

## REFORMATION POLITICS: THE RELEVANCE OF OT ETHICS IN CALVINIST POLITICAL THEORY

Mark W. Karlberg\*

In recent years renewed interest in the subject of OT ethics has been generated among evangelicals. As part of the Church's Scriptures, the OT has an important bearing on Christian living. Since the time of the Reformation there has been a Reformed consensus that there is an interconnection between OT laws, personal Christian life, and national public policy. But the relationship has not always been clearly defined, which accounts in part for the current intense debate on the role of OT laws in the formation of public policy in America's pluralistic society.

In the present article an analysis is undertaken of the teaching of the Reformed tradition, continental and Puritan, concerning the nature and limitations of civil legislation. Issues and questions like the following will come to our attention: How does the NT Church determine which OT laws are normative for Christian life today? How valid is the traditional threefold classification of the law of God? (Protestants have commonly spoken of three kinds of law in the Mosaic legislation: civil, ceremonial and moral. Additionally they have taught a threefold use of the law in the sense of the total Mosaic economy: civil, pedagogical and normative.) What are the grounds for the contention that the civil and ceremonial laws have been terminated by the coming of Christ (these laws having been fulfilled by Christ), only the moral laws being perpetually binding?

The Chalcedon school,<sup>1</sup> an offshoot of the Calvinistic tradition, has advanced a particular interpretation of God's law, known as "theonomy," which maintains the normative character of the civil laws of Moses in general. The theonomists contend that their teaching regarding the place and function of the Mosaic law in society at large sets forth the position held by the seventeenth-century Puritans. But what was early Reformed theology's view of the nature of OT ethics? In particular, how did Reformed theologians understand and apply the civil laws of Moses? What precisely did the Westminster divines mean when they asserted concerning the civil laws given to Israel: "To them also, as a body politic, He gave sundry judicial laws, which expired together with the State of that people; not obliging any other now, further than the general equity thereof may require" (*Westminster Confession of Faith* 19.4)?

\*Mark Karlberg is part-time instructor in theology at Chesapeake Theological Seminary in Maryland.

<sup>1</sup>The subject of God's law is given fullest treatment by G. Bahnsen, *Theonomy and Christian Ethics* (Nutley: Presbyterian and Reformed, 1977). M. G. Kline presents a valuable and incisive critique of Bahnsen's work and that of the Chalcedon school as a whole in his "Comments on an Old-New Error: A Review Article," *WTJ* 41 (1978) 172-189.

## I. HISTORICAL SETTING OF NATURAL-LAW DOCTRINE

It will be helpful to recall certain aspects of the historical setting of the Reformation as we seek a proper reading of sixteenth- and seventeenth-century Calvinist political theory. The Protestant Reformers inherited from the medieval period the erroneous notion of society as a single comprehensive entity known as the *corpus christianum*.<sup>2</sup> Christendom, defined as the earthly kingdom or domain of God, was an attempt, ultimately unsuccessful, to combine the realms of Church and state into one body or organization. This cooperative enterprise sought to bring about the golden age of peace and prosperity under the banner of God's name. Millennial expectations played a prominent role in giving shape to this historical and cultural development.

Well into the age of the Reformation the responsibilities and legislative powers of civil and ecclesiastical leaders were not clearly differentiated. Hence rather than complementing one another the rule of magistrates and clergy overlapped. For example, during the period of the Reformation, members of the Reformed community were convinced that civil magistrates were responsible for both the establishment and the protection of the true faith.<sup>3</sup> It was only a matter of time, however, before the Reformation principles demanded a new conception of the role of the civil magistrate with respect to ecclesiastical and spiritual matters.

One of the most complex issues in the history of sixteenth- and seventeenth-century society is the role of the covenant idea in political philosophy. Although political covenants formed the basis of civil order in numerous centers of the Reformed faith, it is difficult to determine the precise relationship between covenant as a theological idea and covenant as a political theory. Charles McCoy observes: "There is, beyond the possibility of doubt, a crucial relationship between the covenant theology and the rise of federalism in political philosophy. This relationship is, however, elusive in both political and theological literature."<sup>4</sup>

In the opening years of the Reformation movement the Reformed doctrine of the covenant had arisen in the context of discussions relating to ecclesiology, including debates over the doctrine of the sacraments of infant baptism and the Lord's supper and, more broadly, over the continuity and discontinuity between Israel (the old covenant people of God) and the Church (the new covenant people of God).<sup>5</sup> Federalism as a political theory among the Calvinists

<sup>2</sup>See e.g. S. E. Ozment, *The Reformation in the Cities* (New Haven: Yale University, 1975); B. Moeller, *Imperial Cities and the Reformation* (Philadelphia: Fortress, 1972).

<sup>3</sup>P. Woolley writes: "The right of freedom of expression existed in a basic way nowhere in western Europe. . . . The civil magistrate everywhere assumed some power to regulate the church, the degree differing most frequently in inverse ratio to the power of the church in that particular area but, in rare instances, also because of the convictions of the ruler" ("Calvin and Toleration," in *The Heritage of John Calvin* [ed. J. H. Bratt; Grand Rapids: Eerdmans, 1973] 153).

<sup>4</sup>C. S. McCoy, "The Covenant Theology of Johannes Cocceius" (dissertation; New Haven: Yale University, 1957) 91.

<sup>5</sup>See M. W. Karlberg, "Reformed Interpretation of the Mosaic Covenant," *WTJ* 43 (1980) 1-57.

was a somewhat later development. Franklin Littell notes that

it was not until the time of the federal theologian and social reformer Johann the Elder (younger brother of William of Orange), of Herborn, that a quite different separation of covenants becomes normative—to be completed in the social and political philosophies of Althusius and Cocceius. With them, we can perceive the beginnings of an utterly voluntary church discipline on the one hand, and a political covenant pointed toward popular sovereignty and “secular” government on the other.<sup>6</sup>

The covenant or federal idea in political philosophy is clearly different from the covenant idea in Reformed ecclesiology, at least until the latter half of the seventeenth century. The medieval doctrine of natural law had served as the theological bridge connecting the ecclesiastical covenant with the political covenant under one socio-religious order.

According to both medieval and Reformation theology, natural law reveals man’s creaturely debt of obedience to God. This moral debt is required of every man by virtue of his creation in the image of God.<sup>7</sup> Natural law as a divinely-given principle or rule of moral accountability is a constituent factor of the first covenant between God and Adam and the later covenant between God and Israel at Mount Sinai. The principle of natural law and the principle of works-inheritance operative in the original creation covenant and in the typical sphere of the later covenant with Moses commonly enunciate man’s fundamental duty to obey God as his faithful and loving bondservant. With respect to the Mosaic covenant, which was regulative of the Israelite theocracy, three features are to be distinguished. (1) The Sinaitic covenant is compatible with God’s ongoing program of redemption as that is progressively revealed in successive historical epochs from the fall to the consummation. Under the covenant of redemption (or the “covenant of grace” as it is traditionally termed) salvation

<sup>6</sup>F. H. Littell, “What Calvin Learned at Strassburg,” in *Heritage* (ed. Bratt) 78.

<sup>7</sup>Z. Ursinus was among the first to use the expression “covenant of nature” (*foedus naturae*) to describe the initial covenantal engagement between God and Adam at creation. This covenant rested upon man’s fulfillment of the law of nature, the law or principle inherent in the moral structure of the creation order. Man’s duty was to render obedience to the law of God; this was the creature’s “natural” relationship to the Creator. See Z. Ursinus, *The Commentary of Dr. Zacharias Ursinus on the Heidelberg Catechism* (tr. G. W. Williard; Grand Rapids: Eerdmans, 1954) 612 ff. W. Musculus explained: “The law of nature is not called such a thing, which either besides or above that eternal law which is in God, is prescribed by our nature itself, but that which is by God himself naturally fastened and established in all men, and very agreeable unto his eternal law. . . . The law of nature is not our nature, but it is the law of God” (*Common Places of Christian Religion* [tr. J. Man; London, 1563] 30). W. Ames spoke of natural law as God’s “special government” of his rational creatures made in his own image and likeness. The distinctive feature of this special government of man was that it was moral (*The Marrow of Theology* [ed. J. D. Eusden; Philadelphia: Pilgrim, 1968] 1.10.1 ff.). On the supposition that the concept of the *foedus naturae* led to a natural theology see A. Lang, “The Reformation and Natural Law,” in *Calvin and the Reformation: Four Studies* (ed. W. P. Armstrong; New York: Revell, 1909) 56–98; O. Ritschl, *Dogmengeschichte des Protestantismus*, vol. 3 (Göttingen: Vandenhoeck and Ruprecht, 1926); H. E. Weber, *Reformation, Orthodoxy und Rationalismus* (BFCT 2; Gütersloh: C. Berkelsmann, 1951); M. W. Karlberg, “The Mosaic Covenant and the Concept of Works in Reformed Hermeneutics: A Historical-Critical Analysis with Particular Attention to Early Covenant Eschatology” (dissertation; Philadelphia: Westminster Theological Seminary, 1980).

is always and only by grace through faith in Jesus Christ.<sup>8</sup> (2) The law of Moses, properly speaking, serves a subservient, probationary function in the history of redemption. As indicated by the principle of works-inheritance regulative of life in the earthly kingdom, the reward of temporal blessing is granted to Israel on the basis of her compliance with the law of Moses, whereas the curse of God is meted out to her on the basis of covenant-breaking. (3) Most importantly for our present study, the Mosaic covenant is a revelation and corroboration of the eternal law of nature.

## II. CONTINENTAL REFORMED THEOLOGY

Huldreich Zwingli taught that all people were by nature bound to obey the law of God (natural law) and that the civil law was but an instrument of God designed to promote civil righteousness and peace among men (one of the benefits of common grace in the world). Spiritual righteousness, on the other hand, could only be realized by the regenerating work of the Holy Spirit producing faith and love in the hearts of those effectually called into the kingdom of Christ.<sup>9</sup> (The Church's preaching of the Word of God is directed toward this end.) The primary aim of external righteousness is the exercise of civil justice and equity in men's dealings with one another. In this way, government enhances the well-being of society. Civil righteousness is good only in a limited and qualified sense. It is of no profit in achieving one's justification before God. The particular "goodness" of civil righteousness itself, moreover, is realized only through the operation of God's common grace in the providential ordering and governing of the affairs of individuals within society. The outworking of natural law in the socio-political realm is expressive of God's sovereign will. According to Zwingli and later Reformed theology, God's decretive purposes lay behind all things that transpire in human history. Nothing falls outside of God's decree. This is the heart of the Reformed philosophy of history.<sup>10</sup> The civil institution, ordained and upheld by the providence of God, is not a sphere of

<sup>8</sup>For a further treatment see M. W. Karlberg, "Legitimate Discontinuities Between the Testaments," *JETS* 28 (1985) 9-20; "Justification in Redemptive History," *WTJ* 43 (1981) 213-246.

<sup>9</sup>H. Zwingli, *The Latin Works and the Correspondence of Huldreich Zwingli* (ed. S. M. Jackson; New York/Philadelphia, 1912-29), 3. 261 ff.

<sup>10</sup>For a recent reassessment of the Reformed doctrine of the decrees see G. J. Spykman, "A New Look at Election and Reprobation," in *Life Is Religion: Essays in Honor of H. Evan Runner* (ed. H. Vander Goot; St. Catharines: Paideia, 1981). Spykman argues "that it is possible to re-contextualize this question, to re-articulate our Biblical-confessional framework-of-reference for dealing with it, and thus to restate this doctrine in such a way that, relieved of some of the dubious scholastic constructs which until now have often encumbered it, we can learn to theologize on it with renewed openness and joy as the very *cor ecclesiae*, the very heartbeat of the church" (pp. 172-173). For a helpful critique of recent trends in Reformed thinking see A. L. Baker, *Berkouwer's Doctrine of Election: Balance or Imbalance?* (Phillipsburg: Presbyterian and Reformed, 1981).

human autonomy or self-determination, as suggested by the later Enlightenment doctrine of natural law.<sup>11</sup>

Heinrich Bullinger, Zwingli's successor in Zurich, taught that the writing of the law of God upon the hearts of all mankind at creation was one aspect of our creation in the image of God. With reference to Rom 2:14–16 Bullinger wrote:

By these words of the apostle we understand, that the law of nature is set against the written law of God; and that therefore it is called the law of nature, because it seems to be, as it were, placed or grafted in nature. We understand, that the law of nature, not the written law, but that which is grafted in man, has the same office that the written has; I mean, to direct men, and to teach them, and also to discern between good and evil, and to be able to judge of sin. We understand, that the beginning of this law is not of the corrupt disposition of mankind, but of God himself, who with his finger writes in our hearts, fastens in our nature, and plants in us a rule to know justice, equity, and goodness.<sup>12</sup>

The writing of the law of God upon man's heart at creation by "his finger" indicated the sovereign efficacy and will of God in human affairs, not a deistic notion of a God who creates man and leaves him to labor in the strength of his own inherent power and moral virtue. Rather, the work of God in creation and providence was understood by Bullinger and the Protestant Reformers to be dynamic, revealing his infinite wisdom and goodness.

Corresponding to the two tables of the law of Moses, so Bullinger taught, there were two divisions of the law of nature: (1) worship of the true God, which all people ought to render as creatures of God; and (2) love of one's neighbor. Representative of Reformed thought in general, Bullinger held the opinion that man's worship of God could be legislated by civil authorities.<sup>13</sup> At this crucial point the Protestant Reformers, like their Roman Catholic contemporaries, misconceived (from our point of view) the legitimate limits of civil legislation. To a partial degree the Reformers' teaching on this matter was reflective of the long-standing medieval social outlook.

Acknowledging the common-grace operation of natural law in the world, the Reformers could exemplify natural law by reference to civil legislation of great nations throughout history, notably Roman jurisprudence. Bullinger remarks:

Therefore every country has free liberty to use such laws as are best and most requisite for the estate and necessity of every place, and of every time and person:

<sup>11</sup>Enlightenment philosophers had "secularized" the medieval doctrine of natural law in the interests of the autonomy of the modern state. A secular view of political theory found expression in the writings of H. Grotius, T. Hobbes, J. Locke and J. J. Rousseau. These political theories arose from considerations and objectives altogether different from those of the Reformed federalists. Covenant theology and secular political theory arose from opposing philosophical and theological contexts. Consequently the origins of the modern natural-law doctrine do not lie in Calvinist theology but rather in seventeenth- and eighteenth-century moral philosophy.

<sup>12</sup>H. Bullinger, *The Decades* (ed. T. Harding; Cambridge: Cambridge University, 1849), 1. 205–206.

<sup>13</sup>*Ibid.*, pp. 193 ff. For a better interpretation of the two tables of the law see M. G. Kline, *The Structure of Biblical Authority* (Grand Rapids: Eerdmans, 1972) 113–130.

so yet that the substance of God's laws are not rejected, trodden down, and utterly neglected. For the things which are agreeable to the law of nature and the ten commandments, and whatsoever else God has commanded to be punished, must not in any case be either clean forgotten, or lightly regarded. Now the peace and public tranquillity be firmly maintained, and judgments and justice be rightly executed.<sup>14</sup>

Although the normative status of the Mosaic civil code has changed, "the substance of God's judicial laws is not taken away or abolished, but the ordering and limitation of them is placed in the will and arbitration of good Christian princes," who must ensure the due submission of ruler and citizens alike to the law of God (natural law).

John Calvin had learned a great deal from Martin Bucer during his sojourn in the city of Strassburg. Following Bucer's lead Calvin continued to work out a clearer understanding of the relationship between civil and ecclesiastical authority.<sup>15</sup> Despite certain characterizations of Calvin's Geneva, the Genevan "theocracy" was substantially different from the ancient Israelite theocracy. The government of Geneva was theocratic only in the sense that the clergy sought to enforce civil morality, which was the proper responsibility of the magistrates. As in Zurich and Strassburg, the Genevan council, by recommendation of the consistory, enforced civil discipline.<sup>16</sup>

<sup>14</sup>Bullinger, *Decades*, 3. 280–282. In a recent study, *Heinrich Bullinger and the Covenant: The Other Reformed Tradition* (Athens: Ohio University, 1980), J. W. Baker argues that Bullinger held a unique view on the relation of Church and state in the time of the early Reformation. "Although the emphasis on community and on the Old Testament was not unique with Bullinger, the concept of magisterial discipline within the covenanted community was distinctly his. The notion of conditional covenant was the basic element of Bullinger's entire theory of Christian society. It was the Christian magistrate who enforced the conditions of the covenant in the Christian commonwealth, which meant that the civil government completely controlled discipline. Calvin and Beza, on the other hand, committed the powers of excommunication and church discipline into the hands of a consistory" (p. xxiii). Later Baker remarks that "the social covenant was based on the religious covenant. . . . An idea of Christian community was not in itself unusual. The climate of opinion of the late Middle Ages and the sixteenth century favored such a conception of society. It was the additional elements of covenant and magisterial sovereignty that made Bullinger's theory unusual, different from the thought of any other major reformer" (p. 166). According to Baker's interpretation Bullinger had so closely identified Zurich with the old covenant people of God that he anticipated the later Puritan theocracies (see esp. pp. 105, 140, 166).

<sup>15</sup>During 1531–32 Strassburg was the scene of the classic debate between M. Bucer, representing the traditional Reformed point of view, and P. Marpeck over the uses and limits of political authority. The debate ended in the expulsion of Marpeck from Strassburg by the city council in January 1532. Against the judgment of Bucer and the council, Marpeck insisted that government played no role whatever in regard to the kingdom of God on earth. Since God's kingdom is an exclusively spiritual and heavenly reality, argued Marpeck, the state could never protect the Church against opposition and persecution under any situation or circumstance, let alone establish religion. See further D. J. Ziegler, "Marpeck versus Butzer: A Sixteenth-Century Debate over the Uses and Limits of Political Authority," *Sixteenth Century Essays and Studies* (ed. C. S. Meyer; St. Louis: Foundation for Reformation Research, 1971) 95–107.

<sup>16</sup>E. W. Monter comments: "Calvin's Geneva was indeed a theocracy. This does not imply that she was governed by her clergy; it means rather that Geneva was in theory governed by God through a balance of spiritual and secular powers, through clergy and magistrates acting in harmony. In the sixteenth century, the intimate association of the ecclesiastical and the secular government of a

Through the efforts of Calvin, however, the duties of the Genevan council and the consistory come to be defined more carefully. In seeking to uphold the Biblical distinction between two spheres of authority under God—viz., Church and state—Calvin opposed the desire of the civil magistrates to pronounce excommunication, an exclusively ecclesiastical form of discipline. Due to insurmountable pressure from the council Calvin found himself accommodating to its demands. Consequently, where ecclesiastical discipline overlapped with prescribed civil penalties, the consistory referred cases to the council. Although Calvin had learned from Bucer that religious discipline was to be exercised only by the Church, neither Calvin in Geneva nor Bucer in Strassburg was able to realize fully his objectives.<sup>17</sup>

In the *Institutes of the Christian Religion* Calvin maintains that man is subject to the authority of God in the realm of civil government. He discusses the nature and purpose of government in the closing chapter. Civil government is a “divinely established order” that pertains “only to the establishment of civil justice and outward morality.”<sup>18</sup> The distinction between spiritual and civil government, insists Calvin, ought to be obvious to all.

Whoever knows how to distinguish between body and soul, between this present fleeting life and that future eternal life, will without difficulty know that Christ’s spiritual Kingdom and the civil jurisdiction are things completely distinct. Since, then, it is a Jewish vanity to seek and enclose Christ’s Kingdom within the elements of this world, let us rather ponder that which Scripture clearly teaches is a spiritual fruit, which we gather from Christ’s grace; and let us remember to keep within its own limits all that freedom which is promised and offered to us in him.<sup>19</sup>

---

community was generally assumed to be both natural and desirable” (*Calvin’s Geneva* [New York: John Wiley, 1967] 144). See also D. Little, *Religion, Order, and Law: A Study in Pre-Revolutionary England* (New York: Harper, 1969) 76–80; R. M. Kingdom, “The Control of Morals in Calvin’s Geneva,” in *The Social History of the Reformation* (ed. L. P. Buck and J. W. Zophy; Columbus: Ohio State University, 1972).

<sup>17</sup>Despite the shortcomings of the Reformation age, notes P. Schaff, “it is nevertheless true that Calvinism, by developing the power of self-government and a manly spirit of independence which fears no man, though seated on a throne, because it fears God, the only sovereign, has been one of the chief agencies in bringing about this progress, and that civil and religious liberty triumphed first and most completely in Calvinistic countries” (*The Creeds of Christendom* [6th ed.; Grand Rapids: Baker, n.d.], 1. 466). On similar lines Woolley remarks: “In great measure Calvin’s desire was fulfilled. But it was fulfilled more fully and more acceptably abroad than in Geneva. The results of his work bore greater fruit in Scotland and in the Netherlands than they did in Switzerland. . . . While we cannot attempt here to prove this thesis, I am willing to say that, in my judgment, the greater fruitage of Calvin’s ideas elsewhere than in Geneva is due to the fact that in other areas they were not subjected to implementation by the civil state to the same degree as was true in Geneva” (in *Heritage* [ed. Bratt] 156). Woolley points out that “the doctrine and ethical principles of the church were incorporated into the civil code. Some of this was against the wishes of Calvin, some of it with his thorough approval. It is here that his conception of tolerance was not adequate” (p. 157). See further W. S. Reid, “Calvin and the Political Order,” in *John Calvin: Contemporary Prophet* (ed. J. T. Hoogstra; Grand Rapids: Baker, 1959) 243–259.

<sup>18</sup>J. Calvin, *Institutes of the Christian Religion* (ed. J. T. McNeill; Philadelphia: Westminster, 1960) 4.20.1.

<sup>19</sup>*Ibid.*

Calvin summarizes the function of civil government in the following words: "In short, it provides that a public manifestation of religion may exist among Christians, and that humanity be maintained among men." Calvin, then, makes an important point:

Let no man be disturbed that I now commit to civil government the duty of rightly establishing religion, which I seem above to have put outside of human decision. For, when I approve of a civil administration that aims to prevent the true religion which is contained in God's law from being openly and with public sacrilege violated and defiled with impunity, I do not here, any more than before, allow men to make laws according to their own decision concerning religion and the worship of God.<sup>20</sup>

Unfortunately, Calvin does not go far enough in distinguishing the proper relation between protection of true religion and establishment of such by the civil magistracy, nor does he adequately define the legitimate sphere of civil legislation. On the government's responsibility to uphold the two tables of the law of Moses, Calvin remarks:

If Scripture did not teach that it extends to both Tables of the Law, we could learn this from secular writers: for no one has discussed the office of magistrates, the making of laws, and public welfare, without beginning at religion and divine worship. 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. Since, therefore, among all philosophers religion takes first place, and since this fact has always been observed by universal consent of all nations, let Christian princes and magistrates be ashamed of their negligence if they do not apply themselves to this concern.<sup>21</sup>

The Mosaic covenant, observes Calvin, is an excellent example of the divinely established law of nature. Calvin illustrates the twofold duty of government—i.e., the responsibility to ensure the true worship of God, and the responsibility to promote social justice and peace—by reference to the Mosaic legislation insofar as it testifies to natural law.<sup>22</sup> According to the hermeneutics of the NT as Calvin understands it, the Israelite civil obligations of the Mosaic law are morally binding upon nations today only on the basis of natural law, the unchanging principle of equity and human welfare, not on the basis of the unique theocratic administration under Moses regulating the total life of God's elect nation. Calvin states his position in some detail:

What I have said will become plain if in all laws we examine, as we should, these two things: the constitution of the law, and the equity on which its constitution is itself founded and rests. Equity, because it is natural, cannot but be the same for all, and therefore, this same purpose ought to apply to all laws, whatever their

<sup>20</sup>Ibid., 4.20.3.

<sup>21</sup>Ibid., 4.20.9.

<sup>22</sup>Calvin remarks: "I would have preferred to pass over this matter in utter silence if I were not aware that here many dangerously go astray. For there are some who deny that a commonwealth is duly framed which neglects the political system of Moses, and is ruled by the common laws of nations. Let other men consider how perilous and seditious this notion is: it will be enough for me to have proved it false and foolish" (ibid., 4.20.14).



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.

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. Hence, this equity, alone must be the goal and rule and limit of all laws. . . .

God's law forbids stealing. The penalties meted out to thieves in the Jewish state are to be seen in Exodus (Ex. 22:1-4). The very ancient laws of other nations punished theft with double restitution; the laws which followed these distinguished between theft, manifest and not manifest. Some proceeded to banishment, others to flogging, others finally to capital punishment. False testimony was punished by damages similar and equal to injury among the Jews (Deut. 19:18-21); elsewhere, only by deep disgrace; in some nations, by hanging; in others, by the cross. All codes equally avenge murder with blood, but with different kinds of death. Against adulterers some nations levy severer, other, lighter punishments. Yet we see how, with such diversity, 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. But they do not agree on the manner of punishment. Nor is this necessary nor expedient. . . .

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 simple comparison, but with regard to the condition of times, place and nation; or when that law is abrogated which was never enacted for us. For the Lord through the hand of Moses did not give that law to be proclaimed among all nations and to be in force everywhere; but when he had taken the Jewish nation into his safekeeping, defense, and protection, he also willed to be a lawgiver especially to it; and—as became a wise lawgiver—he had special concern for it in making its laws.<sup>23</sup>

The principle of natural law is eternal and unchanging. The civil laws of Moses are applicable to all nations only to the extent that they promote justice and equity. Whereas the typical-pedagogical aspect of the Mosaic law is terminated, the "substance" of these laws—what is identified as the law of nature—remains in effect. Consequently the civil laws of Moses are considered by Calvin to be a guide, not a standard or norm, for national public policy in any given period and culture.

In early continental Reformed theology the category of "civil laws" in distinction from moral and ceremonial laws (according to the traditional threefold classification of God's law) is open to ambiguity and imprecision. To the extent that civil laws obligate society to uphold principles of natural law they are morally binding and therefore not arbitrary or dispensable. Nevertheless it is legitimate to speak of the termination of the specific covenantal administration of the Mosaic law (as a total, unified order or arrangement) in the course of the

<sup>23</sup>Ibid., 4.20.16.

establishment of the new covenant. The particular, historical civil code enunciated by Moses is no longer binding as a legal standard.<sup>24</sup>

### III. PURITANISM: OLD AND NEW ENGLAND

Prompted by unique political and religious circumstances, English (and Scottish) theologians applied in a rather unorthodox manner the special theocratic administration of law of the ancient Israelite nation directly to God's present dealings with the English people. Just as the Mosaic covenant set before the nation of Israel the dual sanctions of blessing for obedience and curse for disobedience, so did God now call England in similar fashion to faith and repentance in order to secure national prosperity. The English Reformers were convinced that God was entering into a controversy with England, the "elect nation," the "new Israel."<sup>25</sup> (Later, in their preaching and writing the English and American Puritans frequently employed the language of the old covenant prophets as ministers of God's lawsuit against an unfaithful and rebellious people.<sup>26</sup>)

By the middle of the seventeenth century, English Reformers favored viewing the Mosaic civil laws as a standard or norm, rather than as a guide, for present-day legislation. This new development within English federalism appeared about the time of the Westminster Assembly (1642–48). No doubt influenced by the Scottish national covenants, which attempted to combine civil and religious purposes into one common agenda for the nation, Puritans made direct appeal to the Mosaic civil code. The relation between the civil and ecclesiastical authorities in the English national Church was, to varying degrees, theocratic in its outworking. Magistrates assumed responsibility for Church matters that in most instances were not their official concern. In the chapter on the civil magistrate, the *Westminster Confession of Faith* properly defines the role of the magistrates as "the defense and encouragement of them that are good, and for the punishment of evil doers" (23.1). But beyond this legiti-

<sup>24</sup>The pedagogical use of the law, as taught by Paul (among other NT writers), has reference to the giving of the law on Mount Sinai as a specific, historical-legal arrangement regulative of the Israelite theocracy in all aspects of its life in covenant with God. This law of Moses comprises three kinds of laws (to use the traditional classification): civil, ceremonial and moral. Likewise the third use of the law (the normative or regulative) pertains to the whole law of Moses. With the inauguration of the new covenant in Christ, covenantal law—i.e., "Biblical ethics"—bears only the normative function among the people of God who comprise a spiritual fellowship. The new covenant is an exclusively spiritual administration of special grace (cf. 2 Cor 3:6 ff.). Both the pedagogical/probationary function of the law and the civil function are no longer regulative of the covenant order. The civil use of God's law remains as an operation of common grace in the world. See the subsequent discussion of the *Westminster Confession of Faith* 19.4.

<sup>25</sup>Consult further W. Haller, *The Rise of Puritanism* (Philadelphia: University of Pennsylvania, 1938), and esp. G. M. Marsden, "America's 'Christian' Origins: Puritan New England as a Case Study," in *John Calvin: His Influence in the Western World* (ed. W. S. Reid; Grand Rapids: Zondervan, 1982) 244–249.

<sup>26</sup>See e.g. S. Bercovitch, *The American Jeremiad* (Madison: University of Wisconsin, 1978); *The American Puritan Imagination: Essays in Reevaluation* (ed. S. Bercovitch; Cambridge: Cambridge University, 1974).

mate exercise of authority the *Confession* states:

The civil magistrate may not assume to himself the administration of the Word and sacraments, or the power of the keys of the kingdom of heaven: yet he hath authority, and it is his duty, to take order that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed. For the better effecting whereof, he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God (23.3).

This understanding of the role of the civil magistrate was not altogether new, but the theocratic rule of the magistrate was enlarged considerably during the seventeenth century, notably in the New England colonies. The Puritan ideal failed to find fruition in Old England, according to the emigrants, because "ungodly and unChristian magistrates" hindered the true reformation of the Church.

Several years prior to the convening of the Westminster Assembly, Thomas Cartwright made an attempt in England to revive the Mosaic civil laws in defense of the permanent and binding authority of the old code, though not without arousing intense debate and opposition. John Whitgift countered Cartwright by arguing for the cessation of the Mosaic law, claiming the support of such theologians as Calvin and Theodore Beza, Calvin's successor in Geneva. "As a result of this preoccupation with the Old Law," writes a contemporary historian, "Cartwright and his disciples became convinced that they were the 'chosen people' of the New Law and therefore elected by God to build 'Jerusalem' in 'England's green and pleasant land'."<sup>27</sup> This conflict of opinion became even more evident in the New England debates between Roger Williams and John Cotton. Williams denied that Canaan should be a model for political and religious life in seventeenth-century society.<sup>28</sup> With the end of the Israelite theocracy the judicial system under Moses served now only as a guide for civil policy. Cotton, on the other hand, insisted on carrying over ancient Israel's symbolico-legal system into the New England theocracies. English federalism had clearly taken a new direction in Calvinistic political theory.

In the midst of these struggles and confrontations the Westminster divines began the work of preparing a new confession and catechisms, destined to have

<sup>27</sup>D. J. McGinn, *The Admonition Controversy* (New Brunswick: Rutgers University, 1949) 126-127.

<sup>28</sup>I. Polishook maintains: "In a final and sweeping attack on the theological presuppositions of his adversaries, Williams denied that the Old Testament might serve as a pattern for a contemporary religious settlement. . . . In contrast, the Old Testament offered the best example of the orthodoxy contemplated by the Puritans in America and in the mother country. The prescriptions of the Mosaic law provided a complete replica for the union of church and state and the punishment of religious nonconformists" (*Roger Williams, John Cotton and Religious Freedom: A Controversy in New and Old England* [Englewood Cliffs: Prentice-Hall, 1967] 32). See also S. Bercovitch, "Typology in Puritan New England: The Williams-Cotton Controversy Reassessed," *American Quarterly* 19 (1967) 166-191; D. Little, "Legislating Morality: The Role of Religion," in *Christianity and Politics: Catholic and Protestant Perspectives* (ed. C. F. Griffith; Washington: Ethics and Public Policy Center, 1981) 39-53; cf. L. J. Van Til's assessment of Williams' "distinctive hermeneutics" in *Liberty of Conscience: The History of a Puritan Idea* (Nutley: Craig, 1972) 61.

wide and lasting influence. The *Confession* states that many and various judicial laws "expired together with the State of that people; not obliging any other now, further than the general equity thereof may require" (19.4). The expression "general equity" refers unambiguously to the abiding principle of natural law, that which is morally binding. The formulation of any particular civil law may vary in different nations and societies. As a whole, the judicial system under Moses is no longer binding. The principle of general equity or natural law, according to the *Confession*, entails both tables of the law. During the entire age of the Reformation the civil magistrates were expected to preserve peace within the human community and to guard and protect the Christian faith against heresy and blasphemy. Certain elements in the *Confession* indicate an orientation toward "theonomic politics." While the Chalcedon school may be at home with the teaching of the *Confession* on the duty of civil magistrates to enforce both tables of the law, it obscures or at least minimizes the confessional position that the Mosaic judicial laws serve as a guide in civil morality rather than as a norm.<sup>29</sup>

To summarize: In the latter half of the seventeenth century when the Puritans viewed the Mosaic civil code as normatively binding on all nations everywhere (especially England and New England), English theologians began to lose sight of the typological significance of the old covenant civil legislation. This new view differed considerably from early continental Reformed theology's interpretation of the Mosaic civil order. In appealing to the Mosaic laws as the norm for public policy the Puritans gave further room for theonomic politics. Over time the Puritan civil enactments conformed more and more to the old Mosaic legislation with its accompanying sanctions, including capital punishment for heretics, adulterers and blasphemers. In so doing the Puritans obliterated the unique (typological) purpose of prescribed punishments against transgressors of God's covenant with Moses.

The results of our study in the rise and development of Calvinistic political philosophy present us with two alternative points of view regarding the nature and use of the Mosaic civil code in the formation of public policy today. Following the principal insights of the continental Reformed tradition the civil laws of Moses serve as a useful and important guide in shaping public morality. Whereas cultural and political circumstances change, the principle of general equity or natural law is unchanging. According to the Puritan tradition, on the other hand, the civil code of Moses is normative and therefore binding upon all nations in all times and places. It is not so much a matter of application of the Mosaic law in today's society but simply of implementing and enforcing it. In the Puritan theocracies, Church and state were not coterminous—despite possible appearances to the contrary. Covenant as a civil compact and covenant as an ecclesiological bond were distinct entities in seventeenth-century Puri-

<sup>29</sup>This oversight affects J. B. Jordan's reading of the sources in "Calvinism and 'The Judicial Law of Moses': An Historical Survey," *The Journal of Christian Reconstruction* 5 (1978-79) 17-48. In an otherwise helpful critique W. Luck is mistaken in saying that Bahnsen's "*Theonomy* is essentially a restatement of the Reformed position" (*JETS* 23 [1980] 76). All can agree that the Mosaic law serves as a "pattern" for public policy. But what does one mean by that term? Is the Mosaic pattern a guide or a standard? On that question the Reformed tradition was divided.

tanism.<sup>30</sup> However, to the degree that the civil code of the political covenant overlapped with the civil code of the Mosaic covenant the result was a closed, religious society. To the extent that these two codes were properly distinguished and the typological dimension of the old Mosaic covenant preserved the outcome was an open, free society under the sovereign rule of God.

<sup>30</sup>J. Møller is rightly critical of P. Miller's approach to the Puritan literature: "English and American scholars have as a rule failed to contribute a satisfactory discussion of the idea of the covenant in puritan theologians. One principal reason for this failure is to be found in the fact that many of these scholars are primarily interested in sociology and less in theology. Another reason stems from the tendency to isolate the Puritans in England and New England from their English background as well as from their Continental forerunners and contemporaries. Interpreters which thus tend to neglect both theology and history necessarily lead to grave misunderstandings in the presentation of puritan covenant theology. The well-known work of Perry Miller is typical in many respects. Miller presents his interpretation of the covenant in book IV under the general heading: Sociology!" "The Beginnings of Puritan Covenant Theology," *JEH* 14 (1963) 46.