

# Theonomic Precedent in the Theology of John Calvin

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## Introduction

Calvin's understanding of the continuing authority and applicability of the Mosaic judicials to modern civil governments is warmly debated in Reformed circles. Theonomists maintain that their commitment to apply God's law to all areas of life, including civil magistrate, is the judicial extension of Calvin's theology.<sup>1</sup> Citing his use of natural law, others strongly reject the theonomic appeal to Calvin.<sup>2</sup> It is also suggested that even though Calvin and theonomists reach many of the same formal conclusions on Christian political ethics and penology, Calvin's rationale for utilizing the Mosaic judicials is markedly contrary to that of theonomists, thus rendering any appeal to him illegitimate.<sup>3</sup> These and similar criticisms, while helpful in clarifying many issues, do not overturn the theonomic conviction that the theology and ethic of the great Geneva reformer provide Reformed precedent for the continuing authority and application of the Mosaic judicials to modern civil governments.

It is suggested that the reason for the widely divergent assessment of Calvin's political ethic is due to his "divided judicial legacy".<sup>4</sup> While his sermons and commentaries are basically theonomic, in that they seek to apply the Old Testament case laws and penalties to modern civil governments, the *Institutes*, with its teaching on natural law, is clearly anti-theonomic. North states that some of Calvin's comments concerning natural law in the *Institutes* have "left the door open to generations of Calvinists who could, in good conscience, call themselves Calvinists and still accept a wide range of political and economic humanism."<sup>5</sup> Such a concession is unnecessary. As this paper will demonstrate, one weakness of current Calvin scholarship, though not of North's research, is the failure of analysts to deal adequately with Calvin's copious commentaries and sermons. There is no fundamental difference, however, between these and his

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<sup>1</sup> Gary DeMar, "Theonomy as an Extension of Calvinism's Judicial Theology," *Theonomy: An Informed Response*, ed., Gary North (Tyler, TX: Institutes for Christian Economics, 1991), p. 30.

<sup>2</sup> J. Ligon Duncan III, "What about Theonomy? A Brief Historical, Theological, and Pastoral Critique," (privately published and distributed), p. 26.

<sup>3</sup> W. Robert Godfrey, "Calvin and Theonomy," *Theonomy: A Reformed Critique* (Grand Rapids, MI: Zondervan, 1990), p. 310.

<sup>4</sup> James B. Jordan, editors introduction, in John Calvin, *The Covenant Enforced: Sermons on Deuteronomy 27 and 28* (Tyler, TX: Institute for Christian Economics, 1990), pp. xxxii-xxxiii; Gary North, "Calvin's Divided Judicial Legacy," in *Westminster's Confession: The Abandonment of Van Til's Legacy* (Tyler, TX: Institute for Christian Economics, 1991) pp. 48-55.

<sup>5</sup> North, *Westminster's Confession*, p. 58.

*Institutes*. If Calvin's comments on natural law are interpreted in the light of his overall theology, his use of natural law terminology does not represent a departure from his constant commitment to *Sola Scriptura* in the realm of political ethics. Calvin did not leave us a divided judicial legacy.

### **Calvin Did Not Leave Us a Divided Judicial Legacy**

When analyzing Calvin's view of the Mosaic judicials, it is necessary to avoid the twin errors of theological and historical revisionism. Unfortunately, Calvin scholars on both sides of the issue often fall into one of these two traps. On the one hand, theologians recognize that they have developed and expanded certain points in Calvin's theology. They sometimes disagree with his applications of a given law and even his application rationale. They certainly do not always state their position in the same manner or with the same emphasis that he chose in his particular historical context. Nevertheless, theologians strongly affirm that justice is not done to Calvin if we endeavor to recast his views to make them more palatable to the 21st century church. Calvin was not an ethical or political pluralist. He did not believe that natural law as understood and interpreted by fallen man is a sufficient basis for a political commonwealth. He certainly defended the necessity of correctly applying the Mosaic judicials to the modern nation-state. Believing with Calvin that a Christian society is the political ideal toward which the church should preach, plead, and disciple, theologians turn with him to the law of Moses, as the perfect expression of God's will for human culture, the foundation of political justice and stability, and the duty of all civil authorities.

The appeal to John Calvin and the reformers of the sixteenth century does not settle the modern debate over theonomy. Both sides of this issue must avoid the tendency toward historical anachronism. A justified appeal to Calvin, however, would determine whether or not theonomy's ethical commitments have been held in principle among mainstream Reformed theologians and pastors of the past four hundred years. By establishing continuity between theonomic ethics and the theology of John Calvin, it is my desire to elicit a more charitable treatment from those who do not embrace theonomic ethics as well as greater balance and precision in scholarship when analyzing its distinctives and historical antecedents.

Recent reformed critiques of the theonomic appeal to John Calvin center around three main headings. We shall consider each of them in turn.

- I. Calvin's Anti-Theonomic Rationale for Applying the Old Testament Civil Penalties**
- II. Calvin's Anti-Theonomic Statements in the *Institutes***
- III. Calvin's Anti-Theonomic Appeal to Natural Law**

## **I. Calvin's Anti-Theonomic Rationale for Applying the Old Testament Civil Penalties**

One argument in this vein that is gaining increasing popularity among some Reformed teachers and scholars is employed by Godfrey.<sup>6</sup> Calvin, this approach says, was not a theonomist because he did not believe that the Mosaic judicial statutes were still *binding* on the modern nation-state. He may have called for the execution of Michael Servetus for heresy and blasphemy. He many have approved of the death penalty for adultery and incorrigible children. The fact, however, that the civil penalties supported by Calvin are also found in the Mosaic judicials does not prove that he believed in the authority *because* of any continuing commitment to them as a binding legal category.

Calvin supported such things, naive though it was, not because the judicial laws are still binding but because such punishments are consistent with the equity of the moral law.<sup>7</sup> Since Calvin never explicitly said that adulterers ought to be executed because Moses said so but gave other reasons, he was not a theonomist. Theonomists, unlike Calvin, are naively content with a simple appeal to Moses.

Theonomists believe that adulterers should be executed because Moses said so. It is as simple as that. Calvin reaches his conclusion very differently. Commenting on the woman taken in adultery, Calvin defends death as a punishment for adultery, reasoning that adultery is a heinous crime that dishonors marriage and promotes illegitimacy. He does not simply appeal to Moses, but reasons from the equity of the moral law.<sup>8</sup>

### **Some Initial Problems with This Thesis**

While it is certainly true that the law of God must be correctly interpreted and applied to our lives and culture, nevertheless the authority of God's law remains intact throughout the new covenant era. Jesus approached the law of God in this fashion. Asked by a certain lawyer the way to eternal life, Jesus responded, "What is written in the law? How do you read *it*?"<sup>9</sup> For Jesus, a "simple appeal" to the Old Testament, including the case laws and civil penalties, was sufficient to establish a matter or render judgment.<sup>10</sup> The same can be said of the apostle Paul.<sup>11</sup> Theonomists have consistently reasoned that this must be our default approach to God's law. It remains authoritative for all men, and we have the duty to apply it carefully and humbly to the

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<sup>6</sup> Godfrey, "Calvin and Theonomy," pp. 310f.

<sup>7</sup> *Ibid.*, p. 311.

<sup>8</sup> *Ibid.*, pp. 310f.

<sup>9</sup> Luke 10:26; cf. Matt. 12:3,5; 21:16,42; 22:31; Mark 2:25; John 7:19, 23; 10:34

<sup>10</sup> Mark 7:9-11; John 8:17.

<sup>11</sup> Romans 1:32; 1 Timothy 5:18.

details of modern life and society. Theonomic ethics is supremely a commitment to the comprehensive authority of all God's laws in Scripture and a rejection of man's fallen reason as a source of authority and truth in any field of human inquiry.

An additional problem with this method of argumentation, however, is that it is based upon a false understanding of one of theonomy's plainly enunciated teachings. Godfrey is operating on the straw-man assumption that theonomic ethics does not allow for significant changes between the old and new economy. On the contrary, theonomy maintains that there are significant differences in the manner of observation of the Mosaic law.<sup>12</sup> It is absolutely necessary to distinguish the *outward form* of God's covenantal dealings with his people under the Old Testament from the *underlying moral principles* that are binding on men and nations today. The latter retains their authority while the former may vary from culture to culture. The authority of the Mosaic judicials as the political constitution of the Jewish people has passed away, but the underlying moral equity of its precepts remains forever binding.<sup>13</sup> Hence, it is infelicitous to describe theonomic ethics as simplistic, as Godfrey does.

The appeal of theonomy, like that of many contemporary Christian movements, is its simplicity and apparently biblical character. The great complexities and frustrations of the secular, modern world lead many to look for easy solutions. But in a fallen world solutions to great political problems are not always easy.<sup>14</sup>

Dr. Greg Bahnsen, who was the leading modern advocate for a return to the Mosaic judicials as the only basis for a well-ordered and just society, responded in this fashion to the charge that theonomists are legal simpletons:

One must not get the false impression, however, that the foregoing study makes everything in civil government a simple matter or that finding out what the whole Bible has to say on any particular law of God can be done without running into difficult questions of exegesis and application in the modern world. Indeed, there will even be problems in understanding whether a law is basically moral in character or restorative, and so forth.<sup>15</sup>

Theonomists recognize changes between the Old and New Testaments and freely admit the difficulty of applying God's law in the modern world. Theonomic ethics does allow for more than "minor adjustments for modern problems."<sup>16</sup> Theonomists wholeheartedly agree with

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<sup>12</sup> Greg L. Bahnsen, *By This Standard* (Tyler, TX: Institute for Christian Economics, 1985), pp. 166, 322, 323; *No Other Standard* (Tyler, TX: Institute for Christian Economics, 1991), pp. 47, 85.

<sup>13</sup> Greg L. Bahnsen, *Theonomy in Christian Ethics* (Nutley, NJ: The Craig Press, 1977; reprint, expanded ed., Phillipsburg, NJ: Presbyterian & Reformed Publishing Co., 1984). p. 541; *No Other Standard*, p. 160.

<sup>14</sup> Godfrey, "Calvin and Theonomy," p. 312.

<sup>15</sup> Bahnsen, *Theonomy in Christian Ethics*, p. 470.

<sup>16</sup> Greg L. Bahnsen, "Westminster Seminary on Penology," in *Theonomy: An Informed Response*, p. 116.

Godfrey when he says of modern Calvinists that “they too stress the historical uniqueness of Israel and the need to examine the specifics of the civil laws of Moses in the light of the underlying moral law to find the contemporary application of those laws. This approach is not always easy, but it is the mainstream of Reformed theology.”<sup>17</sup>

Calvin, Godfrey, and modern theologians maintain that it is necessary to identify the underlying moral principles or equity that undergird the judicial laws of Moses. They are unified in affirming that applying those principles to modern societies is not always easy. Careful exegesis is absolutely necessary to determine both the underlying moral equity and its proper application to modern cultures. It should be remembered, however, that neither Calvin nor theologians, in contrast to Godfrey, use Israel’s theocratic uniqueness, general principles of equity common to all nations, or the diversity of modern cultures to abrogate the binding authority of the underlying principles of the Mosaic judicials upon the modern civil magistrate. The concept of equity does not lead Calvin away from God’s law but to it as the only possible standard of what is equitable in God’s eyes. It is for this reason that Calvin repeatedly endorses not only the underlying moral principles of a given case law but also its exact wording and application. The aspects of God’s judicial laws that are common to all nations, that is, not limited to Israel’s particular historical organization as a political body, express eternal principles of divine justice and retain their binding authority throughout the new covenant era.

### **Calvin’s Simple Appeal to Moses**

Calvin affirms the authority of the Old Testament case laws *because Moses said it*, i.e., because God’s laws given through him retain their authority over men and nations to the present time. Calvin’s overall assessment of the Mosaic laws is stated in his commentary on Deuteronomy 4:6-9 and reveals his belief that all spiritual and social light available to men is to be found in the law of God alone and that those who reject it are consigned to walk in darkness. This should be taken as a foundational statement regarding the law of God versus all competing systems of law and philosophy. It establishes the direction for his careful exposition and application of God’s laws to non-Jewish men and nations.

And for proof thereof, what is the cause that the heathen are so hardened in their own dotages? It is for that they never knew God’s Law, and therefore they never compared the truth with the untruth. But when God’s law comes in place, then doth it appear that all the rest is but smoke insomuch that they which took themselves to be marvelous witty, are found to have been no better than besotted in their own beastliness. This is apparent. Wherefore let us mark well, that to discern that there is nothing but vanity in all worldly

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<sup>17</sup> Godfrey, “Calvin and Theonomy,” p. 311.

devices, we must know the Laws and ordinances of God. But if we rest upon men's laws, surely it is not possible for us to judge rightly. Then must we need to first go to God's school, and that will shew us that when we have once profited under him, it will be enough. That is all our perfection. And on the other side, we may despise all that is ever invented by man, seeing there is nothing but fondness<sup>18</sup> and uncertainty in them. And that is the cause why Moses terms them *rightful ordinances*. As if he should say, it is true indeed that other people have store of Laws: but there is no right at all in them, all is awry, all is crooked.<sup>19</sup>

Moving from Calvin's general statement on the necessity and binding authority of the statutes and ordinances of the Mosaic law to his specific treatment of the judicial laws, we turn to his sermon on Deuteronomy 13:5. It reveals Calvin's rationale for upholding the death penalty for heretics and blasphemers. In it Calvin argues against those who say that the coming of Christ nullifies the duty of the civil magistrate to uphold pure religion and punish heretics. He bases this duty on the authority of God's law over modern nations. The command for the magistrate to uphold the first table of the law with the civil punishments handed down by God in the Old Testament was not a Jewish law alone; it was a general rule to which all men must yield.

Then let us not think that this Law is a special Law for the Jews; but let us understand that God intended to deliver us a general rule, to which we must yield ourselves... Since, it is so, it is to be concluded, not only that it is lawful for all kings and magistrates to punish heretics and such as have perverted the pure truth, but also that they be bound to do it, and that they misbehave themselves towards God, if they suffer errors to rest without redress, and employ not their whole power to shew greater zeal in that behalf than in all other things.<sup>20</sup>

Calvin does appeal to "nature" in defense of capital punishment against blasphemers and idolaters,<sup>21</sup> but such appeals must be interpreted in light of Calvin's overall assessment of the nature, insufficiency, and use of natural law.<sup>22</sup> They cannot be interpreted to mean that Calvin evaluated "natural law" over Scripture's express statements. Calvin uses "nature" against those who rebel against the Mosaic requirements. His argument from nature proceeds in this fashion: if even fallen men in their rebellion against God note the importance of maintaining pure religion, how much more must those who have revealed truth abide by what Almighty God has spoken? Calvin's appeal to nature does not show that he thought it necessary to reconcile Moses to the Roman law-code, as if the former had validity only when it agreed with the latter. Rather, Calvin

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<sup>18</sup> Fondness: foolishness, weakness, want of sense and judgment (from Webster's *1828 American Dictionary of the English Language*).

<sup>19</sup> John Calvin, *Sermons on Deuteronomy*, sermon 21 on Deut. 4:6-9 (Banner of Truth: Edinburgh, 1987), p. 122.

<sup>20</sup> *Ibid.*, sermon 87 on Deut. 13:5, p. 537.

<sup>21</sup> Godfrey, "Calvin and Theonomy," p. 304.

<sup>22</sup> See section 3 of this essay.

noted the agreement between Moses and human legal codes because the laws of nations are often reflective of God's perfect standard of justice revealed in the Mosaic law alone.

Calvin's belief in the permanent value of the underlying moral principles and specific applications of the Mosaic judicials is revealed plainly in analysis of Jesus' interview with the adulterous woman. Responding to those who said that Jesus abrogated the judicial penalty for adultery by his silence, Calvin reasons:

We are not told that Christ absolutely acquitted the woman, but that he allowed her to go at liberty. Nor is this wonderful, for he did not wish to undertake anything that did not belong to his office...They who infer from this that adultery ought not to be punished with death, must for the same reason, admit that inheritances ought not to be divided, because Christ refused to arbitrate in that matter between two brothers, (Luke xii. 13)...*But let us remember that, while Christ forgives the sins of men, he does not overturn political order, or reverse the sentences and punishments appointed by the laws.*<sup>23</sup>

Which "laws?" This might refer either to the existing laws under which the Jews were operating at the time or to the judicial laws of Moses. If the first assumption is true, then the worst we may conclude is that Calvin did not believe that Jesus' comments overturned the validity of the Mosaic judicials. Given the context of controversy in which Calvin was operating, as well as his consistent affirmation of the Mosaic judicials, especially against those who denied their new covenant validity, it seems more likely that he is denying that Jesus came to change the Mosaic judicials. Calvin is rebutting the notion that Jesus' coming nullifies the authority of the civil law of God. On this interpretation, Jesus did not come to reverse these sentences and punishments contained therein. Speaking of the same situation in a different place, Calvin wrote that "it is certain that our Lord did not want to change *anything about the government or the civil order*, but without reviling it in any way, He made His office, for which He came into the world, that of forgiving sins."<sup>24</sup>

Calvin denies that the coming of Jesus overturned the civil order or the authority of the civil penalties given through Moses. Had Jesus addressed the magistrate, and if the proper conditions for a judicial rendering existed, he would have urged him to fulfill the law.<sup>25</sup> The case laws, including the penalties, continue to bind God's people, including the civil magistrate. Hence, Calvin's appeal to the underlying equity of the judicial laws does not undermine the theonomic appeal to him. For Calvin and modern theologians, the equity of the law is what

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<sup>23</sup> John Calvin, *Commentary on the Gospel According to John*, (Grand Rapids, MI: Baker, 1989), pp. 323,4, emphasis added.

<sup>24</sup> John Calvin, *Treatises against the Anabaptists and against the Libertines* (Grand Rapids, MI: Baker, 1982), p. 83 (emphasis mine).

<sup>25</sup> See R. J. Rushdoony, *Institutes of Biblical Law* (Nutley, NJ: The Craig Press, 1973), pp. 702-6.

remains when we subtract the external, culturally determined aspects of the law of God given to Moses. From the above citation, it is clear that Calvin does not consider the civil penalties to be in this category to the extent that they express eternal principles of divine justice and are not tied to Israel's unique historical and political needs. The law of God, including the judicial penalties, remains of unquestionable authority. Moses carries the same authority today as he did in his own day. Accordingly, Calvin does not use the principle of equity to deny the simple authority of Moses.

Therefore let us hold this position: that with regard to true spiritual justice, that is to say, with regard to a faithful man walking in good conscience and being whole before God in both his vocation and in all his works, there exists a plain and complete guideline for it in the law of Moses, to which we need *simply* cling if we want to follow the right path. Thus whoever adds to or takes anything from it exceeds the limits. Therefore our position is sure and infallible.<sup>26</sup>

### Calvin and Servetus

It is sometimes argued that Calvin's agreement with the Genevan council's decision to execute Michael Servetus for heresy provides no support for the theonomic appeal to Calvin. On the contrary, Calvin's involvement in the Servetus affair was a self-conscious decision based upon his principled approach to the authority of the judicial penalties contained in the Mosaic law. Defending the decision of the Genevan government to execute Michael Servetus for blasphemy, Calvin writes in his *Defensio*:

Whoever shall not contend that it is unjust to put heretics and blasphemers to death will knowingly and willingly incur their very guilt. This is not laid down on human authority; it is God who speaks and prescribes a perpetual rule for his Church. It is not in vain that he banishes all those human affections which soften our hearts; that he commands paternal life and all the benevolent feelings between brothers, relations, and friends to cease; in a word, that he almost deprives men of their nature in order that nothing may hinder their holy zeal. Why is so implacable a severity exacted but that we may know that God is defrauded of his honor, unless the piety that is due to him be preferred to all human duties, and that when his glory is to be asserted, humanity must almost be obliterated from our memories.<sup>27</sup>

By this citation Calvin makes clear his belief that God does not leave it up to men or magistrates to determine what is equitable and what is not. Equity, justice, and truth are contained in God's law. God has told us what he requires of magistrates in his Word. Calvin clearly states that the Mosaic penalty for blasphemy is a rule laid down by the authority of God, and therefore it must be obeyed. Anyone who contends against this law is *as guilty as the*

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<sup>26</sup> Calvin, *Treatises against the Anabaptists and against the Libertines*, p. 78.

<sup>27</sup> *Defensio orthodoxae fidei de sacra Trinitate*. Quoted in Philip Schaff, *History of the Christian Church*, vol. 8 (1910; reprint, Grand Rapids, MI: Eerdmans, nd).



*blasphemer and heretic*. Similarly, while contending for the death penalty for false prophets, Calvin insisted that the penalty must not be relaxed, and that anyone who wants to be lenient is “a despiser of God, and an upholder of the devil.”<sup>28</sup>

Calvin appeals to the judicial penalties as perpetually binding on the civil magistrate because God spoke them. One cannot violate them without sinning against God. Godfrey may not agree with Calvin and the theologians, but he cannot escape the clear import of what Calvin says in this passage. Even Philip Schaff, the church historian and outspoken critic of Calvin’s position, interpreted Calvin’s actions in the Servetus affair as flowing out of his commitment to the judicial laws of Moses.

Calvin’s plea for the right and duty of the Christian magistrate to punish heresy by death, stands or falls with his theocratic theory and the binding authority of the Mosaic code. His arguments are chiefly drawn from the Jewish laws against idolatry and blasphemy, and from the examples of the pious kings of Israel.<sup>29</sup>

A careful analysis of Calvin’s works provides clear, irrefutable precedent for the theonomic commitment to the binding authority of the Old Testament judicial laws. Calvin maintains that their authority is not the least bit relaxed in the New Testament era. He may not have agreed with a modern theologian in his assessment of what aspects of the Mosaic judicials were culturally determined or how to apply the equity of the law in a given circumstance, but that difference in detail does not undermine their agreement in principle. Calvin supports the imposition of the judicial penalties attached to moral law violations upon modern breakers of God’s law. Why? Because God said so. Calvin’s rationale for applying the civil laws and penalties revealed by God in the Old Testament does not differ from that utilized by the modern adherents of God’s judicial law.

### **Calvin’s and the Threefold Division of the Law**

Having failed to establish that Calvin’s rationale for applying the case laws and attached penalties of the Old Testament radically differs from that of the theologians, attempts are made to drive a wedge in Calvin’s theology between the summary of the moral law contained in the Ten Commandments and the case laws. Whereas Calvin required the civil magistrate to uphold both tables of the Decalogue, he did not consider the judicial laws binding upon him. When Calvin supports specific judicial laws and penalties, it was not because he views the Mosaic judicials as categorically authoritative, but rather because he subsumes their equity under the moral law.

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<sup>28</sup> *Sermons of Deuteronomy*, Sermon 87 on Deut. 13:5, p. 536.

<sup>29</sup> Schaff, *History of the Christian Church*, 8:792.

Hence, it only appears that Calvin supported the Mosaic judicials, when, in fact, he maintained an airtight division between the moral and civil law. The moral law is for all men, but the civil law is only for the Jews. This, it is sometimes claimed, was Calvin's explicit position.

In the *Institutes*, Calvin maintained the basic threefold division of the law.<sup>30</sup> The moral law, summarized in the Ten Commandments, has continuing authority in all areas of life. Hence, the civil magistrate should enforce both tables of the law.<sup>31</sup> The ceremonial law has been abrogated at the coming of Christ. But what of the case, or judicial laws? Into which category do they fall? Do they continue to bind the civil magistrate, or has their authority passed with the arrival of the New Testament? This is the key issue. Consider Calvin's remarks against certain pacifistic Anabaptists who maintained that the spiritual nature of the church abrogates the binding authority of the civil law:

They will reply, possibly, that the civil government of the people of Israel was a figure of the spiritual kingdom of Jesus Christ and lasted only until his coming. I will admit to them that, in part, it was a figure, but I deny that it was nothing more than this, and not without reason. For in itself it was a political government, which is a requirement among all people.

That such is the case, it is written of the Levitical priesthood that it had to come to an end and be abolished at the coming of our Lord Jesus (Heb. 7:12ff.) *Where is it written that the same is true of the external order?* It is true that the scepter and government were to come from the tribe of Judah and the house of David, but that the government was to cease is manifestly contrary to Scripture.<sup>32</sup>

The following is perhaps one of the clearest statements to be found in all of Calvin's writings. The ceremonial law has been abolished, but the government, the external order, the normativity of the case laws over the nations continues today. The Lord Jesus Christ has taken his place as rightful King over the nations, and all men must submit to his law, enforce his penalties, and promote his cause.

But it is questioned whether the law pertains to the kingdom of Christ, which is spiritual and distinct from all earthly dominion; and there are some men, not otherwise ill-disposed, to whom it appears that our condition under the Gospel is different from that of

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<sup>30</sup> John Calvin, *Institutes of the Christian Religion*, ed. John T. McNeill, trans. Ford Lewis Battles, The Library of Christian Classics, vols. 20,21 (Philadelphia: Westminster, 1960). See the following sections for detailed treatment of each division of the Law: moral (2:8:1-59 and 4:20:15), ceremonial (2:7:1-2,16-17 and 4:20:15) and judicial (2:7:10-11; 4:20:14-15).

<sup>31</sup> Interestingly, scholars have missed the rather obvious point that Calvin's defense of the magistrate's duty to uphold *both* tables of the law reflects his view that the state should be self-consciously Christian, a view that absolutely precludes attributing to Calvin political pluralism in any form. It also forces Calvin's interpreters to face the issue of the enforcement of the first table. From Calvin's writings, practice, and theological heirs, the answer is clear; God's laws must be enforced according to the entire witness of God's law, including the judicial laws that provide concrete examples of their enforcement.

<sup>32</sup> Calvin, *Treatises against the Anabaptists and against the Libertines*, pp. 78-79, emphasis added.

the ancient people under the law; not only because the kingdom of Christ is not of this world, but because Christ was unwilling that the beginnings of His kingdom should be aided by the sword. But, when human judges consecrate their work to the promotion of Christ's kingdom, I deny that on that account its nature is changed. For, although it was Christ's will that His Gospel should be proclaimed by His disciples in opposition to the power of the whole world, and He exposed them armed with the Word alone like sheep amongst wolves, He did not impose on Himself an eternal law that He should never bring kings under His subjection, nor tame their violence, nor change them from being cruel persecutors into the patrons and guardians of His Church.<sup>33</sup>

These quotations demonstrate that theologians are correct in looking to Calvin for historical reformed precedent for their commitment to God's judicial laws. While theologians are willing to abide by the traditional threefold distinction within the law of God, the Scriptures do *not* treat the judicial and ceremonial laws in the same fashion.<sup>34</sup> Regardless of how one categorically divides the law of God, the ceremonies have been abrogated, but the underlying moral equity of the Mosaic judicials has not.

It is true that Calvin rejects the notion that modern nations must submit to the Mosaic judicials as a *civil constitution*.<sup>35</sup> The external "form" of its judicial laws, which I take to mean the specific circumstances, needs, and geography of the nation-state of Israel, were specific to it, and we are not obligated to adopt the Mosaic civil code as our civil code.<sup>36</sup> We are free to develop additional civil laws as our times and circumstances may require, provided they reflect and are consistent with the underlying moral principles revealed in the Mosaic judicials. Hence, theologians can agree with Lang that Calvin rejected "the unqualified subordination of the state's laws to the law of Moses."<sup>37</sup>

Though Calvin rejected the authority of the Mosaic judicials as a civil code, he did not – either in the *Institutes* or his sermons and commentaries – free us from the authority of the moral principles exemplified in the Mosaic judicials. Indeed, because so many of these laws are perfect as they stand, i.e., not having an outward form specific only to Israel, they are immediately authoritative over us. In this category are many of the case laws, including the civil penalties attached to moral law violations. Unfortunately, modern assessments of Calvin do not seem to be

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<sup>33</sup> John Calvin, *Commentaries on the Four Last Books of Moses* (Grand Rapids, MI: Baker Book House, 1989) p. 77.

<sup>34</sup> Bahnsen, *No Other Standard*, p. 255.

<sup>35</sup> Calvin, *Institutes*, 4:20:14.

<sup>36</sup> Thomas Ridgeley (1667-1734), the great Puritan commentator on the Westminster Larger Catechism, has a good discussion on which aspects of the Mosaic judicials were pertinent only to Israel in their particular historical and political situation and which are binding on all men and nations. His comments are directly in line with Calvin's comments, the Westminster Confession of Faith, and modern theologians. See Thomas Ridgeley, *Commentary on the Larger Catechism* (formerly, *A Body of Divinity*), vol. 1 (Edmonton: Still Waters, 1993), pp. 307-8.

<sup>37</sup> August Lang, "The Reformation and Natural Law," in *Calvin and the Reformation: Four Studies* (New York: Revell, 1909), p. 69.

able to differentiate these two aspects of Calvin's political ethic (unique, Israel-specific outward form and non-unique, universally relevant outward form), and the result is confusion over Calvin's position on the Mosaic judicials.<sup>38</sup>

Undoubtedly, Calvin's order of presentation differs from that of modern-day theologians. Living in a day of cultural relativism and ecclesiastical antinomianism, Bahnsen begins his defense of the Mosaic judicials by asserting the normativity of all God's laws. He then makes concessions where Scripture allows. Calvin, writing against the radical Anabaptists, stresses the cessation of the authority of the Mosaic judicials as a civil constitution. From this position, he proceeds to insist that the state should recognize and support biblical Christianity, uphold both tables of the Decalogue, and conform to the Mosaic judicials where, of course, they reflect God's eternal principles of justice and are not tied to Israel's specific cultural, historical, and redemptive situation.

In these two aspects (distinguishing unique, Israel-specific outward form from non-unique, universally relevant outward form), theonomic ethics is built upon Calvin's political ethic. It is not necessary to adopt the Mosaic judicials as our specific constitution. "Theonomists do *not* practice nor advocate anything like a 'direct' move from the unchanging character of God, or the old covenant code, to modern law-codes."<sup>39</sup> Nevertheless, it is the duty of modern nation-states to rule by the underlying moral equity of the Mosaic judicials, as they explain and clarify the direction in which we should apply God's law in our civil organizations, as well as punish offenders against both tables of God's law. Calvin and theologians do not agree on every detail pertaining to the implementation of this principle. There is, however, a common reverence for all the laws of God in Holy Scripture and a serious attempt to apply the Mosaic judicials to the modern state.

### **Calvin's Perpetual Duties and Precepts of Love**

In the *Institutes*, Calvin differentiates the outward forms, observances, and ceremonies of the law from the underlying moral principles that are at the heart of all the laws.<sup>40</sup> Once we cut away that which pertained to the Jewish nation alone, we will be left with the "perpetual duties and precepts of love."<sup>41</sup> After we do this with the ceremonial law, we are left with Christ, the substance and purpose of them. We now observe the moral requirements of the ceremonial law

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<sup>38</sup> Wilhelm Niesel, *The Theology of Calvin* (Philadelphia: Westminster, 1956), p. 237; I. John Hesselink, *Calvin's Concept of the Law* (Allison Park, PA: Pickwick Publications, 1992), p. 247; Ralph C. Hancock, *Calvin and the Foundations of Modern Politics* (Ithaca, NY: Cornell University Press, 1989), pp. 84-85.

<sup>39</sup> Bahnsen, *No Other Standard*, p. 50.

<sup>40</sup> Calvin, *Institutes*, 2:7:14.

<sup>41</sup> *Ibid.*, 4:20:15.

through faith in him and his once for all sacrifice. We continue coming to Christ each day, confessing our sins, and hoping in his perfect sacrifice as the basis of our acceptance with God.

After abrogating that which separated Israel as a political body from the surrounding nations and that which is expressed in language inapplicable to our culture, the perpetual moral duties remain. All men, including the civil magistrate, must submit to these perpetual duties. Clearly, for Calvin something does remain in force in the judicial law: perpetual duties and precepts of love. Second, all human laws, though they may vary in outward form, “must be in conformity to that perpetual rule of love.” In other words, though some modern nations may not have flat-roofed homes requiring rooftop railings, all citizens are required to protect those on their property in a proactive manner. Once again, this is exactly how theologians reason. Mainstream theologians do not advocate the imposition of the Mosaic judicials as a civil constitution on the American society or any other world culture. We do believe that the authority, necessity, and all-sufficiency of Scripture lead to the duty of all governments to show their allegiance to Jesus Christ by submitting to his laws in Scripture that pertain to their function. These laws must be properly applied, and the process will not be without its challenges. Nevertheless, whatever laws they adopt must be in accordance with the underlying moral equity of God’s laws.

## **II. Calvin’s Anti-Theonomic Statements in the *Institutes***

### **The Final Edition of the *Institutes* Governs Calvin’s Judicial Understanding**

This is the heart of the modern argument against the theonomic appeal to John Calvin. Calvin’s statements in the *Institutes* are thought to be so clearly anti-theonomic that whatever he said elsewhere cannot be cited to overturn his commitment to natural law. Duncan claims that if Calvin’s sermons on Deuteronomy “are read in the light of Calvin’s explicit theory on the proper civil application of Biblical law revealed in the *Institutes*, (opinions in print as early as 1536 and confirmed in the definitive 1559 edition of the *Institutes*), they will be found to be manifestly non-theonomic.”<sup>42</sup>

### **A Dating Dilemma**

Theologians will be more than happy to utilize this sort of chronological argumentation. The 1559 edition of the *Institutes* was not the last thing Calvin had to say on the subject. In 1563, just a year before his death, Calvin’s commentary on the harmony of Exodus through Deuteronomy was published. These, no less than his sermons on Deuteronomy, reflect Calvin’s

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<sup>42</sup> Duncan, “What about Theonomy,” p. 25.

commitment to the case laws and penalties of the Old Testament as binding on the civil magistrate today. This argument, therefore, is a double-edged sword. Since this commentary appeared later in print than the *Institutes*, any supposedly anti-theonomic statements in the *Institutes* must be interpreted in their light. This commentary affirms Calvin's commitment to the Mosaic judicials. Commenting against those who believed that we should no longer follow Moses' prescribed penalty against adulterers, Calvin writes:

By the universal law of the Gentiles, the punishment of death was always awarded to adultery; wherefore it is all the baser and more shameful in Christians not to imitate at least the heathen. Adultery is punished no less severely by the Julian law than by that of God; whilst those who boast themselves of the Christian name are so tender and remiss, that they visit this execrable offense with a very light reproof.<sup>43</sup>

Speaking of those in his day who opposed the infliction of the death penalty against false prophets, Calvin writes, "God commands the false prophet to be put to death....Some scoundrel or other gainsays this, and sets himself against the author of life and death. What insolence is this!"<sup>44</sup>

In the final analysis, it is evidence of biased scholarship to utilize Calvin's statements on the Mosaic judicials in the *Institutes* to undermine or weaken what he constantly affirms in his commentaries and preached to the people, especially when Calvin, though fallible, was meticulous and self-consistent as a biblical scholar. It is certain that Calvin makes many statements that *clearly* endorse the continuing authority and applicability of Old Testament case laws to the modern nation. Do we ignore them? Reinterpret them? This is the solution usually offered. Regardless of their clarity, we should turn Calvin's words on their head and interpret them in a manner contrary to good grammar, common sense, and current views among Calvin's close friends, like Martin Bucer, who strongly affirmed the abiding validity of the Mosaic judicials.<sup>45</sup> As I shall endeavor to demonstrate, there is a better way to reconcile Calvin's comments in the *Institutes* with those in his commentaries and sermons.

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<sup>43</sup> Calvin, *Last Four Books of Moses*, Deut. 22:22. Calvin's statement must not be misinterpreted. He is not arguing that since nature teaches us that adulterers must be put to death, we must do it. Rather, since even the Gentiles have enough of the law of God written on their hearts to know that adultery is a capital offense, it is inexcusable when those who have the perfect law of God refuse to walk in its light.

<sup>44</sup> Calvin, *Four Last Books of Moses*, Deut. 13:5.

<sup>45</sup> Martin Bucer, *De Regno Christi*, in *The Library of Christian Classics: Melancthon and Bucer* ed. Wilhelm Pauck (Philadelphia: Westminster, 1969). pp. 378-9.

## A Brief Response to Douglas Kelly

Kelly's treatment of Calvin's position is subject to the same criticisms made of Duncan and Godfrey.<sup>46</sup> Though a theocracy is more properly defined as a society that recognizes the authority of God as supreme over all institutions, theologians agree with Kelly that Calvin did not envision a society ruled by the church.<sup>47</sup> He advocated the institutional submission of both to the kingly rule of Jesus Christ. Both should achieve those goals in submission to the Word of God. As Wallace correctly observed, "Calvin's concern in Geneva was to bring Church and State closely together again in mutual interdependence, in such a way that the Church had its spiritual independence restored to it, and civil government was allowed to retain its full power over decisions proper to its own sphere."<sup>48</sup>

When speaking of the judicial law, Kelly writes that "the judicial law is not authoritative on the nations since the general principle of equity underlying it has to be adapted to differing situations and differing times."<sup>49</sup> This remark demonstrates tremendous confusion on Kelly's part concerning what is required for the judicial laws to be binding on modern nations. Theologians have said, following Calvin, that we must distinguish between the underlying moral principles found in all parts of God's law and the cultural trappings that no longer or differently apply to us. Calvin did this, and theologians follow him. Accordingly, both maintain that the outward forms of civil laws may change from society to society, but the perpetual moral duties and precepts of love still remain in force. The necessity for cultural sensitivity and application does not undermine the abiding authority of the moral principles contained in the Old Testament case laws and penalties.

Finally, Kelly utilizes the same dating argument employed by Duncan. He writes:

Although Calvin may well have developed a new emphasis by the late 1550's on the practical usefulness of Old Testament legislation, it is very doubtful that he changed his mind on the essentials. For if he had, there would have been time to have rewritten the relevant sections in his final revision of his *Institutes* in 1559 (which he did not). In short, Calvin negates the continuing obligation of Old Testament judicial and ceremonial law...<sup>50</sup>

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<sup>46</sup> Douglas F. Kelly, *The Emergence of Liberty in the Modern World: The Influence of Calvin on Five Governments from the 16<sup>th</sup> Through 18<sup>th</sup> Centuries* (Phillipsburg, NJ: Presbyterian and Reformed Publishing: 1992), pp. 14, 19-26.

<sup>47</sup> John T. McNeill, "John Calvin on Civil Government," in *Calvinism and the Political Order*, ed. George L. Hunt (Philadelphia: Westminster, 1965), p. 35.

<sup>48</sup> Ronald S. Wallace, *Calvin: Geneva and the Reformation* (Grand Rapids, MI: Baker, 1988), p. 113.

<sup>49</sup> Kelly, *Emergence of Liberty*, p. 21.

<sup>50</sup> *Ibid.*, p. 22.

He admits that Calvin may have grown in his understanding and appreciation of the Mosaic civil polity. However, Kelly's evaluation of Calvin's attitude toward that legislation is incorrect. It was not only practically useful but divinely commanded. Calvin vehemently opposed the attitude of some who say that because the case laws were part of Israel's political laws the New Testament magistrate is under no obligation to follow them. Commenting on the necessity of the death penalty against false prophets, Calvin writes:

What is the meaning of this madness, in imposing a law upon God, that He should not make use of the obedience of the magistrate in this respect? And what avails it to question about the necessity of this, since it pleases God?...It is superfluous to contend by argument, when God has once pronounced what is His will, for we must needs abide by His inviolable decree.<sup>51</sup>

Moreover, we have seen that Calvin did write something after the 1559 edition of the *Institutes*. His commentary on Exodus through Deuteronomy clearly endorses a modern application of the Old Testament case laws. Calvin did not need to revise his previous statements because he was not directing them against contemporary theologians but, as we shall see, against the radical Anabaptists.

Kelly does not appreciate Calvin's endorsement of civil involvement in the preservation of the purity of the Christian religion. He says that "Calvin has no concept of a separation between religion and state; or of a non-Christian magistrate, or of toleration of plural churches."<sup>52</sup>

In this context, it should be noted that Calvin's two kingdom doctrine mitigates any institutional blurring of the church and state. They should, however, work together in their respective spheres to promote the divinely given goal of society. According to Calvin, the state

has as its appointed end, so long as we live among men, to cherish and protect the outward worship of God, to defend sound doctrine of piety, and the position of the church, to adjust our life to the society of men, to form our social behavior to civil righteousness, to reconcile us to one another, and to promote general peace and tranquility.<sup>53</sup>

Calvin, unlike many evangelical and Reformed Christians in our day, did not believe in a pluralistic society in which men were free to worship whatever God they chose. He rejected the notion that the state should or even could be neutral toward religion. In describing Calvin's overall view of the relationship between church and state, Neisel makes the following comments:

There can be no decisive separation between state and church because the state has the same Lord as the church. Christ as Head of His church is also precisely the Lord of this

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<sup>51</sup> Calvin, *Last Four Books of Moses*, Deut. 13:5.

<sup>52</sup> Kelly, *Emergence of Liberty*, p. 26.

<sup>53</sup> Calvin, *Institutes*, 4:20:2.



world...All magistrates and princes are therefore bidden to subject themselves in all humility to the great king Jesus Christ and to His spiritual scepter. Their government can be nothing other than a service under this one Lord...If the government does not decide for Christ, then it decides against Him. There is no other alternative.<sup>54</sup>

God's law prescribes the true worship of God, and the civil magistrate is to enforce God's law in this respect. God's law forbids idolatrous worship of the one true God, and the proliferation of false gods and religions. For Calvin, as with modern theonomists, "thou shalt have no other gods before me" applies as much to the magistrate as to the individual Christian. The civil magistrate never has the right, in the interests of pluralism and liberty of conscience, to allow crimes against God's law to go unpunished. It must be emphasized, however, that Calvin did not support the role of the magistrate in the preservation of religion as the result of his medieval blurring of church-state lines. Both kingdoms, the spiritual and political, are to enforce God's law in their respective spheres.<sup>55</sup> When both kingdoms are consecrated to Jesus Christ and dedicated to obeying his laws, there is justice and peace in society, and the church is protected so that she can attend to the work of discipling the nations.

### **The Historical Setting of Calvin's *Institutes***

Whenever opponents of theonomy seek to refute the theonomic appeal to Calvin's judicial views as historical and claim Reformed precedent for their own, they cite his *Institutes*. Regardless of Calvin's other statements, these three sentences purport to set forth Calvin's *true* position on the relationship between God's law and the civil magistrate:

I would have preferred to pass over this matter in utter silence if I were not aware that here many dangerously go astray. For there are some who deny that a commonwealth is duly framed which neglects the political system of Moses, and is ruled by the common laws of nations. Let other men consider how perilous and seditious this notion is; it will be enough for me to have proved it false and foolish.<sup>56</sup>

Basic hermeneutic principles teach us that to understand the meaning of a particular text, we must have a grasp of the historical context in which the author wrote. Accordingly, before we consider the particulars of this and other statements Calvin made in this section, let us briefly remind ourselves of Calvin's purpose for writing the *Institutes*. This will shed enormous light upon Calvin's purpose for making such a statement.

On October 18, 1534, in protest against the Roman Mass, placards were pasted over all Paris. The Roman Catholics were quick to persecute all the Protestants they could catch. Adding

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<sup>54</sup> Niesel, *Theology of Calvin*, pp. 230-232, 235.

<sup>55</sup> Calvin, *Institutes*, 4:20:1-2.

<sup>56</sup> *Ibid.*, 14.

fuel to this controversy was the Anabaptist debacle in Muenster, Germany. There, certain wicked and seditious persons, under the veil of reforming the church, overthrew the existing government, instituted a *Jewish* theocracy, and killed many innocent persons. King Francis I and his advisors justified their slaughter of the Protestants in France by accusing them of an Anabaptistic attempt to overthrow the civil government!

Calvin saw the peril of this situation. The Reformers in France must be separated from their revolutionary counterparts in Germany. In order to accomplish this, Calvin wrote his *Institutes*. Calvin expressed two purposes for its writing. He wished to provide an accurate summary of the reformers' theology and to vindicate the French Protestants who were being wrongfully confused with the Anabaptist radicals and persecuted for their faith. In short, the *Institutes* is an apology for the Reformed faith and a plea to King Francis to end the violent persecution of Christians in his realm.

And indeed I shall not fear to confess that here is contained almost the sum of that very doctrine which they shout must be punished by prison, exile, proscription, and fire, and be exterminated on land and sea. Indeed, I know with what horrible reports they have filled your ears and mind, to render our cause as hateful to you as possible.<sup>57</sup>

In the *Institutes*, Calvin gave a masterful presentation of the Reformed faith, demonstrating that the true enemies of the King are those who suppress the truth of the gospel, not the Reformers who seek to support a godly society based upon obedience to God's law and faith in Jesus Christ. Calvin then responds to the Roman Catholic charge that the French Protestants are, like the Anabaptists, plotting to overthrow the King.

And when this profited him nothing, he [Satan] turned to stratagems: he aroused disagreements and dogmatic contentions through his catabaptists (i.e., Anabaptists) and other monstrous rascals in order to obscure and at last extinguish the truth...

But I return to you, O King. May you be not at all moved by those vain accusations with which our adversaries are trying to inspire terror in you: that by this new gospel (for so they call it) men strive and seek only after the opportunity for seditions and impunity for all crimes...<sup>58</sup>

And we are unjustly charged, too, with intentions of such a sort that we have never given the least suspicion of them. We are, I suppose, contriving the overthrow of kingdoms –we, from whom not one seditious word was ever heard...But if any persons raise a tumult under the pretext of the gospel<sup>59</sup> - hitherto no such persons have been found in your realm –if any deck out the license of their own vices as the liberty of God's grace –I have known very many of this sort –there are laws and legal penalties by which they

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<sup>57</sup> *Ibid.*, "Prefatory Address to King Francis," p. 9-10.

<sup>58</sup> *Ibid.*, p. 30.

<sup>59</sup> The editor identifies this reference as belonging to the Munster incident of 1534-5.

may be severely restrained according to their deserts. Only let not the gospel of God be blasphemed in the meantime because of the wickedness of infamous men.<sup>60</sup>

Given the emergency situation existing in Paris, the Reformed churches, and Muenster, Calvin felt compelled to separate the mainstream reformation movement from the radical Anabaptists in Muenster. He begins the *Institutes* with an appeal to the King to listen to him and cease persecuting just men. He concludes his treatise with a section on the legitimacy and responsibility of the civil magistrate. “The entire following section (chapter 20) is a vindication of government and a polemic against the Anabaptists.”<sup>61</sup>

### **The Historical Referent of Calvin’s Statements**

As Calvin addresses King Francis, he considers the radical Anabaptists wicked and infamous men who were being used by Satan to stop the progress of the gospel of Jesus Christ. Under the auspices of reforming the church, these men sought to overthrow kingdoms, subvert the laws, and institute all manner of ungodly behavior. Nowhere are the anti-Christian tendencies of the radical Anabaptists more clearly seen than in the Muenster incident which prompted Calvin to write the *Institutes*. These men were revolutionaries, maintaining that the return of Christ and re-establishment of the Old Testament theocracy were imminent. As we look more closely at the Anabaptists in Muenster, it will be obvious that Calvin addressed his supposedly anti-theonomic statements in the *Institutes* to their dangerous views.<sup>62</sup> “Given the historical circumstances, the persecution of French Protestants, and the revolutionary furor in Muenster, Calvin’s remarks in 4:20:14 must clearly be seen for what they are: a clear denunciation of the seditious utilization of the political system of Moses by the Anabaptists.”<sup>63</sup>

Bernard Rothmann, Jan Matthys, and Jan van Leiden were the three primary instigators of the Muenster revolution. These men advocated the forcible overthrow of the existing Muenster government and the imposition of a Jewish theocracy at the point of the sword. They christened

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<sup>60</sup> Ibid.

<sup>61</sup> Willem Balke. *Calvin and the Anabaptist Radicals*, trans. William Heynen. (Grand Rapids, MI: Eerdmans, 1981), p. 63.

<sup>62</sup> Not all Anabaptists participated in or supported the events in Muenster. The majority of Anabaptists were ascetics, advocating pietistic retreat from the world and its institutions. This pacifistic majority of the Anabaptists maintained that those in Christ are under his spiritual kingdom and should have nothing to do with political kingdoms. Notice that Calvin also refutes this majoritarian Anabaptist branch in the *Institutes*, as well as in his *Treatises against the Anabaptists*. Calvin, therefore, attacked both the pacifistic and revolutionary segments of this movement.

<sup>63</sup> Jack W. Sawyer, “Moses and the Magistrate: Aspects of Calvin’s Political Theory in Contemporary Focus,” (Th.M thesis, Westminster Theological Seminary, 1986), p. 42.

Muenster “the holy city of Muenster.”<sup>64</sup> They called on their sympathizers all over Europe to join them in their holy war. “The faithful were exhorted to come up (well armed) to the city of God, the new Jerusalem, where the second David (Jan van Leiden) was reigning in Zion, from where a sword would be wielded against the ungodly and the golden age of the millennium would be ushered in.”<sup>65</sup>

After Jan Matthys was killed in a sortie against “God’s enemies,” John Beukels took control of Muenster. His followers considered his word to be the voice of God. He disbanded the duly elected city council. He chose twelve new men, calling them the “Elders or Judges of the Tribes of Israel.”<sup>66</sup> These twelve developed a new code of laws for the holy commonwealth of Israel. Among other things, this code instituted “a stricter communism of goods,”<sup>67</sup> as well as the union of church and state.

Unlike the Swiss and South German Anabaptists, who believed in the separation of church and State, for the Muensterites, church, state, and community were now coterminous. Since the regenerate church could contain only the righteous (following Rothmann), the twelve judges under John Beukels took a very harsh view of any sins committed after (re-)baptism. This meant that all Citizens were to be subjected to extremely strict laws.<sup>68</sup>

These laws called for the death penalty for numerous crimes including blasphemy, seditious language, spreading scandal, and complaining.<sup>69</sup> In this code of laws, the citizens of Muenster were referred to as “Israelites.”<sup>70</sup> Moreover, this holy commonwealth was to war against all those who refused to submit to the laws of God. Those who refused to submit were put to death, sometimes on the spot. During the waning months of the radical Anabaptist regime, polygamy was instituted. This is further evidence that the Muensterites saw themselves as reinstating the patriarchal system of the Old Testament.<sup>71</sup> While not all pastors went along with Rothmann’s insistence on polygamy, it was eventually accepted by many. The majority of the common people, however, continued to resist this development.<sup>72</sup>

Calvin had good reason for wishing to separate the Reformed movement within the church from the radicals in Muenster. Neither he nor the French Protestants had anything in

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<sup>64</sup> George H. Williams, *The Radical Reformation* (Philadelphia: Westminster, 1962), p. 370.

<sup>65</sup> Sawyer, “Moses and the Magistrate,” p. 43.

<sup>66</sup> Williams, *Radical Reformation*, p. 371.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid., p. 372.

<sup>71</sup> Ibid.

<sup>72</sup> For more information on polygamy in Muenster, see Williams, *Radical Reformation*, pp. 372-375; Thomas M. Lindsay, *A History of the Reformation* (New York: Scribners, 1950), pp. 463-468.

common with them. Denying the separate existence of church and state, they made both one and instituted a twisted *Jewish* theocracy in the city. Church leaders usurped the civil sword and executed, sometimes personally, those who refused to submit or follow the laws.

Clearly, therefore, Calvin's comments to the King of France in 4:20:14 are specifically directed against the Anabaptists. His primary purpose, the intent that must govern all other interpretations, was to expose the anti-Christian practices of the Muensterites and to separate the French Protestants from them. The radicals were the ones who denied that a commonwealth is duly framed which neglects the political system of Moses. Revolution, not evangelization and education, was the Anabaptist answer to sin in a society. Moreover, the Muenster Anabaptists were guilty of failing to distinguish in God's law that which remains perpetually binding and that which does not. They were guilty of seeking to establish a *Jewish* theocracy. Of course, according to Calvin, this is impossible and illegitimate. Those aspects of the ceremonial and judicial laws that applied only to Israel have passed away. "We must bear in mind that common division of the whole law of God published by Moses into moral, ceremonial, and judicial. *And we must consider each of these parts, that we may understand what there is in them that pertains to us, and what does not.*"<sup>73</sup>

In addition, contrary to and condemned by Calvin was their view of the union of church and state. Freedom in Christ does not free one from the authority of the civil magistrate. Nor does that freedom give the Christian the right to overthrow the magistrate. His office is divinely appointed and regulated by God. Hence, the Christian must submit to the civil magistrate, even if he is not upholding God's laws as he should. It was the Anabaptists in Muenster, not the modern-day theonomists, who are guilty of the Jewish error that Calvin abhors. The Anabaptists, not the theonomists, erroneously held to the externals of the judicial law rather than separating them from the perpetually binding underlying moral principles.

Some Reformed scholars misapply Calvin's comments in 4:20:14 because they do not adequately appreciate the historical referent of Calvin's words. Calvin is not attacking those who wish to *apply* the laws of God in the Bible to the civil magistrate but, rather, those who advocated wholesale revolution and the imposition of a Jewish theocracy at the point of the sword. Any other understanding of Calvin's words is wrong and misleading.

The Muensterites were revolutionaries. Using loyalty to God's law, imminent eschatological upheaval, and the need to reform the church as pretenses, they overthrew the lawful civil government in Muenster. Then they imposed a Jewish theocracy at sword-point. Reformed Christians who believe in theonomic ethics, in contrast, condemn all attempts to reform

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<sup>73</sup> Calvin, *Institutes*, 4:20:14, emphasis added.

society through revolution. The godly theonomist preaches regeneration, sanctification, and multi-generational discipleship. It is utterly futile to adopt a method of societal transformation that seeks to impose God's law on a stiff-necked people.<sup>74</sup> They maintain that Holy Spirit wrought revival coupled with progressive sanctification alone can revive and restore our society so that it will delight itself in obedience to God's laws.<sup>75</sup> Until that day arrives, Christians must obey the current civil government unless, of course, that government commands us to violate God's express commands. As the Lord progressively disciplines the nations through the faithful preaching and application of God's word, the society that will emerge will not and should not be a Jewish theocracy. Rather, the underlying moral principles of God's law found throughout the Bible will be applied to every aspect of society.<sup>76</sup> The Jewish application of God's law was for them. We must follow and apply that law to our own needs and society.

### **Calvin and the Laws of Nations**

In sections 14 through 16 of the *Institutes*, Calvin speaks of the laws of nations, natural law, equity, and penology. Some have concluded that Calvin's appeal to natural law in these sections demonstrates that he was not presuppositionalist, at least in the ethical sphere.<sup>77</sup> Calvin concludes this discussion by writing:

For the statement of some, that the law of God given through Moses is dishonored when it is abrogated and new laws preferred to it, is utterly vain. For others are not preferred to it when they are more approved, not by a simple comparison, but with regard to the condition of times, place, and nation; of when that law is abrogated which was never enacted for us. For the Lord through the hand of Moses did not give that law to be proclaimed among all nations and to be in force everywhere; but when he had taken the Jewish nation into his safekeeping, defense, and protection, he also willed to be a lawgiver to it; and –as became a wise lawgiver –he had special concern for it in making its laws.<sup>78</sup>

Throughout this section, we must remember two important points. (1) Calvin is concluding his pleas to King Francis I. His intent is to set the record straight concerning the doctrine and morals of the men of the reforming party, as well as to separate them completely from the radical Anabaptists in Muenster. They are the enemies of the gospel and of civil peace. (2) When speaking of the whole law of God, Calvin writes that “we must consider each of these

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<sup>74</sup> Bahnsen, *No Other Standard*, p. 62.

<sup>75</sup> See Ken Gentry, *God's Law in the Modern World* (Phillipsburg, NJ: Presbyterian and Reformed, 1993), p. 69; Bahnsen, *By This Standard*, p. 322.

<sup>76</sup> Greg L. Bahnsen and Ken L. Gentry, Jr., *House Divided* (Tyler, TX: Institute for Christian Economics, 1989), p. 88.

<sup>77</sup> Duncan, “What about Theonomy?”, p. 26.

<sup>78</sup> Calvin, *Institutes*, 4:20:16.

parts, that we may understand what there is in them that pertains to us, and what does not.”<sup>79</sup> Calvin appeals to the common threefold distinction within the law and recognizes that some parts of the ceremonial and judicial laws are no longer binding on the civil magistrate. The types and shadows of the ceremonial laws have been fulfilled in the redemptive work of Jesus Christ. Within the judicial law, those cultural trappings which tended to separate Israel as a political body have passed away. Once the outward form of expression, the cultural trappings, are removed, we are left with the perpetual duties and precepts of love that are binding on all men and nations. *Within the judicial law*, those duties and precepts of love that reflect God’s abiding moral law are as authoritative today as they were for the Israelites. This is an extremely important observation on the part of Calvin. The underlying moral principles *of the judicial law*, what Calvin termed “perpetual duties and precepts of love,” remain as binding for us as they did for them.

Calvin stresses the importance of this distinction. The outward form of the judicial laws has passed away. Hence, the Anabaptist effort to impose a *Jewish* theocracy on Muenster is unbiblical and dangerous. They have failed to distinguish between what applied only to the Jews and what is binding on us today. While we are free from the law that pertained to Israel alone, we are still required to conform our laws to those perpetual duties and precepts of love. Accordingly, Calvin could say that every nation is free to make such laws as it sees fit, “yet those must be in conformity to that perpetual rule of love, so that they indeed vary in form but have the same purpose.”<sup>80</sup> In other words, while it is not necessary to adopt the Jewish application of the underlying principles of God’s law, nevertheless, all human laws must conform to the equity of the underlying moral principles found in the judicial laws of God.

To sum up at this point, we see that for Calvin the judicial laws of the Mosaic economy represent a cultural application (given by God) of the rule of equity to the nation of Israel. The outer, culture-bound form of these laws need not be binding upon other cultures even though the equity underlying the form is. All laws, whatever time, whatever culture, must be ordered according to the precepts of love (equity) revealed both in Scripture and the human conscience.<sup>81</sup>

Calvin’s comments here serve as an important background to the Westminster Assembly’s famous statement on the Mosaic judicials in 19:4. Calvin writes that the principles of equity that dictate our application of the Mosaic judicials are found in the moral law.<sup>82</sup> Yet Calvin did not use the notion of equity to abrogate the continuing authority of the Old Testament case laws and adjoining penalties. Equity is found in the law and not outside of it. The principle

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<sup>79</sup> Ibid., 14.

<sup>80</sup> Ibid., 15.

<sup>81</sup> Sawyer, “Moses and the Magistrate,” p. 51.

<sup>82</sup> Calvin, *Institutes*, 4:20:16

of equity means that we need not follow the particular Jewish form of those principles. The perpetual duties and precepts of love remain unaltered and obligatory on man in every area of life.

With this background in mind, we can properly understand Calvin's statement in 4:20:16. Calvin condemns those who fail to make this distinction within the judicial law. The Anabaptists mistakenly thought that unless a particular state's constitution is a carbon copy of the judicial laws of Moses, then God's law is dishonored. However, it is not the outward form or cultural trappings to which we are bound today. Those were for Israel only. Modern nations may, when "conditions of times and place" require, make laws to suit their particular needs. These laws must conform to the equity of God's law, summarized in the Decalogue, then explained, applied and given teeth in the case laws.

By recalling Calvin's chief referent in this section and his distinction between outward form and underlying equity within the judicial law, we see that Calvin's statements do not overturn theonomic ethics. With Calvin, theologians maintain that the aspects of the judicial laws that were specific to Israel as a political body have passed away. Modern nations are no longer obligated to follow them. The needs of our nations may be and often are different. The new covenant brings certain changes in administration as well. However, this does not mean that we can neglect the underlying moral principles contained, illustrated, and enforced in the judicial laws. We must carefully apply them to our current situation. Hesselink correctly interpreted Calvin on this point when he wrote that "the form of the law is relative to time and circumstance, but the truth of the law ever remains the same."<sup>83</sup>

Calvin's applicable writings show us how to distinguish between outward form and perpetual duties and precepts of life. His sermons and commentaries are replete with applications of these duties and precepts in the judicial law to the civil magistrate of Geneva. Commenting on the law requiring rooftop railings, Calvin writes:

This is an exposition of the commandment, "Thou shalt not kill," and tells us we must preserve our neighbors' lives to the uttermost of our power. We are to take safety into account when building our buildings. Therefore let us look well about us that our commodities as our own buildings be without danger.<sup>84</sup>

Calvin did not apply this literally to his own time, instructing the citizens of Geneva to construct railings around the roofs of their homes. Rather, this case law illustrates the importance of safeguarding from injury those who are on our property. Accordingly, a modern application

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<sup>83</sup> Hesselink, *Calvin's Concept of the Law*, p. 35.

<sup>84</sup> Calvin, *Sermons on Deuteronomy*, Deut. 22:8.



might be the duty of constructing a fence around a backyard swimming pool. We are not preferring others laws over God's when we make such an application. Rather, we are taking our particular cultural setting into consideration. We do not have flat top roofs; hence, roof-top railings are not applicable in our culture. The case law is still binding, however, in that its underlying moral principle requires us to show due concern for the welfare of our neighbor.

What is interesting about Calvin's commentaries and sermons on God's law is how often he takes both the underlying moral principle *and* the outward form and maintains their continuing authority. This is clearly seen in his wholesale approval of the penalties for lawbreakers. We have already seen Calvin's support of the Old Testament penology. For instance, he advocated the death penalty for adultery,<sup>85</sup> idolatry and apostasy,<sup>86</sup> incorrigible children,<sup>87</sup> and false prophets.<sup>88</sup> Equity does not mean that we must recast every law. Many of them, those that do not reflect Israel's unique cultural and political setting, are perfect as they stand. They cannot be improved upon in any way. Equity dictates that we submit ourselves to these because God said so. Speaking of the death penalty for false prophets, Calvin preaches,

As to their denial that the truth of God stands in need of such support, it is very true; but what is the meaning of this madness, in imposing a law upon God, that He should not make use of magistrates in this respect? And what avails it to question the necessity of this, since it so pleases God? God *might*, indeed, do without the assistance of the sword in defending religion; but such is not his will...But it is superfluous to contend by argument, when God has once pronounced what is His will, for we must needs abide by his inviolable decree...I reply that what God has once commanded must not be brought to naught on account of any abuse or corruption of men.<sup>89</sup>

Equity did not lead Calvin away from God's law but to it as the only rule of faith and practice. As Jordan writes, "Calvin almost always winds up advocating the same things that are advocated in the Mosaic laws."<sup>90</sup> He does so because of his belief that in the underlying moral principles of the Old Testament case laws, no clearer, wiser, or more just statement of what God requires of man can be found.

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<sup>85</sup> Calvin, *Last Four Books of Moses*, Deut. 13:5; 22:22; Calvin, *Gospel According to John*, at 8:11.

<sup>86</sup> Calvin, *Sermons on Deuteronomy*, Deut. 17:2-6, 12; Calvin, *Four Last Books of Moses*, Deut. 13:6.

<sup>87</sup> Calvin, *Sermons on Deuteronomy*, Deut. 21:18-21; Calvin, *Four Last Books of Moses*, Exod. 21:15,17; Lev. 20:9; Deut. 21:18-21.

<sup>88</sup> Calvin, *Sermons on Deuteronomy*, Deut. 13:5.

<sup>89</sup> Calvin, *Four Last Books of Moses*, Deut. 13:5.

<sup>90</sup> James Jordan. "Calvin and the Mosaic Judicials." *Calvin Speaks 2* (June, 1981).

### III. Calvin's Supposed Anti-Theonomic Appeal to Natural Law

#### Introduction

Calvin references natural law and the common laws of nations. Trained in the Scholastic tradition of jurisprudence, it is only natural that Calvin should retain these concepts. Some have seen this as a weakness in Calvin's theology,<sup>91</sup> and indeed, there are many insuperable problems with a natural law theory that sees fallen man as a capable interpreter of natural revelation.<sup>92</sup> However, although Calvin retained the concept of natural law, he departed from the medieval and classical understanding and reinterpreted the phrase according to the perspective of Scripture.<sup>93</sup> Accordingly, when a broad sampling of Calvin's comments is compiled, we shall see that natural law, for Calvin, could never serve as a sufficient basis for a Christian ethic. Moreover, given the fact that the civil magistrate was to enforce both tables of God's law, natural law is unable to provide a sufficient foundation for a Christian commonwealth.

#### The Nature, Origin, and Universality of Natural Law

In Book 2, Chapter 2 of his *Institutes*, Calvin provides us with a concise statement of his theory of natural law. His comments are given in the context of a discussion on the bondage of the human will to sin. Calvin adopts Augustine's distinction between supernatural and natural gifts.<sup>94</sup> The former have been completely eradicated by sin. Sin has left man in spiritual

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<sup>91</sup> See North's comments in *Westminster's Confession*, pp. 53-59.

<sup>92</sup> See John Robbins' excellent article: "Some Problems with Natural Law," *The Journal of Christian Reconstruction* 2, no. 2 (Winter 1975/6).

<sup>93</sup> Hesselink, *Calvin's Concept of the Law*, p. 68; Lang, *The Reformation and Natural Law*, pp. 70-72, 88-90.

<sup>94</sup> From the onset, we must ask if we are willing to adopt Calvin's twofold division. Upon the first consideration, it sounds as if Calvin is affirming that while man can know nothing of spiritual truths, his reason functions adequately in the realm of nature. This is not Calvin's point. He nowhere diminishes the noetic effects of sin in either sphere. "On the other hand, soundness of mind and uprightness of heart were withdrawn at the same time. This is corruption of the natural gifts. For even though something of understanding and judgment remains as a residue along with the will, yet we shall not call a mind whole and sound that is both weak and plunged into darkness. And depravity of the will is all too well known" (2:2:12).

In 2:2:12-17 of the *Institutes*, Calvin refutes the notion that because of man's depravity, he knows nothing. This is contrary to God's Word and human experience. After attributing the unbeliever's ability to organize politically and develop socially to common grace, Calvin says this: "But lest anyone think a man truly blessed when he is credited with possessing great power to comprehend truths *under the elements of the world* [cf. Col. 2:8], we should at once add that all this capacity to understand, with the understanding that follows upon it, is an unstable and transitory thing in God's sight, when a solid foundation of truth does not underlie it" (2.2.16, emphasis added).

Through the peculiar grace of God, He keeps the unbeliever from experiencing the complete effects of sin in his life. Fallen man is able to do science, involve himself in the arts and humanities, and organize politically. But this is in spite of his alienation from God and not because his mind operates sufficiently in earthly things apart from revelation. Man must have Scripture in order to illumine his darkness. That he is

darkness, unable to know and unwilling to obey the God of the Bible. As far as a right knowledge of God is concerned, “Human reason, therefore, neither approaches, nor strives toward, nor even takes a straight aim at, this truth: to understand who the true God is or what sort of God he wishes to be toward us.”<sup>95</sup>

Our natural gifts, however, have not been wholly lost. For “there is nothing more common than for a man to be sufficiently instructed in a right standard of conduct by natural law.”<sup>96</sup> Man’s spiritual blindness is complete, but because all men “have law righteousness engraved upon their minds, we surely cannot say they are utterly blind as to the right conduct of life.”<sup>97</sup> Commenting on Romans 2: 14, the classic New Testament text on the subject, Calvin gives this interpretation:

They have then a law, though they are without law: for though they have not a written law, yet they are yet by no means wholly destitute of the knowledge of what is right and just; as they could not otherwise distinguish between vice and virtue; the first of which they restrain by punishment, and the latter they commend, and manifest their approbation of it by honoring it with rewards.<sup>98</sup>

Natural law, therefore, is present in all men, even those who have not been exposed to the written law of God. Its light has not been completely extinguished, for fallen man cannot hide from the strong conviction of right and wrong that God placed in his heart. Moreover, this law originates with God.<sup>99</sup> It is not an abstract sense of right and wrong but a conviction of the triune God’s existence, authority, and power “which God has engraved upon the minds of men.”<sup>100</sup> “From this we conclude that it is not a doctrine that must first be learned in school, but one of which each of us is master from his mother’s womb and which nature itself permits no one to forget, although many strive with every nerve to this end.”<sup>101</sup>

So far, nothing Calvin affirms about natural law is contrary to theonomic ethics. Calvin and theonomists agree that natural law reveals the one true God, his eternal power and Godhead. Both would agree that all men have this internal law because of their creation in the image of God. Neither would grant that natural law is sufficient to lead fallen man to a right knowledge of

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able to do many amazing things on earth, wins him no favor with God. Rather, it condemns him. For he has been living off the gracious land of his heavenly Father, all the while refusing to recognize His authority and yield to Him in love and obedience.

<sup>95</sup> Calvin, *Institutes*, 2:2:18.

<sup>96</sup> *Ibid.* 22.

<sup>97</sup> *Ibid.*

<sup>98</sup> John Calvin, *Commentary on the Epistle to the Romans* (Grand Rapids: MI, Baker Book House, 1989) at Romans 2:14.

<sup>99</sup> Calvin, *Institutes*, 3:23:2.

<sup>100</sup> *Ibid.*, 4:20:16

<sup>101</sup> *Ibid.*, 1:3:3.

God. Both would allow that a remnant of God's gracious light allows unbelievers to do many "good" things in this life.<sup>102</sup>

### **The Purpose of Natural Law**

The primary function of natural law in the life of the unbeliever is to render him guilty before God.<sup>103</sup> For while most men assent that human vices are wrong and should be punished by the magistrate, the adulterer will "privately flatter himself in his own adultery."<sup>104</sup> While he knows the truth, he has no desire or ability to practice it. He resists or suppresses the truth in unrighteousness. "This would not be a bad definition: natural law is that apprehension of the conscience which distinguishes sufficiently between just and unjust, and which deprives men of the excuse of ignorance, while it proves them guilty by their own testimony."<sup>105</sup> For Calvin, the fact that fallen man does retain some sense of right and wrong does not lead him to conclude that natural law is a sufficient basis for morality, either individually or politically.

This is the meaning of Calvin's arguments about the natural law imprinted on the soul of man. Conscience, in which the law of nature makes itself heard, does not on the other hand give sufficient indications to enable us to walk uprightly before God. It does not provide the starting point for a universal ethic which could develop into a Christian one.<sup>106</sup>

Natural law demonstrates the guilt and blindness of the unbeliever. God has graciously allowed him to retain some sparks of his original knowledge, but that light does him little good. The unbeliever's partial conformity to what he has retained serves to condemn him from failing to worship and serve the Creator. He lives on God's earth, enjoys the blessings of God's light, but refuses to surrender his life to him.

For if men's hearts have been imbued with the ability to distinguish just from unjust solely that they should not pretend ignorance as an excuse, it is not at all a necessary consequence that truth should be discerned in individual instances. It is more than enough if their understanding extends so far that evasion becomes impossible for them, and they, convicted by the witness of their own conscience, begin even now to tremble before God's judgment seat.<sup>107</sup>

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<sup>102</sup> By "good" I mean conduct that demonstrates that men have God's law written on their hearts. Unbelievers condemn murder, thievery, and adultery. This is outwardly "good" behavior. In the final analysis, however, even the plowing of the wicked is sin (Prov. 21:4: NKJV).

<sup>103</sup> Calvin, *Institutes*, 2:2:22.

<sup>104</sup> *Ibid.*, 23.

<sup>105</sup> *Ibid.*, 22.

<sup>106</sup> Niesel, *Theology of Calvin*, p. 103.

<sup>107</sup> Calvin, *Institutes*, 2:22:24.

Theonomists firmly agree with Calvin's assessment of the natural man and his gifts. With Calvin, we admit that the natural gifts of man, though greatly corrupted by original and actual sin, have not been totally extinguished. Fallen man retains some sparks of right and wrong, justice and goodness that were implanted in him by his Creator. However, this remnant of light, if we may call it so, condemns him. While natural law serves a positive function, as we shall see momentarily, the primary purpose of natural law is to leave men with no excuse before God's tribunal and to make them ashamed of their failure to worship and serve their Creator. They are sinning against better knowledge. Calvin's comments on Paul's usage of the Greek poets in his great sermon on Mars' Hill make this exact point.

He citeth half a verse out of Aratus, not so much for authority's sake, *as that he may make the men of Athens ashamed*; for such sayings of the poets came from no other fountain save only from nature and common reason. Neither is it any marvel if Paul, who spake unto men who were infidels and ignorant of true godliness, do use the testimony of a poet, wherein was extant a confession of that knowledge which is naturally engraven in men's minds.<sup>108</sup>

### **Natural Law and Civil Government**

Because Calvin views the purpose of natural law in such a negative, condemnatory sense, some modern Calvin scholars have concluded that natural law plays little if any role in Calvin's theology.<sup>109</sup> Others see a more positive role. In the sections under discussion, Calvin places civil government as one of those natural gifts in which this law still retains some use.

Hence no man is found who does not understand that every sort of human organization must be regulated by laws, and who does not comprehend the principles of those laws. Hence arises that unvarying consent of all nations and of individual mortals with regard to laws. For their seeds have, without teacher or lawgiver, been implanted in all men...Yet the fact remains that some seed of political order has been implanted in all men. And this is ample proof that in the arrangement of this life no man is without the light of reason.<sup>110</sup>

This is an important statement, for it shows that natural law serves more than a negative role in Calvin's theology. Its primary purpose is to condemn men before God, but its presence allows pagan societies to avoid complete moral disintegration. By nature, men recognize that there must be laws preserving property, morality, and life if there is to be peace in society.

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<sup>108</sup> John Calvin, *Commentary upon the Acts of the Apostles* (Grand Rapids, MI: Baker Book House, 1989), Acts 17:28.

<sup>109</sup> See Hesselink's assessment of the major trends in Calvin studies as they pertain to natural law, *Calvin's Concept of the Law*, p. 57.

<sup>110</sup> Calvin, *Institutes*, 2:2:13.

He indeed shows that ignorance is in vain pretended as an excuse by the Gentiles, since they prove by their own deeds that they have some rule of righteousness: for there is no nation so lost to everything human, that it does not keep within the limits of some laws. Since then all nations, of themselves and without monitor, are disposed to make laws for themselves, it is beyond all question evident that they have some notions of justice and rectitude, which the Greeks called preconceptions, and which are implanted by nature in the hearts of men.<sup>111</sup>

If we conclude our analysis at this point, however, we will be doing terrible injustice to Calvin's specific position on natural law. Calvin is not saying that fallen man's interpretation of natural law provides an adequate basis for civil government. He affirms, rather, that God prevents the sparks of right and wrong, which are creatively implanted in every man, from being totally extinguished. This preservative grace of God prevents human societies from complete collapse under the effects of sin. For when we turn in the *Institutes* to his fuller discussion of the political use of natural law, we see that given Calvin's understanding of what civil government is supposed to be, natural law is insufficient. The civil government is to affirm its allegiance to Christ. It must submit to his rule and be nursing fathers and mothers to his church. The civil government must

cherish and protect the outward worship of God, to defend sound doctrine of piety and the position of the church, to adjust our life to the society of men, to form our social behavior to civil righteousness, and to reconcile us with one another, and to promote general peace and tranquility.<sup>112</sup>

Hence it ought to be observed that something remarkable is here demanded from princes, besides an ordinary profession of faith; for the Lord has bestowed on them authority and power to defend the Church and promote the glory of God. This is indeed the duty of all; but kings, in proportion as their power is greater, ought to devote themselves to it more earnestly, and to labour in it more diligently. And this is the reason why David expressly addresses and exhorts them to "be wise, and serve the Lord, and kiss his Son." (Ps. ii. 10-12)<sup>113</sup>

How is the civil magistrate to perform this important task? Through enforcing both tables of the Law.

Now in this place we ought to explain in passing the office of the magistrates, how it is described in the Word of God and the things which it consists. If Scripture did not teach that it extends to both Tables of the Law, we could learn this from secular writers:...This proves the folly of those who would neglect the concern for God and would give attention only to rendering justice among men. As if God appointed rulers in his name to

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<sup>111</sup> Calvin, *Epistle to the Romans*, Rom. 2:14.

<sup>112</sup> Calvin, *Institutes*, 4:20:2.

<sup>113</sup> John Calvin, *Commentary on the Book of the Prophet Isaiah* (Grand Rapids, MI: Baker Book House, 1989), Isa. 49:23.

decide controversies but overlooked what was of far greater importance – that he himself should be purely worshipped according to the prescription of his law.<sup>114</sup>

In Book 2, Calvin affirms that natural law is wholly unable to lead us to the first table of God's law and is only slightly clearer with respect to the second table.<sup>115</sup> Therefore, it can in no wise equip the civil magistrate in the righteous fulfillment of his duties before God. He must submit to the law of God revealed in Scripture.

And if we want to measure our reason by God's law, the pattern of perfect righteousness, we shall find in how many respects it is blind! Surely it does not at all comply with the principal points of the First Table; such as putting our faith in God, giving due praise for his excellence and righteousness, calling upon his name, and truly keeping the Sabbath [Ex. 20:3-17]. *What soul, relying upon natural perception, ever had an inkling that the lawful worship of God consists in these and like manners?... Men have somewhat more understanding of the precepts of the Second Table [Ex. 20:12ff.] because these are more concerned with the preservation of civil society among them. Yet even here one sometimes detects a failure to endure...But in all our keeping of the law we quite fail to take our concupiscence into account. For the natural man refuses to be led to recognize the diseases of his lusts. The light of nature is extinguished before he even enters upon this abyss.*<sup>116</sup>

When Calvin speaks of equity and natural law in section 16 of chapter 20 (and in his commentaries and sermons), are we to assume that he thinks fallen man's interpretation of natural law is going to enable him to fulfill the biblical role of a civil magistrate? Hardly. For Calvin's chief concern here, as we have seen, is to refute the Anabaptist error that says civil governments are not legitimate unless they are Jewish theocracies. This is foolish, writes Calvin. Laws can take different forms in different nations and cultures, provided they agree with the underlying moral precepts that are revealed in nature and in Scripture. Calvin does not teach that these two are antithetical. But what the natural law cannot do, obscured as it is through human sin, the moral law reveals to us.

Hence, Calvin could allow for nations to have civil laws that differed in outward form from the Mosaic judicials. These laws, however, must agree with that of nature. Natural law, according to Calvin, can have only one interpretation: that given to it authoritatively on the pages of Scripture. Provided laws are in agreement with that underlying moral authority, they are perfectly legitimate.

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<sup>114</sup> Calvin, *Institutes*, 4:20:9.

<sup>115</sup> It goes without saying that the fault for this condition does not rest with natural law but with man; for as originally given, it was sufficient to lead men to the triune God, to love and worship him. It is due to human sin that natural revelation or law is an insufficient guide for life, and why Calvin affirms that we must have Scripture to illumine our darkness.

<sup>116</sup> Calvin, *Institutes*, 2:2:24, emphasis added.

In this sequence of thought the incidental mention of natural law serves merely the purpose of strengthening the Calvinistic principle, that for the state and for law as well as for all other things, despite all accidental differences, still the eternal norm is to be found in the rightly understood revelation of the divine will in Scripture.<sup>117</sup>

There is an interesting allusion to Plato's *Republic* in Calvin's commentary on Deuteronomy 18 that will greatly clarify his attitude toward the use and limits of natural law. Calvin assumed that all just political orders must begin with a veneration of God. Even Plato recognized this.

For Plato also begins from hence, when he lays down the legitimate constitution of a republic, and calls the fear of God the preface of all laws; nor has any profane author ever existed who has not confessed that this is the principal part of a well-constituted state, that all with one consent should reverence and worship God.<sup>118</sup>

Whereas Calvin commended the sentiment and viewed it as universal, he rejected Plato's starting point as insufficient.

For, inasmuch as the several nations, cities, and kingdoms foolishly invent their own gods, He [God] propounds His own Law, *from the regulation of which it is sinful to decline*...Justly, therefore, does God recall His people to that doctrine which He has delivered, to the end that whosoever shall have contumaciously despised it should be punished.<sup>119</sup>

Do we need a clearer statement? Yes, natural law serves to preserve in pagans some commendable moral sentiments. Yes, even Plato saw the importance of laying reverence for God as the foundation for civil government. Natural law, however, is *not* sufficient. It does not lead men to a right knowledge of God which is absolutely essential to civil government. Hence, God graciously gave to men his Law from which it is sinful to depart! Civil rulers will never govern as God intends unless they faithfully study and apply God's law in their high office.

Once again, nothing Calvin affirmed about the political usage of natural law undermines the theonomic appeal to him. Some pagan nations make advancements in the just ordering of society because God allows them to discern principles of justice that are reflections of his character. Therefore, McNeill is correct to a point when he observes that "in areas where Christ's kingship is not thought of by the ruler of people, he sees the civic order as a valid organ of the divine purpose functioning through natural law."<sup>120</sup> McNeill does not go far enough, however. The validity of natural law is not due to the sufficiency of fallen man and his political inclinations but is actually due to the testimony of God's law engraved upon their hearts. This is despite their

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<sup>117</sup> Lang, "The Reformation and Natural Law," p. 70.

<sup>118</sup> Calvin, *Last Four Books of Moses*, Deut. 18:19; 13:5.

<sup>119</sup> *Ibid.*

<sup>120</sup> McNeill, "John Calvin on Civil Government," p. 35.



lost condition. They are operating on the assumption of the truthfulness of Christian theism, enjoying its fruits, all the while they deny the living God from whom these principles proceed. They are operating on borrowed capital.

Moreover, natural law does not lead Calvin away from the Bible. Natural and revealed law are the same in substance. Properly interpreted, they both lead to the acknowledgement and worship of the triune God of the Bible, his authority over us, and our solemn responsibility to love and obey him. Because of sin, only Scripture can provide the illumination we need to see these things. Natural law is insufficient and among a Christian people should always be seen as totally insufficient as the basis of a God-honoring state. Scripture alone can lead us to a proper interpretation of natural law.<sup>121</sup> Why should we appeal to natural law, obscured as its light is through human sin, when we have the perfect, infallible, illuminating light of Scripture to govern us? How can a modern civil magistrate properly be God's minister unless he conforms his steps to God's revealed will? He cannot. Calvin understood this. Read his sermons and commentaries. *Sola scriptura*, not the sufficiency of nature and fallen man's interpretation of it, is his theme for every area of life.

In the final analysis, a confused conception of natural law sees Calvin's position as radically differing from that espoused by modern theologians.<sup>122</sup> Calvin's ethical system did leave room for natural law. Natural law, however, has its origin in the God of the Bible, is the same in substance as that given to Moses on Mt. Sinai, requires regeneration in order to be understood correctly, and has as its primary function to leave men without excuse before God. Natural law does preserve ungodly societies from civil disintegration due to sin, but it cannot serve as a sufficient basis for godly civil governments because it cannot teach the magistrate his duties toward God as revealed in the first table of the Law. Hence, God has seen fit to write that law on the tables of stone.

That the concepts of natural law, the order of nature, conscience, common sense, etc., assume an important place in Calvin's theology is incontrovertible. That Calvin does not attempt to build anything approaching a natural ethic, much less a natural theology, on the basis of these concepts, is equally sure.<sup>123</sup>

All of the available evidence demonstrates that Calvin was what we now call an ethical presuppositionalist. The only way that the unbeliever was able to have an order in his life or society was because he continued to operate on the basis of the divine law engraved upon his heart. Natural law itself presupposes the triune God of the Bible. Apart from his revelation in

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<sup>121</sup> Calvin, *Institutes*, 1:6:1.

<sup>122</sup> Bahnsen, *No Other Standard*, pp. 157, 222.

<sup>123</sup> Hesselink, *Calvin's Concept of the Law*, p. 67.

every man's heart, there is no explanation for the universality of sentiment among pagans regarding morality. Do you see cultures in the past that have made some progress in civic virtue? Have some unbelieving writers left us with valuable contributions of political theory? Do not attribute that to the adequacy of human reason interpreting nature but to the witness of the living God in the heart of sinful man. He has not allowed human sin to silence completely the condemning finger of God-authored natural law.

## **Conclusion**

John Calvin left the church a glorious legacy of fidelity to Scripture. It is a mantle of applied theology that modern theologians seek to wear with honor. This legacy includes a passion to take God's law seriously and apply it to all walks of life. The magistrate is not exempt from this duty. To the contrary, it is his glory. Rather than make up his own laws or follow popular opinion, he must consider himself a servant of Christ, placed in office by the provident direction of the living God and Savior to order society by his law and preserve his church by punishing those who commit crimes against God's law. May God give our church leaders the same zeal for the infallible law of God as Calvin believed and taught, and may they boldly call our civil leaders back to their solemn duty! In anticipation of that day, let us humbly call men to faith in Jesus Christ, that by laying down their hostility to his law in their private lives, they may recognize the wisdom of submitting all their public affairs and institutions to his word.

When we see that matters are now very different, and that "kings" are not the "nursing fathers," but the executioners of the Church; when, in consequence of taking away the doctrine of piety and banishing its true ministers, idle bellies, insatiable whirlpools, and messengers of Satan, are fattened, (for such are the persons to whom the princes cheerfully distribute their wealth, that is, the moisture and blood which they have sucked out of the people;) when even princes otherwise godly have less strength and firmness for defending the Word and upholding the Church; let us acknowledge that this is the reward due to our sins, and let us confess that we do not deserve to have good "nursing fathers." But yet, after this frightfully ruinous condition, we ought to hope for a restoration of the Church, and such a conversion of kings that they shall shew themselves to be "nursing fathers" and protectors of believers, and shall bravely defend the doctrine of the Word.<sup>124</sup>

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<sup>124</sup> Calvin, *Prophet Isaiah*, Isa. 49:23.