



“Written on their hearts”: Thinking with Luther about Scripture, Natural Law, and the Moral Life

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Trouble has been brewing for some time now with respect to Scripture and the moral life. Yet, the turmoil is nothing new. Martin Luther grieved, “Many learned men have not known how far Moses ought to be taught.” “[E]ven today, many great preachers still stumble over it. They do not know how to preach Moses, nor how properly to regard his books....All the while they mislead the poor people and drive them to destruction.”¹

In today’s world of rapid change, high mobility, and global plurality, moral relativism has become a lively option, at least on the surface. In response to relativism, many Christians have taken a reactionary turn. They have adopted the discourse of “the authority of the Bible” without discerning, with Luther, “how far

¹Martin Luther, *How Christians Should Regard Moses* (1525), in *Luther’s Works* (hereafter *LW*), ed. Jaroslav Pelikan and Helmut Lehmann, 55 vols. (Philadelphia and St. Louis: Fortress and Concordia, 1955–1986) 35:174. Hereafter page numbers from this sermon will be cited in parentheses in the text.

Those who ignore Luther’s critical agility in moral reasoning based on natural law in favor of a reactionary turn to a regime of biblical law create “misery and tribulation,” as Luther lamented, and seriously enfeeble the Christian faith for life today. Christians rightly use their God-given powers of reason to work out affairs in the present order.

Moses ought to be taught.” By doing so they recklessly succumb to the opposite modern extreme, that of authoritarian absolutism with its biblicistic mystique that simplifies and subjugates all things moral under a regime of biblical law.²

Luther, however, taught that the Scriptures themselves warrant a different approach, beyond a mistaken regime of biblical law. The Scriptures teach us to approach moral questions by way of natural law reasoning. The peoples of the earth through God’s creative providence have the law “written on their hearts”—*scriptum in cordibus suis*—to use St. Paul’s now classic phrase from Rom 2:15. Luther inherited the natural law approach from the tradition and received it appreciatively.³ He also severely criticized how the medieval church appropriated natural law for soteriological purposes. Finally, he innovatively revised the classical natural law tradition of moral reasoning in a helpful way.

A critically revised natural law approach to moral reasoning still offers a better way beyond both relativism and absolutism. In this essay we will travel part of the way toward a critical revision of natural law by thinking with Luther about natural law and the moral life under three headings: Scripture and natural law, natural law and salvation, and natural law and reason. Luther’s key innovation in natural law moral reasoning and its coordination with Christian neighborly love must wait for another occasion.

SCRIPTURE AND NATURAL LAW

By the mid-1520s, growing numbers of people who claimed to be followers of Luther had in fact veered from his basic insights regarding the Scriptures and the moral life. They had invented their own “the authority of the Bible” slogan. “God’s word, God’s word,” they would say. These fans of Luther had devolved into biblical fanatics. Their “God’s word, God’s word” slogan functioned like the all-too-common bumper sticker, “God said it, I believe it, that settles it.” “They are absurd as they rage and fume, chattering to people, ‘God’s word, God’s word!’” Luther protested (174). “Misery and tribulation have come out of this sort of thing” (169).

The problem was so serious and widespread that over the course of more than two years Luther devoted a series of seventy-seven sermons on the book of Exodus to the issue. He titled the twenty-ninth sermon *How Christians Should Regard Moses* (August 27, 1525). It quickly became a hit and within two years the publishers placed it at the beginning of a collection of Luther’s sermons on Genesis. Rightly, they made it the interpretive key to the entire collection.

²For Luther’s insight into the derivative authority of Scripture based on the gospel, see my “first installment” of this present essay: Gary M. Simpson, “‘You shall bear witness to me’: Thinking with Luther about Christ and the Scriptures,” *Word & World* 29/4 (2009) 380–388.

³Martin Luther, *Lectures on Romans* (1516), *LW* 25:19–20. When he lectured on Romans, Luther routinely used the *Ordinary Gloss*, a twelfth-century running commentary on the Scriptures, compiled out of patristic sources, which became the standard scholarly compendium that handed on the traditions of interpretation. For a translation of the entry on Rom 2:15 see Jean Porter, *Nature as Reason: A Thomistic Theory of Natural Law* (Grand Rapids: Eerdmans, 2005) 4.

Luther's sermon, based on Exod 20, harbors seven basic insights. First, and unsurprisingly, he led off with the basic scriptural distinction between law and promise and its correlate, God's establishment of two kingdoms or two ways of ruling, one temporal and the other spiritual. God's law rules the temporal kingdom and comprises the expanse of human moral life. The law also always exposes us as sinners and in this way prepares for the gospel promise. The gospel establishes and sustains our spiritual life by promising that God justifies the ungodly by their faith alone and that such justifying faith generates love for our neighbors and their neighborhoods. Christians rightly pay attention to Moses for three reasons: First, and this is "the best thing" (169), Moses proclaims "the promises and pledges of God about Christ" (168) and these pertain to all people at all times and in all places. Second, Moses offers "many fine examples of both faith and unfaith" (173). Third, and this is the special burden of this sermon, Moses is a "teacher" who distinguishes between moral wisdom that "pertains to" and "binds" everyone and moral wisdom that "pertains to" and "binds" only those in Moses' own time and place (164–166).

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The sermon's second insight draws its breath from Paul's phrase in Rom 2:15. God writes the law on the hearts of all the nations of the world. Luther referenced this phrase no less than five times in the sermon, and it remained a commonplace throughout his countless writings. He was quite conventional here. The main traditions of medieval theology routinely cited Rom 2:15 as the classical text that summarizes an entire biblical teaching: first, that God establishes and sustains the natural law—"written with the finger of God...[b]y nature and indelibly...imprinted on their [the nations'] minds"⁴—as the enduring moral basis of terrestrial life; and second, that natural law is to be distinguished from all particular instances of existing civil law—what the tradition called "positive law." As life's most basic moral wisdom, natural law pertains to all nations at all times and in all places. Positive law, on the other hand, while it should be rooted in the moral wisdom of natural law, is always formulated by humans and is always quite particularly situated in the concrete contexts of time and place. In this sense positive law is both time-bound and timely.

Natural law is a practical first principle in the sphere of morality; it forbids evil and commends good. Positive law is a decision that takes circumstances into account and conforms with natural law on credible grounds. The basis of natu-

⁴Martin Luther, *Lectures on Romans*, LW 25:19.

ral law is God who has created this light, but the basis of positive law is civil authority.⁵

Nowhere in *How Christians Should Regard Moses* did Luther offer a detailed description or theory of natural law. He simply employed the conventional basics, which he found scripturally warranted and morally sound.

Luther's third insight builds on the distinction between natural law and positive law with respect to Moses' law. On the one hand, the biblical law of Moses shares one feature with the natural law in that it was written by God. On the other hand, and unlike natural law, it pertains only to the Jewish people, since God did not write it on the hearts of the peoples of the world.⁶ In this way the biblical law of Moses shares a crucial feature with positive law, that is, it is particularly situated in the concrete contexts of time and place. The Israelites, Luther noted, lived directly under God in a unique "middle, half spiritual, half temporal" kingdom, in a theocracy, we would say today. "Here the law of Moses has its place" (164).

Luther knew, of course, that his rhetoric would scandalize the pious biblical enthusiasts. Mostly, he was trying to embolden those too easily bullied by the sectarian "God's word, God's word" slogan.

The factious "God's word" sloganeers ignored the distinction between natural law and biblical law and thus "desire to govern people according to the letter of the law of Moses....But we will not have this sort of thing" (164). The sloganeers browbeat people, "'Thus says Moses,' etc.," because they "want to saddle us with Moses and all his commandments. We will just skip that," Luther bluntly and provocatively protested (165). He knew, of course, that his rhetoric would scandalize the pious biblical enthusiasts. Mostly, he was trying to embolden those too easily bullied by the sectarian "God's word, God's word" slogan. "Here you simply reply: Moses has nothing to do with us. If I were to accept Moses in one commandment, I would have to accept the entire Moses" (165). Moses' law "is no longer binding on us because it was given only to the people of Israel" (164). "Therefore it is clear enough that Moses is the lawgiver of the Jews and not of the Gentiles" (165). Moses' law, noted Luther, "is the *Sachsenspiegel* for the Jews" (167), *Sachsenspiegel* being the positive legal code of medieval Saxony.⁷

⁵Martin Luther, *Table Talk*, no. 3911 (July 7, 1538), *LW* 54:293; also see Martin Luther, *Lectures on Genesis 6–14* (1536), *LW* 2:160. Luther is quite familiar with the conventional distinctions within natural law ethics and jurisprudence. In this remark, for instance, Luther used the notion of the first principle of practical reason, which is usually stated as "do no harm" (the principle of non-malevolence) and "do good" (the principle of beneficence). There are indeed different versions of natural law prior to Luther's time. Luther's relationship to these versions is beyond the scope of this essay. For an insightful analysis of these versions see, Stephen J. Graybill, *Rediscovering the Natural Law in Reformed Theological Ethics* (Grand Rapids: Eerdmans, 2006).

⁶Luther, *LW* 25:180.

⁷Also see Martin Luther, "Against the Heavenly Prophets" (1525), *LW* 40:98; also Martin Luther, "Lectures on Galatians" (1519), *LW* 27:355.

Luther's fourth insight comes as an interpretive guideline that clarifies the distinction between natural law and biblical law. When sloganeers come prosecuting "God's word, God's word," then say:

It is all God's word. But let God's word be what it may, I must pay attention and know to whom God's word is addressed....One must deal cleanly with the Scriptures. From the beginning the word has come to us in various ways. It is not enough simply to look and see whether God has said it; rather we must look and see to whom it has been spoken, whether it fits us. That makes all the difference between night and day....You must keep your eye on the word that applies to you, that is spoken to you. (170)

A few years later Luther dealt with numerous marriage matters, including polygamy, in a similar way.

One must deal prudently with the laws of Moses, for his rule in marriage matters is of a completely different character than ours....Moses' laws cannot be valid simply and completely in all respects with us. We have to take into consideration the character and ways of our land when we want to make or apply laws and rules, because our rules and laws are based on the character of our land and its ways and not on those of the land of Moses, just as Moses' laws are based on the ways and character of his people and not those of ours.⁸

With his fifth insight Luther highlighted what is perhaps self-evident, that the moral wisdom of natural law also appears within the biblical law of Moses, most patently in the Ten Commandments. "To be sure, the Gentiles have certain laws in common with the Jews, such as these: there is only one God, no one is to do wrong to another, no one is to commit adultery or murder or steal, and others like them. This is written by nature into their hearts" (164). The natural law, however, "was not promulgated for the first time in the Decalog but is written in the hearts of all men."⁹ Furthermore, the Ten Commandments include elements, such as the prohibition against images and the designation of the seventh day as the day of rest, that go "beyond the natural law...[and are] not supported by the natural law." These are positive law that does not pertain to all people at all times and in all places.¹⁰ Still, in his judgment "the natural laws were never so orderly and well written"¹¹ as they were in the Decalogue, yet even "new decalogues" are possible.¹² Finally, it is important to remember that natural law also gains celebrated voice in the two great Love Commandments—love God above all things and love your neighbor as yourself—as well as in the Golden Rule, which all appear in the New Testament and also on the lips of Jesus himself.¹³

⁸Martin Luther, "On Marriage Matters" (1530), *LW* 46:291.

⁹Martin Luther, *Lectures on Genesis 1–5* (1535), *LW* 1:277–278.

¹⁰Luther, *LW* 40:97.

¹¹Luther, *LW* 40:98.

¹²Martin Luther, *Theses Concerning Faith and Law* (1535), *LW* 34:112.

¹³Luther, *LW* 1:277; also Luther, *LW* 40:96–98. It is for this reason that Luther at one point in *How Christians Should Regard Moses* coupled natural law with the New Testament (*LW* 35:165).

Luther's sixth insight shows the proper relationship between Moses' law and natural law. Like any positive law, Moses' law should have its basic premises rooted in natural law and then crafted to the given circumstances of time and place. Moses' law is binding on people in Luther's times only "so far as he [Moses] agrees with the natural law," a criterion that Luther emphasized no less than six times in his sermon (173).

Luther's final insight addresses the question that the sermon raised by its very title: *How Christians Should Regard Moses*. We should regard Moses as our "teacher" (165), but not as our "lawgiver" (164), not as our "ruler" (164), not as our "master" (165). To regard Moses as lawgiver, ruler, or master is to obligate us to obey, which is entailed in each of these possible titles. Instead, argued Luther, we should regard Moses as a teacher, to whom we should listen and from whom we should learn, which is entailed in the title teacher. The title teacher does not, however, obligate obedience. Rather, we are entitled, indeed obligated, to test out for ourselves whether what the teacher says "fits" our situation (170), whether it is "to our advantage" (173). Whenever Moses' laws exceed natural law, they "are dead and gone, except insofar as I gladly and willingly accept something from Moses, as if I said, 'This is how Moses ruled, and it seems fine to me, so I will follow him in this or that particular'" (166).

biblical law authoritatively binds only where it already agrees with natural law, because binding moral authority rests in natural law

Among Luther's numerous examples of Moses as a helpful teacher are the levirate marriage laws of Deut 25, by which the wife of a deceased husband would be married by his brother or close relative, whether he is already married or not. "Now this is a very good rule," Luther exclaimed (167). We likely would have a different moral judgment from both Moses and Luther. And Luther would be all right with that; indeed, he would expect such difference on scriptural grounds.

In summary, Luther's scriptural threshold for moral obligation is natural law, not biblical law. In other words, Scripture teaches that natural law trumps biblical law every time. Therefore, the moral authority of positive biblical law is limited to its biblical time and place. Biblical law authoritatively binds only where it already agrees with natural law, because binding moral authority rests in natural law. That being the case, positive biblical law always yields its authority to the moral wisdom of natural law working its way through the making of positive law in different times and places. Surely we can agree, "Luther was no Biblicist."¹⁴

¹⁴Thus Gerhard Ebeling, in L. Hodgson, C. F. Evans, J. Burnaby, and G. Ebeling, *On the Authority of the Bible* (London: SPCK, 1960) 52.

NATURAL LAW AND SALVATION

Luther's deep appreciation for the tradition of natural law moral reflection also came with a stunning critique of how the dominant forms of medieval theology had put natural law to use in matters of salvation. Here we come to the heart of Luther's critical reformation of theology and church practice, a story that we must conspicuously foreshorten here.

Medieval theology had developed the natural law tradition of moral reflection under the heavy influence of auricular confession, "no doubt the single most influential factor" in the use of natural law.¹⁵ In auricular confession, the priest would meticulously probe a penitent's personal vices, which were the obverse of the four natural virtues in Aristotle's natural law ethics. Once the vices were detected, the priest could prescribe the necessary virtues for which the penitent should strive. Practicing the natural virtues, along with the help of grace and the supernatural virtues, would advance the penitent toward salvation. The dominant forms of medieval theology had all framed auricular confession and the teaching of salvation according to Aristotle's basic moral maxim: "become righteous by doing righteous deeds."¹⁶

Luther judged this medieval constellation of theology and practice quite unambiguously. "Virtually the entire *Ethics* of Aristotle is the worst enemy of grace...[and] is to theology as darkness is to light."¹⁷ Theology *ad modum Aristotelis*—"in the manner of Aristotle"—always puts reason, which is the companion of natural law ethics, on the throne of judgment, mediating between God and humans.¹⁸ Luther protested:

[I]t is necessary to make a distinction between God and men, between spiritual and temporal things. In human affairs man's judgment suffices. For these things, he needs no light but that of reason....For these, our natural light is sufficient. But in divine things, the things concerning God, and in which we must conduct ourselves acceptably with him and must secure [eternal] happiness for ourselves, human nature is absolutely blind, staring stone-blind, unable to recognize in the slightest degree what these things are.¹⁹

When reason occupies the throne in matters of salvation, Luther's rhetoric was unsparing. Reason, so enthroned, becomes "the lovely whore," the "arch-prostitute," "the Devil's whore," and "the Devil's bride."²⁰ On the other hand, when reason is employed for things earthly, Luther held it in the highest esteem.

¹⁵For the confluence of auricular confession and natural law moral reflection between the sixth and sixteenth centuries, see John Mahoney, *The Making of Moral Theology: A Study of the Roman Catholic Tradition* (Oxford: Clarendon, 1987) 1–36.

¹⁶This oft-quoted maxim of Aristotle appears in *Nicomachean Ethics*, II, 1, 1103b.

¹⁷Martin Luther, *Disputation against Scholastic Theology* (1517) LW 31:12 (nos. 41 and 50).

¹⁸Luther, LW 25:261.

¹⁹Martin Luther, *Sermon on Epiphany (Isaiah 60:1–6)* (1522), in John Lenker, ed., *Sermons of Martin Luther: The Church Postils*, vol. 6 (Grand Rapids: Baker, 1995) 319.

²⁰Martin Luther, *The Last Sermon in Wittenberg (Rom. 12:3)* (1546) LW 51:374; Luther, LW 40:175.

NATURAL LAW AND REASON

Luther approved the conventional coupling of natural law and natural reason. “At present people are beginning to praise natural law and natural reason as the source from which all written law has come and issued. This is true, of course, and the praise is well placed.”²¹ For with “the noble gem called natural law and reason” God sets humans apart from the other animals.²²

And it is certainly true that reason is the most important and the highest in rank among all things [earthly] and, in comparison with other things of this life, the best and something divine. It is the inventor and mentor of all the arts, medicines, laws, and of whatever wisdom, power, virtue, and glory men possess in this life. By virtue of this fact it ought to be named the essential difference by which man is distinguished from the animals and other things. Holy Scripture also makes it lord over the earth, birds, fish, and cattle, saying, “Have dominion” [Gen 1:28]. That is, that it is a sun and a kind of god appointed to administer these things in this life.²³

In short, God “has subjected temporal rule and all physical life to reason (Gen 2).”²⁴

Because God writes the natural law on the hearts of the world’s peoples, Christians have no corner on moral wisdom.

God is a gentle and wealthy Lord. He casts much gold, silver, wealth, dominions, and kingdoms among the godless, as though it were chaff or sand. Thus he casts great intelligence, wisdom, languages, and oratorical ability among them, too, so that His dear Christians look like mere children, fools, and beggars by comparison.²⁵

Luther regularly encouraged people, especially admonishing those who exercise any authority over others, to study the worldly wisdom of Virgil, Demosthenes, Plato, Aristotle, Livy, Terence, Hammurabi, and a host of others, especially Cicero.²⁶

While Luther was quite familiar with the usual conventions of the natural law tradition, he most often availed himself of the tradition’s commonplaces without using its technical jargon. One important example is the basic distinction and coordination of “nature as nature” and “nature as reason.”²⁷ In order to implement the first principle of practical reason, one must know what is generally harmful to human beings and what is generally good for them. This means first of all knowing the basic nature of human nature, the specifics of what makes the human species human. Reason is the primary capacity for discovering the nature of human nature, and the tradition’s term for this capacity is “speculative reason.” Speculative

²¹Martin Luther, *Commentary on Psalm 101* (1534), LW 13:160.

²²Luther, LW 13:161.

²³Martin Luther, *The Disputation Concerning Man* (1536), LW 34:137 (nos. 4–8).

²⁴Martin Luther, *A Sermon on Keeping Children in School* (1530), LW 46:242.

²⁵Luther, LW 13:198.

²⁶Luther, LW 13:199.

²⁷For an excellent overview of this natural law convention, see Porter, *Nature as Reason*.

reason named then what today we call the sciences, both natural and human. “Nature as reason” is therefore the combined capacity of reason’s two forms, speculative and practical. While the sciences of speculative reason explore the basic nature and shape of human inclinations, desires, capacities, and needs that are necessary for human life to flourish, practical reason explores the moral interrelationships, patterns, and actions that harm or promote the flourishing of natural human life.

The Decalogue itself puts into words primarily the “do no harm” side of the first principle of practical reason. Luther, like others before and after him, also probed the tacit “do good” side of each of the commandments.

Luther himself engaged in this kind of reflection when he took up questions of the moral life, though he usually did so on quite a popular level, without using the terms “speculative” and “practical,” for instance.²⁸ His catechisms offer good examples of how his popular approach to natural law reasoning accrues lapidary import. Take his explanation of the first article of the Apostles’ Creed in the *Small Catechism*, where he logs various necessities of everyday human life that God creates, gifts, and preserves: body and soul, eyes, ears and various senses along with reason, house and family, and a range of goods, including government, needed in order to sustain earthly human flourishing. He combined this kind of popular speculative reasoning with practical moral reasoning in his explanations of the Ten Commandments in both catechisms. The Decalogue itself puts into words primarily the “do no harm” side of the first principle of practical reason. Luther, like others before and after him, also probed the tacit “do good” side of each of the commandments.²⁹

Another instance in which Luther combined speculative and practical reasoning in his characteristically popular way involved the then big issue of vows of celibacy and sexual desire. Sexual desire is “just as innate as the organs involved in it.” He continued, perhaps with slight exaggeration, to describe sexual desire as “even more necessary than sleeping and waking, eating and drinking, and emptying the bowels and bladder.” It is, therefore, “more than a command...[and] it is not our prerogative to hinder or ignore” it through artificially forced vows. For this very reason God establishes the relational estate of marriage so that sexual desire and its accompanying goods would flourish according to the natural law practical principle of beneficence. Luther was so versed in natural law commonplaces that interpreters commonly miss his indebtedness to the tradition.³⁰

²⁸Luther reserved the term “speculative” for the kind of theology that aspired to gain access to God’s majesty outside of Christ (see Martin Luther, *Lectures on Galatians* [1535], LW 26:28).

²⁹See Martin Luther, *The Small Catechism* and *The Large Catechism*, in *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, ed. Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress, 2000) 352–354, 400–433.

³⁰Martin Luther, *The Estate of Marriage* (1522), LW 45:18.

Luther, of course, was well aware of the deep, devastating effects of sin across the entire spectrum of human life. Luther, following Paul's hermeneutic of law and promise, seeks to "magnify sin" in order to maximize Christ.³¹ Reason after the fall cannot, therefore, hold a candle to the prelapsarian capacity of human reasoning even regarding terrestrial life. Famously, Luther was quite the realist about sin, including the crippling noetic effects of sin on reason.³² But he was equally the realist when it came to God's ongoing creative providence that preserves terrestrial life even in the face of sin and evil. God has not let this world go completely to the devil, and this includes reason's capacities in regard to temporal human life and flourishing. Luther boldly claimed, "Nor did God after the fall of Adam take away this majesty of reason, but rather confirmed it."³³ His twofold theological realism regarding both human sin and divine providence warranted his vigorous use and innovative interpretation of the natural law "written on our hearts."

Those who ignore Luther's critical agility in natural law moral reasoning in favor of a reactionary turn to a regime of biblical law create "misery and tribulation," as Luther lamented, and seriously enfeeble the Christian faith for life today. There is currently an exciting, critical, and innovative revival of natural law moral reasoning among both Roman Catholics and Reformed Protestants that is germane in today's world. Luther's critical appropriation of natural law offers a particularly rich vein of hidden treasure, especially his Ciceronian approach to practical moral reason as he coordinates it with Christian neighborly love—an excavation for another day. ⊕

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³¹Luther, LW 25:135.

³²Luther, LW 27:53.

³³Luther, LW 34:137; also see *Lectures on Galatians* (1535), LW 26:173.