

## BIBLICAL LAW AS THE SOURCE OF MORALITY IN CALVIN

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**Abstract:** In this article, I discuss the Protestant contribution to the modern concept of autonomy on the basis of an analysis of John Calvin's moral theology. I show that Calvin affirms our incapacity to know and want what is morally good, as expressed by natural law. Such incapacity is compensated for by the biblical mandates that, according to Calvin, should be incorporated into the positive legislation of Christian republics. In view of all this, I conclude that Calvin is far from the Kantian idea of autonomy which defines our Modernity.

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### I Introduction

Many consider the Reformation to be the seed from which the modern idea of autonomy developed, with the theological debate on the role of divine will regarding what the good or justice should be for us, clearing the way for this idea. However, the notion of moral autonomy is a well-known obstacle for the Christian tradition: it denies the effects of divine action on human decisions. As Jerome Schneewind argues in his monumental work on the invention of the concept, God and his Law had to preside over the edifice of morality for centuries, before morality could be described as *Christian*. Morality was interpreted as obedience owed to God.<sup>3</sup>

This article intends, first, to analyse Calvin's writings in order to find out if his thinking integrates natural law and some degree of moral autonomy. In the second place, we must elucidate how this natural legislation is articulated with biblical commands and what the consequences are for positive law. In order to do this, we must first analyse the extent to which Calvin believes we are capable of recognizing the good, whether we can know it on our own (Section II). We shall see that he questions this capacity and, thus, the conception of natural law becomes eminently negative: our knowledge of natural law is just enough for our actions to be inexcusable to God, but neither our reason nor our will make it possible to fulfil this natural law. For Christians, faith and the scripture are necessary. Only for the non-believer does natural law fulfil its function (Section III). The next step will be to analyse the foundation of a Christian ethics based, according to Calvin, on the moral law of scripture

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<sup>3</sup> Cf. J.B. Schneewind, 'Natural Law: From Intellectualism to Voluntarism', in *The Invention of Autonomy* (Cambridge and New York, 1998), ch. 2.

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(Section IV). Then we shall see if it is possible to relate this Christian morality with a positive law of the same type, approaching this from an analysis of the three uses of moral law. Finally, we shall point out a Calvinian novelty that we believe is decisive: the condition for incorporating some biblical moral precepts into any positive law that intends to be a Christian law (Section V). Our conclusion will follow from all of this (Section VI): if a Protestant path to moral autonomy exists, it owes very little to Calvin's arguments as he originally presented them.<sup>4</sup>

## II

### Earthly Things and Heavenly Things

The opening question is what moral knowledge human beings can achieve by their own means. According to Calvin, there is a knowledge, a *natural gift*, that gives us the capacity to know *earthly things*, among which he includes state government and the family, or the mechanical and liberal arts.<sup>5</sup> This *grace* is *shared by* believers and pagans, it contains the effects of original sin, and it makes coexistence possible. This very grace is what explains human sociability, makes political communities possible, and allows them to be ruled by laws (*IRC* II, 2, 13). It is true that these laws can be questioned and disputed, together with the institutions that uphold them, but for Calvin this only shows how weak our understanding is for discerning true justice.

In contrast to *earthly things*, there is no access to heavenly things through reason; the only way to heavenly things is through faith. Among these heavenly things are the knowledge of God and the discernment of His will, as well as the way human beings regulate their lives following divine law. That is, not only religion but also *Christian ethics itself* is included in spiritual or heavenly things:

<sup>4</sup> The text used in this article is *Institutes of the Christian Religion*, trans. John T. McNeill and Ford Lewis Battles (2 vols., Nashville, 1960), cited as *IRC. CO*, with volume and page number, refers to *Joannes Calvini opera quae supersunt omnia*, ed. G. Baum, E. Cunitz and E. Reuss (Braunschweig, 1863–1900). *WA* refers to *Weimarer Ausgabe* of Luther's works.

<sup>5</sup> '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.' (*IRC* II, 2, 13). We must keep in mind the last line of this text, because the rule to which the believer's life must conform is moral law (the third meaning). The relation between this ethical rule and politics, as an expression of the rule, will be studied below. What is important now is to point out that, when Calvin refers to political doctrine as the sphere of the earthly things that man can carry out for himself, he refers to the choice and support of what are classically called *types of government* (monarchy, oligarchy, democracy), not to the origin of authority or of the state itself.

We must now analyze what human reason can discern with regard to God's Kingdom and to spiritual insight. This spiritual insight consists chiefly in three things: (1) knowing God; (2) knowing his fatherly favor in our behalf, in which our salvation consists; (3) knowing how to frame our life according to the rule of his law. (*IRC* II, 2, 18.)

So human beings do not know God just from contemplating His action in the world, but also from *listening to His Word*: Calvin argues that, through scripture, *we know who God is and what His will is* (*IRC* I, 13, 21). A saving knowledge of God is, therefore, possible, even for reason that is *damaged* by the effects of sin.

In effect, it is through scripture that we can know the divine will, the only pattern of government and justice for everything that happens, according to Calvin, the cause of all the events of the world that we observe and the norm for all laws. But it is not possible to comprehend scripture without faith, without the action of the Spirit on man (*IRC* II, 2, 20). Calvin insists on this: after sin, reason cannot even attempt to accept on its own what the gospel shows to be self-evident.

The third aspect to which heavenly things refer, 'how we should regulate our lives according to the provisions of their law', brings us fully into the analysis of natural law, which, according to Calvin, *cannot be the foundation of Christian ethics*. This is due to two very weighty reasons: on the one hand, *it does not tell us what we should do* and, on the other, *it is only one voice of conscience, indistinguishable from others*. It is clear that this is equivalent to denying the value of pagan moralities. In effect, this is Calvin's message when he states that pagan virtues are particular graces from God:

Nevertheless the problem has not yet been resolved. For either we must make Camillus equal to Catiline, or we shall have in Camillus an example proving that nature, if carefully cultivated, is not utterly devoid of goodness. Indeed, I admit that the endowments resplendent in Camillus were gifts of God and seem rightly commendable if judged in themselves. [. . .] Therefore as you will not commend a man for virtue when his vices impress you under the appearance of virtues, so you will not attribute to the human will the capability of seeking after the right so long as the will remains set in its own perversity. Here, however, is the surest and easiest solution to this question: these are not common gifts of nature, but special graces of God, which he bestows variously and in a certain measure upon men otherwise wicked. (*IRC* II, 3, 4.)

So even if it is true that natural law still makes people capable of distinguishing between good and evil, it is important to point out that, for Calvin, the main function of this faculty is to *make man inexcusable before God*.<sup>6</sup> That is, natural law is the foundation of the moral responsibility of human beings, insofar as it exists in order to remove any pretext when it comes to justifying

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<sup>6</sup> *IRC* II, 2, 22.

ethically inadequate or corrupt behaviour:<sup>7</sup> in contrast to what Socratic intellectualism claims, ignorance does not explain the presence of moral evil.

Calvin follows Luther, for whom fulfilling divine law requires a *clean heart* which allows all action to be carried out through obedience and love of God.<sup>8</sup> However, original sin has corrupted all nature, preventing human beings from having access to virtue through moral actions.<sup>9</sup> The French reformer acknowledges that, if sin did not exist, knowledge of natural law would have provided us with knowledge of God's law itself; however, in the present state, corrupted conscience is no longer capable of perceiving anything with clarity. *The Calvinian subject is not only incapable of recognizing and accepting good wherever it appears, but is absolutely unable to desire it.* Not only does his intellect continue to be obscured but his will is unfit to pursue virtue:

Because of the bondage of sin by which the will is held bound, it cannot move toward good, much less apply itself thereto; for a movement of this sort is the beginning of conversion to God, which in Scripture is ascribed entirely to God's grace. [. . .] For man, when he gave himself over to this necessity, was not deprived of will, but of soundness of will. Not inappropriately Bernard teaches that to will is in us all: but to will good is gain; to will evil, loss. Therefore simply to will is of man; to will ill, of a corrupt nature; to will well, of grace. (*IRC II*, 3, 5.)

So for Calvin, after sin, the knowledge of *heavenly things* — the essence of God, divine will, Christian ethics — is inaccessible except through faith, both because reason is corrupt and because the will is unable to follow the law on its own. This means that, without grace, without faith, it is not possible to regulate moral life, because saying that natural law can be the motor of ethical Christian behaviour is like defending the justice of works. Nothing is farther from Calvinism and the Reformation itself: *only faith can save you*. The distance between the contents of God's law, which we know through scripture, and natural law, which we know through conscience, is insuperable without faith, the only valid bridge between these two realities.

This is because, for Calvin, natural law neither empowers us to recognize our obligations to God, indicated in the first Table, nor does it adequately make our obligations to our fellow men, object of the second Table, known.<sup>10</sup> Scripture — in this concrete case, the Decalogue — is not only what expresses the Law in a faithful way, but also what shows the divine origin of our moral and religious obligations.

In short, God's law, which we find in scripture, not only tells us explicitly *what we should do*, but teaches us that both *the necessary faculty for obeying*

<sup>7</sup> Sermon sur Éphésiens 4, 17–19 (*CO* 51, 591–606).

<sup>8</sup> Luther, *Römerbriefvorlesung*: *WA* 56, 205.

<sup>9</sup> Luther, *Römerbriefvorlesung*: *WA* 56, 312–13.

<sup>10</sup> *IRC II*, 2, 24.

*the Law, and the capacity to know it come from God Himself.*<sup>11</sup> In the same way, natural law was, for his teacher Luther, a *passive* capacity that allows us to understand what is good and right, while the Word marks something as good and just, but does not provide the basis for the *active* capacity to act correctly. *Faith is the indispensable faculty in the knowledge of heavenly things; scripture is the place where their contents must be sought.* The French reformer expresses it as follows:

Besides, where there is no zeal to glorify God, the chief part of uprightness is absent; a zeal of which all those whom he has not regenerated by his Spirit are devoid. There is good reason for the statement in Isaiah, that ‘the spirit of the fear of God rests’ upon Christ [Isaiah 11:2 p.]. By this we are taught that all estranged from Christ lack ‘the fear of God,’ which ‘is the beginning of wisdom’ [Psalm 111:10 p.]. (*IRC* II, 3, 4.)

What is delicate about Calvin’s proposal is that, by linking moral virtue to faith, he opens an abyss between natural law and divine law, between *natural ethics* — *if we can call it that, something which Calvin would deny*<sup>12</sup> — and *revealed ethics*. It means denying that true morality, and therefore true justice, are possible apart from religion. This, precisely, was Saint Augustine’s thesis.

### III

#### Natural Law: A Law For Pagans

Clearly, when Calvin denies that natural law has any ethical function for believers, he will have to appeal to revelation as the axis of his morality.<sup>13</sup> After Christ’s advent, written law substitutes for natural law, as it presents what natural law cannot express, i.e. divine will; similarly, faith substitutes for reason in the process of knowing moral rules. Where Aquinas could say that divine law does not abolish but rather perfects natural law (as grace

<sup>11</sup> ‘Of course, if Scripture taught nothing else than that the law is a rule of life to which we ought to direct our efforts, I, too, would yield to their opinion without delay. But since it faithfully and clearly explains to us the manifold use of the law, it behooves us rather to consider from that interpretation what the law can do in man. With reference to the present question, as soon as the law prescribes what we are to do, it teaches that the power to obey comes from God’s goodness. It thus summons us to prayers by which we may implore that this power be given us.’ (*IRC* II, 5, 7). Similarly, *Commentaire sur l’Épître aux Hébreux* 8, 11 (*CO* 55, 104–5).

<sup>12</sup> I would like to thank Professor Harro Höpfl for indicating this aspect.

<sup>13</sup> In this sense, Fuchs defines Calvinist ethics as biblical ethics: cf. E. Fuchs, *La morale selon Calvin* (Paris, 1986), p. 113. I am grateful to J. Coleman for correcting my assessment of the continuity between Calvin and the Franciscan theological tradition (namely, Ockham) in this particular respect: for further details about the latter, see J. Coleman, ‘Using, Not Owning — Duties, Not Rights: The Consequences of Some Franciscan Perspectives on Politics’, in *Defenders and Critics of Franciscan Life; Essays in Honor of John V. Fleming*, ed. Michael F. Cusato and G. Geltner (Leiden and Boston, 2009), pp. 65–84.

perfects nature), Calvin demonstrates that divine law (moral law) *replaces* natural law (grace substitutes for nature), as a whole Scholastic neo-Augustinian tradition before him.<sup>14</sup>

Therefore, in contrast to Wallace's opinion,<sup>15</sup> the interpretation proposed here is that Calvin does not state that the gospel fits the natural order harmoniously. While it is true that there is a *minimum* of agreement between the two realities that allows the order of creation to remain intact in the non-Christianized world, for Calvin, it is *as if* there were a certain conformity between the two laws, without stating that this conformity *in fact* exists.<sup>16</sup> And the existence of a certain conformity between both laws does not mean that there is true justice in the natural order: pagans *have law without having Law*.<sup>17</sup>

H. Höpfl is not the only one who has insisted on the secondary character of natural law in Calvin's thinking.<sup>18</sup> F. Wendel himself acknowledges that Calvin does not manage to justify its place in his theology in a convincing manner.<sup>19</sup> However, Bohatec, among others,<sup>20</sup> has held that natural law in Calvin has a positive meaning that goes beyond laying the foundations for ethical responsibility. Nevertheless, those who have defended that natural law has some value in Calvin's doctrine, giving it a main role in the world of politics or of law, such as Hesselink,<sup>21</sup> forget that *accepting that Calvin gives some positive meaning to natural law does not mean accepting, as a consequence, its value for Christians*. That is, there being a *minimal ethics* apart from Christian ethics does not mean that it has any function or value for believers. How else can Calvin's commentaries on the *shadows* that surround pagans be interpreted? Only Christians who are under the light of revelation are in a position to follow the will of God;<sup>22</sup> only those who have faith can behave morally, can

<sup>14</sup> As J. Coleman has observed, there is a neo-Augustinian Scholastic tradition that argues this too and not all of them were Franciscans: e.g. James of Viterbo in his *De regimine Christiano* or the later Giles of Rome. When we discuss moral law, we will look at this thesis more closely.

<sup>15</sup> R.S. Wallace, *Calvin's Doctrine of the Christian Life* (Edinburgh, 1959), p. 143.

<sup>16</sup> XXXVIII Sermon sur la Première Épître à Timothée 5, 4–5 (CO 53, 453–66).

<sup>17</sup> Commentaire sur l'Épître aux Romains 2, 14 (CO 49, 37–8).

<sup>18</sup> Cf. H. Höpfl, *The Christian Polity of John Calvin* (Cambridge, 1985), p. 184.

<sup>19</sup> Cf. F. Wendel, *Calvin* (Paris, 1950), p. 155.

<sup>20</sup> Cf. J. Bohatec, *Calvin und das Recht* (Feudingen in Westfalen, 1934), pp. 5 ff.; E. Doumergue, *Jean Calvin, les hommes et les choses de son temps*, Vol. IV (Lausanne, 1927), p. 150; J. Hesselink, *Calvin's Concept of the Law* (Pennsylvania, 1992), pp. 56 ff.; R.S. Wallace, *Calvin's Doctrine of the Christian Life* (Edinburgh, 1959); J. McNeill, 'Natural Law in the Teaching of the Reformers', *Journal of Religion*, 26 (1942), pp. 168–82.

<sup>21</sup> According to Hesselink, Calvinian natural law not only works to make man inexcusable, it also has a positive function: it is the basis of government and civil law (Hesselink, *Calvin's Concept of the Law*, p. 59).

<sup>22</sup> Commentaire sur l'Épître aux Romains 13, 11 (CO 49, 254–5).

use the true guide for behaviour provided by knowing and obeying what God orders.<sup>23</sup>

It is also necessary to remember that when Calvin discusses the value of natural law, he does so with regard to heavenly things, and he does this for a reason: what he wants to show is that *true morality* — that is, Christian morality — does not apply to earthly things. Calvin's placing ethics only with respect to heavenly things should give a clue about the value he bestows on it. On the other hand, the Calvinian statement that divine will is the only valid guide for a believer's behaviour<sup>24</sup> — can only mean that natural law has no value as a legal and moral foundation *among Christians*.

This position is closer, if possible, to authors such as Niesel, who defend the idea that natural law has *only* a negative role in Calvin's thinking.<sup>25</sup> Chenevière maintains that natural law *only* offers a subjective version of the objective moral rule that we find in scripture, in order to establish the possibility, even for non-Christians, of moral responsibility.<sup>26</sup> However, even if we agree that natural law mainly fulfils this function in Calvin's theology, we also believe that Calvin gives it a positive role, even if it affects *pagans exclusively*. Natural law, therefore, is not a norm that regulates Christian ethics; the only foundation for Christian ethics is the divine law found in scripture. Only among those who do not know Christ and the new law can natural law serve as the foundation for justice.<sup>27</sup>

Luther had also defended the idea that only divine law shows us true morality.<sup>28</sup> Thus, human justice that depends on natural law is not true justice because 'it is only in the gospel that God's justice is revealed'.<sup>29</sup> However, Calvin was not content only to acknowledge the distance between the earthly world and the heavenly one; he tried to bridge the gap between the two kingdoms that Luther had radically separated. In order to do this, he appeals to *moral law as the basis of Christian ethics and law* — both civil and ecclesiastical. In this way, *the separation between earthly things and heavenly things is*

<sup>23</sup> *Ibid.*, 14, 5 (CO 49, 259–60).

<sup>24</sup> Commentaire sur la Genèse 2, 16 (CO 23, 44–5).

<sup>25</sup> Cf. W. Niesel, *The Theology of Calvin* (Philadelphia, 1956), p. 102.

<sup>26</sup> M.A. Chenevière, *La pensée politique de Calvin* (Geneva and Paris, 1937), pp. 81 ff.

<sup>27</sup> It is obsolete for Christians: cf. Commentaire sur la Genèse 38, 24 (CO 23, 498–9).

<sup>28</sup> Scripture teaches what should be done in each and every circumstance, thus constantly serving as an invariable norm for justice (Luther, *Römerbriefvorlesung*: WA 56, 337).

<sup>29</sup> Luther, *Römerbriefvorlesung*: WA 56, 172.



*only absolute for pagans who do not enjoy the ethical guide that the Christian finds in scripture.*<sup>30</sup>

#### IV

#### The Foundations of Christian Ethics

The reformed principle of *sola fides* involves the religious devaluation of moral actions, as works are no longer necessary (*valid*) for achieving supernatural goods, which are made to depend on God alone. However, annulling the supernatural value of works does not mean that the Law no longer plays any role. We will see shortly that, in effect, divine precepts are at the very heart of Calvin's moral and legal theology, not only as ethical precepts with the function of guiding the believer's behaviour, but as the source of legitimacy for all positive law that intends to be Christian law.

This thesis should not be confused with Judaizing literalism. Calvin does not conceive the Bible to be an enormous legal code that the Christian peoples should acknowledge as a political constitution, the way Bucer and certain Anabaptists did. What he does defend is the idea that Christian laws *are inspired* directly by the norms of the Old and New Testaments; above all, by the Ten Commandments. The form and literalness of the precept do not matter, but its *essence*, its content, does, because that is where the intention of divine will is concentrated, the ethical and social guidelines that God offers to Christians as their life models. Believers cannot be indifferent to these traces.

In Calvin's theology, divine law covers the whole of biblical legislation, that is, both the set of ceremonial, legal and moral precepts that God conferred upon the Jewish people and the new Law. Right from the beginning of his presentation of the Law in the *Institution of Christian Religion*, it is very clear that, for Calvin, the Law is not limited to the Decalogue:

I understand by the word 'law' not only the Ten Commandments, which set forth a godly and righteous rule of living, but the form of religion handed down by God through Moses. (*IRC* II, 7, 1.)

Nor does he assimilate the Law to the Pentateuch, as the Law covers both the Torah<sup>31</sup> and the books of the prophets and the Gospel.<sup>32</sup> The issue is that, if the main Calvinian thesis of the immutability of divine intention is accepted, it is natural to acknowledge the unity of both Testaments: accepting that God does

<sup>30</sup> This interpretation coincides, on this point, with Le Gal's interpretation of Calvinian ethics: cf. P. Le Gal, *Le droit canonique dans la pensée dialectique de Jean Calvin* (Fribourg, 1984), p. 133.

<sup>31</sup> Calvin avoided identifying the Law with the Torah and understood the Law in a broader sense, reducing the Torah to Israel's positive legislation. However, today we know that the Torah covers the moral and social order of Israel and cannot be identified with the juridical concept of law. Cf. C.S. Ehrlich, 'Israelite Law', in *The Oxford Companion to the Bible*, ed. B.M. Metzger and M.D. Cogan (Oxford, 1999), i.v.

<sup>32</sup> Commentaire sur Isaïe 22 (*CO* 36, 364–85).



not contradict himself means accepting that both books have the same intention and purpose. It means that the Bible must be accepted in its totality, as a compendium of the precepts of a single, coherent Will.<sup>33</sup>

The Testaments have an intimate continuity, there is no possibility of contradiction between them, and their coherence is due to the coincidence of their legislator. So let us see what, according to Calvin, remains — what the substance that we should seek in the old Law is — and what is subject to change, what he considers to be shadows in the sacred text. The analysis of the establishment of the Old Testament laws will show us where and how to situate the essence of biblical doctrine.

Calvin maintains that, after the coming of Christ, with the establishment of the New Testament, two of the forms of the Law have been repealed with reference to their *use*, God having given them to the Jews as particular laws. He is referring to the *ceremonial* and *judicial* laws that ceased to act, according to Calvin, with no effect on religion and politics (*IRC IV*, 20, 15). The ceremonial precepts refer to all the arrangements regarding the Jewish people's rites and ceremonies for worshipping God, while the judicial precepts cover all the laws that are useful for the coexistence of the chosen people. These are norms that illustrate how divine will can be translated into a specific social or political order, showing the shape that moral law has taken in one people in a specific time and place. According to Calvin, their abrogation does not prevent them from still being useful (*IRC II*, 7, 16).

These laws are dealt with as figures that illustrate general truths, beyond their historicity;<sup>34</sup> they are normative models that still offer some kind of teaching for the faithful of today.<sup>35</sup> It cannot be otherwise, given that the intention underlying the Law is not provisional. Divine precepts appeal to a higher purpose, they have a spiritual sense which must be penetrated in order to reconstruct the Will of God beyond positive dispositions.<sup>36</sup>

Therefore, these ceremonies and political laws, lacking the *form* with which God conferred them on the Jewish people, continue to retain *some degree of truth* in their *contents*, a degree of truth which can be recovered by adequately interpreting and sifting through their contextual elements. The 1559 *Confession of Faith of the Reformed Churches of France*, called the *Confession of la Rochelle*, contains this thesis, inspired by Calvin (without precedent in the *Confession of Augsburg*). Article 23 affirms that even if the

<sup>33</sup> Commentaire sur Jérémie 31, 31–3 (*CO* 38, 687 ff).

<sup>34</sup> Fuchs, *La morale selon Calvin*, p. 43.

<sup>35</sup> Jean Carbonnier describes these laws as *normative models*: cf. J. Carbonnier, 'Droit et théologie chez Calvin', *Berner Universitätsschriften*, 13 (1965), pp. 2–15, p. 7.

<sup>36</sup> Regarding this point, see B. Farley's edition, *John Calvin's Sermons on the Ten Commandments* (Grand Rapids, 1980), pp. 48–9. Cf. *IRC II*, 7, 1.

time of ceremonies is ended with the coming of Christ, its 'essence and truth' persist through Him.<sup>37</sup>

In addition to judicial and ceremonial laws, God granted the Jews another law which, in contrast, is still in force. This is moral law which, as we have said, has not been abolished with the coming of Christ. The fact that this Law remains in force does not, however, mean that one can save oneself by following its precepts. On the other hand, the fact that the Law has lost its soteriological meaning does not imply that it no longer has an important role to play; quite the contrary. Moral law *is the only model of justice* that Christians should abide by at any moment and in any period. At first, it was possible to know moral law in an immediate way, as God printed it on the hearts of all human beings, but once sin appeared in the world, the only way to gain access to it is through the written text. The following quote is long but it provides an exemplary summary of what we are saying:

Now that inward law, which we have above 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 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 selflove, 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. (*IRC II*, 8, 1; my emphasis.)

We should retain the main aspects of these words: *access to the knowledge of divine will is through the written text*, and this is the moral norm whose *essence* is expressed in the commandments of the Decalogue. It is important not to overlook the consequence of this statement: pointing to scripture as the channel for knowing the divine will in an *evident* way, and acknowledging that natural law only offers a pale reflection of what written Law shows, is

<sup>37</sup> '23. Nous croyons que toutes les figures de la Loi ont pris fin la venue de Jésus-Christ (Rom. 10, 4; Gal. 3 et 4; Col. 2, 17; Ioan. 1, 17). Mais combien que les cérémonies ne soient plus en usage, néanmoins la substance et vérité nous en est demeurée en la personne de celui auquel gît tout accomplissement (Gl 4, 3, 9; 2 Par. 1, 19; Lc. 1, 70; Iac. 5, 10). Au surplus il nous faut aider de la Loi et des Prophètes, tant pour régler notre vie que pour être confirmés aux promesses de l'Évangile (2 Tim. 3, 16; 2 Phil. 3, 2)'. *The Confession of La Rochelle*, ed. O. Fatio and G. Widmer (*Confession et Catéchismes de la Foi Réformée*) (Geneva, 1986), among others.

equivalent to stating that written Law *replaces natural law as an ethical guide for Christians*.

We have already dealt with the place of natural law in Calvin's thought and, therefore, we need not insist on this. It is, nevertheless, necessary to remember that, if we have said that Calvin attributes a merely negative function to natural law when referring to the Christian world, we can now understand the meaning of this statement. The positive function of natural law can only be accepted *if its field of action is reduced to the circle of non-believers*, that is, to all those who have lived or live with no knowledge of the Christian message, because for Christians, the will of God has taken the form of the scriptures. This is the reason that authors such as Colomer point out that the relationship between these two laws is categorically disjunctive.<sup>38</sup> Chenevière has stated his agreement.<sup>39</sup>

So the meaning of replacing natural law with *written* moral law is none other than replacing what is obscure with what is evident and, therefore, allowing the *explicit* knowledge that the written text offers to take over from the imperfect will of God that the conscience offers.

According to Calvinian moral theology, moral law has three different functions: a function of *denunciation*, a *political* function and a *didactic* function. Calvin does not owe this tripartite division to Luther—who had only accepted two of these uses: denunciation and the political use<sup>40</sup>—but rather to Luther's collaborator Melanchthon<sup>41</sup> and to the reformer Bucer from Strasbourg.<sup>42</sup> The two functions already designated by Luther have the same meaning in the Calvinian system as they had for the German reformer.

For Luther, divine law shows its *pedagogical function* when it reveals his incapacity and, therefore, his culpability, to man.<sup>43</sup> It may seem unnecessary to resort to scripture to know about sin, as the natural law that man has imprinted on his heart could have shown it to him. However, this knowledge is not sufficient for Luther because, if the profound requirement of the Law can only be known through the preaching of the Word, in the same way, the

<sup>38</sup> In his doctoral thesis, J. Colomer, *Cause de Dios y 'Cosa Pública' in Calvin*, presented at the Faculty of Theology of Barcelona in 1982, as yet unpublished: cf. Vol. I, p. 122.

<sup>39</sup> Cf. Chenevière, *La pensée politique de Calvin*, p. 74. Fuchs, however, maintains the opposite thesis, insisting that biblical ethics is a complement to natural ethics: cf. Fuchs, *La morale selon Calvin*, p. 23.

<sup>40</sup> Lutheran pedagogical use corresponds to the use of denunciation in Calvin: it is the same concept with different names.

<sup>41</sup> Melanchthon, *Loci Communes rerum theologiarum seu hypotheses theologicae*, 1546 (or. ed. 1521), pp. 190 ff. I wish to thank Professor Christoph Strohm for his guidance on this point.

<sup>42</sup> Cf. *Enarratio in Evangelion Iohannis* (Bucer), *Opera Latina*, Vol. 2 (Leiden, 1988), pp. 150 ff.

<sup>43</sup> Luther, *Schmalkaldische Artikel*: WA 50, 224–5.

profound meaning of sin — the lack of faith in God — can only be discovered by this same light. Therefore, *only from faith in the Gospel can the meaning of God's will and the function of his Law be discovered.*

Along the same lines, Calvin maintains that the purpose of the function of *denunciation* or the *theological* function<sup>44</sup> of moral law is to show Christians that they are in a state of sin and cannot be just without God's help.<sup>45</sup> This aspect of the law allows Christians to know their weakness, their impotence when it comes to fulfilling the divine Will themselves (*IRC* II, 7, 7). Calvin cites Saint Augustine<sup>46</sup> as the precedent for this thesis and does not hesitate when it comes to rejecting the idea that natural law can offer this knowledge,<sup>47</sup> an attitude which he firmly maintained throughout his life: we see him insisting on this same idea in March 1560 —four years before his death — in a sermon on Genesis.<sup>48</sup>

The purpose of the *political* function of moral law is to favour the existence of a minimum of social order. In opposition to what the Anabaptists claimed, it is impossible to think of a world made up only of regenerates (the chosen), that is, of Christians who obey God voluntarily. Calvin recovers the Bishop of Hippo's texts in order to apply them to his own: the citizens of the City of God are mixed together in history and, because it is impossible for it to be otherwise, the function of the Law is to make unregenerate people, who only obey if they are forced to, submit.<sup>49</sup>

However, these prescriptions are also useful for Christians, because while they are part of the structures of the world, they are also subject to the consequences of concupiscence; the political function of the law is simply to curb its effects (*IRC* II, 7, 10). Calvin learned this notable lesson from his teacher Luther, according to whom a person who is justified, while part of earthly society, continues to be a sinner and must, therefore, necessarily be subjected to the Law.<sup>50</sup> The famous Lutheran sentence *simul iustus et peccator* refers to this: one can be just in the theological sense — he can be saved — but, as justice is extrinsic to man — God attributes justice without regard for a person's works — the person is, simultaneously, a sinner, dragging along the unerasable effects of his sin as long as he lives in the world.

<sup>44</sup> Calvin tended to call it *usus theologicus* more than *elencticus*. Cf. Commentary on the Books of Moses specifically titled *The Use and the Purpose of the Law* (CO 24, 725).

<sup>45</sup> Commentaire aux Romains 3, 19 (CO 49, 55–6). Similarly, Commentaire sur la première Épître aux Corinthiens 3, 7 (CO 50, 42).

<sup>46</sup> Cf. Augustine, *De corrept. et gratia* I, 2 (*Patrologia Latina*, Vol. 44, col. 917).

<sup>47</sup> Commentaire aux Romains 7, 7 (CO 49, 123–4).

<sup>48</sup> 69 Sermon sur la Genèse 15, 6 (CO 23, 697–711).

<sup>49</sup> Commentaire de la première Épître à Timothée 1, 9 (CO 52, 255).

<sup>50</sup> Luther, *Von weltlicher Obrigkeit*: WA 11, 250.

The objective of the political function of moral law is, therefore, to achieve public tranquillity or, in theological language, to curb concupiscence.<sup>51</sup> Up to this point, nothing new. The distance between Calvin's and Luther's thinking can, however, be seen in the incorporation of the so-called *third function of moral law* or the *didactic* use into Calvinian theology.<sup>52</sup> This third use that Calvin attributes to the Law is the one that allows him to postulate not only the possibility of an ethics based on the gospel but, if our interpretation is correct, nothing less than the viability of a Christian law.

## V

### A Law for Christians

The original meaning of Christian ethics is the requirement for the subject to *internally* fit divine will. However, it is still true that only if moral law has a public dimension can the action of the Christian be supervised and controlled, in a Protestant framework, where the subject's intentional adaptation to the norm *can be judged by no one but God*: 'And thus, just as our actions are related to men, so also is conscience related to God' (*IRC IV*, 10, 4).

But how and according to what criteria can human actions be judged? How can the fit between believers' behaviour and biblical precepts be controlled without violating their religious intimacy, their conscience? The way we see it, Calvin was aware of this problem, as, just like Saint Augustine,<sup>53</sup> he acknowledged that the *law* refers directly to the subject's behaviour and only indirectly to the *intention*. We can only judge other subjects by their actions.

Some would also say that human laws also take into account men's intentions and will, not only chance events. That is true, but only for the intentions that come to light and have an effect. They consider the intention behind each work; but they do not scrutinize hidden thoughts (*IRC II*, 8, 6). And so:

Another thing is also worth noting (which depends, however, upon the previous ones): human laws, whether made by magistrate or by church, even though they have to be observed (I speak of good and just laws), still do not of themselves bind the conscience. For all obligation to observe laws looks to the general purpose, but does not consist in the things enjoined. (*IRC IV* 10, 5.)<sup>54</sup>

<sup>51</sup> Calvin bases the possibility of a social application of moral law in a country at a specific time on this political use. Fuchs interprets Calvin's thinking in this regard in the same way (cf. Fuchs, *La morale selon Calvin*, p. 51).

<sup>52</sup> Cf. M.L. Potter, 'The "Whole Office of the Law" in the Theology of John Calvin', *Journal of Law and Religion*, 3 (1985), pp. 117–39.

<sup>53</sup> Augustine, *De libero arbitrio*, I, 15, 32.

<sup>54</sup> This is valid both for political laws and for ecclesiastical laws: in the Latin version of 1559, used for the final French version of 1560 that we translate here, he clarifies that 'the human laws' of the paragraph quoted are those dictated both by the magistrate and

But it is *precisely law that allows individual ethical norms to acquire a public character on which it will later be possible to exercise institutional control*. Otherwise, how could moral law be proven to be the vital guide for all Christians, as Calvin insists? That said, it is necessary to consider that, if human laws must conform to God's will in order to be Christian laws, our hypothesis will be that it is *the third function of moral law that can offer the theological foundation for the need for Christian law*.

Forrester states that, where moral law allows Calvin to give Scripture a positive content, turning it into a model for action, Luther only goes as far as to acknowledge its regulatory function.<sup>55</sup> And, as we have seen, the third function of the law marks this difference. But, in our view, this thesis acquires its full meaning if we accept that, in order for this model of action truly to work as a model of action, biblical moral precepts must achieve a *public* dimension. This is because, as soon as one asserts that not only the faithful person's conscience, but also her external behaviour, should mould themselves to the divine will (this is what *action* refers to), the need for positive laws that fit Christian principles becomes an unavoidable issue.

We say that Calvin defended a law *based on, and inspired by, not identified with the Bible*.<sup>56</sup> For the majority of Christian theologians (with the exception of the Anabaptists), the Bible is a moral code, not a legal code. The novelty that Calvin introduces here lies in the break regarding the sharp division that Luther established between law and the gospel — founded on his *doctrine of the two kingdoms*. In effect, Calvin presents the historical determination of some biblical precepts as a *necessity*, without attempting to exhaust the legislative function of the civil or ecclesiastical authorities in this aspect. Even when he never intended to turn the Bible into the sole source of positive legislation, we believe that he did defend the positive determination of many of its precepts as a *necessary condition for the legitimacy of the entire Christian constitution*. We will take a quick look at this.

Calvin holds that civil law has a double foundation: the *aequitas* and the *constitutio*. Equity is the same law for all nations, while constitutions are as diverse as the circumstances upon which they depend. Thus, at the end of Book IV of the *Institution*, devoted to the basic description of the regulatory principles of politics, referring to civil laws, Calvin writes that:

What I have said will become plain if in all laws we examine, as we should, these two things: the constitution of the law [*ordonnance*], and the equity on which its constitution is itself founded and rests. Equity, because it is natural,

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by the Church: '[S]ive a magistratu, sive ab Ecclesia ferantur, tametsi sint observatu necessariae.' (*IRC*, IV, 10, 5; latin edn. 1559).

<sup>55</sup> D. Forrester, 'Martin Luther and John Calvin', in *History of Political Philosophy*, ed. L. Strauss and J. Cropsey (Chicago, 1963–1972–1987), pp. 318–56, p. 322.

<sup>56</sup> Calvin himself acknowledged the need to identify Mosaic law with the law of the state as absurd: cf. *IRC* IV 20, 14.

cannot but be the same for all, and therefore, this same purpose ought to apply to all laws, whatever their object. Constitutions have certain circumstances upon which they in part depend. It therefore does not matter that they are different, provided all equally press toward the same goal of equity. (*IRC IV*, 20, 16.)

But this equity, which has normally been understood to be an expression of natural law, indicates its divine origin, from our point of view. In the same way that, for Saint Augustine, temporal law should adapt the common and immutable principles of eternal law to different societies,<sup>57</sup> Calvinian moral law must be adapted to produce different constitutions. But authors such as Bohatec,<sup>58</sup> who cite the previous paragraph to defend a non-biblical foundation for human law, forget to point out that this paragraph continues as follows:

It is a fact that the law of God which we call the moral law is nothing else than a testimony of natural law and of that conscience which God has engraved upon the minds of men. Consequently, the entire scheme of this equity of which we are now speaking has been prescribed in it. (*IRC IV*, 20, 16.)

We must remember that equity was the principle that regulated the Christian's ethical action regarding his fellow human beings, the objective of the second Table of the Decalogue. In fact, the role of civil law is none other than to follow this second Table. The objective of promulgating political laws is to publicly articulate love for one's fellow human beings or, in other words, to make an ordered society possible. However, if it is a Christian society, this equity must be subordinated to *pietas* (according to one of the fundamental hermeneutic rules that has already been pointed out), the objective of the first Table of the Decalogue that summarizes the primacy of God and his work.<sup>59</sup>

<sup>57</sup> Thus, for example, cf. Augustine, *De libero arbitrio* I, 7, 15.

<sup>58</sup> Bohatec, in his book *Calvin und das Recht* (pp. 128–9), defends the idea that *aequitas* is an essential part of law, with *constitutio* being the adaptation of natural law to history, to reality.

<sup>59</sup> Lactantius was the first to deny that the Romans had any knowledge of true justice due to their ignorance of the true God. In opposition to a single source of justice (*vera iustitia*), the Romans proposed a philosophical and juridical conception of law (*ius*) that imposed, specifically, religious obligations on Rome with regard to its deities, among which were Faith and Justice. So, in contrast to Cicero in *On the Republic*, Lactantius maintains that philosophers cannot understand the nature of true justice because the source of justice is piety (*pietas*) and piety cannot be known unless one knows God, which means rejecting false deities: 'iustitia quamuis omnes simul uirtutes amplectantur, tamen duae, sunt omnium principales quae ab ea diuelli separatique non possum, pietas et aequitas. [. . .] pietas autem est cognoscere deum . . . si ergo pietas est cognoscere deum, cuius cognitionis haec summa est ut colas, ignorat utique iustitiam qui religionem dei non tenet.' (Lactantius, *Divinae institutiones* V, 14.9–12.)



Obviously, in order for this interpretation to be possible, citizens must know the Bible, because this is the only way that they can know that equity is a divine precept and that its subordination to religion is God's will. For non-Christians, however, in order to be just, the law only needs to follow the equity that the subject — and the legislator — perceive through their consciences.<sup>60</sup> But we must not forget that this justice is absolutely imperfect, in Calvin's eyes: the divine commandments are the only source of justice, strictly speaking, because they clearly and explicitly indicate what should be done and what should be avoided:

And thus all have confessed that no government can be happily established unless piety is the first concern; and that those laws are preposterous which neglect God's right and provide only for men.

[. . .] This proves the folly of those who would neglect the concern for God and would give attention only to rendering justice among men. As if God appointed rulers [supérieurs] in his name to decide earthly controversies but overlooked what was of far greater importance — that he himself should be purely worshiped according to the prescription of his law. (*IRC IV*, 20, 9.)

On the other hand, according to Calvin, the juridical form that moral law adopts does not matter: the important issue is for it to be faithful to its contents, to its objective.<sup>61</sup> The cases that Calvin presents, in relation to civil laws, really clarify this. For example, we know that divine law prohibits homicide; and all countries punish homicide, although not in the same way. Divine law prohibits stealing; this is punished in every nation, although some whip the guilty party, while in other countries he is banished, and in some, even condemned to death. On the other hand, the punishment that must follow a violation of a divine precept, as well as the number of prohibitions that the civil law of a specific nation contains, depends on its particular conditions and its

<sup>60</sup> This is Chenevière's very same thesis when he states that 'la conscience pour l'incrédule et le Décalogue pour le chrétien, constituent la règle du bien et du mal que, du dehors, dit si une loi est juste ou injuste' (Chenevière, *La pensée politique de Calvin*, p. 103).

<sup>61</sup> With regard to civil laws, Calvin defends the idea — as Aquinas had — that God has given all the peoples and nations freedom to make whatever laws they deem necessary (*IRC IV*, 20, 15). Similarly, referring to ceremonies, Calvin maintains that God has ordered one doctrine for all times, and the only thing that has changed is its form, in order to adapt to human circumstances (*IRC II*, 11, 13). In personal communications (13 November 2010), J. Coleman suggested the following clarification: 'for Aquinas, [civil laws] constitute secondary precepts of the natural law and are so permissible, in the circumstances, because they are natural conclusions of natural law that are seen to be useful; the natural law is therefore not changed, it remains known to us, but is modified in circumstances. Calvin is not similarly confident that by reason we know the natural law and can practice it. For Aquinas we do not need grace or even faith to know the natural law. See *Summa Theologiae* Ia IIae Q.94 throughout, esp. Art.4 and 5'.

historical time; a country at war is not the same as another country where order reigns, to quote one case.<sup>62</sup>

What is fundamental for Calvin, therefore, is that divine precepts be included in positive legislation, more or less explicitly depending on the countries' decisions to follow God more or less closely. Thus, the *truly Christian* nations — that is, the Calvinist ones — are not satisfied to follow the commandments in the Decalogue, but they go beyond them,<sup>63</sup> the way Calvinian hermeneutics has shown it to be possible to do when the divine precepts are interpreted as synecdoches.

But this is not only true for civil laws, it is also true for ecclesiastical ordinances. It is important not to overlook this other meaning that refers to the determination of the mandates of the first Table. Dealing with the Church's need for laws, Calvin refers to the *conditio sine qua non* for any ecclesial constitution that hopes to be legitimate:

Consequently, it behooves me to declare that I approve only those human constitutions which are founded upon God's authority, drawn from Scripture, and, therefore, wholly divine. Let us take, for example, kneeling when solemn prayers are being said. The question is whether it is a human tradition, which any man may lawfully repudiate or neglect. I say that it is human, as it is also divine. It is of God in so far as it is a part of that decorum whose care and observance the apostle has commended to us [1 Corinthians 14:40]. *But it is of men in so far as it specifically designates what had in general been suggested rather than explicitly stated.*

[...] But because he did not will in outward discipline and ceremonies to prescribe in detail what we ought to do (because he foresaw that this depended upon the state of the times, and he did not deem one form suitable for all ages), here we must take refuge in those general rules which he has given, that whatever the necessity of the church will require for order and decorum should be tested against these. (*IRC IV*, 10, 30; my emphasis.)

As we see, in ecclesiastical legislation, divine precepts must also be at the foundation of any constitution that intends to be legitimate, that is Christian. Here, once again, God's intention is not to regulate the Church positively, but rather to leave it a broad field for adapting to the customs of each country, as well as to current times; the sole condition is that the purpose of all the ecclesial norms be to foment piety in us,<sup>64</sup> something that can only be done if the laws prevent us from falling into superstition and avoid spurious intentions.

<sup>62</sup> *IRC IV*, 20, 16. The examples regarding war, plague and famine were added by Calvin in the 1560 edition.

<sup>63</sup> For a general view, cf. H. Berman, *Law and Revolution: The Impact of the Protestant Reformations on the Western Legal Tradition* (Cambridge, MA, 2004).

<sup>64</sup> 'La fin de l'honesteté tend à cela, que quand on insitue des cérémonies pour donner révérence et maiesté aux Sacrements, le peuple soit esmeu Come par une aide à honorer Dieu.' (*IRC IV*, 10, 28.)

## VI Conclusion

Calvin remained firm in his defence of a biblical foundation for morality. Natural law, as the classical authors and the scholastic authors understood it, has been abandoned in favour of a biblical moral philosophy that is more coherent with the principles of the Reformation.<sup>65</sup> Calvin understands natural law, the minimum autonomy that he acknowledges for human beings, as an *imperfection*, as a *lack*, because it is those who are still in the shadows (pagans, non-believers, non-Christians) who must make use of a natural knowledge of morality, as they do not have access to the light that the scriptures offer Christians.

The absence of purpose in nature, according to P.-F. Moreau, explains the distance between things and morality; *the same distance that we see appear between how things are and how they should be*.<sup>66</sup> Therefore, Calvin attributes the function that the Stoics see in natural law<sup>67</sup> to divine law.<sup>68</sup> Consequently, an abyss opens up between nature and morality, when ethical obligation is based on an external instance: scripture. This is the dilemma that Calvin presents regarding the process of secularization.

Even when Calvin's thesis is far from the biblical literalism that the theologians attribute to him, his conception of natural law is not enough to make him a theoretician of modern autonomy. If one concedes, as Ralph Hancock does, that the practical programme of the *Institution* is based on the impossibility of wanting and knowing what is good,<sup>69</sup> Calvin can only be described as *modern* if we dissociate Modernity from the claim that the subject can govern himself rationally 'in virtue of his own goodness'.<sup>70</sup> I hold, along with authors such as Schneewind, whom I have quoted, that the statement of autonomy requires an anthropological commitment regarding the capacity to achieve it. Despite Kant's proximity to Lutheran approaches to

<sup>65</sup> See the exemplary analyses of Chenevière, *La pensée politique de Calvin* and Carbonnier, 'Droit et théologie chez Calvin'.

<sup>66</sup> Cf. P.-F. Moreau, 'Calvin: fascination et critique du stoïcisme', in *Le Stoïcisme au XVIe et au XVIIe siècle*, ed. Pierre-François Moreau and Jacqueline Lagrée (Caen, 1994), p. 23.

<sup>67</sup> As is well-known, the influence of the Stoics in the Middle Age's understanding of this natural law was filtered through the Augustinian version of Cicero's famous definition. Cf. Cicero, *De legibus* II, 18.

<sup>68</sup> The radical difference between Calvin and Cicero has been studied by Bohatec in *Calvin und das Recht*, pp. 20 ff.

<sup>69</sup> R. Hancock, *Calvin and the Foundations of Modern Politics* (Ithaca, 1989), p. 108. Hancock indicates that, in a way, Ernst Troeltsch already warned us of this contradiction in his *Die Soziallehren der christlichen Kirchen* (1912), *ibid.*, p. 114.

<sup>70</sup> Hancock, *Calvin and the Foundations of Modern Politics*, p. 111. Cf., however, the review of this work that R.M. Kingdon proposes in *The Journal of Modern History*, 63 (2) (1991), pp. 363–4.

original sin, he does not hesitate to affirm that moral improvement is everyone's duty, no matter how evil our nature had been in the past.<sup>71</sup>

Contemporary theories of justice have not ceased to affirm this capacity. From this point of view, Calvin's contribution to the constitution of the modern idea of autonomy is a *explanandum* rather than an *explanans*: even if we do not doubt Kant's proximity to the Protestant tradition, the anthropological dilemma that Calvin presents, as discussed in this article, makes it very clear that the secularization of his ideas also involved their transformation, if autonomy has somehow been the result. Attributing this autonomy to Calvin himself can only be an operation similar to the one by which Thomist scholastics converted Aristotle into a Christian.

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<sup>71</sup> I. Kant, *Religion within the Boundaries of Mere Reason and Other Writings*, ed. Allen W. Wood and George di Giovanni (Cambridge, 1998), pp. 57–215.