

# Concordia Theological Quarterly



Volume 73:3

July 2009

## *Table of Contents*

---

<b>The Word of YHWH as Theophany</b> Richard A. Lammert.....	195
<b>A Lutheran Understanding of Natural Law in the Three Estates</b> Gifford Grobien .....	211
<b>Martin Chemnitz's Reading of the Fathers in <i>Oratio de Lectione Patrum</i></b> Carl L. Beckwith .....	231
<b>At the Edge of Subscription: The <i>Abusus</i> Doctrine of the Formula of Concord - <i>Doctrina</i> or <i>Ratio</i>?</b> William C. Weinrich.....	257
<b>Research Notes</b> .....	270
A Response to Jeffrey Kloha's Study of the Trans-Congregational Church	
<b>Book Reviews</b> .....	276
<b>Books Received</b> .....	287

# A Lutheran Understanding of Natural Law in the Three Estates

Gifford Grobien

Both Martin Luther and the confessions of the Lutheran church use the term “natural law” as common parlance and without substantive explanation. Yet, the natural law is little considered in modern Lutheran scholarship, leaving it to a theoretical and relatively undefined theological locus.<sup>1</sup> For example, the natural law is typically defined in accordance with Romans 2:14-15 as the law which is written on the hearts of all humans, but detailed content of this law is little developed. If law commands, what, specifically, does the natural law command? Additionally, how does the natural law relate to the more central Lutheran treatments of the law, such as the three uses or functions of the law, or the dynamic of law and gospel? This essay will suggest a method for restoring the natural law to a more prominent place in Lutheran theology, providing fundamental material for reflecting on these broader questions about the natural law. Specifically, I will argue that the Lutheran teaching on the *estates* or life stations is the appropriate context for discerning and practicing the content of the natural law. In these estates—in the naturally imposed relationship to the neighbor—the commands of God are presented concretely. We will discover that, in Luther's understanding, the natural law teaches people to worship God, follow the Golden Rule, and love others as oneself.<sup>2</sup> These very general precepts are applied in the life stations, by which a person is placed into certain relationships with other people and positions of particular activity. In this context of given activity and a definite neighbor, a person is able concretely to ask how he would want to be treated and act accordingly in love for his neighbor.

In this demonstration, we will suggest that the natural law need not be relegated to obscurity or mere theoretical reflection. Rather, by

---

<sup>1</sup> For a recent summary of scholarly opinions, see Antti Raunio, *Summe des Christlichen Lebens: Die “Goldene Regel” als Gesetz der Liebe in der Theologie Martin Luthers von 1510-1527*, Bd. 160, *Abteilung für abendländische Religionsgeschichte*, ed. Gerhard May (Mainz: Philipp von Zabern, 2001), 13-52. For the natural law in the Lutheran confessions, see, e.g., *The Formula of Concord: Solid Declaration*, V.22.

<sup>2</sup> The Golden Rule is commonly understood as doing to others as you would have them do to you (Matt 7:12; Luke 6:31).

understanding the stations as the locations to discern and carry out the law of God, the natural law can be restored to a more prominent place in Lutheran thinking. Why do this? Precisely because this concrete use of the natural law serves to improve and deepen our appreciation for the divine law in general. Indeed, the natural law is the fundamental locus of the law for the human person. As Luther himself taught, the natural law, when considered by the Christian and applied to the Christian in his vocation, becomes the ground for understanding and obeying the Ten Commandments, the revealed law.

One final word at the outset to those who are skeptical of the natural knowledge of the law: this essay assumes the Lutheran anthropological teaching, which denies the natural ability of fallen man to fulfill the law. But this anthropological teaching does not deny that we should strive to learn the law and obey it. Even though we fail to understand and fulfill the law completely, the natural law serves, as does all divine law, to curb outwardly evil behavior, reveal our sin by our inability to keep the law, and assist in teaching the Christian how to apply the law according to the Spirit. While this essay emphasizes this third function, it assumes the others. Fundamentally, the natural law is taught in the Scriptures, perceived (however imperfectly) by reason, and serves as part of the full teaching on the divine law. Thus, reflection on the natural law does not mean perfect or even a uniform and robustly systematic understanding of its content. Reflection on the natural law does not mean fulfillment of it. A favorable treatment of the natural law does not assume generally uniform behavior across human societies. Rather, to affirm the natural law and consider its content is to walk in the path of Luther and the confessions, understanding the law in its proper theological context.<sup>3</sup>

### I. Luther on the Natural Law

Luther teaches four distinct aspects about the natural law. First, it is the law written on the hearts of all, that is, divine law known to men

---

<sup>3</sup> *Apology of the Augsburg Confession* IV.7. The term “created order” and others may also be used generally as synonyms to “natural law” throughout this essay. When any distinction between created order and natural law is to be made, created order will typically refer to the essential way of things prior to the fall of humanity into sin, while natural law may refer to the way of things as they might be distinguished after the Fall. But I do not make a sharp distinction, because, even though the nature of humanity has been corrupted by the fall, its nature has not *changed*. Furthermore, the will of God remains the same, incomprehensible as it may be, so that the command of the natural law itself does not change, even if the human perception, understanding, interpretation, and obedience to it does.

according to their created nature. Second, it is the principal of the Ten Commandments both in time and in context. Third, it is not to be confused with blind instinct, physicalism, or fatalism, but is specifically contrary to these so that the human person must engage the natural law with reason and the will. Fourth, it is defined as the Golden Rule or the principle to love one's neighbor.

That the divine law is written on the hearts of all men by nature is evident to Luther by Romans 2:14-15.<sup>4</sup> Although Luther refers to biblical summaries of the law when he describes the natural law, he also insists that the law is written on the heart. In fact, the reason that any outward commands, even biblical ones, have force is because the law is written on the heart already. Preaching and teaching do not introduce fundamentally unknown concepts of the law but engage the basic, internal knowledge that right and wrong exist. Preaching and teaching help fill in what is right and wrong, but that there is good to be pursued and evil to be avoided is granted to men already in his creation. To be sure, after the Fall, this knowledge is feeble, unclear, vaguely defined, and always distorted so that what a man defines as good is really just what seems best to him at the moment. Preaching and teaching are offered to fill in this vague and unclear content and to make up for the feeble conviction of the internal law, but they would not be felt or acknowledged by a man if by nature he did not recognize the force of law in the first place. This internal recognition of the law is simply knowledge of right and wrong, and this knowledge is given the name "natural law."<sup>5</sup>

Lutheran ethics gives primacy to the Ten Commandments, as their prominent place in the Small Catechism demonstrates. How, then, do the Ten Commandments relate to the natural law? For Luther, the Ten Commandments, as issued in their historical and cultural context, are limited to the Hebrews under the Old Covenant. The Ten Commandments were not given to gentiles or the church, and therefore, in a strict sense, do not apply to gentiles or to the church. Luther explains this understanding by insisting that a proper biblical hermeneutic requires the reader to determine to whom the passage of Scripture is addressed. All Scripture is

---

<sup>4</sup> "For when Gentiles, who do not have the law, by nature do what the law requires, they are a law to themselves, even though they do not have the law. They show that the work of the law is written on their hearts, while their conscience also bears witness, and their conflicting thoughts accuse or even excuse them" (ESV). See Martin Luther, *Luther's Works*, American Edition, 55 vols., ed. Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann (Philadelphia: Fortress Press; St. Louis: Concordia Publishing House, 1955-1986), 35:164-168 [henceforth *LW*].

<sup>5</sup> *LW* 40:97.

the Word of God, but certain meanings apply only to certain addressees. One example of this particularity of meaning is the Ten Commandments, which are given to the Hebrews whom God brought up "out of the land of Egypt, out of the house of slavery."<sup>6</sup> In this primary sense, the Ten Commandments do not apply to all nations or to Christians.<sup>7</sup> In fact, in this sense, they no longer apply to anyone, for the Old Covenant has been abolished and succeeded by the New Testament of Christ.<sup>8</sup>

Christ's teachings, on the other hand—including the gospel, the Golden Rule, and the command to love one another—have been preached to all nations.<sup>9</sup> Because Christ came to save all men and to have all things that he taught preached to all nations, so the natural law is included in this teaching and applies to all men. Thus the natural law, not the Ten Commandments, actually has the valid claim over today's church.

However, Luther goes on to acknowledge that, in a broader sense, the Ten Commandments are still valuable and applicable insofar as they agree with the natural law and inasmuch as they expound the natural law and reveal to men where they still fall short in fulfilling the natural law.<sup>10</sup> The natural laws were never so orderly and well written as those by Moses. Because of the fallen nature of man, discernment of the natural law is severely weakened. The Ten Commandments served not only the ancient Israelites, but also still serve the faithful in all generations by expressing the basic precepts of the natural law. When the civil and ceremonial laws (such as the prohibition of images and requirement to rest on the Sabbath) are expurgated, the natural law is fundamentally and clearly expressed in the Ten Commandments. In this way, the Ten Commandments are still beneficial and applicable.

Note closely Luther's argument. He does not argue for the natural law by using the Ten Commandments as its basis but rather judges the Ten Commandments according to the natural law. Insofar as the Commandments conform to the natural law, they may be received, but

<sup>6</sup> Exodus 20:2.

<sup>7</sup> *LW* 35:167-170.

<sup>8</sup> Luther also argues that the particularity of the First and Third Commandments prove that they were issued only to the Israelites and not all men. The First Commandment prohibits idolatry in part by forbidding physical statues and images, but idols are declared to be nothing according to the New Testament (1 Corinthians 8). True idolatry is a matter of the heart, not outward images. Likewise, with the Third Commandment, the command to remember the Sabbath does not require all men to rest on Saturday, but to hear and learn the word of God. See *LW* 40:95.

<sup>9</sup> *LW* 35:171.

<sup>10</sup> *LW* 35:166, 171.

where the Commandments depart from the natural law, they are to be rejected as impinging upon Christian freedom. "Moses' legislation about images and the sabbath, and what else goes beyond the natural law, since it is not supported by the natural law, is free, null and void, and is specifically given to the Jewish people alone."<sup>11</sup> With these words, Luther reminds us that the Ten Commandments, as those specific commands revealed to Moses at Mount Sinai, are neither from eternity nor for all people but given to the Israelites whom God redeemed from Egypt and promised to establish in Canaan. Rather, the divine law is more fundamentally written into God's creation as the natural law (Rom 1:20, 2:14-15). It is neither a law given only to some men, nor is it a law that applies only to some, but it is given to all and calls all to obedience. Thus the natural law, in these properties of universality and precedence, serves as the rule for interpreting the Ten Commandments, not the other way around.

How does the natural law function for Luther? Is it a code of ordinances that are mystically understood in the mind of a person? Is it instinct that drives a person to do what is natural, without him reflecting on it? This question—which is of fundamental importance to those who would think about the natural law today—did not appear to hold the same place of primacy in the mind of Luther. At least, he never analyzes the natural law this way in any extended sense. For him, the natural law is equivalent to the Golden Rule. It seems self-evident to Luther that a person has this knowledge as part of his nature. Nevertheless, the predominance of sin in Lutheran understandings of human anthropology has made many contemporary Lutherans agnostic or skeptical of the natural law and its effective place for each human. Luther also clearly held this strong understanding of the corrupting effect of original sin.<sup>12</sup> Yet he was also able to assume the role of the natural law. By examining various comments in his Table Talk, we are able to get guidance from Luther on how to appropriate the natural law into the human anthropology resulting from the Fall.

First, Luther rejects the notion that the natural law works as an instinct. Strictly speaking, it is not what "is common to men and beasts....[for] there is no law in animal but only in man."<sup>13</sup> Law is unique to human beings, and commands what *ought* to be done, not simply what is. Luther cites examples: one does not command five plus three to be

---

<sup>11</sup> LW 40:97

<sup>12</sup> See, e.g., *The Bondage of the Will*, LW 33.

<sup>13</sup> LW 54:103.

eight, but it is eight. Mathematics is not a law, but simply what is. In a similar way, one does not command a sow to eat, for it simply eats without the command. No law—no precept—directs instinct, so instinct is not properly called law, natural or otherwise.<sup>14</sup> Natural law, on the other hand, says not how things are but commands the way things ought to be. Consequently, to understand and obey, intellect and will are required of those who would obey this command. A person must both know and understand the command as well as the desire and be able to carry it out for him to be able to fulfill it.

Luther offers further reflection on the operation of natural law in another Table Talk. Here he gives a simple yet explicit definition of the natural law: "Natural law is a practical first principle in the sphere of morality; it forbids evil and commands good."<sup>15</sup> It is a "light" created by God. It is distinguished from positive law, which conforms to natural law but takes circumstances into account. By this distinction, positive law consists of decrees particular to a nation, culture, and time to bring people into conformity with the natural law. In the case of theft, the positive law applies the natural law of "do good and not evil..." to situations related to property by categorizing kinds of theft and punishing them. The natural law may seem general and even vague, merely forbidding evil and commanding good, but it is actually the character of natural law to be general so that it applies in all situations and times through its practical articulations in positive law. The natural law is supposed to be general and universal—do good and forbid evil—so that it can be applied in all places and under all circumstances. Thus, natural law may always need the positive law to expand and apply it, but, on the other hand, the natural law serves as the principle for all positive law.<sup>16</sup> In fact, every positive law must be subject to a wise interpreter and executor of the law, one who reflects on the general principle of the natural law, because every positive law must be executed with exceptions when necessary. To judge a law without the consideration of particulars and exceptions would be the greatest injustice. Indeed, this would be to turn the law into a tyrant, treat

---

<sup>14</sup> LW 54:103.

<sup>15</sup> LW 54:293. This is strikingly familiar to Thomas Aquinas' definition of the natural law: the first principle of human action or practical reason that "good is to be done and ensued, and evil is to be avoided" (*Summa Theologiae* II-I.94.1-2). This suggests that Luther generally took for granted the late medieval (scholastic) opinions on the natural law, feeling no need to adjust them, and therefore spoke of the natural law in the context of this assumed, common understanding.

<sup>16</sup> LW 54:293.

the ought as an is, and reduce the law to blind act.<sup>17</sup> To summarize Luther's thinking, then, the natural law is the divine law written on the hearts of men, who perceive it, understand it, and apply it as positive law using their natural capacities, notably reason and will.

Can the natural law be given further articulation? To command good and forbid evil is easily manipulated by every man who would determine good and evil according to his own sinful nature. Are there precepts or aphorisms that would state what the natural law is in all situations, while not being so vague as to be hijacked by the sinful nature? For Luther, the natural law may be stated generally and universally in a few statements. First, the natural law commands the worship of God. "[T]o have a God is not alone a Mosaic law, but also a natural law, as St. Paul says (Romans 1), that the heathen know of the deity, that there is a God. This is also evidenced by the fact that they have set up gods and arranged forms of divine service, which would have been impossible if they had neither known nor thought about God."<sup>18</sup> Second, the natural law includes the Golden Rule: "'So whatever you wish that men would do to you, do so to them; for this is the law and the prophets'" (Matt 7:12).<sup>19</sup> Third, "the natural law teaches . . . 'Love your neighbor as yourself'" (Romans 13:9).<sup>20</sup> These precepts set further parameters for the pursuit of good and the avoidance of evil. Specifically, pursuing the good means to worship God, to do unto others as one would want done to himself, and to love one's neighbor as oneself. The fall has distorted man's understanding of the good and corrupted his ability to discern and apply the good to others. Nevertheless, the validity of the natural law remains even after the Fall; those good things that a man desires for himself in his egoistic, self-idolizing state are what the natural law commands that he provide in love for others.

## II. Stations - Estates - Mandates

The natural law commands relationship. It commands right worship of God, which is the relationship between Creator and creature, and love for the neighbor. It commands goodness in these relationships, goodness that is faithful submission to God and service to the neighbor. Thus, the natural law commands *relation* to God and to neighbor. Dietrich Bonhoeffer says these relations become "concrete in certain *mandates of God* in the

---

<sup>17</sup> LW 46:100-102.

<sup>18</sup> LW 40:96-97.

<sup>19</sup> LW 40:96-97.

<sup>20</sup> LW 40:96-97. See also LW 45:128, "For nature teaches—as does love—that I should do as I would be done by [Luke 6:31]."



world....work, marriage, government, and church." By connecting the life stations with the concept of mandate, Bonhoeffer makes the connection between the natural law and the life stations. It is within the life stations that a person begins to perceive the needs of the neighbor, thereby having the opportunity to do unto the neighbor as he would want done to himself. Bonhoeffer preferred to call the stations *mandates*, because they are "imposed tasks [*Auftrag*]" rather than "determinate forms of being."<sup>21</sup> That is to say, the stations call for an active response to others whom they encounter. This avoids a determinist understanding of natural law, which would claim that simply by being placed into an order one would conform to that order. Rather, by being placed under a mandate, a person is commanded to obey the will of God, yet still must choose to obey this mandate or rebel from it. A husband does not fulfill God's will regarding marriage simply by being married, if he fails to love his wife, desire children, or raise them in the fear of God and with education. Rather, fulfilling the will of God in the mandates means living according to the command of God with respect to the mandate. "Only insofar as its being is subjected—consciously or unconsciously—to the divine task is it a divine mandate," Bonhoeffer says. Fulfilling one's duty in the estates is not automatic; it requires obedience to what they command.<sup>22</sup>

Bonhoeffer reflects the kind of argument found in Luther. In his own day, Luther saw monasticism creating a false distinction in holiness between the "religious" and the "common" people. Luther argued instead that holiness is exercised by all people according to their stations in life. He labeled these stations the church, government, and the household. By obeying God's commands in these stations, Christians lived holy lives.

Although he referred to the life stations as mandates Bonhoeffer emphasizes, in harmony with Luther, their origin in the command of God to defend their changelessness in nature. That is, the mandates or stations are part of the created order. They are divinely commanded, but they are commanded in the word of creation. They are neither developments of history that change in various epochs, nor are they institutions of earthly powers. Creation has its shape according to God's design. Even after the Fall, everything persists and survives only because of God's continued upholding (Job 12:9–12, Acts 17:28). The limits and boundaries imposed upon creation by the word of God do not change just because the human

---

<sup>21</sup> Dietrich Bonhoeffer, *Ethics*, trans. Reinhard Krauss, et. al., vol. 6 of *Dietrich Bonhoeffer Works*, ed. Wayne Whitson Floyd Jr. and Victoria Barnett (Minneapolis: Fortress Press, 2005), 68–69.

<sup>22</sup> Bonhoeffer, *Ethics*, 70.

person disobeys them and loses his capacity to fulfill them because of a fallen nature. The nature is fallen, not essentially changed or destroyed. The expectations of God imposed upon Adam at the creation persist in the world after sin.

For example, Adam is placed in the garden to work at the moment of his creation (Gen 2:15). He is not merely commanded to work, work is given him as his worldly reality. This mandate remains after the Fall, and is fulfilled even by Cain and his descendents (Gen 3:17-19; 23; 4:2; 5:29). Likewise, marriage is established at the creation, in which man and woman are created together to enjoy creation, rule over it, and procreate (Gen 1:26-30).<sup>23</sup> Government, for Bonhoeffer, has no distinguishable mandate before the Fall but is instituted after the Fall for the protection of creation. Yet the mandate for government, at least over creation, if not over other human beings, can be seen already prior to the Fall (Gen 1:26-28). Human beings are given dominion to rule over the earth and all of creation, acting as God's representatives.

All people have a place in all estates; the estates are universal. A person is either a magistrate of some sort or a citizen, a spouse and parent or child, and a pastor, layperson, or unbeliever. All people have at least one station in all three of these estates; even widows, orphans, or atypical household members still have a place in a household. These estates mark the places where people are to obey the law of God and practice holiness; in particular, by fulfilling whatever one's duties are as a member of that estate. A parent might practice holiness by teaching children; a judge by punishing criminals and freeing the falsely accused, a layperson by attending services, participating in them, and praying. In this way, Luther rejected a special holiness that could be obtained by monastics, and taught the holiness of all through obedience in life stations.<sup>24</sup>

Although the concept of estates has been criticized with respect to its applicability to modernity due to its associations with a static society, the general concept is still readily applicable. Even in today's mobile society, every person is either a citizen, resident, and/or some kind of servant of government (acknowledging that for some people both situations are the case need not undermine the theology of the estates); a relative (even in alternative family structures, the teaching still calls for appropriate respect, relationship and love, whether as single parent, roommate, or foster child),

---

<sup>23</sup> Bonhoeffer, *Ethics*, 70-71.

<sup>24</sup> LW 37:364. This framework of estates is also assumed in Luther's Large and Small Catechisms.

and either a pastor, layperson, or non-Christian (even the non-Christian has, in this understanding, the duty of holiness to repent and join the church). All people are, therefore, members of these estates; the estates serve as a framework in which to consider the obligations upon humanity according to the natural law.

The stations do not serve to separate people of different stations, but they integrate the necessary work and offices of creation between people. The stations establish relationships and create opportunities for love of one another. A person is not a magistrate so he can get away from the common people; he is a magistrate so he can love and serve the people by carrying out justice for them. A person is not a father to mistreat or ignore his children; he is a father to raise them in the fear of God, to teach them, and to provide for them. A person is not a layman in order to avoid the commands of holiness and righteous living; he is a layman in order to fulfill holiness by receiving the gifts of God in the services of the church and loving his neighbor in whatever his need might be.

Finally, human life is not to be distinguished into two categories of worldly and spiritual. Human life is both. Life in the world is the place of human existence before God; this world is where God has placed us for now. The stations are the specific places he has given us to live as a person accountable before God. Government over the earth, work in this world, and love within the household are temporal stations with eternal implications; the spiritual life, on the other hand, is not a mystical life which takes a person out of this world, but the spiritual life has worldly implications.<sup>25</sup> These stations persist beyond the Fall, in spite of human rebellion against them. It is the duty of a person not to resign oneself to fallenness or to pursue this rebellion. Instead, to live in the stations given by God is to fight against the temporal effects of the Fall by persisting in love for one's neighbor even in the face of sin and its effects. These outwardly good works are beneficial in this world whether the person doing them is a Christian or not.

Yet what, exactly, is this connection between the life stations and the natural law? How does the correspondence of these two loci give us further insight into the divine law and the Christian life? The natural law, by definition, is general. It does not give precise commands or require intricate codes of conduct. It says merely, "Love." On the other hand,

---

<sup>25</sup> Oswald Bayer, *Freedom in Response: Lutheran Ethics, Sources and Controversies*, trans. Jeff Cayzer (Oxford: Oxford University Press, 2007), 94; cf. Bonhoeffer, *Ethics*, 69-70.

people are placed in particular relationships and circumstances in the stations, which, strictly speaking, do not of themselves command people what to do. May husbands treat their wives as servants? May kings take bribes? We learn many answers from God's word, yet we learn them also from the natural law: Love. When the command to love is conjoined with the estates, we are given relationships, circumstances, and the right intention by which to determine loving action on behalf of the neighbor. The estates provide the relationships and circumstances; the natural law teaches the proper intent. Using these criteria, reason determines the action to be taken. In our examination of the estates that follows, we will offer some further details and examples of this interplay with the natural law.

### *Church*

Man—a being able to hear and to respond—is a creature that is to be responsible to his Creator. The fact that, apart from the Holy Spirit, a man responds to God's call only in unbelief does not nullify that a man is held responsible by God to fear, love, and trust in him. All men hear this call (Rom 1:19-21); because it goes out to all men, it can be described as *natural*. This call to worship is the primordial establishment of the church.<sup>26</sup> Thus all men, not just Christians, stand in relationship to the church, even if that relationship is one of exclusion. This is not to say that every person is a Christian, anonymously or otherwise. A person is a Christian when he has been granted faith by the Holy Spirit to respond to the call in faith and love. Nevertheless, all men respond to God's call in one way or the other, either in faith or unbelief, so that all men stand in some relationship to this estate of the church, either in it or outside of it. The church, then, is the estate in which we hear the word of God for our benefit, and respond to this word in faith, praise, thanksgiving, and love, or, alternatively, in unbelief. The church is the place in which the natural law “to worship God” is fulfilled.

At first, the church appears different from the estates in being oriented to the spiritual and eternal, while the household and government seem oriented to the earthly. Yet the church actually serves to maintain the unity of a person as he stands both before God and in the world. The church serves as the place of the preaching of Jesus, in whom and for whom all things were created, so that Christ is to be preached as the mediator of creation and receiver of all authority both in heaven and on earth.<sup>27</sup> Witness to Christ occurs not only directly by the preaching of the

---

<sup>26</sup> LW 1:103; Bayer, *Freedom in Response*, 93.

<sup>27</sup> Bonhoeffer, *Ethics*, 73.

Scriptures, but also indirectly through the good works of the Christian priesthood in the world (2 Peter 2:9-12). The word of Christ preached by the church primarily forgives sins, yet it does so to Christians who remain in the world and serve those in the world through love.

The command to love, therefore, calls pastors not to use their positions for favor and earthly advantage but to serve their parishioners with the gospel. The command to love calls laymen to give attention to the work of their pastors and to provide for their bodily needs. It calls all in the church to look out for the needs of others, and to forgive. To be sure, much detailed guidance for love within the church is given in Scripture, but even the Scriptures do not direct the action of every specific situation. Rather, the call to love, contextualized by one's place in the church, serves each person in determining the loving action needed for the neighbor in that moment.

The church, then, serves as a place where the natural law is both taught and carried out. It is taught in the Word of God, revealing who the God is that we are to have, that he is Jesus Christ the man, who suffered and died for sins, and now reigns with all authority both in heaven and on earth. The natural law is taught by the exposition of the love of neighbor. And the natural law is carried out by Christians sanctified in Christ and bearing witness to him by good works in the world.

#### *Family and Labor*

In Luther's era, the household served as the unified location of family and economic life. People generally worked in the home or in very close association to home life. Labor and family responsibilities were not divided. With the effects of mass production, technology, and specialization, labor has become separated from the home, so that one's occupation and one's family are viewed as two distinct realms of responsibility. Because of this development, Bonhoeffer separates this original estate of the household into two: family and work, or labor. In the estate of labor, some are supervisors and others are workers or employees.<sup>28</sup>

The estate of the family includes relationships of the husband and wife, and of parents to children. The household is not merely a building with a number of individuals who happen to live together. The household is an institution in which a man and a woman learn to love one another in absolute selflessness and service to each other, in which God's

---

<sup>28</sup> Bonhoeffer, *Ethics*, 68-70, 68 n. 75.

perpetuation of humanity is accomplished through procreation, and by which young people mature and learn the fear of God and love of neighbor through a thorough education. Parents learn and exercise love for children who give little tangible return. Children learn respect for the law and for others through this relationship.<sup>29</sup> If the church is the estate in which man lives his spiritual vocation of faith, thanksgiving, and love, the household is the fundamental estate of man in living out his temporal vocations of love for other people.<sup>30</sup>

Consider further the way Luther discusses the marriage relationship. The command of God for a man to be joined to his wife as one flesh (Gen 2:21-24) and to be fruitful and multiply (Gen 1:26-30) is more than just commands; they are an ordinance of creation. This "natural and necessary" relationship is built into the created nature of man and woman, just as they have other bodily operations and inclinations. The urge for a man and woman to enjoy sexual relations is properly exercised in marriage, within which the resulting children are nurtured. To avoid satisfying this urge or to satisfy it in ways other than in marriage is to go against God's created ordinance. To violate this natural inclination by satisfying it outside of marriage is to fail to love those with whom one has committed this fornication, adultery, or homosexuality.<sup>31</sup> It is a violation of natural law. Thus, marriage, in this very concrete, bodily, and established manner, serves men and women in obeying the divine law by putting sexual urges in their proper place of procreation, nurturing, and serving. As much as any other vocation, one's place in the family teaches love.

In work, likewise, new value is created for service to the people of Christ. Agriculture, trade, industry, service, science, and art fall under this mandate. Labor is not just a way to make a living, or a means to develop one's own character, interests or skills. Labor is the way that not only my needs are met, but also the needs of my family, boss, coworkers, customers, and suppliers. Through production, buying, and selling, worldly sustenance is provided for all people. Labor is service to the neighbor. It is an expression of God's love to his creation. He does not forsake people and beasts, even after the Fall; through the mandate and estate of labor, he provides the produce of the earth, the goods of manufacturing, the efficiency of technology, and the beauty of art, all for

---

<sup>29</sup> Dietrich Bonhoeffer, "A Theological Position Paper on State and Church" in *Conspiracy and Imprisonment, 1940-45*, trans. Lisa E. Dahill, vol. 16 of *Dietrich Bonhoeffer Works* (Minneapolis: Fortress Press, 2006), 520.

<sup>30</sup> Bayer, *Freedom in Response*, 93.

<sup>31</sup> LW 45:18-21

the benefit of humanity. Therefore, understanding work as a service to the neighbor can provide deeper perspective on the responsibilities of work and the ways to carry out this service.<sup>32</sup>

### *Government*

Service in the earthly state, in the pagan conception, is the highest end of the human person. This is contrary to biblical government and eschatology, which points to the eternal kingdom of God as the highest end. Yet, for the pagan, with no sure concept of the afterlife, the earthly state becomes the highest end, the place for glory and eternity, if not in life, then in remembrance.<sup>33</sup> The natural, fallen end of man is earthly power. It is especially with respect to the state that natural law seems to lose its correspondence with the divine law. If the natural law suggests to the unbeliever that the earthly state is the highest end of the human person, then this natural law is in conflict with the divine law. For this reason, Bonhoeffer sees any attempt to ground the government in natural law as erroneous. Whether grounded in natural norms or given realities, natural law can establish the tyrannical state as well as the state governed by law, the people's state as well as imperialism, democracy as well as dictatorship. We secure firm ground under our feet only by the biblical grounding of government in Jesus Christ. If and to what extent then from this standpoint a new natural law can be found is a theological question that remains open.<sup>34</sup>

Yet natural law itself is not the problem, but the misunderstanding of the fallen person in interpreting and carrying out natural law. Government is no less grounded in natural law than any other aspect of law, and other aspects of the natural law are just as prone to misinterpretation and abuse. The proper understanding of the human end occurs in Christ as the redeemer and reconciler of humanity to God, and the embodiment of God's love. The highest end is eternity in fellowship with God. Yet without an eternal perspective, the highest end can only be conceived of in terms of this world. In both cases, the natural law is at work, pointing the person to seek and achieve his highest end, whether that is (mis)understood in his obligations and duties to the state, or understood as his obedience to God in loving service to the neighbor.

Bonhoeffer is yet willing to see the connection of government to the natural law in the role of the second table of the Decalogue. Even in the

---

<sup>32</sup> Bonhoeffer, "State and Church," 520.

<sup>33</sup> Bonhoeffer, "State and Church," 503.

<sup>34</sup> Bonhoeffer, "State and Church," 512-513.

case of a godless government, however, a providential correspondence exists between the contents of the second table and the law inherent in historical life itself. The failure to observe the second table destroys the very life that government is supposed to protect. Thus the task of protecting life, rightly understood, leads inherently to the upholding of the second table.<sup>35</sup> The state is not “grounded” in natural law, but carries out its role under the divine law through the connection between the natural law and the second table. Yet in the broader sense of natural law, as we have been speaking, government is grounded in the natural law, because it works for the good.<sup>36</sup>

Luther also understood the government to be grounded in the fallen natural order. Natural man, as he exists after the Fall, is subject to the power of governing authorities to restrain those who would outwardly rebel against God's law. Cain, for example, feared the punishment of his governing authority, for he accuses God's publicizing of his crime against Abel to be more than he could bear—that he would be slain as soon as he was recognized as Abel's killer.<sup>37</sup> Creation as made good by God certainly was in no need of a coercive arm of government. However, that creation was made good *requires* that government be manifest after the Fall. Sin violates the goodness of creation. When Adam and Eve sinned, original sin was introduced into humanity and subjected all of creation to hardship and groaning.<sup>38</sup> Sin can in no way be purged from the heart, yet even sinful men recognize that evil actions can be restrained by a powerful authority to prevent an every-man-for-himself situation. Thus, while no coercive government is necessary in a good creation, the natural development in a creation that was good but has been infiltrated by sin and death is that a coercive, punishing authority be established to restrain outwardly the sin and death which would bring about the present destruction of creation.

With this in mind, Luther argued that to usurp authority from the government, through either corruption of the magistrates and judicial system or outright rebellion, were the “worst robbery,” for they were to take the very life of the one holding the office and violate natural justice.<sup>39</sup> The person who is a subject in relationship to the government, in considering the law of love, submits to the governmental authority for the sake of order and the restraint of evildoers, even when the actions of the

---

<sup>35</sup> Bonhoeffer, “State and Church,” 515.

<sup>36</sup> Bonhoeffer, “State and Church,” 510-511.

<sup>37</sup> Gen 4:13-14; LW 45:86.

<sup>38</sup> Rom 8:18-25.

<sup>39</sup> LW 46:26-27, 34.



government may not be personally appreciated or mutually agreeable. Subjects also love those in authority by carrying out their civic duty, whether serving on a jury, voting, or cooperating with authorities.

In the same way, those in government office exercise their power not for their own enjoyment or glory but in love and justice for their subjects. This underlying direction guides the motives of detailed and difficult decisions. Government defends against the chaos of sin by restraining with the sword evildoers who would use the sword. It exercises coercive power, because it opposes coercive power, but it does so in order to execute justice. It restrains evil and oversees order between people and families and other institutions in the world.<sup>40</sup>

### III. The Natural Law and the Christian in the Three Estates

Having considered very briefly these life stations or estates, we can now see how they provide contextual definition for the natural law. Each particular station implies relationships and circumstances for those who live in the stations. Yet the stations also leave some questions unanswered. Because the stations are lived out in time, unique circumstances, and various relationships, the responsibilities of those serving in these stations can never be delineated in advance with precise detail. Although the natural law may seem vague, theoretical, and even unattainable to man in his fallen state, when we consider the Christian life under the natural law as shaped by the three estates, the dynamic of law and gospel takes a very concrete form. A Christian, alive in the gospel by the work of Christ through the indwelling of the Holy Spirit, is free from the burden of righteousness through works. He is no longer bound to works that attempt in futility to please God. The need for asceticism or the establishment of a distinct way of living a holy life, different from the way unbelievers should live, is unnecessary. He does not need to find his salvation in his work of the estates. No separate class of living is necessary to distinguish a Christian before God; he is already distinguished in his righteousness before God in Christ as granted through forgiveness by the Spirit in the means of grace.<sup>41</sup>

Instead, in his freedom, the Christian works to make others free. A Christian is free precisely to keep on living in the world, in the estates established by God in creation, according to the natural law in the pursuit of what is good for others. His holiness is lived out in all of the estates. By making the created estates the place for holy living, the Christian avoids an

---

<sup>40</sup> Bonhoeffer, "State and Church," 509-510.

<sup>41</sup> Bayer, *Freedom in Response*, 100-104.

enthusiasm that would set up some standard of holy living as an alternative to that created and instituted by God, such as Pietism, “holiness” movements, or the monasticism condemned by Luther.<sup>42</sup>

For the Christian in the life stations, the import of the natural law becomes realized as fully as is possible in the fallen world. Whereas for the fallen, unregenerate man, the natural law is a mere spark or glimpse of divinity and the notion of good, the Christian has been regenerated by the Spirit and perceives the truth of God and the good—love for the neighbor. Lutherans emphasize the persistent sinful nature that continues to battle against the new man, such as is described in Romans 7. Yet in this passage, the Apostle Paul notes that this new man serves “in newness of the Spirit” (7:6), and that he “joyfully concur[s] with the law of God in the inner man” (7:22). The doctrine of *simul iustus et peccator* means that the inner man—Christ in us—is fully righteous, knowing, trusting, and loving God, and loving the neighbor. Thus Luther says:

Christians have in their heart the Holy Spirit, who both teaches and makes them to do injustice to no one, to love everyone, and to suffer injustice and even death willingly and cheerfully at the hands of anyone....[B]y the Spirit and by faith all Christians are so thoroughly disposed and conditioned in their very nature that they do right and keep the law better than one can teach them with all manner of statutes.<sup>43</sup>

Luther is describing a *de facto* restoration of the natural law: a restoration of the understanding of the good that was written on the heart in creation, decimated in the Fall, and now restored by the regeneration of the indwelling Holy Spirit. It is not a restoration of the natural law in the sense that by natural means the man has regained a natural ability, but it is a restoration of the knowledge and judgment regarding the good that was given in creation and now given graciously by the Holy Spirit.

In the inner man, the Christian knows the natural law by the Spirit. The *simul* doctrine reminds us that the old man of sin still fights against the inner man so that the work of the Spirit is not yet complete and the Christian does not habitually perceive the law or do it. Nevertheless, through continued repentance and availing oneself of the preaching of Christ and his body and blood—that is, through the means of grace and sanctification, the Christian deepens his knowledge of the natural law and

---

<sup>42</sup> Bayer, *Freedom in Response*, 100-104.

<sup>43</sup> LW 45:89.

grows in his obedience to it. This kind of growth in knowledge and good works is exhorted throughout the New Testament.<sup>44</sup>

As has been described above, the stations provide the settings, situations, and relationships for Christians to experience opportunities for love and thereby to grow in knowledge, good works, and sanctification. By encountering others, facing the circumstances imposed by these stations, and placing oneself in the situation of the neighbor, the Christian has concrete acts and relationships upon which to reflect and real experience to assist in the judgments about pursuing the good.

#### IV. Recouping the Natural Law through the Estates

In summarizing this essay, it should be noted that this discussion about the natural law is not meant in any way to uphold the natural law as the means for restoring some prelapsarian state. Nor is the natural law even a means for actually attaining perfect order and justice in this world. I reiterate the effect of sin in corrupting the very world in which we live, as well as marring the possibility of fully comprehending and carrying out the natural law. Any sense of natural law cannot restore a person ethically, or even "suggest the form of such restoration."<sup>45</sup> Only the gospel of Christ offers essential restoration through the forgiveness of sins.

The natural law, rather, is the expression of God's will in human relations to each other and the rest of creation. It commands worship of God, love of neighbor, doing to others as I would want done to me. When culturally and ceremonially specific details of the Ten Commandments are removed, the Commandments become the best summary of the natural law. They serve as God's law always serves: to restrain evildoers, reveal human sin, and teach the will of God. The natural law is not a deterministic form imposed upon humanity, but the command of God set forth in the very created essence and relationships of things. These relations are structured and delineated by the three estates. The catechism affirms this teaching when it instructs that a person "consider [his] place in life according to the Ten Commandments" and to confess his sins according to this consideration.<sup>46</sup> Precisely in this place in life does a Christian learn the law, and, as a consequence, his sin. Thus, the earthly freedom in which a person lives is shaped by the creation in which he

---

<sup>44</sup> Cf. 2 Peter 1:5-8; James 1:3-6; Romans 12:1-2; Hebrews 5:12-6:3.

<sup>45</sup> Helmut Thielicke, *Theological Ethics*, vol. 1, trans. William Lazareth (Philadelphia: Fortress Press, 1966), 445-447.

<sup>46</sup> Martin Luther, *The Small Catechism of Dr. Martin Luther* (St Louis: Concordia Publishing House, 1986), 1.5.

lives, a creativity contingent upon God's absolute creation. The Spirit "forms and brings to expression *the appropriate pattern of free response to objective reality.*"<sup>47</sup>

The judgment of the natural law must be implemented with wisdom, according to the demands and circumstances of each special case. In secular courts, in some cases, a judge must hold strictly to the punishment of the law in order to punish and purge the evil. In other circumstances, a judge may be lenient, if he detects that the perpetrator is remorseful and seeks amendment of life. In judging oneself, a Christian is always asking what must be done for the neighbor according to what he would want for himself (the Golden Rule), and acting according to this prudential reflection.<sup>48</sup>

This highlighting of the natural law is intended to incorporate it into an appropriate and useful place in the body of Christian teaching. Although it cannot be perfectly known and accomplished, it can be known to some extent and obeyed outwardly for the benefit of earthly order and justice. The extent to which the natural law can be understood and obeyed can only be discovered by each person as he lives his life within the estates, perceives the relations established in them by God, makes judgments regarding how these relations contextualize the Ten Commandments and the command of love, and, finally, acts according to these judgments.

---

<sup>47</sup> Oliver O'Donovan, *Resurrection and Moral Order* (Leicester, England: Inter-Varsity Press; Grand Rapids: Eerdmans, 1986), 25.

<sup>48</sup> LW 45:118-119, 128.