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JOHN CALVIN, THE CIVIL MAGISTRATE, LAW, AND THE NATURAL LAW: EXPLORING CALVIN'S UNDERSTANDING

Michael J. DeBoer[†]

John Calvin (1509-64), a second-generation Protestant reformer, is well known for his writings on certain theological subjects and for his systematized presentation of Protestant theology in his Institutes of the Christian Religion.¹ Less well known is his thought on civil government, law, and the natural law. This Article surveys Calvin's thought on these subjects.

I. INTRODUCTION

Among the sixteenth-century Protestant reformers of Western Christianity, the French reformer John Calvin (1509-64) has been one of the most controversial and one of the most influential.² This second-generation reformer is commonly associated with certain contentious theological subjects, such as predestination, election, and total depravity, but this association is in part due to the rigorous systemization of and heavy emphasis placed on these subjects by his theological successors.³ Calvin, however, taught and wrote on a wide range of subjects, including civil government, law, and the natural law, and his thought on these additional subjects merits independent consideration.

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1. JOHN CALVIN, *INSTITUTES OF THE CHRISTIAN RELIGION* (1559).

2. See generally THE OXFORD DICTIONARY OF THE CHRISTIAN CHURCH 222-23 (F. L. Cross & E. A. Livingstone eds., 2d ed. rev. 1974); TIMOTHY GEORGE, *THEOLOGY OF THE REFORMERS* 163-85 (1988); 2 JUSTO L. GONZÁLEZ, *THE STORY OF CHRISTIANITY* 61-69 (1985); JOHN T. MCNEILL, *THE HISTORY AND CHARACTER OF CALVINISM* 93-234 (1954).

3. See B.A. GERRISH, *GRACE AND GRATITUDE: THE EUCHARISTIC THEOLOGY OF JOHN CALVIN* 1-2 (1993); 2 GONZÁLEZ, *supra* note 2, at 69, 184; ALISTER E. MCGRATH, *REFORMATION THOUGHT: AN INTRODUCTION* 123-24, 128-31 (1993). Professor Gerrish has observed:

After the death of John Calvin (1509-64), and especially after the Synod of Dort (1618-19), "Calvinism," as everyone knows, became almost synonymous with "the dogma of predestination." In seventeenth-century England, for example, it was predestination that the Latitudinarians found most offensive in the Puritan creed, and they identified it simply as "the dogma of Calvin." . . . If the identification of Calvinism and predestinarianism has persisted, the blame (or the credit) must go as much to Calvin's friends as to his critics.

GERRISH, *supra*, at 1.

Calvin was one of those unique individuals who possessed extraordinary ability, lived during a period marked by significant developments, and made important contributions to those developments. His thought and writings show signs of the various influences that shaped him, the intellectual hallmarks of the period, and the distinctive emphases of the Protestant Reformation. Calvin was reared in a Roman Catholic family and nurtured in the Church's faith and traditions. His father was an administrative assistant to the bishop of Noyon in Northern France, an important position that provided young John with a privileged upbringing.⁴ As a result of his father's position, Calvin received a benefice, entered minor orders, and performed some ecclesiastical duties,⁵ but the greatest advantages came in his education at leading schools and with noted scholars.⁶ Calvin was trained in the humanist tradition, which exposed him to the ancient languages, the texts of antiquity, and the leading lights in philosophy and theology.⁷ At his father's encouragement, he studied law for three years, first at Orléans and then at Bourges.⁸ However, after his father's death, he left the study of law to return to the study of classical literature.⁹

Although the precise timing and the specific circumstances are not known, Calvin eventually departed from his Roman Catholic upbringing and joined the Protestant cause.¹⁰ In just a few short years, he emerged as a leader in Protestant circles.¹¹ He led efforts to reform the church in Geneva and devoted himself to studying and preaching the Scriptures, but he also reluctantly advised and participated in the government of Geneva.¹²

As a theologian, biblical scholar, and ecclesiastical leader, he wrote prolifically with much depth and richness. In his work, he drew upon Jewish, classical (Greek and Roman), and Christian sources and utilized the formal training he had received, the tools he had come to master, and the habits he had developed as a humanist scholar. His writings, which exhibit the *ad fontes* ("back to the sources") theme that marked the humanist agenda and the Protestant Reformation,¹³ ranged from an edition of Seneca's treatise *On*

4. 2 GONZÁLEZ, *supra* note 2, at 61.

5. GEORGE, *supra* note 2, at 168-69.

6. *Id.* at 169-70.

7. For a discussion of humanist philosophy and scholasticism and their influence on Calvin, see MCGRATH, *supra* note 3, at 40-51.

8. GEORGE, *supra* note 2, at 170-71; 2 GONZÁLEZ, *supra* note 2, at 61.

9. GEORGE, *supra* note 2, at 171.

10. *Id.* at 171-74; 2 GONZÁLEZ, *supra* note 2, at 63.

11. *Id.* at 63-65.

12. GEORGE, *supra* note 2, at 180, 184-85; 2 GONZÁLEZ, *supra* note 2, at 65; MCGRATH, *supra* note 3, at 215-17.

13. MCGRATH, *supra* note 3, at 50-51.

Clemency to a catechism on the Christian faith for children, and from biblical commentaries and sermons to letters and liturgical writings.¹⁴

His principal work, the *Institutes of the Christian Religion*, is a comprehensive and systematic summary of Christian theology from a Protestant perspective.¹⁵ Although he published the first edition in 1536, he continued to revise, expand, and improve the *Institutes* throughout his lifetime, with multiple French and Latin editions appearing during his lifetime, and he published the definitive edition in 1559.¹⁶ Calvin wrote the *Institutes* to “prepare and instruct candidates in sacred theology for the reading of the divine Word, in order that they may be able both to have easy access to it and to advance in it without stumbling.”¹⁷ The *Institutes*, in Calvin’s words, “so embraced the sum of religion in all its parts, and have arranged it in such an order, that if anyone rightly grasps it, it will not be difficult for him to determine what he ought especially to seek in Scripture, and to what end he ought to relate its contents.”¹⁸ Thus, Calvin intended the *Institutes* to be a tool to assist Christians in reading and interpreting the Bible and in understanding the Bible’s teaching on a wide range of theological subjects.¹⁹

In the *Institutes*, Calvin presented his systematic understanding of a vast range of theological topics, including: the knowledge of God himself, his creation, and his governance of the world; the fall and sin; the knowledge of God’s standard and redemption in Jesus Christ; the person and work of Christ, especially in redemption; faith, repentance, justification, righteousness, liberty, prayer, election, and the final resurrection; and the church, its organization, its

14. GEORGE, *supra* note 2, at 171, 185-89.

15. See GEORGE, *supra* note 2, at 185-249; 2 GONZÁLEZ, *supra* note 2, at 61, 63; MCGRATH, *supra* note 3, at 112, 123-28, 142-43, 153, 181-85, 194-200, 215-17.

16. GEORGE, *supra* note 2, at 171, 185-87; 2 GONZÁLEZ, *supra* note 2, at 63-64. This Article does not explore variations among different editions of the *Institutes*. Rather, this Article focuses on the final edition, which was published in 1559. According to one leading Calvin scholar, Calvin’s chapter on civil government in the 1559 edition is “only slightly expanded from” the chapter in the first edition published in 1536. John T. McNeill, *Introduction to JOHN CALVIN, INSTITUTES OF THE CHRISTIAN RELIGION* at lxvi (John T. McNeill ed., Ford Lewis Battles trans., 1960).

17. 1 JOHN CALVIN, *INSTITUTES OF THE CHRISTIAN RELIGION* 4 (John T. McNeill ed., Ford Lewis Battles trans., 1960). In this Article, all quotations are drawn from the John T. McNeill-Ford Lewis Battles edition of the 1559 *Institutes*. Additionally, except for citations to Calvin’s prefatory materials, citations to the *Institutes* will reference the book number, the chapter number, and the section number, rather than the page number in the McNeill-Battles edition, which will permit readers to readily locate the referenced material in other editions.

18. *Id.*

19. *Id.* at 5.

offices, its authority, its discipline, and the sacraments.²⁰ The law of God is a subject addressed at length in the *Institutes*, and civil government is the final subject treated.²¹ In his discussion of the law of God and the civil magistrate, Calvin addressed the natural law, which he included as an important feature.²² Among the magisterial reformers, he was perhaps the best suited to write on civil government, law, and the natural law and likely provided the most concise yet systematic and comprehensive treatment of these subjects.²³

During the nearly four and a half centuries following his death, his thought has remained profoundly influential and has inspired and informed cultural, social, religious, political, and economic movements in Europe, England, and America.²⁴ Calvin's thought on government, law, and the natural law was especially influential during the first two and a half centuries after his death, and his successors in the Reformed tradition built upon his instruction, providing clear statements on civil government and law in Reformed confessions and catechisms.²⁵ His thought influenced the political and legal thought of scholars, statesmen, and ordinary individuals who contributed to important developments in Western thought and who participated in revolutions that changed the political landscape in the sixteenth, seventeenth, and eighteenth centuries. Even at the beginning of the twenty-first century, individuals and institutions linked to Calvin and the Reformed tradition remain influential across the globe, and the thought of this early Protestant reformer on law and government remains relevant and continues to have currency.²⁶

20. See generally CALVIN, *INSTITUTES*, *supra* note 17; GEORGE, *supra* note 2, at 189-246.

21. See *infra* Part II and the materials cited therein.

22. See *infra* Part II.B.2.

23. The magisterial Reformation refers to the branches of the sixteenth-century Protestant Reformation that were officially supported by civil authorities. The magisterial or mainstream Reformation includes the Lutheran and Reformed branches, but excludes the radical Reformation, the Anabaptist branch, which typically offered a vision of church and state marked by separation. Martin Luther, Ulrich Zwingli, and John Calvin are counted among the magisterial reformers. Their reforming efforts were often supported by civil magistrates and rulers, and their understanding of the relationship between church and state was not marked by separation, but rather by closeness and support. See MCGRATH, *supra* note 3, at 5-11. For a study of political thought found in the various branches of the Reformation, see *id.* at 202-17.

24. MCNEILL, *supra* note 2, at 237-438.

25. For a collection of Reformed confessional and catechetical statements, including articles addressing the law of God and civil government, see 1 OFFICE OF THE GENERAL ASSEMBLY PRESBYTERIAN CHURCH (U.S.A.): BOOK OF CONFESSIONS (2002) (collecting statements including the Scots Confession, the Heidelberg Catechism, the Second Helvetic Confession, the Westminster Confession of Faith, the Shorter Catechism, and the Larger Catechism).

26. See generally MCNEILL, *supra* note 2, at 237-438. See also HAROLD J. BERMAN, FAITH AND ORDER: THE RECONCILIATION OF LAW AND RELIGION 106 (1993).

The aim of the study in this Article is deliberately modest—it surveys Calvin's thought on civil government, law, and the natural law, relying especially on his treatment of these subjects in the *Institutes*. The Article does not perform a deeply critical analysis of Calvin's thought on these subjects or probe his understanding of them in the light of the larger body of his writings. Additionally, it neither compares Calvin's understanding with those of other natural law thinkers, nor interacts with the very large body of Calvin scholarship, nor engages the disputes among Calvin commentators and interpreters.²⁷ What this review offers then is an introduction to Calvin's thought on these often neglected subjects based in large part upon his instruction in the *Institutes*.

II. A SURVEY OF JOHN CALVIN'S THOUGHT ON THE CIVIL MAGISTRATE, LAW, AND THE NATURAL LAW

In the last chapter of the *Institutes*, Calvin presented his understanding of civil government, including the place of the natural law.²⁸ Although his instruction is clearly informed by his understanding of the teachings of Scripture, he also displayed an appreciation for the contributions of Western theologians and philosophers and interacted with a wide range of sources. In this final chapter, his treatment of government and law is comprehensive and systematic and provides a basic outline that supplies the structure for this Section of the Article.

27. In addition to sources cited in this Article, a host of resources are available that permit additional study of Calvin and his thought on these subjects. The following sources could provide a starting point: STEPHEN J. GRABILL, *REDISCOVERING THE NATURAL LAW IN REFORMED THEOLOGICAL ETHICS* (2006); C. Scott Pryor, *God's Bridle: John Calvin's Application of Natural Law*, 22 J. L. & RELIGION 225 (2007); Susan E. Schreiner, *Calvin's Use of Natural Law*, in *A PRESERVING GRACE: PROTESTANTS, CATHOLICS, AND NATURAL LAW* (Michael Cromartie ed., 1997); David VanDrunen, *The Context of Natural Law: John Calvin's Doctrine of the Two Kingdoms*, 46 J. OF CHURCH & STATE 503 (2004); David VanDrunen, *Medieval Natural Law and the Reformation: A Comparison of Aquinas and Calvin*, 80 AM. CATH. PHIL. Q. 77 (2006); David VanDrunen, *Natural Law, Custom, and Common Law in the Theology of Aquinas and Calvin*, 33 U. BRITISH COLUMBIA L. REV 699 (2000); David VanDrunen, *The Two Kingdoms Doctrine and the Relationship of Church and State in the Early Reformed Tradition*, 49 J. OF CHURCH & STATE 743 (2007).

28. Calvin addressed civil government in Chapter XX of Book IV of the *Institutes*. See CALVIN, *INSTITUTES*, *supra* note 17, 4.20.1-4.20.32.

A. *The Two Forms of Government Among Humankind: Spiritual Government and Civil Government*

Calvin began his discussion of the civil magistrate by explaining that people live under two distinct, divinely established forms of government that have “completely different nature[s]”²⁹ but “are not at variance.”³⁰ The first form of government, the heavenly kingdom, is Christ’s spiritual rule. This spiritual form of government, which pertains to “the soul or inner man” and eternal life,³¹ “is already initiating in [Christians] upon earth certain beginnings of the Heavenly Kingdom”³²

Human civil rule or the earthly kingdom, which is the second form of government that God has lovingly provided humankind, is concerned with the body and “this present fleeting life.” This divinely established order has a particular purpose that “pertains only to the establishment of civil justice and outward morality”³³:

[I]ts appointed end, so long as we live among men, [is] to cherish and protect the outward worship of God, to defend

29. *Id.* 4.20.1. Calvin recognized two threats to this divine order: those “insane and barbarous men” who “strive to overturn this divinely established order”; and those flatterers of princes who praise their power and thereby set princes against God’s rule. *Id.*

30. *Id.* 4.20.2. The distinction between the two forms of government was fundamental to his understanding. One Calvin commentator has observed:

Calvin’s two kingdoms doctrine provides crucial context for interpretation of his natural law thought. By means of this doctrine, Calvin distinguished the civil kingdom from the kingdom of Christ, two realms that he warned must never be confused. Calvin did, indeed, say things about natural law that at first blush seem contradictory, but much of this apparent contradiction is explained by the fact that natural law played very different roles in these two kingdoms. Calvin’s positive use of natural law, in which he sets it forth as a standard for legal and political endeavors, invariably falls in settings dealing with the civil kingdom, where matters of salvation and communion with God are not at issue. Conversely, Calvin’s negative use of natural law, in which he describes its purpose as condemning sinners and leaving them inexcusable before God, regularly falls in settings dealing with the kingdom of Christ and, thus, with crucial questions about salvation and eternal life. I suggest that recognizing this relationship between natural law and the two kingdoms in Calvin allows his interpreters to acknowledge the crucial—not peripheral—role that natural law plays in his social thought as well as to give due weight to his belief in the bondage of the will and natural law’s consequent inability to contribute at all to salvation.

VanDrunen, *The Context*, *supra* note 27, at 505-06.

31. CALVIN, *INSTITUTES*, *supra* note 17, 4.20.1.

32. *Id.* 4.20.2.

33. *Id.* 4.20.1.

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 with one another, and to promote general peace and tranquility.³⁴

In Calvin's view, civil government is one of the "helps" for Christians in the pilgrimage on earth. Because no perfect community of humans will be achieved in this earthly life and because evil men present a great danger, civil government is necessary to compel them to stop doing evil.³⁵ Nevertheless, civil government has many positive functions:

Its function among men is no less than that of bread, water, sun, and air; indeed, its place of honor is far more excellent. For it does not merely see to it, as all these serve to do, that men breathe, eat, drink, and are kept warm, even though it surely embraces all these activities when it provides for their living together. It does not, I repeat, look to this only, but also prevents idolatry, sacrilege against God's name, blasphemies against his truth, and other public offenses against religion from arising and spreading among the people; it prevents the public peace from being disturbed; it provides that each man may keep his property safe and sound; that men may carry on blameless intercourse among themselves; that honesty and modesty may be preserved among men. In short, it provides that a public manifestation of religion may exist among Christians, and that humanity be maintained among men.³⁶

Calvin distinguished his view of civil government from a more negative view offered by Anabaptists who believed that civil offices are unworthy of Christians and that civil government is a force opposed to Christ's kingdom.³⁷

34. *Id.* 4.20.2.

35. *Id.*

36. *Id.* 4.20.3.

37. In his treatment of civil government, Calvin repeatedly addressed the views of civil government and the kingdom of God propounded by Anabaptists whom he referred to as "certain men," "certain fanatics," and "adversaries." *Id.* 4.20.1-4.20.2. These Anabaptists sought "to usher in anarchy" and promoted an erroneous belief that Christians as citizens of the kingdom of God can achieve a state of perfection that eliminates the need for civil government. Their understanding showed their "ignorance" and their "devilish arrogance." *Id.* 4.20.5. In "rail[ing] against this holy ministry [civil government]," "these folks do not just reject the magistrates, but cast off God that he may not reign over them." *Id.* 4.20.7. Mistaken in their interpretation of Scripture, Anabaptists, Calvin believed, failed to grasp properly the two-fold division of government God had established. *Id.* 4.20.1.

According to Calvin, however, the thought of doing away with civil government was “outrageous barbarity,”³⁸ and those who would do away with civil government would deprive people of their “very humanity.”³⁹

B. The Three Parts of Civil Government: The Magistrate, the Laws, and the People

Calvin divided the subject of civil government into three basic parts—the magistrate, the laws, and the people.⁴⁰ Calvin addressed each of these three parts separately, beginning with the magistrate, then treating the laws, and concluding with the people.

1. The Magistrate—“The Protector and Guardian of the Laws”⁴¹

Calvin described the civil magistrate as a father of his country, a shepherd of the people, a guardian of peace, a protector of righteousness, and an avenger of innocence.⁴² God has given humanity the civil magistrate as “the highest gift of his beneficence to preserve the safety of men,” and those who rule for the public benefit display God’s beneficence.⁴³ In discussing the office of the civil magistrate, Calvin addressed three issues: the office as a lawful calling approved of God; the nature of the office; and the extent of its power.⁴⁴

According to Calvin, the office of the civil magistrate has dignity and is approved by God.⁴⁵ Civil magistrates “have a mandate from God, have been invested with divine authority, and are wholly God’s representatives, in a manner, acting as his vicegerents.”⁴⁶ The institution and authority of civil government result from divine purpose and divine appointment, not because of a departure from what is right and good:

[I]t has not come about by human perversity that the authority over all things on earth is in the hands of kings and other rulers, but by divine providence and holy ordinance. For God was pleased so to

38. *Id.* 4.20.3.

39. *Id.* 4.20.2. Calvin understood Anabaptists to “stupidly imagine . . . a perfection [involving the establishment of God’s kingdom] as can never be found in a community of men.” *Id.*

40. *Id.* 4.20.3.

41. *Id.*

42. *Id.* 4.20.24.

43. *Id.* 4.20.25.

44. *Id.* 4.20.3.

45. *Id.* 4.20.4.

46. *Id.*

rule the affairs of men, inasmuch as he is present with them and also presides over the making of laws and the exercising of equity in courts of justice.⁴⁷

The ability to rule is a God-given gift, and civil magistrates possess authority God has granted and serve as God's ministers to praise those who do good and avenge those who do evil. Thus, "civil authority is a calling, not only holy and lawful before God, but also the most sacred and by far the most honorable of all callings in the whole life of mortal man."⁴⁸ Indeed, for Calvin, the dignity of the office is revealed in God's entrustment of the condition of the church to the protection and care of civil magistrates.⁴⁹

Ordained of God, civil magistrates in their "most holy office" serve as God's deputies, his vicars and servants, in accordance with "the providence of God's wisdom."⁵⁰ God has ordained them to be ministers of divine justice, and the affairs entrusted to their care are not profane.⁵¹ Civil magistrates who understand the high calling of their office should appreciate the responsibility: "if they remember that they are vicars of God, they should watch with all care, earnestness, and diligence, to represent in themselves to men some image of divine providence, protection, goodness, benevolence, and justice."⁵²

As to the forms of government, Calvin observed that the philosophers discussed three—monarchy, aristocracy, and democracy—and he indicated his view that the best form is "aristocracy, or a system compounded of aristocracy and democracy."⁵³ Calvin recognized that determining the best form of civil government depends largely upon the circumstances, but he also noted the ease with which a kingdom can degenerate into tyranny, a rule by the "best men" into a faction of a few, and a rule by the many into sedition.⁵⁴ To Calvin it seemed unlikely that monarchs would so control themselves that their wills would consistently agree with what is just and right or would have that measure of "keenness and prudence" that would allow them to know what is appropriate.⁵⁵ Profoundly aware of human fallibility, Calvin saw great wisdom in having a number of rulers who could help, teach, and admonish each other

47. *Id.* 4.20.4.

48. *Id.*

49. *Id.* 4.20.5.

50. *Id.* 4.20.6 & 4.20.7.

51. *Id.* 4.20.6.

52. *Id.*

53. *Id.* 4.20.8.

54. *Id.*

55. *Id.*

and counteract unfair conduct by other rulers.⁵⁶ He believed that God in his wisdom and providence had given countries “various kinds of government,” and that regardless of the particular form in a country, the people should recognize God’s providential work in establishing the government, should dutifully obey those whom God has put in place, and should not strive to change it.⁵⁷

According to Calvin, civil magistrates must protect religion and divine worship and promote the public welfare of humans. In other words, civil magistrates have duties relating to both tables of the Decalogue—to the commandments that relate specifically to God and to those that apply among people.⁵⁸ Civil magistrates must make piety their first concern—“they should labor to protect and assert the honor of him whose representatives they are, and by whose grace they govern.”⁵⁹ They should then attend to rendering justice among people, for civil rulers are “ordained protectors and vindicators of public innocence, modesty, decency, and tranquility, and . . . their sole endeavor should be to provide for the common safety and peace of all.”⁶⁰ To accomplish these goals, civil magistrates utilize rewards and punishments, defend good citizens from the wrongs of the wicked, help the oppressed, and use force against those wrongdoers whose conduct threatens public peace.⁶¹ Civil magistrates give honor to virtue so that equity and justice are fostered among the people. Thus, civil magistrates execute justice by keeping safe, embracing, protecting, vindicating, and freeing the innocent, and they execute judgment by opposing evildoers, repressing their violence, and punishing their misdeeds.⁶² Civil magistrates also have the responsibility of preventing freedom from being

56. *Id.*

57. *Id.*

58. *Id.* 4.20.9.

59. *Id.*

60. *Id.* In commenting on the Apostle Paul’s instruction in *Romans* 13 regarding civil rulers being God’s ministers for good, Calvin made the following observations regarding their vocation: “they are not to rule for their own interest, but for the public good; nor are they endowed with unbridled power, but what is restricted to the wellbeing of their subjects; in short they are responsible to God and to men in the exercise of their power.” 19 JOHN CALVIN, CALVIN’S COMMENTARIES—COMMENTARIES ON THE EPISTLE OF PAUL TO THE ROMANS 481 (photo. reprint 2003) (John Owen ed. and trans., Calvin Translation Society 1849) (1539). Calvin identified several of these public goods, including the wellbeing of humankind, order, peace, and safety. *Id.* at 479-81.

61. CALVIN, INSTITUTES, *supra* note 17, 4.20.9. In his *Commentary on Romans* 13, he observed that Paul noted two things about government that “even philosophers have considered as making a part of a well-ordered administration of a commonwealth, that is, rewards for the good, and punishment for the wicked.” CALVIN, COMMENTARY, *supra* note 60, at 481.

62. CALVIN, INSTITUTES, *supra* note 17, 4.20.9.

diminished or violated, and Calvin found the happiest kind of government to be one that establishes and regulates freedom “with becoming moderation.”⁶³

Although Calvin recognized that Christians encounter something of a moral dilemma when civil magistrates use physical force to punish wrongdoers, including executing murderers, he urged that civil magistrates in punishing wrongdoers are not acting rashly or on their own, but are “carr[ying] out the very judgments of God” and acting upon his authority.⁶⁴ Thus, God, the ultimate Lawgiver, “puts into the hand of his ministers a sword to be drawn against all murderers.”⁶⁵ Calvin also noted, however, his objection to undue cruelty and his assessment that clemency must be available to ensure fair judgment.⁶⁶ Civil magistrates must find the proper balance in their judgments and thereby avoid both an “excessive severity” that harms more than it heals and “the cruelest gentleness” that abandons people to their destruction.⁶⁷

The authority of civil magistrates to use force extends beyond punishing individual wrongdoers to include taking up arms to execute “public vengeance” and waging war in an effort “to check the fury” of those who disturb “the common tranquility of all.”⁶⁸ Those “robbers” who afflict and devastate a whole country or who invade a foreign country must also be punished. In Calvin’s view, “both natural equity and the nature of the office dictate that princes must be armed not only to restrain the misdeeds of private individuals by judicial punishment, but also to defend by war the dominions entrusted to their safekeeping, if at any time they are under enemy attack.”⁶⁹

Although magistrates may rightfully wage war to defend their subjects against armed invaders, they must exercise restraint and satisfy certain requirements. They must “guard particularly against giving bent to their passions,” must have “pity on the common nature in the one whose special fault they are punishing,” must wage war only when “driven to it by extreme necessity,” and must pursue every other course “before recourse is had to arms.”⁷⁰ A ruler’s decision to wage war must not be based upon private affection or in pursuit of the ruler’s own advantage—both of which would constitute abuse of power. Rather, the decision must be based upon “concern

63. *Id.* 4.20.8.

64. *Id.* 4.20.10.

65. *Id.*

66. *Id.* For Calvin, clemency is “that best counselor of kings and surest keeper of the kingly throne”; it is “the chief gift of princes.” *Id.*

67. *Id.*

68. *Id.* 4.20.11.

69. *Id.*

70. *Id.* 4.20.12.

for the people alone” and the benefit and service of others.⁷¹

Civil magistrates may lawfully impose taxes to meet the public expenses of their offices and even to provide for their own households. However, revenues should not be viewed as “their private chests”; instead, the funds should be viewed as “the treasuries of the entire people” that “cannot be squandered or despoiled without manifest injustice.”⁷² Although revenues are “supports of public necessity,” they are, in Calvin’s view, “almost the very blood of the people, which it would be the harshest inhumanity not to spare,” and thus rulers must exercise great care not to impose taxes on the “common folk without cause.”⁷³ Nevertheless, because civil magistrates may lawfully raise revenues for certain purposes, private individuals are not to “rashly and shamelessly decry any expenses of princes.”⁷⁴

2. The Laws—“According to Which [the Magistrate] Governs”⁷⁵

In discussing the second part of civil government, the laws, Calvin addressed the laws with which “a Christian government ought to be governed.”⁷⁶ For Calvin, the laws are silent magistrates and serve a positive function in civil government—they are the “stoutest sinews of the commonwealth,” connective tissue that provides strength and vitality.⁷⁷ Drawing upon the thought of Plato and Cicero, Calvin saw the laws as “the souls” of civil government.⁷⁸ Civil government, a living law, needs laws in order to stand, and laws need civil government to give laws force. Calvin, however, avoided discussing the specific laws with which civil magistrates ought to govern because such a discussion would require a long and endless discourse. Instead, he focused upon “what laws can piously be used before God, and be rightly administered among men.”⁷⁹

a. The Moral Law in Civil Government

In his discussion of the laws of civil government, Calvin included the moral law of God as a central feature. Calvin adopted the traditional, three-fold division of “the whole law of God” into the moral, ceremonial, and judicial

71. *Id.*

72. *Id.* 4.20.13.

73. *Id.*

74. *Id.*

75. *Id.* 4.20.3.

76. *Id.*

77. *Id.* 4.20.14.

78. *Id.*

79. *Id.*

laws.⁸⁰ Although he understood the ceremonial laws and the judicial or civil laws in the Bible to be part of the whole law of God, he believed that they were limited in their application and were not intended to be used and administered by civil government. He also recognized that Christians, as a consequence, face the difficult task of discerning in the whole law of God those laws that pertain to them and those that do not.⁸¹

In Calvin's view, God did not intend for the ceremonial laws or the judicial laws to govern all people in all countries and at all times.⁸² In Israel's ceremonial laws, which governed its religious practices and worship, God trained the Jewish people through figures that foreshadowed the truth and wisdom of God that were ultimately revealed to all people in Jesus Christ and his sacrifice.⁸³ God gave the Jewish people judicial laws for their civil government, and these laws conveyed "certain formulas of equity and justice, by which [the people] might live together blamelessly and peaceably."⁸⁴ God intended Israel's civil laws to show "how best to preserve that very love which is enjoined in God's eternal law," but these civil laws included "something distinct from that precept of love."⁸⁵ Although the ceremonial laws were "abrogated" and the "judicial laws were taken away,"⁸⁶ the moral law, the third part of the whole law of God, remains "safe and unharmed."⁸⁷

The moral law is the part of God's law that civil government should properly use and administer.⁸⁸ The moral law has two aspects: the first relates to the

80. *Id.* 4.20.14.

81. *Id.* 4.20.15. Calvin elsewhere observed that some had taught that the moral law has been abrogated and that Jesus himself had to refute that perspective. Calvin responded to this wrong belief by noting that "almost all errors have commonly taken their occasion from truth" and emphasizing that Christians must "accurately distinguish what in the law has been abrogated from what still remains in force." *Id.* 2.7.14.

82. *Id.* 4.20.15. See also ST. THOMAS AQUINAS, *SUMMA THEOLOGICA* pt. I-II q. 98-105 (Benziger Bros. ed., 1947) (1274) available at <http://www.ccel.org/a/aquina/summa.html>; PHILIP MELANCTHON, *LOCI COMMUNES* 117-21 (Meador Publ'g Co., 2d ed. 1944) (1521).

83. CALVIN, *INSTITUTES*, *supra* note 17, 4.20.15.

84. *Id.*

85. *Id.*

86. *Id.* Calvin also argued that the ceremonial laws were abrogated in their use, but not their effect. Thus, "Christ by his coming has terminated them, but has not deprived them of any of their sanctity; rather, he has approved and honored [the ceremonial law]." *Id.* 2.7.16. He "sealed their force and effect" by his death. *Id.* 2.7.16. In Calvin's view, observance of the ceremonies did not atone for sins; instead, in the observance, people confessed their sins. Those who observed the Jewish ceremonies partook in the same grace as Christians through the atoning work of Christ that was obscured in the ceremonies.

87. *Id.* 4.20.15.

88. *Id.* 4.20.14 to 4.20.15.

pure and faithful worship of God; and the second relates to love and respect among people. Calvin instructed that the moral law—"the perpetual duties and precepts of love"—is summarized in the Ten Commandments and that this moral law is the law of God intended for all people in all nations and at all times.⁸⁹ In Calvin's words, the moral law "is the true and eternal rule of righteousness, prescribed for men of all nations and times, who wish to conform their lives to God's will. For it is his eternal and unchangeable will that he himself indeed be worshiped by us all, and that we love one another."⁹⁰ Although civil governments may rightly "make such laws as [they] foresee[] to be profitable for [themselves]," all of their laws "must be in conformity to that perpetual rule of love, so that they indeed vary in form but have the same purpose."⁹¹ In Calvin's view, "barbarous and savage" laws that are abhorrent to justice, humanity, and gentleness by giving honor to thieves, permitting promiscuous intercourse, and allowing other things more filthy and absurd should not "be regarded as laws."⁹²

b. The Moral Law, the Natural Law, and the Goal and Limit of Positive Law

Although he distinguished between the constitution of the law and the equity of the law, he affirmed that the constitution or structure of the law "is itself founded and rests" on equity.⁹³ He recognized that the concrete laws (the constitution of the laws) differ in various countries but that what matters most is that all positive laws "equally press toward the same goal of equity."⁹⁴ In Calvin's view, "the entire scheme of this equity" "has been prescribed" in the moral law, and this moral law "is nothing else than a testimony of natural law and of that conscience which God has engraved upon the minds of men."⁹⁵ Elsewhere, Calvin defined the natural law as "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."⁹⁶ Furthermore, because equity is natural, it is the same for all

89. *Id.* 4.20.15.

90. *Id.* See also *id.* at 2.7.1 & 2.7.14 to 2.7.15. Calvin explained that the moral law is abrogated in the sense that it no longer condemns because Christ was made a curse for Christians, but that otherwise "no part of the authority of the law is withdrawn without our having always to receive it with the same veneration and obedience." *Id.* 2.7.15.

91. *Id.*

92. *Id.*

93. *Id.* 4.20.16.

94. *Id.*

95. *Id.*

96. *Id.* 2.2.22.

people, and “this equity alone must be the goal and rule and limit of all laws.”⁹⁷ Consequently, this equity is the “purpose [that] ought to apply to all laws, whatever their object,” and laws that are “framed to that rule [of equity], directed to that goal, [and] bound by that limit” should be approved among people, even if the laws “differ from the Jewish law, or among themselves.”⁹⁸

Calvin understood that the positive laws of nations are adapted to the particular circumstances in each nation and that different circumstances contribute to differences among the laws. Among the unique circumstances cited by Calvin that could result in differences in laws are harsher penalties required because of uncontrolled violence, disturbances that arise in particular places or that result from people inclined to certain vices, unique needs that arise during wartime, and unique occurrences such as natural disasters. Nevertheless, although diversity is to be expected, “all laws tend to the same end. For, together with one voice, they pronounce punishment against those crimes which God’s eternal law has condemned, namely, murder, theft, adultery, and false witness.”⁹⁹ In other words, Calvin observed that acts prohibited by the moral law are similarly forbidden by Israel’s civil laws and the laws of other nations. Although the civil laws of the Jewish people and other nations vary for instance regarding the appropriate punishment, this diversity posed no problem to Calvin. To the contrary, this diversity “is perfectly adapted to maintain the observance of God’s law,” and the person who is offended by the diversity of laws and punishments among nations is “malicious and hateful toward public welfare.”¹⁰⁰ Thus, for Calvin, the moral law, which God engraved on human hearts and which is known through the testimony of natural law and conscience, provides the foundation for human positive law.

c. The Dangerous Understanding of Certain Men

Calvin expressed serious concern about certain proponents of a “perilous and seditious,” “false and foolish” understanding of the use of Moses’ law in civil government:

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

97. *Id.* 4.20.16.

98. *Id.*

99. *Id.*

100. *Id.*

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.¹⁰¹

Responding to those who contended that civil governments dishonor the law of God when they enact “new laws” rather than enacting the judicial laws of the Old Testament, Calvin emphasized that God did not intend the Jewish ceremonial and judicial laws for all people throughout the world:

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; or when that law is abrogated which was not 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 especially to it; and—as became a wise lawgiver—he had special concern for it in making its laws.¹⁰²

In Calvin’s view, the proponents of these errors had failed properly to distinguish among the moral, ceremonial, and judicial laws and to understand that not all of the law of God given through Moses pertains to Christians or other civil governments.¹⁰³

d. The End and the Uses of the Moral Law

For Calvin, the moral law and the ceremonial law were given to lead people to Christ, who is the end or fulfillment of the law.¹⁰⁴ Because the moral law teaches perfect righteousness, perfect obedience to the moral law would be perfect righteousness before God. However, because no person observes the

101. *Id.* 4.20.14.

102. *Id.* 4.20.16.

103. *Id.* 4.20.14. Calvin recognized that the ceremonial and judicial laws do relate to morals, but “no one [should] be concerned over th[is] small point.” *Id.* He added:

For the ancient writers who taught this division, although they were not ignorant that these two latter parts had some bearing upon morals, still, because these could be changed or abrogated while morals remained untouched, did not call them moral laws. They applied this name only to the first part [the moral law], without which the true holiness of morals cannot stand, nor an unchangeable rule of right living.

Id.

104. *Id.* 2.7.1 to 2.7.2.

law perfectly, the law brings judgment, curses, death, and despair, rather than any promise of life.¹⁰⁵ Nevertheless, God, in his goodness and grace, has freely supplied what is lacking, and those who “in faith embrace that same goodness held forth to [them] by the gospel” receive the benefit of the promises of life in the law.¹⁰⁶

Calvin distinguished three uses of the moral law.¹⁰⁷ The first use, the theological use, is to demonstrate God’s righteousness and the righteousness that is “alone acceptable to God.”¹⁰⁸ With the theological use, the moral law warns, informs, convicts, and condemns every person for their unrighteousness.¹⁰⁹ Like a mirror, it allows people to see that they are not perfect or holy, but rather weak, imperfect, and wicked.¹¹⁰ By the law, people see their sinfulness and understand that this sinfulness prevents them from enjoying the blessed life God intends for them, and thus the law helps to highlight the sweetness of God’s grace and the loveliness of his mercy.¹¹¹ The children of God, having seen their sinfulness, run in faith to the mercy of God that is revealed in Jesus Christ.¹¹² Even among those who are not the children of God, the moral law shows the “equity of the divine judgment,” and based upon the testimony of the moral law and conscience, “they betray in themselves what they have deserved.”¹¹³

With the second use, the civil use, the moral law functions coercively to restrain evildoers, and thus the moral law is useful in “the public community of men.”¹¹⁴ Calvin explained:

[The moral law functions] at least by fear of punishment to restrain certain men who are untouched by any care for what is just and right unless compelled by hearing the dire threats in the law. But they are restrained, not because their inner mind is stirred or affected, but because, being bridled, so to speak, they keep their hands from outward activity, and hold inside the depravity that otherwise they would wantonly have indulged.¹¹⁵

105. *Id.* 2.7.3 to 2.7.4.

106. *Id.* 2.7.4.

107. *Id.* 2.7.6 to 2.7.13.

108. *Id.* 2.7.6.

109. *Id.*

110. *Id.* 2.7.7.

111. *Id.*

112. *Id.* 2.7.8.

113. *Id.* 2.7.9.

114. *Id.* 2.7.10.

115. *Id.*

Because people who lack an internal concern for what is just and right will not obey the law voluntarily, they need the externally imposed fear of the law to keep them from doing what they would otherwise do. Thus, the moral law serves as a halter in civil society to restrain or check evil and to keep people from becoming consumed by as much evil as they otherwise would.¹¹⁶ As with the theological use, the moral law performing its civil function may lead people “by its tutelage to Christ.”¹¹⁷

The third and principal use of the moral law, the pedagogical use, is uniquely for Christians, and Calvin understood this use to be most closely linked to the proper use of the law. The moral law is profitable to Christians in that it both teaches them God’s will and ways and exhorts them to live accordingly. In other words, Christians benefit from the moral law by gaining a purer knowledge of God’s will, but also by being aroused to and strengthened in their obedience to it.¹¹⁸ Thus, among the people of God, the moral law has “a better and more excellent use”—it “points out the goal toward which throughout life [Christians] are to strive.”¹¹⁹ The moral law’s pedagogical function is evident in that it teaches, admonishes, reproves, and corrects Christians, forming and preparing them for every good work.¹²⁰

e. The Clear Written Witness to the Moral Law in the Decalogue

According to Calvin, God in the moral law has given a true knowledge of himself, human beings, and the obligations humans owe. In the moral law, God teaches his greatness and majesty, commands his worship, and calls people to reverence him. He also reveals human unrighteousness, impotence, and poverty so that people become broken and learn humility and self-abasement.¹²¹ In Calvin’s view, this moral law is found both in the natural law and in the Ten Commandments:

Now that inward law, which [Calvin] ha[s] [] described as written, even engraved, upon the hearts of all, in a sense asserts the very same things that are to be learned from the two Tables. For our conscience does not allow us to sleep a perpetual insensible sleep without being an inner witness and monitor of what we owe God, without holding before us the difference between good and evil and thus accusing us when we fail in our duty. But man is so shrouded

116. *Id.* 2.7.10 to 2.7.11.

117. *Id.* 2.7.11.

118. *Id.* 2.7.12.

119. *Id.* 2.7.13.

120. *Id.* 2.7.14.

121. *Id.* 2.8.1.

in the darkness of errors that he hardly begins to grasp through this natural law what worship is acceptable to God. Surely he is very far removed from a true estimate of it. Besides this, he is so puffed up with haughtiness and ambition, and so blinded by self-love, that he is as yet unable to look upon himself and, as it were, to descend within himself, that he may humble and abase himself and confess his own miserable condition. Accordingly (because it is necessary both for our dullness and for our arrogance), the Lord has provided us with a written law to give us a clearer witness of what was too obscure in the natural law, shake off our listlessness, and strike more vigorously our mind and memory.¹²²

122. *Id.* 2.8.1. Calvin believed that the “natural gifts” of humans (i.e., soundness of mind, understanding, uprightness of heart, judgment, and the will) were corrupted by sin, but that the “supernatural gifts” (e.g., faith, love of God, and zeal for righteousness and holiness) were lost entirely in the fall. Although human reason was “partly weakened” and “partly corrupted,” humans remain rational beings, endowed with understanding and capable of making judgments, and they possess “some power of perception” and are “by nature captivated by love of truth,” although they “cannot hold to the right path” and “wander[] through various errors and stumble[] repeatedly.” *Id.* 2.2.12.

In this context, Calvin made an important distinction between knowledge of “earthly things” and knowledge of “heavenly things.” He wrote:

I call “earthly things” those which do not pertain to God or his Kingdom, to true justice, or to the blessedness of the future life; but which have their significance and relationship with regard to the present life and are, in a sense, confined within its bounds. I call “heavenly things” the pure knowledge of God, the nature of true righteousness, and the mysteries of the Heavenly Kingdom. The first class includes government, household management, all mechanical skills, and the liberal arts. In the second are the knowledge of God and of his will, and the rule by which we conform our lives to it.

Id. 2.2.13. Regarding knowledge of “earthly things,” he added:

Since man is by nature a social animal, he tends through natural instinct to foster and preserve society. Consequently, we observe that there exist in all men’s minds universal impressions of a certain civic fair dealing and order. Hence no man is to be 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.

Id. Although he recognized that some people try to throw off all law, that people disagree about what is just in particular situations and about what specifically should be forbidden or praised, and that people (because of lust) fight against manifest or unmistakable reason, he nevertheless maintained that people generally know what is good and have a general conception of equity. He wrote:

[W]hile men dispute among themselves about individual sections of the law, they

Thus, the Decalogue, the moral law provided in written form, reveals with clarity and fullness the moral law that is revealed more obscurely in the natural law.¹²³ The Decalogue teaches perfect righteousness¹²⁴ and requires people to

agree on the general conception of equity. In this respect the frailty of the human mind is surely proved: even when it seems to follow the way, it limps and staggers. 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.

Id. Thus, the faculty of reason, which Calvin understood to be proper to human nature, distinguishes the human race from “brute beasts” and other creatures, and the human capacity to reason is among the “remaining traces of the image of God” in humans. *Id.* 2.2.17.

With knowledge of “heavenly things,” the situation was very different for Calvin. When it comes to knowing God, his fatherly love and salvation, and how to live according to the rule of the moral law, human reason fails, spiritual blindness pervades, and illumination and regeneration by the Holy Spirit are absolutely necessary. *Id.* 2.2.18 to 2.2.21. When it comes to right living and conduct, the natural law (i.e., the knowledge of God’s law engraved on human minds and the apprehension of the conscience that distinguishes just from unjust, good from evil) sufficiently instructs regarding a right standard of conduct, provides a basis for just condemnation, and renders people inexcusable. *Id.* 2.2.22. Additionally, reason correctly provides people with general definitions or principles of right and wrong, but reason often fails in applying these principles to particular cases and in reaching the right judgments in every respect. *Id.* 2.2.23 to 2.2.24. The failure of human reason in guiding people to right living and conduct is more pronounced with the first table of the Decalogue than with the second table, of which people have “somewhat more understanding . . . because these are more closely concerned with the preservation of civil society among them. Yet even here one sometimes detects a failure to endure.” *Id.* 2.2.24. After all, right reasoning about the second table is plagued by “the diseases of [human] lusts.” *Id.* As a consequence, the grace of illumination and regeneration by the Holy Spirit is necessary to live lives that truly conform with the requirements of God’s moral law, to choose to follow what is good, and to aspire to eternal blessedness. *Id.* 2.2.25 to 2.2.27.

123. Scholars have attempted to identify the content of the natural law as set forth in Calvin’s writings and have suggested the following:

“nature” or “natural sense” or “reason” teaches the authority of fathers over wives and children, the sanctity of monogamous marriage, the duty to care for families, breast-feeding, primogeniture (albeit with qualifications)[,] the sacrosanctity of envoys and ambassadors, the obligation of promises, degrees of marriage, the need for witnesses in murder trials, the need for a distinction of ranks in society; and natural law prohibits incest, murder, adultery, slavery, and even the rule of one man. And again, nature itself teaches the duty to award honours only to those qualified, respect for the old, equity in commercial dealings, and that religion must be the first concern of governors.

HARRO HÖPFL, *THE CHRISTIAN POLITY OF JOHN CALVIN 179-80* (1985); *see also* VanDrunen, *The Context*, *supra* note 27, at 512 & n. 30.

124. CALVIN, *INSTITUTES*, *supra* note 17, 2.8.5.

do what is pleasing to God, what is right and good, and not what is wicked.¹²⁵

According to Calvin, God gave the whole law so that human life would conform to the “archetype of divine purity.”¹²⁶ In other words, God gave the law so that people would live up to his righteous standard, and people are to be taught the law so that they may be joined to God in the holiness of their lives. Furthermore, Calvin thought that the real evidence of piety, fear of God, and zeal for righteousness is found in judgment, mercy, equity, and truthfulness shown toward all people.¹²⁷ For Calvin, love is derived from true piety, and holiness is perfected as people love God first and then their neighbors as a byproduct.¹²⁸ Thus, a person who loves God and neighbor conforms to the will of God and the prescriptions of the moral law. As Calvin remarked,

[I]t is very clear that [people] keep the commandments not by loving [themselves] but by loving God and neighbor; that he lives the best and holiest life who lives and strives for himself as little as he can, and that no one lives in a worse or more evil manner than he who lives and strives for himself alone, and thinks about and seeks only his own advantage.¹²⁹

f. General Points Regarding the Moral Law

Before discussing each of the Ten Commandments in detail, Calvin outlined some general points about the moral law. First, the moral law of God is concerned with both outward and inward righteousness.¹³⁰ Although the laws of civil governments extend only to outward conduct and to human purposes and intentions that are manifest in outward actions, the moral law of God speaks to the body as well as the soul and thus addresses inward dispositions such as purity of heart, lust, hatred, coveting, and deceit.¹³¹

Second, the commandments and prohibitions in the Decalogue contain more than is expressed in the mere words themselves. Acutely aware of the peril of twisting Scripture, Calvin sought to interpret the Ten Commandments carefully so that the “pure and authentic meaning [was] faithfully rendered.”¹³² According to Calvin, the best rule to guide interpretation of the commandments

125. *Id.* 2.8.2.

126. *Id.* 2.8.51.

127. *Id.* 2.8.52. Judgment here is used in the sense of justice. See *Matthew* 23:23.

128. CALVIN, *INSTITUTES*, *supra* note 17, 2.8.51.

129. *Id.* 2.8.54.

130. *Id.* 2.8.6.

131. *Id.*

132. *Id.* 2.8.8.

was to give attention to the reason or purpose for each commandment, considering why each was given and finding in each that which is pleasing and displeasing to God. Thus, understanding the reasons why God gave each of the commandments opens the fuller meaning found in each.¹³³ Under this interpretive approach, Calvin found in the commandments and prohibitions the opposing virtues and vices that please and displease God: “if this pleases God, the opposite displeases him; if this displeases, the opposite pleases him; if he commands this, he forbids the opposite; if he forbids this, he enjoins the opposite.”¹³⁴

Third, the moral law is divided into two parts that “contain the whole of righteousness.”¹³⁵ The first part, which is the first table of the Ten Commandments, addresses those duties of religion that concern the worship of God and piety. For Calvin, the worship of God is “the beginning and foundation of righteousness” and is necessary to preserve equity and love among people.¹³⁶ The second part, the second table of the Decalogue, addresses the duties of love among people and how people ought to conduct themselves in human society.¹³⁷ Thus, the whole moral law can be summarized under two heads: love God with all of one’s being, and love neighbor as one’s self.¹³⁸ The Ten Commandments, however, set forth more fully and clearly what it means to love God and neighbor and reveal “everything connected with the honor, fear, and love of [God], and everything pertaining to the love toward men.”¹³⁹

g. The Second Table and the Duties of Love in Human Society

Because Calvin understood the moral law given in the natural law to be the same moral law given in the Ten Commandments, Calvin’s detailed exposition of the Decalogue provides insight into the substance of the moral law revealed in the natural law. And, because this Article addresses Calvin’s understanding of the civil magistrate, civil law, and the natural law, the discussion that follows

133. *Id.* Calvin understood the Ten Commandments to be synecdoches, a figure of speech in which a term for a part of something is used to mean the whole. *Id.*

134. *Id.*

135. *Id.* 2.8.11.

136. *Id.*

137. *Id.* Calvin also observed that the second table teaches what people owe other people for God’s sake. *Id.* 2.8.50.

138. *Id.* 2.8.11. Calvin understood neighbors to include the whole human race and all people. *Id.* 2.8.55.

139. *Id.* 2.8.12. Calvin disagreed with the division of the commandments offered by some theologians that placed three commandments in the first table and seven in the second. Calvin believed a better division placed four in the first table and six in the second. *Id.*

focuses on the six commandments of the second table that speak to duties of love among people and provide standards governing human conduct in civil society.¹⁴⁰

The Fifth Commandment, which requires children to honor their parents, was given so that people “look up to those whom God has placed over [them]” and “treat [these superiors] with honor, obedience, and gratefulness.”¹⁴¹ Its purpose is to maintain the order that pleases God and to prohibit subordinates from violating “the degrees of pre-eminence” he has established.¹⁴² Because God ordains and places superiors in their positions of authority, people should give superiors “reverence, obedience, and gratefulness” and should perform

140. In his *Commentary* on the Apostle Paul's instructions related to civil government in *Romans* 13, Calvin noted that Paul's discussion of civil government highlighted the second table of the Decalogue, which “speaks only of what the law requires from us as to our neighbors” and is the “part of the law which refers to mankind.” CALVIN, COMMENTARY, *supra* note 60, at 485, 486. Calvin's distinction between the requirements of the two tables, especially in light of his comments on the Apostle Paul's teaching on civil government and the law of love in *Romans* 13, justifies emphasizing the six commandments of the second table for purposes of surveying Calvin's understanding of the moral law and civil government. Nevertheless, Calvin instructed that civil governments have duties as to both tables of the Decalogue. For a discussion of the duties of civil government as to the two tables, see *supra* notes 58-59 and accompanying text. As discussed above, Calvin taught that civil government has a role in cherishing and protecting the outward worship of God, defending sound doctrine, and safeguarding the position of the church, and this role would include promoting observance of the first four commandments and punishing sacrilege and blasphemy. See *supra* notes 34, 36, and 49 and accompanying text. In the *Institutes*, Calvin provided a detailed exposition of the four commandments in the first table. CALVIN, INSTITUTES, *supra* note 17, 2.8.13 to 2.8.34. Calvin explained that the purpose of the First Commandment, which prohibits having any other gods, is God's intention “to be pre-eminent among his people, and to exercise complete authority over them.” *Id.* 2.8.16. Thus, God declared himself to be the one God and prohibited people from imagining or having any other gods. *Id.* 2.8.17. The Second Commandment, which prohibits graven images, was given for the purpose of declaring God's will that “his lawful worship [not] be profaned by superstitious rites,” that petty carnal observances invented by human minds not be any part of his worship, that people engage in no idolatry, and that people conform to the lawful spiritual worship established by God. *Id.* 2.8.17. The purpose of the Third Commandments, which prohibits taking God's name in vain, is to keep God's name holy and set apart and to forbid profaning “his name by treating it contemptuously and irreverently.” *Id.* 2.8.22. God gave the Fourth Commandment, requiring the Sabbath to be kept holy, so that people would meditate on his kingdom, especially in the ways established by him. The Sabbath represents spiritual rest in which people set aside their work to permit God to work in them. The Sabbath is thus a day set aside for people to assemble to worship and for servants and others who labor to rest from their toil. *Id.* 2.8.28.

141. *Id.* 2.8.35.

142. *Id.*

such duties for them as they can.¹⁴³ This rule applies even when superiors are unworthy,¹⁴⁴ and it applies in every sphere of life including the home and civil society.¹⁴⁵ Stated positively, this commandment teaches that it is right and pleasing to God for people to honor those whom God has made superiors. Stated negatively, it instructs that God strongly disapproves of contempt and stubbornness against such superiors. Thus, honor is due “to those to whom God has assigned it.”¹⁴⁶ A promise of blessing comes to those who keep this commandment, and “an inevitable curse” comes to those who disregard it.¹⁴⁷ Subordinates may, however, depart from obedience to this commandment when superiors “spur” subordinates to violate the moral law.¹⁴⁸

The Sixth Commandment prohibits killing. According to Calvin, “the Lord has bound mankind together by a certain unity; hence each man ought to concern himself with the safety of all. . . . [A]ll violence, injury, and any harmful thing at all that may injure [a] neighbor’s body are forbidden”¹⁴⁹ This commandment forbids people hurting or harming others unjustly because God’s will is for people to count “dear and precious” the lives of others.¹⁵⁰ The commandment, however, requires more than abstaining from wronging another or desiring to wrong another; it also requires people to give their “neighbor’s life all the help [they] can”¹⁵¹ and to “look out for [their neighbor’s] safety according to [each person’s] ability and opportunity.”¹⁵² Thus, this commandment mandates “those duties of love” that help to preserve life,¹⁵³ and in forbidding killing, it also forbids “murder of the heart” and “enjoins the inner intent to save a brother’s life.”¹⁵⁴ Calvin understood the commandment to be established on two foundations: (1) the sacred status of a neighbor’s life because every human being is created in the image of God, and (2) the

143. *Id.* 2.8.36.

144. *Id.*

145. *Id.* 2.8.38.

146. *Id.* 2.8.8.

147. *Id.* 2.8.37 to 2.8.38.

148. *Id.* 2.8.38. For a discussion of civil disobedience, see *infra* notes 208-13 and accompanying text.

149. *Id.* 2.8.39.

150. *Id.* 2.8.9.

151. *Id.*

152. *Id.* 2.8.40. Calvin thus understood this commandment to require “if [people] find anything of use to [them] in saving [their] neighbors’ lives, faithfully to employ it; if there is anything that makes for their peace, to see to it; if anything harmful, to ward it off; if they are in any danger, to lend a helping hand.” *Id.* 2.8.39.

153. *Id.* 2.8.9.

154. *Id.* 2.8.39.

cherished value of all humanity because all humans share the same flesh.¹⁵⁵

Because "God loves modesty and purity," the Seventh Commandment prohibits adultery and requires people to put off "all uncleanness" and "not [to] become defiled with any filth or lustful intemperance of the flesh."¹⁵⁶ The commandment affirmatively directs people to "chastely and continently regulate all parts of [their] life" and to "abominate all lust."¹⁵⁷ According to Calvin, God established and blessed marriage, and "any other union apart from marriage is accursed in his sight."¹⁵⁸ Marriage provides companionship and a "necessary remedy" against "unbridled lust."¹⁵⁹ Nevertheless, even in a marriage relationship, lust must not be "uncontrolled and dissolute," and a married couple ought not to "admit anything at all that is unworthy of the honorableness and temperance of marriage."¹⁶⁰ Finally, modesty is also required in dress, gestures, and speech, and this commandment "condemns whatever opposes it."¹⁶¹

The Eighth Commandment, which prohibits stealing, was given because "injustice is an abomination to God" and each person "should render to each man what belongs to him."¹⁶² The commandment forbids people "to pant after the possessions of others" and commands people "to strive faithfully to help every man to keep his own possessions."¹⁶³ In discussing this commandment, Calvin focused upon the duties that each person owes to his or her neighbors, including the duty to "protect and promote the well-being and interests of

155. *Id.* 2.8.40.

156. *Id.* 2.8.41.

157. *Id.*

158. *Id.*

159. *Id.* Calvin addressed the virtue of virginity and the gift of celibacy in his discussion of the Seventh Commandment and observed that marriage is the "sole remedy with which to resist unchastity." *Id.* 2.8.42 to 2.8.43.

160. *Id.* 2.8.44.

161. *Id.* Calvin amplified his teaching on this commandment with a list of prohibitions:

[L]et neither your heart burn with wicked lust within, nor your eyes wantonly run into corrupt desires, nor your body be decked with bawdy ornaments, nor your tongue seduce your mind to like thoughts with filthy words, nor your appetite inflame it with intemperance.

Id.

162. *Id.* 2.8.45. In addressing the duty to give to each person what belongs to him, Calvin drew upon Paul's teaching in *Romans* 13:7 to render to all what is due them and upon Roman jurisprudence, including the *Institutes*, which was one part of the *Corpus Juris Civilis* and which defined justice as the perpetual desire or purpose to give to each person his due. See *Romans* 13:7; THE INSTITUTES OF JUSTINIAN 3 (B. Moyle trans., 3d ed. 1896), available at <http://www.fordham.edu/halsall/source/corpus1.html>.

163. CALVIN, INSTITUTES, *supra* note 17, 2.8.45.

others.”¹⁶⁴ In helping their neighbors keep what is theirs, people should provide counsel and aid, and people should help to meet the needs of those who lack the necessities because of life’s difficulties.¹⁶⁵

Calvin found the Eighth Commandment applicable to money, goods, and land, as well as those duties that exist among people. He recognized that each person’s possessions come as a result of God’s distribution, and those who employ evil devices or cunning to deprive another of his or her possessions or to acquire another’s possessions set aside God’s dispensation.¹⁶⁶ Calvin identified four different kinds of theft: (1) stealing another’s possessions by force and unrestrained banditry; (2) carrying off another’s possessions by malicious deceit or fraud; (3) snatching another’s possessions by seemingly legal means but through concealed craftiness; and (4) cheating another of his or her possessions by deceptive flatteries or gifts. In Calvin’s view, those who engage in such theft fail to show proper affection to their neighbors, and by such theft, they breach the duties they owe their neighbors. Additionally, people who fail to “carry out what [they] owe to others according to the responsibility of [their] own calling[s] both withhold[] and appropriate[] what is another’s.”¹⁶⁷ Calvin also reminded readers of the *Institutes* that, even though some thefts may avoid human detection, God sees them all and is not deceived.¹⁶⁸

According to Calvin, the Eighth Commandment applies in several sets of human relationships and gives rise to an array of reciprocal duties. In the relationship between civil rulers and citizens, rulers must take care of the people, maintain the public peace, protect the common good, punish evil, and carefully manage all things.¹⁶⁹ Citizens must honor their rulers, obey laws, and patiently accept the governance of their rulers.¹⁷⁰ In the relationship between ministers and parishioners, ministers have duties related to the ministry and teaching of the Word of God through both their words and their examples, and

164. *Id.* 2.8.46.

165. *Id.*

166. Calvin showed a profound cognizance of the wide range of deceptive devices that can be employed by those who violate this commandment. For instance, he included in theft the conduct of crafty people who undertake to “snare” those of simpler mind and draw such simple-minded victims into their “nets.” *Id.* 2.8.45. He also recognized as theft the conduct by which “the more powerful oppresses and crushes the weaker person” with “the hard and inhuman laws.” *Id.* Furthermore, those wily individuals who catch unwary individuals with baited hooks also violate this commandment. *Id.*

167. *Id.*

168. *Id.*

169. *Id.* 2.8.46.

170. *Id.*

they must in their exercise of authority act as good shepherds. Parishioners must receive and honor the ministers given by God and provide those things that are necessary for the ministers' livelihoods.¹⁷¹ In the relationship between parents and children, parents are responsible for nourishing, governing, and teaching their children. They must cherish and embrace their children with gentleness and kindness and not provoke their children with cruelty. Children must obey their parents, and youths must honor their elders. As to the duties elders owe to youths, they must mildly and gently guide youths and thoughtfully draw upon their wisdom and experience.¹⁷² In the relationship between masters and servants, masters must not be ill-tempered or difficult to deal with, and they must not abuse or oppress servants "with undue rigor." Masters should love their servants and treat them humanely,¹⁷³ and masters who "savagely harass[]" their households essentially steal from their servants.¹⁷⁴ Servants must be diligent and eagerly obey their masters.¹⁷⁵ A steward violates the Eighth Commandment by wasting his or her master's substance, failing to attend to the master's household affairs, spending or wasting the master's properties, mocking his or her master, divulging the master's secrets, or otherwise betraying the master's life or goods.¹⁷⁶

The Ninth Commandment prohibits giving false witness against a neighbor. It was given because "God (who is truth) abhors a lie," and it requires people to "practice truth without deceit toward one another."¹⁷⁷ The commandment instructs people neither to malign their neighbors with slanders or false charges, nor to harm a neighbor's substance by falsehood, nor to injure a neighbor with "unbridled evil[-]speaking and impudence."¹⁷⁸ In a negative sense, the commandment prohibits slander, deceit, falsehood, tale-bearing, caustic wit, and evil-speaking, and it forbids injuring a neighbor's reputation by evil intent and backbiting and disclosing the evils of others (even if true). The commandment also affirmatively requires people to speak the truth and to protect (as far as truth permits) a neighbor's good name, reputation, and possessions. Calvin recognized that destroying a person's good name with falsehood may do more harm to a neighbor than stealing his possessions.¹⁷⁹ In

171. *Id.*

172. *Id.*

173. *Id.*

174. *Id.* 2.8.45.

175. *Id.* 2.8.46.

176. *Id.* 2.8.45.

177. *Id.* 2.8.47.

178. *Id.*

179. *Id.* 2.8.47 to 2.8.48.

Calvin's view, the commandment clearly applies to both judicial testimony and private conversation, but it does not prevent words of "reproof made with intent to chastise," accusations or judicial denunciations to remedy evil, public correction calculated to deter other evildoers, or "disclosure before those who need to be forewarned lest they be endangered through ignorance."¹⁸⁰

In the Tenth Commandment, which prohibits covetousness, God requires people to rid their hearts of all desires that are "contrary to love" because God desires people to be possessed entirely "with a disposition to love."¹⁸¹ The commandment teaches that people should have no thoughts or desires in their hearts that tend toward their neighbor's loss. Thus, "whatever [people] conceive, deliberate, will, or attempt is to be linked to [their] neighbor's good and advantage."¹⁸² In addressing empty and perverse inclinations of the mind, this commandment reaches beyond the other commandments that prohibit deliberate consent of the will to do forbidden actions. In the other commandments, God requires that "the rule of love govern" human wills, endeavors, and actions, but in the Tenth Commandment, he requires a person's very thoughts to be controlled by this rule of love. This commandment shows that God desires people to be possessed of no evil desire for their neighbors; instead, they must be possessed wholly by love.¹⁸³

From his discussion of the commandments in the second table of the Decalogue, it is apparent that Calvin understood love of neighbor to be an essential requirement of the moral law. Based upon his understanding of the love commandment, Calvin saw in the moral law as revealed in the Decalogue and in the natural law a host of prohibitions and duties that govern all human relationships and that should give direction to civil law.

3. The People—"Who Are Governed by the Laws and Obey the Magistrate"¹⁸⁴

In discussing the third part of civil government, the people, Calvin considered "how the laws benefit the people, and what obedience is owed to the magistrate."¹⁸⁵ His particular concern was to understand the usefulness of laws, judgments, and magistrates "for the common society of Christians" and to explore the deference and obedience private individuals owe to their

180. *Id.* 2.8.48.

181. *Id.* 2.8.49.

182. *Id.*

183. *Id.* 2.8.49 to 2.8.50.

184. *Id.* 4.20.3.

185. *Id.*

magistrates.¹⁸⁶ Calvin acknowledged that some Christians might view civil government as superfluous because of a belief that they are prohibited from taking revenge, suing in court, and going to the law. Calvin disagreed with this understanding and urged that civil magistrates should be viewed as a benefit and as a good, pure, and holy gift of God. In his view, civil rulers are “minister[s] of God for our good,” and they are ordained by God to defend and support “against the wrongdoing and injustices of evil men” thereby allowing Christians to live “quiet and serene” lives.¹⁸⁷ For these reasons, Christians may call upon and appeal to civil magistrates and enjoy the benefits offered.

a. The Courts and Legal Actions

One of the benefits of civil government is the legal process available in courts.¹⁸⁸ In discussing litigation, Calvin identified two kinds of people. The first is filled with rage and hatred, never at peace, and constantly quarrelling. For these people, lawsuits are weapons to hurt and seek revenge, and legal process becomes a means to ruin opponents. By contrast, the second kind uses legal process simply to seek what is fair and good when they have been injured in their person or property, and such people are not motivated by hatred or a desire to harm.¹⁸⁹ According to Calvin, lawsuits are “permissible,” even when brought by Christians, if they are used “rightly.”¹⁹⁰ For lawsuits to be used rightly, litigants must not be inflamed by passion or motivated by enmity, malice, envy, bitterness, or revenge. Instead, love and good will must predominate. As Calvin stated, “a lawsuit, however just, can never be rightly prosecuted by any man, unless he treat his adversary with the same love and good will as if the business under controversy were already amicably settled and composed.”¹⁹¹

For civil litigation to be just and right, plaintiffs must have been undeservedly oppressed in their person or property, and they must entrust themselves to the care of courts (“public protectors”), make their complaints, and seek what is fair and good. Rather than being filled with animosity, being motivated by a desire to harm or take revenge, retaliating, or returning evil for

186. *Id.* 4.20.17.

187. *Id.* (referencing the letter of the Apostle Paul to the *Romans* and his first letter to *Timothy*).

188. *Id.* 4.20.18 & 4.20.19.

189. *Id.* 4.20.17, 4.20.18 & 4.20.19.

190. *Id.* 4.20.18, 4.20.20 & 4.20.21. Calvin did not believe that 1 *Corinthians* 6:5-8 prohibits Christians going to court. Instead, in Calvin's view, the Apostle Paul was correcting a quarrelsome spirit and “an immoderate rage for litigation in the church of the Corinthians.” *Id.* 4.20.21.

191. *Id.* 4.20.18.

evil, plaintiffs should be prepared to yield their claims, suffer loss, bear slanders, and allow double injury.¹⁹² Christian plaintiffs especially should “do good to those who do them harm” and forgive “wrongs as soon as they have been inflicted upon them.”¹⁹³ Civil defendants may defend what is rightfully theirs, but without bitterness.¹⁹⁴ In criminal cases, the accusers must not come to court with a “burning desire for revenge or resentment over private injury, but having in mind only to prevent the efforts of a destructive man from doing harm to society.”¹⁹⁵ In Calvin’s view, when people use lawsuits rightly, they are not seeking personal revenge, but allowing God to take revenge through his minister for human good, the civil government.¹⁹⁶

If civil and criminal litigation is used rightly, it has the potential of accomplishing good ends. It allows civil government to help preserve the possessions of people. It can preserve the public welfare by punishing the guilty. If Christians properly use litigation and patiently bear injuries done to them, litigation has the potential of helping to make people good. In such an instance, it can be a tool to prepare the heart, and thus it benefits those who would do wrong.¹⁹⁷ Calvin concluded his treatment of litigation, the courts, and legal process by emphasizing love as the paramount standard: “love will give every man the best counsel. Everything undertaken apart from love and all disputes that go beyond it, we regard as incontrovertibly unjust and impious.”¹⁹⁸

b. The Duties of Citizens

The first duty of citizens, Calvin argued, is to honor the office of the civil magistrate because its authority is given by God. Civil government should not be viewed as a necessary evil, but as a beneficial instrument to promote the public welfare. Thus, Christians obey the civil rulers not because of fear alone but also for the sake of conscience, conducting themselves in obedience to God and in recognition of the authority he has granted civil governments. Calvin emphasized that this duty is established upon “the order itself [which] is worthy of such honor and reverence,” not the people who hold office, who may be foolish, slothful, or cruel.¹⁹⁹

192. *Id.* 4.20.18, 4.20.19 & 4.20.20.

193. *Id.* 4.20.20.

194. *Id.* 4.20.18.

195. *Id.* 4.20.19.

196. *Id.*

197. *Id.* 4.20.20.

198. *Id.* 4.20.21.

199. *Id.* 4.20.22.

Citizens should show their reverence for civil government by obeying proclamations, paying taxes, undertaking public offices, bearing burdens pertaining to the common defense, and executing other commands of the civil magistrate. To show the genuineness of their reverence, they should commend to God the safety and prosperity of their rulers, and those who resist civil government show their contempt for God who ordained it. Because only a small number of rulers should actually be responsible for governing, Calvin instructed private citizens to restrain themselves politically, not to intrude into public affairs, and not pointlessly to invade the office of the civil magistrate. As a consequence, when a law needs to be changed, citizens should “not raise a tumult” or interfere, but allow the magistrate to do its work and make the necessary determinations.²⁰⁰ Thus, citizens should be patient, await the commands of the magistrate, and then do as commanded.

Calvin recognized that people have an inborn sense that leads them to “hate and curse tyrants” and to “love and venerate lawful kings.”²⁰¹ Bad rulers are marked by carelessness, laziness, and favoritism, and they adopt laws and judgments that benefit those they favor, confer privileges on select individuals, and waste the money of the people. In addition to using revenue to obtain favor improperly, some bad rulers will even “exercise sheer robbery, plundering houses, raping virgins and matrons, and slaughtering the innocent.”²⁰² In Calvin’s view, such rulers fail to reveal the image of God and to be that sort minister of God who praises the good and punishes the evil.²⁰³

Calvin, like others, believed that unjust and incompetent rulers are given by God to punish a people for its wickedness. Even so, the power that such rulers possess is given by God, and such rulers should receive from the people the same reverence and obedience as is granted good rulers.²⁰⁴ Stated differently, God in his providence establishes kingdoms and elevates kings and rulers, even when they are wicked and unjust and fail to observe proper restraints.²⁰⁵ After discussing the example of King Nebuchadnezzar, Calvin observed:

If we have continually present to our minds and before our eyes the fact that even the most worthless kings are appointed by the same decree by which the authority of all kings is established, those seditious thoughts will never enter our minds that a king should be treated according to his merits, and that it is unfair that we should

200. *Id.* 4.20.23.

201. *Id.* 4.20.24.

202. *Id.*

203. *Id.*

204. *Id.* 4.20.25.

205. *Id.* 4.20.26.

show ourselves subjects to him who, on his part, does not show himself a king to us.²⁰⁶

Thus, citizens are to be subject to and obey their rulers, to pray for the prosperity of those who have conquered them, and to leave it to God to judge rulers and remedy the evils they cause.²⁰⁷

c. The Appointment of Magistrates to Punish Wicked Rulers and the Duty of Obedience to God

In Calvin's view, God raises up at least two different classes of individuals to address wrongs done by rulers and to resist wicked governments. In the first class are magistrates who lawfully possess governing power and who may be called by God to carry out his work of avenging wrongdoing by rulers, punishing wicked governments, and delivering a people from oppression.²⁰⁸ Civil magistrates should take seriously their appointment to restrain evil rulers and protect the people, even when this requires taking up arms against other rulers.²⁰⁹ In the second class are individuals who may unwittingly do God's work of punishing wicked governments, even though their actions may be driven by evil intentions and other designs.²¹⁰ Calvin thought that God's work through these two classes of individuals would instill some fear in rulers, but he remained firm that private individuals have received no divine command to resist, but only to obey and suffer patiently.²¹¹

Calvin concluded his chapter on civil government by noting one important exception to the duty of citizens to obey their rulers. Obedience to rulers "is never to lead us away from obedience to him, to whose will the desires of all kings ought to be subject, to whose decrees all their commands ought to yield, to whose majesty their scepters out to be submitted."²¹² When a ruler's commands require anything that opposes God, the ruler exceeds the limits of his authority, does wrong against his subjects, and abrogates his power. Thus, for Calvin, rulers remain under God's rule, being subject to his ultimate authority, and citizens ought always to obey God rather than men, even though this may cause them to suffer at the hands of evil rulers who will not tolerate any defiance.²¹³

206. *Id.* 4.20.27.

207. *Id.* 4.20.28 & 4.20.29.

208. *Id.* 4.20.30.

209. *Id.* 4.20.31.

210. *Id.* 4.20.30.

211. *Id.* 4.20.31.

212. *Id.* 4.20.32.

213. *Id.*

III. CONCLUSION

The goal of this Article has been modest—it has aimed to provide a survey of John Calvin's understanding of the civil magistrate, law, and the natural law as presented in his principal work, the *Institutes of the Christian Religion*. In surveying his thought on these subjects, this Article has provided a sketch of how one of the central figures of the Protestant Reformation understood the natural law in relation to civil government and the moral law of God.

As a Christian theologian and humanist, Calvin exhibited in his writings a profound respect for biblical authority, a deep-seated commitment to the careful study of the Scriptures, and a devotion to the theological emphases of the early Protestants, yet he also demonstrated an appreciation for the contributions of great thinkers and for the wisdom contained in classical, early church, and Medieval sources. Perhaps this helps to explain the general acceptance of the natural law tradition by Calvin (and other reformers). As the eminent church historian and Reformation scholar John T. McNeill has noted:

There is no real discontinuity between the teaching of the Reformers and that of their predecessors with respect to natural law. Not one of the leaders of the Reformation assails the principle. Instead, with the possible exception of Zwingli, they all on occasion express a quite ungrudging respect for the moral law naturally implanted in the human heart and seek to inculcate this attitude in their readers. Natural law is not one of the issues on which they bring the Scholastics under criticism. With safeguards of their primary doctrines but without conscious resistance on their part, natural law enters into the framework of their thought and is an assumption of their political and social teaching. . . . The assumption of some contemporary theologians that natural law has no place in the company of Reformation theology cannot be allowed to govern historical inquiry or to lead us to ignore, minimize, or evacuate of reality, the positive utterances on natural law scattered through the works of the Reformers. The bearing of natural law upon theology in these writings still calls for clarification. . . .²¹⁴

214. John T. McNeill, *Natural Law in the Teaching of the Reformers*, 26 J. OF RELIGION 168, 168 (1946). See also John T. McNeill, *Natural Law in the Thought of Luther*, 10 CHURCH HISTORY 211 (1941). Professor McNeill was one of the general editors of The Library of Christian Classics and edited Calvin's two-volume *Institutes of the Christian Religion* in The Library of Christian Classics.

The value of this study may, however, extend beyond the satisfaction of historical curiosity and the exposition of one reformer's thought on civil government, law, and the natural law. This study may also serve some constructive purposes. For instance, from this survey of Calvin's thought, readers may begin to build a basic analytical framework that can be used as a practical tool to examine legal issues. Whether considering the foundations of criminal, tort, contract, or property law, assessing the justice of legislative enactments or court rulings, or evaluating the application of constitutional doctrines, it may be helpful to reflect further upon Calvin's presentation of equity as the proper end or goal of all human law, his discussion of the perpetual rule of love as the essence of God's moral law governing all human relationships and conduct in society, and his description of the role of civil government in taking care of the people, maintaining the public peace, protecting the common good, punishing evil, and carefully managing all things.²¹⁵

Additionally, this introduction to Calvin's thought on civil government, law, and the natural law may offer some insight and perhaps hope regarding the prospect of moral, political, and jurisprudential consensus-building in modern pluralist societies, in which the prospect of moral discourse, shared values, and consensus seems especially dim. Readers may find that Calvin's thought contributes some resources and wisdom from the past, not for the purpose of retaining some romanticized vision of the past, but for the purpose of considering how to move forward. Perhaps the natural law tradition, which is deeply embedded in the thought of Calvin and other reformers and deeply rooted in the Jewish and Christian traditions and in non-Christian thought, can again provide some moral common ground.²¹⁶ Perhaps a revitalized natural law

215. In a letter giving advice on the issue of usury, Calvin demonstrated in practical terms how the principle of equity, the duty of love, and the common good could inform judgments, direct human conduct, and even shape public policy. See John Calvin, *On Usury*, in CALVIN'S ECCLESIASTICAL ADVICE 139-43 (Mary Beaty & Benjamin W. Farley trans., 1991).

216. Within the Jewish and Christian traditions, communication with those outside their faith communities has been a persistent concern. In ancient Palestine, the Jewish people encountered non-Jews in Palestine and the surrounding regions and grappled with the application of the Torah to non-Jews. After a series of conquests of Israel and Judah, Jews were dispersed throughout the Mediterranean world, and again they faced the challenge of the application of Jewish law in non-Jewish contexts. Jewish Christians encountered similar concerns as they considered how the Torah and its requirements should apply to Gentile Christians, and the writings of the Apostles Paul and Luke examine the implications of Jewish law for Gentile Christians. Additionally, in the first few centuries of Christian history, Gentile Christians considered how their beliefs and moral standards related to the non-Christian Greco-Roman world.

tradition can provide a foundation that permits Christians and non-Christians to engage in moral discourse, to develop a public ethic, and to construct a common life together.²¹⁷

In these settings, Jews, Jewish Christians, and Gentile Christians found that the Jewish legal tradition, including especially its teaching regarding the natural law and universal laws, offered "a 'public' or 'international' morality" that made "ethical dialogue possible." MARCUS BOCKMUEHL, *JEWISH LAW IN GENTILE CHURCHES: HALAKAH AND THE BEGINNING OF CHRISTIAN PUBLIC ETHICS* at xiv (2003). Early Christians, drawing upon rich Jewish resources, adopted an approach that recognized "the symmetry of law and wisdom" and permitted them to honor the unique "substance of the biblical revelation" and to offer "publicly recognizable principles of 'best practice[s].'" *Id.* at xv. In the Christian mystics and pietists and in the Christian apologists and philosophers, Professor Bockmuehl has found illustrations of paradoxical public moral witness and belief in the symmetry of law and wisdom:

Christian approaches to public ethics have always ranged from mystical withdrawal to active engagement of the pagan world on its own terms. The "take it or leave it" perspective of Christian pietists and mystics bears powerful witness to the fact that God's truth is of another world, which cannot be fathomed by pragmatic political wisdom. Apologists and philosophers, on the other hand, are convinced that the gospel is both profoundly reasonable and profoundly good for humanity. On this account, all truth is God's truth, and every act of virtue mirrors something of the mercy and justice of Christ.

Paradoxically, both withdrawal and engagement signify something of the essence of the gospel. Both, too, can exact a steep personal and political cost. And, throughout Christian history, *both* have variously contributed to the articulation of a Christian public moral and political witness. The more interesting, and nowadays largely forgotten illustrations of this fact include obscure Syrian stylites on their pillars as well as medieval manuals for the Christian conduct of political office. . . .

Id. at xv (emphasis in original) (footnotes omitted). Professor Bockmuehl argues that this symmetry of law and wisdom approach became integral in the advance of Christianity and even a key to its success: "Ironically, it seems to have been precisely the application of Jewish law to the Gentile mission that allowed Christianity to blossom into a faith for the world, with a clear and distinctive yet truly universal ethic." *Id.* at xv.

217. The issues of moral discourse and consensus-building among Christians and non-Christians are of particular concern to Christians engaged in political and legal thought who seek to offer an understanding of government and law that is established upon and consistent with God's revealed truth and moral order, but that is also capable of being received by those outside of Christianity who do not accept biblical authority. The efforts of Jews and Christians in the biblical and Greco-Roman world to offer a public ethic have "considerable bearing for the church's contemporary situation":

In particular, "modernist" and "post-modern" challenges have left the church's political context in both East and West more reminiscent of its first three centuries than of the last three. Even where it still enjoys the right to speak, it must now earn the right to be heard; and even then it can only hope to persuade by the Spirit's witness in argument and example. Among the richest resources for this

task may well turn out to be the Christian writings of the pre-Constantinian period. *Id.* at xiv. Perhaps, returning to the sources and gleaning the wisdom offered in the natural law tradition, as Calvin did during the Reformation, may be just the right approach for such a time as this.