

RESEARCH ARTICLE

Magisterial authority and competing theories of natural law in Calvin's *Institutes*

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Abstract

In this paper, I argue that John Calvin's problematic grant of magisterial authority to enforce proper religious worship contradicts much of his own political theology and in fact depends upon an ambiguity in his natural law theory. I demonstrate this ambiguity by examining the differing claims in the *Institutes* regarding which of the tables of the Decalogue are accessible through natural law reasoning. I also consider the significance of this ambiguity for Calvin's political theology. I then suggest a partial retrieval of Calvin's political theology which is both more compelling to many contemporary Christians and in a better alignment with much of Calvin's own political theory.

Keywords: John Calvin; civil government; civil law; Decalogue; natural law; political theology

Ever since Karl Barth's ringing 'Nein' in response to Emil Brunner's argument for a Reformed natural law theory, scholars of Calvin have been engaged in an intensive excavation of Calvin's theology of natural law. These studies have ranged from combatting or supporting the Barthian rejection, to distinguishing Calvin's theory from later adaptations by early modern Reformed thinkers such as Grotius, to careful textual analysis of many of the ambiguities in Calvin's text.¹ Simultaneously, theologians have examined Calvin's contributions to the field of political theology, arguing either for or against a theoretical connection between Calvin's understanding of the kingdom of God and the development or support of liberal democratic ideas.²

¹For an overview of the contours of the debate, see William Klempa, 'John Calvin and Natural Law', in Timothy George (ed.), *John Calvin and the Church: A Prism of Reform* (Louisville, KY: Westminster/John Knox Press, 1990), pp. 72–95. Susan Shreiner also provides a similarly helpful map of the conceptual landscape in 'Calvin's Use of Natural Law', in Michael Cromartie (ed.), *A Preserving Grace* (Washington, DC: Ethics and Public Policy Center, 1997), pp. 51–76. For an analysis of Calvin's natural law theory placed in the context of his medieval and Roman predecessors, see Irene Backus, 'Calvin's Concept of Natural and Roman Law', *Calvin Journal of Theology* 38 (2003), pp. 7–26. For more recent analysis see, Jennifer A. Herdt, 'Calvin's Legacy for Contemporary Reformed Natural Law', *Scottish Journal of Theology* 67/4 (Nov. 2014), pp. 414–35; David VanDrunen, *Natural Law and the Two Kingdoms* (Grand Rapids, MI: William B. Eerdmans, 2010), pp. 67–119; Constance Y. Lee, 'The Spark that Still Shines', *Oxford Journal of Law and Religion* 8/3 (2019), pp. 615–40.

²See e.g. John Hesselink, 'Calvin on the Kingdom of Christ', in E. A. J. G. Van der Borgh (ed.), *Religion without Ulterior Motive* (Amsterdam: Brill, 2006), pp. 139–58; Winthrop Hudson, 'Democratic Freedom

Calvin's insistence on the magistrate's duty to regulate worship has been particularly troubling to modern readers seeking to connect Calvin's thought to liberal democracy. However, the diagnosis of the theological steps which lead to a justification of this practice have differed. Troeltsch describes Calvin as 'continually' equating the Decalogue and natural law as 'the eternal unchangeable rules of the Divine moral law'.³ He believes that it is this combination which leads to a Geneva where the state is tasked with protection of the pure practice of true religion.⁴ Allen Verhey writes that Calvin ignores his own theological convictions by confining the 'freedom of the Christian' to Reformed Christians alone and permitting these limitations to be enforced by civil government, and that 'at that point, Calvin's own principle of equity must correct Calvin's thought'.⁵ John McNeil and Christopher Strohm have argued that Calvin's main target in empowering magistrates to such an extreme, even against the convictions of Christian conscience, seems to be primarily a reaction to his perception of the danger to the Reformation from 'Anabaptist propaganda', rather than necessarily a natural outshoot of his theological thought.⁶

I concur with Verhey's belief that this empowerment of the magistrates to restrict worship does conflict with much of the rest of Calvin's thought, and that Calvin's theory of equity should serve to moderate these claims of political power. However, I will take a different approach in my diagnosis and argue that the key to this contradictory strand in Calvin's political theology arises from a significant yet undiscussed ambiguity in Calvin's natural law theory. Specifically, I will argue that the ambiguity arises from Calvin's two different explanations of which parts of the Decalogue correspond to natural law and are accessible to fallen human reason. Calvin's statement in the *Institutes*, book IV, that magistrates, including pagan magistrates, have the duty and authority to enforce the right worship of God depends on their access to the precepts of the natural law recorded in *both* tables of the Decalogue. However, in other discussions within the *Institutes*, he claims that fallen human reason can only extend so far as to grasp the

and Religious Faith in the Reformed Tradition', *Church History* 15/3 (Sept. 1946), pp. 177–94; Michael Walzer, *The Revolution of the Saints* (Cambridge, MA: Harvard University Press, 1982), pp. 31–45; Mario Turchetti, 'The Contribution of Calvin and Calvinism to the Birth of Modern Democracy', in Martin Ernst Hirzell and Martin Sallmann (eds), *John Calvin's Impact on Church and Society: 1509–2009* (Grand Rapids, MI: William B. Eerdmans, 2009), pp. 192–217; Timothy A. Beach-Verhey, 'Calvinist Resources for Contemporary American Political Life: A Critique of Michael Walzer's *Revolution of the Saints*', *Journal of Religious Ethics* 37/3 (Sept. 2009), pp. 473–93; Daniel Pellerin, 'Calvin: Militant or Man of Peace?', *Review of Politics* 65/1 (Winter 2003), pp. 35–59; William R. Stevenson Jr., *Sovereign Grace: The Place and Significance of Christian Freedom in John Calvin's Political Thought* (Oxford: OUP, 1999); Matthew J. Tuininga, 'The Latent Pluralism of Calvin's Political Theology', *Political Theology* 19/4 (2018), pp. 300–13.

³Ernst Troeltsch, *The Social Teaching of the Christian Churches*, vol. 2, trans. Olive Wyon (London: George Allen & Unwin Ltd, 1949), p. 613.

⁴*Ibid.*, p. 615.

⁵Allen Verhey, *God and the Good*, ed. Clifton Orlebeke (Grand Rapids, MI: William B. Eerdmans, 1979), p. 91.

⁶John McNeil, 'The Democratic Element in Calvin's Thought', *Church History* 18/3 (Sept. 1949), pp. 153–71; see esp. p. 157, where McNeill, putting Calvin's *opus* in historical context, writes 'Whereas in his ecclesiology, he opposes medievalism, in his political theory the first enemy is Anabaptism.' For a further discussion on Calvin's development away from religious tolerance as he grew older due to his fear that the Protestant Reformation itself was in danger from Anabaptist rejection of civil authority, see e.g. Christoph Strohm, 'Calvin and Religious Tolerance', in Hirzell and Sallmann, *Calvin's Impact*, pp. 175–91.

precepts of the second table without the aid of grace. After having diagnosed this ambiguity and considered how the two different approaches yield to different political theories, I will then make a brief constructive argument that combining the *sensus divinitatis* and a concept of natural law which only extends to the second table of the Decalogue would present a political theory which is both more compelling to many contemporary Christians and in better accord with Calvin's own scriptural exegesis regarding the Christian magistrate, at least as presented in his exegesis of the story of Joseph.

The power of the magistrates and natural law

In his discussion of civil authority in book IV of the *Institutes*, Calvin argues that the duties of the magistrate include 'rightly establishing religion ... [by] prevent[ing] the true religion which is contained in God's law from being openly and with public sacrilege violated and defiled with impunity'.⁷ However, Calvin is clear that the magistrates' authority to protect the proper worship of the church by violence if needed is not only pragmatically necessary for the survival of the church, but a mandate given to the magistrates to carry out 'the very judgments of God'.⁸

Calvin does admit that assigning this duty to protect religious worship to the secular government may seem strange to his readers, since he has insisted throughout the *Institutes* that no person can ever be allowed to make new laws which might pre-empt or extend the ordinances contained in sacred scripture, especially those concerning the proper worship of God.⁹ In addition, it might seem that this allocation of power to magistrates contradicts the very careful delineation which Calvin has traced out between the spiritual and earthly kingdoms.¹⁰ However, regulating proper worship is not in fact the establishment of new laws, but the proper instantiation of natural law.

According to Calvin's legal philosophy, Christian and pagan rulers alike are morally obligated to formulate civil law in accordance with some basic standard of morality, which is 'nothing else than a testimony of natural law and of that conscience which God has engraved upon the minds of men'.¹¹ In every country, the standards of natural law serve as 'the goal and rule and limit of all laws', even though how the legislation is framed and who does the framing will vary depending on cultural context and the cultural state of sin.¹² Proper worship is not excluded from this authority and responsibility. Calvin argues that even 'secular philosophers' extend magisterial authority to some regulation of worship, since they all assume that 'piety is the first concern' for those holding the office of magistrate and making civil laws.¹³ This authority to regulate is not simply a vague grant of power, but has specific content: the precepts contained in 'both Tables of the Law'.¹⁴ Pagan rulers, under this logic, have some access to a

⁷John Calvin, *Institutes of the Christian Religion*, ed. John T. McNeil, trans. Ford Lewis Battles (Louisville, KY: Westminster John Knox, 2011), IV.xx.3.

⁸Ibid., IV.xx.10.

⁹Ibid., IV.xx.3.

¹⁰For a careful working out of Calvin's two kingdom theology and an explanation of its relationship to natural law, see VanDrunen, *Natural Law*, pp. 67–119.

¹¹Calvin, *Institutes*, IV.xx.16. For further discussion of Calvin's inclusion of pagan rulers in having this authority, see McNeil, 'Democratic Element', p. 157.

¹²Calvin, *Institutes*, IV.xx.16.

¹³Ibid., IV.xx.9.

¹⁴Ibid.

basic understanding of how God is to be worshipped and a duty to enforce this worship properly.¹⁵ As David Little has argued, Calvin believes that the civil authority, when in accord with the natural law, can advance both functions allotted to the natural law: 1) condemning sinners and 2) maintaining social order even in a fallen and broken world.¹⁶

Calvin is working out the implications of this same claim made in his discussion of natural law in book II of the *Institutes*, where he argues that the natural law regarding the worship of God is knowable by fallen humans because it is ‘engraved on human hearts ... [and] in a sense asserts the very same thing’ as *both* tables of the Ten Commandments.¹⁷ The Ten Commandments do not provide additional revelation, adding content to the natural law, but rather clarify what all humans already know. They provide a ‘clear witness of what was too obscure in the natural law ... shake off our listlessness, and strike more vigorously our mind and memory’.¹⁸ Therefore, if both tables have the same content as the natural law, which prescribes the scheme of equity which governs all nations and serves as the ‘goal and rule and limit of all laws’, then there is no other option but to ensure that the Decalogue’s teachings about the right worship of God are enshrined in civil law and enforced by magistrates.¹⁹ This is why Calvin can claim that, rather than having ended with Israel, ‘the public worship that God once prescribed is still in use’.²⁰

Calvin’s insistence in these sections that both tables of the Decalogue encapsulate the universally accessible content of the natural law results in an understanding of dual roles for human government. The first function is the protection of the proper worship of God as instituted by the church. Christian magistrates, by virtue of their office, have the duty to ‘to cherish and protect the outward worship of God’ and ‘to defend sound doctrine of piety and the position of the church’.²¹ Rulers, in the exercise of their power, ‘are wholly God’s representatives, in a manner, acting as his vice-regents’.²² Since the magistrates are only ruling with God’s power, they owe him honour and can best provide that honour by ensuring that he is worshipped correctly.²³

The civic government complements the teachings of the church and the work of the Holy Spirit in the elect by, in some ways, ‘already initiating in us upon earth certain beginnings of the Heavenly Kingdom, and in this mortal and fleeting life affords a certain forecast of an immortal and incorruptible blessedness’.²⁴ By ensuring right worship,

¹⁵Ibid.

¹⁶David Little, ‘Calvin and the Prospects for a Christian Theory of Natural Law’, in Gene Outka and Paul Ramsey (eds), *Norm and Context in Christian Ethics* (Canterbury: SCM-Canterbury Press, 1969), p. 181.

¹⁷Calvin, *Institutes*, II.viii.1. For secondary literature identifying Calvin’s view of the natural law with both tables of the Decalogue, see Little, ‘Calvin and Prospects’, p. 181; Beach-Verhey, ‘Calvinist Resources’, p. 482; Klempa, ‘John Calvin and Natural Law’, pp. 79–80. Steinmetz traces this claim that natural law permits access to both tables of the commandments from Luther. David Steinmetz, *Calvin in Context* (Oxford: OUP, 1995), p. 61.

¹⁸Calvin, II.viii.1. McNeil writes that the Decalogue is, for Calvin, the ‘authoritative witness to the natural law’. John T. McNeil, ‘Natural Law in the Teaching of the Reformers’, *Journal of Religion* 26/3 (July 1946), p. 182.

¹⁹Calvin, *Institutes*, IV.xx.16.

²⁰Ibid., II.viii.1.

²¹Ibid., IV.xx.2.

²²Ibid., IV.xx.4.

²³Ibid.

²⁴Ibid., IV.xx.2.

civil government makes it easier for the elect to carry out the right worship of God and adhere to God's ordinances. Calvin acknowledges that, to those with a less fully realised eschatology, this insistence that the government should be involved in regulating worship may seem extreme. He, however, believes that part of living in the now and the not-yet means that the role of civil government in protecting and upholding the church remains crucial. It ensures the continuing presence of the church by ensuring that 'public manifestation of religion may exist among Christians and that humanity may be maintained among men'.²⁵ Therefore, a civil government which removes the 'helps' required for this pilgrimage not only impedes human relationship with God, but also 'deprive[s] [humans] of [their] very humanity'.²⁶

The government not only has a duty to uphold the right worship of God, but to regulate the interactions between people, ensuring that citizens 'adjust our life to the society of men', 'form our social behavior to civil righteousness', 'reconcile . . . with one another' and 'promote general peace and tranquility'.²⁷ Without the sense of order implanted by the natural law and written on the second table of the Decalogue, humans would descend to living like beasts.²⁸ These laws, if they are just and equitable, will align with both the natural sense of equity in each human heart and the provision of them in the second table.

This second role is not inseparable from the first. The best way for a government to preserve true humanity among its citizens is by ensuring that God is rightly worshipped.²⁹ The 'first foundation of righteousness' is the worship of God. 'When this is overthrown, all the remaining parts of righteousness, like the pieces of a shattered and fallen building, are mangled and scattered. . . . It is vain to cry up righteousness without religion. This is as unreasonable as to display a mutilated, decapitated body as something beautiful . . . apart from the fear of God men do not preserve equity and love among themselves.'³⁰ In other words, without an awareness of the first table through the natural law, and the power to enforce those commands, no functioning civic order is ever possible.

Natural law and the second table

When considering only his discussion of natural law as articulated in both tables of the Decalogue and civil authority, Calvin appears to have woven a tight net in which his natural law theology underwrites governmental restrictions on worship. However, in his actual discussion of the Decalogue and his elaboration of his natural law theory in book II of the *Institutes*, a contradiction emerges which has the potential to provide a different understanding of the relationship between natural and civil law. Specifically, in other areas, Calvin equates natural law to only the second table of the Decalogue.³¹

Limited epistemological access to the natural law

First, the definition of the natural law as encapsulating both tables of the Decalogue contradicts the description of epistemic access to the natural law Calvin provides in

²⁵Ibid., IV.xx.3.

²⁶Ibid., IV.xx.2.

²⁷Ibid.

²⁸Shreiner, 'Calvin's Use of Natural Law', p. 69.

²⁹Calvin, *Institutes*, IV.xx.2.

³⁰Calvin, *Institutes*, II.viii.11.

³¹For examples of secondary literature which present this understanding, see e.g. Herdt, 'Calvin's Legacy', pp. 419–20; Backus, 'Calvin's Concept', p. 14; Shreiner, 'Calvin's Use of Natural Law', p. 60.

Institutes, book II. Although he does describe the natural law as corresponding to both tables earlier in book II, he gives a much more limited definition when he discusses what content of the natural law is available to universal human apprehension after the fall. Calvin follows Augustine in claiming that the fall ‘stripped’ humans of the supernatural gifts with which they were endowed at creation, gifts such as ‘faith, love of God, charity towards neighbors, zeal for holiness and righteousness’.³² These gifts can only be restored through the regenerative influences of Christ. However, there were also gifts given by God which were not removed, but only corrupted. These gifts were those ‘natural’ characteristics ‘engraved’ by God onto human hearts and are constitutive of human identity.³³ They are, therefore, ‘eradicable only with humanity itself’.³⁴ Although these natural inclinations were not destroyed, they were weakened by the ‘disorders and intemperance’ springing from the corrupting influence of sin.³⁵ Although ‘soundness of mind and uprightness of heart’ were taken away, ‘something of understanding and judgment remain as a residue’, along with a will which, while depraved, retains some function.³⁶ Most importantly, reason and the capacity to distinguish to some degree between good and evil ‘could not be completely wiped out; but it was partly weakened and partly corrupted, so that its misshapen ruins appear ... in man’s perverted and degenerate nature some sparks still gleam’.³⁷ These remnants of reason are still sufficient to distinguish humans from beasts. Likewise, the will, ‘because it is inseparable from man’s nature did not perish, but was so bound to wicked desires that it cannot strive after the right’.³⁸ Calvin is clear that, at present, in his sinful and fallen condition, man is unable ‘by the exercises of his own powers alone ... to reacquire and retain the knowledge of God’s natural law in its entirety’.³⁹ However, he is adamant that the knowledge of the natural law which remains is sufficient for humans to be rendered inexcusable before God for their sinful disregard of his commands.

Even though reason is incapable of pursuing more than minimal truths of the divine, it still retains some functions, ‘especially when it turns its attention to things below’.⁴⁰ Humans can still obtain some competence in earthly knowledge, including ‘government, household management, all mechanical skills and the liberal arts’.⁴¹ Reason can even begin to ask questions about the divine.⁴² Some faint inkling that there is a greater truth than our ruined faculties can naturally apprehend remains: some faint ancestral echo of the greater knowledge of truth which humans once possessed.⁴³ However, this longing for truth is never fulfilled, but rather, ‘such as it is, languishes before it enters upon its race because it soon falls into vanity’.⁴⁴ The heavenly things

³²Calvin, *Institutes*, II.ii.12, III.iii.12.

³³Steinmetz identifies a distinction between ‘what is offered’ to humans by God – natural knowledge – and ‘what is received’: some sort of knowledge of God’s existence, which he believes informs much of Calvin’s natural theology. Steinmetz, *Calvin in Context*, p. 32.

³⁴Calvin, *Institutes*, III.iii.12.

³⁵Ibid.

³⁶Ibid.

³⁷Ibid., II.ii.12.

³⁸Ibid.

³⁹Paul Helm, *John Calvin’s Ideas* (Oxford: OUP, 2004), p. 371.

⁴⁰Calvin, *Institutes*, II.ii.13.

⁴¹Ibid.

⁴²Ibid.

⁴³Ibid., II.ii.12.

⁴⁴Ibid.

which exceed its grasp include such things as ‘pure knowledge of God, the nature of true righteousness, and the mysteries of the Heavenly Kingdom’.⁴⁵

In discussing this limited epistemological access, Calvin does not provide anything which sounds like an acknowledgement that the knowledge of natural law as contained in the first table related to the proper worship of God is possible, although his description clearly encompasses the knowledge of some natural law commands regarding the treatment of others as expressed in the second table.

The relational revelation of the first table

Secondly, in his discussion of the first table of the Decalogue, and especially the first commandment, Calvin writes as if they are divine positive law, not natural law.⁴⁶ As he himself explains, Calvin breaks with tradition by separating a preface which governs all the laws out of what was traditionally considered to be the first commandment.⁴⁷ Calvin believes that this preface provides the hermeneutical key for the rest of the Decalogue. In the preface, God recites the history of his mighty deeds on behalf of Israel, and reminds his people that these deeds ‘founded and established the authority of his law’.⁴⁸ This preface, Calvin argues, establishes the crucial principle that the laws and the promises must be understood in reference to God’s chosen people, Israel, and, by extension, to the Gentiles who have been made heirs to the promise and rescued out of the ‘spiritual captivity’ of their own Egyptian bondage, not some universally accessible commands which all people understand through the natural law implanted in their hearts.⁴⁹ Rather than being given as natural law, the interpretation of the commandments, when the preface is used as the key, is always through the lens of contingent relationship. This interpretation of the Decalogue as relationally contingent troubles Calvin’s claims elsewhere that both tables of the Decalogue can be ascertained by natural reason and express the natural law.

Continuing on to consider the first table, Calvin presents a similar argument. He repeats that the human ability to work out any commands of a higher nature is limited due to the corruption of reason. Reason is blind because it fails to grasp or ‘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’.⁵⁰ ‘Natural perception’ provides no epistemic access to understanding that these are the criteria which shape the worship of God.⁵¹ Additionally, the depletion of other virtues such as temperance makes it very difficult for us to apply abstract principles to our actions in specific cases.⁵² This is why those who try to worship God correctly are not only restrained by the limits of their knowledge but also constantly slip back into profane and idolatrous ways of worship. Thus, while their limited notion

⁴⁵Ibid., II.ii.13.

⁴⁶For a more general overview of the place of the Decalogue in Calvin’s thought, especially as it applies to Christians, see Susan S. Shreiner, ‘John Calvin’, in Jeffrey P. Greenman and Timothy Larsen (eds), *The Decalogue through the Centuries: From Hebrew Scripture through Benedict XVI* (Louisville, KY: Westminster/John Knox Press, 2012), pp. 119–34.

⁴⁷In the *Institutes*, Calvin exegetes the Exodus version of the Decalogue. He identifies Exodus 20:2 as the Preface and Exodus 20:3 as the First Commandment. Calvin, *Institutes*, II.viii.16.

⁴⁸Ibid.

⁴⁹Ibid., II.viii.15.

⁵⁰Ibid., II.ii.23.

⁵¹Ibid.

⁵²Ibid.

of the spiritual worship of God may lead them to discern that sacrifices should be offered with 'sincerity of intent', they at once add and amend the sacrifice with false actions.⁵³ Therefore, Moses, 'reproaching the people for their forgetfulness, nevertheless notes at the same time that one cannot become wise in God's mysteries except by his gift ... this doubtless means that man's mind can become spiritually wise only in so far as God illumines it'.⁵⁴ The man who only 'depends upon the light of nature' has no hope of understanding the mysteries of the divine will.⁵⁵ Instead, 'because these mysteries are deeply hidden from human insight, they are disclosed solely by the revelation of the spirit'.⁵⁶

In his discussion of the first commandment (Exod 20:3) in his *Commentary on Exodus*, Calvin makes the same point again. As he considers the significance of the phrase 'before me', he writes:

It seems probable to me that He alludes to that manifestation of Himself which ought to have retained His people in sincere piety; for true and pure religion was so revealed in the Law, that God's face in a manner shone forth therein. The case was different with the Gentiles, who, although they might rashly make to themselves false gods, still would not do so before the face of God, which was unknown to them.⁵⁷

It is only through relationship with God, therefore, that the access to and understanding of the commands of the first table regarding proper worship are possible.

Conflict with the two kingdoms

Finally, Calvin's equation of natural law with the first table of the Decalogue and his claims that magistrates should enforce proper worship contradicts his insistence that he does not intend to endorse a theocracy or conflate the church and the civil government, since 'it is a Jewish vanity to seek and enclose Christ's kingdom within the elements of this world'.⁵⁸ Calvin claims that it is possible to distinguish between the government of individuals by their conscience, which is the government which leads to eternal life, and the government by outer authorities, which pertains to questions of civic justice and public morality. However, his claims that civil authorities should enforce certain religious matters means that questions of right worship should be entrusted to the civil side, rather than the personal.⁵⁹ Although he claims that he is maintaining a distinction, the private and the public understanding of religion are inevitably conflated.

Even Calvin admits that he cannot find scriptural support for his endorsement of civil regulation of worship. The fact that the Decalogue served as the basis of civil rule in Israel does not help his argument, since he has so strongly emphasised distinguishing the Christian nation from the Israelite polity. Rather, his argument that piety must be the foundation of government is based on the argument that 'among all philosophers, religion takes first place'.⁶⁰ He does make the argument that, since

⁵³Ibid., II.ii.24.

⁵⁴Ibid., II.ii.20.

⁵⁵Ibid.

⁵⁶Ibid.

⁵⁷John Calvin, *The Four Last Books of Moses: A Harmony, with Commentaries*, vol. 3 of *Calvin's Commentaries*, 22 vols. (Grand Rapids, MI: Baker Books, 2005), p. 19.

⁵⁸Calvin, *Institutes*, IV.xx.1.

⁵⁹Ibid.

⁶⁰Ibid., IV.xx.9.

the duties and authority of the magistrates are provided by God, 'it is fitting that they should labor to protect and assert the honor of him whose representative they are, and by whose grace they govern'.⁶¹ However, this claim again assumes that the magistrates can access the natural law about worship of God much more easily than it seems that he would admit in other places. Calvin himself seems to realise that he is on weaker scriptural ground, since he follows this claim by proffering many examples of how the second table provides guidance for the magistrate's law-making, in ways that he never did for the first.

Natural law and civil law reconsidered

Instead of licensing the magistrates' regulation of worship, Calvin's description of natural law as articulated in the second table informing civil law would point to a duty to ensure the care and protection of other citizens within the civic order. This definition of natural law would align with the much less repressive view of Calvin's political theory articulated by many contemporary Calvin scholars. As Susan Schreiner writes in *The Order of his Glory*, by his insistence on the continuance of the natural law and its effects on society, Calvin is presenting a far more positive view of human society than he is normally credited with, and one which provides numerous helpful theological insights.⁶² Some form of the *imago Dei* survives in the human soul and serves not only as a restraint, but as a promoter of human good and a source of common grace. As opposed to the Anabaptists, Calvin saw the realm of public life and the academy not as 'the realm of darkness', but rather as a place where Christians should pursue holiness and the common good.⁶³ God had not rejected his creation, but had instead continued to care for all his creatures through the actions of his providence. In this sense, the natural law is a gift which serves as 'the very school of God's children'.⁶⁴

This positive view of natural law's connection with civic justice appears especially in Calvin's discussion of natural law in Romans 2:14–15, the law that is 'engraved' in the hearts of the Gentiles. It is this 'engraved' knowledge of how to live according to God's law in relationship to others which Calvin follows the tradition in terming the 'natural law'.⁶⁵ The content of the natural law accessible to fallen humans simply provides a 'general definition' or the 'essence' of proper action.⁶⁶ The natural law contains the same content as the precepts of the second table, as they related to civil order and society.⁶⁷ In his commentary on Exodus, Calvin describes this division as the division between piety and justice.⁶⁸ This is because the 'natural instinct to foster and preserve society' is one of those impulses intrinsic to human existence imprinted on humans by nature.⁶⁹ In each person's mind, we may find 'universal impressions of a certain civic

⁶¹Ibid.

⁶²Schreiner, 'Calvin's Use of Natural Law', p. 95.

⁶³Ibid.

⁶⁴Calvin, *Institutes*, I.vi.2.

⁶⁵Ibid., II.ii.22.

⁶⁶Ibid., II.ii.23.

⁶⁷Ibid., II.ii.24. For a further discussion of Calvin's understanding of the disparate effects of sin on the knowledge of the first and second tables see François Wendell, *Calvin: The Origin and Development of his Religious Thought*, trans. Philip Mairet (New York: Harper & Row, 1950), pp. 206–7.

⁶⁸John Calvin, *The Four Last Books of Moses: A Harmony, with Commentaries*, p. 7.

⁶⁹Calvin, *Institutes*, II.ii.13.

fair dealing and order'.⁷⁰ It is this access to the natural law which explains why, even though laws of different nations vary, they contain many of the same principles, by '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 them.'⁷¹ Those who reject the teachings of the natural law do not reject it out of lack of knowledge, but rather because they reject, 'with headlong lust', the awareness of equity made available to them by reason.⁷²

This acceptance of basic principles for laws about human treatment leads to Calvin's 'original concept of equity', which is generally recognised above and beyond disagreements about the ordering or content of specific precepts of legal codes.⁷³ Therefore, it is fair to claim that 'some seed of political order has been implanted in all men'.⁷⁴ Although this universal understanding of some type of social order and 'general concept of equity' is a grace of God, it is not the same grace which leads to salvation.⁷⁵ Therefore, Christians can safely draw on secular guidance relating to questions of political order, science and art, which proves that 'the mind of man, though fallen and perverted from its wholeness, is nevertheless clothed and ornamented with God's excellent gifts'.⁷⁶

However, does arguing for the better coherence of this limited version of natural law with Calvin's thought create a fully secularised society, a naked public square which Calvin would have inevitably rejected? Instead, I believe that combining Calvin's theory of the *sensus divinitatis* and his first understanding of the natural law provides a much more workable theory of the relationship between natural law and civil society. The *sensus divinitatis* is the 'awareness of divinity' imprinted by 'natural instinct' on the human mind.⁷⁷ It is the 'certain understanding' of divine majesty that God has 'implanted' in each person.⁷⁸ While it is intrinsic to each person from birth, and as constantly affirmed by nature, it is not the same as a precept of the natural law.⁷⁹ Unlike natural law, this does not seem merely to be a quality that survived the fall, but rather something that God continues to renew by 'fresh drops', even in our ruined states.⁸⁰ As Paul Helm writes:

Calvin's use of the term 'sense' signals that the knowledge of God is a common human endowment; mankind is created not only as capable of knowing God, but as actually knowing him ... [he] implies that belief in God is natural in the sense of being part of man's original condition, part of what it means to be really or fully human.⁸¹

⁷⁰Ibid.

⁷¹Ibid.

⁷²Calvin, *Institutes*, II.ii.13; Calvin's argument in his Romans commentary is similar. Here he does point out that the Gentiles knew that God *should* be worshipped, just as they knew that justice was owed to other people. However, simply knowing that God should be worshipped does not provide the concrete knowledge to ensure that God is worshipped properly. John Calvin, *Commentaries on the Epistle of Paul the Apostle to the Romans*, trans. John Owen (Edinburgh: Calvin Translation Society, 1849), pp. 97–8.

⁷³Calvin, *Institutes*, II.ii.13.

⁷⁴Ibid., II.ii.14.

⁷⁵Ibid., II.ii.13.

⁷⁶Ibid., II.ii.15.

⁷⁷Ibid., I.iii.2.

⁷⁸Ibid., I.iv.3.

⁷⁹Ibid.

⁸⁰Ibid., I.iv.3.

⁸¹Paul Helm, 'John Calvin, the *Sensus Divinitatis*, and the Noetic Effects of Sin', *International Journal for Philosophy of Religion* 43 (1998), p. 88.

Its main function is condemnatory, not positive. It enables each person to perceive that there is a God, and that he is the creator of all. Additionally, from this, they are able to perceive that they should both honour this God and 'consecrate their lives to his will'.⁸² Despite sin, the seed is universally planted and cannot be 'uprooted' from any heart.⁸³ 'Therefore, since from the beginning of the world there has been no religion, no city, in short, no household that could do without religion, there lies in this a tacit confession of a sense of deity inscribed in the hearts of all.'⁸⁴ However, Calvin is very explicit that the *sensus* does not provide any guidance as to who this creator God is or how to worship God rightly. Rather, Calvin 'sharply distinguishes this knowledge of God our Creator from the knowledge of God the Redeemer through Christ'.⁸⁵

The existence of the *sensus* as well as its limitations are proved by the widespread practice of idolatry. The fact that people choose, contrary to what the pride of their nature indicates that they would prefer, to place images of wood and stone above themselves, indicates the power of the sense that there is a God, but also indicates the complete failure of humans to correctly identify or honour this God.⁸⁶ Therefore, rather than inclining people to any type of right reaction, the *sensus* leads some people to turn to superstition and some simply abandon the attempt to worship God, 'yet all degenerate from the true knowledge of him ... and no real piety remains in the world'.⁸⁷

Perhaps Calvin's main concern, which explains his more expansive theory of the natural law, is that if the knowledge of right worship of God is not recognised as a universally accessible portion of the natural law, the law itself will not sufficiently serve its first purpose, in which it 'warns, informs, convicts and lastly condemns' all those who are in rebellion against God.⁸⁸ However, a combination of his more limited definition of the natural law and the *sensus* amply demonstrates how all are condemned. First, it is just as impossible to keep the second table of the law perfectly as it is to keep the first, as perhaps Jesus was demonstrating to the rich young ruler in Matthew 19:16.⁸⁹ Calvin himself seems to believe that the second table can be enough to condemn as well. He equates the more limited version of the natural law with conscience, whose primary purpose is to render man inexcusable, 'while it proves them guilty by their own testimony'.⁹⁰ Additionally, the *sensus divinitatis* provides enough information about God to condemn people for rejecting God as well as harming others. As Calvin himself acknowledges, 'since, therefore, men one and all perceive that there is a God and that he is their Maker, they are condemned by their own testimony because they have failed to honor him'.⁹¹ The lack of content regarding the proper worship of God in the *sensus divinitatis* does not sufficiently ground the claims that a government should establish certain forms of worship out of the conviction that these are the forms ordained by God. Rather, the law would serve to protect the different expressions of the *sensus divinitatus* which Calvin believes may proceed forth from this sense.⁹²

⁸² Calvin, *Institutes*, I.iii.1.

⁸³ *Ibid.*, I.v.4.

⁸⁴ *Ibid.*, I.iii.2.

⁸⁵ Helm, 'John Calvin and Noetic Effects', p. 93.

⁸⁶ Calvin, *Institutes*, I.iii.1.

⁸⁷ *Ibid.*, I.iv.4.

⁸⁸ *Ibid.*, I.vii.6.

⁸⁹ See Calvin's discussion of this passage in *ibid.*, II.viii.52.

⁹⁰ *Ibid.*, II.ii.22.

⁹¹ *Ibid.*, I.iii.1.

⁹² Helm, 'John Calvin and Noetic Effects', p. 97.

Conclusion

In conclusion, limiting the magistrates' enforcement of specific forms of worship would still allow space for different expressions of worship arising from the *sensus divinitatus* (even though they are potentially erroneous) and for them to legislate in accordance with the second table of the Decalogue. The magistrate could still potentially achieve at least two of Calvin's key goals for earthly rule set out in Book IV: neither unduly fettering the freedom of the Christian nor leaving the development of the common good (e.g. the 'defen[se] of good men from the wrongs of the wicked and giv[ing] aid and protection to the oppressed') dependent only on private action.⁹³ It would, of course, depart from his own restrictions in Geneva, explored above, in which magistrates were empowered to enforce standards of 'proper' divine worship. While the approach differs from Book IV of the *Institutes*, it aligns closely with Calvin's description of Joseph's leadership under Pharaoh and provides a much more compelling model of politics for most Christians living in a pluralist society today.⁹⁴

In his commentary on Joseph's appearance at the court of Pharaoh, Calvin describes how a pagan ruler may attain both an incomplete recognition of the divine and determine how to advance the common good in accord with the second table of the Decalogue, and how magistrates who know God may be a part of this process. First, Calvin argues that by giving Pharaoh a dream of the seven fertile years and seven years of famine (Gen 41:1), God demonstrates that he can enrol in his 'school' of good government even 'aliens' outside of his church.⁹⁵ These rulers are schooled to an 'inferior end': only important insights related to the good of this present life, not eternal life. However, their actions to promote the good in this life can become an avenue by which God can work to advance the good of his church – just as all Egypt benefited from God's provision so that Jacob and his family could be saved (Gen 41:9).⁹⁶ Those who, like Joseph, actually know God can and should engage in this project. Calvin identifies Joseph as a model worthy of emulation regarding how a Christian magistrate may seek 'to honor the grace of God even among unbelievers'.⁹⁷ Joseph does not attempt to enforce proper worship or even rebuke Pharaoh for his idolatry or superstition. Rather, he only seeks to 'instill some drops of [piety] into Pharaoh's mind' by crediting God for the gift of interpreting dreams.⁹⁸ Because Pharaoh had begun his journey of dream interpretation by seeking out pagan diviners and soothsayers, Joseph knows that Pharaoh would not be open to the 'entire and full doctrine'.⁹⁹ Therefore, Joseph adopts an approach based first on incremental personal witness to the

⁹³Calvin, *Institutes*, IV.xx.10. Calvin believes that this neglect of the care for the oppressed is the inevitable results of the unrealistic Anabaptist assumptions regarding the possibility of moral perfection in this life.

⁹⁴Tuiningia makes a similar argument for Calvin's potential political pluralism drawing upon his commentaries on Genesis and Daniel. Tuiningia, 'Latent Pluralism', p. 304. See also Wendell, *Calvin: Origin and Development*, p. 193. 'After having depicted the spiritual misery of fallen man in the most somber colors, Calvin now proceeds to paint a much less pessimistic picture of man dealing with his earthly interests. The humanist who was still sleeping within him suddenly awakens, to our surprise especially when it comes to lauding the achievement of pagan political philosophers.'

⁹⁵John Calvin, *Commentaries on the First Book of Moses called Genesis*, vol. 2, trans. John King (Edinburgh: Calvinist Translation Society, 1801), p. 318.

⁹⁶*Ibid.*, p. 321.

⁹⁷*Ibid.*, p. 323.

⁹⁸*Ibid.*

⁹⁹*Ibid.*, p. 326.

true God. He then follows upon this revelation of God's power by providing very practical 'instruction and counsel' as to how Pharaoh can best care for his people's natural needs over the next fourteen years of plenty and famine.¹⁰⁰ In return, Pharaoh recognises Joseph's competence and insight in practical matters and the 'gift of the Spirit' within him, because of knowledge which is 'naturally engraven on the hearts of all men, that honors ought to be conferred on none but competent persons, and such as God has furnished with the necessary qualifications'.¹⁰¹ Undoubtedly this precept of natural law often 'slips the mind of authorities unless necessity requires it', However it is not erased definitively by sin.¹⁰² Rather, in this case, the recognition that the 'common good' required Joseph's leadership overcame the 'pride' of Pharaoh and the leading members of his court.¹⁰³ In this description of Joseph's appointment, Calvin identifies a 'remaining sense of deity', which while it fails to correct false beliefs or establish 'solid piety', yet it still 'often enlightens profane men' – at least as regards civil affairs rather than true religions conversion.¹⁰⁴

Calvin's argument of the proper powers of the magistrate of Geneva, based on alleged natural law access to the precepts of divine worship from the first table of the Decalogue, lacks appeal to many contemporary Christians. In contrast, Calvin's description of the joint success of Pharaoh and Joseph, based upon a shared limited natural awareness of the divine and the common good, provides a model as to how Christians and non-Christians in a pluralist society might work together in good and bad times much more worthy of retrieval today.¹⁰⁵

¹⁰⁰Ibid., p. 327.

¹⁰¹Ibid.

¹⁰²Ibid.

¹⁰³Ibid.

¹⁰⁴Ibid., p. 328.

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