

Naturlovens principper: Familie, køn, og kyskhed

Natural Law Principles: Family, Gender, and Chastity

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Del I: Hvad er naturloven? Vidnesbyrd fra Historie og Hellig Skriften What Is the “Natural Law”? Testimonies from History and Holy Scripture

A. Introduction

1. **Definition:** Natural law is the distinction between good and evil, just and unjust, that all people in all places and all times can recognize by virtue of the conscience and right reason; natural law is the foundation for every human society, not a product of any particular human culture.
2. **Method of Discovery:**
 - a. The natural law is generally known by intuition, even to the young and uneducated.
 - b. However, scholars also can pursue the natural law through careful research: “When many philosophers, historians, poets, and orators at different times and in different places affirm the same thing as certain ... the cause ... must be either a correct conclusion drawn from the principles of nature [natural law] or common consent [*jus gentium*, the law of nations].” (Hugo Grotius, *On the Law of War and Peace*, 1625)

B. Testimonies of the Natural Law among Unbelievers

1. **Pharaoh Thutmose III (Egypt, 15th century B.C.):** “It is the safety of an official to do things according to the law. ... The true dread of a prince is to do justice.” (The goddess Ma’at represented the natural order of truth and justice.)
2. **Manu (India, date uncertain):** “Depending upon the eternal law, let [the king] decide the suits of men. ... Justice, being violated, destroys; justice, being preserved, preserves; therefore justice must not be violated, lest violated justice destroy us.” (*Laws of Manu*, 8.8,15)
3. **Confucius (China, 6th century B.C.):** “What you do not like done to yourself, do not do to others.” (*Analects*, 15.23; cf. 12.2)
4. **Sophocles (Athens, 5th century B.C.):** A “mere mortal” cannot “override the laws of the gods, unwritten and unshakable. They are not for now and yesterday, but live forever.” (*Antigone*, 445–447)
5. **Aristotle (Greece, 4th century B.C.):**
 - a. “There is what all people, even if they do not share any community whatsoever with each other or any contracts, have a hunch that there is, namely, a just and unjust that are by nature common.” (*Rhetoric*, 1.13.2, 1373b6–8)
 - b. “It is more choiceworthy, therefore, to have law rule than any one of the citizens. ... The law is reason unaffected by desire.” (*Politics*, 3.16, 1287a17,32)
6. **Cicero (Rome, 1st century B.C.):**
 - a. “Law in the proper sense is reason in harmony with nature. It is spread throughout the whole human community, unchanging and eternal, calling people to their duty by its commands and deterring them from wrong-doing by its prohibitions. ... This law cannot be countermanded, nor can it in any way be amended, nor can it be totally rescinded. ... There will not be on one such law in Rome and another in

Athens, one now and another in the future, but all peoples at all times will be embraced by a single and eternal and unchangeable law.” (*Republic*, 3.33)

- b. “No creature apart from man has any conception of God; ... within mankind itself, there is no tribe so civilized or so savage as not to know that it should believe in a god. ... We are born for justice, and what is just is based, not on opinion, but on nature. ... There is one, single, justice. It binds together human society and has been established by one, single, law. That law is right reason in commanding and forbidding.” (*Laws*, 1.24,28,42)
7. **International Military Tribunal (Nuremberg, 1946):** “Crimes against humanity” may be prosecuted even when national policy (in Nazi Germany) permitted or required the defendants’ actions. The legal maxim “*nullum crimen sine lege, nulla poena sine lege*” (“no crime without a law, no penalty without a law”) does excuse the defendants, since their conscience should have put them on notice that Nazi policies stood for the violation of human nature itself.

C. Testimonies of the Natural Law in Scripture

1. **Abraham Appealed to Natural Justice:** “Would You also destroy the righteous with the wicked? Suppose there were fifty righteous within the city; would You also destroy the place and not spare it for the fifty righteous that were in it?” (Genesis 18:23–24)
2. **Human Experience Points to a Higher Purpose:** “God has put eternity in their hearts.” (Ecclesiastes 3:11)
3. **Creation Testifies of God:** “For since the creation of the world His invisible attributes are clearly seen, being **understood by the things that are made**, even His eternal power and Godhead, so that they are without excuse, because, although they knew God, they did not glorify Him as God, nor were thankful, but became futile in their thoughts, and their foolish hearts were darkened.” (Romans 1:20–21)
4. **Nature Testifies of Morality:** “God gave them up to vile passions. For even their women exchanged the **natural use** for what is **against nature**. Likewise also the men, leaving the **natural use** of the woman, burned in their lust for one another, men with men committing what is shameful, and receiving in themselves the penalty of their error which was due. (Romans 1:26–27)
5. **Gentiles Know God’s Moral Law by Nature:** “For when Gentiles, who do not have the law, **by nature** do the things in the law, these, although not having the law, are a law to themselves, who show **the work of the law written in their hearts**, their **conscience** also bearing witness, and between themselves their thoughts accusing or else excusing them).” (Romans 2:14–15)

D. Testimonies of the Natural Law among Christians

1. **Thomas Aquinas (Roman Catholic, France, 1225–1274)**
 - a. “The first precept of the natural law is that we should do and seek good, and shun evil. ... Reason by nature understands to be good all the things for which human beings have a natural inclination: ... 1) to preserve oneself ... 2) the sexual union of male and female, and the upbringing of children ... 3) know truths about God and live in society with other human beings.” (*Summa Theologica*, I–II.94.2)
 - b. “The natural law regarding general first principles is the same for all persons both as to the principles’ rectitude and as to knowledge of them.” (94.4)
 - c. “The natural law is altogether immutable as to its first principles.” (94.5)

- d. “Regarding the general principles, the natural law in general can in no way be excised from the hearts of human beings.” (94.6)
2. **Martin Luther (Lutheran, Germany, 1483–1546)**
- a. Luther recognized both the “law implanted by nature” of Romans 2:14–15 and also the *jus gentium* (law of the nations) that is common among human societies—both of which Luther generally summarized as “the law of love.” (For example, the law of love is what renders usury wrong.)
 - b. The natural moral law helps a person distinguish between moral and ceremonial laws in the Old Testament: “We will regard Moses as a teacher, but we will not regard him as our lawgiver—unless he agrees with both the New Testament and the natural law. ... Thus where he gives the commandments, we are not to follow him except so far as he agrees with the natural law.” (“How Christians Should Regard Moses,” 1525)
3. **Philipp Melanchthon (Lutheran, Germany, 1497–1560)**
- a. “Natural law is a judgment common to all and suited to the formation of morals.” (*Loci Communes et Theologici*, 1521)
 - You should worship God.
 - You should avoid harming your neighbor.
 - Since people are too greedy to share, you should distribute property for the sake of public peace while also honoring contracts concerning property ownership.
 - b. Unjust laws should be obeyed for the sake of keeping peace, but may be disobeyed so long as disobedience does not result in scandal and public disturbance.
 - c. “The principles that govern natural law should be collected by way of human reason through natural syllogism. But I have not yet seen anyone do this.” (*Loci*, 1521)
4. **Niels Hemmingsen (Lutheran, Denmark, 1513–1600)**
- a. He was Melanchthon’s student, and his *De Lege Naturae Apodictica* (1562) fulfilled Melanchthon’s wish for a logical arrangement of natural law principles.
 - Danish: *Om naturretsprincipperne* (1991)
 - English: *On the Law of Nature: A Demonstrative Method* (2018)
 - b. Goal: “nature as the guide of man in pursuit of the actions proper to himself.”
 - c. Hemmingsen presents logical arguments that confirm the Decalogue on the basis of human reason and quotations from ancient Greek and Roman writers.
 - The **First Table** includes the **Estate of the Church**: “Whatever preserves the state of spiritual life is commanded by the law of nature. To know God, and to refer all things to him as to the end of Goods, preserves the state of the spiritual life.” Therefore, a person must worship God and must do so in the way that God has instituted.
 - The **Second Table** includes the **Estates of Family and Civil Government**: “Whatever preserves the domestic and political state is commanded by the law of nature; whatever disturbs and overturns it is prohibited by the same. As, moreover, the works commanded in the second table preserve the domestic and political state, so those prohibited in the same disturb and overturn it. The former things, therefore, are commanded, the latter forbidden.”
 - The **Fifth Commandment** can be proven with deductive certainty:
 - “Whatever disturbs human society, whether in the domestic or the political state, is forbidden by the law of nature. Hatreds, reviling, quarrels, and murders disturb human society. Therefore, hatreds, reviling, and murders are forbidden by natural justice.”

- “On the contrary: because mutual love, friendly conversations, kindness, concord, and the pursuit of preserving and defending one another preserve human society, they are therefore required by nature.”
 - Compare to Luther’s Small Catechism: “We should fear and love God, so that we do no bodily harm to our neighbor, but help and befriend him in every need.” (Was Luther summarizing Scripture or natural law or both?)
5. **Johann Oldendorp (Lutheran, Germany, 1486–1567)**
- a. Teaching jurisprudence at the University of Marburg, he followed Luther and Melancthon in warning that the conscience is not always reliable as a result of sin.
 - b. Rather than regarding reason and the conscience as “active virtues” that involved human efforts (cf. Aquinas), Oldendorp treated them as “passive virtues”:
 - Lutherans teach that faith passively receives God’s spiritual gifts: faith is an *organon leptikon* (receiving tool).
 - Oldendorp similarly taught that *ratio naturalis* (natural reason) is a gift from God that “subjects itself to the laws of Holy Scripture.”
 - c. Thus, the “dim spark” of natural reason that remains after the fall into sin (cf. FC SD II, 9) can be rekindled by the Christian’s meditation upon Scripture.
 - d. All humans share the natural law in common, for it is *lex in hominibus* (the law present within every man), but its presence is pure only to the extent that the conscience has been sanctified by the Word of God and prayer.
6. **Hugo Grotius (Calvinist, Holland, 1583–1645)**
- a. Grotius lived during the Thirty Years’ War, a time of political conflict when relations between Christian nations could not be mediated by the Pope, since the Reformation had shattered the Pope’s authority.
 - b. *On the Law of War and Peace* (1625) argued on the basis of natural law for principles according to which nations rightfully should use warfare as a tool for the restoration of peace and justice. (Just War Theory)
 - c. “Within the limitation of human intelligence, it is right for a person to follow the direction of a well-tempered judgment. Whatever is clearly at variance with such judgment is understood to be contrary also to the law of nature, that is, to the nature of man. ... I have made it my concern to refer the proofs of things touching the law of nature to certain fundamental conceptions which are beyond question, so that no one can deny them without doing violence to himself.” (Prologue)
7. **William Blackstone (Anglican, England, 1723–1780):** “This will of his maker is called the law of nature. For as God, when he created matter, and endued it with a principle of mobility, established certain rules for the perpetual direction of that motion; so, when he created man, and endued him with freewill to conduct himself in all parts of life, he laid down certain immutable laws of human nature, whereby that freewill is in some degree regulated and restrained and gave him also the faculty of reason to discover the purport of those laws.” (*Commentaries on the Laws of England*, 1771)

E. Discussion

	<u>Book of Concord (1580)</u>	<u>Konkordiebogen</u>
SC	Small Catechism (1529)	Luthers lille Katekismus
LC	Large Catechism (1529)	Luthers store Katekismus
AC	Augsburg Confession (1530)	den augsburgske Bekendelse
Apol.	Apology of the Augsburg Confession (1531)	apologi for denne
SA	Smalcald Articles (1537)	schmalkaldiske Artikler
FC Epit.	Formula of Concord, Epitome (1577)	Konkordieformlen, Kort Forklaring
FC SD	Formula of Concord, Solid Declaration (1577)	Konkordieformlen, Stort Forklaring