

## Chapter 19

### Emil Brunner

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#### Abstract

*Swiss theologian Emil Brunner (1899-1966) developed a liberal Protestant theology of the family, contrary to the more traditional biblical views of his compatriot Karl Barth. Brunner treated the family as a natural order of creation, alongside the state and economy. The family has a natural monogamous structure and a built-in set of spousal and parental rights and duties that cannot be invaded by other social spheres or reconstructed by family members or liberal reformers. The state has to protect and enforce these family rights and duties as a matter of justice, but Christians should honor them spontaneously in expression of agapic love. Brunner prized children and their rights, and he called the union of husband, wife, and child, a “trinitarian union” built on the foundation of mutual natural attraction and as a reflection of the triune Godhead. But he insisted that marital sex was a unique expression of love not just a means to a procreative end, and he firmly rejected as unrealistic the procreative perfectionism of some parts of the Catholic tradition. A marital couple without children was a complete family, he believed, just as a widow(er) or divorcee with children remained a complete family.*

**Keywords:** Emil Brunner; Karl Barth; marriage; family; children; sex; creation; natural order; natural law; man and woman; sex; love; trinity; church and state; economy; natural appetite

#### Biographical Introduction

Emil Brunner (1899–1966) was one of the great European Protestant minds of the twentieth century. He was educated in Switzerland, served in the Swiss military, and then was a pastor in Zurich before embarking on a distinguished career as a professor of theology at the University of Zurich. He was an active participant in the World Council of Churches and the global Moral Re-armament Movement and stood at distinguished lecterns throughout the world.

Brunner drew deeply on the writings of his Protestant forebears Martin Luther and John Calvin, and he was strongly influenced by the teachings of Danish theologian Søren Kierkegaard and German philosopher Edmund Husserl, among others. A staunch defender of biblical Christianity, Brunner resisted theological liberals like Paul Tillich, who saw God as “the ground of being” and understood revelation to be necessarily a mere symbol that points beyond itself. Yet Brunner was also a staunch defender of natural law, natural theology, and natural reason, which he defended against many other Protestants, notably his famous Swiss contemporary Karl Barth, who declared his famous “Nein!” against him. Brunner believed in salvation by faith in Christ, but he also insisted that Christians—and all others—could understand God’s will for their personal and collective lives through the natural law that God had “written on their hearts” and through the natural order that God had created, even though it was corrupted by human sin.

Brunner was a prolific scholar, whose writings circulated widely in Europe, North America, Japan, and South Korea. In his three-volume *Dogmatics*,<sup>1</sup> he laid out the doctrinal fundamentals of Christian theology with a strong emphasis on the “I-Thou” relationship between God and humanity, whereby God equips and calls each person to respond to God and divine law. In his *Divine Imperative*,<sup>2</sup> he analyzed how God’s commands for human living, set out in scripture, conscience, reason, and nature, provide the foundation for the flourishing of human personhood and social institutions. *Man in Revolt*<sup>3</sup> laid out the causes and consequences of defiance of these divine imperatives, and *The Mediator*<sup>4</sup> analyzed the pathway to salvation through and in Christ. Brunner wrote biblical commentaries and other technical works on religion. He also left several important books on social ethics, not least his *Justice and the Social Order*,<sup>5</sup> *Eros and Agape*,<sup>6</sup> and his Gifford Lectures, titled *Christianity and Civilization*.<sup>7</sup>

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† Don S. Browning passed away in 2010. This text is drawn in part from an unpublished manuscript on “Christian Marriage and Modern Marriage Law” that the two authors were working on at his death, and it is used with permission of the Browning family and estate. Browning also touched on Emil Brunner’s work in his *From Culture Wars to Common Ground*, 2d ed. (Louisville, KY: Westminster John Knox Press, 2000), 242–43; and in *Marriage and Modernization* (Grand Rapids, MI: Wm. B. Eerdmans, 2003), 140–42.

<sup>1</sup> Emil Brunner, *Dogmatik*, 3 vols. (Zurich: Zwingli-Verlag, 1946), 4<sup>th</sup> ed. translated by Olive Wyon, et al., as *Dogmatics*, 3 vols. (Philadelphia: Westminster Press, 1980). See also his *Wahrheit als Begegnung* (Berlin: Furche-Verlag, 1938), translated by A.W. Loos as *The Divine-Human Encounter* (Philadelphia: Westminster Press, 1943).

<sup>2</sup> Emil Brunner, *Das Gebot und die Ordnungen* (Tübingen: J.C.B. Mohr, 1932), translated by Olive Wyon as *The Divine Imperative: A Study in Christian Ethics*, 7<sup>th</sup> impr. (London: Lutterworth Press, 1961).

<sup>3</sup> Emil Brunner, *Der Mensch im Widerspruch* (Berlin: Furche-Verlag, 1937), translated by Olive Wyon as *Man in Revolt*, 6<sup>th</sup> impr. (London: Lutterworth Press, 1962).

<sup>4</sup> Emil Brunner, *Der Mittler* (Tübingen: J.C.B. Mohr, 1932), translated by Olive Wyon as *The Mediator: A Study of the Central Doctrine of the Christian Faith* (Philadelphia: Westminster Press, 1947).

<sup>5</sup> Emil Brunner, *Gerechtigkeit: eine Lehre von den Grundgesetzen der Gesellschaftsordnung* (Zurich: Zwingli-Verlag, 1943), translated by Mary Hottinger as *Justice and the Social Order* (New York: Harper & Bros., 1945).

<sup>6</sup> Emil Brunner, *Eros und Liebe* (Berlin: Furche-Verlag, 1937).

<sup>7</sup> (London: Nisbet, 1948).

## The Natural-Rational Foundation of the Marital Family

In a number of these works, Brunner addressed themes of sex, marriage, and family. He started by distinguishing three kinds of human interests stemming from what he called the “psychophysical nature” of human beings. These interests are the human need for (1) sex, intimacy, and offspring; (2) labor, acquisition, and economic well-being; and (3) safety, security, and control over the contingencies of life. In Brunner’s view, these basic human interests are fostered and fulfilled by different spheres of society: (1) sex and procreation by marriage and the family; (2) acquisition and economic well-being by labor and the market; and (3) safety and control by the state and its laws. This was a deliberate variation on the famous “three estates theory” (*Drei-Stände-Lehre*) of Luther and other early Protestants, who had postulated the family, state, and church as the founding institutions of the created natural order.<sup>8</sup> Brunner treated the church as a distinct voluntary (not a natural) estate, as we shall see, and he insisted that the economy was its own separate sphere rooted in the natural order.

Brunner believed that these three basic psychophysical interests and the accompanying social spheres of family, economy, and state can be known and analyzed by human reason. The goods toward which these interests are oriented, and the inner logic or rationality that identifies them, have their roots in natural law and the created natural order. “These forms of community . . . are all independent of faith, and of the love which flows from faith,” Brunner wrote. “This does not mean that their significance and their true nature can be rightly known outside the sphere of faith.” But it does mean that all human beings, of whatever faith or nonfaith, have some basic understanding of these natural interests and human impulses toward the different spheres of communal life. These spheres both reveal and “conceal within themselves the Divine orders of creation,” which comprise God’s original design and intention for the fulfillment and flourishing of all humans, said Brunner. Virtually every human civilization, therefore, develops these three institutions, however variant in form and function.<sup>9</sup>

The orders of creation can be seen in the primeval commands described in the creation story of Genesis 1 and 2, Brunner argued. There we read that “male and female” are separated by God yet called to join together as “two in one flesh,” in order to “be fruitful and multiply” (the order of the family). Humans are called to work and to “fill the earth and subdue it” (the order of the economy). And humans are called to “have dominion over the earth” and rule over all creation, but also “dress and keep it” (the order of the state). Furthermore, Brunner argued, these natural forms of community—the family, the economy, and the state—constitute something like divine training schools for higher and more fulfilling forms of life that God wills in creation. He believed that, from the perspective of human reason, these spheres function to articulate and meet

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<sup>8</sup> See chapter 12 herein on Martin Luther.

<sup>9</sup> *Divine Imperative*, 333–36; *Dogmatics* 2:26–31.

basic human needs. But from the perspective of faith, they are gifts of God even though they are changed and broken by sin.<sup>10</sup>

Brunner offers a good example of a natural law theory rooted in what some moral philosophers and theologians call the “premoral goods” of marriage and family life.<sup>11</sup> In this view, premoral goods are to be distinguished from morality. For instance, if someone says, “This water is good,” she is not saying it is morally good. She is making a premoral or nonmoral judgment; she is saying it is clean, has a nice refreshing taste, and is likely healthy to drink. If she is a mother interested in her children’s health and then claims that the mayor and the commissioner of sanitation *should* provide clean water for her offspring, she is making a moral judgment. And if she says that these authorities should provide clean water *equally* for everyone—not just the elite or the wealthy, and not even just for her own family—she is making a moral statement about justice or fairness. But notice, although water is not itself a moral good, it is a premoral good, one without moral valence in itself. Water does not have a will and cannot act—either morally or immorally. We never say, “Water is moral.” But we do say, “Mary is moral; she is a good person; she does that right thing.”

The distinction between premoral and fully moral judgments runs throughout our everyday moral and legal discourse, whether we are talking about water or talking about Brunner’s psychophysical goods of sex and procreation, economic well-being, or security and order. Brunner’s three sets of interests or goods are not moral goods because it is entirely possible to pursue and attain them in totally ruthless and immoral ways. In fact, in the covenant theology that Brunner developed on the strength of biblical teachings, it was precisely the purpose of the covenantal organization of the spheres of family, market, and state to bring moral order to the pursuit of these premoral interests or goods. Arriving at an analysis of the reality and centrality of these goods and interests was, according to Brunner, the function of natural law. It was the task of covenant and its overall narrative about the purposes of life and divine ends of life to give moral organization to these interests, both internally to specific persons and externally in relation to the spheres of society.

### **Justice and Love in the Family**

In laying out his theory of the morality or moral goods of marriage and family life, Brunner recited with appreciation the three goods of marriage identified by St. Augustine and the medieval scholastics: children (*proles*), fidelity (*fides*), and sacramental stability (*sacramentum*).<sup>12</sup> He also echoed Isidore of Seville’s formula, repeated by the Protestant reformers, that marriage served the mutual love and support

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<sup>10</sup> *Divine Imperative*, 336–37.

<sup>11</sup> See the views of premoral goods in the neo-Thomistic moral theologian Louis Janssens and the nearly identical concept of the nonmoral good in American moral philosopher William Frankena in Don S. Browning, *Christian Ethics and the Moral Psychologies* (Grand Rapids, MI: Wm. B. Eerdmans Publishing, 2006), 190–220.

<sup>12</sup> See chapter 4 herein on St. Augustine of Hippo.

of husband and wife; the mutual procreation and nurture of children; and the mutual protection of both spouses from sexual sin.<sup>13</sup> But Brunner ultimately developed his own formula of the goods or ends of marriage in terms of love and justice, and he insisted that children be viewed not just as a product or end of marriage, but as an integral part of a marital family.

“Marriage and the family are communities . . . in which justice lies most open to the influence of love,” Brunner wrote. “In true marriage and the family, a synthesis of three highly heterogeneous principles becomes possible—natural love (*eros*), justice, and Christian love (*agape*).” When marriage is viewed only as a natural institution, the focus is on the sexual body, erotic love, and contractual commitments, and when those die the marriage often ends by separation or divorce. Here justice sounds in the cold calculus of the courts, with battles over divorce, child custody, marital property, and more. Such minimal justice of the family is critical to maintain and inevitably needed in our broken world, for people of faith and no faith alike. Christian husbands and wives, parents and children, need to respect this natural order of justice in the state at minimum and use its institutions when spiritual expedients no longer avail them.<sup>14</sup>

But a Christian marriage is ideally also a divine union of covenantal fidelity that is founded and focused on the enduring and sacrificial form of love called agape. “Only where husband and wife recognize absolute equality of worth in each other, and strive to express that equality” in all that they do for and with each other is “the law of justice fulfilled” in a Christian marriage. Yes, St. Paul says: “The husband has a *right* to his wife, the wife has a *right* to her husband,” which indicates their mutual rights to sex, nurture, protection, forgiveness, support, and fidelity. But in a Christian marriage, built on agape, such rights and duties, fidelity and sacrifice will emerge “spontaneously, without the imperative of justice,” without the guidance and governance of church or state, and without tribunals that calculate these rights and duties and the costs of their breach. Love and justice gradually grow and come together in a Christian marriage voluntarily, in as perfect a harmony as is possible in a world still marred by sin. Brunner maintained the traditional biblical teaching that the husband is the head of the wife within the home, though not necessarily in society. But he insisted that this was not “a degradation of the woman” but a protection of her “true dignity.” And this was not an invitation for a man to dominate his wife and children, but an injunction to practice enduring fidelity and sacrifice for his wife and family, much as Christ did for the church and its members.<sup>15</sup>

Men and women are created with different sexual bodies, in no small part in order to come together as “two in one flesh” and to “be fruitful and multiply.” This does not mean that every sexual act has to have a procreative intent or end. Brunner rejected

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<sup>13</sup> See John Witte Jr., “The Goods and Goals of Marriage,” in John Wall, Don S. Browning, William J. Doherty, and Stephen Post, eds., *Marriage, Health, and the Professions* (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 2002), 49–89.

<sup>14</sup> *Justice*, 142–43; *Divine Imperative*, 350–55.

<sup>15</sup> *Justice*, 14–145; *Eros und Liebe*, 12–14; *Divine Imperative*, 356–9, 373–83.

what he thought to be the “unrealistic demands” of procreative perfectionism taught by parts of the Christian tradition.<sup>16</sup> “Sexual intercourse is intended by the Creator not only as a means of procreation, but also as a means of expressing the love of married people for each other.” Sexual intimacy of itself is a perennial and “permanent need,” a “characteristic of human life” for almost all adult human beings, save those unique few who are called to celibacy. Sex is there for marital couples to embrace and enjoy with each other, even if and when they cannot have children. Nonetheless, children are an essential natural and spiritual good of the marital family, said Brunner, and a blessing if they are produced by the sexual union. “The religious view tallies with that of biology: the sexual apparatus [of human bodies] ‘serves’ procreation.” Children are endemic to the institution of marriage, Brunner insisted, even if they are not part of every marriage, let alone every act of sexual intimacy between married couples. As such, “procreation, the root of all human life, is withdrawn from private judgment. All capricious, self-serving prevention of procreation in marriage is a destruction of the divine order.”<sup>17</sup>

Brunner seemed to be concerned here primarily with abortion, because he said later that a “child has a right to be born”—both a natural and a divine right. “The dignity of the child is equal to the dignity of the parent; the primal right of the child as a person is equal to theirs. The child has a sacred right against its parents which in some cases must be protected by the community”—not only in cases of abortion or infanticide, but in instances of chronic need, neglect, deprivation, or abuse. Here, the state must sometimes intervene, with coercion if needed. Indeed, Brunner wrote, the legal protection of children’s rights by the modern state “is the fruit of Christianity.”<sup>18</sup>

**Trinitarian Family Recognition.** Brunner described the father-mother-child relationship within a Christian family in Trinitarian terms. “All members belong to each other—the father to the child, the child to the father, the mother to the child, the child to the mother, just as the husband belongs to the wife, and the wife to each other.” Each member of the family has his or her own office and function in the marital family. But there is also a fundamental unity in this diversity of domestic persons and offices. And when this unity is fully expressed and respected, “a real family is the perfect example of the cooperation of love and justice.”<sup>19</sup>

This Trinitarian family relationship is not only a faint reflection of the Trinitarian Godhead, but also a direct expression of the “natural recognition” of father, mother, and child. Historical natural law theorists and modern anthropologists, Brunner wrote, both agree that the mother’s recognition that a child is hers comes more easily than the father’s, given the lengthy pregnancy, arduous child-bearing, and infant nursing undertaken by the mother. The father’s recognition of a child is more contingent and situational, and males have a stronger tendency toward infidelity, divorce, and

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<sup>16</sup> See discussion herein of this sexual perfectionist theme in chapter 4 on Augustine by David Hunter and chapter 21 on Pope Paul VI by Stephen Pope.

<sup>17</sup> *Ibid.*, 366–67; *Dogmatics* 2:63–65; *Man in Revolt*, 348–52.

<sup>18</sup> *Justice*, 145–47; *Divine Imperative*, 367–71

<sup>19</sup> *Justice*, 147; *Eros und Liebe*, 33, 38–43; see also *Dogmatics*, 1:205–40 on the doctrine of the Trinity.

polygamy. But scientists also agree that most human males recognize and care for their offspring more often than other mammalian males do, which says much about what is unique about the human species and its reproductive strategy. For Brunner, this human distinction reflected the order of nature for human families created by God, and it was expressed more fully in the covenantal bonds of enduring and exclusive love that become the Christian family.<sup>20</sup>

Brunner added something that is often forgotten—the importance of the child’s recognition that a given woman and a given man are responsible for its existence. The “trinity of recognitions” implied in this bio-existential reality throws mother, father, and child together in irrevocable ways, Brunner argued. “Since I, the father, as well as the mother and the child, know irrevocably that this fact is irrevocable, then we three persons are bound together in a way in which no other three persons have ever been bound together, in an unparalleled and indissoluble relation. . . . This trinity of being we call the human structure of existence.” This structure of existence is uniquely human not only because it is a biological reality but also because it is recognized to be so by all three members of the one-flesh union brought together in love. Even separation or divorce does not destroy the reality of this bio-existential one-flesh union of mother, father, and child. “We cannot ‘break’ love, but we can break faith.”<sup>21</sup>

Brunner believed that nature itself, at the human level, both anticipates and is completed by God’s intention that husband, wife, and child are united in the marital family and remain one flesh together. Jesus himself, in his commentary on Genesis 2:24, advanced the idea that this one-flesh union should be lifelong: “So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate” (Matthew 19:6). In this passage, Brunner argued, Jesus underscored that a Christian marriage should be exclusive and enduring. Adding another spouse through polygamy not only insults the dignity and equality of husband and wife but also severs the essential natural tie between at least one of the parents and some of the children, producing inevitable discord and rivalry within the home. “The sexual union must be strictly monogamous . . . primarily for the child’s sake.” Similarly, divorcing a spouse and taking another when a minor child is still present, though sometimes sadly necessary, “is a catastrophe for children,” for it again severs an essential biological tie between one parent in the home and the child and destroys the “trinity of recognition” that uniquely becomes a Christian household.<sup>22</sup> Brunner left unexplored related questions about adoption of unrelated minor children and of remarriage by a widowed parent with minor children. Following Protestant convention, he likely would have found these acceptable alternatives to the ideal form of natural family ties, if not sublime expressions of Christian charity.

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<sup>20</sup> *Divine Imperative*, 356–69; *Man in Revolt*, 352–61. On the roots of this view in Thomas Aquinas, see Browning, *From Culture Wars*, 113–24.

<sup>21</sup> *Divine Imperative*, 346, 360; *Eros und Liebe*, 38–43.

<sup>22</sup> *Justice*, 145–47.

## The Church and the Family in Society

Brunner recognized a fourth social sphere besides the family, market, and state—the sphere of religion, which for him is mainly exemplified by the church in both its empirical and ideal forms. The sphere of the church is not directly derived from a human psychophysical interest or involuntary natural condition. A person is born without choice into a family, participates automatically in the economy, and comes inevitably under the jurisdiction of a state as a subject or citizen. By contrast, membership in a church or religious community is voluntary in modern society, said Brunner, although infant baptism blurs that distinction.<sup>23</sup>

Brunner described the church in conventional Protestant terms as “a community of believers, in fellowship with God, and founded on the Word of God.” Regardless of whether the church is congregational or hierarchical, free or established, a single community or a global denomination, Brunner argued, its fundamental task is to preach the Word, administer the sacraments, catechize the young, care for the poor and needy, and prophesy against injustice. Brunner encouraged the church to maintain internal order and moral discipline, but he warned against “false legalism” and Pharisaism in the form of an elaborate canon law system or hierarchical church court structure, which he thought too reminiscent of medieval Catholicism and too redolent of the structure of the modern state. He also warned against the church becoming beholden to the state or too involved in state politics.<sup>24</sup>

From Brunner’s Protestant theological perspective, each of the spheres of family, economy, state, and church deserves a high degree of autonomy from the other spheres in pursuing its unique functions, developing its internal logic and ethic, and refining its specific strategies. Brunner echoed Dutch theologian and statesman Abraham Kuyper in arguing that the social spheres should respect each other’s special functions, resist interfering and undermining other spheres, yet also support the other spheres in accomplishing their unique goals. Each social sphere has its own sovereignty, Kuyper put it. For instance, the market should help the family supply its economic needs but should not disturb or distort the family’s intimacy or its goals of procreation and nurture. The state should not own or completely control either family, market, or church, even though it should assist each to fulfill its special tasks. The church should not directly control family, market, or government, although it should remind them of their higher moral, social, and covenantal obligations.<sup>25</sup>

Catholic subsidiarity theory, exemplified in this volume by Popes Leo XIII and John Paul II,<sup>26</sup> had a different way of talking about a similar vision of society that we find in Protestant covenantal thinkers like Kuyper and Brunner. The Catholic Church advanced this theory at the turn of the twentieth century, when the legal and social

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<sup>23</sup> *Divine Imperative*, 552–54; *Dogmatics*, 3:27–37.

<sup>24</sup> *Divine Imperative*, 539–54.

<sup>25</sup> *Ibid.* 554. See further chapter 18 herein on Abraham Kuyper.

<sup>26</sup> See chapters 20 and 22 herein on Popes Leo XIII and John Paul II.

control of society by the church had been long gone but was threatened to be replaced by either the socialist state or the capitalist market. Catholic subsidiarity theory, informed as it was by Aristotelian and Thomistic theories of the importance of the goods of the natural family and kin altruism, was designed to keep both government and market from controlling and thereby undermining the integrity of the increasingly embattled domestic sphere. The doctrine of subsidiarity insisted that neither the market, through excessive work demands and commercialization, nor the state, through its paternalism and control, should undermine the marriage-based family nor undercut the church's special protection and nurture of this institution. In both Protestant and Catholic formulations, the state and market had specialized functions, but they had to constrain themselves and cooperate in preserving and enhancing a pluralistic society. Much of this Brunner absorbed and distilled in his understanding of the place of the family in church, state, market, and society.

What the church offered the family was a support structure at critical stages in a family's life, Brunner argued. The church was the site of weddings, and it was critically responsible to prepare a couple for their budding union, instruct them in God's will for marriage and family life, and help them achieve the goods of family life through pastoral care, visitation, and support. The church was the site of baptisms, where parents and godparents, families and congregations together pledged to love and support and nurture the faith and life of this newly baptized Christian. The church was the site of catechesis and preaching, where those young in faith learned the ways of God and prepared themselves for the full embrace of God and the church in public confirmation or profession of faith. The church was sometimes the site of primary education, done in coordination with other social institutions, usually including the state. The church was the site of diaconal care, which provided widows and orphans, the poor and needy, the stranger and sojourner with food, shelter, medical care, and emergency relief, again alongside the state and other voluntary associations. And the church was the site of funerals, which were critical moments of pastoral care and support as the family mourned its losses and rearranged the responsibilities and tended to the needs of those family members who were left.<sup>27</sup>

The church was also responsible to provide "salt and light" to society at large, to exemplify the meaning of love and justice in its own community, and to speak prophetically against injustice and oppression. This was especially true in the area of sex, marriage, and family life, Brunner argued, which in his day had been rent asunder by world wars as well as by modernization and liberalism. Brunner's remarks about the "crisis of marriage and the family" offered shortly after World War II prove keenly prescient of the place and plight of the marital family in the twenty-first century:

The causes of this crisis are many and varied, internal and external: the destruction of the economic unity of the family by industrial life and the increase in the means of communication, the housing problem of our great cities, the economic, social, legal, political, and

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<sup>27</sup> *Dogmatics* 3:53–71, 111–21; *Divine Imperative*, 504–16; 552–61.

intellectual emancipation of women, the numerical surplus of women [after the war], the invention of contraceptives, and, above all, profound spiritual changes which can only be suggested by recalling the use of slogans emphasizing the claims of the individual, such as the “rights of personality,” or “the freeing of the individual personality from the tutelage of collective groups.” Christian society, the Church, and Christian theology would be well advised to take the problem of marriage more seriously than they have done hitherto. . . . [T]he crisis in marriage presents the Christian ethic with the most serious and the most difficult problem with which a Christian ethic has to deal. . . . We [are] dealing with the very foundations of human existence.<sup>28</sup>

Such insights have helped to motivate later Protestants in North America, Europe, and, increasingly, the global south to make marriage and family a more central part of their ministry and mission. Indeed, as the later chapter herein on Jean Bethke Elshtain illustrates, modern Protestants (including the two authors of this chapter) have joined with each other and with Catholics, Jews, and other people of faith and good will in a modern “marriage movement.” That movement calls church, state, and society to shore up this vital institution of the marital family, even while emphasizing the rights and dignity of women, children, singles, and same-sex parties in a way that Brunner would not have countenanced.<sup>29</sup>

### **Summary and Conclusions: Barth v. Brunner**

As earlier chapters in this volume have made clear, Christianity has long had a double language to address issues of sex, marriage, and family life: (1) a philosophical language rooted in reason, nature, custom, and experience that is understandable by all, and (2) a theological language rooted in the Bible and revelation that sometimes has analogies in other traditions of faith, thought, and belief, including those of secular legal theory.

Emil Brunner offers a good example of a modern Protestant theologian using this double philosophical and theological language to analyze the complex institution of the marital family. Brunner maintained that reason could discern the human interests motivating the spheres or orders of creation, including the order of the marital family. But he also believed that human reason alone could not normatively define and properly actualize these interests fully without revelation. As a Christian theologian, Brunner was not a philosophical foundationalist in asserting that reason can grasp knowledge of these interests and spheres. That is, he was not first emptying his mind of the witness of the Christian tradition and then using reason to build up, from some empirical or rational ground floor, the normative role of marital monogamy in a one-flesh union of father, mother, and child. Rather, he was using reason to gain a certain degree of “distance,” in

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<sup>28</sup> Ibid., 340–41.

<sup>29</sup> See, e.g., *Man in Revolt*, 347–48 describing homosexuality as “that unnatural, demonic deformation of sexuality.” On children’s rights, however, see *Justice*, 146–47.

contrast to pure objectivity, from the normative tradition that shaped the Christian witness. It is through this “distanciation,” as Paul Ricoeur put it, that reason becomes capable of discerning some of the rhythms of our natural human sexuality and other natural needs that then anticipate and incline us toward covenanted life-long monogamy. Furthermore, these forms of distanciated social-scientific reason and empirical observation may help us see the beneficial consequences—the goods—that flow from this covenantal relation.<sup>30</sup>

Thus, for Brunner the theologian, marriage and the family together constituted one of the many spheres of society that Christians should order on the basis of God's commands in creation. The male-female differentiation of Genesis 1:27, the declaration that it is “not good for the man to be alone” (Genesis 2:17), and the command that a man leaves “his father and mother and clings to his wife, and they become one flesh” (Genesis 2:24) were features of God’s order of creation for marriage and family. All this for Brunner was the marital ideal as seen by the eyes of faith. But he did not stop with this. Brunner believed that the fundamental social spheres of life—marriage, government, and market—evolved out of basic human interests that could be known and analyzed by reason and reflections on natural experience. From the perspective of human reason, these spheres function to articulate and meet the needs of all human beings, even though, from the perspective of faith, they could be understood to be gifts of God in the order of creation.

By taking this step, however, Brunner also came into conflict with the teachings of his immensely influential contemporary and fellow Swiss Reformed theologian, Karl Barth. In fact, their disagreements led to a famous debate between them about natural law, natural theology, and natural rights. Barth thought that Brunner had sold out to an inadequate Roman Catholic theory of natural law. He called Brunner’s idea of orders of creation a “horizontal” ethic that had lost contact with the transcendent, particularly the Christocentric way of the cross. He once wrote of Brunner: “But we cannot help feeling that at the root of his conception of ‘order’ there lies something akin to the familiar notion of *lex naturae* which is immanent in reality and inscribed upon the heart of man, so that it is directly known to him.”<sup>31</sup>

Unlike Brunner and the Lutheran sources on which he called, Barth did not speak directly of estates of nature, let alone the order and ordinances of creation. Barth acknowledged occasionally that there were differentiated spheres of life such as family, government, and business. He also believed that God’s commands addressed these different spheres or orders. But Barth denied that these divine commands contained norms, laws, or orders that could be abstracted from God’s command and gain a life of their own as independent principles of natural or rational governance. For such views

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<sup>30</sup> Paul Ricoeur, *Hermeneutics and the Human Sciences* (Cambridge: Cambridge University Press, 1981), 59–62.

<sup>31</sup> Karl Barth, *Church Dogmatics*, ed. G. W. Bromiley and T. F. Torrance (Edinburgh: T. & T. Clark, 1961), III/4: 20; see also Emil Brunner and Karl Barth, *Natural Theology* (Eugene, OR: Wipf and Stock Publishers, 2002).

wrongly bestow norms to marriage and family independently of the direct will of God. Marriage and family, Barth taught, receive their normative meaning through the direct command of God as revealed in the history of creation, reconciliation, and, most definitively, the redemptive activity of Jesus Christ.<sup>32</sup>

Barth's ethic of marriage and the family is riddled with the language of divine command. We are commanded to be male or female, but not necessarily to marry. As male and female, we are commanded to be in copartnership with one another. God's command means that we can only be man in relation to woman and only woman in relation to man.<sup>33</sup> This command of God extends to both male-female differentiation and male-female relationship: "We have to say both that man is necessarily and totally man or woman, and that as such and in consequence he is equally necessarily and totally man *and* woman."<sup>34</sup> Of course, for Barth the language of command is more indicative than imperative; it announces our definition and status before God more than it imposes an external moral demand. It is, as Ricoeur put it, more gift than arbitrary divine edict.<sup>35</sup> Commands for Barth are intended to free human beings more than to restrict and control them. Nonetheless, a command for Barth makes Christian ethics (even in the sphere of sex, marriage, and the family) a matter of direct encounter with the Word of God and quite independent of the regularities of reason and nature—and of anything approaching a theory of natural law.

Barth, in our view, is wrong in his interpretation of Brunner. Brunner says that reason can discern the human interests embedded in the spheres of creation, including the order of family and marriage, and can work to improve them so far as possible. Christians, therefore, could and should fully engage the whole community on fundamental questions of sex, marriage, and family life, and should be involved in the thinking, teaching, and policy-making of the state, economy, media, academy, and other institutions besides the church that affect the marital family. This is not to deny but to affirm that the fuller normative teaching about sex, marriage, and family life is revealed in the Bible and in the ongoing testimony of the Spirit of God that helps the church and each of its members uncover biblical truth, Brunner believed. Reason helps us understand the substructures of the spheres of life. It helps us discern the premoral goods that must be properly ordered in human life. It gives us hints about their fulfillment. But the ideals and goals of the family and other spheres, according to Brunner, are themselves revealed more fully in scripture and are ideally exemplified in the church and the lives of its members. And it is just because of this that church members must reach out, humbly but insistently, to offer salt and light, examples and

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<sup>32</sup> Barth, *Church Dogmatics* III/4: 18–23.

<sup>33</sup> *Ibid.*, 117.

<sup>34</sup> *Ibid.*, 118.

<sup>35</sup> Paul Ricoeur, "The Logic of Jesus, the Logic of God," *Criterion* 18, no. 2 (Summer, 1979): 4–6.

arguments, prophecy and pastoral care for the marital family, the most fundamental of human spheres, “the mother of all earthly ordinances,” as Luther had put it.<sup>36</sup>

Barth has none of this kind of thinking in his theology and ethics. For this reason, Barth did not enter into dialogue with other perspectives and disciplines on aspects of human life such as marriage and the family in the way that Brunner could and did. Barth could only confess what he presumed to be the command of God witnessed to in scripture and apprehended by faith in the moment. That hermeneutic could work for the church or for a principally Christian society that accepts scripture and tradition as the foundation for family, economy, state, and church alike. But it is harder to make this work in the pluralistic, let alone post-Christian, society that was emerging in the mid-twentieth century. By claiming too much for the Word of God and the cross of Christ, Barth marginalized Christianity from modern discourse about the family and, finally, even marginalized his point of view from ongoing deliberations about the family within the contemporary church. He inadvertently made some strands of Protestant theology increasingly irrelevant to the contemporary church, state, and social debates about the meaning of sex, marriage, and the family. Brunner offered a rather different and ultimately a more constructive way of engagement. Modern Protestants and many others in a post-Christian culture might do well to reread him.

### Recommended Readings

Barth, Karl. *Church Dogmatics*, 5 vols. Edited by G. W. Bromiley and T. F. Torrance. Edinburgh: T. & T. Clark, 1961.

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<sup>36</sup> See John Witte Jr., *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge: Cambridge University Press, 2002), 199–256.

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