatics: Vol. II,* trans. Olive Wyon, (Philadephia: The Westminster Press, 1952), p. 23. After he clarified his terminology he was more careful to say that belief in general or creational revelation, and therefore belief in natural law, as a part of that general revelation, does not commit a thinker to practicing natural theology, whether in the medieval or Enlightenment type of proofs for the existence of God.

71. Ibid. pp. 51, 52.

of natural law are quite confused because of a failure to distinguish these three substantially different conceptions from one another. Most of the theological and secular objections to natural law theory are aimed at the modern natural law concept.[72]

Even though the three types of natural law ethics have great differences from each other, they also have certain common characteristics. "One thing is, it is true, common to all three forms of the law of nature. All mean a justice which transcends human caprice and convention, a principle and valid standard of sacred authority."[73] To this he adds a valuable definition. "For at all times what has been meant by the law of nature is a *moral* principle of justice which subjects and regulates the natural instinct of man, whether it be the instinct of power, of gain, of sex."[74]

Brunner traces the beginnings of natural law discussions to pre-Socratic Greece, where one finds the idea of something being "by nature just." "Solon, the great law-giver of Athens, pronounced it as the norm of his legislative activity."[75] This idea is carried forward by Aristotle's writings and later extensively developed by the Roman Stoics.[76] In its Greco-Roman form the natural law is seen as demanding strict moral objectivity over against human arbitrariness or opportunism. The demand to practice justice is seen as rooted in the nature of the universe, and this demand is therefore holy.

This Greco-Roman idea was incorporated into Christian thought from the earliest times, but the interpretation of the natural law underwent some important transitions within the Christian system of thought. Whereas the classical thinkers usually conceived of a unified

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72. Emil Brunner, *Justice and the Social Order* trans. Mary Hottinger (London: Lutterworth Press, 1945), p. 81.

73. Ibid. p. 80.

74. Ibid, p. 81.

75. Emil Brunner, *Christianity and Civilisation: Vol. I: Foundations* (New York: Charles Scribner's Sons, 1948), p. 107.

76. Brunner also points out that Stoic natural law theories were similar to modern rationalistic theories in seeing people as solitary individuals. Christian natural law theory sees people as existing in communities, as did Aristotle. *Christianity and Civilisation: Vol. II: Specific Problems* (New York: Charles Scribner's Sons, 1949), pp. 110, 111.

divine and natural order united by the natural law, Christians made a clear distinction between Creator and creation, interpreting the natural law as the order of creation. In this way the early Christian theologians took the idea out of its pantheistic context and placed it within the structure of biblical revelation. Whereas the Stoics saw the natural law as the Logos or divine spark and structure that unifies all that exists, including the human mind, "When the Church Fathers were speaking of the *lex naturae*, they connected it with that Logos in whom the whole world is created and in whom creation has its order, that Logos who became flesh in Jesus Christ. The Son of God, incarnate in Christ, is the principle of the divine order of creation and therefore of the *lex naturae*."[77]

As Brunner interprets our history, this synthesis of ideas about natural law formed one of the pillars of European civilization for more than two thousand years, providing a basis for talking about justice. Even though the Christian and pagan explanations of the natural law were very different, the resulting notions of justice were quite similar.

> *Whilst the pagans do not know the Creator – or do not know him properly as He can be known by his revelation in Christ – they still know something of His orders, of His law. That is why they know something of justice, although the depth of Christian justice remains hidden from them. Justice, then, is a topic where Christian and non-Christian thinking meet, where they have a common ground without being identical. For this reason alone it is possible to have a civil order, the justice of which can be judged by Christian and non-Christian citizens, and an international order agreed upon by Christian as well as non-Christian nations.*[78]

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77. Ibid. Vol. I, p. 108.
78. Ibid. p. 108.

A few years earlier Brunner had also written,

The western theory of justice is derived from two main sources – classical philosophy, in which the Roman element should not be underrated, and Christianity. No writer has taught more clearly the nature of justice and more deeply influenced jurisprudence by his teaching than Aristotle; nowhere is the demand for justice so clearly and so powerfully expressed as in the Hebrew prophets. The primal, mythical notion of an order of law established by the gods found its philosophical expression Aristotle's dictum that all human law is based on a primal divine law, ... the just by nature, which is the criterion and creative foundation of all human legislation and jurisdiction.

In the Christian era, this idea was blended with the Scriptural doctrine of the order of creation and the commandment of justice laid upon men by the one holy and just God. The two coalesced in the conception of the Christian law of nature. ... It was the Western conception of justice for two thousand years.[79]

The third major type of natural law theory, which Brunner calls the modern or rationalistic approach to natural law, is the approach one sees in the works of Grotius, Pufendorf, Thomasius and their followers during the Enlightenment.[80] Brunner sees a terrible irony regarding the philosophy of Grotius. While many continental jurists see Grotius as the creator of natural law theory, "The truth is that with Hugo Grotius begins the decay of natural law, which had been the ruling concept for two thousand years. For it was Grotius who for the first time tired to detach natural law from its religious, metaphysical base."[81]

When Grotius detached natural law from God, saying it was sufficiently rooted in human reason, a historical movement was set in motion that eventually reduced the idea of justice to a conventional fiction. The pattern of this historical process was roughly: justice based

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79. *Justice,* pp. 14, 15.
80. Ibid. p. 81.
81. *Civilisation, Vol. I,* p. 109.

on theism, justice based on idealism, justice based on naturalism, ending in a nihilistic emptying of the notion of justice to being nothing more than a camouflage for the will to power.[82] And then the cultural and philosophical doors are open to totalitarianism.

In order to appreciate why Brunner thought natural law to be such an important part of Protestant moral and political philosophy, one must grasp his claim that the major contemporary alternative to natural law is some positivistic type of legal philosophy. Legal positivism, as Brunner understood it, is the idea that there is not an objective moral law by means of which laws and the actions of government can be evaluated, leaving the human law as the highest standard. And Brunner claims repeatedly that positivistic legal philosophy is closely tied to totalitarianism. It is with great passion that he describes the process of disintegration of Christian natural law theory.

> *Firstly, the divine law of nature, the objective, superhuman standard of justice, became the subjective law of human reason, its substance soon being narrowed down into the individualistic notion of subjective rights of man. Later, following the trend of the time, the element of "nature" in law was reinterpreted in a naturalistic sense. The historicism of the Romantic period then declared war on a timelessly valid justice, replacing it by the conception of justice as a historical growth. It was, however, the positivism of the nineteenth century, with its denial of the metaphysical and superhuman, which dissolved the idea of justice by proclaiming the relativity of all views of justice. Thereby the idea of justice was stripped of all divine dignity and law aban-*

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82. Brunner traced a similar historical movement in regard to the loss of belief in human dignity. See *Christianity and Civilisation, Vol. I*, chapters 6 and 7. Later interpreters of the historical process of secularization trace a similar pattern. See, for example, David Wells, *No Place for Truth* (Grand Rapids, Eerdmans, 1993), chapter 2, who traces a historical pattern of Christian theism, transcendent idealism, humanism, and nihilistic totalitarianism.

> *doned to the vagaries of human will. ... Men ceased to believe in an eternal standard of justice transcending all human legislation; the difference between right and wrong became a convention, law was conceived as the mere product of the reigning power.*
>
> *Hence it was only to be expected that one day a political power devoid of all religious scruples should discard the last vestiges of the traditional idea of justice and proclaim the will of the ruling power as the sole canon of appeal in matters of law. The totalitarian State is simply and solely legal positivism in political practice, the abrogation in actual fact of the classical and Christian idea of a divine "law of nature." If there is no divine standard of justice, there is no criterion for the legal system set up by a State. If there is no justice transcending the State, then the State can declare anything it likes to be law.*[83]

It is in response to this cultural and political situation that Brunner thought it urgent to recover natural law ethics and legal-political theory. Though any type of natural law theory would be far better than the legal positivism that led to totalitarianism, he was not content with any and all versions of natural law theory. Brunner affirms a Christian version of natural law that differs from Greco-Roman versions by emphasizing the difference between Creator and creation and that differs from rationalistic versions by saying that human knowledge of the natural law is rooted in creation and general revelation, not in autonomous reason. In contrast with Aristotle, a Christian natural law theory will emphasize the equal value and dignity of all people, regardless of race, gender or caste.[84] In contrast with Stoic and some modern natural law theories, a Christian version of natural law will also recognize real differences between people, men and women, adults and children, as crucial to knowing what "to each his own" means.[85] In this sense justice cannot be blind. Over against classical or modern collectivism, a

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83. *Justice*, p. 15.
84. Ibid. chapter 6.
85. Ibid. chapter. 7.

Christian natural law theory would emphasize the value of the individual and personal freedom.[86] And in contrast with modern individualism, a Christian natural law theory will also recognize the rights of the natural communities, the creation orders, within which we live. For, "Communities are just as much established in the divine order of creation as the independence of the individual."[87]

Brunner also thought there are some differences between a Protestant and a Catholic approach to natural law. He thought that the type of natural law ethics one sees in Luther and Calvin lays a somewhat greater emphasis on the way sin interferes with the human ability to perceive the natural law than do most Catholic versions of natural law ethics.[88] Here Brunner echoes the common Protestant concern that Catholic ethics may not sufficiently appreciate the extent to which sin prevents human reason or conscience from properly perceiving the moral law. And while Aquinas may see the content of natural law and divine law as compatible and complementary because they both have their origin in the eternal law, under the influence of Calvin, Brunner sees an even closer connection between natural law and the law seen in the Bible.

> *We know the law of God in our reason or our conscience. This* lex naturae *is identical in content with the* lex scripta*, though the* lex scripta *is necessary to make again perfectly clear the writing of the* lex naturae *which has, as it were, faded. ... Calvin is concerned to point out that the* lex scripta *has no other function but to make the* lex naturae *effective again.*[89]

Brunner interprets Luther and Calvin as saying that the legal and ethical rules of the Old Testament are not binding on people today in regard to their external form, for that form was of the type that can be abolished with changes of time and place. The political laws of the Old

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86. Ibid. chapter. 9.
87. Ibid. p. 78.
88. Ibid. p. 238.
89. *Natural Theology*, p. 39.

Testament were given by God to his chosen people, not to the other nations, and Moses was the lawgiver for this people, not for all peoples. But this does not reduce the moral and political significance of the Old Testament for us today, for it is an authentic description of what justice and equity looked like when adapted to the social and political conditions of that time. And those same norms are what must be followed today. "That part of the political law of Israel which still stands is to be traced back to *naturalis aequitas*. But even the Ten Commandments are nothing but a testimony to natural law and the law which God has written in men's conscience."[90]

In another context he clarified what he meant in these terms:

> *This implies no denial of the importance of the Old Testament as a source of knowledge of social ethics, as a mine of instruction for all Christian teaching on the justice of this world. It means that such teaching cannot be direct and legal, but only indirect. In actual fact the will of God in the shaping of society is powerfully manifested in the Old Testament, though in the manner which befitted its own stage of revelation, the theocracy of the people of God, the contemporary stage of culture attained by that people and its situation with regard to its heathen neighbors. Hence we must always seek, behind the individual laws, injunctions and institutions, the principle underlying them, the divine imperative which is binding on us today; we can at no point take them over as the letter of the law. In so seeking, however, we shall find the simple principles laid down in the order of creation.*[91]

In this context Brunner affirms Calvin's illustration of scripture serving as a lens or spectacles to enable the proper perception of what is in creation. Biblical ethics help one to see more clearly the moral norms written on creation by the Creator, which are a part of general revelation.

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90. *Justice,* p. *242.*
91. Ibid. pp. 112, 113.

By the mid twentieth century, Brunner thought there were serious problems with the language and terminology of "natural law." God's moral law coming through nature, if called "natural law," seems to always get confused with the laws of the physical world described by natural scientists. "Anyone who attempted in our day to revive and apply the old doctrine of the law of nature in any of its forms would find that no definition, however precise, of his conception of nature and the law of nature would safeguard him from the misunderstanding that he wishes to subject law to the forces of nature."[92] And to some degree this problem of language is related to differences in fundamental beliefs. Christians tend to understand the laws of physical nature in analogy with the natural moral law; both are commanded by God and built into creation. In contrast, the ancient Greeks tended to understand the moral law by means of analogy with the laws of the physical world.[93]

Brunner's proposal to resolve this problem of terminology is that Protestant theology and ethics should talk about "principles of justice" as a substitute for the terminology of "natural law" that was used by the Reformers. This thinking is reflected in the title of one of his later books on social ethics, *Justice and the Social Order*, which noticeably does not have the term "natural law" in the title. Scattered in various places in his writings Brunner provided sample ways of talking about natural law/principles of justice that might communicate his idea better than some more traditional language about natural law. These are worth noting.

> *The law to which justice looks is no human code, for it is a law which stands above all human codes as the standard of human legislation; the law which enables us to say of a law set up by men that it is "unjust." It is the law by which lawgivers take their bearings in their endeavour to create just law and to abolish unjust law. It is however, the law too on which every man takes*

92. Ibid. p. 82.
93. Ibid. p. 48.

his stand, however unwittingly, when he promotes justice or protests against injustice in matters in which no human law exists or can exist. It is an "unwritten law," unless, in the words of the Apostle, it is written in men's hearts.[94]

The idea of justice and the concept of a divine law of justice are one and the same thing. That is not a philosophical theory nor a religious opinion which may be agreed to or dissented from. Whoever says with serious intent, "That is just" or "That is unjust," has, even though unwittingly, appealed to a superhuman, supreme or ultimate tribunal, to a standard which transcends all human law, contracts, customs and usages, a standard by which all these human standards are measured. Either this absolute, divine justice exists, or else justice is merely another word for something which suits some but not others, which appears expedient to some, but not to others. Either the word "justice" refers to the primal ordinance of God, and has the ring of holiness and absolute validity, or it is as a tinkling cymbal and sounding brass.[95]

However to stop here would leave one with a false interpretation of Christian ethics, Brunner thinks. Christianity is more than a republication of the ethics of creation. Redemption by God in Christ is central to Christianity, and therefore love must be central to Christian ethics.

God is above the order of creation. Hence justice, being immanent in this creation-order, is not the highest, not the ultimate principle; the highest ultimate principle is love. For God is Love in Himself, He is not justice in Himself. ... Just as the Gospel is higher than law, love is higher than justice. ... Justice is a manifestation of love. Justice is that love which is applied to order; love, as it can be realized within order or structure or institution.[96]

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94. Ibid. p. 27. In his footnote, Brunner confirms the allusion to Romans 2:15.
95. Ibid. p. 47.
96. *Civilisation, Vol. I*, p. 116.

One should notice that some of the concerns that Brunner mentions in relation to natural law ethics are very similar to the concerns that led both Barth and Runner to reject natural law ethics. Brunner's criticism of the rationalistic type of natural law theory associated with Grotius and Pufendorf is even stronger than Runner's criticism. Brunner went beyond Runner in not only seeing that type of natural law theory as associated with all the problems of secularization but also seeing it as setting the stage culturally for totalitarianism. But Brunner's solution was not to reject natural law but to try to rejuvenate a Reformation type of natural law theory. Like Barth, Brunner thought that to properly resist evil as it is displayed in totalitarianism, one needs a transcendent point of reference in ethics, an ethics of revelation. But unlike Barth, Brunner thought that even many people who would not acknowledge a revelation in Christ and scripture have enough moral light coming from God's general revelation to say, "This is unjust." In relation to Barth it may be worthwhile to highlight a claim of Brunner that has been buried in an obscure note in the back of a seldom read book.

> *It is not Karl Barth who is the first [theological] opponent of natural law but Ritschl and the Ritschlian school, where the opposition to this concept is grounded in Kantian agnosticism. Further back, it is romantic historicism, which in jurisprudence, as well as in theology, opposed natural law as being "unhistorical." If the Barthians who so valiantly fought against the Hitler state only knew a little more of the history of political thinking in Germany, they would become aware of the fact that the fight against natural law resulted in the abolition of all standards by which what the present day State sees fit to declare law might be criticized.*[97]

If Brunner is right in this criticism of Barth, Barth's assessment of the cause of the weakness of Culture Protestantism in relation to National Socialism is largely wrong. The moral weakness of Culture Protestantism may have been related to the lack of an understanding of the natural law that was informed by Reformation theology.

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97. *Civilisation, Vol. I*, p. 165, note 78.

2. I. John Hesselink

Hesselink[98] is able to make a valuable contribution to this discussion for several reasons. After studying under Brunner at the International Christian University in Tokyo, Japan, Hesselink went to Basel, Switzerland, to do his doctoral studies under Karl Barth. His dissertation was entitled, *Calvin's Concept and Use of the Law*[99] later published in book form as *Calvin's Concept of the Law.*[100] Hesselink did his research and writing at the end of the time when there were numerous historical articles, dissertations and books written by Protestant theologians of many nations that tried to show that the theology and ethics of either Luther or Calvin was closer to that of either Barth or Brunner.[101] Hesselink was a personal friend of both Barth and Brunner, and this fact enabled Hesselink to write a more balanced interpretation of Calvin's theology and ethics that sometimes agrees with Barth and sometimes agrees with Brunner. Hesselink's work is valuable because he not only shows decisively that Calvin affirmed natural law or natural justice; Hesselink also gives a broad description of what that meant for Calvin. Hesselink not only responded to Barth and Thielicke; he also gave some direction for a renewed Protestant natural law ethic.

In the following this work will be designated C/H as an abbreviation for "Calvin as interpreted by Hesselink." The reason for this designation is two fold. While this work is exceedingly well researched and fair minded, it remains one scholar's interpretation of Calvin's thought, not Calvin himself. Furthermore Hesselink did not write this work out of merely historical or antiquarian interest; the book is clearly

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98. For a very appealing introduction to the theology of the Reformed tradition, see I. John Hesselink, *On Being Reformed: Distinctive Characteristics and Common Misunderstandings* (Ann Arbor: Servant Books, 1984).

99. Basel University, 1961

100. Princeton Theological Monograph Series, No. 30, Dikram Y. Hadidian, General Editor, (Pickwick Publications, 1992).

101. On the division of studies in Reformation theology and ethics into pro-Barth and anti-Barth works see William Klempa, "Calvin and Natural Law," in *Calvin Studies* IV, edited by John H. Leith and W. Stacey Johnson.

intended to be part of Hesselink's own contribution to Protestant theology and ethics in our time.

C/H uses a number of related terms. Some of these are "the law of nature" (*lex naturae*), or "natural law" (*lex naturalis*), "the law engraven on all by nature" (*legem naturaliter omnibus insitam*), "the voice of nature" (*vox naturae*) and "the rule of equity" (*regula aequitatis*).[102] Further synonyms include "the light of reason" (*lux rationis*),[103] the "order of nature" (*ordo naturae*) and the "sense of nature" (*sensus naturae*).[104] There is even mention of the "seeds of justice" (*semina iustitiae*) implanted in human nature.[105] To get the emphasis in H/C correct one must see that this natural law or principle of justice comes from God, not from any human source; in creation and general revelation God writes it not only on human reason but also on human relationships and emotions.

> *When the innocent are oppressed, everyone cries out, "How long?" This cry which results from the feeling of nature* (nascitur ex naturae sensu) *and the rule of equity* (regula aequitatis) *is at length heard by the Lord. ... Is not this feeling* (sensus) *implanted* (inditis est) *in us by the Lord?*[106]

This moral law or demand that comes from God through the creation can be rejected or repudiated by mankind, yet it continually keeps speaking to us because God has firmly written it on nature and the human heart. Speaking of the prohibition of incest, Hesselink quotes Calvin at length. This further illustrates the flexibility and breadth of Calvin's terminology.

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102. Ibid. p. 52.
103. Ibid. p. 58.
104. Ibid. p. 60.
105. Ibid.
106. Ibid. p. 68. Hesselink is quoting from Calvin's commentary on Hab. 2:6.

> *If anyone objects that what has been disobeyed in many countries is not to be accounted the law of the Gentiles the reply is easy, viz., that that barbarism which prevailed in the East, does not nullify that chastity which is opposed to the abominations of the Gentiles, since what is natural cannot be abrogated by any consent or custom. The prohibition of incests which is here given ... flows from the fountain of nature itself* (ipso naturae fonte) *and is founded on the general principle of all laws* (generalo omnium legum principio) *which is perpetual and inviolable. ... Nature itself* (natura ipsa) *repudiates and abhors filthiness, although approved by the consent* (suffragio) *of men. ... If this instruction were founded on the utility of a single people, or in the custom of a particular time, or on the immediate necessity, or on any other circumstances, the law deduced from it might be abrogated for new reasons or their observance might be dispensed with in regard to particular persons by special privilege; but since in their enactment the perpetual virtue of nature* (perpetua naturae honestas) *alone was regarded, not even a dispensation of them would be permissible. It may indeed be decreed that it should be lawful and unpunished, since it is in the power of princes to remit penalties; yet that which nature declares* (natura dictat) *to be morally corrupt cannot be made by a legislator into something morally acceptable. If anyone with a tyrannical pride should dare to attempt it, the light of nature* (lumen naturae) *which has been smothered will shine forth and prevail. ... Hence just and reasonable men* (aequi et moderati hominess) *will acknowledge that even among the heathen nations this law* (ius) *was considered incontrovertible* (insolubile)*, just as if it had been imprinted and engraved* (fixum et inscultum)*, on the hearts of men.*[107]

What we see in C/H is that most people normally have a lot of true knowledge of right and wrong and that this knowledge comes from God through creation. Whereas some natural law thinkers may focus

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[107.] Ibid. p. 61. Hesselink is quoting from Calvin's commentary on Lev. 18:6.

on the reception of natural law by means of reason or rationality, C/H can also freely speak of receiving this revelation through creation by means of feeling or a moral sense. Justice and equity stand at the very center of this demand of God. The term "natural law," is only one of several ways of referring to God's law as it comes through creation.

To avoid confusion about the term "natural" in Calvin, it is important to see that he uses the term in two distinct, almost opposite ways. On the one hand Calvin often uses the word "nature" as a synonym for creation, as when he says "natural law," "nature teaches," "nature abhors," etc. On the other had he also sometimes uses the term "nature" or "natural" as an abbreviation for saying fallen, sinful human nature. Of this second sense of "nature" Hesselink writes, "The law of God expresses the antithesis of all that fallen humanity by nature now is."[108] And Calvin says people "by nature glory in rebellion against God's law unless they be bent."[109]

To get the proper perspective on the natural law or rule of equity in C/H, one must see it within the proper theological structures and distinctions. One of these theological structures is Calvin's division of spiritual wisdom into three parts. This distinction arises in the context of Calvin's inspiring description of God's gifts to all mankind in the realms that today might be called education, culture and civilization. After contrasting earthly things and heavenly things, Calvin wrote,

> *The first class includes government, household management, all mechanical skills and the liberal arts. In the second are the knowledge of God and of his will, and the rule by which we conform our lives to it.*
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> *Of the first class the following ought to be said: since man is by nature a social animal, he tends through natural instinct to foster and preserve society. Consequently, we observe that there exist in all men's minds universal impressions of a certain civic fair dealing and order ...*

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108. Ibid. p. 65.
109. Ibid. p. 66. The quotation is from *Institutes* II.3.9.

> *For, while men dispute among themselves about individual sections of the law, they agree on the general conception of equity. In this respect the frailty of the human mind is surely proved: even when it seems to follow the way, it limps and staggers. Yet the fact remains that some seed of political order has been implanted in all men. And this is ample proof that in the arrangement of this life, no man is without the light of reason* (lux rationis).[110]

With a characteristic dynamism and flexibility in his terminology, Calvin's two-fold contrast of earthly and heavenly things leads into his three-fold division of wisdom.

> *Calvin says that spiritual wisdom* (spiritualem perspicientiam) *consists chiefly of three things: 1. knowing God; 2. knowing his paternal favor toward us (in which our salvation consists); and 3. knowing how to frame our life according to the rule of his law. In the first two points – and especially the second – "the greatest geniuses are blinder than moles." (II.2.18)*[111]

> *In this third realm which is related to "the rule for the proper regulation of life" and which Calvin designates as "the knowledge of the works of righteousness," the human mind exhibits considerably* (aliquanto) *more acumen than in the other two areas related to the Kingdom. Then Calvin quotes Romans 2: 14,15. ... He observes, "If the Gentiles by nature have the righteousness of the law engraven upon their minds, we surely cannot say they are utterly blind as to the conduct of life. There is nothing more commonly recognized than that man is sufficiently instructed in a right rule of life by natural law (concerning which the apostle speaks here)" (II.2.22).*[112]

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110. John Calvin, *Institutes of the Christian Religion*, II.2.13. The Library of Christian Classics, Volume XX. Ed. John T. McNeill. Trans. and index Ford Lewis Battles. (Philadelphia: The Westminster Press, 1960), pp. 272, 273.

111. Hesselink, p. 59.

112. Ibid.

Calvin envisions an absolute antithesis between believers and unbelievers in regard to knowing God's fatherly care, for this comes by faith in the gospel of Christ. He sees a substantial but not absolute antithesis between believers and unbelievers in regard to knowing what God is like. The antithesis between believers and unbelievers in knowing basic right and wrong is not so large because the natural law is God's gift to all people in creation.

It may be worth noting that Calvin sometimes uses language (e.g., earthly things vs. heavenly things) that could be interpreted to be dualistic, the way Runner interprets Melanchthon. However, this would be a serious misunderstanding of Calvin. Calvin emphasizes that knowledge of things in the earthly realm ultimately comes from God, not from some other source, regardless of the means by which that knowledge comes. And then he shifts his terminology and includes the knowledge of how to order our lives by the natural law as a type of spiritual wisdom, no matter who exercises this wisdom. This is the exact opposite of dualism.

The next theological structure of C/H to consider is the three-fold use of the law. Calvin taught that God's law had three primary uses or functions in human life. The first use, the theological or converting use of God's law (usus elenchticus or theologicus), is to give people a knowledge of sin and a knowledge of the self as sinful that shows our need for God's grace in Christ. This use can also be called the pedagogical use of God's law. "In this capacity it unmasks us, exposes our sin and moves us to seek salvation in Jesus Christ."[113] Because the problem addressed by the first use of law (pride, self-sufficiency and arrogance) is common to all people, both believers and unbelievers, the first use of the law applies to all people. "With unbelievers, the only result is that they are thus deprived of any excuse before God (Rom. 3:3). In this case the law is what Paul calls a ministry of death and condemnation (2 Cor. 3:7)."[114] With believers the results are different.

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113. Ibid. p. 219.
114. Ibid. p. 220.

> *While they learn from it that they are unable to obtain righteousness by works, they are thus instructed in humility; and this is indeed a true preparation for seeking Christ. Second, as it exacts much more of them than they are able to offer, it moves them to seek strength from the Lord; and at the same time reminds them of their perpetual guilt, lest they presume to be proud. Finally, it is a kind of bridle upon them, holding them in the fear of God.*[115]

In this function the law drives us to the gospel to find the hope of salvation. On this topic Calvin sounds very much like Luther. "In the precepts of the law, God is but the rewarder of perfect righteousness, which all of us lack, and conversely, the severe judge of evil deeds. But in Christ his face shines, full of grace and gentleness, even upon us poor and unworthy sinners."[116]

In its theological use, whether it comes to us through creation or through scripture, God's law drives us to the gospel. It shows our need for salvation.[117]

The second use of God's law is its political use *(usus politicus)* or civil use *(usus civilis)*. In this context the term "political" has a different meaning than it does currently. It refers to matters related to life in our various communities. "The second use or function of the law is to maintain and preserve external discipline and order in society."[118] Without law in this function, orderly life in society could easily degenerate into total chaos and destruction, which is the tendency of unrestrained sin. But often total chaos does not come. The second function of the law is thus:

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115. Ibid. p. 220. Hesselink is quoting from Calvin's Geneva Catechism.

116. Ibid. p. 221. Hesselink is quoting from the *Institutes,* II.7.8.

117. C/H sometimes sees the law as an integral part of the covenant of grace, which leads to thanks to God for the gift of the law. But the law is also sometimes seen as the naked law (*nuda lex*), isolated from the covenant. It is the law in this naked sense that threatens and condemns and which must be very sharply contrasted with the gospel.

118. Ibid. p. 238.

> *At least by fear of punishment to restrain certain men who are untouched by any care for what is just and right unless compelled by hearing the dire threats of the law. But they are restrained, not because their inner mind is stirred or affected, but because, being bridled, so to speak, they keep their hands from outward activity, and hold inside the depravity that otherwise they would have wantonly indulged. Consequently, they are neither better nor more righteous before God. ... But this constrained and forced righteousness is necessary for the public community of men.*[119]

Though Calvin sometimes sounds like he thought that the civil use of the law is closely tied to fear of enforcement of the law, whether by God or the civil authorities, his previous comments make clear that following the law in its civil use is not always purely external. Calvin is quite aware of real civic virtue or civil righteousness. That arises in response to the natural law. At times this civic virtue will include love as well as justice, for "love and order go together."[120] Indeed, the natural revelation of God's law is crucial to this "bulwark against the breakdown of social life. Because of this common bond, people have some feeling and sense of responsibility toward each other; chastity in marriage is held honorable and incest abhorred; obedience of children to their parents is esteemed; cruelty and brutality are regarded with disfavor, and death is feared."[121]

However this civic virtue that arises due to the civil use of the law is quite different from the righteousness of faith, and it may even be at odds with the knowledge of one's own sin that is necessary for true faith. Unbelievers, according to C/H, "are capable of a certain civil virtue, but this in no way assists them in recognizing the origin and Lord of the law who has touched their conscience. The opposite, in fact, is the case. The higher the morality, the greater the tendency toward self-sufficiency and pride, which separate them from God and involve them more seriously in sin."[122]

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119. Ibid. p. 239. Hesselink is quoting from the *Institutes* II.7.10.
120. Ibid. p. 242.
121. Ibid. p. 60.

Because of his high esteem for the revelation of God's will through creation, Calvin specifically rejects the idea that civil laws should be closely related to the law of Moses. Indeed, Calvin "warns against the notion that a government is only legitimate (from a Christian viewpoint) when its laws are based on the political system of Moses."[123] Hesselink's wry comment must be carefully noted: "It is highly significant, if not ironical, that the man who allegedly made Geneva into a theocracy based on the Old Testament denies vigorously that the Mosaic law should be taken as the model of all subsequent legislation!"[124]

Following the traditional hermeneutics that go back at least to Aquinas, Calvin divided the law of Moses into three parts, the ceremonial law, the moral law and the judicial law. The moral law alone is universally applicable. The ceremonial law was superceded by the coming of Christ. "The judicial system was designed only for Israel's particular situation and this applies nowhere else."[125] It follows then, says Calvin, that "every nation is left free to make such laws as it foresees to be profitable for itself."[126] This should not be misinterpreted to mean that C/H is somehow tolerant of tyranny, injustice or positive law in the sense that Brunner described the problem. Freedom for the nations to make laws assumes that there are natural rules of equity and justice that God makes known to all people. And Hesselink quotes Calvin as going beyond justice to love as the God-given standard for evaluating civil laws. Of the laws that nations are free to write, Calvin says, "these must be in conformity to that perpetual rule of love, so that they indeed vary in form but have the same purpose."[127]

It is worth noting that Hesselink wonders if Calvin consistently practices his own principles. He comments: "It is difficult to maintain these

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122. Ibid. p. 64.
123. Ibid. p. 243.
124. Ibid. p. 244.
125. Ibid.
126. Hesselink is quoting Calvin, *Institutes* IV.20.15.
127. Ibid.

distinctions and it is legitimate to query whether Calvin in practice was faithful to his principles in Geneva."[128] Then Hesselink affirmatively quotes Edward Dowey: "Although the separation between the natural law and the specific constitution was maintained in theological principle, in actual fact both Geneva and succeeding Calvinistic societies tended to identify the particular laws of their community with the law of God itself. This was a great danger."[129]

The third use of the law is the normative *(usus normativas)* use in the regenerate *(usus in renatis)*. In this use God's law is a means used by the Holy Spirit to renew and transform the people of God back into the image of God. According to Calvin this use of God's law is needed for two reasons. First, it is the way for believers "to learn more thoroughly each day the nature of the Lord's will to which they aspire, and to confirm them in the understanding of it."[130] Second, "The law is to the flesh like a whip to an idle and balky ass, to arouse it to work. Even for a spiritual man not yet free of the weight of the flesh the law remains a constant sting that will not let him stand still."[131] Hesselink sees the second reason for needing this third use of the law as an extension of the *usus theologicus,* since it is making us aware of sin. Hesselink is surely right that this shows the dynamic relatedness of the three uses of the law in Calvin's thought. Sometimes Calvin's descriptions of the three uses of the law tend to merge, rather than stay strictly distinct. However, one could wonder if this second reason for the use of the law *in renatis,* that of being a whip, could also be seen as an extension of the political use of the law that restrains sin,[132] and one could wonder if part of what Calvin says about the theological use of the law being a "bridle" could also be associated with the political use.

The significance of this flexibility in relating the various uses of God's law is that it shows the total unity of the law of God, whether it

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128. Ibid. p. 246.

129. Ibid. p. 247. The Dowey quotation is from "The Third Use of the Law in Calvin's Theology," in *Social Progress* (November, 1958), p. 26.

130. Ibid. p. 253. Hesselink is quoting from *Institutes* II.7.12.

131. Ibid. p. 254. *Institutes* II.7.12.

comes through the various dimensions of creation or through the written and proclaimed Word. Whether it is the light of nature that enables people to evaluate society and construct just systems of government or the teaching of Jesus to love our neighbor, it is the same demand of the same God. Whether it is fear of God that restrains a potential murderer or the voice of conscience that makes one cry out to God for forgiveness, it is the same law of God.

In passing, one should notice that Calvin's distinction of the three uses of the moral law provides considerable help in discussing the relationship between the ethics of the believing community and the ethics of civic society. Within the believing community the third or normative use should be prominent as people ponder what sort of life will glorify God in gratitude for his grace. In this process the special revelation in Christ may be central, while the general revelation in creation stays in the background. Within the civic community the civil use of the moral law will be prominent as people consider what constitutes a just public order. In this process the general revelation in creation should be central. This notion of different uses of the law is substantially different from Barth's theory of concentric circles. Calvin's approach assumes that in its civil use God might not always be recognized as the author of the moral law.

The natural law, order of nature and light of reason are for C/H never impersonal principles or static rules of behavior. They are always the personal will of God with whom everyone always has contact through creation. However, according to C/H, describing the natural law as God's personal will does not in any way suggest that it is arbitrary or changing. Though some medieval nominalist thinkers may have con-

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132. Hesselink ties the three uses of the law in Calvin to the doctrine of the Trinity. "Thus the three uses of the law correspond roughly to the three persons of the Godhead and their respective offices: the *usus politicus* and God the Creator; the *usus elenchticus* and God the Redeemer; the *usus in renatis* and God the Sanctifier," p. 251. In a later chapter the implications of the doctrine of the Trinity for understanding natural law will be considered in a slightly different manner, suggesting that God the Father wrote his moral law into Creation, that Christ the Mediator renews our knowledge of Creation law in Redemption, and that the Holy Spirit enables the human appropriation of God's will in both common and special grace.

ceived of God as an absolute power that was not constrained by any consistent moral rules, Calvin specifically rejected that view of God. "This invention which the Schoolmen have introduced about the absolute power of God is shocking blasphemy! It is the same as if they said that God is a tyrant who resolves to do what he pleases, not by justice, but through caprice (pro libidine)."[133] In contrast, Calvin claimed, "The will of God is not only free of all fault but is the highest rule of perfection, and even the law of all laws."[134] God's will, expressed in the moral law, is righteousness and justice itself.

The connection between the moral law and the will of God explains the strong connection between natural law and human well being. The natural law is the personal will of a gracious God who is concerned about the human good. "An indissoluble connection binds Calvin's concept of God and his concept of law. Hence a dark cloud would hang over his whole concept of the law as long as his understanding of the will of God was viewed as arbitrary and the nature of God as essentially non-gracious." Hesselink further claims, "Calvin speaks indeed of the majesty of God, but not of an abstract majesty. It is rather a gentle majesty, imprinted with his mercy and love, which is the nature of God – in short the majesty of love."[135] This ties the natural law closely to the goodness of creation; and by following the natural law, consciously or unconsciously, people participate more fully in the goodness of creation.

The close tie between natural law and the personal will of God in C/H may highlight a difference from traditional Catholic approaches to the natural law. "In medieval and scholastic thought a very important distinction is made between natural law and eternal law. The result is that natural law assumes a semi-autonomous status similar to that in the Stoic conception."[136] Unlike Aquinas, C/H does not sharply separate the eternal law from the natural law or the divine law in scripture.

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133. Ibid. p. 23. The Calvin quotation is from his Commentary on Isaiah 23:9.
134. Ibid. p. 23. *Institutes* III.23.2
135. Ibid. p. 31.
136. Ibid. p. 69.

Rather, the one living eternal consistent will of God comes to expression in both creation and redemption. While this can be stated as rules or principles, one should never forget that this is the personal will of God.[137]

This leads to a second way C/H claims a difference from the Catholicism of Calvin's day. Hesselink claims the "emphasis on the radical nature of sin, including its impact on human cognitive faculties, separates Calvin (and the Reformers) from the scholastic conception of natural law."[138] Therefore, "Calvin's high evaluation of natural law and his acknowledgment of natural human achievement in several significant areas is not based on humanity's inherent goodness or worth but on God's grace."[139]

> *It is only by God's grace that humanity's sin and rebellion have not wreaked their full consequences. Had human beings been left to themselves, utter chaos would have been the result; no culture or civilization would have been possible. Accordingly, natural law, as well as sinful humanity, to the extent that anything positive can be said about them, witness not to the capabilities of humanity but to the grace of God.*[140]

It is because of the important role of sin in human life that C/H affirms natural law in the sense of God speaking his law through creation while simultaneously rejecting any classical natural theology. Sinful humans chronically separate God's law from the Lawgiver and turn to all sorts of idols and superstitions.

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137. For an interpretation of Calvin's theory of natural law by a Reformed scholar that sees a little more similarity between Calvin and Aquinas see Allen Verhey, "Natural Law in Aquinas and Calvin," in *God and the Good: Essays in honor of Henry Stob*, ed. Clifton Orlebeke and Lewis Smedes, (Grand Rapids: Eerdmans, 1975), pp. 80–92.

138. Ibid. p. 69.

139. Ibid. p.70, 71.

140. Ibid. p. 71.

> *There are two main parts in that light which yet remains in corrupt nature. Some seed of religion is sown in all: and also, the distinction between good and evil is engraven in their consciences. But what is the function at last, save that religion comes to monstrous birth in a thousand superstitions, and conscience corrupts all judgment, confounding vice with virtue?*[141]

Even though the natural law is written on creation and the human heart, there is an important sense in which people are ignorant of the law. For this reason C/H thinks it is necessary to have a written word of God. This written word will not contradict the natural law, but it will make the will of God more certain and clear. And this written word will keep the moral law in relation to the gospel, the covenant of grace and the Author of the law.

3. Gustaf Wingren

One of Barth's more outspoken critics over the issues of general revelation and natural law ethics was the Swedish theologian Gustaf Wingren. Indeed, at times Wingren became quite vehement in his disagreement with Barth, and one must wonder if everything Wingren so passionately wrote is truly fair criticism. The title of one of his smaller works, *The Flight from Creation*, summarizes his criticism of the influence of Barth on twentieth century theology and ethics.[142] Regardless of the fairness of his response to Barth, Wingren makes a valuable and distinctive contribution to a distinctly Protestant approach to natural law ethics. This developed partly in response to Karl Barth, but also partly in response to the philosophy and theology of Anders Nygren.

Wingren was educated in Sweden during the Nazi period when Swedish university life was sharply cut off from developments in the rest of the world. A distinctive characteristic of the organization of

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141. Ibid. p. 72. Quotation from Calvin's Commentary on John 1:5.

142. Gustaf Wingren, *The Flight from Creation* (Minneapolis: Augsburg Publishing House, 1971).

Swedish theological education has been that the history of theology has been seen as a prominent part of the discipline of systematic theology. Consequently, as a young systematic theologian, Wingren spent long years researching and writing books about the theology and ethics of Irenaeus and Martin Luther.[143] He did this research and writing without much contact with the Barth-Brunner debate or the concerns related to the Confessing Church in Germany, which was attempting to resist National Socialism.

Much of the distinctiveness of Swedish theology of this era is the result of a distinctive method of research, teaching and writing that was most readily made available to theologians of other languages through the writings of Anders Nygren.[144] This method, called "motif research," arises out of neo-kantian epistemology. According to this philosophy, there are necessary a priori questions in human experience that every generation must ask, such as what are the Good, the True, the Beautiful and the Eternal? However, according to this philosophy, academic or scientific learning is not able to answer these questions. Philosophy is only able to clarify the questions and then other fields of learning can articulate how the different religions and cultures have answered these fundamental or a priori questions. But no academic field of learning can normatively articulate how we should answer these questions.

Using this type of method Nygren claimed that there are three historically given types of answers in western culture, a Hellenistic type of answer, a Jewish type of answer and a Christian type of answer. Each of these three traditions represents a "fundamental motif," an answer in history to a fundamental question of a categorical nature that is given in human experience. In western culture we encounter three dis-

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143. Wingren's *Luthers laera om kallelsen* (Lund: Gleerups) was published in 1942. English translation: *Luther on Vocation* (Philadelphia: Muhlenberg Press, 1957). His book on Irenaeus, *Maenniskan och incarnation enligt Irenaeus* came out in 1947 (Lund: Gleerup). English translation: *Man and the Incarnation: A Study in the Biblical Theology of Irenaeus.* (Philadelphia: Muhlenberg, 1959).

144. Anders Nygren, *Agape and Eros*, 2 volumes, trans. Philip S. Watson (Philadelphia: Westminster Press, 1953).

tinct sets of answers to the fundamental questions raised by human experience. Nygren uses one key word to summarize each fundamental motif, *eros* as the Hellenistic motif, *nomos* as the Jewish motif and *agape* as the Christian motif. Within this philosophical framework, it becomes the task of Christian theology and ethics working as a historical discipline to show how the Christian fundamental motif answers the categorical questions of the Eternal and the Good.[145]

Wingren wrote his early books on Luther and Irenaeus more or less within this method articulated by Nygren. However in his historical research he made important discoveries that started to depart from this method. He discovered that the great Christian thinkers could not be properly interpreted strictly within the *agape* fundamental motif. They also talked a great deal about *nomos* or law.[146] In addition, he discovered that the great Christian thinkers, especially Luther, did not think that *nomos* or law was only a historically given phenomena. Law, claimed Luther, was given to all people by creation, prior to any particular historical tradition. And Wingren saw that this claim of Luther would cause more than a small correction of the method of motif research by adding *nomos* to *agape* as part of the Christian fundamental motif. This claim of Luther that the law was given in creation implies that *nomos* will be a part of all religious and cultural traditions,

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145. Wingren provided excellent summaries of motif research and its ties to neo-kantian epistemology and philosophy of religion in *Creation and Gospel: The New Situation in European Theology*, with an introduction and bibliography by Henry Vander Goot (New York and Toronto: The Edwin Mellen Press, 1979) and in *Theology in Conflict: Nygren-Barth-Bultman*, trans. Eric H. Walstrom (Philadelphia: Muhlenberg Press, 1958). As in relation to Barth, one must ask if Wingren's criticisms are always totally fair to the ideas of his academic opponents. Within the framework of motif research one could properly talk of a Jewish or a Hellenistic systematic theology as the academic discipline that has the task of articulating the fundamental motif of these religions.

146. Nygren was already critical of Augustine for mixing elements of the Hellenistic eros motif into his Christian theology and philosophy. One can easily wonder if Augustine fundamentally misinterpreted the Christian faith or if the problem is that Nygren's method is not adequate for interpreting the Christian tradition. If a type of Christian theology is very heavily historically oriented, as Nygren and the whole of Lundensian Swedish theology was, a controversy with one of the great thinkers of the Christian tradition, Augustine, would seem to indicate a problem in that model of contemporary theology.

which raises serious questions about parts of the method of basic motif research. Further, this claim of Luther raises questions about this type of neo-Kantian epistemology, for it suggests that the question of the Good is not simply an a priori categorical question awaiting an historical answer; it suggests that knowledge of the Good is already given to human consciousness prior to all historical religious and cultural traditions, and that this knowledge of the Good will therefore generally be found in all religious and cultural traditions. In this manner Wingren came to believe in the existence of a natural law, for this is exactly the claim of most varieties of Christian natural law theory.

As a result of his rejection of motif research as the method of theology, Wingren came to some additional noteworthy conclusions. One is that "theology since Kant has severed the connection between God and nature."[147] And this, Wingren claims, was a profound mistake that undermines the structure of Christian thought as it is seen in classical Christian thinkers such as Irenaeus and Luther. Further, in dialog with Anders Nygren, Wingren came to further conclusions about the nature or essence of *agape*. *Agape* is "kerygmatic, a proclamation to man as he stands under the law. But then the law must not be understood in the sense of a limited, historical material, i.e., Jewish; the law must be something under which every man stands as man, with actual demands placed on him, which are not derived from the gospel, but given simply because he is a man existing on earth."[148]

In 1947, while these conclusions were crystallizing in his mind, Wingren took a temporary position at the University of Basel to teach in place of Karl Barth while Barth was on leave. This move every quickly brought Wingren out of the isolation Sweden had suffered during the Nazi period and brought him into all the dialogs of Swiss and German theology, especially into dialog with Barth himself.

Though Wingren became largely critical of Barth's theology and ethics, Wingren did acknowledge that he learned much from Barth. Most important he learned that theology must be closely tied to the

147. Gustaf Wingren, *Creation and Gospel*, p. 56.
148. *Theology in Conflict*, p. 100.

proclamation of the gospel by the church. This stands in contrast to the common claim in early twentieth century Sweden that systematic theology is a historical discipline that has as its task the full articulation of the Christian fundamental motif, that of *agape*. And this proclamation is not only an internal matter within the Christian Church; it also has to do with addressing one's historical situation. In one of his most generous comments about Barth, Wingren wrote, "Theology would never have been able to confront National Socialism with the Swedish historicizing method. Barth's theology, in contrast, was constructed exactly to do battle with a political ideology of the type that held sway in Germany from 1933 onward."[149] This new conviction on the part of Wingren came to expression in his book *The Living Word*, first published in 1949, clearly written as a result of what he learned in dialog with Barth.[150]

Wingren's criticism of Barth is extensive, and it hinges on the connection between Creation and God's law. As he states it, "Barth's convulsive attack on the Reformation doctrine of the Law is due precisely to his need to elevate and depreciate. Barth believes that a universal function of the Law of God, independent of Christ, constitutes a threat to the unique position of the Gospel, a belief which depends on his assumption that the work of Christ as savior consists of giving unique *knowledge* to an ignorant humanity."[151]

Wingren claimed Barth misinterpreted Christian ethics by means of making the knowledge of right and wrong the central issue, on the assumption that without Christ there is no knowledge of right and wrong. Wingren thought Barth's approach fundamentally misinter-

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149. *Creation and Gospel,* p. 61.

150. Wingren writes, "What does it *mean* to preach? What is the *content* of preaching? ... Here, then, systematics, exegesis, study of Luther, homiletics, and even patristics can meet together and contribute to the solution of a single problem – a theological problem – the problem of what preaching essentially is, of what makes it unique." *The Living Word: A Theological Study of Preaching and the Church*, trans. Victor C. Pogue. (Lund: Gleerup, 1949), p. 21. The close connection of theology and preaching contains echoes of what Barth says on the topic in *Church Dogmatics, Vol. 1, The Doctrine of the Word of God, Part One.* (Edinburgh: T & T Clark, 1975), pp. 47–87.

151. *Creation and Gospel,* pp. 39, 40.

prets human moral experience by not acknowledging the moral demand from God under which all men live, even without special revelation in Christ, even if this demand is not acknowledged. Wingren further thought that Barth's approach leads to a misinterpretation of the Gospel, as if the Gospel primarily provides knowledge of right and wrong, rather than seeing the Gospel as the way God brings forgiveness and new life to people who know they have sinned.

> *Barth empties man of any knowledge of God in order to enhance the didactic function of the revealed word. This process of emptying is applied radically also to the law, so that the knowledge of the law is incorporated into the one revealed word, the gospel. The law must be derived from the word about Christ and is, therefore, secondary in reference to the gospel: Evangelium und Gesetz.*[152]

In further criticism of Barth's theology he writes, "The decisive factor is that the man into whose world God enters through a birth and through the written word is a man without contact with God. It is not a man ruled and judged by God's law." Obviously Wingren cannot agree, for he comments, "Man without means of contact with God is not the kind of man described in the biblical writings."[153] And he suggests his own point of view when he says, "The preaching of the gospel presupposes an already existing order of law. ... We cannot derive the law from the Christian faith when the gospel on which the law is based presupposes a law which rules even before the gospel."[154]

Because Barth does not think people have any true knowledge of right and wrong apart from the gospel, another problem arises in Barth's theology and ethics:

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152. *Theology in Conflict*, p. 71.
153. Ibid. p. 115.
154. Ibid. p. 160.

> *his tendency to interpret the gospel as law, as a certain political order or as a definite social program. This is the peculiar way in which the law takes revenge. When it is driven out from its proper and relatively modest place, where it is to be overcome by the gospel, it returns in another form.*[155]

Wingren shows a bit of astonishment in his comments on the book in which Barth outlined his social-political ethics, *Rechtfertigung und Recht*. In almost sarcastic words Wingren notes, "Here he actually derives common justice, law and order in the state, out of justification, on the basis of a christological interpretation of Rom. 13:1–7."[156]

Wingren thought the problems in Barth's theology and ethics closely paralleled similar broad ranging problems in philosophy and theology in the 20th century. One of these broad problems was moral relativism, which Wingren understood in the sense that secular moral philosophy seriously misinterpreted actual human experience by sometimes saying that morals are all relative or unknowable; Wingren saw this line of philosophical thinking as bad philosophy because it is so contrary to actual moral experience. Wingren thought that life experience strongly contradicts moral relativism. But in this cultural environment, "Theology is guided by a common view of the world which is characterized by moral relativism. The result is that the Bible is read as a book of norms rather than as a book of gospel. Moral relativism leads to biblical legalism."[157] In contrast Wingren claimed, "Scripture presupposes that its word is addressed to a world which does not need the Christian point of view in order to understand law, guilt and judgment."[158] Any Christian theology that thinks people first learn about basic right and wrong from the proclaimed word is contrary to the tradition. "Such a theology is new; it is really the product of the early twentieth century. It is contemporary with the relativistic conception of morality which characterizes modern philosophy."[159] Several years later he added,

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155. Ibid. p. 126.
156. Ibid. p. 126.
157. Ibid. p. 59.
158. Ibid. p. 74.

"Modern philosophy's rejection of these earlier ideas of a 'natural good' and modern theology's emphasis on Christ as the only revelation of God – and the one sided emphasis on the church that results – are plainly products of one and the same period."[160]

In this discussion Wingren commented, "A restoration of natural law might no doubt lead theology out of the ethical nihilism characterizing it at present. This nihilism makes the interpretation of the gospel difficult since the interest must be shifted from the question of guilt to the question of knowledge as long as this ethical vacuum remains."[161]

The moral relativism and ethical nihilism which Wingren saw in twentieth century philosophy and theology is connected to the concern for certainty of knowledge that has characterized western thought since the Enlightenment. "It was after the age of Enlightenment that this shift in focus took place: revelation – especially the question of how much revelation – became the main problem of theology."[162] Both Barthians and conservative Lutherans, Wingren claimed, are unduly concerned with how much moral knowledge people have. As an example he compared the work of Paul Althaus and Niels Soe. Althaus was a conservative German Lutheran who, at least for a short time, was sympathetic to the Nazi oriented "German Christian" movement, who made extensive use of the notions of Creation orders and "Ur – Offenbarung" (original revelation) in his theology and ethics.[163] Niels Soe was a Danish follower of Karl Barth whose *Christliche Ethik* is similar in method to the ethics of Helmut Thielicke.[164] Althaus and Soe undoubtedly saw their perspectives on theological ethics as being very different from each other. But because both make the amount of moral knowledge people have the central question in ethics, Wingren commented, "Both Althaus and Soe belong to this tradition."[165] Win-

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159. Ibid.

160. *Creation and Gospel*, p. 109.

161. *Theology in Conflict*, p. 75.

162. *Creation and Gospel,* p. 44.

163. For more information on Paul Althaus, see Robert P. Ericksen, *Theologians under Hitler: Gerhard Kittel, Paul Althaus and Emanuel Hirsch* (New Haven and London: Yale University Press, 1985).

gren thought that ethics does not need to be so very concerned with giving people moral knowledge since God already gives a lot of moral knowledge through creation.

As various theologians have observed, the Enlightenment came at the same time as Pietism in our history, and not too surprisingly there are certain similarities between Pietism and the Enlightenment. About Pietism Wingren noted, "In Pietism the law is essentially a power that discloses the sin in the heart of man. The law is not an instrument of God's governance of society by means of external, physical actions. What the Reformers called the "political use" of the law has ... entirely disappeared."[166] In addition, the life of the truly converted is then interpreted to be such that they will spontaneously keep the commandments of God without external compulsion or constraint.[167]

This Pietist interpretation of moral experience is more or less what appears in the ethics of Immanuel Kant, who might be regarded as the highpoint of Enlightenment moral philosophy. Ethics becomes a matter of a purified will, a matter of the attitudes of the heart. And from Kant this idea came back into academic theology. Consequently, "the idealistic theologians who had learned something about the moral life from Immanuel Kant were somewhat embarrassed by Luther's doctrine of the 'political use' of the law." Why? "Luther explicitly states that 'on earth' it makes no difference whether we do what is good willingly or unwillingly: God simply *compels* us to do certain external actions."[168]

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164. See Niels H. Soe, *Christliche Ethik*, translated into German by Walter Thiemann (Munich: Chr. Kaiser Verlag, 1949). Wingren's criticism of the views of Althaus is not entirely a fair criticism of the later works of Althaus. See Paul Althaus, *The Divine Command: A New Perspective on Law and Gospel,* trans. Franklin Sherman. Introduction by William H. Lazareth. (Philadelphia: Fortress Press, 1966); *The Theology of Martin Luther*, trans. Robert C. Shultz (Philadelphia: Fortress Press, 1966); and *The Ethics of Martin Luther,* trans. Robert C. Shultz (Philadelphia: Fortress Press, 1966). Wingren's criticism of Soe may be fair.

165. *Creation and Gospel*, p. 44.

166. Ibid. p. 32. John Hesselink point out that John Wesley, who lived during the same time as the early Pietist movement and had extensive influence on early Pietists, also omitted the *usus politicus* from his theology and ethics. Hessilink, op. cit, p. 268.

167. *Creation and Gospel,* p. 118.

In regard to the question of making knowledge and revelation the central questions in theological ethics, Wingren notes that this became a dominant theme in the 1920s and 1930s. And "around 1920 everyone still made certain 'Constantinian' assumptions, namely, that the church and its preaching of the Gospel stand in the center of the worldly community, which listens to the word it speaks."[169] Not only must the end of the Constantinian era be recognized by Christian theology and ethics; theologians must ask if the artificial attempt to prolong the Constantinian age by the methods used in ethics may have been one of the factors that promoted secularization, including secularization of the church. The improper claim that the Christian message or the Christian church is the only source of knowledge of right and wrong may have prompted a backlash in western culture.

In his situation in the later part of the twentieth century Wingren thought it was quite important to redevelop natural law ethics and to do so in a manner that he claimed was derived from Martin Luther and the other Reformers. Wingren was quite aware of Juergen Moltmann's concern that natural law theories have sometimes been used to promote or defend highly static or even repressive views of society that resist any change or development.[170] Wingren's approach moves in the opposite direction. And apparently in response to some recent Catholic "new natural law" theorists, he did not think Protestants needed a highly technical new moral philosophy. What is needed is the theological interpretation of the moral demand that all people encounter simply by means of living in God's creation. This would be a distinctly Protestant approach to natural law ethics.

To get the right perspective on Wingren's ethics, one must start with his view of God. His view of God is the exact opposite of the deist view that sees God as the clock maker who has stepped back to watch his creation. Wingren sees God as active in the world today. "There is not a single living soul who does not have dealings with God every day and

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168. Ibid. p. 45.
169. Ibid. p. 75.
170. Ibid. p. 27.

in every action."[171] The reason for this is that, "our relationship to God is given in and with life." This does not mean that everyone stands in a proper relationship to God, for this "relationship to the Creator may take different forms. There can be a relationship of wrath and judgment, or one of forgiveness and mercy."[172]

Being created by God, living in an accepting or rejecting relationship with God, within God's creation and in relationship to people who are also created by God, we constantly encounter a moral demand that Wingren called an "unexpressed demand" or an "unrecognized demand." "A radical demand, however, follows from the Creation and bestowal of life."[173] "Every encounter between human beings involves an unexpressed demand to be responsible for one another's life as long as we are able to do so. To receive life means to be implicated in this reciprocity of demand."[174]

To avoid misunderstanding he comments,

> *This demand is a work of God. To speak of its constraint upon man is not to speak of a quality in man. ... This assumption is false, and constitutes the main obstacle in formulating a correct theological discussion of Creation and Law. In speaking here of the "unrecognized demand," we are dealing with a work of God.*[175]

Wingren was eager to avoid some misunderstandings of what he was advocating under the term "natural law." This is not, he argued, to be associated with any "natural theology" in the sense of arguments for the existence of God. Indeed he thinks, "The self-evidence of the Biblical faith in God is such that we cannot put the question of His existence."[176] To this he adds, "Either, then, we proceed from God, in

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171. Gustaf Wingren, *Gospel and Church*, trans. Ross Mackenzie (Philadelphia: Fortress Press, 1964), p. 43.

172. Gustaf Wingren, *Creation and Law*, trans. Ross Mackenzie (Edinburgh and London: Oliver and Boyd, 1961), pp. 20, 21.

173. Ibid. p. 30.

174. Ibid. p. 31.

175. Ibid. p. 59.

which case we are unable to discuss his existence; or else we are discussing something other than God."[177]

A second misunderstanding he wishes to avoid is that the natural law adds any new demands on people of which they were previously unaware. The language of natural law only provides a theological explanation and clarification of the "unrecognized demand" already encountered in creation. For, "This demand is implicit in Creation independently of His Word in scripture, and becomes articulate as soon as the Word or any part of it is preached."[178] "The actual demands under which man lives are reinterpreted by the proclamation which is directed to him, and which extends to a belief in Creation from which these demands take their meaning."[179]

A third misunderstanding Wingren would want to avoid is to claim that the natural law somehow is opposed to or different from biblical ethics. To assume a tension between the ethical demand given in Creation and the ethical demand given in scripture and Redemption is to assume a tension between the Persons of the Trinity or between the articles of the Trinitarian creeds. The content of the unrecognized demand is to trust God and to love our neighbors. "In Rom. 1 Paul shows that God's revelation in Creation is the primary basis for His demand for faith and not simply for refraining from heinous offences, or for adopting an attitude of regard for one's neighbor. The unrecognized demand, which is addressed to men by the very fact of their living in the world, is a demand for faith and trust in God, and also a demand to put away 'idols' ... and to love their fellow men."[180] For this reason Wingren talked of the "harmony of the natural law with the commands which Christ gives in His Word." He said, "There is a force prompting man in his external relationships in the same direction as the

176. Ibid. p. 21.
177. Ibid. p. 22.
178. Ibid. p. 23.
179. Ibid. p. 24.
180. Ibid. p. 60.

command of love." He concluded, "There is no contradiction between this natural order and the idea that Christ has a new command to give man."[181]

A fourth misunderstanding he would avoid is to think that acknowledging the full presence of the natural law is in any way at odds with a deep grasp of human depravity. It is true that "The full revelation of the meaning of sin is given only in Christ and through the world of scripture." However, "this revelation of sin and man's perversity does not mean that sin and corruption in human life are unknown apart from the preaching of the Gospel."[182]

> *A full insight into the depths of human guilt is given only in the preaching of the Gospel. But the accusation is directed against man by the very fact of his living and moving in the world, and coming into contact with his neighbor. Man is still aware of the accusation against him, even though he may long since have excluded the term "God" from his vocabulary.*[183]

And in one of numerous allusions to Romans 1, which talks of human sin and guilt, Wingren claims, "When man disbelieves in God, disregards his neighbor and makes an idol out of Creation 'without excuse,' this means that he has definitely rejected demands which, however indistinctly he may have been aware of them, should have been sufficiently powerful to lead him to act differently."[184]

A final misunderstanding to avoid is connecting the natural law with an unchanging social order or the maintenance of the status quo. But Wingren thinks this totally misses the point of the natural law. Through creation God continually confronts us with the demand to love our neighbor and to treat him fairly. Because our neighbor's needs and the

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181. Ibid. pp. 42, 43.
182. Ibid. p. 52.
183. Ibid. p. 53.
184. Ibid. p. 57.

social situation change, there is even a sense in which God's demand changes. For his law is not a static, eternal form but his personal demand that we practice love and responsibility.[185]

While relationships with other people are one way we encounter the natural law, another is in all those things we are compelled to do in order to maintain our lives.

> *The more the demands are understood as elementary demands connected with the needs for food, clothing, shelter, etc., the more clearly appears their connection with the biblical view of God's government of the world and with the doctrine of creation. These demands cannot be derived from faith. They are simply there in the social pressures which originate in the needs of others. It is one of the essential characteristics that they come to us from the outside.*[186]

Wingren speaks of two uses of God's law, an accusing use and a political use. He chooses to emphasize the political use and call it the first, but this does not mean the two are clearly separated from each other. "The first work of the Law, that of compulsion, is continually passing into the second work of the Law, that of accusation."[187] The first or political use that God makes of his law is the preservation of society against chaos, which is an act of God's mercy. Of course this comes through people and social institutions.

> *Various social institutions such as the police force, the judicature and so on, have each been given their allotted task from God. To understand the connection between these earthly ordinances and God's continuing Creation we must try to see two things: first, it is men's evil deeds which are punished and prevented by these*

185. *Creation and Gospel*, pp. 122, 123.
186. *Theology in Conflict*, p. 141.
187. *Creation and Law,* p. 181.

> *earthly ordinances; but second, in their actual prevention the whole life of society is preserved. Life, which comes into being as a direct act of God, cannot continue unless God continues to create it anew each day.*[188]

To avoid thinking that the political use of the law is primarily tied to government in the sense that this word is used today, we should not neglect one other comment of Wingren. "Whenever the Law demands the performance of good works, we are dealing with the first use of the Law, and of 'earthly righteousness,' to use Luther's phrase. It does not matter whether these works have been performed in politics, family, school, art, science or the administration of justice."[189] We meet the preserving demand of God in all institutions.

This preserving demand of God is even encountered in secular ethical theories. "An ethical theory which has taken root in a particular environment in which it exercises a universally acknowledged pressure, may be an instrument of the Law, even though the doctrine of the Law is nowhere explicitly mentioned in the theory itself. ... Even ethical theories which in some respects are objectionable act as a check upon the capriciousness which lies hidden in all men."[190]

The natural law, experienced in various ways in its political use, is a means of God's mercy in maintaining human life. "The mercy which is expressed in this earthly government of which we are speaking is not a human mercy, but God's, just as the mercy which is evidenced in the alternation of sun and rain is His, not ours."[191] "Faith sees far more clearly than unbelief the mercy which is in God's harsh and punitive resistance to sin, and is willing to submit to the retributive function of the Law, without which life could not continue."[192]

A preserving mercy of God by means of the political use of God's law can even be seen in the institution of psychiatry. In talking with a

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188. Ibid. p. 152.
189. Ibid. p. 153.
190. Ibid. pp. 162, 163.
191. Ibid. pp. 140, 141.
192. Ibid. p. 143.

psychiatrist a patient may encounter the norms necessary to give order to a chaotic life. The psychiatrist may be, "one of the powers that perform the first use of the Law, generally, however, and this has been the case for a century now, without using the name of 'God'."[193] The reason for this is that "psychiatry also knows of cases in which healing cannot take place as long as the patient refuses to assume part of the responsibility for his illness and thus give himself the opportunity of self-correction and of abandoning his old habits." In this type of situation the psychiatrist "is discharging the Law's function of constraint."[194]

While for sake of clarity and depth of understanding we do need biblical ethics, the content of God's demand as it comes through the Bible is no different from the content of his demand he proclaims to all through creation.

4. Reflections

The type of natural law ethics we see advocated in Brunner, Hesselink (interpreting Calvin) and Wingren (interpreting Luther) is substantially different from that which Barth, Thielicke and Runner criticized. Runner criticized a notion of natural law that separated the law of nature from the law of God. But historic Protestant natural law theory sees God speaking the same law, demanding love and justice, in both creation and scripture. Thielicke thought natural law theories were based on the assumption of a relatively sinless reason and an undisturbed order of creation. In contrast Brunner, Hesselink and Wingren describe a demand that comes from God that allows us to evaluate the fallenness of our world and imposes itself on our rebellious reason. Thielicke sees only in the Bible a moral demand that confronts our fallenness, whereas Wingren and Hesselink see a merciful work and word of God in creation that both confronts and restrains our sin. Barth associated natural law with a spirit of accommodation that too easily toler-

193. Ibid. p. 176.
194. Ibid. p. 177.

ates radical evil as it was seen in National Socialism. Brunner, Hesselink and Wingren think God personally uses creation to give all people a knowledge of his demand that people practice love and justice, so that all people, regardless of creed or confession, are able to call evil "evil."

The ethical methodology described by Brunner, Hesselink and Wingren suggests that it is possible to find a way between the ethics of community and the ethics of domination. It suggests that the moral content of the Christian message that should shape the community of believers is completely and totally compatible with the moral content of the Word in Creation by means of which God mercifully maintains and sustains his world. The demand that is recognized by the Christian believer in faith is the same demand that remains unrecognized or is given another description by the person who does not claim to be a Christian. The Christian believer and the Christian community should properly say that God's law has multiple functions, showing us our sins to drive us to repentance, giving us direction for the life of gratitude, as well as restraining our sin, whereas outside the community of faith, God's law may have only one use, the civil or political use. But it is the same law coming from the same God.

This means that the Protestant Christian and the evangelical community can hope to find a way of responsible contribution to the questions of public ethics today that avoids several problems at the same time. We can hope to avoid thinking and talking in the modes and models of an isolated community or as the advocates of a new theocracy. We can also avoid thinking that the classical Protestant faith is irrelevant to modern life, while also avoiding thinking that our neighbors know nothing about right and wrong. Investigating some other interesting thinkers will help to develop this hypothesis.

Chapter 3

Supporting Voices

In addition to the theologians who directly responded to the rejection of natural law in Protestant theology and ethics, there have been a few Protestant thinkers who have made use of notions of natural law or creational normativity, though they were not directly in dialog with Karl Barth or Helmut Thielicke. Some of them would not describe themselves primarily as theologians, perhaps considering themselves as social scientists or literary scholars. These voices are important to add to the considerations put forward by Brunner, Hesselink and Wingren to gain an approach to natural law ethics that is both truly Protestant and well developed. The thinkers considered are David G. Myers and C. S. Lewis.

1. David G. Myers

Wingren made the suggestion that through psychiatry one can see God's merciful hand bringing order into chaotic lives, demonstrating a connection between the law of God and psychiatry. The same is true in the field of psychology, according to the extensive writings of Myers. Myers invites this type of use of his works, for he openly acknowledges his deep Christian faith, and he has written some interesting studies on the relation between religion and psychology.[195] But Myers writes as an academic psychologist who is both an award winning

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195. Some of his studies on the relationship between psychology and the Christian faith include: David G. Myers, *The Human Puzzle: Psychological Research and Christian Belief* (New York: Harper & Row, 1978); *The Inflated Self: Human Illusions and the Biblical Call to Hope* (New York: Seabury, 1980); T. E. Ludwing, M. Westphal, R. J. Klay, & D. G. Myers, *Inflation, Poortalk, and the Gospel* (Valley Forge: Judson Press, 1981; M. Bolt & D. G. Myers, *The Human Connection: How People Change People* (Downer's Grove: InterVarsity, 1984); and D. G. Myers & M. Jeeves, *Psychology Through the Eyes of Faith* (San Francisco: Harper & Row, 1987, 2002).

researcher in his specialty of social psychology and the author of textbooks that are some of the most widely read in Western culture.[196]

His approach to psychology is that it should be based on precise research, not on speculation, ideology or anecdotes. He says,

> *My vocation, as one who distills psychological science for various audiences, is to pull together the emerging research and reflect on its human significance. ... I rely much less on compelling stories than on research findings. As an experimental social psychologist – one who studies how people view, affect and relate to one another – I'm not much persuaded by anecdotes, testimonials or inspirational pronouncements. When forming opinions about the social world, I tell people, beware of those who tell heart rending but atypical stories.*[197]

To this he adds, "This scientific perspective is quite unlike the postmodern subjectivism that dismisses evidence as hardly more than collected biases."[198]

This does not mean that Myers believes that research and writing in the social sciences is somehow objective or unaffected by the worldview, bias or ideology of the social scientist. He openly confesses, "In looking for evidence, and in deciding what findings to report and how to report them, we are sometimes subtly steered by our hunches, our wishes, our values within."[199] However, Myers is confident that social scientific research performed according to exacting scientific standards and which is fairly reported can do much to overcome and cor-

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196. Some of Myers' widely used textbooks include *Psychology* (Worth Publishers, 6th edition), *Exploring Psychology* (Worth Publishers, 5th edition), *Social Psychology* (McGraw-Hill, 7th edition), and *Exploring Social Psychology* (McGraw-Hill, 2nd edition).

197. David G. Myers, *The American Paradox: Spiritual Hunger in an Age of Plenty*, Forward by Martin E. Marty (New Haven and London: Yale University Press, 2000), p. xiii. Though the title of this book is American, Myers often uses European research and address problems common to the entire Western world. His book could almost be called *The Western Paradox.*

198. Ibid.

199. Ibid. p. xiv.

rect personal hunches, popular wisdom and ideological pseudo-social science, all of which he regards as often being largely wrong.[200]

What Myers discovers in his extensive research in the social sciences is that human life and communities flourish and do well when people follow certain principles and develop the related patterns of behavior. And conversely, the opposite patterns of behavior are very destructive of human happiness and well-being. These results are so conclusive, Myers believes, that they should shape our definition of what it means to make responsible choices and decisions, whether in government policy, educational priorities, personal lifestyle choices or assessing what it means for the media to be socially responsible.

Many of the most destructive patterns of behavior in the developed world of the new millennium are closely tied to our rather extreme individualism. Myers summarizes radical individualism in these terms:

> *Do your own thing. Seek your own bliss. Challenge authority. If it feels good, do it. Shun conformity. Don't force your values on others. Assert your personal rights (to own guns, sell pornography, do business free of regulations). Protect your privacy. Cut taxes and raise executive pay (personal income takes priority over the common good). To love others, first love yourself. Listen to your own heart. Prefer solo spirituality to communal religion. Be self-sufficient. Expect others likewise to believe in themselves and to make it on their own. Such sentiments define the heart of economic and social individualism, which finds its peak expression in modern America.*

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200. As one example, Myers often criticizes pseudo-scientific belief in the occult or in paranormal abilities, such as ESP, mental telepathy or mind reading. He writes, "Poke at claims of the occult and the paranormal, and time and again one is left holding a popped balloon. The more I learn about the human senses, the more convinced I am that what is truly extraordinary is not extrasensory perception, claims for which inevitably dissolve upon investigations, but rather our very ordinary moment-to-moment sensory experiences of organizing formless neural impulses into colorful sights and meaningful sounds." Ibid. p. 265.

Myers claims, on the basis of impressive amounts of empirical scientific research, not just his personal preference, that "for today's radical individualism, we pay a price: a social recession that imperils children, corrodes civility and diminishes happiness. When individualism is taken to an extreme, individuals become its ironic casualties."[201] For this reason Myers advocates, "a new American dream – one that renews our social ecology with values and policies that balance 'me thinking' with 'we thinking.'"[202]

An important part of the transition from a moderate individualism to an extreme or radical individualism, Myers claims, was the so-called "sexual revolution" of the late twentieth century. And Myers is one of the many sociologists who think the sexual revolution came at the cost of a terrible amount of human suffering. In regard to what he calls the "myth" that people should live together, cohabit, before getting married to see if they are compatible, he writes,

> *Alas, the myth crumbles. Most cohabitations break up before marriage. In 1995, only 10 percent of 15–to 44-year-old women reported that their first cohabitation was still intact. But what about those who, after a trial marriage, decide to marry? Ten recent studies concur that couples who cohabit with their spouses-to-be have higher divorce rates than those who don't. Several studies illustrate:*

- *A U.S. survey of 13,000 adults found that couples who lived together before marriage were one-third more likely to separate or divorce within a decade.*
- *Another national study has followed 1,180 persons since 1980. By 1992, divorces had occurred among 29 percent of those who had cohabited before marriage and 13 percent of those who had not. In the 1995 National Survey of Family Growth, the corresponding divorce percentages were 26 and 15 within five years of marriage.*

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201. Ibid. pp. 7, 8.
202. Ibid. p. 8.

- *A 1990 Gallup survey of still-married Americans also found that 40 percent of those who had cohabited before marrying, but only 21 percent of those who had not, said they might divorce.*
- *A Canadian national survey of 5,300 women found that those who cohabited were 54 percent more likely to divorce within 15 years.*
- *A Swedish study of 4,300 women found cohabitation linked with an 80 percent greater risk of divorce.*
- *And if either partner was a "serial cohabitor" – having previously cohabited with one or more others besides the spouse – the likelihood of divorce is even greater.*[203]

Before looking at the effects of cohabitation on human well-being and happiness because of its association with divorce, Myers summarizes what has been learned by recent studies in psychology, sociology and economics that directly assess the effects of cohabitation.

> *Women, especially, have paid a price for replacing marriage with cohabitation. Over their lifetimes, women have tended to work and earn less. Thus they have more to lose by replacing a legal partnership with a no-strings attached relationship. Upon separation or death, cohabitees have limited rights to each other's accumulated assets. The cohabitation revolution has therefore not supported women's quest for economic parity with men. Perhaps due to their relative youth, lesser education, greater poverty and the presence of stepchildren, female cohabitees are also much more likely than married women to be victims of domestic violence. In Canada, they are four times more likely to be assaulted by their partner and eight times more likely to be murdered. In the United States, even after controlling for education, race, age and gender, people who live together are 1.8 times more likely than married people to have violent arguments.*[204]

And to that summary Myers adds the further comment, "Cohabiting people are unhappier and more vulnerable to depression – an effect

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203. Ibid. p. 29.
204. Ibid. p. 30.

partly attributed to cohabitation's insecurity."[205] And though cohabiting couples tend to be at least as sexually active as married couples their age, yet those cohabiting are "less likely to report that their sex is physically or emotionally satisfying."[206]

Myers sees cohabitation as reducing human wellbeing because it replaces marriage for those currently cohabiting, tends to end in divorce for those who cohabit before marriage and also leads to reduced levels of happiness in marriage for those who cohabited before marriage.[207] The proper context for understanding this is provided by the tremendous amount of research in the social sciences that documents a very strong connection between marriage and a sense of happiness or well-being.

> *Whether young or old, male or female, rich or poor, people in stable, loving relationships do enjoy greater well-being. Survey after survey of many tens of thousands of Europeans and Americans have produced this consistent result: Compared to the single or widowed, and especially compared to those divorced or separated, married people report being happier and more satisfied with life. In the United States, for example, fewer than 25 percent of unmarried adults but nearly 40 percent of married adults report being "very happy." Despite TV images of a pleasure-filled single life, and caustic comments about the "bondage," "chains," and "yoke" of marriage, a stubborn truth remains: Most people are happier attached than unattached.*[208]

In addition Myers points out, "People who say their marriage is satisfying ... rarely report being unhappy, discontented with life or depressed."[209] And "happiness with marriage predicts overall happiness much better than does satisfaction with jobs, finances or commu-

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205. Ibid. p. 32.
206. Ibid.
207. David G. Myers, *The Pursuit of Happiness: Discovering the Pathway to Fulfillment, Well-being, and Enduring Personal Joy* (New York: Avon Books, 1992), p. 163.
208. *The Pursuit of Happiness*, p. 156.
209. Ibid.

nity."[210] However, "cohabitants are only slightly happier than single people."[211]

So what does divorce do to people? Myers agrees with many social scientists in his observation that divorce is very damaging to physical health. He quotes biologist Harold Morowitz, "Being divorced and a nonsmoker is slightly less dangerous than smoking a pack or more a day and staying married."[212] And Myers is quite aware of the way divorce tends to lead to emotional depression and economic poverty.[213] But Myers chooses to emphasize the effect of divorce on the children whose parents divorce, and in that discussion to also discuss the distinctive problems of children whose parents never get married.

One of the distinctive problems of children whose parents divorce or never marry is a much higher risk of suffering abuse at home. Myers reports, "A U.S. government study in 1996 found that children of single parents are 80 percent more at risk for abuse or neglect. A recent Canadian study of 2,447 allegedly abused children found that the proportion living in single-parent families was triple the proportion of two-parent families."[214] This leads Myers to affirm the U.N. Secretary General's claim that "family breakdown is reflected in ... child-abuse and neglect."[215] In addition Myers points out that, "Although usually caring and supportive, stepfathers and live-in boyfriends more often abuse children than do biological fathers, for whom selfless fatherly love comes more naturally." He also notes, "the incest taboo is weaker between stepfathers and stepdaughters they did not know as infants," and, "infants living with stepparents are at least 60 times more likely to be murdered (nearly always by a stepfather) than those living with

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210. *The American Paradox,* p. 43.
211. Ibid. p. 43.
212. Ibid. p. 43. Harold Morowitz is quoted in James L. Lynch, *The Broken Heart: The Medical Consequences of Loneliness* (New York: Basic, 1977), pp. 45, 46.
213. Ibid. pp. 43 and 47.
214. Ibid. p. 63.
215. Ibid. p. 64. Myers is quoting from the Report of the Secretary General to the Forty-Eighth Session of the United Nations, Item 110, "Social Development Including Questions Relating to the World Social Situation, and to Youth, Aging, Disabled Persons, and the Family," August 19, 1993, p. 38.

natural parents."[216] Myers thinks the moral implication is clear: "there can hardly be a better child abuse prevention program than the renewal of marriage."[217]

Another distinctive problem of children whose parents divorce or never marry is poverty. "Poverty claims 13 percent of children under age 6 living with two parents and nearly *five* times as many – 59 percent – of children living with single mothers."[218] And Myers notes that the poverty rate is even higher among mothers who were never married.

A third distinctive problem is that of crime and delinquency among boys who grow up without their father in the home. Myers notes that "father-absence rates predict crime,"[219] and cites David Lykken's analysis that "the sons of single parents are at seven times greater risk of incarceration than sons reared by two biological parents."[220] Myers agrees with other social scientists in noting 70 percent as an almost magic number. Seventy percent of runaways, adolescent murderers and long-term prisoners come from fatherless homes. He notes that father involvement restrains male hypermasculinity and aggression, affirming Daniel Moynihan's analogy of an "invasion of barbarians," "teenage boys who become enemies of civilization unless tamed by father care and their entry into marriage and the provider role."[221] Myers is convinced that the "invasion of barbarians" within the developed countries is largely caused by the lack of fathers in the home during the boys' teenage years. This is generally either the result of divorce or the result of the parents never marrying.

A fourth problem that Myers notes among children whose parents divorce or never marry is a broad package of health, educational and psychological problems. Relating to psychological health Myers notes

216. Ibid. p. 64.
217. Ibid. p. 65.
218. Ibid. p. 73.
219. Ibid. p. 116.
220. Ibid. p. 117. The quotation is from David T. Lykken, "On the Causes of Crime and Violence: A Reply to Aber and Rappaport," *Applied and Preventive Psychology* 3 (1994): pp. 55–58.
221. Ibid. p. 77.

that "children of all forms of single-parent and stepparent families were two to three times as likely to have needed or received psychological help during the previous year."[222] And he adds, "even after controlling for sex, race, verbal ability and parental education, youths from nondisrupted families were half as likely to have been treated for psychological problems."[223] These problems are clearly not only an American phenomenon, for "One Swedish study of the more than 15,000 children born in Stockholm in 1953 and still living there in 1963 found that 'parental separation or divorce has negative effects on later mental health whenever it occurs and regardless of the socioeconomic status of the household."[224] Myers thinks reports of this type are under-publicized.

On the issue of the physical health of children whose parents divorce, he notes, "Children from divided families are much more likely to engage in unprotected sex, smoke cigarettes and abuse drugs and alcohol." The total effect of divorce on children's health is such that "parental divorce predicts a shorter life by four years."[225] "Greedy morticians, it has been said, should advocate divorce."[226]

Children whose parents divorce or never marry also face increased educational and academic problems. "An analysis of Census Bureau data from 115,000 15- to 24-year-olds revealed that among whites, adolescent drop out rates were 61 percent higher among those in female-headed households."[227] Another study concluded, "the adjusted risk of dropping out of high school was 29 percent among children of lone parents or stepfamilies but only 13 percent among children of two-parent households."[228] And a different research group discovered that "children in intact families were, no matter what their

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222. Ibid. p. 78.
223. Ibid. p. 79.
224. Ibid. p. 82. Myers is quoting Duncan W. G. Timms, *Family Structure in Childhood and Mental Health in Adolescence* (Stockholm: Department of Sociology, University of Stockholm, 1991), p. 93.
225. Ibid. p. 79.
226. Ibid. p. 80.
227. Ibid.
228. Ibid. p. 82.

age or race, half as vulnerable to school problems and were a third less likely to repeat a grade."[229]

On the basis of this research in the social sciences Myers affirms and advocates what he calls "the transcultural ideal: children thrive best when raised by two parents who are enduringly committed to each other and to their child's welfare."[230] Though this is not exactly the language of theology or philosophy, Myers is claiming that the best research in the social sciences shows that people find happiness and well-being when they follow the norms about marriage and family that the Judeo-Christian tradition considers to be God-given. This is a social science oriented type of natural law theory coming from a Protestant Christian who is one of the great social scientists of our time. Though Myers does not interact at length with theological or philosophical theories of natural law ethics, he does make an occasional passing comment on the topic. One of these makes the tie between his social science and a Protestant version of natural law quite explicit. "Despite differing beliefs, faith traditions share many values. In *The Abolition of Man*, C. S. Lewis in 1947 identified the morality – the seeming 'natural law' – shared by the world's cultural and religious traditions."[231]

What Myers calls "transcultural ideals" discovered by the social sciences are what theologians like Brunner, Hesselink and Wingren would have called the natural law, the sometimes unrecognized but always present God-given demand that we practice justice, love, faithfulness, honesty, etc.[232] Myers' work supports Wingren's claim that while philosophy can be relativistic, life is not relativistic, since there truly are norms that are present in human experience. Myers has investigated matters related to the need for practicing faithfulness in the realm of sex, marriage and family. Presumably other studies in the social sciences could show the need for following "transcultural ideals" in other realms of life. One could expect studies in economics to

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229. Ibid.
230. Ibid. p. 87.
231. Ibid. p. 242.

show the need for honesty, while studies in political science might show the need to practice justice.

The social sciences may not be able to prove that there is a natural moral law that is known and present in human experience because it comes to us from God through creation. But the social sciences can explain the claim and show at least some of the reasons why people should practice faithfulness, honesty, justice, etc. This fits nicely with the historic Protestant claim that the natural law is closely associated with the civil use of the law. And in the civil use of the moral law, the important matter is that people do what is required by the moral law, whatever their motives and regardless of whether they understand what this law is and where it comes from.

Studies such as those compiled by Myers also show the need for reconciliation, forgiveness and healing in relationships between people and with God. This process of showing human need should be seen as closely related to the theological use of the law, which shows our need for grace. The various uses of the moral law can never be totally separated, whether the law comes through creation or special revelation.

2. C. S. Lewis (1898–1963)

Lewis would not have called himself a theologian. He finished his career as professor of Medieval and Renaissance Literature at Cambridge (1955–1963), after spending thirty years teaching similar subjects as a tutor or fellow at Oxford. He was a man of letters who also wrote children's literature and science fiction. But his conversion to

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[232.] Myers advocates an understanding of the relationship between psychology and theology that he calls "levels-of-understanding," which means that different academic disciplines could describe the same phenomenon in somewhat different terms because the different disciplines examine the phenomenon at different levels. One could also say that different academic disciplines use methods suitable to understand different dimensions of reality. A "transcultural ideal" would be a social science description of what theology calls natural law. See Myers' article "A Levels-of-Explanation View" in E. L. Johnson and S. L. Jones, editors, *Psychology & Christianity: Four Views* (Downer's Grove, IL: Intervarsity Press, 2000). The article in this volume by Jones and Johnson, "A History of Christians in Psychology," includes a concise summary of the type of model represented by Myers.

Christianity was a rather thoughtful process, and in the last twenty-five years of his life he penned a number of items about ethics, philosophy and the Christian faith that are of interest to theologians. In two of his works he takes up the topic of natural law, which he alternately calls the "*Tao*" or the "Law of Human Nature." His perspective is quite helpful to Protestants concerned about this subject because Lewis writes within a more or less Augustinian framework.

In *The Abolition of Man*[233] there are three lectures and a lengthy appendix. The title of the first lecture points toward Lewis' understanding of the effects of a faulty moral philosophy: "Men without Chests." Lewis takes a little book on English language intended to teach grammar and composition to school children and looks at the philosophy communicated in it. To avoid offense to the authors, who did not present their book as philosophy, Lewis refers to the book as *The Green Book* and to the authors as Gaius and Titius, protecting their anonymity.

Gaius and Titius quote the story of Coleridge at the waterfall in which one tourist called the waterfall "sublime" and another called it "pretty." Lewis quotes Gaius and Titius, "'When the man said *That is sublime*, he appeared to be making a remark about the waterfall. ... Actually ... he was not making a remark about the waterfall, but a remark about his own feelings. What he was saying was really *I have feelings associated in my mind with the word "Sublime,"* or shortly, *I have sublime feelings.*'" And a little later Gaius and Titius add, "'This confusion is continually present in language as we use it. We appear to be saying something very important about something: and actually we are only saying something about our own feelings.'"[234]

Lewis clearly agrees with Coleridge against Gaius and Titius, but his concern is with the schoolchild who has just been indoctrinated into a very controversial philosophical position, without realizing that this

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233. Clive Staples Lewis, *The Abolition of Man: Reflections on Education with Special Reference to the Teaching of English in the Upper Forms of Schools* (New York: Macmillan, 1947). The material in this book was first presented in the Riddell Memorial Lectures at the University of Durham.

234. Ibid. p. 14. Lewis is quoting *The Green Book*, pp. 19, 20.

has happened. As a result of *The Green Book* the child "will believe two propositions: firstly, that all sentences containing a predicate of value are statements about the emotional state of the speaker, and secondly, that all such statements are unimportant."[235] To avoid being misunderstood Lewis adds, referring to the school child, "I do not mean, of course, that he will make any conscious inference from what he reads to a general philosophical theory that all values are subjective and trivial."[236] School children are not yet aware of general philosophical theories and do not understand that such a theory has wide ranging implications for theology, ethics, education and politics. "It is not a theory they put into his mind, but an assumption, which ten years hence, its origin forgotten and its presence unconscious, will condition him to take one side in a controversy which he has never recognized as a controversy at all."[237] The child will not learn from this book what he should be learning about literature or composition. "What he will learn quickly enough, and perhaps indelibly, is the belief that all emotions aroused by local association are in themselves contrary to reason and contemptible."[238]

This lecture was given in 1947 when Lewis and other Western educators were reflecting on the experiences of the War. "I think Gaius and Titius may have honestly misunderstood the pressing educational need of the moment. They see the world around them swayed by emotional propaganda ... and they conclude that the best thing they can do is to fortify the minds of young people against emotion."[239] In contrast, Lewis claims, "The right defense against false sentiments is to inculcate just sentiments. By starving the sensibility of our pupils we only make them easier prey for the propagandist when he comes."[240] "Just sentiments" leads Lewis to the *Tao* and the chests of men.

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235. *Abolition,* p. 15.
236. Ibid. p. 16.
237. Ibid. pp. 16, 17.
238. Ibid. p. 19.
239. Ibid. p. 24.
240. Ibid.

Lewis believes there are just and unjust sentiments, right and wrong emotional reactions to a situation or event. And he thinks the weight of history is on his side in this opinion. "Until quite modern times all teachers and even all men believed the universe to be such that certain emotional reactions on our part could be either congruous or incongruous to it – believed, in fact, that objects did not merely receive, but could *merit*, our approval or disapproval, our reverence or our contempt."[241] Therefore Coleridge could agree with the tourist in calling a waterfall, "sublime" and not think he was only saying something about his feelings. Indeed, training children to have the right feelings has been central in the philosophy of the great educators, Augustine, Aristotle and Plato. "St. Augustine defines virtue as *ordo amoris*, the ordinate condition of the affections in which every object is accorded that kind and degree of love which is appropriate to it. Aristotle says that the aim of education is to make the pupil like and dislike what he ought."[242] And according to Plato, "The little human animal will not at first have the right responses. It must be trained to feel pleasure, liking, disgust and hatred at those things which really are pleasant, likeable, disgusting and hateful."[243]

Lewis calls these objective values that demand an appropriate emotional response "the *Tao*," whether in a Platonic, Aristotelian, Stoic, Christian or Oriental form. "It is the doctrine of objective value, the belief that certain attitudes are really true, and others really false, to the kind of thing the universe is and the kind of things we are. Those who know the *Tao* can hold that to call children delightful or old men venerable is not simply to record a psychological fact about our own parental or filial emotions at the moment, but to recognize a quality which *demands* a certain response from us whether we like it or not."[244]

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241. Ibid. p. 25.
242. Ibid. p. 26. Lewis has notes referring to Augustine's *City of God*, xv. 22 and Aristotle's *Nicomachian Ethics*, 1104 B.
243. Ibid. pp. 26, 27. Lewis cites Plato, *Laws*, 653.
244. Ibid. p. 29.

Lewis thinks that the *Tao*, regardless of whether one uses a Hindu, Hellenistic, Jewish or Christian version, stands in complete and total contrast with the philosophy inculcated by Gaius and Titius. The key issue is the relationship between facts and feelings. Whereas Gaius and Titius see no connection between the world of facts and the world of feelings, all those within the *Tao* see a necessary connection between the world of facts and the world of feelings. From within the *Tao* certain facts demand suitable feelings. This, Lewis claims, is the key to totally different approaches to understanding human nature, education and ethics.

Within the *Tao* education means "transmitting manhood to men" in the sense of training students to have the right emotional reactions, whereas outside the *Tao* education is "merely propaganda."[245] In ethics those within the *Tao* will recognize that properly trained emotions may be more important to a person's actual behavior than will a highly developed moral philosophy. "No justification of virtue will enable a man to be virtuous. Without the aid of trained emotions the intellect is powerless against the animal organism."[246]

In understanding human nature, Lewis thinks the denial of the *Tao* leads to cutting the "Chest" out of man. The "Chest" is a middle element in human nature that connects rationality to animal instincts, the liaison "between cerebral man and visceral man." "It may even be said that it is by this middle element that man is man: for by his intellect he is mere spirit and by his appetite mere animal. The operation of *The Green Book* and its kind is to produce what may be called *Men without Chests*."[247]

Lewis comments on why so many were cowardly when confronted with radical evil:

> *We make men without chests and expect of them virtue and enterprise. We laugh at honor and are shocked to find traitors in our midst. We castrate and bid the geldings be fruitful.*[248]

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245. Ibid. p. 33.
246. Ibid. pp. 33, 34.
247. Ibid. p. 34.

Lewis begins his lecture "The Way" with strong words: "The practical result of education in the spirit of *The Green Book* must be the destruction of the society which accepts it."[249] Of course Lewis does not think the societal consequences of an idea really refute the idea, not even subjectivism about values. What does refute Gaius and Titius is the way they are unable to practice their own theory. While they preach the subjectivism of values, they have a set of values that they communicate to the child. "Their skepticism about values is on the surface: it is for use on other people's values: about the values current in their own set they are not nearly sceptical enough."[250]

Moral debunkers like Gaius and Titius, whom Lewis calls "Innovators," would like to get rid of a parasitic growth of emotion, religion, inherited taboos and other irrational elements in morals. They want a more reasonable approach to ethics. However Reason, as Gaius and Titius understand it, is unable to give us any moral norms at all. Reason cannot say whether selfishness or altruism is more reasonable. Another example of this problematic view of Reason is this: the statement "*This will preserve society* cannot lead to *do this* except by the mediation of *society ought to be preserved.*"[251] But the Innovator's understanding of Reason does not let him say that "society ought to be preserved" is a rational statement.

> *The Innovator is trying to get a conclusion in the imperative mood out of premises in the indicative mood: and though he continues trying to all eternity he cannot succeed, for the thing is impossible. We must therefore either extend the word Reason to include what our ancestors called Practical Reason and confess that judgments such as society ought to be preserved (though they can support themselves by no reason of the sort that Gaius and Titius demand) are not mere sentiments but are rationality itself:*

248. Ibid. p. 35.
249. Ibid. p. 39.
250. Ibid. p. 41. In a lengthy footnote Lewis shows that Gaius and Titius debunk bravery, courage and love of country while inculcating democracy, cleanliness, comfort and security.
251. Ibid. p. 43.

> *or else we must give up at once, and forever, the attempt to find a core of "rational" value behind all the sentiments we have debunked. The Innovator will not take the first alternative, for practical principles known to all men by Reason are simply the Tao which he has set out to supercede.*[252]

The Innovator is likely to say that statements like "society ought to be preserved" are the expressions of Instinct, not Reason. And, "We have no instinctive urge to keep promises or to respect individual life: That is why scruples of justice and humanity – in fact the *Tao* – can be properly swept away when they conflict with our real end, the preservation of the species."[253] However this step does not solve his basic philosophical problem, "For even the Innovator admits that many impulses (those which conflict with the preservation of the species) have to be controlled."[254]

Against the Innovator Lewis claims we are all always evaluating our instincts, deciding which instincts to follow and which to repress. For, "Our instincts are at war."[255] This process of evaluating our instincts, which we can hardly avoid, presumes knowledge of a standard by which we make judgments. This presumed standard by which we make value judgments among our conflicting instincts is in fact the *Tao*. This leaves the Innovator in an awkward, ironic situation. "All the values which he uses in attacking the *Tao*, and even those he claims to be substituting for it, are themselves derived from the *Tao*."[256]

> *There never has been, and never will be, a radically new judgement of value in the history of the world. What purport to be new systems of (as they now call them) "ideologies," all consist of fragments from the Tao itself, arbitrarily wrenched from their context in the whole and then swollen to madness in their isolation, yet still owing to the Tao and to it alone such validity as they*

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252. Ibid. p. 44.
253. Ibid. pp. 44, 45.
254. Ibid. p. 48.
255. Ibid. p. 48.
256. Ibid. p. 54.

possess. If my duty to parents is a superstition, then so is my duty to posterity. If justice is a superstition, then so is my duty to my country or my race. If the pursuit of scientific knowledge is a real value, then so is conjugal fidelity. The rebellion of new ideologies against the Tao is a rebellion of the branches again the tree.[257]

Lewis does not intend this analysis to be a proof of the existence of the *Tao.* In fact he does not think such a proof is either possible or necessary. For the *Tao* makes moral reason, The Principles of Practical Reason, to be a human possibility. "Unless you accept these without question as being to the world of action what axioms are to the world of theory, you can have no practical principles whatever. You cannot reach them as conclusions: they are premises."[258] Then he adds, "You may, on the other hand, regard them as rational – nay as rationality itself – as things so obviously reasonable that they neither demand nor admit proof. But then you must allow that Reason can be practical, an *ought* must not be dismissed because it cannot produce some *is* as its credential."[259]

In responding to the Innovators, Lewis does not describe the *Tao* as inflexible *a priori* principles that have no relationship to ongoing reflection on morality. Lewis would see rigidity as a faulty response to the various ideologies and Innovators. Lewis concedes the *Tao* may need "some removal of contradictions, even some real development."[260] For, "the *Tao* admits development from within."[261] However Lewis is not suggesting any substantial relativism in ethics.

Those who understand the spirit of the Tao and who have been led by that spirit can modify it in directions which that spirit itself demands. Only they can know what those directions are. The outsider knows nothing about the matter. His attempts at alteration, as we have seen, contradict themselves. So far from being able to

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257. Ibid. p. 56.
258. Ibid. p. 53.
259. Ibid. p. 53.
260. Ibid. p. 57.
261. Ibid. p. 58.

> *harmonize discrepancies in its letter by penetrating to its spirit, he merely snatches at some one precept, on which the accidents of time and place happen to have riveted his attention, and then rides it to death – for no reason he can give. From within the Tao itself comes the only authority to modify the Tao. This is what Confucius meant when he said, "With those who follow a different Way it is useless to take counsel."*[262]

And Lewis adds, "Only those who are practicing the *Tao* will understand it."[263]

Lewis' final lecture has the same title as the entire series, "The Abolition of Man." He concludes that the denial of the *Tao* or the natural moral law threatens our distinctive nature as humans. The denial of the *Tao* leads to the abolition of man.

Lewis claims that "man's conquest of nature" or "human power over nature" usually means some people have power over other people. Taking the "aeroplane," the "wireless" (radio) and contraceptives as examples of man's power over nature, he notes they all involve, "a power possessed by some men which they may, or may not, allow other men to profit by."[264] And of airplanes and radios, "Man is as much the patient or subject as the possessor, since he is the target for both bombs and propaganda."[265] Of contraceptives, "There is a paradoxical, negative sense in which all possible future generations are the patients or subjects of a power wielded by those already alive."[266]

This leads Lewis to analyze the complex relationship between the generations. On the one hand, "Each generation exercises power over its successors." On the other hand, each generation also, "in so far as it modifies the environment bequeathed to it and rebels against tradition, resists and limits the power of its predecessors."[267] But the scientific developments of our time might forever change the balance of power

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262. Ibid. p. 59. The Confucius quotation is from *Analects*, xv. 39.3
263. Ibid. p. 61.
264. Ibid. p. 68.
265. Ibid.
266. Ibid.
267. Ibid. p. 70.

between generations. "If any one age really attains, by eugenics and scientific education, the power to make its descendents what it pleases, all men who live after it are the patients of that power."[268] The result is that "Man's conquest of Nature, if the dreams of some scientific planners are realized, means the rule of a few hundreds of men over billions upon billions of men."[269] The irony of the human conquest of nature is that "*Human* nature will be the last part of Nature to surrender to Man."[270]

Lewis finds an essential change in the way the current generation seeks to control future generations from the way previous generations sought to control future generations. Previous generations sought to bring future generations to follow the same *Tao* as the older generation.

> *In the older systems both the kind of man the teachers wished to produce and their motives for producing him were prescribed by the Tao – a norm to which the teachers were subject and from which they claimed no liberty to depart. They did not cut men to some pattern they had chosen. They handed on what they had received: they initiated the young neophyte into the mystery of humanity which over-reached him and them alike.*[271]

But the current generation seeks to control human nature by conditioning and eugenics. They seek, "to *produce* conscience and decide what kind of conscience they will produce." "Whatever *Tao* there is will be the product, not the motive of education," while the conditioners stand outside or above whatever *Tao* they seek to perpetuate. "The Conditioners, then, are to choose what kind of artificial *Tao* they will, for their own good reasons, produce in the Human race."[272] And we have lost our humanity.

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268. Ibid. p. 70.
269. Ibid. p. 71.
270. Ibid. p. 72.
271. Ibid. pp. 73, 74.
272. Ibid. p. 74.

In responding to those who ask why he thought the conditioners to be such bad men, Lewis responded, "I am not supposing them to be bad men. They are, rather, not men (in the old sense) at all."[273] "Stepping outside the *Tao*, they have stepped into the void." And this means that their subjects, the future generations also "are not men at all: they are artifacts. Man's final conquest has proved to be the abolition of Man."[274]

He further explains this loss of humanity. "Those who stand outside all judgments of value cannot have any ground for preferring one of their own impulses to another except the emotional strength of that impulse."[275] Humans are reduced to following instinct like an animal. "If you will not obey the *Tao*, or else commit suicide, obedience to impulse ... is the only course left open."[276]

Lewis would not have the reader miss the ironies involved in turning from the *Tao*. "Man's conquest of Nature turns out, in the moment of its consummation, to be Nature's conquest of Man."[277] For mankind is turned into a mere bundle of instincts and impulses, not the bearer of Practical Reason. "If man chooses to treat himself as raw material, raw material he will be: not raw material to be manipulated, as fondly imagined, by himself, but by mere appetite, that is mere Nature, in the person of dehumanized Conditioners."[278]

> *Either we are rational spirit obliged forever to obey the absolute values of the Tao, or else we are mere nature to be kneaded and cut into new shapes for the pleasures of the masters who must, by hypothesis, have no motive but their own 'natural' impulses. Only the Tao provides a common human law of action which can over-arch rulers and ruled alike. A dogmatic belief in objective value is necessary to the very idea of a rule which is not tyranny or an obedience which is not slavery.*[279]

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273. Ibid. p. 76.
274. Ibid. p. 77.
275. Ibid. p. 79.
276. Ibid. p. 79.
277. Ibid. p. 80.
278. Ibid. p. 84.

Lewis concluded his study with an appendix that quotes a wide range of sources in multiple civilizations, illustrating a more or less unified awareness of the natural law. He makes clear that he is not trying to prove the validity of the natural law. "Its validity cannot be deduced. For those who do not perceive its rationality, even universal consent could not prove it."[280] Instead Lewis offers examples of eight moral laws that are found in a wide range of cultures and religions. His texts come from ancient Egyptian, Greek, Jewish, Norse, Hindu, Babylonian, Chinese, Roman and Christian sources. The eight laws are:

1. *General Beneficence*, in its negative form meaning not to hurt or kill, in its positive form meaning to help or promote human life and society.
2. *Special Beneficence* refers to our stronger duties of beneficence to those with whom we have stronger or closer relationships.
3. Duties to Parents, Elders, Ancestors.
4. Duties to Children and Posterity.
5. *The Law of Justice* includes sexual justice, honesty and justice in courts.
6. *The Law of Good Faith and Veracity* requires truth telling and promise keeping.
7. *The Law of Mercy* refers to helping people in need.
8. *The Law of Magnanimity* refers to matters such as courage and the willingness to sacrifice one's life for an important cause.[281]

These eight laws are what Lewis regards as the core of the *Tao*, the natural law. He does not think it is possible to prove that these laws are a universal human phenomena, but he also does not think it is necessary. It is the condition that makes practical, moral and political reason possible, just as theoretical reason is the condition that enables abstract, theoretical thought. And if we deny the *Tao*, claims Lewis, we risk denying or losing our humanity by means of seeing ourselves as mere

279. Ibid. p. 85.
280. Ibid. p. 95.
281. This appendix is composed largely of quotations from primary texts. It is in pages 95–121.

parts of nature, subjected only to competing instincts and impulses. Though Lewis does not use precisely this language, it would be accurately interpreting his philosophy to say that the *Tao* or natural law is the transcendental condition that makes human life human.

Lewis provided a second analysis of the natural law in the opening part of *Mere Christianity.*[282] While the basic ideas are the same, the purposes of his two treatments are different. In *The Abolition of Man* Lewis is addressing the educational, ethical and societal implications of the natural law and its denial. In *Mere Christianity* he addresses the religious significance of his claim that the *Tao* forms the necessary presupposition of the moral experience of all normal people. He thinks it is moral experience, which is made possible by the *Tao*, that renders Christian belief plausible.

The first part of *Mere Christianity* bears the title, "Right and Wrong as a Clue to the Meaning of the Universe," followed by a chapter title, "The Law of Human Nature." His opening lines are notable.

> *Everyone has heard people quarrelling. Sometimes it sounds funny and sometimes it sounds merely unpleasant; but however it sounds, I believe we can learn something very important from listening to the kind of things they say. They say things like this: "How'd you like it if anyone did the same to you?" – "That's my seat, I was there first" – "Leave him alone, he isn't doing you any harm". ...*
>
> *Now what interests me about all these remarks is that the man who makes them is not merely saying that the other man's behavior does not happen to please him. He is appealing so some kind of a standard of behaviour which he expects the other man to know about. And the other man very seldom replies: "To hell with your standard." Nearly always he tries to make out that what he has been doing does not really go against the standard, or that if it does, there is some special excuse. ... It looks, in fact, very much*

[282.] C. S. Lewis, *Mere Christianity.* A revised and amplified edition, with a new introduction, of the three books *Broadcast Talks, Christian Behavior,* and *Beyond Personality.* (London and Glasgow: Collins, 1952).

> *as if both parties had in mind some kind of Law or Rule of fair play or decent behaviour or morality or whatever you like to call it, about which they really agreed. And they have. If they had not, they might, of course, fight like animals, but they could not quarrel in the human sense of the word.*[283]

The reader should notice exactly how Lewis gives this initial explanation. He does not say that by reason we find or prove the natural law, nor does he say that people are always exactly conscious of the moral law. Rather he sees all normal people using the natural law in the normal course of daily life. It is both the condition and the presupposition of moral conflict. In more technical terms one could say that Lewis describes the natural law as the transcendental condition of moral experience.

Lewis continues:

> *Now this Law or rule about Right and Wrong used to be called the Law of Nature. Nowadays, when we talk of the "laws of nature" we usually mean things like gravitation or heredity or the laws of chemistry. But when the older thinkers called the Law of Right and Wrong "the Law of Nature," they really meant the law of Human Nature.*[284]

He adds, "This law was called the Law of Nature because people thought that every one knew it by nature and did not need to be taught it."[285]

Lewis says the Law of Human Nature is different from other natural laws because we can choose whether or not to obey the Law of Human Nature, whereas we have no choice about obeying natural laws such as gravity. This points out a big difference between humans and animals, plants or inorganic things. Humans have a choice about obeying or disobeying the law of their own nature.[286]

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283. Ibid. pp. 15, 16.
284. Ibid. p. 16.
285. Ibid. p. 17.

The first objection Lewis addressed is usually called "cultural relativism," the claim that "different civilizations and different ages have had quite different moralities."[287] Lewis acknowledges the differences in moral standards between cultures and religions, but he thinks these differences are often exaggerated, so that people think they are larger than they really are. "There have been differences between their moralities, but these have never amounted to anything like a total difference. If anyone will take the trouble to compare the moral teaching of, say, the ancient Egyptians, Babylonians, Hindus, Chinese, Greeks and Romans, what will really strike him will be how very like they are to each other and to our own."[288]

He asks his readers to consider what a totally different morality would look like. It would mean praising cowardice in battle or being proud of double-crossing those who had been kind to you. He thinks we cannot imagine this anymore than we can imagine a place where two plus two truly equals five. As an example of substantial moral agreement within limited cultural diversity he notes, "Men have differed as to whether you should have one wife or four. But they have always agreed that you must not simply have any woman you want."[289]

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286. This analogy of the moral law with the law of gravity contains a hint that just as one may get hurt by trying to break the law of gravity, so one may get hurt by trying to break the moral law. George W. Forell, who had read Lewis, developed the analogy one step farther. "It isn't very important whether or not you and I believe there is a law of gravity, so long as we keep in mind that it exists. The law of gravity is real whether we like it or not; it is equally real for the physics professor who knows all about it, and for the baby who leans too far out of his crib. With or without our approval, it simply is. Similarly, the divine natural law simply exists, quite apart from our knowledge or approval, and anybody who consistently breaks it discovers that it eventually breaks him." *Ethics of Decision: An Introduction to Christian Ethics* (Philadelphia: Fortress Press, 1955), p. 85. As an example Forell cites the law of truth telling, which if regularly broken, leaves a person essentially dumb and unable to communicate, because no one will believe the person. Forell's overall view of natural law is quite similar to Brunner and Wingren.

287. Ibid. p. 17.

288. Ibid. p. 17. Here Lewis invites the reader to consult the appendix to *The Abolition of Man*.

289. Ibid. p. 18.

Of course some people will say there is no Law of Human Nature or real standard of right and wrong. Lewis responds that people can say such things, but their actions show that they do not really believe what they say they believe. "Whenever you find a man who says he does not believe in a real Right and Wrong, you will find the same man going back on this a moment later."[290] The example Lewis selects is truth telling and promise keeping. "He may break his promise to you, bit if you try breaking one to him, he will be complaining 'It's not fair.'"[291] And this self-contradiction in human behavior, claims Lewis, shows that people really do know the Law of Human Nature, even if people do not say that they know it or even if people do not know that they know it. It is unavoidable.

But just because we know the moral law, it does not follow that we keep the moral law. "We have failed to practice ourselves the kind of behavior we expect from others."[292] Note that we all quickly make excuses for ourselves when we fail to do what we know we should do. The fact of excuse making shows something important. Our excuses,

> *are one more proof of how deeply, whether we like it or not, we believe in the Law of Nature. If we do not believe in decent behavior, why should we be so anxious to make excuses for not behaving decently? The truth is, we believe in decency so much – we feel the Rule or Law pressing on us – that we cannot bear to face the fact that we are breaking it, and consequently we try to shift the responsibility.*[293]

Another objection claims the Moral Law is simply a herd instinct. He does not deny that there is a heard instinct, but notes that in actual moral experience there are often two instincts in conflict with each other. The herd instinct is often in conflict with the instinct for self-preservation. In that moment of conflict between two instincts it is discovered that there is something else which tells one which instinct to

290. Ibid. p. 18.
291. Ibid. p. 18.
292. Ibid. p. 19.
293. Ibid. p. 19.

follow and which to suppress. "Now this thing that judges between two instincts, that decides which should be encouraged, cannot itself be either of them."[294] He compares our instincts to the keys on a piano and the Moral Law to a sheet of music. "The Moral Law tells us the tune we have to play: our instincts are merely the keys."[295]

Another way of seeing that the Moral Law is not an instinct is that we sometimes know that an instinct is not as strong as it should be. We may try to strengthen our herd instinct in order to do the right thing. "We often feel it our duty to stimulate the herd instinct, by waking up our imaginations and arousing our pity and so on, so as to get up enough steam for doing the right thing. But clearly we are not acting *from* instinct when we set about making an instinct stronger than it is."[296] Clearly the Moral Law has to be something different from an instinct if it tells us we should strengthen a particular instinct.

Lewis claims there is a third way of seeing that the Moral Law is not an instinct. "There is none of our impulses which the Moral Law may not sometimes tell us to suppress."[297] Lewis thinks no human instinct or impulse is always good or always bad. Our instincts of sex, fighting, mother-love or patriotism, sometimes need to cultivated or strengthened, and other times they need to be suppressed. A fighting instinct may need to be strengthened before a soldier goes into battle, and a mother's love for her own children may need to be suppressed to prevent her from being unfair to other children. "The most dangerous thing you can do is to take any one impulse of your own nature and set it up as the thing you ought to follow at all costs. There is not one of them which will not make us into devils if we set it up as an absolute guide."[298] This shows that the Natural Law is not an instinct, since we often know which instinct we should strengthen and which we should repress. The Natural Law is the source of this knowledge.

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294. Ibid. p. 20.
295. Ibid. p. 21.
296. Ibid. p. 21.
297. Ibid. p. 21.
298. Ibid. p. 22.

Another objection Lewis encountered claimed that the Natural Law was only a social convention put into us by education. Lewis thought this objection was based on a particular misunderstanding, "The people who ask that question are usually taking it for granted that if we learned a thing from parents and teachers then that thing must be merely a human invention. But, of course, that is not so."[299] Within those things we learn, Lewis distinguishes between things that people could have made differently from things people could not have made differently. This is the distinction between "mere conventions" and "real truths." As an example of mere convention he mentions driving on the left hand side of the road (He was English.). As an example of real truth he mentions mathematics. He argues that the Moral Law belongs to the class of real truths. How do we know?

Lewis mentions two reason for thinking the Moral Law is a "real truth." The first is that social conventions are really quite different between different cultures and times. The example he gives is the kind of clothes people wear. But different cultures really do not have entirely different ideas of right and wrong. "Though there are differences between the moral ideas of one time or country and those of another, the differences are not really very great – not nearly so great as most people imagine – and you can recognize the same law running through them all."[300] The second reason for thinking the Moral Law is a real truth is that everyone thinks that, "some moralities are better than others."[301] For example, most people think Christian morality is better than Nazi morality (He is writing shortly after World War II.). "The moment you say that one set of moral ideas can be better than another, you are, in fact, measuring them both by a standard, saying that one of them conforms to that standard more nearly than the other. ... You are, in fact, comparing them both with some Real Morality, admitting that

299. Ibid. p. 22.
300. Ibid. p. 23.
301. Ibid.

there is such a thing as a real Right, independent of what people think, and that some people's ideas get nearer to that real Right than others."[302]

In a final reply to objections he claims supposed differences in morality between cultures often result from different factual beliefs, not different perceptions of the Moral Law. The example he chooses is the execution of witches. The fact that most people today do not think it is morally right to execute witches, whereas our ancestors of three hundred years ago often said it was morally right to execute witches, has to do with a change in factual belief, not a change in perception of the Moral Law. In the past people believed that witches could use supernatural powers, "to kill their neighbors or drive them mad or bring bad weather."[303] If today we believed people had supernatural powers to do these things, argues Lewis, we would probably also approve of executing those people. What has changed is our factual beliefs, not our perception of the Moral Law.

Lewis thinks there is something distinctly odd about humans; they are "haunted by the idea of a sort of behavior they ought to practice,"[304] but this behavior is not what they actually practice. This means humans are not what they ought to be, and this fact has consequences for understanding the Moral Law and the universe. Lewis proposes thinking about some object such as a tree or a rock. He points out that it does not make sense to say that a tree or a rock is not what it should be. Trees and rocks are simply obeying the law of their own natures. As soon as we speak this way we notice that the "laws" of nature that affect trees and rocks "may not really be *laws* in the strict sense, but only in a manner of speaking."[305] "You do not really think that when a stone is let go, it suddenly remembers that it is under orders to fall to the ground. You only mean that in fact it does fall."[306] This means that a law, in this instance, is only a description of what consis-

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302. Ibid. pp. 23, 24.
303. Ibid. p. 24.
304. Ibid. p. 25.
305. Ibid. p. 26.
306. Ibid. p. 26.

tently happens. This "law" is not a separate thing that exists apart from trees and rocks. When we examine the Law of Human Nature we find an entirely different kind of thing. "The Law of Human Nature tells you what human beings ought to do and do not. In other words, when you are dealing with humans, something else comes in above and beyond the actual facts."[307]

Lewis expects some to object to his claim that the Law of Human Nature is something real that exists above and beyond the facts of human behavior. Some objections he expects bear a broadly utilitarian orientation, whether that of a more individual or a more social utilitarianism. "For instance, we might try to make out that when you say a man ought not to act as he does, you only mean ... that what he is doing happens to be inconvenient to you. But this is simply untrue."[308] Lewis points out that there are many times the behavior we call bad is not inconvenient to us, and sometimes it is even convenient. Further, "Some people say that though decent conduct does not mean what pays each particular person at a particular moment, still, it means what pays the human race as a whole; and that consequently there is no mystery about it."[309] In response Lewis maintains, "It is perfectly true that safety and happiness can only come from individuals, classes and nations being honest and fair and kind to each other. It is one of the most important truths in the world."[310] But this still does not answer the fundamental moral question of why we should care about the good of society. If we answer that we should care about the good of society because we ought to be unselfish, we then cannot give another answer to why we ought to be unselfish. It is impossible to give an explanation of the Moral Law in terms that are not moral. Lewis concludes, "Consequently, this Rule of Right and Wrong, or Law of Human Nature, or whatever you call it, must somehow or other be a real thing – a thing that is really there, not made up by ourselves. ... There is something

307. Ibid. p. 26.
308. Ibid. p. 27.
309. Ibid. p. 27.
310. Ibid. p. 28.

above and beyond the ordinary facts of men's behavior, ... a real law, which none of us made, but which we find pressing on us."[311]

From this analysis of moral experience, which he finds to be best explained by a real Law of Human Nature that imposes itself on us, Lewis argues that theism is far more believable than materialism. It is beyond this study to analyze Lewis' philosophy of religion, but a few of his statements will serve to help explain his view of the natural law and general revelation. From the Moral Law God has put in our minds,

> *... we conclude that the Being behind the universe is intensely interested in right conduct – in fair play, unselfishness, courage, good faith, honesty and truthfulness. In that sense we should agree with the account given by Christianity and some other religions that God is "good." But let us not go too fast here. The Moral Law does not give us any grounds for thinking that God is "good" in the sense of being indulgent, soft or sympathetic. There is nothing indulgent about the Moral Law. It is as hard as nails.*[312]

> *If the universe is not governed by an absolute goodness, then all our efforts are in the long run hopeless. But if it is, then we are making ourselves enemies to that goodness every day, and we are not in the least likely to do any better tomorrow, and so our case is hopeless. We cannot do without it, and we cannot do with it. God is the only comfort, He is also the supreme terror: the thing we most need and the thing we most want to hide from. He is our only possible ally, and we have made ourselves His enemies. Some people talk as if meeting the gaze of absolute goodness would be fun. They need to think again. They are still only playing with religion.*[313]

Lewis emphasizes that Christianity talks about love, grace, mercy and forgiveness in Christ. But he does not want to talk of those themes too

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311. Ibid. p. 29.
312. Ibid. p. 36.
313. Ibid. p. 37.

quickly, for the grace of God has to be understood in light of the human predicament as it is exposed by the Moral Law. "It is after you have realized that there is a real Moral Law, and a Power behind the law, and that you have broken that law and put yourself wrong with that Power – it is after all this, and not a moment sooner, that Christianity begins to talk."[314]

3. Reflections

Obviously Lewis and Myers approach the question of natural law with different interests, concerns and terminology. Myers arrives at his "transcultural ideals" by looking at what actions have what effects on human happiness and well-being. Lewis describes the "*Tao*" as the moral knowledge people have because they are human, even if people do not know they have this knowledge; the existence and transcendental knowledge of this law is the condition and presupposition of human experience, whether personal quarrels or the commonality of moral teaching among cultures. This large difference between Lewis and Myers does not preclude a huge area of agreement. Both describe a set of objective moral principles that are closely tied to human nature and human well-being. Both see these moral principles as known or knowable to all people, even though many people may not like or follow these principles. Both see these moral principles as coming from God to all people, whether or not particular people believe in God or acknowledge these principles as God given. And both thinkers see these moral principles as broadly consistent with the moral principles found in the Bible. This agreement between Lewis and Myers is epistemologically significant.

Lewis and Myers describe what Protestant theology should call God's law as revealed in and through creation. This is the natural law, and while God's law is always active in all its multiple uses, Myers and Lewis very readily make a close tie to the civil or political use of the law that, to the extent that it is followed, enables a humane way of life

314. Ibid. p. 37.

in society. If this law really comes from God through creation, it is not surprising that people would have multiple ways of knowing or encountering it. If there are multiple dimensions of creation, there should also be multiple ways in which we encounter God's often unrecognized demand as it comes through creation. Lewis sees the moral law as having a transcendental or *a priori* presence in human consciousness and culture that allows people to have moral arguments. Myers discovers this same moral law by examining the consequences of the actions people choose. It really seems to be the same law that both thinkers describe.

The considerations put forward by Lewis and Myers should be brought into dialog with Runner, Thielicke and Barth. In contrast to the claims of Runner that natural law theory is dualistic in separating the moral law from God, one must see that Myers and Lewis are not dualistic thinkers. Their methods are not methods of analysis that one would normally call "theological." Myers uses the methods of psychology and sociology, whereas Lewis uses a comparison of cultures and the phenomenology of moral experience. But neither is dualistic.

It is also clear that neither Myers nor Lewis shares a key assumption that Thielicke claimed was a necessary and objectionable part of natural law theory, namely the assumption of a relatively sinless reason. While Thielicke's criticism may apply to some types of natural law theory, it does not apply to the theories proposed by Lewis and Myers. Thielicke's criticisms are mistaken.

In response to Barth it must be pointed out that both Lewis and Myers, on the basis of their natural law ideas, have been able to stand against their respective countries as prophetic critics. It is simply not true that natural law theories necessarily imbibe in the spirit of Munich, the spirit of compromise with radical evil. Nor do they follow Culture Protestantism in minimizing human sin and the transcendence of God. Barth's criticisms do not apply.

Chapter 4

Additional Theological Context

In addition to the Protestant theologians who have explicitly contributed to a new evangelical natural law theory, and the Christian scholars in non-theological fields who have written eloquently on this topic, there are two other theologians whose contributions merit careful review. While neither one contributed specifically to a renewed Protestant natural law theory, they have both clearly developed other theological topics that support this project. They are Cornelius Van Til and Albert Wolters.

1. Cornelius Van Til

Van Til is widely known for crafting his method of "presuppositional apologetics," which could also be called "Reformed Transcendental Epistemology."[315] And it is often assumed that Van Til's thought is an obstacle to any Protestant natural law theory. It is said that his rejection of classical natural theology and his Calvinist doctrine of total depravity would lead to a rejection of natural law. For example, Dean Curry writes,

> *Among evangelical theologians in the twentieth century, this opposition to natural law found an especially influential voice in the scholarship and teaching of Cornelius Van Til, who argued that the unregenerate are "as blind as a mole" in matters of truth. "The sinner," cautions Van Til, "has cemented colored*

[315] Some of the best resources for Van Til's theology and philosophy are Richard L. Smith, *The Supremacy of God in Apologetics: Romans 1: 19–21 and the Transcendental Method of Cornelius Van Til*, (Ph.D. Dissertation, Westminster Theological Seminary, 1996) 309 pages; John M. Frame, *Cornelius Van Til: An Analysis of His Thought* (Phillipsburg: P & R Publishing, 1995) 463 pages; and Greg L. Bahnsen, *Van Til's Apologetic: Readings and Analysis* (Phillipsburg: P & R Publishing, 1998) 764 pages. All three contain extensive bibliographies.

> *glasses to his eye which he cannot remove. And all is yellowed to the "jaundiced eye." To be sure, most American evangelicals have never heard of Cornelius Van Til or his presuppositional theology. Nevertheless, his Word-centered epistemology makes him, along with Barth, a major reason American Protestantism became uncomfortable with the natural law tradition.*[316]

It is certainly true that Van Til's theology and epistemology would be in direct conflict with certain types of natural law theory, especially classical Greco-Roman and Enlightenment natural law theories. Van Til would object to the confusion of the Creator/creation relationship and the desire for autonomy from God seen in some natural law theories. And his understanding of sin would make any follower of Van Til prefer a Protestant rather than a Catholic approach, as per the differences that were explained by Brunner and Hesselink. However, comments like those of Curry are far too generalized and do not take account of approaches to natural law like those developed by Brunner, Hesselink, Wingren, Lewis and Myers. If properly understood and used, Van Til's theory of the clarity of general revelation supports and adds depth to an authentically evangelical theory of natural law ethics.

"Man has no excuse whatsoever for not accepting the revelation of God whether in nature, including man and his surroundings, or in Scripture. God's revelation is always clear."[317] "God speaks His requirements through all the facts with which man deals. He speaks to men in the works of creation and providence; He speaks also to men through their conscience."[318] In terms like these Van Til maintains that all people truly know a great deal about God and about God's moral law because the general revelation of God is clear and inescapable. It may be that people often do not acknowledge, even to themselves, how

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316. Dean C. Curry, "Reclaiming Natural Law," a review article of *Written on the Heart: The Case for Natural Law,* by J. Budziszewski and *A Preserving Grace: Protestants, Catholics and Natural Law*, edited by Michael Cromartie, in *First Things* 77 (Nov. 1997), pp. 56–59. Also at www.firstthings.com/ftissues/ft9711/reviews/curry.html.

317. *Defense of the Faith*, p. 256. Quoted in Bahnsen, p. 70.

318. Quotation from *Intellectual Challenge of the Gospel* in Bahnsen, p. 84.

much they know about God's demands, and they may not acknowledge, even to themselves, where this moral knowledge comes from. But Van Til sees it as an inescapable part of the human condition that "Involuntarily men think back, with the prodigal, to the father's home."[319] "As made in the image of God, no man can escape becoming the interpretive medium of God's general revelation both in his intellectual (Romans 1:20) and in his moral consciousness (Romans 2:14, 15)."[320]

This puts the unbeliever in a very uncomfortable spiritual position, Van Til claims. The unbeliever knows much of God's demand, even if he does not want to know this and may not admit to himself that he knows God's demand. To remain an unbeliever in light of God's revelation in creation requires a tremendous amount of self-deception and the psychological-spiritual repression of much that a person truly knows. The problem in the realm of ethics is not the lack of information about right and wrong. The problem in the realm of ethics is the rejection or repression of moral knowledge from God that all people have. Unbelievers, Van Til claims, "keep under the knowledge of God that is within them. That is, they try as best they can to keep under this knowledge *for fear* they should look into the face of their judge."[321]

The problem the unbeliever faces in the realm of ethics is not a lack of knowledge of right and wrong. The problem is how to give a coherent account or explanation of moral knowledge without recognizing God as the source of moral knowledge, which is exactly what the unbeliever does not want to do. Van Til claimed the unbeliever lives with two contradictory mind-sets or ways of thinking. On the one hand, every person is created in God's image and lives in a world through which God is constantly speaking and giving much true knowledge about God, ourselves and God's world. Because of this knowledge received from God by means of general revelation, people know a lot

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319. *Common Grace and the Gospel,* (Nutley, New Jersey, P & R Publishing, 1977) p. 89.
320. Ibid. p. 53.
321. *Defense of the Faith,* p. 259. Quoted in Bahnsen, p. 449. Emphasis added by Bahnsen.

about ethics, and they also know that they can usually trust their normal human knowing processes, including sense perception and simple logic. On the other hand, people often do not want to recognize God as their Creator, which leads them to claim they do not know the things they really know. A person may claim to be a skeptic in the realm of epistemology or ethics; a person may claim to be an atheist or agnostic in relation to God; a person may be an adherent of a religion or philosophy that requires the suppression of what that person really knows from and about God. The unbeliever, claims Van Til, is in a very difficult situation: knowing much of God's demand but not wanting to know it and thus sometimes claiming not to know God's moral will at all. Therefore, unbelievers have a difficult time giving an account of the moral knowledge they have but may not want to have. In contrast, Van Til thinks the Christian believer can give a coherent account and explanation of the true moral knowledge that both believers and unbelievers have.

Another reason Van Til may be misinterpreted as though his system of thought stands in opposition to any type of natural law is that he normally only mentions two uses of God's law, the law as it reveals our sin and the law as a guide to the life of gratitude for God's grace in Christ. He rarely, if ever, makes explicit mention of the law in its political or civil use, which in Protestant thought has been the use of the law most closely tied to natural law. In terms that echo the Heidelberg Catechism he writes that God's law,

> *must always serve a twofold use. In the first place it must lead men to Christ. It must be a taskmaster to Christ by showing us the impossibility of living up to its absolute demands. We are to love the Lord our God with all our hearts and with all our minds, while by nature we are prone to hate God and our neighbor. Now, since this is the substance of the whole law, since the whole law can be summed up in the commandment of perfect love and obedience to God, it can and must be preached through all ages*

> *as the source of the knowledge of sin. ... So also this same whole will of God, of which the Decalogue is only a summary, must be preached as a rule of life by which men may regulate their life of gratitude.*[322]

On first reading this almost sounds as if Van Til knew nothing of the political use of the law that has been so important in classical Protestant theology. But other parts of his writings correct such a misunderstanding. This is seen in his comments on the topics of civil righteousness, common grace and on various types of moral philosophy.

Van Til would emphasize that there is a radical difference between civil righteousness and the righteousness of faith, at least at the level of the meaning and spiritual significance of actions. Some of Van Til's comments about civil righteousness give very strong weight to the difference between actions that flow from faith and those that flow from unbelief. He writes, "To say that the unregenerate do civic righteousness is again to reject the idea that the works of the regenerate and the non-regenerate proceed at any point from the same principle."[323] But Van Til also writes that because of the striving of God's Spirit with all people,

> *men cannot be wholly insensitive to this goodness of God. Their hostility is curbed in some manner. They cannot but love that which is honest and noble and true. They may have many virtues that often make them better neighbors than Christians themselves are.*[324]

One must not miss the striking terms Van Til uses to depict the profound contradiction in human life and experience. He thinks people are by nature hostile toward God, and this hostility comes to expression in unbelief and in the repression of God's voice through creation. Nevertheless, the demand of God coming through creation is so clear and

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322. *Christian Theistic Ethics, Vol. III* of *In Defense of Biblical Christianity,* (Phillipsburg: P.& R. Publishing, no date), p. 146.
323. *Defense of the Faith,* p. 401. Quoted in Bahnsen, p. 430.
324. *Defense of the Faith,* p. 194. Quoted in Bahnsen, pp. 430, 431.

powerful that many people practice high levels of civic righteousness while remaining hostile toward God. Though Van Til may not use the same terminology, Luther, Calvin Hesselink, Brunner and Wingren would call this the civil or political use of the law. For Van Til, as for the other classical Protestant theologians, the civil use of the law is closely tied to the natural revelation of the moral law.

Van Til used a theological distinction that was common in his circles, the distinction between common grace and special grace. Special grace is that work of God by means of the gospel that leads people to a conscious, reconciled relationship with God in faith. Common grace is a work of God through creation that normally prevents human evil and sin from reaching totally destructive proportions, thereby making a more or less humane way of life possible. And as Van Til describes the grace of God, he would probably say that special revelation is the means of special grace, whereas general revelation is a means of general or common grace. In the very center of general revelation is the moral law, which all people know, even if they claim not to know it. Of fallen man he says, "If it were not for God's common grace, he would go the full length of the principle of evil within him."[325]

Of that common grace Van Til wrote,

> *But until the judgment day the revelation of God to man is a revelation of grace as well as wrath, of long-suffering endurance as well as of punishment of sinners that they might come to repentance. So, in addition to knowing truth and the difference between good and evil, men respond favorably to it in a casual fashion. They have a certain love of the truth, and a certain respect for the good in distinction from evil. They do works which "for the matter of them" are things which God commands and are "in themselves praiseworthy and useful." They do the "civil and moral good." Without these "good works" of unregenerate men civilization could not long endure.*[326]

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325. *Common Grace and the Gospel,* p. 145.
326. Quotation from *The Protestant Doctrine of Scripture*, in Bahnsen, p. 722.

Van Til's general interpretation of the western philosophical tradition is that the different systems of philosophy each tend to absolutize one dimension of God's good creation in a type of intellectual idolatry, and then interpret all of the world and life in light of that intellectual idolatry, instead of interpreting all of the world and life in reference to the Creator. "Immanentistic systems have absolutized one or another aspect of the created universe and have therewith been forced to do injustice to other equally important or more important aspects of the created universe."[327] But the Christian thinker, claimed Van Til, does not need to absolutize any particular dimension of creation. Therefore, Christian thought is free to make positive use of elements from differing, opposing secular philosophical systems within a Christian framework. As just one example, in the theory of knowledge, Van Til did not think that Christians need to choose between correspondence and coherence theories of truth. Truth, as understood before God, has both correspondence and coherence characteristics. The separation of correspondence from coherence in understanding truth is itself a result of trying to interpret truth in separation from God as the Creator. In one sentence Van Til suggests how these theories of truth, which normally are seen as total opposites, can be united. "If all of our thoughts about the facts of the universe are in correspondence with God's ideas of these facts, there will naturally be coherence in our thinking because there is a complete coherence in God's thinking."[328]

In the field of ethics Van Til does not seem to have done what he did in epistemology, namely show how de-absolutized truths taken from various philosophical systems can be integrated into Christian thought. However, Van Til's surprisingly positive comments about various types of secular moral philosophy indicate that this would be possible. For example he writes, "The only way in which we can account for the lofty character of idealist ethics is by saying that the gift of God's com-

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327. *A Christian Theory of Knowledge,* p. 50. This theological interpretation and critique of western philosophy is remarkably similar to that used by Thielicke. See Helmut Thielicke, *Nihilism: Its Origin and Nature – with a Christian Answer,* trans. John W. Doberstein (New York: Harper and Brother, Publishers, 1961), pp. 17–20.

328. Quotation from *A Christian Theory of Knowledge* in Bahnsen, p. 169.

mon grace has in a particular manner restrained what would be the ordinary operation of sin, when it allowed men to conceive a relatively speaking very high conception of self-realization."[329] And in a discussion of Kant's "categorical imperative" and other types of intuition-oriented moral theories he writes, "The moral principles upon which man would hit in his intuitive life would not be some abstract principles that exist apart from God, but are principles implanted by God in the nature of man."[330] And he finds "much truth" in Aristotle's doctrine of the "golden mean" in ethics.[331]

Van Til's overall theological interpretation of the main non-nihilistic types of western moral philosophy seems to be something like this: Though people often repress God's general revelation of himself and his law into their subconscious, and though people often turn some part of God's creation into an idol, yet in his common grace and the common working of his Spirit, God does not let most people totally forget what is right and good. This general revelation and common working of the Spirit are the reasons why all people have moral experience. Secular moral philosophy normally absolutizes one relative dimension of moral experience, and this absolutizing leads to some distortions in understanding how God would want people to live. But even the distorted understandings of moral life in secular ethics are not all wrong and can serve as a means of God's common grace, which prompts a humane way of life. For some elements of the general revelation of God's law shine through many types of secular moral theory.

While Van Til cannot be listed as an advocate of a new, evangelical natural law theory, it would be a serious misunderstanding of his thought to claim that his ideas stand as a major obstacle to a new, evangelical natural law theory. Rather, it is more accurate to say that there are elements in his thought that should be used and constructively appropriated in the current effort. Some of these elements will appear in the constructive proposal later in this work.

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329. *Christian Theistic Ethics,* p. 71.
330. Ibid. p. 133.
331. Ibid. p. 68.

2. Albert Wolters

Albert Wolters is a Canadian theologian whose overall perspective is heavily influenced by the thought of the Dutch philosopher Herman Dooyeweerd.[332] But unlike Evan Runner, who was also influenced by Dooyeweerd, Wolters gives a well-developed presentation of a carefully balanced perspective. Wolters does not make use of the language of "natural law ethics" in his work, but he does write eloquently about a "law of creation" and a "created structure" that constantly impinge on human life. While this terminology may not be exactly the same as that of Hesselink and Wingren, Wolters' work can nicely supplement their work.

Wolters thinks that Christians have commonly restricted the application of the Christian faith and the biblical message to a private "religious" or "sacred" sector of life that is sharply separated from a "public" or "secular" sector of life. On the one hand, this division of life into sectors is a response to pressure rising from the secular worldviews and a secular society; but on the other hand, such a division of life into separate sectors tends to further promote secularization and grant legitimacy to the secular worldviews that tend to dominate public life.[333] The solution that Wolters proposes is that Christians need not only a theology that speaks to the religious questions in life, but also a comprehensive Christian worldview that interprets and guides all of life.

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332. Wolters' work should be understood within the context of a generation of American and Canadian theologians and philosophers who more or less followed Dooyeweerd. In epistemology see Roy A. Clouser, *The Myth of Religious Neutrality: An Essay on the Hidden Role of Religious Belief in Theories* (London and Notre Dame: University of Notre Dame Press, 1991). In the history of philosophy see John H. Kok, *Patterns of the Western Mind* (Sioux Center: Dordt College Press, 1998). In political theory see Paul Marshall, *Thine is the Kingdom: A Biblical Perspective on the Nature of Government and Politics Today* (Grand Rapids: Eerdmans, 1984); James W. Skillen, *The Scattered Voice: Christians at Odds in the Public Square* (Grand Rapids: Zondervan, 1990); and James W. Skillen, *Recharging the American Experiment: Principled Pluralism for Genuine Civic Community* (Grand Rapids: Baker, 1994). In systematic theology see Gordon J. Spykman, *Reformational Theology: A New Paradigm for Doing Dogmatics* (Grand Rapids: Eerdmans, 1992).

333. Albert M. Wolters, *Creation Regained: Biblical Basics for a Reformational Worldview* (Grand Rapids: Eerdmans, 1985), pp. 6, 7.

The outline of a comprehensive Christian worldview is Creation – Fall – Redemption, each part of which must be understood and interpreted comprehensively.

When Wolters considers creation he quickly introduces the term "law" which is defined as "the totality of God's ordaining acts toward the cosmos."[334] "Law is the manifestation of God's sovereignty in creation. The Creator lays down the law for all his creatures; he rules the world by fiat; all things live and move and have their being by his sovereign legislative decree."[335] And there are, he claims, two different ways in which God imposes his law on the cosmos. On the one hand, God imposes his law directly and immediately in the non-human realm. This type of law or rule of God is what people commonly call "the laws of natural science." The laws of gravity, motion, thermodynamics, photosynthesis and heredity are examples of God's law imposed directly and immediately in the non-human realm. On the other hand, God also imposes his law indirectly in the realm of culture and society. This is the realm of responsible implementation of norms that we humans must follow. These norms include justice in public life and faithfulness in marriage, but also norms for things like agriculture. "The wind cannot help but obey. But human beings do have responsibility: we are held to account for the way we execute God's commandments."[336] "The stone obeys necessarily, the eagle responds instinctively, but a person must exercise personal responsibility: we are called to positivize the norm, to apply it to specific situations in our lives."[337]

Of course Wolters is quite aware that in the secular West most people see no connection between the scientific laws of nature and moral norms. "To see laws of nature and norms as continuous with each other is a confusion of facts and values to the modern mind, a mixing of the 'is' and the 'ought.'"[338] But Wolters sees this separation of moral

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334. Ibid. p. 13.
335. Ibid. p. 14.
336. Ibid. p. 15.
337. Ibid., p. 15.
338. Ibid., p. 16.

norms and laws of nature, the separation of "is" and "ought" as a fundamental mistake that Christians should not follow.

> *For the divergences among worldviews throughout the history of mankind – primitive or "higher," cultic or philosophical, pagan or biblical – nearly all worldviews are united in their belief in a divine world order that lays down the law for both the natural and the human realms. They have called that order many different things, ... but they all have in common the idea of an order to which both mankind and nature are subject. Yet, among them, biblical religion is unique in proclaiming a God who is not himself subject to, but as Creator has posited, the world order.*[339]

Wolters goes on to describe what follows if the artificial separation of facts and values, "is" and "ought," is replaced by a belief in a Creator. He claims:

> *Human civilization is normed throughout. Everywhere we discover limits and proprieties, standards and criteria; in every field of human affairs there are right and wrong ways of doing things. There is nothing in human life that does not belong to the created order.*[340]
>
> *The same holds true for such modern institutions as businesses and schools. They too are grounded in the realities of God's world order and are therefore not arbitrary in their configuration. All schools and businesses have certain constant features that distinguish them from other institutions. The constancy of those distinguishing features must be referred to the nature of reality as given by God.*[341]

339. Ibid., p. 16.
340. Ibid., p. 22.
341. Ibid. p. 23.

> *Human emotionality and sexuality, for example, are not normless. Our reasoning is subject to the laws of thought, our speech to semantic principles. Everything is subject to given laws of God: everything is creational.*[342]

Lest anyone misunderstand, Wolters makes clear that his understanding of creation and law leads to a strong affirmation of what has traditionally been called "general revelation," though he prefers the terms "the revelation of creation" or "God's revelation in creation." About Romans 1:18–20 he comments, "The truth is available to mankind, but we repress it. We 'clearly see' and 'understand' God's eternal power and divine nature (synonyms, or near enough, for what we have been calling God's law and his sovereignty) but we twist and distort this knowledge."[343]

Concerning Romans 2:14–15 Wolters writes:

> *Even without God's explicit verbal positivization of the creational norms for justice and faithfulness, stewardship and respect, people have an intuitive sense of normative standards for conduct. One word for that intuitive attunement to creational normativity is conscience. As human beings we are so interwoven into the fabric of a normed creation that in spite of our religious mutiny we conform to creational standards "by nature," by virtue of our very constitution as creatures. Creational law speaks so loudly, impresses itself so forcefully on human beings, even in the delusions of paganism, that its normative demands are driven home into their inmost being, are "written on their hearts" like the indelible inscription of a law code on a clay tablet. This does not refer to some innate virtue of "natural man," unaffected by sin, but to the finger of the sovereign Creator engraving reminders of his norms upon human sensibilities even in the midst of apostasy. God does not leave himself unattested; he refuses to be ignored.*[344]

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342. Ibid. p. 23.
343. Ibid. pp. 24, 25.

Consistent with this approach, Wolters interprets the personified "Wisdom" in the Old Testament wisdom literature "as a kind of living blueprint, preceding creation but present at its execution. It seems to be the law of creation before creation."[345] The biblical texts that Wolters quotes on this topic include the same texts from Proverbs 8 that were cited by Thomas Aquinas regarding the "eternal law" in the mind of God. And in this vein Wolters takes up Isaiah 28:23ff. and comments:[346]

> *The Lord teaches the farmer his business. There is a right way to plow, to sow and to thresh, depending on the kind of grain he is growing. Dill, cummin, wheat and spelt must all be treated differently. A good farmer knows that, and this knowledge too is from the Lord, for the Lord teaches him. This is not a teaching through the revelation of Moses and the Prophets, but a teaching through the revelation of creation – the soil, the seeds and the tools of his daily experience. It is by listening to the voice of God in the work of his hands that the farmer finds the way of agricultural wisdom.*[347]

With this strong emphasis on creational revelation and law, Wolters can obviously expect that someone will object that his perspective neglects or denies historic Protestant themes, such as "Scripture alone" or "justification by faith alone." But he does not think his approach is in any tension with Reformation theology, for he accepts the distinction (though not total separation) between law and gospel, clearly assuming that the great themes of the Reformation were largely in the realm of gospel. He thinks his efforts are really only an extension of

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344. Ibid. p. 25.
345. Ibid. p. 27.
346. Isaiah 28:23-26 (NIV) says, "Listen and hear my voice; pay attention and hear what I say. When a farmer plows for planting, does he plow continually? Does he keep on breaking up and harrowing the soil? When he has leveled the surface, does he not sow caraway and scatter cumin? Does he not plant wheat in its place, barley in its plot and spelt in his field? *His God instructs him and teaches him the right way.*" Emphasis added by Wolters, in Ibid. p. 28.
347. Ibid. p. 28.

the Reformation understanding of creation and law. Nor does Wolters think his emphasis on the creational revelation of God's law minimizes the need for Holy Scripture.

> *What makes the light of Scripture so helpful and indispensable is that it spells out in clear human language what God's law is. Even without Scripture we have some notion of the requirements of justice, but Moses and the prophets, Jesus and the apostles put it into clear, unmistakable imperatives. Every society has some idea of the integrity of the family, but the Bible lays it down in inescapable and unequivocal terms. Some inkling of the need for responsible use of our resources is found almost everywhere, but the Scriptures unambiguously articulate the basic principle of stewardship. Perhaps the Bible's central command that we love our neighbors is most alien to natural man, but even this is understood to some degree by the apostate race living in God's creation. Yet only the message of the Scriptures can make clear to Adam's children the centrality and radical nature of that basic command.*[348]

When Wolters take up the topic of the fallenness of our world, in a good Augustinian manner he talks of evil as dependent on creational goodness. "Evil exists only as a distortion of the good."[349] As an example of this principle he claims that "hatred cannot exist without the creational substratum of human emotion and healthy assertiveness."[350] This leads to his crucial distinction between structure and direction. Structure has to do with an indestructible order of creation, whereas direction refers to good or evil within that structure.

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348. Ibid. p. 33.
349. Ibid. p. 48.
350. Ibid. p. 48.

> *Structure is anchored in the law of creation, the creational decree of God that constitutes the nature of different kinds of creatures. It designates a reality that the philosophical tradition of the West has often referred to by such words as substance, essence and nature.*
>
> *Direction, by contrast, designates the order of sin and redemption, the distortion or perversion of creation through the fall on the one hand and the redemption and restoration of creation in Christ on the other. Anything in creation can be directed either toward or away from God – that is, directed either in obedience or disobedience to his law. This double direction applies not only to individual human beings but also to such cultural phenomena as technology, art and scholarship, to such societal institutions as labor unions, schools and corporations, and to such human functions as emotionality, sexuality and rationality.*[351]

Wolters thinks it is of the greatest importance that the distinction between structure and direction be kept clear in Christian thought. Structure is the indestructible law of the good creation whereas direction refers to good and evil within the boundaries set by the structure of creation. If this distinction is not clearly maintained, "something in the good creation is declared evil. We might call this tendency 'Gnosticism.'"[352] As examples of this "Gnosticism" (a better term might be "demonization"), Wolters mentions various cultural movements and thinkers that have regarded some aspect or dimension of creation as evil or the source of evil, whether that dimension of creation be marriage, the body, culture (in contrast to nature), authority or technology/ technique. He comments, "The great danger is always to single out some aspect or phenomenon of God's good creation and identify it, rather than the intrusion of human apostasy, as the villain in the drama of human life."[353] To that he adds, "There seems to be an ingrained

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351. Ibid. p. 49.
352. Ibid. p. 50.
353. Ibid. p. 50.

Gnostic streak in human thinking, a streak that causes people to blame some aspect of God's handiwork for the ills and woes of the world we live in."[354]

Instead of the traditional term "common grace" Wolters prefers to speak of "conserving grace." The primary means of this conserving grace, Wolters thinks, is the law or structure of creation. "Curbing sin and the evils that sin spawns, it prevents the complete disintegration of the earthly realm that is our home."[355] The law can be repressed or ignored, but it keeps springing back and making its force felt.

> *The call for justice is present in the midst of tyranny. The creational appeal for commitment and love in human sexuality can be ignored only by actively turning a deaf ear to it – but that appeal will not be silent. Man's inhumanity to man always involves a more or less conscious ignoring of his humanity – and "ignoring" always implies an active disregard of a perceived claim to our awareness. ... God presses his claim upon us in the structures of his creation, regardless of our direction.*[356]

While the structures of creation are a central means of God's conserving grace, there is always also a conflict of directions in every creational structure. Whether the structure in view is politics, business, art or emotions, there will always be a conflict between good and evil, between sin and the kingdom of God. This is the fundamental antithesis that runs through all of life in this age. And because grace restores nature, and because redemption means the redemption of all of creation, the Christian must always be seeking to move in the right direction in all the created structures of life. In some structures there may be definite guidance in the Scriptures, but this will not be true for all cases. There will always be a need for analysis and discernment in order to know what a redeemed direction is in the various structures of creation.

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354. Ibid. p. 51.
355. Ibid. pp. 51, 52.
356. Ibid. p. 52.

With regard to social institutions Wolters claims, "Like all creatures of God, societal institutions have been created 'after their kind.' Each institution has its own distinct nature and creational structure."[357] Thus, a school is different from a business, which is different from a government, which is different from a church. From this it follows, he claims, that the kind of authority possessed by those in leadership in each institution is unique and thus different from the type of authority encountered in other structures. Parental authority in the family is different from a commanding officer's authority in the military. This analysis leads Wolters to very definite conclusions about a proper structure of society.

> *No societal institution is subordinate to any other. Persons in positions of societal authority (or "office") are called to positivize God's ordinances directly in their own specific sphere. Their authority is delegated to them by God, not by any human authority. Consequently, they are also directly responsible to God. Church, marriage, family, corporation, state and school all stand alongside each other before the face of God. If one institution raises itself to a position of authority over the others, inserting its authority between that of God and the others, a form of totalitarianism emerges that violates the limited nature of each societal sphere.*[358]

Wolters calls this principle "differentiated responsibility," though he recognizes that Abraham Kuyper called this principle "sphere sovereignty." This principle flows from the creation order, and thus imposes itself on the lives and consciousness of people, whether or not they believe in a Creator. This is another way of saying this principle is part of general revelation.

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357. Ibid. p. 81.
358. Ibid. pp. 82, 83.

3. Reflections

Van Til makes a tremendous contribution to this discussion by his depth understanding of human contradictions. Just because a person does not acknowledge knowing the natural law as it is revealed through creation, it does not follow that this person does not really know the moral law. It is the knowledge of the moral law that enables people to use moral reason at all, even if God and the moral law are not acknowledged. Indeed, it is God's revelation of himself and his law through creation, and the often suppressed knowledge that all people receive from that revelation, that forms the necessary presupposition of all of human experience.

Van Til's understanding of the unnecessary absolutizing that occurs in secular philosophy also provides a helpful key to see now an evangelical approach to ethics might make positive use of various types of moral philosophy. In the public and political realms of the twentieth-first century, various types of moral reasoning seem appropriate to different issues and questions. Evangelical public responsibility needs a theological framework that guides the use of different types of moral reason.

Wolters' distinction between structure and direction provides the answer to some of the questions raised by Thielicke. Whereas Thielicke saw structures as the expression of our sinfulness, Wolters would argue that the wrong direction within the structures is the expression of our sinfulness. From Wolters' perspective, one could wonder if Thielicke really believed in the goodness of creation. The contrast between Wolters and Thielicke makes parts of Thielicke's social ethics look rather dualistic or docetic. And, of course, Wolters doctrine of differentiated responsibility resolves the problems that Thielicke addressed under the term "autonomies." Wolters could say that business is business and art is art. But he would add that it is our moral responsibility to use creational and redemptive revelation to discern the direction and norms intended by God in each structure. The different spheres of life may be sovereign or autonomous (in German, "eigengesetzlich") in relation to each other, both in terms of no one

sphere being "over" all the others and in the sense that each sphere has distinctive norms. However, in each sphere or structure of creation, people are accountable to God for the direction they take.

Wolters' theological framework also provides the tools to respond to Thielicke's interpretation of the Ten Commandments. Thielicke claimed that the Decalogue confronts natural lawlessness, rather than articulating or building on the natural law. Wolters' model would point out that the Decalogue assumes that things like language, property, sexuality and religion are created dimensions or structures in human life, within which one can go in the right or wrong direction. The confrontational character of the Ten Commandments assumes created structures and human sin.

One could also point out that Wolters' notion of "Gnosticism," regarding one dimension of creation as the source of evil, forms a nice parallel to Van Til's notion of absolutizing. While people may sometimes make an idol of some part of creation, they may also make a demon from some dimension of creation. Both tendencies will need to be resisted and exposed in an ethics of responsibility.

Chapter 5

An Evangelical Proposal

In a sense, evangelical natural law theory can be disarmingly simple. It can be said that all people encounter an often unrecognized demand to responsively practice love, justice, honesty, faithfulness and courage in all relationships, structures and institutions. This demand is encountered in many different ways, and overall human well-being is closely associated with how well people respond to this demand. This demand can be discussed and articulated at several different levels, including literary, social science, philosophical and theological. But the well-being of people and society relies far more on the practice of love, justice, honesty, faithfulness and courage than on the explanation of the multi-faceted moral demand that all encounter but may not always recognize.

Such an approach to natural law ethics has several advantages, primarily that it can be explained either very simply or in very complex terms of different academic disciplines, as the situation warrants. Currently, given the ambiguities noted by Brunner related to the term "natural law," it may be better to refer to the "moral law" or the "law of human nature," but the term "natural law" should not be entirely abandoned, to assist students in making the proper connections to the western tradition. Evangelical Christians should never want to hide their ultimate beliefs when discussing ethical questions, so a possible way of talking is to say "The Moral Law is God's gift to all people, and there is an especially clear presentation of the Moral Law in the Christian Scriptures." Such a way of talking and thinking should be understandable to all, whether or not they are adherents of a well defined religion. It avoids the tortured christological reasoning of Barth without losing a Christian character. It avoids sounding like a demand to return to Christendom or a theocracy, while addressing the need for an approach to ethics that can be publicly articulated. It takes account of

the legitimate elements in the "ethics of community," while suggesting there is some type of continuity between the ethics of the Christian community and the ethics of the civic community.

1. A Contrast

For sake of clarity, the approach articulated here can be contrasted with the approach of the so-called "New Natural Law" theory. This approach has been articulated by Germain Grisez, Joseph Boyle, John Finnis, Robert P.George and others. Its representatives include both Roman Catholic moral theologians (e.g., Grisez) and philosophers of law at prominent universities (Finnis at Oxford and George at Princeton). This "new" approach claims to not really be new at all, but to be an appropriation of the key insights of Thomas Aquinas, whose insights (they think) were slightly misused by some in the Catholic tradition of moral and legal philosophy.

The NNL account of moral experience goes something like this:[359] Unlike the utilitarians who generally said there is only one human good, alternately called pleasure or happiness, most sensible people should recognize that there are multiple human goods that are incommensurable, that is, that can not be reduced to each other or any single good. Finnis suggests that these incommensurable goods can be listed as life, knowledge, play, aesthetic experience, sociability (friendship), practical reasonableness and religion. While there are other forms of human goods, he thinks most of them are probably combinations or

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359. This short depiction of "New Natural Law" theory is largely dependent on two sources, John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980) and Germain Grisez, "Ethical Arguments," in *Ethics: Theory and Practise*, edited by Manuel Velasquez and Cynthia Rostankowski (Prentice Hall, 1985), pp. 54-64. In addition to the many interesting articles in various journals and anthologies by the representatives of this philosophy, the following sources are helpful: John Finnis, *Fundamentals of Ethics* (Georgetown University Press, 1983); *Natural Law and Public Reason*, edited by Robert P. George and Christopher Wolfe (Georgetown University Press, 2000); *Natural Law & Moral Inquiry: Ethics, Metaphysics, and Politics in the Work of Germain Grisez*, edited by Robert P. George (Georgetown University Press, 1998); and *Natural Law Theory: Contemporary Essays*, edited by Robert P. George (Oxford: Clarendon Press, 1992).

variations of these seven. But these seven basic human goods cannot be reduced to any other human good or to each other. And while our knowledge of these goods is consistent with the academic literature in the fields of anthropology and philosophy, that these are truly human goods is self-evident or direct. This claim, he thinks, does not need any further justification. To suggest that our knowledge of the human goods is self-evident does not imply any notion of innate ideas. Our knowledge that these are the human goods arises out of our experience of life.

Such an analysis of the human good is a step toward discovering the natural moral law, for it suggests that an evil choice is a choice that is closed to one or more of the basic human goods. The evil act tends to "negate the meaningfulness of what we reject and to absolutize what we prefer."[360] In contrast, the morally good choice is made in an attitude of openness to all the human goods, including those not chosen.

The relatively small number of negative moral laws that people need are each intended to protect some fundamental aspect of the human good by prohibiting choices that are closed to that aspect of the human good. For example, a negative moral rule like "You shall not murder," is intended to prohibit choices that are closed to the basic good of life. And a negative rule like "You shall not lie," is intended to prohibit choices that are closed to the basic human good of knowledge.

These examples show that a knowledge of the natural moral law can be derived by a simple act of practical reason working in light of the basic human goods. Unlike a previous generation of Roman Catholic natural law theorists who based a knowledge of the natural law on a previously understood metaphysic or theory of human nature, the new natural law theorists see their theory as "metaphysically light." While New Natural Law Theory may lead a person toward certain metaphysical, religious or anthropological beliefs, it is not based on those beliefs. All it requires is a simple act of practical reason in light of the self-evident human goods. In this manner NNL seeks to overcome the problems of moral relativism and legal positivism.

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360. Grisez, "Ethical Arguments," in Velasquez and Rostankowski, editors, p. 59.

While there is undoubtedly much wisdom to be gained from the New Natural Law theorists, the proposed evangelical natural theory would be different in some crucial ways. The proposal here, following Calvin and C. S. Lewis, is that at least some fundamental moral principles or rules are a matter of direct, properly basic knowledge that does not require even a step of practical reason from a basic knowledge of human goods.[361] The claim is that all people know, or should know if this knowledge is not repressed, that they should practice justice, love, honesty, faithfulness, courage, etc. because it is part of God's general revelation closely related to the *sensus divinitatis.*[362] Because this direct moral knowledge is organically tied to the human good, it might also be derived from a knowledge of the human goods. But this process of derivation is not always necessary, and it may be that the identification of the "incommensurable human goods" by the NNL theorists is dependent on and informed by a previous direct, properly basic knowledge of the moral law. If some people claim not to know that they should practice love, justice, honesty, etc., this is no objection to the theory advocated here. It is merely an indication that the person's knowledge of these principles or moral laws has been repressed into a rejected, transcendental status. In this rejected, transcendental status, this knowledge still tends to inform and enable that person's moral judgment. It is the knowledge that enables a person to even wonder if some action is right or wrong and to ask moral questions of self and others. This moral knowledge is the condition or presupposition of the possibility of any moral reasoning.

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361. The term "properly basic knowledge" is used in the manner suggested by the New Reformed Epistemology. It refers to matters that are known directly, in contrast to things that are known on the basis of a process of inference. For more on this distinction see Kelly James Clark, *Return to Reason* (Grand Rapids: Eerdmans, 1990), chapter four, and Ronald H. Nash, *Faith & Reason: Searching for a Rational Faith* (Grand Rapids: Zondervan, 1988), chapters 5 and 6. Both Clark and Nash cite the various works of Alvin Plantinga as the source of the distinction.

362. Hoitenga has shown how the notion of properly basic knowledge is merely a development of Calvin's epistemology tied to his understanding of the *sensus divinitatis*. See Dewey J. Hoitenga, Jr., *Faith and Reason from Plato to Plantinga: An Introduction to Reformed Epistemology* (State University of New York Press, 1991), chapter 6.

There is also another way in which an evangelical natural law theory should be different from New Natural Law. NNL sees knowledge of the natural moral law as coming largely or exclusively by means of rational reflection on the human goods. Without wanting in any way to suggest that our knowledge of the natural law is not a matter of reason, the evangelical thinkers surveyed here tend to see this unrecognized demand as coming in multiple ways, some of which are not exactly in the realm of rational, philosophical reflection. Calvin could talk of encountering the moral law in the emotional reactions most people have to the needs of other people, while Wingren could closely connect encounters with the moral law with the things one has to do on a day to day basis. Brunner writes eloquently of the cry for justice that arises in the human heart in light of the injustices that are so often seen. Wolters' analysis suggests that the creational law impinges on our lives in as many ways as there are different dimensions of our life and existence. This encounter with the moral law is not contrary to reason, but it is not exclusively by means of rational reflection, as important as that may be. NNL may neglect some of the ways in which the natural moral law is encountered. This difference between NNL and a new evangelical natural law theory could be compared with the differences in how John Calvin is famous for talking of a *sensus divitatis* while Thomas Aquinas is famous for his five ways to prove the existence of God. It shows a small though significant difference between Thomist and evangelical theories of knowledge and slightly different understandings of what makes us human.

2. Theological Foundations

Evangelical theological ethics should be explained in consciously Trinitarian terms, giving careful attention to the distinctive roles of each person of the Trinity.[363] While there is an important sense in which all the acts of God are acts of all three persons of the Trinity, it is only natural and biblical to see the different persons of the Trinity as having some priority in the different acts of God. Christian theology has talked in this way since the time of the Apostles' Creed. And

because the two primary modes of revelation, general and special, are very closely tied to the works of God in creation and redemption respectively, it is proper and good to primarily associate God the Father with creation and general revelation, while primarily associating Christ the Son with redemption and special revelation. The Holy Spirit should be understood as the One who facilitates and enables the human appropriation and response to the revelations of God in creation and redemption.

God the Father reveals his moral will and law to all people through the various dimensions of creation. This is why people generally know they should practice love, justice, faithfulness, honesty, courage, etc., even if they often do not know why. The knowledge received from this revelation is what Lewis so eloquently described in his analysis of quarrels, and it is this revelation that leads various cultures and religions to have some agreement in their knowledge of the Tao or natural law. This revelation is so closely tied to the order of creation that a social scientist like Myers can investigate the human tragedy that results when people ignore its demands. Because of human sin, this

363. This was a major theme in the lectures of George W. Forell, the German/American Lutheran ethicist and historical theologian, and my major professor at the University of Iowa. This theme was prominent in his lectures, but somewhat strangely does not seem to be prominent in his writings on ethics. Forell's excellent writings in ethics include *Faith Active in Love: An Investigation of the Principles Underlying Luther's Social Ethics* (Minneapolis: Augsburg, 1954), *Ethics of Decision: An Introduction to Christian Ethics* (Philadelphia: Fortress, 1955), "Luther and Politics," in *Luther and Culture*, ed. by Gerhard Belgum, (Decorah, Iowa: Luther College Press, 1960), *Christian Social Teachings: A Reader in Christian Social Ethics from the Bible to the Present*, compiled and edited by George W. Forell, (Minneapolis: Augsburg, 1966), *The Proclamation of the Gospel in a Pluralistic World: Essays on Christianity and Culture* (Philadellphia: Fortress, 1973), *History of Christian Ethics, Volume I: From the New Testament to Augustine* (Minneapolis: Augsburg, 1979), "Political Order and Vocation in the Augsburg Confession" by George Wolfgang Forell and James F. McCue in *Confessing One Faith: A Joint Commentary on the Augsburg Confession by Lutheran and Catholic Theologians,* edited by George Wolfgang Forell and James F. McCue (Minneapolis: Augsburg, 1982), *Martin Luther, Theologian of the Church: Collected Essays of George Wolfgang Forell* edited by William R. Russell (St. Paul: Word & World, 1994). George Forell's introduction to theology, *The Protestant Faith* (Philadelphia: Fortress, 1960), also contains some very helpful sections regarding ethics. In Reformed circles John Bolt has succinctly argued that a balanced Christian faith will be consciously Trinitarian in structure so that it gives due response to the work of each person of the Trinity. See John Bolt, *Christian and Reformed Today* (Ontario: Paedeia Press, 1984).

creational revelation of the moral law is often repressed and its demands broken, but even then it remains in human consciousness and relationships in a repressed or transcendental status, which makes moral reason a universal human experience and possibility.

By his common workings, the Holy Spirit uses the creational revelation of God's law to dynamically restrain sin to some degree, so the general revelation of God's moral will is a means of his, preserving, humanizing grace. This is the civil or political use of the law. It is important to recognize the common working of the Holy Spirit, so that we see the civil use of the law as the personal will and work of God today. This suggests that the well-being of society is dependent on the Holy Spirit's use of the natural law as a means of God's preserving and civilizing grace. The natural moral law should not be seen as a static possession of human reason. It is a dynamic, Holy Spirit enabled, encounter with the personal demand of God as it comes through all the dimensions of creation, including the rational, emotional, religious, social, historical and physical dimensions of creation. This evangelical manner of describing the natural law is clearly quite different from the description of the natural law in Enlightenment rationalism or in classical Greek and Roman thought. And it also suggests that evangelical churches and Christians have to be careful not to try to take over the Holy Spirit's role in society.

It would be a mistake to associate the Creator's revelation of the moral law only with the civil use of the law. Indeed, it is because of the general revelation that we should practice love, justice, honesty, faithfulness and courage, that we are forced to cry out, "God, be merciful to me, a sinner." The law, in its condemning or theological use, comes partly through creation. And when the forgiven believer wonders what kind of life to lead, that creational demand, the natural law, is still there, in its third or normative use. The suitable response to the grace of God is the same love, justice, honesty, faithfulness, etc. that the natural law has always demanded.

Christ the Son should not be understood as primarily giving a new law or providing new moral information. Redemption and the redemptive revelation in scripture are about the grace of God and the human

response with its center in the death and resurrection of Christ. The moral content of Christ and the scriptures should not be seen so much as new but rather as renewing moral knowledge already given in creation. This means several things. In redemption, a person's relation to the moral law is partly changed, from largely resisting a law that only accuses (while humanizing) to also seeing it as the instrument of the Good Shepherd. Redemption in Christ, as explained in special revelation, provides, as Calvin pointed out, a kind of prism that allows us to see that the various moral demands that we encounter are really one demand that comes from one Source, not just scattered requirements that we encounter in different ways and places. And thus the moral demand that was unrecognized or repressed comes to be clear, pointed and focused. And of course, this human reception of the special revelation in Christ and the Scriptures is facilitated and enabled by the Holy Spirit. Without the Holy Spirit, Christ and redemption seem to always be misunderstood to be a new law and demand.

In looking at the moral law as revealed in Christ, it is good to remember all three uses of the law. The revelation of the moral demand of God in Christ serves as a restraint on sin, the civic use of the law. It does this not only among believers, but also in the civic community at large. History is filled with people who may or may not have called themselves "Christians," yet their ideals and standards were somehow inspired by the biblical narratives, principles and sayings. That special revelation contains the law in its theological and normative uses is too obvious to require much comment. Suffice to say that this has been an element in the lives of many believers for many centuries.

This Trinitarian manner of talking about the moral law is not entirely different from that used by Thomas Aquinas. It gives some prominence to the three distinct uses of the law in a way of talking that was developed during the Reformation. And it emphasizes the compatibility of the creational revelation of God's law with redemptive revelation in Christ. Obviously this manner of talking would emphasize the Christian claim that moral knowledge comes from God, rather than being a human discovery or creation. However, this proposal is an organic development from the theory of Aquinas, not a rejection.

3. Philosophical Dialogs

An evangelical ethics of responsibility or natural law should be in dialog with some of the various types of philosophical and/or supposedly non-religious theories of ethics on the market. For this purpose existentialism, duty ethics, utilitarianism and virtue ethics will be briefly engaged, allowing the comments from Lewis, Wingren and Wolters to suffice temporarily in regard to emotivism, moral relativism and the is/ought issue.

Taking the philosophical novels of Albert Camus as representative of existentialism, one is immediately struck by the extreme moral seriousness that is joined with atheism. One hears Dostoyevsky's dilemma echoing through the stories: If God does not exist, is everything permitted?[364] In *The Stranger*[365] one is left with the impression that Camus must think, "yes, everything is permitted." But by the end of *The Plague*[366] it is clear that Camus has concluded that, no, even if God does not exist, everything is not permitted. In response to human suffering and need, Mr. Tarrou sets out to become "a saint without God." This becomes his motto to explain his attempt to fight the plague.

By way of theological analysis of the philosophy of Camus, an evangelical natural law theory allows one to say that because of general revelation, all people have a direct, personal knowledge of certain moral demands, even if some claim to be atheists. In the case of Mr. Tarrou, who probably represents Camus himself, this meant that he knew with direct certainty that he should lovingly and courageously battle the plague at the risk of his own life, even if he could not know how and

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364. The allusion is to a statement of Ivan Karamozov in Fyodor Dostoevsky's *Brothers Karamozov.* The interpretation of existentialism and especially of Camus presented here is partly dependent on James Sire, *The Universe Next Door: A Basic Worldview Catalog*, third edition (Downers Grove: InterVarsity Press, 1997), and also partly dependent on C. Stephen Evans, *Existentialism: The Philosophy of Despair & The Quest for Hope,* with a response by William Lane Craig (Grand Rapids: Zondervan, 1984). On the general background in Dostoevsky's thought see William Hubben, *Dostoevsky, Kierkegaard, Nietzsche, and Kafka: Four Prophets of our Destiny* (New York and London: Collier, 1952).

365. Albert Camus, *The Stranger* (New York: Vintage, 1946).

366. Albert Camus, *The Plague* (New York: Modern Library, 1948).

why he had this knowledge. Such knowledge, even in the atheist, is a result of God's civilizing and preserving grace working by means of general revelation. It is the civil or political use of God's law that supports a humane way of life, even if God is not acknowledged. However, one should remember that the three uses of the moral law can never be totally separated. For this reason the directly known moral demand not only makes Tarrou humane; it also keeps alive the question of his alienation from God. While he fights the plague, the law in its theological use is also accusing him of the fundamental sins of unbelief and ingratitude toward God. An evangelical natural law ethicist can affirm the claim of existential novelists that many people know, at least in part, that they should live like saints, even if they do not believe in God. At the same time one can point out how uncomfortable the existentialists have been with their alienation from God, so uncomfortable that they keep talking about the God they claim not to believe in. This could be interpreted as the result of the generally revealed moral law that maintains our humanity while also accusing our unbelief.

An evangelical natural law ethicist can and should argue in the public square that people generally know that they should courageously and lovingly seek to overcome the various plagues and problems that threaten and destroy lives, even while observing that people may want to repress this knowledge because it reminds them of their alienation from God. So it should be said that one does not necessarily need to try to become a saint without God. The practical knowledge that we have that we should live like saints can also be taken as an invitation to return to the Father's house.

Duty ethics or deontological ethics have been a common part of moral philosophy for a long time, coming to classical expression in the writings of Immanuel Kant.[367] And as Nietzsche pointed out, there are strong echoes of a Christian notion of the moral law in the moral philosophy of Kant.[368] Two of the main claims one encounters in most duty theories of ethics are that rational duty means respect for persons, not use of persons, and that rationality requires that we follow moral laws that we could consistently will to be universal laws. Sometimes

this is expressed as the need for respect and for universalizability.[369] In most versions of deontological ethics, these rational duties must be imposed on the unruly and unwilling will and emotions by the practical reason, which is seen as standing above the uncertain and changing passions of the will.

In the realm of the civic use of the moral law, especially in the public square, the evangelical natural law ethicist can often, for a moment, talk like a Kantian. If our laws and policies were truly based on respect for persons and a notion of a universal moral law, we would see a much more just social order. One can even say that ideas of respect for persons and universal moral laws are a means of God's restraining, civilizing grace. However, one should also say that deontological moral theories absolutize reason as the way in which we encounter the unrecognized moral demand, neglecting crucial moral experiences such as feelings for the needs of other people and our awareness of the consequences of our actions for ourselves and others. Thus, deontological ethics may generally tend to minimize the actual moral demands that we meet in daily life, demands which, as suggested here, ultimately come from God because we live in a world that declares and is shaped by his creational law. Further, one should note that deontological ethical theories tend to sound like the moral law ultimately comes from human reason, not just through human reason. If God has any place in deontological ethical theories, one always has to wonder if the God mentioned is a mere caricature of the God of Abraham and Moses that

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367. Very good introductions to both deontological and utilitarian moral theories are found in Richard H. Popkin and Avrum Stroll, *Philosophy Made Simple,* 2nd edition, (Doubleday, 1993), chapter 1, and Manual Velasquez and Cynthia Rostankowski, editors, *Ethics: Theory and Practice* (Prentice Hall, 1985), chapters 3 and 4. Kant's key work was *Foundations of the Metaphysics of Morals* (1785), which is found in many anthologies of readings in philosophy.

368. The interpretation of Nietzsche followed here comes from Allan Megill, *Prophets of Extremity: Nietzsche, Heidegger, Foucault, Derrida* (London, Berkeley, and Los Angeles: University of California Press, 1985).

369. One finds such summaries of deontological ethics in many textbooks, such as Jeffrey Olen and Vincent Barry, *Applying Ethics: A Text with Readings*, 4th edition, (Wadsworth Publishing, 1992), chapter 1 or Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics,* 3rd edition, (Oxford University Press, 1989), chapter 2.

results from repressing a knowledge of God that is very frightening if not connected to a knowledge of forgiving grace.

Since the time of Jeremy Bentham and John Stuart Mill, utilitarian moral philosophy has been important not only to philosophers and students but also in the political realm. Occasionally one sees political books that consider utilitarian philosophy as part of the foundation of democracy.[370] And the central "principle of utility," that we should consider what action will produce the greatest good for the greatest number, is based on an extremely important moral observation, that our actions can have an important effect on the happiness and well being of other people. The standard criticisms of earlier versions of utilitarianism, namely that this type of reasoning can be used to justify terrible injustices and that the theory assumes that we know far more than we do about the effects of our choices, has led to rule and moral code utilitarianism. Rule utilitarians ask what types of moral rules, if generally followed, will lead to the greatest good for the greatest number.[371] Moral code utilitarianism is a somewhat more extreme form of rule utilitarianism which asks what moral codes or systems of rules will tend to promote and protect human well being and happiness.[372] Indeed, some moral code utilitarians say things that almost sound like a secularized version of the Deuteronomic promise that if a people keeps God's commands, decrees and laws, "then you will live and increase, and the Lord your God will bless you." (Deut. 30:16). Of course, many rule and moral code utilitarians think those rules are a matter of human discernment, not a gift of God.

Surely any Christian natural law ethicist will want to affirm and use language that sounds much like moral code utilitarianism. The moral law in its civil use has always been seen as a tool to protect and pro-

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370. Popkin and Stroll make this claim. Ibid. p. 33.

371. Richard B. Brandt is a leading rule utilitarian thinker. See his *A Theory of the Good and the Right* (New York: Oxford University Press, 1979).

372. An example of a prominent moral philosopher who uses a moral code type of reasoning is Tom L. Beauchamp. See his "A Reply to Rachels on Active and Passive Euthanasia," in *Ethics: Theory and Practice* edited by Manuel Velasquez and Cynthia Rostankowski (Prentice Hall, 1985), pp. 290–298.

mote human well-being. Knowingly or unknowingly, the utilitarians have made use of one of the ways in which we encounter the general revelation of God's law, and at least the moral code version of utilitarianism seems to contain a humble acknowledgement of the human need for moral rules and codes. However, like most secular philosophy, utilitarianism contains a false absolutizing of one way in which we encounter the moral demand, which easily leads to neglecting the numerous other ways in which the totality of creation itself proclaims the demand of God. For example, the utilitarian rational calculation of the effects of different types of moral rules easily blinds us to the way in which, through our emotional reactions to the needs of other people, we also encounter the moral demand. In addition to the problems with utilitarianism noted by the "New Natural Law" theorists, this is one of the reasons why an evangelical natural law theorist cannot be satisfied with utilitarianism.

Since the publication of Alasdair MacIntyre's *After Virtue* in 1981, many western thinkers have been influenced by his neo-Aristotelian or virtue theory of ethics.[373] His account of "Why the Enlightenment Project of Justifying Morality Had to Fail"[374] and his stark contrast of "Nietzsche or Aristotle?"[375] have caused many to wonder if the alternative to modernity and the Enlightenment might be a return to partially premodern ways of thinking, rather than going in a postmodern direction. At the core of MacIntyre's proposal is the claim that like Aristotle we should clearly distinguish "man-as-he-happens-to-be" from "man-as-he-could-be-if-he-realized-his-*telos*." And if, like Aristotle, we think of ethics or the development of virtue as dealing with

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373. Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (University of Notre Dame Press, first edition: 1981, second edition: 1984). MacIntyre's own moral philosophy should be understood in light of his historical studies presented in *A Short History of Ethics: A history of moral philosophy from the Homer age to the twentieth century* (New York: Macmillan, 1966) and *Whose Justice? Which Rationality?* (University of Notre Dame Press, 1988).

374. The title of Chapter 5 of *After Virtue.*

375. The title of Chapter 9 of *After Virtue.*

this transition, then we have the philosophical framework in which to use the fragments of moral truth found in the various modern and postmodern moral philosophies.

MacIntyre's proposal contains a lot that is attractive, not the least at the rhetorical level of serving as a philosophical basis for notions like "becoming an excellent person" or "reaching one's potential." And it is further made attractive by the "communitarian" element in MacIntyre's philosophy, his frank acknowledgment that he is not writing ethics for mankind at large but for people who recognize that their lives are dependent on particular communities and traditions. MacIntyre can become very eloquent in talking about the need for communities of virtue in the midst of a world ruled by barbarians.[376]

Obviously the current proposal bears some similarity to that of MacIntyre in thinking that ethical theory should not be trapped in the framework of modernity and postmodernity. And clearly some elements of Aristotelian thought have been used by many of the classical Christian thinkers, not only Thomas Aquinas. However one must point out that the great Christian thinkers have always included the transition of "man-as-he-happens-to-be" to "man-as-he-could-be-if-he-realized-his-*telos*" within the larger narrative of creation-fall-redemption. This means that creational normativity and human sin are what make this transition both necessary and attractive. To this one must add that the internal drive that many people feel to "become what they should be" is only one of multiple ways in which people encounter the unrecognized demand coming through creational revelation. MacIntyre's philosophy does not escape the problem of absolutizing one of the multiple and relative dimensions of moral experience.

A final difficulty with MacIntyre's moral philosophy is that he virtually turns away from the ethics of the civic order to mostly, if not entirely, addressing the ethics of a particular community. He vigorously applauds the people in our history who, he claims, "turned aside from the task of shoring up the Roman *imperium* ... to achieve instead, ... the construction of new forms of community within which the moral

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376. See, for example, *After Virtue,* p. 263.

life could be sustained so that both morality and civility might survive the coming ages of barbarism and darkness."[377]

What is striking about MacIntyre is the way in which moral philosophy has become the ethics of a particular community. Gone is the breadth of perspective seen in Calvin's three uses of the law, civil, theological and normative. All that remains is something similar to Calvin's third use of the law, that of norms for life within a particular community. It really seems, ironically, that moral philosophy today has not escaped the theological dilemma of the relation between an ethics of domination and an ethics of community.

4. Some Comments

Barth and Thielicke seemed to assume that on the basis of a natural law ethic one cannot stand over against society as a prophetic critic. The idea of "natural law" for them has echoes of simply affirming everything a society actual does as "natural." But if one turns to the real prophets, one sees a completely different paradigm. Taking Amos as an example of a true prophet, one cannot help but be impressed by the way in which he confronted the nations for doing what they knew was morally wrong. Amos confronted Judah "Because they rejected the law of the Lord and have not kept his decrees." (Amos 2:4) But Amos confronted Damascus, Gaza, Tyre, Edom, Ammon and Moab for sins such as selling people into slavery and ripping open the pregnant women among their enemies. (Amos 1:3–2:3) Amos did not fully articulate all of the theological assumptions that he used in making this confrontation. He was a prophet, not an academic theologian. But he clearly seemed to assume that all people know they should not do such things, and that this knowledge comes from God through creation. Their problem is not that they need Amos to tell them right and wrong. Their problem is that they do those things that they know to be wrong. When Amos tells them that God will hold them accountable, he is not giving them any new information. He is sharpening and intensifying

377. *After Virtue,* p. 263.

knowledge they already had but did not want to accept. He is trying to force them to recognize an unrecognized demand. And though Amos seemed to think that the law of God coming through the covenant revelation is more clear, detailed unified and pointed, yet it is not really different from the moral content of the revelation in creation.

Such an evangelical approach to the natural law does not quickly and easily lead to any particular social or political program or platform. Nor does it quickly provide detailed answers to the many particular ethical questions arising in a high tech, information-based society. Those questions and problems each require careful, detailed analysis, and for those in the Christian community such a detailed analysis should surely include the use of carefully selected texts and themes from the Old and New Testaments. But this evangelical natural law model does suggest that the answers to today's complex ethical questions, including those answers that arise from a careful consideration of special revelation, can be explained in terms that makes sense to those who only benefit from general revelation. For example, within the community of faith, most contemporary ethical questions should probably be framed as "How do we practice today the love, justice, honesty, faithfulness and courage that are suitable as a grateful response for the grace of God?" In the civic realm, most contemporary ethical questions should probably be framed as, "How do we practice justice, honesty, courage, faithfulness and love in such a manner as to protect a humane civic order?" The similarity of the questions should be obvious, the main difference being which use of the moral law is most prominent. And this model suggests that generally the ethical problem that people face lies more in the realm of not wanting or not being able to do what is right and less in the realm of not knowing what is the right thing to do.

This evangelical model of natural law ethics also suggests that we must avoid thinking or talking as if the church, the ethicist or the Christian really stands between God and all people with the task of informing people of God's moral demand. Such a way of talking and thinking not only invites hostility; it also implies doubt that God actually is speaking his law through his creation. Even the great prophets did not

primarily tell people what they should do; they primarily called people to do what they already knew they should do, while also reminding people that the moral demand they encounter every day is ultimately from God. Modern prophets should probably follow in the footsteps of Amos and his colleagues. By calling people to recognize the unrecognized demand, and maybe even to recognize that our transcendental and almost irrepressible knowledge of this demand is God given, one might hope to be an agent of God's conserving, civilizing grace, and maybe even of his special grace.

An evangelical natural theory would also lead us to avoid talking as if our encounter with the moral law, whether in its political, theological or normative use, is ever something fixed, stable and unchanging. Even the demands we encounter in family, work and society ultimately involve a dynamic encounter between a holy God and changing, sinful people. Not only do sinful people constantly change in their responsiveness to the moral demand, but the unchanging Source of that demand is also the personal and active God of Abraham, Isaac and Jacob, not a platonic form. And the biblical narratives would lead us to expect an unfolding, developing society in which there are significant changes from generation to generation in economy, technology and government. Therefore, in this world, we may not expect a fixed, unchanging moral-social-political order. As long as people live they will face the dynamic challenge of whether or not in their situation they will responsibly practice the divinely demanded love, justice, honesty, faithfulness, courage, etc., and whether or not they will responsibly attempt to embody that demand in their institutions and structures.

In a time when evangelical ethics has tended to neglect talking about the civil or political use of God's law, it is probably wise to give this topic some prominence. And in the evangelical approach, it is often a partly rejected law, or a repressed knowledge of that law, that God uses to maintain the civic order. This repressed knowledge can often come to expression from our neighbors in terms that are religiously and theologically alien to members of the Christian community. The confused forms of expression, whether borrowed from some moral philosophy or coming in less coherent form, should not be seen as problematic.

After all, Christians claim, it is God who preserves society through his demanding claim; it is not a precise human expression of moral knowledge that sustains society.

An evangelical natural law ethics of this type seems to be faithful to the sources of the Protestant faith, while avoiding the problems related to an "ethics of community" or an "ethics of domination." It allows Protestants to fully and responsibly participate in the important ethical discussions of our time without either leaving their faith behind or sounding like they want to return to Christendom. Those working in the political and legal realms may want to slightly adapt the philosophical methods of the New Natural Law thinkers, not only because Protestants should talk with Catholics, but also because their method of analysis is adapted to the legal sector of society. Those called to be prophets and reformers may want to follow the paths cut in the social sciences by David Myers and similar thinkers, while those in basic education may want to look more closely at the theories of C. S. Lewis. And all of us can cry out for justice, honesty, love, faithfulness and courage, knowing that this cry will find an echo in the hearts and minds of most people, and hoping that by crying out we might see real responses in our world.

5. A very personal word

As a teenager I was in Munich during the 1972 Olympics. While there I toured Dachau concentration camp outside Munich. I was stunned to learn what people can do to each other. Once I recovered from the shock I began to think and read about what I had seen. Since I came from a Protestant background, I included some evangelical theology and ethics in my reading. As I read and thought I learned that The Holocaust was one of many holocausts and that the story of Cain killing Abel summarizes many history books and news reports. But that is not the only story. There really are times and places when people practice love, justice, honesty, faithfulness and courage. And the difference between the good and evil stories in human life is not only the result of personal choices; the difference is also a result of differences in cul-

ture, the entire package of beliefs, attitudes, habits, theories, customs and ways of talking that shape a people.

As a loyal member of the evangelical community I think there is a duty we often neglect, that is being ministers or servants of God's humanizing, civilizing general revelation. This is different from a withdrawing ethics of community and different from a domineering demand to return to Christendom, which invites a further backlash from our many neighbors, who are often more or less modern or post-modern children of the Enlightenment. A model we should adopt is similar to the role of the pastor in the evangelical church. The role of the evangelical pastor is not to stand between the congregation and the Word; the pastor's task is to bring the congregation into direct contact with the transforming Word. So also the role of the evangelical community is to bring the surrounding community and culture into more direct contact with the civilizing, humanizing Word that God speaks through creation, the natural law. Keeping in mind that it is always the Spirit who works with the Word, whether the Word of Creation or the Word of Scripture, we might hope for a few less holocausts and a little more humanity.

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