

1-1-1968

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## Recommended Citation

Midgley, Louis C., "Karl Barth and Moral Natural Law: The Anatomy of Debate; Note" (1968). *Natural Law Forum*. Paper 140.  
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## NOTES

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### KARL BARTH AND MORAL NATURAL LAW: THE ANATOMY OF A DEBATE

Currently the most emphatic rejection of natural law ethical systems comes from Karl Barth, the Swiss neoorthodox theologian. He has always viewed moral natural law as (1) an example of a false natural theology, (2) a dangerous reliance on human reason, and (3) the unwarranted employment of a merely human philosophy in place of the revealed Word of God. He rejects all of these as tools in the formulation of Christian theology and social ethics. Where Catholics and, with qualifications, some Protestants believe that it is still possible for sinful man to reach God by the use of his human reason and therefore also possible to read the "natural" order of God in the "created" institutions surrounding him, Barth has held that it is impossible to do either because God is *hidden* from man by the Fall; all of creation is infected by malice, and human understanding is clouded by sin — there is really nothing left of the original creation. God is not discoverable by the reason of fallen man; God and His law are known only in "revelation"; only in the Biblical revelation are norms available to man. Outside of the revelation of God in Christ, absolutely nothing is really known of God, His works or His law. The moral life of man would thus lack genuinely valid directives apart from this revelation. Whatever moral wisdom man advances, apart from that given by God, is, to employ one of the figures of speech found in Barth's early writing, of "The Night."

#### I. BARTH AND BRUNNER'S "ORDERS OF CREATION"

Barth's rejection of natural law was one of the reasons for his famous split with Emil Brunner, with whom he was once closely associated in the early "theology of crisis" stage of Protestant neoorthodoxy in Europe. The usual argument of the proponents of natural law like Brunner is that it provides a necessary and useful support for human institutions against the erosion generated by the demonic forces within history and that without a knowledge of a "natural order" we are unable to defend ourselves against the evils that affect our culture. Pressed by the catastrophic events of our age he sought in moral natural law a device capable of checking the impending chaos. However, it was Karl Barth without a natural law ethic, not Emil Brunner or his German Lutheran friends with one, who provided the leadership for the Protestant opposition to Hitler.<sup>1</sup>

Brunner charged that Barth employed the tools of the enemy in his fight against Hitler:

If the Barthians who so valiantly fought against the Hitler state only knew a little more of the history of political thinking in Germany, they would become

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<sup>1</sup> "It was Barth's pronouncement of the *diastasis* which gave the German Church the

aware of the fact that the fight against natural law resulted in the abolition of all standards by which what the present day State sees fit to declare law might be criticised.<sup>2</sup>

Brunner treated Barth as a kind of positivist. "It is not Karl Barth," Brunner insisted, "who is the first opponent of natural law, but . . . Kantian agnosticism."<sup>3</sup>

To those who have learned to see in Kant only the roots of some kind of moral idealism, this view of Kant may come as something of a surprise. Nothing that has been said about Kant should be taken as a denial that he was important for the development of various currents of social ethics, especially in Protestant theology, in Frederick Schleiermacher and Albrecht Ritschl, and for Protestant liberalism generally. Even so, Brunner, in advocating a form of natural law, criticizes Barth, who rejects it, for having followed in the footsteps of the German liberal theologian, Ritschl, in "Kantian Agnosticism." If one accepts the agnostic conclusions of the *Critique of Pure Reason*, the possibility of a moral

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power to resist this temptation." Paul Tillich, *The Present Theological Situation in the Light of Continental European Development*, 6 THEOLOGY TODAY 303 (1949). See also TIL- LICH, CHRISTIANITY AND THE ENCOUNTER OF THE WORLD RELIGIONS 54f. (New York, 1963), and P. TILlich, PERSPECTIVES ON 19TH AND 20TH CENTURY PROTESTANT THEOLOGY 240-43 (ed. C. E. Braaten, New York, 1967). "Why must even his critics admit," asks an American political scientist, "that Barth and his followers, who still deny the idea of natural law, stood up best to the inducement of 'German Christianity'?" JUDITH N. SEKLAR, AFTER UTOPIA: THE DECLINE OF POLITICAL FAITH 191 (Princeton, 1957).

<sup>2</sup> EMIL BRUNNER, CHRISTIANITY AND CIVILISATION pt. 1, 165 n. 73 (New York, 1948).

<sup>3</sup> Kant, following David Hume, advanced an epistemology that was skeptical of efforts to penetrate beneath appearances to the nature or essence of things, to ultimate reality. Kant was skeptical of pure reason, for abstract reason is merely analytic rather than factually significant or synthetic. Pure reason breaks down when confronted with questions concerning ultimate reality. The factual sciences are even less appropriate for such endeavors, for they deal only with the phenomena, that is, appearance, and not the true nature of things. Therefore, it is simply not possible to settle ultimate questions on the basis of uncertain theoretical knowledge. There is no theoretical way to get behind the phenomenal world to the essence of things. This skeptical conclusion strikes a heavy blow at the normative metaphysics implicit in recent manifestations of the doctrine of moral natural law by indicating the indemonstrability of ultimate values by any kind of objective science. Kant, however, certainly was not indifferent to questions of value, for normative or ethical matters were one of his primary concerns. The question of what ought to be, as distinguished from what actually is, he considered fundamental, but he did not attempt to ground his ethic in a rationally acquired knowledge of "nature," for such an ultimate reality is simply not knowable:

Whereas, so far as nature is concerned, experience supplies the rules and is the source of truth, in respect of the moral law it is, alas, the mother of illusion! Nothing is more reprehensible than to derive the laws prescribing what *ought to be done* from what *is done*, or to improve upon them the limits by which the latter is circumscribed. IMMANUEL KANT, CRITIQUE OF PURE REASON 375 (trans. by N. Kemp Smith, London, 1950).

The faculty of understanding addresses itself only to the welter of particular sensations and perceptions. From the manifold of phenomena or appearances the understanding arrives at general laws, but these so-called "natural laws" are not moral norms and in no way assert an ought:

The understanding can know in nature only what is, what has been, or what will be. We cannot say that anything in nature *ought to be* other than what in all these time-relations it actually is. When we have the course of nature alone in view, "*ought*" has no meaning whatsoever. *Id.* at 473.

natural law is doomed, whatever moral philosophy one can salvage from Kant's other essays.

Some have seen in Barth's rejection of natural law a kind of rapprochement with positivist agnosticism about absolute values. N. H. Söe, for example, has argued that Barth has set himself against moral natural law because he denies the possibility of "deriving an 'ought' from an 'is,' a commandment from a given order of the created world, a procedure which can never lead to that 'ought' with which we are confronted in meeting the lord Christ."<sup>4</sup> Söe feels that Barth reached these conclusions without the influence of either David Hume, who presumably laid the foundation for the autonomy of moral judgments in a famous passage in his *Treatise of Human Nature*, or G. E. Moore, who, according to some, gave the argument its modern form and labeled it the "naturalistic fallacy."

These opinions seem to go too far. It will be argued that Barth wishes to reject the usual formulations of moral natural law doctrine, but he does not reject the conceptual foundations upon which it is typically made to rest; his position therefore may actually contain, as Brunner and others have implied, some Kantian shavings.

One reason for Barth's intractable opposition to a natural law ethic is that he believes that it can be used to justify almost anything, for example, even such a demonic force as National Socialism.<sup>5</sup> To Barth it is simply a question of "Jesus Christ or Natural Law"; one cannot have it both ways. "All arguments based on Natural Law are Janus-headed. They do not lead to the light of clear decisions, but to the misty twilight in which all cats become grey." His other observations on the fight against Hitler in Germany are significant:

I took part in the first years of the Church conflict [against the German Church Movement] in Germany . . . and I learnt there that it is impossible to make an impression on the evil genius of the new Germany by seeking to refute it on the ground of Natural Law, by confronting its evil and dionysian doctrine of man and society with a humane and apollinistic one.<sup>6</sup>

While Barth was leading the Protestant opposition to Hitler, a large group of pro-Hitler "German Christian" members of the German Church Movement, including a number of the most prominent German theologians, enthusiastically supported National Socialism. One of the doctrines which these theological German Christians used in support of Adolf Hitler was a variety of moral natural law — the famous Lutheran doctrine of the "order of creation" (*Schöpfung*-

<sup>4</sup> N. H. Söe, *Natural Law and Social Ethics*, in *CHRISTIAN SOCIAL ETHICS IN A CHANGING WORLD* 290 (ed. John C. Bennett, New York, 1966). See also, Kai Nielsen, *An Examination of the Thomistic Theory of Natural Moral Law*, 4 *NATURAL LAW FORUM* 44, 71 (1959).

<sup>5</sup> KARL BARTH, *A LETTER TO GREAT BRITAIN FROM SWITZERLAND* 17f., 21ff. (London, 1941).

<sup>6</sup> *Id.* at 17 (for both quotations).

Brunner took a position more in line with the Catholic Neo-Thomists and with Lutherans such as Althaus, Gogarten, and Elert on the possibility of a normative natural law ethic. He argued, that, in spite of all its various difficulties, natural law is the appropriate foundation of Christian social ethics, for it has been "the Western conception of justice for two thousand years. Its disintegration," he correctly observed, "set in with the Age of Reason." E. BRUNNER, *JUSTICE AND THE SOCIAL ORDER* 6 (M. Hottinger trans., New York, 1945).

*sordnung*).<sup>7</sup> Emil Brunner also advanced this version of moral natural law. Thus he asserted that "What we call 'laws of nature' are God's orders of creation":

The idea of the "order of creation" interests us particularly as the principle of social ethics. In the human sphere there are certain natural constants, which at the same time belong to the sphere of human freedom and decision. For instance, God has so created man and woman that their sex union can only be accomplished according to the purpose which He has laid down for them in the monogamous permanent marriage. It is part of the very way in which God has created man and woman, in the unity of personal-being and the sex-nature, that only monogamy corresponds to the destiny given to man by God. Therefore, Jesus Himself bases the indissolubility of marriage upon the order of creation.<sup>8</sup>

Certain German Lutherans, including some of the most important German Christian theologians, were associated with Brunner in the development of the concept of an "order of creation," or "natural order."<sup>9</sup> To recognize that the German Christians shared certain commitments with him is not to argue that the acceptance of a "natural order" is identical with Fascism or causes one to become a Fascist. But it is significant that a number of the German Christian theologians made some rather serious attempts to justify their political opinions, which were at the same time those of certain supporters of Hitler, by advocating a variety of moral natural law. Writing in 1934, Adolf Keller outlined the employment of natural law in the German Christian theology:

God's hidden will is manifest in the great historical events of our time. These are . . . God's masks, behind which our conscience may, if it will, recognize His eternal, creative power. A new accent is here given to the concept of creation in contrast to that of redemption. God gave to His creation certain fundamental laws or orders which are still discoverable. Though obscured by sin, the "orders" of creation — sex, family, property, marriage, State and nature — are the result of God's will; they represent the natural law which He has given to us for protection against the disintegrating influence of the forces of evil. Without this protection of natural law we should be led into chaos and destruction.<sup>10</sup>

This passage indicates the use to which it is possible to put this form of moral law. There is little difference between the "order of creation" doctrine advanced by Brunner and that employed by the theological supporters of Hitler. Barth's conclusion is that moral natural law doctrines are merely rationalizing ideologies.

<sup>7</sup> For a review of the literature, see ERIK WOLF, *DAS PROBLEM DER NATURRECHTSLEHRE* 57 n. 253, 78 nn. 344f. (2nd ed., Karlsruhe, 1959).

<sup>8</sup> E. BRUNNER, *2 DOGMATICS* 25 (London, 1952) (footnote omitted).

<sup>9</sup> G. WINGREN, *CREATION AND LAW* 124 (trans. R. Mackenzie, London 1961). Wingren points out that Barth has been opposed by those who once supported Hitler and the German Christian movement. Wingren follows Paul Althaus and Friedrich Gogarten, who, along with Werner Elert, provided the basic Lutheran support for Hitler, and, incidentally, for the natural law doctrine of "orders of creation." He argues that a doctrine of natural law is an obligatory teaching for Christians. In the 1953 edition of *GRUNDRISSE DER ETHIK* (Eringen, 1931), Paul Althaus repudiated the support he had previously given to National socialism and the infamous German Church Movement.

<sup>10</sup> ADOLPH KELLER, *RELIGION AND THE EUROPEAN MIND* 113 (London, 1934).

His followers have continued to stress the ideological factor in natural law, and have insisted that this constitutes a fatal weakness. In his famous "No!" to all natural theology, Barth blasted Brunner for having returned "with all the more impetus to that theology of compromise which has shown itself as the cause of the present unhappy state of the Evangelical Church in Germany. . . ." "The loud applause of K. Fezer, O. Weber, P. Althaus and all the half or three quarter 'German Christians' was the thanks he earned for this."<sup>11</sup>

The Barth-Brunner controversy clearly features two radically different appraisals of the doctrine of natural law. Barth's famous "No!" against any kind of natural theology included a radical rejection of moral natural law and especially those forms of natural theology dressed in the form of the doctrine of the "orders of creation."<sup>12</sup> Barth, however, now accepts the use of the phrase "order of creation," but only if we are fully aware that

we do not understand it at all as an order which can be discovered by us, but as one which has itself sought us out in the grace of God in Jesus Christ revealed in His Word, disclosing itself to us as such where we for our part could neither perceive nor find it. We not merely suppose it; we see and know it. We do so in the secret of revelation and faith, but in this way really and authoritatively.<sup>13</sup>

He is especially nervous about the possibility that a so-called "order of creation" will be construed to be a law somehow immanent in reality and thereby discoverable by human reason apart from God's revelation. He suspects that what Brunner has in mind in his notion of "orders" is a natural law "which is immanent in reality" and therefore known directly by man. "But does not this mean that there is not only a second (or first) revelation of God before and beside that of the Word of His grace, but also a second (or first) knowledge of God beside that of this Word of grace?"<sup>14</sup> For Barth, ethical questions "cannot rightly be asked and answered except within the framework . . . of dogmatics. True man and his good action can be viewed only from the standpoint of the true and active God and His goodness." It is the business of dogmatics to ask about "the covenant between the true God and true man established in Him from all eternity and fulfilled in Him in time."<sup>15</sup> Man in time, i.e., fallen man, is estranged from true man and needs to know the true God in order to know the true man,

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<sup>11</sup> Barth, *Nein!* in *NATURAL THEOLOGY* 71 (trans. and ed. by John Ballie, London, 1946). He insisted that his "polemic against Brunner is more acute than that against [Emanuel] Hirsch [the leading German Christian theologian] because his position is more akin to mine . . . because for that very reason he seems to me just now to be more dangerous than a man like Hirsch." *Id.* at 68.

<sup>12</sup> K. BARTH, 3 *CHURCH DOGMATICS*, pt. 4 at 19f., 29, 36ff., 45 (Edinburgh, 1961). On Barth and natural theology see Paul Tillich, *Natural and Revealed Religion*, in *CONTEMPORARY RELIGIOUS THOUGHT: AN ANTHOLOGY* 65 (ed. T.S. Kepler, New York, 1949). Barth also opposed any attempt to retain natural theology as a kind of substructure for revealed theology. Revelation is lost the moment nature is allowed a place in theology. See also P. Tillich, *The Present Theological Situation in the Light of Continental European Development*, 6 *THEOLOGY TODAY* 305 (1949).

<sup>13</sup> BARTH, *op. cit.* *supra* note 12 at 45.

<sup>14</sup> *Id.* at 20.

<sup>15</sup> *Id.* at 3 (for both quotations).

i.e., what he ought to do and be in the concrete situation in which he finds himself. If we toy with a supposed moral law of nature, we will soon see in this moral knowledge something quite unlike that which is found only in the Word of God.<sup>16</sup>

It is thus both dangerous and absolutely wrong to think that man can discover a natural law founded in the nature of man. It is impossible to know God's will outside of faith. It does not help to say, as Catholics and Anglicans often do, that the natural law is known by reason outside of faith, but man's reason knows "God" to be the source of this law, for the "God" of our reason is not the Christian God but merely the content of our own religion's ideology. Often the appeal to the "order of creation" evidences nothing but a common, traditional, conservative desire to protect conditions, ideas and institutions which have historically developed. Certain historically conditioned styles of behavior such as a particular type of family arrangement or type of marriage or property condition are thus defended as absolute values "ordered" by God in the "creation." Likewise, presumed racial or other differences between persons are sometimes seen as "created orders," and hence this doctrine has become the basis for a "Christian" justification of the programs of demonic political mass movements such as that headed by Hitler. The demonic potential of moral natural law doctrines found in the notion of "created orders" is only enhanced by the notion that the knowledge of these presumed moral absolutes is in some way both rationally attainable and related to the mighty acts of the deity. When Barth called ideologies of moral natural law "Janus-headed" he invoked a powerful symbol.

## II. THE CRITICISM OF BARTH BY NIEBUHR AND TILlich

A. *Niebuhr*. When Reinhold Niebuhr first took note of Barthian political thought, he saw in it a profoundly conservative and even reactionary ideology built on a new emphasis on natural law. It is ironic that the opening shots fired by Niebuhr in his long and sometimes rather bitter debate with Barth over various political issues took the form of a passionate rejection of "Barthianism" because it seemed to be advancing the cause of natural law. More recently, however, Niebuhr has complained that Barth has gone too far in rejecting it:

If the medieval and modern secular theories of natural law claim too much for these rational principles of justice, both secular and Reformation relativists frequently dismiss them as irrelevant or dangerous. Karl Barth's belief that the moral life of man would possess no valid principles of guidance, if the Ten Commandments had not introduced such principles by revelation, is as absurd as it is unscriptural.<sup>17</sup>

Niebuhr's original (1931-34) criticisms of what he called "Barthianism" are interesting because they are remarkably like Barth's own criticisms of the political

<sup>16</sup> K. BARTH, 4 CHURCH DOGMATICS, pt. 1 at 372-74 (New York, 1956).

<sup>17</sup> R. NIEBUHR, THE NATURE AND DESTINY OF MAN, 2 HUMAN DESTINY 254 (New York, 1943) (footnote omitted).

theology of both Brunner and the German Christians. In 1931 Niebuhr indicated some concern, and in 1934 considerable concern, because he felt that Barth's followers were fast becoming political reactionaries. They were busy, he felt, employing the Lutheran doctrine of "order of creation" and thereby giving new emphasis to natural law. Besides Barth, Niebuhr mentioned two other theologians, Brunner and Friedrich Gogarten, who were at an early date associated with Barth's theological programs. Both, however, had actually broken with Barth and were going their own ways. Niebuhr pointed out in 1934 that men like Gogarten were managing "to combine a social ethic which smells of feudalism with their theology of crisis."<sup>18</sup>

Niebuhr charged Gogarten with using the "order of creation" doctrine for reactionary purposes: "there is only one step from the religious sanctification of the order of creation to the religious support of a particular type of social organization which the theologian regards as 'God-given.'" Niebuhr resented Gogarten's attempt to defend a "feudalistic type of social order" in which profound inequalities were defended as natural and therefore "God-given." Equalitarianism, Gogarten felt, violated the "natural" created order of things. The "order of creation" theory was also employed to lend moral authority to the state, for, according to Niebuhr, "many a Barthian epigone is using it to justify the state absolutism which is setting itself up in Germany."<sup>19</sup>

The revival of natural law among some of the former theological allies of Barth, i.e., Brunner and Gogarten, was an attempt to find "a method of holding the sinful world in check . . ." <sup>20</sup> Barth had earlier stressed the radical separation of the world from God, the "infinite qualitative difference between God and man." He stressed the sinfulness of man to such an extent that some of his followers were driven to find devices to hold sin in check: they turned to natural law in the form of the "order of creation" theory. And even though the Barthian theologians began "as frustrated and disappointed socialists," they eventually turned to the reactionary political ideologies that flooded Europe.<sup>21</sup> Niebuhr summarized the developments in the following way:

The First World War convinced Barth and his followers that the hope of the establishment of a Kingdom of God on earth was an idle dream, and they returned, therefore, to the emphasis of orthodox Christianity upon the perennial sinfulness of the world and the need of a salvation which transcended the whole sphere of socio-ethical relationships. Neither human na-

<sup>18</sup> R. NIEBUHR, *ESSAYS IN APPLIED CHRISTIANITY* 148 (New York, 1959). ("Crisis theology" or "dialectical theology" were names of the early stages in the revival of orthodoxy that was led by Barth.) "Gogarten in particular," Niebuhr wrote in 1945, "has developed a political ethics from the Barthian theology which finally ends in the bog of a reactionary feudalism." *Id.* at 151.

<sup>19</sup> *Id.* at 152.

<sup>20</sup> *Id.* at 154.

<sup>21</sup> *Id.* at 150. "Brunner and Barth both acknowledge their indebtedness to Ragaz, Kutter, and the Christian socialists who were believed in the prewar period to have established an effective relationship between Christianity and socialism." *Id.* See also John D. Godsey, *Barth's Life Until 1928*, in KARL BARTH, *HOW MY MIND HAS CHANGED* 21 (Richmond, 1966); and cf. CHARLES C. WEST, *COMMUNISM AND THE THEOLOGIAN* 177f. (Philadelphia, 1958), and PAUL TILICH, *PERSPECTIVES ON 19TH AND 20TH CENTURY PROTESTANT THEOLOGY*, *supra* note 1 at 237.



ture nor society could be redeemed in ethical terms. All that was possible was to accept the grace of God and to know oneself "justified" in a world of sin.<sup>22</sup>

This is actually a rather good statement of the position of Barth and his early followers. Niebuhr, however, saw in Barth's neorthodoxy some elements that might "easily become the grist for reaction." Where Barth stressed the radical separation of the world from God, his followers soon wanted to identify the two. As Niebuhr said, "In one moment the world is a world of sin which cannot be redeemed. In the next moment it represents a 'God-given' order which must not be violated."<sup>23</sup>

Niebuhr thus saw in Brunner's growing emphasis on natural law the development of a potentially reactionary political ideology. Both Brunner and Gogarten had managed to overcome one of the chief weaknesses of Protestant liberalism, which imagined that the "law of love" alone could overcome the moral ambiguities of political and economic behavior. They both improved on liberalism by showing the necessity of coercive force in society, but they then turned the doctrine to the service of political reaction. The state, with its ability to employ coercion, was given a new emphasis; it was thought to be God's natural law for holding sinful man in check and thereby providing a stable natural order. Niebuhr could add, however, that "[o]ne must not make the mistake of ascribing Hitlerism to Barthian theology," the reason being that "Barth himself is one of its most determined foes."<sup>24</sup>

There has not been a rapprochement between Barth and Niebuhr over natural law. Niebuhr, in spite of his numerous sharp criticisms of the doctrine, has recently attempted to advance a form of natural law that is not burdened with the difficulties of the older formulations of that theory. Further, Niebuhr flatly rejects what he understands to be "Karl Barth's belief that the moral life of man would possess no valid principles of guidance, if the Ten Commandments had not introduced such principles by revelation . . . ." Such a view, according to Niebuhr, "is as absurd as it is unscriptural."<sup>25</sup> However, there is some doubt that what Niebuhr criticizes is exactly what Barth has been attempting to say. In response to the question of whether men are ever really aware of God's law when they go about the process of legislating, Barth replied that they are often quite unconscious of God, but He is still present. For example, "God was not dead at the time of Hammurabi! God is never '*menschenlos*' (without man), although we say that man is '*gottlos*' (Godless). Hammurabi was an exponent of the order of God . . . ." But does this not imply some kind of natural theology or natural law? Barth's answer is an emphatic "No!" "There is neither natural theology nor natural law, but the omnipotence of God who is acting in all of history. Humanity is never without traces of this action, but there is no natural law which reveals itself as self-evident truth."<sup>26</sup>

<sup>22</sup> NIEBUHR, *op. cit. supra* note 18 at 150.

<sup>23</sup> *Id.* at 152.

<sup>24</sup> *Id.* at 156.

<sup>25</sup> NIEBUHR, *op. cit. supra* note 17 at 254 (for both quotations) (footnote omitted).

<sup>26</sup> KARL BARTH'S TABLE TALK 75 (recorded and edited by John D. Godsey, Richmond, 1962) (for both quotations).

What is often not sufficiently understood by Barth's American critics (and here we must include Niebuhr) is that he has not really been interested in advancing a pessimistic view of man or in glorifying God by demeaning man. There might have been a stage in his thought where these objectives were present, but his intention has more and more been to stress the sustaining grace of a forgiving God. He does not wish to separate creation from redemption in such a way as to leave man without hope. He does stress the "Fall" of man and man's present sinful condition, but he also denies that sin is really real. The "image of God" has not been lost in the Fall, for "man remains man, even as a sinner." "After the Fall man still retains his being as man and still is directed toward God and other men, but he is unable to obtain his goal, unable to reach either God or man."<sup>27</sup> Man only comes to know himself as a sinner through the revelation of God's Word, Jesus Christ, but it is in this Word that he is also, at the same time, reconciled and receives redemption. With Jesus Christ, redemption is present; man and the world are transformed into a "new creation."<sup>28</sup> God's redemptive action in history provides what Barth calls "traces of [God's] action," but these *traces* are not known as God's action outside of the revelation of Jesus Christ. What kills the possibility of natural law (and also natural theology) is not so much the Fall as the fact that God has acted to effect man's redemption through Jesus Christ and in no other way.<sup>29</sup>

B. *Tillich*. Paul Tillich argued that Barth drew some rather alarming conclusions from his view of the predicament into which man has fallen because of sin. By maintaining that "it is impossible to derive any laws of natural justice, of politics and social order, from the doctrine of creation," Barth implied, according to Tillich, that "we do not know a divine order of social life; neither nation nor family nor classless society, neither feudalism nor democracy, neither liberalism nor collectivism are orders of creation. They are human possibilities, and no natural theology is able to give them the validity of divine commandment."<sup>30</sup> While sympathetic with certain features of his argument, Tillich rejected its main outlines and impact. He rejected Barthian pessimism about the human capacity

<sup>27</sup> *Id.* at 41 (for both quotations). Cf. p. 8.

<sup>28</sup> So much so that Barth argues that sin, though an actual fact, is an "ontological impossibility," and faith, though often not actually present, is "an ontological inevitability for all, for every man." See G. C. BERKOUWER, *THE TRIUMPH OF GRACE IN THE THEOLOGY OF KARL BARTH* 88, 215-60, 266 (Grand Rapids, 1956), for a good treatment of these themes in Barth's theology. These features of Barth's more recent theology have led some writers to charge him with having advanced a "new modernism," i.e., with being something of a covert theological liberal. See, e.g., C. VAN TIL, *THE NEW MODERNISM* (2nd ed., Philadelphia, 1947).

<sup>29</sup> It is more Barth's Christocentrism that prevents his acceptance of natural theology and natural law than a pessimistic view of man's capacities, though, of course, both are factors. This is the reason Charles West can conclude (*WEST, op. cit. supra* note 21 at 241-42) that

Niebuhr's charges against Barth are every one of them wrong. Niebuhr has had to imagine a caricature of Barth in order to place himself in the middle between him and Aquinas. Niebuhr completely fails to grasp the inclusive, affirming nature of Barth's Christological doctrine of grace: that in Christ created humanity is fulfilled . . . .

<sup>30</sup> Tillich, *Natural and Revealed Religion, op. cit. supra* note 12 at 66.

to know a natural moral law or a natural justice because of the evils which he felt are potentially present in such a position on political morality.

According to Tillich, "Barth's pessimistic supranaturalism . . . helped to destroy the Religious-Socialist attempts in pre-Hitler Germany to stop Nazism by creating a better social order on the basis of Christian principles."<sup>31</sup>

For Tillich, the divine is always to some degree present in finite existence, though never unambiguously. Tillich shared at least some of Barth's antagonism toward natural theology, but he argued that natural theology asked the right questions; the answers and the methods by which natural theology attained these answers were all wrong; the traditional "arguments" for the existence of God failed. Yet the arguments did point to the fact that the question of the divine was somehow implied in finite existence.<sup>32</sup> This makes an encounter between God and man possible within human culture. All aspects of culture, including especially the political, Tillich argued, have a religious dimension, and "religion means 'being ultimately concerned.'"<sup>33</sup> He expressed the relationship between culture and religion in a formula: "[R]eligion is the substance of culture, culture is the form of religion."<sup>34</sup> More fully, he argued that "religion as ultimate concern is the meaning-giving substance of culture, and culture is the totality of forms in which the basic concern of religion expresses itself."<sup>35</sup> Tillich's effort to develop a positive theology of culture (and, hence, a political theology) was radically opposed to the main line of development within Barthian neoorthodoxy.

Barth's view can also be expressed in a formula: "God is God and altogether different from all things human, even from human religion and human culture."<sup>36</sup> He also sees a relationship between religion and culture, but, in opposition to Tillich, he flatly denies that God can ever really be found in either culture or religion. To see exactly why he holds this view, we must examine his approach to religion.

The rejection of religion has received its most passionate, forceful, and emphatic formulation at the hands of Barth. "We begin," he once wrote, "by stating that religion is unbelief. It is concern, indeed, we must say that it is the one great concern, of *Godless man* . . ." <sup>37</sup> He wishes to make a radical dis-

<sup>31</sup> Tillich, *Trends in Religious Thought that Affect Social Outlook*, in *RELIGION AND THE WORLD ORDER* 24 (ed. F. Ernest Johnson, New York, 1944).

<sup>32</sup> TILlich, 1 *SYSTEMATIC THEOLOGY* 210 (Chicago & New York, 1967). For an explanation of why Tillich passionately refused to ascribe "existence" to God and what he meant by that refusal, see Midgley, *Religion and Ultimate Concern: An Encounter with Paul Tillich's Theology*, 1 *DIALOGUE* 62 (Summer, 1966).

<sup>33</sup> Tillich, *Answer*, in *THE THEOLOGY OF PAUL TILlich* 347 (ed. C. Kegley & R. Bretall, New York, 1952).

<sup>34</sup> P. TILlich, *THEOLOGY OF CULTURE* 42 (New York, 1959). Cf. P. TILlich, *THE PROTESTANT ERA* 57 (Chicago, 1948), and P. TILlich, *THE INTERPRETATION OF HISTORY* 50 (New York, 1936).

<sup>35</sup> *THEOLOGY OF CULTURE*, *supra* note 34 at 42 (and see also *ibid.* at 141). Cf. P. TILlich, 2 *SYSTEMATIC THEOLOGY*, *supra* note 32 at 9; Vol. 3 at 130; and *ULTIMATE CONCERN: TILlich IN DIALOGUE* 27 (ed. D. M. Brown, New York, 1965).

<sup>36</sup> K. BARTH, 1 *CHURCH DOGMATICS*, pt. 2, 302 (New York, 1956).

<sup>37</sup> *Id.* at 299f. See also K. BARTH, *THE EPISTLE TO THE ROMANS* 229-70 (trans. from 6th ed. by E. C. Hoskyns, London, 1963); and BARTH, *op. cit. supra* note 36 at 280-361. He still maintains the same position on religion: "We should," he now says, "hate this word 'religion'! Christianity is not a religion. It is not one kind of a general religion.

inction between what he understands as the "revelation" of Jesus Christ (the Word of God) and religion. Thus, for him, religion "is a feeble but defiant, an arrogant but hopeless, attempt to create something which man could do, but now cannot do, or can do only because and if God Himself creates it for him: the knowledge of truth, the knowledge of God."<sup>88</sup> Hence

the genuine believer will not say that he came to faith from faith, but —

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Let us extinguish this use of the word. 'Religion' is characteristic of humanity, but faith does not grow out of it . . . ." KARL BARTH'S TABLE TALK, *supra* note 26 at 95-96.

Similar expressions are found in the last jottings of the German theologian (and anti-Nazi martyr) Dietrich Bonhoeffer. While imprisoned and under investigation for his part in the resistance movement against Hitler, Bonhoeffer wrote some letters in which he argued that the future demands a "religionless Christianity." D. BONHOEFFER, LETTERS AND PAPERS FROM PRISON 163 (ed. E. Bethge, trans. by R.H. Fuller, New York, 1962). Though it is by no means clear what, if anything, Bonhoeffer had in mind as a positive program, his starting point was clearly stated. He argued that "religion" has been merely the "garment of Christianity" and must now be discarded for the good of its wearer. *Id.* at 195. Man (here he means something called "modern man") has "come of age" — he has outgrown "religion." Religion once served as a frame of reference and a source of worldly understanding for man, but science and technology have long since taken its place.

The world which has attained to a realization of itself and of the laws which govern its existence is so aware of itself that we [the German Protestant theologians] become frightened. False starts and failures do not make the world deviate from the path and development it is following; they are accepted with fortitude and detachment as part of the bargain, and even an event like the present war [i.e., the Hitler mess] is no exception. *Id.*

At this point Bonhoeffer raised questions which he never really answered, though others are now making the effort to do so. "If religion is no more than the garment of Christianity — and even the garment has had very different aspects at different periods — then," asked Bonhoeffer, "what is a religionless Christianity?" "How do we speak of God without religion?" *Id.* at 163.

The chief attempts to supply an answer to these questions are now coming from the English-speaking world. The most popular examples are to be found in John A. T. Robinson's now-famous *Honest to God*, and in the "Death of God" (or Radical) theology of William Hamilton and Thomas J. J. Altizer. However, it should be pointed out that there is nothing particularly novel in either Bonhoeffer's negativism concerning religion or in that found in contemporary Radical theology; for, following the First World War, German-speaking Protestants have typically been something less than enthusiastic about religion. See WILFRED CANTWELL SMITH, THE MEANING OF THE END OF RELIGION 15ff., 125, 302 (New York, 1963). "It may be surprising to Americans," Tillich once wrote,

to know that I have been strongly criticized by German readers of my books because the word "religion" appears frequently in them. Although these critics are in sympathy with my general point of view, they cannot understand that a modern theologian would use "religion" in a positive sense. For them, the greater part of what we [Americans] call "religion" is the devil's work. To speak of "biblical religion" is to deprive the Bible of its revelatory character and to consider it a work of men or, even worse, a demonic creation. P. TILlich, BIBLICAL RELIGION AND THE SEARCH FOR ULTIMATE REALITY 3 (Chicago, 1955).

There has come to be a considerable literature — until recently it was mostly German — that draws a sharp distinction between "faith," the "Word," or the "gospel," or "revelation," on the one side, and "religion," on the other. Thus the late C. S. Lewis could remark: "'Religion' (how odious a word, by the way, how seldom used in the Scripture, how hard to imagine on the lips of Our Lord!) . . ." C. S. Lewis, *Foreword to JOY DAVIDMAN, SMOKE ON THE MOUNTAIN: THE TEN COMMANDMENTS IN TERMS OF TODAY* at 9 (London, 1935).

<sup>88</sup> BARTH, *op. cit.* *supra* note 36 at 303.

from unbelief, even though the attitude and activity with which he met revelation, and still meets it, is religion. For in faith, man's religion as such is shown by revelation to be resistance to it. From the standpoint of revelation religion is clearly seen to be a human attempt to anticipate what God in His revelation wills to do and does do. It is the attempted replacement of the divine work by a human manufacturer.<sup>39</sup>

The theme that Barth once developed under the title "The Revelation of God as the Abolition of Religion" is simple, though consequential.<sup>40</sup> If man had been able to find God through his own efforts, revelation would have been unnecessary. The fact of revelation, he argues, casts that "human manufacture" called religion in an entirely new light. "If man believed, he would listen, but in religion he talks."<sup>41</sup> Apart from genuine faith, a faith grounded solely in revelation, man's religion becomes idolatry.<sup>42</sup> Still, whatever truth there is in "true religion" is formed and sustained only by revelation.

Barth feels that religion is at times able to recognize its own predicament and react against it. In an effort to create a better religion, man is sometimes able to judge and transform his religion. Both mysticism and genuinely serious atheism are thus religious revolts against the more feeble manifestations of religion. Nevertheless, all of man's religion is rooted in The Night, to use one of his most famous figures of speech. "The Night, too, has its wisdom,"<sup>43</sup> but it is of no avail without the revelation of Jesus Christ. This means that no merely human wisdom can possibly reach God and His will.

Barth denies the possibility of an encounter between God and man within human culture; his position makes such an encounter outside the Biblical revelation an absolute impossibility. Tillich, however, maintained that it is within the religious substance of culture that the divine manifests itself.<sup>44</sup> Without the constant presence of the "power of being," of "being-itself" or "God," culture and all of finite existence would be finally overcome by "nonbeing." Both Barth and Tillich speak of revelation, but they differ on the meaning of the term. Barth "empties man of any knowledge of God," "in order to enhance the didactic function of the revealed Word. This process of emptying is applied radically also to the law so that the knowledge of the law is incorporated into the one revealed word, the gospel."<sup>45</sup> Tillich, on the other hand, also speaks of "revelation" — he calls it the encounter within culture between God and man. But revelation in this sense is not outside of human reason or opposed to it, as it is in Barth; revelation is not in some way irrational or contrary to reason, but it is the highest manifestation of the "logos-structures" as they appear in finite existence (i.e., within culture).

<sup>39</sup> *Id.* at 302.

<sup>40</sup> *Id.* at 280-361.

<sup>41</sup> *Id.* at 302.

<sup>42</sup> *Id.* at 303-07.

<sup>43</sup> BARTH, THE EPISTLE TO THE ROMANS, *supra* note 37 at 42-54.

<sup>44</sup> For a more detailed treatment of Tillich's approach to religion and its significance for political philosophy and social ethics see Midgley, *Ultimate Concern and Politics: A Critical Examination of Paul Tillich's Political Theology*, 20 WESTERN POLITICAL QUARTERLY 31-35 (1967).

<sup>45</sup> WINGREN, *op. cit.* *supra* note 9 at 71.

These theological differences between Barth and Tillich result in some significant differences between their approaches to politics. It is not just God who remains *hidden* in Barthian theology; there is also no way of apprehending, outside of the absolute Christian revelation, an essential manhood. Without a knowledge of the essence of man, which, according to Tillich, Barth dismisses as impossible, there can be no genuinely meaningful knowledge of the essential goodness of man and hence of what man ought to be. For Barth, there can be no absolute, objective, political norms that man may rationally acquire. When faced with the necessity of a decision on a political program or policy, it is hopeless to appeal

to the so-called "natural law." To base its policy on "natural law" would mean that the Christian community was adopting the ways of the civil community, which does not take its bearings from the Christian center and is still living or again living in a state of ignorance. The Christian community would be adopting the methods . . . of the pagan State.<sup>46</sup>

The interpretations of man are merely rationalizing ideologies and not really true. Every picture of what man ought to be is tainted by the Fall. Tillich argued that, for Barth, man simply is as he is; no essential perfection can be posited over against his real essence because the possibility of a genuine knowledge of such an essence was shattered by the Fall.<sup>47</sup> The emphasis

on . . . estrangement by some radical Protestant thinkers has induced them to reject the theory of natural law completely. Man has totally lost what he essentially — or by creation — is. There is no knowledge of his true nature in him, unless it be given him by divine revelation. The revelation through man's created [i.e., essential] nature is veiled by his separation from God.<sup>48</sup>

Barth holds that only a revelatory experience, one not mediated through man's created nature, or present in his fallen nature, can provide valid norms. Tillich

<sup>46</sup> BARTH, *AGAINST THE STREAM: SHORTER POST-WAR WRITINGS 1946-52* at 29 (ed. R. S. Smith, London, 1954); also his *COMMUNITY, STATE, AND CHURCH* at 163 (New York, 1960).

<sup>47</sup> Tillich, *op. cit. supra* note 31 at 23 and *passim*. Barth holds that there is what he calls "true man," and "true man" is man as he ought to be, he is good man, but man in time cannot know "true man" outside of the revelation of the true God. See BARTH, *3 CHURCH DOGMATICS*, pt. 4, *supra* note 12 at 3.

<sup>48</sup> P. TILlich, *MORALITY AND BEYOND* 33 (New York, 1963). He certainly must have had Barth and his followers in mind. See P. TILlich, *POLITISCHE BEDEUTUNG DER UTOPIE IM LEBEN DER VÖLKER* 17f. (Berlin, 1951), reprinted in *DER WIDERSTREIT VON RAUM UND ZEIT*, 6 *GESAMMELTE WERKE* 168f. (ed. R. Albrecht, Stuttgart, 1963). "Barth was the first theologian to begin the criticism of religion — and that remains his really great merit — but he set in its place the positivistic doctrine of revelation which says in effect, 'Take it or leave it.'" In such a theology "the place of religion is taken by the Church—that is, in itself, as the Bible teaches it should be — but the world is made to depend upon itself and left to its own devices, and that is all wrong." BONHOEFFER, *LETTERS AND PAPERS FROM PRISON*, *supra* note 37 at 168. Cf. 198. Barth was stung by these remarks. One writer notes that Kenneth Hamilton's effort to show how Bonhoeffer is dependent upon Barth (see K. HAMILTON, *GOD IS DEAD: THE ANATOMY OF A SLOGAN* 31f. [Grand Rapids, 1966]) indicates "that there are at least some Barthians who have forgiven Bonhoeffer those remarks in the prison letters about 'positivism of revelation' and would be happy to welcome him back into the fold." John A. Phillips. *An Interim Report on the Death of God*, 50 *CHRISTIAN SCHOLAR* 71 (1967).

insisted that Barth's dependence upon an *absolute revelation* for valid norms suffers from two serious defects: (1) if followed consistently it "would exclude any kind of secular ethics," and (2) it is itself self-deceptive. There is, Tillich argued, "*self-deception* in every denial of the natural moral law. For those who deny it must admit that a divinely revealed moral law cannot contradict the divinely created human nature. It can only be a restatement of the law that is embodied in man's essential nature." "Man's essential nature," Tillich believes that Barthians must admit, "cannot be lost as long as man is man. It can be distorted in the process of actualization, but it cannot disappear."<sup>49</sup> If man's essential nature did disappear, it would no longer be possible to speak of man at all; Barth does believe that, even after the Fall, man "retains his being as man," though he is no longer able to realize fully his potential outside of the redemptive act of God revealed in Jesus Christ.

Tillich accepted what he called the humanistic assumption that there is an "essence" of "nature" which determines what man ought to be which is never fully lost in finite existence. He held that this "essential human nature," to the degree to which it is known, is the norm — the natural law — of both man and society. He believed that political theory, without the benefit of a humanist and essentialist doctrine of man, must necessarily become destructive. According to him, the dangers of the Barthian doctrine of man are also those of radical existentialism, pessimistic naturalism, and positivism.<sup>50</sup>

### III. BARTH AND BONHOEFFER'S MANDATES OF CREATION

Barth is not nearly as radical as Niebuhr and Tillich pictured him. He only

<sup>49</sup> TILLICH, *MORALITY AND BEYOND*, *supra* note 48 at 34.

<sup>50</sup> *Id.* at 18. Without an essentialist interpretation of man "social as well as ethical demands and purposes are without ground and norm." Tillich, *op. cit. supra* note 31 at 18. Barth

called the God of Jesus Christ unto the lists against religion. . . . That was and is his greatest service (the second edition of his Epistle to the Romans, in spite of all its neo-Kantian shavings). Through his later dogmatics, he enabled the Church to effect this distinction all along the line. It was not that he subsequently, as is often claimed, failed in ethics, for his ethical observations — so far as he has made any — are just as significant as his dogmatic ones; it was that he gave no concrete guidance, either in dogmatics or ethics, on the non-religious interpretation of theological concepts. There lies his limitation and because of it his theology of revelation becomes positivist, a "positivism of revelation," as I put it. BONHOEFFER, *LETTERS AND PAPERS FROM PRISON*, *supra* note 37 at 198.

The related charge that Barth's theology is nominalistic, or that certain features of it are, is fairly common. Berkouwer (*op. cit. supra* note 28 at 11 n. 3) points out that the works of D. Tromp, H. Van Oyen, Emil Brunner and his own earlier writings attempt to find a Barth-Occam parallel, especially in connection with Barth's view of God's freedom in the revelation: Berkouwer cites Brunner's complaint about Barth's "unheard of theological nominalism." See E. BRUNNER, *NATUR UND GNADE* 39 (2 ed., 1935). C. Van Til (citing BERKOUWER'S *KARL BARTH*, 1936) argues that nominalism is the basis of Barth's theology and its chief weakness. See C. VAN TIL, *CHRISTIANITY AND BARTHIANISM* 113, 121, 143f., 167f., 176, 241f. (Grand Rapids, 1962). Berkouwer, who is highly thought of as an interpreter of Barth (especially by Barth — see BARTH, *HOW MY MIND HAS CHANGED*, *supra* note 21 at 69), cites von Balthasar and Th. L. Haitjema, who see Van Til's analysis as "fully grotesque" or based on "horrible misunderstanding."

appears to go beyond an essential human nature for valid value judgments, but actually he works well within the thought forms found in what we have called essentialism, following Paul Tillich's terminology. Barth's doctrine of man rests upon the assumption of an essence, a "human nature," that is, what man really is and also, therefore, ought to be. We have already noted that Barth distinguishes between "true man" and fallen men. "True man and his good action can be viewed only from the standpoint of the true and active God and His goodness."<sup>51</sup> "True man" is what man really is and therefore ought to be, but existing men are estranged from God and hence are not actually what they ought to be. Man, according to one of Barth's most important recent statements, "wills himself to be God's *creature* to that distinctive structure and limitation of his human nature which sets him apart from all other beings." He adds that it is certainly true that "man no longer knows what it means to be truly human. Alienated from God, he is alienated from himself and from his true nature."<sup>52</sup> He likes to say that, from the point of view of God, Jesus Christ is the only "real man."

Are not existing men real? Does the "alienation and depravity" of which man is still guilty make man somehow less than real? Clearly this depends upon what is meant by the words "man" and "real." Barth's answer, because it depends upon the notion that reality is in the form (the essence or nature) and the notion of degrees of reality, is realist-essentialist and Platonic. "I do not mean that we men do not *exist*, but that there is a kind of existing that lacks reality. Man in sin exists, but is not 'real reality.' He does not accomplish what it means to be a man."<sup>53</sup> This formulation is remarkably like that proposed by advocates of natural law such as Tillich. The chief differences on these issues between Barth and Tillich (and other essentialists) are over (1) the manner and degree to which the essential human nature is known and (2) the degree and significance of the alienation or estrangement between the actual existing human being and the essence. Also Barth's vocabulary, at least in the past, has been somewhat less obviously essentialist than Tillich's. Where Barth speaks of "true or real man" as opposed to "fallen man," the usual advocates of natural law like to speak of man's "created being (or nature)" as opposed to his "fallen (or worldly) being (or nature)," of essence and existence. But even Barth has now come to speak of the real man as opposed to the actually *existing* ones.

Barth's vocabulary is thus now coming to be rather close to the more obvious and self-conscious essentialism of other theologians. For example, he can now speak of the persistence of man's "human nature," and then argue that "his humanity is not blotted out through the Fall of man, nor is its goodness diminished."<sup>54</sup> Man is always essentially (or really) good; men, however, are alienated from their reality and hence fallen. He can thus maintain that "man is *not* good: that is indeed true and must once more be asserted."<sup>55</sup> At the same time, he argues that "it would not do even partially to cast suspicion upon, undervalue,

<sup>51</sup> BARTH, *op. cit. supra* note 12 at 3.

<sup>52</sup> K. BARTH, HUMANITY OF GOD 80 (Richmond, 1966).

<sup>53</sup> KARL BARTH'S TABLE TALK, *supra* note 26 at 15.

<sup>54</sup> BARTH, *op. cit. supra* note 52 at 53.

<sup>55</sup> *Id.* at 60. In fact "culture testifies . . . to the fact that man is *not* good but rather a downright monster." *Id.* at 54.



or speak ill of his humanity, the gift of God, which characterizes him as a being."<sup>56</sup>

By adopting the vocabulary of metaphysical realism in his doctrine of man, Barth has backed himself into a corner from which he cannot consistently deny that there is a natural moral law arising from man's essential human nature. He must argue that fallen men, those "downright monsters," are alienated from their common nature. Men only know their real nature (and hence what they ought to be) because God has revealed the true humanity through His Word. This means, however, that the content of what is revealed is man's essential human nature. Because he has not really gone *beyond* human nature for his social ethics, his position finally turns out to be a doctrine of "revealed natural law." What this means, however, is that many of the objections that are directed against natural law ethics generally apply with equal force against his own social ethics.

The difference between Barth's "*revealed* natural law" and other systems of natural law is in the manner in which human nature (and, hence, the natural social order) is known. By arguing that the "real" human nature is revealed, he implies that it is not something rationally or mystically apprehended. But the general tendency among advocates of natural law has been to play down the rationalistic features of the doctrine, and especially the notion that the natural law is known by some strictly analytic or deductive process. The reason for such a shift is that deductive logic simply cannot be made to bear such a burden and therefore cannot yield absolute values. Thus Jacques Maritain, for example, argued "that the very mode or manner in which human reason knows natural law is not rational knowledge [i.e., deductive logic, analytic reason], but knowledge *through inclination*."<sup>57</sup> Paul Tillich contrasted "technical reason," which yields only "controlling knowledge," to the "receiving knowledge" of "ontological reason" or classical *logos* — a reason that couples "intuitive participation and mystical union," i.e., "revelation," which, he held, was fully consistent with "ontological reason," for it "is receiving knowledge in its fulfillment."<sup>58</sup> Barth's own hostility to a "positivistic doctrine of revelation" moves him close to an intuitive and mystical understanding of "revelation" and brings him closer to those who want natural law.

<sup>56</sup> *Id.* at 53f. But even if one were "the most melancholy sceptic, one could not . . . say that culture speaks only of the evil in man." *Id.* at 54.

<sup>57</sup> JACQUES MARITAIN, *MAN AND THE STATE* 91 (Chicago, 1951) (footnote omitted). This knowledge through inclination

is not clear knowledge through concepts and conceptual judgments; it is obscure, unsystematic, vital knowledge by connaturality or congeniality, in which the intellect, in order to bear judgment, consults and listens to the inner melody that the vibrating strings of abiding tendencies make present in the subject. *Id.* at 91-92.

See also Maritain, *On Knowledge through Connaturality*, in J. MARITAIN, *THE RANGE OF REASON* 26-29 (London, 1953). This is clearly mystical intuition. Kai Nielsen has subjected this aspect of Maritain's thought to a searching examination and careful criticism. See Nielsen, *An Examination of the Thomistic Theory of Natural Moral Law*, 4 *NATURAL LAW FORUM* 44, 47-66 (1959).

<sup>58</sup> For an explication and criticism of Tillich's position, see Midgley, *Paul Tillich's New Science of Values*, 15 *WESTERN POLITICAL QUARTERLY* 235, 241-47 (1962).

Barth has not shown embarrassment because his notion of what can be implied from God's Word about the norms of political behavior seems to be quite similar to what is often taught as natural law.

We have argued not from any conception of "natural law" but from the gospel. It cannot be denied, however, that in the list of examples quoted we have more than once made assertions which have been *justified elsewhere on the basis of natural law*. We bear no grudge against anyone who may have been reminded of Rousseau — and who may have been pleased or angry on that account. We need not be ashamed of the affinity. We have seen that the *divine ordinance of the State* makes it perfectly possible for theoretical and practical insights and decisions to be reached, which are objectively right . . . . If our results really did coincide with theses based on natural law, it would merely confirm that the *polis* is in the Kingdom of Jesus Christ even when its officeholders are not aware of the fact or refuse to admit it, and therefore are unable to use the insights into the nature of the *polis* which this fact suggests.<sup>59</sup> (Italics supplied)

We have already noted that Barth finds *traces* of God's actions in human history. These traces are not to be sought in created "orders," for may we

ask with what reliability and legitimacy we can speak even of the "orders" of God — of the God who created reality — when we lay aside His Word revealed in Jesus Christ and seek information on the subject from other sources. Even if there is a "natural law," is it so clear and normative that we can responsibly venture to answer on its authority the by no means trivial question of the form of the divine command?<sup>60</sup>

Clearly there is a "natural law" in the sense that there is a "true man" or essential human nature. However, if we lay aside God's Word, we cannot say what man's "nature" really is. Still, Barth can speak of "the divine ordinance of the State" which somehow makes possible "objectively right" political "insights and decisions." It is clear that Barth believes in a "natural" created order; he turns his back on natural law when he denies that this order is known independently of God's Word.

Barth has made a further rapprochement with a form of natural moral law that is grounded in human nature by cautiously accepting Dietrich Bonhoeffer's version of "orders of creation." Bonhoeffer preferred the term "mandates" to "orders."<sup>61</sup> There are four mandates. He usually stated them as follows: (1) *labor* (and he suggested that this category might include economic life generally, culture, science and art); (2) *marriage* (and the family); (3) *government* (the state); and (4) the *church*.<sup>62</sup> The term "mandate" identifies "the concrete divine

<sup>59</sup> BARTH, *COMMUNITY, STATE, AND CHURCH*, *supra* note 46 at 180f.

<sup>60</sup> BARTH, *op. cit. supra* note 12 at 21.

<sup>61</sup> Bonhoeffer argues that the term "mandate" is preferable to "institution," "order," and especially "estate." See D. BONHOEFFER, *ETHICS* 287 (ed. Eberhard Bethge, London, 1949). Cf. BARTH, *op. cit. supra* note 12 at 21.

<sup>62</sup> BONHOEFFER, *op. cit. supra* note 61 at 73-78. In one place "culture" is substituted for "labor." *Id.* at 253. In a note, the editor of *ETHICS* includes a letter in which Bonhoeffer states that he did *not* believe that one can simply subordinate culture to the concept of labor. *Id.* He wished to distinguish a divine mandate from "such institutions as the people, the race, the masses, the society, the nation, the country, the Empire, etc."

commission which has its foundation in the revelation of Christ and which is evidenced by Scripture . . . ." The commandments of God "are founded upon the revelation of Christ."<sup>63</sup>

These and similar statements by Bonhoeffer provide for Barth necessary modification in the old "orders of creation" doctrine. He has no wish to deny that there is a moral order binding upon man that was given *in creation*. Bonhoeffer's treatment of the created orders or institutions is superior, i.e., more "helpful" in Barth's words, to the usual "orders of creation" doctrine advanced by theologians like Emil Brunner and Paul Athans because the notion of mandates that are "the revelation of Christ" avoids "the risk of focusing attention more strongly upon the objective and inactive element in the order rather than the inauguration, legitimation and authorization which alone establish it."<sup>64</sup> Barth likes Bonhoeffer's formulation because mandates turn out to be "the command of God revealed in Jesus Christ," and "it is from Holy Scripture that we learn of the existence of these mandates which give concrete form to the command . . . ." Further, Barth likes mandates because they "are not laws somehow immanent in created reality" and therefore are not discoverable by man; "they do not emerge from reality," but "descend into it" in the form of the Word of God.<sup>65</sup>

Bonhoeffer occasionally offered critical comment on natural law.<sup>66</sup> Yet he was very displeased "because the concept of the natural has fallen into discredit in Protestant ethics." The concept, he argued, had entirely been abandoned to Catholic ethics either because "it was completely lost to sight in the darkness of general sinfulness," or because it was identified with the products of history. "The sole antithesis to the natural was the World of God . . . ." Bonhoeffer suggested a way in which the "natural" as an ethical category could be revived within Protestant ethics. The "natural," after the Fall, must be contrasted with the unnatural and identified with "that which is directed toward Christ." The natural is the God-directed substitute for the created world before the Fall; it "is the form of life preserved by God for the fallen world and directed toward justification, redemption and renewal through Christ." The "natural" is determined by God but known by man's reason, for reason is embedded in the "natural." "The natural is form, immanent in life and serving it." "Life is its own physician . . . ; it wards off the unnatural because the unnatural is the destroyer of life . . . ." <sup>67</sup>

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*Id.* at 329f. But in another place he speaks of "the people" as an "order or institution," but a "historical reality" and not an explicit divine mandate."

<sup>63</sup> *Id.* at 287, 286.

<sup>64</sup> BARTH, *op. cit. supra* note 12 at 21. "We must try, unlike those who speak of orders or Brunner, but essentially like Bonhoeffer, to learn from the Word of God what is to be done." *Id.* at 23.

<sup>65</sup> *Id.* at 21, 22.

<sup>66</sup> BONHOEFFER, *op. cit. supra* note 61 at 338f., 341, 358. "Natural law can furnish equally cogent arguments in favour of the state founded on force and the state which is founded on justice, for the nation-state and for imperialism, for democracy and for dictatorship. A solid basis is afforded only by the biblical derivation of government from Jesus Christ. Whether and to what extent a new natural law can be established on this foundation is a theological question which still remains open." *Id.* at 339. This is remarkably similar to Barth's argument that natural law is Janus-headed.

<sup>67</sup> *Id.* at 143-45.

It is difficult to understand why Barth can praise "mandates" as "helpful," and yet remain entirely silent on Bonhoeffer's attempt in the same book to argue that man's reason can know a natural law that is completely immanent within the fallen world and binding on man's political behavior. Bonhoeffer was conscious of having differed from the usual Catholic views on reason and natural law on only two points: (1) he regarded "reason as having been entirely involved in the Fall, while according to Catholic dogmatics reason still retained a certain essential integrity," and (2) Catholics also typically hold that reason can reach the source of the natural, while he did not. He held, however, that reason does not cease to be reason because it is involved in the Fall and is therefore "fallen reason." Reason, because it and the world have fallen, knows only the fallen or natural world, but this makes it the appropriate tool for grasping the "natural" within the fallen world. One would assume that Barth would find it necessary to reject this aspect of Bonhoeffer's thought for the same reasons he opposes natural theology, but also because the "natural" norms apprehended by reason are in no way revelations of God in His Word.

Bonhoeffer, like Barth, saw Jesus as "really man." Sin is the "destruction of manhood, of man's quality as man (*menschsein*). . . ."68 Jesus Christ is God's way of entering created reality and fixing moral obligation for man. But man's reason is able to perceive "the universal in what is given; and thus the given natural, as reason perceives it, is a universal. It embraces the whole of human nature. Reason understands the natural as something that is universally established and independent of the possibility of empirical verification."69 Reason, to employ the usual vocabulary, apprehends man's essential nature and thus yields ethical directives. Elsewhere he notes that the mystery of the name Jesus Christ "lies in the fact that it does not only designate an individual man but embraces at the same time the whole of human nature."70 In this sense natural law has its foundation "in Jesus Christ, the symbol of the whole of human nature."

Clearly, those theologians who are unwilling or unable to avoid the realist-essentialist talk about human nature find themselves drawn toward moral natural law in spite of whatever reservations they may have about it. Barth decisively rejected Brunner's "orders of creation." Yet he is not a positivist as Niebuhr and Tillich have taken him to be. In his acceptance of Bonhoeffer's "mandates of creation" he has adopted a new version of natural law.

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68 *Id.* at 131.

69 *Id.* at 146.

70 *Id.* at 299.