

KNOWLEDGE OF THE NATURAL LAW
IN THE THEOLOGY OF
JOHN CALVIN AND THOMAS AQUINAS

By

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ABSTRACT

This dissertation seeks to answer, by close reading of primary texts, the question of whether John Calvin and Thomas Aquinas share a common theory of natural law.

Calvin and Aquinas both use a common vocabulary of natural law inherited from antiquity. They both speak of a morally normative natural order, and appeal to nature as a morally evaluative standard when discussing practical questions.

While they share a common vocabulary of natural law, however, it is not clear whether this is undergirded by a common set of theological assumptions, or whether Calvin and Aquinas have different visions of natural law, reflecting major theological differences between Reformed and Roman Catholic Christianity.

Existing literature raises, but does not adequately explore, questions concerning the compatibility of Calvin's thought on natural law with that of Aquinas. There currently exists no book-length study of Calvin's thought on natural law, but by comparing Calvin with Aquinas, rather than studying him alone, I hope the features of his approach can be more easily identified.

The contention of this thesis is that Calvin and Aquinas do share a common vision of natural law. To establish this conclusion, I examine areas of apparent disagreement between Aquinas and Calvin that I have identified by reviewing existing comparative literature. These disagreements concern the role that natural law plays in systematic theology, the relationship between natural law and conscience, the relationship between natural law and the Decalogue, the noetic effects of sin, and the moral status of natural inclinations.

In each case, I argue, apparent differences mask a deeper agreement between Aquinas and Calvin that becomes clearer when a broader range of primary texts are subjected to closer scrutiny than has hitherto been the case.

EXTENDED ABSTRACT

This dissertation seeks to answer, by close reading of primary texts, the question of whether John Calvin and Thomas Aquinas share a common theory of natural law.

Calvin and Aquinas both use a common vocabulary of natural law inherited from antiquity. That is to say, both of them share a vision of the cosmos as having a moral as well as a physical order that can be the object of inquiry and discourse, and both conceptualise this moral order in terms of a law that is immutable, universal, objective, and superior to other forms of law. Both also appeal to nature as a morally evaluative standard when confronting a variety of practical questions. In fact, Calvin, who is generally seen as the more reluctant natural law theorist of the two, makes use of natural law arguments in a much broader range of practical contexts than does Aquinas.

There has been ongoing interest in Reformed circles in the question of natural law during the last century or so, which has grown exponentially in recent decades. Much of the debate has revolved around the question of whether Calvin can be said to offer a theory of natural law, and around the relationship that the Genevan Reformer's thinking on natural law has to the prior medieval tradition, of which Aquinas is often seen as a uniquely important representative. Debates between August Lang and Ernst Troeltsch in 1909, and between Karl Barth and Emil Brunner in 1934, have given shape to different schools of interpretation of Calvin's thought on natural law, and different ways of comparing Calvin with Aquinas and the medieval tradition.

While existing literature raises important questions concerning the compatibility of Calvin's thought on natural law with that of Aquinas, however, it does not always adequately explore or answer these questions. There currently exists, for example, no book-length study of Calvin's thought on natural law.

The contention of this thesis is that Calvin and Aquinas do share a common vision of natural law. To establish this conclusion, I examine six areas of apparent disagreement between Aquinas and Calvin that I have identified after a comprehensive survey of secondary literature on Calvin and natural law by Reformed scholars. Questions about the relationship between Calvin and Aquinas distilled from this literature are then used to interrogate primary texts. Engagement with smaller bodies of specialist literature on Aquinas's theory of natural law is included when it is relevant to one of these questions. With regards to Aquinas, the focus in examining primary texts is on the *Summa Theologiae* as the most mature expression of his thought, with due consideration given to biblical commentaries and other texts. With Calvin, the *Institutes* are given roughly equal prominence to his biblical commentaries and lectures.

Questions centre around the role that natural law plays in systematic theology, the relationship between natural law and conscience, the relationship between natural law and the Decalogue, the noetic effects of sin, and the moral status of natural inclinations. In each case, I argue that apparent differences mask a deeper, underlying agreement between Aquinas and Calvin that becomes clearer when a broader range of primary texts are subjected to closer scrutiny than has hitherto been the case.

An introductory chapter offers a brief outline of what is meant by the central tradition of natural law thought, followed by a review of secondary literature, and concluding with further information on the structure and methodology of the dissertation. The introduction is then followed by six chapters and a conclusion.

Chapter 1 examines the question of whether natural law plays any role within Calvin's systematic theology. I argue that, for Calvin, knowledge of the natural law is essential to the "first use" of law, since it is by means of our knowledge of the natural law that we are rendered without excuse for sin, and the justice of God's damnatory decrees is apologetically vindicated.

Chapter 2 relates this to Aquinas's thought. There are those who contrast Calvin with Aquinas by arguing that while the only – or, at least, the primary – function of natural law in Calvin's thought is to render humanity without excuse for sin, Aquinas has a more optimistic vision which sees natural law as a guide to the good life implanted in humanity by God and left relatively unscathed by the Fall. I argue that, in fact, when the account of natural law in the *Summa Theologiae* is read in light of Aquinas's explanation in his biblical commentaries of the scriptural texts deployed as *auctoritates* in the *Summa*, the broad outlines of his account share a number of similarities with Calvin. For Aquinas, the discussion of natural law in the *Summa* functions in large part as a preliminary to his discussion of biblical law, which is his main concern. Both Calvin and Aquinas are uninterested in the idea of natural law as an autonomous source of morality. Both affirm the existence of natural law primarily as part of broader theological projects that seek to underscore human moral inadequacy and our consequent need for grace to know and fulfil God's will.

Chapters 3 and 4 examine the relationship between natural law and conscience, and between natural law and the Decalogue in Aquinas and Calvin respectively. Some Calvin scholars suggest that Calvin has no natural law theory in the sense that Aquinas does, because the place occupied by natural law in Aquinas's ethics is taken up, in Calvin's thought, either by his theory of conscience, or by the Decalogue.

These assertions generally arise as the consequence of an argument that is widespread among Reformed scholars, namely, that while the post-Fall cosmos retains an objective moral order which is in principle knowable by the human intellect, Calvin thinks that the depraving effect of the Fall on human nature has vitiated reason to such an extent that what is knowable in principle (to the created intellect) is no longer knowable in fact (to the fallen intellect). Since reliable knowledge of the natural law is no longer available to the intellect because of the effect of original sin on our reasoning powers, knowledge of the moral law must come

immediately from God via an interior revelation in the conscience, or through external, biblical revelation.

By the same token, many Reformed scholars claim that one of the key differences between Calvin and Aquinas is that Aquinas neglects the depraving effect of original sin on the intellect, and consequently has less need than Calvin does to foreground either the conscience or the Decalogue in his discussion of natural law.

I argue that these claims are misunderstandings, either of Aquinas, or Calvin, or both. Conscience plays a central role in the understanding of natural law for both Calvin and Aquinas, and the importance of the Decalogue for Aquinas's natural law theory (and his theory of conscience) is often overlooked. Moreover, much of Calvin's ethical thought relies for its coherence on the assumption that our awareness of the moral law has been left substantively intact by the Fall, since it is this awareness that Calvin thinks implicates us in guilt for sin.

Chapters 5 and 6 focus on the question of the moral status of natural inclinations. In q. 94 of the *Prima Secundae*, Aquinas famously grounds "the order of the precepts of the natural law" in "the order of natural inclinations" – inclinations to self-preservation, to sexual intercourse, to the rearing of children, to political society, and to the pursuit of truth and the worship of God. Calvin, on the other hand, in his *Commentary on Romans*, appears to ground natural law not in inclinations of the will but in innate conceptual knowledge, and to dismiss Aquinas's theory, since Calvin seems to view the Fall as having completely perverted the will's natural desire for the good.

This difference goes to the heart of what we mean when we speak of natural law: do we mean natural knowledge of propositions about right and wrong? Or a felt recognition of the intrinsic desirability of certain goods?

I argue in Chapter 5 that the concept of “inclination” as an affective disposition does indeed lie at the root of Aquinas’s theory of how we come to know the good, offering new arguments in defence of Jacques Maritain’s neglected views on Aquinas and natural law.

In Chapter 6, I argue that while Calvin appears to reject a concept of natural law grounded in inclination in his *Commentary on Romans* and in certain other places, aspects of a eudaimonist moral theory similar to Aquinas’s are clearly taken for granted in a broad array of other texts. Finally, I argue that both Aquinas and Calvin use the concept of inclination (or, for Calvin, *sensus naturae* or *instinctu naturae*) to explain aspects of the operation of Divine Providence insofar as it relates to human behaviour.

Lastly, a concluding chapter revisits these questions in order and summarises the arguments made.

Although existing literature raises questions about potential points of contact between Calvin and Aquinas, potential answers are often left unexplored. There have been many studies of Aquinas’s natural law theory, but there has been no study longer than a single article or book chapter focused solely on Calvin’s thought on natural law since Bohatec’s *Calvin und das Recht* appeared in 1934. Almost ninety years ago, Bohatec began by observing that in the existing literature of his own day, “there is no discussion of the interrelations between the doctrine of natural law and the rest of Calvin’s conceptual world.” Arguably, this remains the case today, as much of the contemporary literature itself notes.

As well as offering the first in-depth study of Calvin’s thought on natural law, I also offer new readings of Thomas Aquinas on several key points. Counterintuitively, reading Aquinas in conversation with Calvin helps to highlight certain features of Aquinas’s thought that are often neglected, because Calvin’s blunt Augustinianism accentuates aspects of Aquinas’s vision of natural law that are often not adverted to by those who read Aquinas solely through an Aristotelian lens. Similarly, comparing Calvin to Aquinas helps identify where Calvin follows the prior tradition on natural law, and where he departs from it. By

comparing Calvin with Aquinas, rather than studying him alone, I hope the unique features of his approach to natural law can now be more easily identified.

INTRODUCTION

The purpose of this dissertation is to answer, by a close reading of primary texts, the question of whether, and, if so, to what extent, John Calvin and Thomas Aquinas share a common theory of natural law.

Calvin and Aquinas both use a common vocabulary of natural law inherited from antiquity. They both speak of a morally normative natural order, and both appeal to nature as an evaluative standard when discussing practical questions, using “natural” and “unnatural” as equivalent to “good” and “bad,” or “right” and “wrong.”

But while they share a common vocabulary of natural law, and deploy this vocabulary for similar ends, do they really share a common moral grammar: a common set of assumptions and beliefs that underlie and give shape to the apparent similarities? Or do similarities of vocabulary belie the fact that Calvin and Aquinas advocate two different theories of natural law, reflecting major theological differences between Reformed and Roman Catholic Christianity?

There has been growing interest among theologians in natural law in recent decades, particularly in Reformed circles. A question that has been raised by the literature on this topic, but not adequately explored, concerns the potential compatibility of the Reformed tradition of natural law with the Roman Catholic tradition, and in particular, the compatibility of the thought of Calvin with that of Aquinas. Despite this interest, existing literature is incomplete and there currently exists no book-length study of Calvin’s thought on natural law. By comparing Calvin with Aquinas, rather than studying him alone, the distinctive features of his approach to natural law can be more easily identified.

My contention is that Calvin and Aquinas do share a common Christian vision of natural law. To establish this, I examine areas of apparent disagreement between Aquinas and Calvin that I have identified by reviewing existing literature that compares both thinkers.

These disagreements concern the role that natural law plays in systematic theology, the relationship between natural law and conscience, the relationship between natural law and the Decalogue, the effect that original sin has on our natural capacity to distinguish right from wrong, and the tension between a natural law theory grounded in natural inclinations versus one grounded in the idea of innate moral knowledge. In each case, I argue, apparent differences mask a deeper, underlying agreement between Aquinas and Calvin that becomes clearer when primary texts are subjected to closer scrutiny, or when conclusions previously drawn on the basis of a small number of texts are set within a broader theological context.

What is Natural Law?

There is a sense in which, while logical to ask, this question is an unhelpful preliminary. My aim is not to survey intellectual history, abstract from it a notion of what natural law means, and ask how far Aquinas and Calvin conform to this preconceived notion. My aim, rather, is to allow the texts to speak for themselves, and, as far as possible, allow Aquinas and Calvin to answer the question of what natural law means.

Nevertheless, it will be useful, by way of orientation, to have in mind a general view of what “natural law” has meant in the Western intellectual tradition: the historical trajectory into which Aquinas and Calvin both fit.

What do we mean, then, by natural law? The *Institutiones Justiniani*, compiled in the sixth century but drawing heavily on older work, defines natural law as:

[T]hat [law] which [nature] has taught all animals; a law not peculiar to the human race, but shared by all living creatures ... established, as it were, by divine providence.¹

¹ *JJ*, 1.2.1, 12.

Writing in the late fourth century, St Augustine, by contrast, sees natural law as “inscribed upon the rational soul,”² i.e., the part of the soul which “sets man above the beast.”³ Natural law, Augustine says, is inscribed in the “reason of a human being.” By it, he is “warned that he should not do anything to anyone else that he himself does not want to suffer.”⁴

In the seventeenth century, the Dutch political theorist Hugo Grotius characterised natural law as:

[T]he dictate of right reason, shewing the moral turpitude, or moral necessity, of any act from its agreement or disagreement with a rational nature, and consequently that such an act is forbidden or commanded by God, the author of nature ... [this] Law of Nature is so unalterable, that it cannot be changed even by God himself.⁵

In the following century, Sir William Blackstone, in his *Commentaries on the Laws of England*, described natural law as “the will of [Man’s] Maker”:

For as God, when he created matter, and endued it with a principle of mobility, established certain rules for the perpetual direction of that motion, so, when he created man, and endued him with free-will to conduct himself in all parts of life, he laid down certain immutable laws of human nature, whereby that free-will is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purport of these laws ... These are the eternal immutable laws of good and evil ... which [God] has enabled human reason to discover, so far as they are necessary for the conduct of human actions ... the foundation of what we call ethics, or natural law ... amount to no more than demonstrating that this or that action tends to man’s real happiness, and therefore very justly concluding that the performance of it is a part of the law of nature; or, on the other hand, that this or that action is destructive of man’s real happiness, and therefore that the law of nature forbids it. This law of nature, being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force and all their authority, mediately or immediately, from this original.⁶

In the 1950s, Jacques Maritain, who was involved in drafting the Universal Declaration of Human Rights, saw natural law as “the *normality of functioning* which is grounded on the

² *De Div. Quaest.* 53.2.

³ *De Lib. Arb.* 1.8.18.

⁴ *Ep.* 157.15.

⁵ *De Jure ac Belli Pacis*, 1.10.

⁶ *Commentaries on the Laws of England in Four Books*, Vol 1 (Philadelphia: Lippincott, 1886), 39-41.

essence” of humanity. “Natural law,” Maritain said, “is the ideal formula of development of a given being ... an *ideal order* relating to human actions, a *divide* between the suitable and unsuitable, the proper and the improper, which depends on human nature or essence and the unchangeable necessities rooted in it.”⁷

Many thinkers, many definitions. What do they have in common?

Laing and Wilcox argue that at the heart of “the central tradition of natural law thinking in ethics” is a vision of “the cosmos ... as having a moral as well as a physical order that can be put out of balance by wrongdoing.” Just as the physical order can be the object of rational inquiry, the moral order also “finds expression in the very structure of the knowable universe.”⁸ They identify “four commitments” that are common to theories of natural law:⁹

- (1) Intelligibility: Whether conceptualised as a dictate of reason, or as a sub-rational law “shared by all living creatures,” the natural moral law, like the physical laws of nature, is in principle knowable by the human intellect.
- (2) Immutability: As Grotius says, natural law “cannot be changed even by God.” The assumption behind such claims is that human nature, on which natural law is based, never changes.¹⁰
- (3) Universality: Natural law is the same in all places and eras, and for all people, regardless of cultural background, social status, age, gender, ethnicity, etc.
- (4) Objectivity: Disagreements about natural law are disagreements about matters of fact, not matters of opinion. As John Finnis says, the standards of natural law are

⁷ Maritain, *Man and the State* (Washington, DC: Catholic University of America Press, 1998), 88 [emphases in original].

⁸ Laing and Wilcox (eds.), *The Natural Law Reader* (Chichester: Wiley Blackwell, 2014), 1-2.

⁹ *Ibid.*, 2. Laing and Wilcox note that for some early modern thinkers like Locke and Hobbes, “the term ‘natural law’ ... is principally allied to the idea of the social contract.” Such versions of natural law theory “mark a move away from the core tradition” while still sharing certain of its features.

¹⁰ Simon, *The Tradition of Natural Law: A Philosopher's Reflections* (New York: Fordham University Press, 1992), 6: “Under the Nazis it was held that there is a greater distance between the highest and the lowest races of men than between the lowest races of men and the highest races of animals. Strikingly, this proposition is already mentioned by Rousseau ... Whether there is such a thing as a universal human nature is a question which ... must be settled before proceeding to the discussion of natural law.”

“objective, in the sense that a person who fails to accept them as standards for judgment is in error.”¹¹

To these, I would add a fifth commitment:

- (5) Superiority: Blackstone’s claim that natural law is “superior in obligation to any other” is agreed-on by theorists who comment on the relationship between natural law and other forms of law. The Roman jurists thought that without natural law, no true justice, and therefore no law of any other kind, was possible.¹² Aquinas, too, argues that human law derives from natural law.¹³ Although he appears to distinguish “natural law” from a higher, “eternal law,” this distinction is only apparent. “It would seem that there is no natural law ... Because man is governed sufficiently by the eternal law,” goes one objection in the *Summa Theologiae*. “This argument would hold,” Aquinas replies, “if the natural law were something different from the eternal law.” But the natural law, he argues, is *not* something different from the eternal law. Natural law is human participation in eternal law.

Crowe says that throughout history natural law has functioned as “one kind of answer to the fundamental questions about good and evil, rights and duties, justice and law.” These questions are unavoidable, since “human existence is coexistence”¹⁴ and, as Luijpen notes, “even the most simple and most elementary level of coexistence calls for rules and regulations to make this coexistence possible.”¹⁵ “The question then arises,” Crowe says, “about the foundation of those rules and regulations.” One possible answer “is the natural law.”¹⁶

¹¹ Finnis, “Natural Law,” *Reason in Action: Collected Essays, Volume 1* (Oxford: OUP, 2011), 201.

¹² Levy, “Natural Law in the Roman Period,” *Natural Law Institute Proceedings, 1948, Vol. II* (Notre Dame: University of Notre Dame Press, 1950), 44ff.

¹³ *ST*, 1a2ae, 95, 2.

¹⁴ Crowe, *The Changing Profile of the Natural Law* (The Hague: Nijhoff, 1977), xi.

¹⁵ Luijpen, *Phenomenology of Natural Law*, 17-18, cited in Crowe, *Changing Profile*, xi.

¹⁶ Crowe, *Changing Profile*, xi.

Since human coexistence is as old as humanity, the idea of natural law is “as old as philosophy,”¹⁷ and “has remained a lasting inheritance of legal and moral philosophy.”¹⁸

Recognisable precursors of the concept of natural law first arise in ancient Greece and Rome. Once philosophical minds noted “the diversity of the legal and moral institutions of its own people in the course of its history,” the question arose as to whether there was an underlying unity connecting different laws.¹⁹

It was a question explored by the Greeks, who lived scattered among hundreds of city states with different laws, and who were therefore confronted with questions about the difference between their own customs and the laws of their close neighbours:

The city-states began to enjoy highly-developed systems of law; and wars and commerce, by multiplying the relations between the cities, made possible a comparison between those various codes. What we have loosely called “natural law” or “natural justice” was the ideal, by and large, of these codes.²⁰

The question of whether there is a universal morality underlying the particular moralities of individual societies was taken up by Heraclitus,²¹ Plato,²² Aristotle,²³ Seneca,²⁴ Cicero,²⁵ and many other ancient philosophers.

The concept of natural law was also taken up with interest by the early Church

¹⁷ Rommen, *The Natural Law: A Study in Legal and Social History and Philosophy* (St. Louis: Herder, 1947), 3.

¹⁸ D'Entreves, *Natural Law: An Introduction to Legal Philosophy* (New Brunswick: Transaction, 1994), 49.

¹⁹ Rommen, *Natural Law*, 4.

²⁰ Crowe, *Profile of Natural Law*, 7.

²¹ *Fragments*, 114; Kahn, *The Art and Thought of Heraclitus* (Cambridge: CUP, 1979), 15-16.

²² *Gorgias*, 482e-484; Hall, “Plato's Legal Philosophy,” *Indiana Law Journal*, 31.2 (1956), 171-206.

²³ *Rhetoric*, 1373b2–8. Burns (“Sophocles’ *Antigone* and the History of the Concept of Natural Law,” *Political Studies*, 50 [2002], 555) argues that this text, often cited as proof that Aristotle was an early proponent of natural law theory, proves the opposite, since Aristotle cites Sophocles in order to argue that such appeals are mere “rhetorical verbiage.” Shellens (“Aristotle on Natural Law,” *Natural Law Forum*, 4.1 [1959], 78ff) shares this scepticism concerning the *Rhetoric*, but finds evidence for a form of natural law elsewhere in Aristotle’s corpus.

²⁴ Taitslin, “Stoic Natural Law as Right Reason,” Lee and Crowe (eds.), *Research Handbook on Natural Law Theory* (Cheltenham: Elgar, 2019), 52-54; Răcilă, “The Concept of State and Law in Seneca’s Work and Their Implications in the Development of Human Society,” *Scientia Moralitas*, 3.2 (2018), 1-28.

²⁵ *De Re Publica*, 3.33; *De Legibus*, 1.14-19, 2.4-7; Taitslin, “Stoic Natural Law,” 51-52.

Fathers. Writing in the late fourth century, St Jerome says:

This law, which is written in the heart, encompasses all nations: there is no human being who does not know this law. Hence, the entire world is under sin, and all people are violators of this law: for this reason, the just judgment of God is written in the heart of the human race: that which you do not wish to be done to you, do not do to others. Who is ignorant [of the fact] that homicide, adultery, stealing, and all kinds of concupiscence are evil, and therefore does not want these things done to them? If one did not know that these things are evil, it would not grieve them to suffer such things. Through this natural law, Cain knows his sin ... Adam and Eve, too, knew their sin, and therefore they hid under the tree of life. Pharaoh also, before the Law was given through Moses, roused by the natural law, acknowledged his crimes, and said: "the Lord is just, but I and my people are wicked" (Exod. 9:27).²⁶

Jerome shares the classical view that we have natural knowledge of certain points of morality, but there is an added spin. For Jerome, natural law not only accounts for a degree of universal morality. It also accounts for universal guilt. We are all guilty because we are all transgressors of a law that we all know.

Writing around the same time, Augustine makes a similar argument:

But the law entered in so that sin might abound (Rom 5:20); this no longer pertains to that sin which is contracted from Adam, about which [Paul] previously said, *Death reigned through one person* (Rom 5:17). We should, of course, understand either the natural law, which is known by persons at those ages that are capable of using reason, or the written law that was given through Moses. For the law was not able to give life and set us *free from the law of sin and death* (Rom 8:2), which was contracted from Adam; rather it added increases in sin through transgression. *For, where there is no law, the same apostle says, there is also no transgression* (Rom 4:15). Hence, since there is also a law in the reason of a human being who already uses free choice, a law naturally written in his heart, by which he is warned that he should not do anything to anyone else that he himself does not want to suffer, all are transgressors according to this law, even those who have received the law given through Moses.²⁷

²⁶ Ep. 121.8. My translation: "Ista lex quae in corde scribitur, omnes continet nationes: et nullus hominum est, qui hanc legem nesciat. Unde omnis mundus sub peccato, et universi homines praevaricatores legis sunt: et ideo justum iudicium Dei est scribentis in corde humani generis: Quod tibi fieri nolueris, alteri ne feceris. Quis enim ignoret homicidium, adulterium, furtum, et omnem concupiscentiam esse malum, ex eo quod sibi ea nolit fieri? Si enim mala esse nesciret, nequaquam doleret sibi esse illata. Per hanc naturalem legem et Cain cognovit peccatum suum, dicens: Major est causa mea, quam ut dimittar. Et Adam et Eva cognoverunt peccatum suum, et propterea absconditi sunt sub ligno vitae. Pharaon quoque antequam Lex daretur per Moysen, stimulatus lege naturae, sua crimina confitetur, et dicit: Dominus justus, ego autem et populus meus impii (Exod. 9. 27)."

²⁷ Ep. 157.15.

Elsewhere, Augustine builds on this point:

How then are we to take the statement in our psalm, *I deemed all sinners on earth violators of the law*, unless we refer it not to the law given through Moses but to some other law, according to which sinners even among other nations are rightly accounted law-breakers? ... What can this other law be? Surely that mentioned by the apostle: *The Gentiles who do not have the law act by nature as the law requires, for though they do not have the law, they are a law to themselves* (Rom 2:14) ... the phrase, *they are a law to themselves*, means that there is good reason to reckon all sinners on earth violators of law. No one injures another without at the same time hoping the same will not be done to himself, and in this respect he transgresses the law of nature; the very fact that he does not want to suffer the fate he inflicts on someone else means that he cannot plead ignorance of the natural law.²⁸

The natural law, for Augustine, is a way of establishing the fact of human transgression – that we are “violators of law” – but also of establishing that we lack any adequate defence to excuse ourselves for this transgression. Awareness of natural law means we “cannot plead ignorance.”

In one of his letters, St Ambrose touches on similar themes:

Greatly, it would seem, have you been moved by the lesson from the Apostle ... *Because the Law worketh wrath; for where no law is, there is no transgression*. And therefore you have thought fit to ask why the Law was promulgated, if it ... by working wrath and bringing in transgression, was injurious. And indeed, according to the tenor of your question, it is certain that the Law, which was given by Moses, was not necessary. For had men been able to keep the natural Law, which our God and Maker implanted in the breast of each, there would have been no need of the Law, which, *written on tables of stone*, tended rather to entangle and fetter the infirmity of human nature, than to set at large and liberate it. Now that there is a natural Law written in our hearts the Apostle also teaches us, when he writes, that for the most part *the Gentiles, which have not the Law, do by nature the things contained in the Law, and, though they have not read the Law, have yet the works of the Law written in their hearts*. This law therefore is not written but innate; not acquired by reading, but flowing as from a natural fountain, it springs up in each breast, and men's minds drink it in ... a witness whereof we have in our conscience, which shews itself in those silent thoughts we have towards God, and whereby either our sin is reprov'd or our innocence justified.²⁹

²⁸ *Ennar. Pss.* 118.25.4.

²⁹ *Ep.* 73.1-3.

Ambrose speaks of knowledge of the natural law as a present reality of human experience: each of us has a witness of natural law in our conscience. In a sense, it renders the written law redundant since it teaches the same things. However, Ambrose goes on:

Adam broke this [natural] Law ... Wherefore ... the written law was found necessary; in order that man, having lost all, might at least regain a part; attaining by instruction to the knowledge of that which he had received at his birth, but had subsequently lost ... For without the Law he was ignorant of sin, and thus his guilt was less because he knew it not. Wherefore also the Lord says, *If I had not come and spoken to them they had not had sin, but now they have no excuse for their sin* ... The Law then was published, first to take away all excuse lest man should say, I knew not sin, because I received no rule what to avoid. And next that *all the world might become guilty before God* [Rom 3:19].³⁰

Having spoken of knowledge of natural law as a present reality, Ambrose now claims that it was “blotted out” by the Fall and must be regained through special revelation. Like Augustine, Ambrose touches on the idea of law removing excuse for sin, although for Ambrose this taking away of excuse seems to be a product of the re-promulgation of natural law in written form, whereas for Augustine it is a product of the natural law itself, naturally known.

In the letters of Ambrose, Augustine, and Jerome, we already see prior to 400 AD a Christian account of natural law which takes for granted the five commitments I outlined earlier (intelligibility, immutability, universality, objectivity, superiority), but adds to these a number of specifically theological themes, including (1) the identity of the content of the natural law with the Law of Moses, (2) conscience as a witness of natural law, (3) corruption of our knowledge of natural law by original sin, and (4) natural law’s function of removing excuse for sin.

These themes feature prominently in the argument of this dissertation, since although Aquinas and Calvin re-arrange these building blocks in different patterns, they are working with the same raw materials.

³⁰ *Ep.* 73.5-6.

Secondary Literature

With rare exceptions, comparisons between Aquinas and Calvin on the subject of natural law come from the Reformed side of the Reformed-Catholic divide.³¹ This is unsurprising. Whether or not Calvin was directly acquainted with Aquinas's work,³² the Angelic Doctor was a major influence on the intellectual climate of Western Christendom out of which Calvin emerged. There is, therefore, an incentive for Reformed scholars to engage with Aquinas that does not exist for Catholic scholars vis-à-vis Calvin.

Prior to the 1870s, scholarly consideration of Calvin's thought on natural law is largely non-existent.³³ Then, in the last quarter of the nineteenth century, two book-length studies of Calvin's moral theology appeared. Nazelle (1882) briefly notes the prominence that Calvin gives to natural law.³⁴ Lobstein (1877) observes that Calvin "often refers to the testimony and instruction of nature." However, Lobstein argues that for Calvin:

[T]his natural knowledge is not only inefficacious, but so defective and obscure that, unless God's spirit illuminates human awareness, even this supposed advantage of human nature can serve only to make the human person twice as liable to punishment

³¹ Two Catholic authors who do mention Calvin are Fuchs, who makes brief but perceptive remarks on differences between Catholic and Protestant theories of natural law in *Natural Law: A Theological Investigation* (Dublin: Gill, 1965), 90, and MacIntyre, who comments on Calvin's relationship with the Aristotelianism of the Middle Ages in *A Short History of Ethics* (London: Routledge, 2002), 119-120.

³² Lane (*John Calvin: Student of the Church Fathers* [Edinburgh: T&T Clark, 1999], 44-45) notes that Aquinas is one of the few scholastics Calvin mentions by name. However, it "is possible that Calvin never read Thomas for himself" and that these citations are "derived from intermediate sources." Unpublished work by Vos argues that Calvin knew Aquinas only second-hand (*Ibid.*, 45n242).

Calvin's citations of Aquinas in the *Institutes* are at 2.2.4 (on free will) and 3.22.9 (on whether predestination is based on foreknowledge of merit). Lane (45n240) notes also two mentions in Calvin's polemical treatises (*CO*, 7:668 and 9:436). In all of these, Calvin is more or less critical of Aquinas, so there is no reason to think that, even if Calvin had read Aquinas, he was influenced by him positively.

Some claims of Aquinas's influence on Calvin are mere conjecture. For example, Larson's (*Calvin's Doctrine of the State* [Eugene, OR: Wipf & Stock, 2009], 27f) suggestion that Calvin may have read Aquinas's treatment of just war is based only on the similarity between Calvin's thought and Aquinas's just war framework. But this framework was part of common tradition by the 1500s.

³³ Erickson (ed.), "Quaestiones Ethicae," *Bibliographia Calviniana* (Berolini: Schwetschke, 1900), 114.

³⁴ Nazelle, *La Morale de Calvin D'Après L'Institution de la Religion Chretienne* (Lausanne: Bridel, 1882), 13, 48, 49-51.

.... Therefore, we are directed to the Law of God as it is revealed to us in his word, namely, the ten commandments.³⁵

Lobstein notes that “Calvin ascribes to the natural man a certain knowledge of good and evil.” But when Calvin says that it was possible for Job to learn to love his enemies by a law written in his heart, Lobstein says that this cannot refer to any “natural, inborn capacity of discernment between good and evil.”³⁶

We see here two poles of interpretation. One recognises Calvin’s use of natural law; the other is reluctant to concede that it plays a significant role within his theology. Although these are not mutually exclusive interpretations, they are in tension. This tension will come to dominate Reformed readings of Calvin’s natural law theory – and attempts to compare Calvin with Aquinas – throughout the twentieth century.

For almost thirty years, little more was said on the subject. Then, in 1909 (the quatercentenary of Calvin’s birth) two opposing essays appeared. The first, by Ernst Troeltsch, suggested that “Calvin held firmly to the old rationalistic interpretation of natural law” put forward by the scholastics, and that he identified natural law with the Decalogue.³⁷ August Lang replied, arguing that Calvin “holds too strongly the fundamental Reformation

³⁵ Lobstein, *Die Ethik Calvins In Ihren Gründzigen Entworfen Ein Beitrag zur Geschichte Der Christlichen Ethik* (Strassburg: Schmidt, 1877), 59-62: “Wir wissen nicht, sagt Calvin, ob Hiob vor Moses gelebt ha; die Feindesliebe muss er aber nicht erst aus dem mosaischen Gesetz gelernt haben, er konnte sie auch lernen ‘a Lege quae semper in fidelium cordibus inscripta erit’ ... Diese Bemerkung, welche folgenschwere Konsequenzen in sich schliesst, wird aber von Calvin nicht weiter entwickelt und verwerthet. Denn es ist hier ohne Zweifel nicht von dem sogen. gesetz gebenden Gewissen, auch nicht von einer natürlichen angeborenen Unterscheidungsgabe zwischen Gutem und Bösem die Rede: sagt doch Calvin, dass das Gesetz durch Gottes Geist in die Herzen seiner Gläubigen, seiner Söhne eingeschrieben wird ... Dabei soll allerdings nicht verkannt werden, dass Calvin dem natürlichen Menschen eine gewisse Erkenntniss des Guten und Bösen zuschreibt. In den Predigten über die zehn Gebote führt er häufig das Zeugniss und die Anweisungen der Natur an, auf welche er sich beruft, um von dieser niedern Stufe der Erkenntniss zur höheren der göttlichen Offenbarung durch die Schlussfolgerung a minori ad maius fortzuschreiten ... Allein diese natürliche Erkenntniss ist nicht nur unwirksam, sondern so unvollkommen und dunkel dass, wenn nicht Gottes Geist das Bewusstsein des Menschen erleuchtet, auch jener angebliche Vorzug der menschlichen Natur und Anlage nur dazu dienen kann den Menschen doppelt strafbar zu machen ... Wir sind daher auf das Gesetz Gottes gewiesen wie dasselbe in seinem Worte uns geoffenbart ist, nämlich auf die zehn Gebote.”

³⁶ *Ibid.*

³⁷ Troeltsch, “Calvin and Calvinism,” *Schriften zur Bedeutung des Protestantismus für die moderne Welt (1906-1913)* (Berlin: de Gruyter, 2001), 137.

conviction of the universal sinful corruption of the natural man” to “show himself a friend of natural law.”³⁸

At this point the two poles of interpretation present in Lobstein’s account are bifurcated. The disagreement between Troeltsch and Lang set the parameters of a debate that rumbled on throughout the twentieth century, with one group of scholars holding “that natural law plays no real part in Calvin's thought,” and another claiming “that Calvin built his social, ethical, and political ideas on the foundation of natural law.”³⁹ The best-known exponents of these opposing views are Emil Brunner and Karl Barth.⁴⁰ Brunner argued that it was “the task of [his] theological generation to find the way back to a true *theologia naturalis*,” which he thought could be found “quite near Calvin's doctrine.”⁴¹ Barth responded belligerently, arguing that “there can be as little question of co-operation of reason in the knowledge of the true God, as of a co-operation of the human will in the fulfilment of the divine commandments.”⁴²

Speaking broadly, the first group (those who minimise the role of natural law in Calvin’s thought) includes, along with Lang and Karl Barth, Peter Barth,⁴³ William Niesel,⁴⁴

³⁸ Lang, “The Reformation and Natural Law,” Armstrong (ed.), *Calvin and the Reformation: Four Studies* (New York: Revell, 1909), 68-70.

³⁹ Klempa, “John Calvin on Natural Law,” George (ed.), *John Calvin and the Church: A Prism of Reform* (Louisville: Westminster/John Knox, 1990), 72.

⁴⁰ Clark (“Calvin on the *Lex Naturalis*,” *Stulos Theological Journal*, 6.1-2 [1998], 1) claims that “all twentieth century study of Calvin’s view of natural law has been a footnote to the monumental 1934 debate.” But it is arguable that the Barth-Brunner debate merely continues the Troeltsch-Lang dispute.

⁴¹ Brunner, “Nature and Grace,” *Natural Theology* (London: Geoffrey Bles, 1946), 59-60.

⁴² K. Barth “No!” *Natural Theology* (London: Geoffrey Bles, 1946), 97.

⁴³ P. Barth, *Das Problem der Natürlichen Theologie bei Calvin* (München: Kaiser, 1935), 12-17, 38ff.

⁴⁴ Niesel, *The Theology of Calvin* (Cambridge: James Clarke, 1956), 102ff.

T. F. Torrance,⁴⁵ L. Harold DeWolf,⁴⁶ Arthur Cochrane,⁴⁷ T. H. L. Parker,⁴⁸ David Little,⁴⁹ Henry Stob,⁵⁰ Alvin Plantinga,⁵¹ Harro Höpfl,⁵² T. A. Noble,⁵³ J. B. Torrance,⁵⁴ David Steinmetz,⁵⁵ Richard Mouw,⁵⁶ John Hare,⁵⁷ and Marta Garcia-Alonso.⁵⁸

Understandably, this group tends to downplay possible connections between Calvin and Aquinas. Stob claims that Calvin and “most of his followers ... have taken exception to a number of things in St. Thomas” including his “ethics of natural law.”⁵⁹ T. F. Torrance argued that Calvin made “an entire break from the scholastic conception of creation.”⁶⁰

⁴⁵ Torrance, *Calvin's Doctrine of Man* (Grand Rapids: Eerdmans, 1957). Torrance claims that he makes “no reference to works on Calvin, ancient or modern, so that this presentation might be free from the imputation of partisanship.” But he is seen as in the Barthian camp (Klempa, “Calvin on Natural Law,” 75; Clark, “Calvin on the *Lex Naturalis*,” 1) or as developing Barth’s argument (Helm, “Calvin and the Natural Law,” *Scottish Bulletin of Evangelical Theology* [1984], 16). Dowey calls the book “a voice in a vehement debate, not the soliloquy its lack of citations implies” (“Continental Reformation: Works of General Interest, Studies in Calvin and Calvinism Since 1948,” *Church History*, 24.4 [1955], 365).

⁴⁶ DeWolf, “The Theological Rejection of Natural Theology: An Evaluation,” *Journal of Religious Thought*, 15.2 (1958), 96-102.

⁴⁷ Cochrane, “Natural Law in Calvin,” Smith (ed), *Church-State Relations in Ecumenical Perspective* (Pittsburgh: Duquesne University Press, 1966), 176-217.

⁴⁸ Parker, *Calvin's Doctrine of the Knowledge of God* (Edinburgh: Oliver & Boyd, 1969), 4-66.

⁴⁹ Little, “Calvin and the Prospects for a Christian Theory of Natural Law,” Outka and Ramsey (eds.), *Norm and Context in Christian Ethics* (London: SCM, 1969), 175-197; “Natural Law Revisited: James Luther Adams and Beyond,” *Union Seminary Quarterly Review*, 37.3 (1982), 217-228.

⁵⁰ Stob, “Calvin and Aquinas,” *Reformed Journal*, 24.5 (1974), 17-20; “Natural-Law Ethics: An Appraisal,” *Calvin Theological Journal*, 20.1 (1985), 58-68.

⁵¹ Plantinga, “The Reformed Objection to Natural Theology,” *Proceedings and Addresses of the American Philosophical Association*, 54 (1980), 51-53.

⁵² Höpfl, *The Christian Polity of John Calvin* (Cambridge: CUP, 1982), 179-184.

⁵³ Noble, “Our Knowledge of God according to John Calvin,” *Evangelical Quarterly*, 54.1 (1982), 2-13.

⁵⁴ Torrance, “Interpreting the Word by the Light of Christ or by the Light of Nature? Calvin, Calvinism, and Barth,” Schnucker (ed.), *Calviniana: Ideas and Influence of Jean Calvin* (Kirksville: Sixteenth Century Journal, 1988), 255-267.

⁵⁵ Steinmetz, “Calvin and the Natural Knowledge of God,” *Calvin in Context* (New York: OUP, 1995), 23-39.

⁵⁶ Grabill, *Theological Foundation for a Reformed Doctrine of Natural Law*, PhD Dissertation, Calvin Theological Seminary, 2004, 67-70.

⁵⁷ Hare, *God's Call: Moral Realism, God's Commands, and Human Autonomy* (Grand Rapids: Eerdmans, 2001). While Hare does not directly engage questions about the interpretation of Calvin’s thought on natural law, he is a critic of natural law and a proponent of divine command theory and attempts to co-opt Calvin into this venture at several points.

⁵⁸ Garcia-Alonso, “Biblical Law as a Source of Morality in Calvin,” *History of Political Thought*, 22.1 (2011), 1-19.

⁵⁹ Stob, “Calvin and Aquinas,” 20.

⁶⁰ Torrance, *Doctrine of Man*, 29.

The second group (those who see a more significant role for natural law in Calvin's thought) includes, along with Troeltsch and Brunner, Emile Doumergue,⁶¹ Josef Bohatec,⁶² Günter Gloede,⁶³ John McNeill,⁶⁴ Edward Dowey, Jr.,⁶⁵ E. D. Willis,⁶⁶ Gerald Postema,⁶⁷ S. H. Rae,⁶⁸ Allen Verhey,⁶⁹ Paul Helm,⁷⁰ William Bouwsma,⁷¹ William Klempa,⁷² Susan Schreiner,⁷³ I. John Hesselink,⁷⁴ James Barr,⁷⁵ Peter Wyatt,⁷⁶ Guenther Haas,⁷⁷ Stephen

⁶¹ Doumergue, *Jean Calvin: Les hommes et les choses de son temps: Tome V: La pensée ecclésiastique et la pensée politique de Calvin* (Lausanne: Bridel, 1917).

⁶² Bohatec, *Calvin und das Recht* (Graz: Böhlau, 1934); *Budé und Calvin: Studien zur Gedankenwelt des französischen Frühhumanismus* (Graz: Böhlau, 1950), 383-395; *Calvins Lehre von Staat und Kirche* (Aalen: Scientin, 1961), 19ff.

⁶³ Gloede, *Theologia Naturalis bei Calvin* (Stuttgart: Kohlhammer, 1935).

⁶⁴ McNeill, "Natural Law in the Teaching of the Reformers," *The Journal of Religion*, 26.3 (1946), 168, 179-182.

⁶⁵ Dowey, *The Knowledge of God in Calvin's Theology* (Grand Rapids: Eerdmans, 1994), 50-85, 131-146, 222-232, 265-267.

⁶⁶ Willis, *Calvin's Catholic Christology: The Function of the So-Called Extra Calvinisticum in Calvin's Theology* (Leiden: E. J. Brill, 1966), 120ff.

⁶⁷ Postema, "Calvin's Alleged Rejection of Natural Theology," *Scottish Journal of Theology*, 24.4 (1971), 423-434.

⁶⁸ Rae, "Calvin, Natural Law and Contemporary Ethics: A Brief Note," *Reformed Theological Review*, 30.1 (1971), 14-20.

⁶⁹ Verhey, "Natural Law in Aquinas and Calvin," Orlebeke, Clifton and Smedes (eds.), *God and the Good: Essays in Honor of Henry Stob* (Grand Rapids: Eerdmans, 1975), 80-92.

⁷⁰ Helm, "Calvin and the Natural Law"; "Equity, Natural Law, and Common Grace," *John Calvin's Ideas* (Oxford: OUP, 2004); "John Calvin, the *Sensus Divinitatis*, and the Noetic Effects of Sin," *International Journal for Philosophy of Religion*, 43 (1998), 87-107.

⁷¹ Bouwsma, *John Calvin: A Sixteenth Century Portrait* (New York: OUP, 1988), 103ff.

⁷² Klempa, "Calvin on Natural Law."

⁷³ Schreiner, *The Theater of His Glory: Nature and the Natural Order in the Thought of John Calvin* (Durham: Labyrinth, 1991); "Calvin's Use of Natural Law," Cromartie (ed.), *A Preserving Grace: Protestants, Catholics, and Natural Law* (Washington: EPPC, 1997), 51-76.

⁷⁴ Hesselink, *Calvin's Concept of the Law* (Eugene, OR: Pickwick, 1992), 57ff.

⁷⁵ Barr, *Biblical Faith and Natural Theology* (Oxford: Clarendon, 1993), 6-10, 20, 105.

⁷⁶ Wyatt, *Jesus Christ and Creation in the Theology of John Calvin* (Allison Park: Pickwick, 1996), 87-156.

⁷⁷ Haas, *The Concept of Equity in Calvin's Ethics* (Waterloo: Wilfrid Laurier University Press, 1997).

Grabill,⁷⁸ C. Scott Pryor,⁷⁹ David VanDrunen,⁸⁰ Mary Anne Plaatjies van Huffel,⁸¹ Constance Lee,⁸² Jennifer Herdt,⁸³ and Ryan Reed.⁸⁴

Those in this group are more willing to draw parallels between Calvin and Aquinas. They range from the (implausible) claims of McNeill that there is “no real discontinuity between the teaching of the Reformers and that of their predecessors with respect to the natural law,”⁸⁵ to the more judicious comparison offered by Helm:

Calvin was, in general, a contented occupant of a general climate of thought of which Aquinas was a distinguished member, but also someone who did not hesitate to depart from elements in this climate of thought when he judged this to be necessary.⁸⁶

There are also those who offer mediating perspectives or who are difficult to place on one side or the other, some of whom have written important studies, such as Gisbert Beyerhaus,⁸⁷

⁷⁸ Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics* (Grand Rapids: Eerdmans, 2006), 70-97; Theological Foundation, 69-71, 108-164, 302-311.

⁷⁹ Pryor, “God’s Bridle: John Calvin’s Application of Natural Law,” *Journal of Law and Religion*, 22.1 (2006/2007), 225-254.

⁸⁰ VanDrunen, *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought* (Grand Rapids: Eerdmans, 2010); *Divine Covenants and Moral Order: A Biblical Theology of Natural Law* (Grand Rapids: Eerdmans, 2014); “Natural Law, Custom, and Common Law in the Theology of Aquinas and Calvin,” *University of British Columbia Law Review*, 33.3 (2000), 699-717; “The Context of Natural Law: John Calvin’s Doctrine of the Two Kingdoms,” *Journal of Church and State*, 46.3 (2004), 503-525; “Medieval Natural Law and the Reformation: A Comparison of Aquinas and Calvin,” *American Catholic Philosophical Quarterly*, 80.1 (2006), 77-98.

⁸¹ Plaatjies van Huffel, “Natural Law in the Reformed Tradition,” Doe (ed.), *Christianity and Natural Law: An Introduction* (Cambridge: CUP, 2017), 121-139.

⁸² Lee, “The Spark That Still Shines: John Calvin on Conscience and Natural Law,” *Oxford Journal of Law and Religion*, 8.3 (2019), 615-640; “John Calvin’s Natural Law Theory,” Lee and Crowe (eds.), *Research Handbook on Natural Law Theory* (Cheltenham: Elgar, 2019), 93-129; “Calvinist Natural Law and the Ultimate Good,” *The Western Australian Jurist*, 5 (2014), 153-175.

⁸³ Herdt, “Calvin’s Legacy for Contemporary Reformed Natural Law,” *Scottish Journal of Theology*, 67.4 (2014), 415.

⁸⁴ Reed, “Seek Nothing Elsewhere Than in Him”: John Calvin on Happiness and the Highest Good, PhD Dissertation, Knox College/University of Toronto, 2019, 145-150.

⁸⁵ McNeill, “Natural Law,” 168.

⁸⁶ Helm, “Calvin and the Natural Law,” 10.

⁸⁷ Beyerhaus, *Studien zur Staatsanschauung Calvins: mit besonderer Berücksichtigung seines Souveränitätsbegriffs* (Berlin: Trowitzsch & Sohn, 1910), 4ff, 66-76.

Marc-Edouard Chenevière,⁸⁸ Werner Krusche,⁸⁹ Ronald S. Wallace,⁹⁰ François Wendel,⁹¹ and Irena Backus.⁹²

One must not, however, over-emphasise the extent to which these two broad camps have irreconcilable views. It is correct to speak of “fierce debate”⁹³ insofar as members of these camps sometimes appear genuinely hostile to one another. Barth’s withering criticism of Brunner’s arguments – “enough to make one weep”⁹⁴ – is a case in point.

But one must separate Barth’s uncompromising rejection of natural theology from his more nuanced interpretation of Calvin. Barth concedes that Calvin endorsed a form of natural theology, blaming this partly on his excessive deference to Augustine, whom Barth regarded as “a Roman Catholic theologian” and therefore to be treated with “reserve.” He warns against attempting “to precipitate oneself into that little corner which has been left uncovered in Calvin’s treatment,” going so far as to say that “[w]hat Calvin wrote in those first chapters of the *Institutes* has to be written again.”⁹⁵ Barth’s argument is not that Calvin never spoke of natural theology or natural law. His argument is that to remain faithful to the bedrock

⁸⁸ Chenevière, *La Pensee Politique de Calvin* (Paris: Imprimerie Labor, 1937), 61-77, 91-98.

⁸⁹ Krusche, *Das Wirken des Heiligen Geistes nach Calvin* (Göttingen: Vandenhoeck & Ruprecht, 1957), 85-89.

⁹⁰ Wallace, *Calvin’s Doctrine of the Christian Life* (Edinburgh: Oliver and Boyd, 1959), 141-169.

⁹¹ Wendel, *Calvin: The Origins and Development of His Religious Thought* (London: Collins, 1963), 30-31, 33, 161-165, 180, 206-208. Hesselink (*Calvin’s Concept of the Law*, 57) lists Wendel among those “who view the role of natural law in Calvin’s theology in a largely negative light” (57). But while Wendel argues that natural law is a “foreign body” in Calvin’s theology (208), he also claims that “Calvin expended a great deal of skill in presenting a coherent doctrine of natural law” (208) and that he adopted Stoic humanist notions of natural law wholesale (30-31). We must be careful to distinguish Reformed scholars who simply disapprove of Calvin’s use of natural law from those who offer *an interpretation of Calvin* that minimises Calvin’s own use of natural law.

⁹² Backus, “Calvin’s Concept of Natural and Roman Law,” *Calvin Theological Journal*, 38.1 (2003), 7-26. Backus emphasises the distinction between Calvin’s thought on natural law and the scholastic tradition, arguing that “despite similarities of terminology, Aquinas’ and Calvin’s concepts of natural law turn out not to have a great deal in common” (12). However, she also emphasises the positive use Calvin makes of natural law, which she sees as influenced more by his training in Roman law than by acquaintance with medieval theology.

With regards to Roman law, Bohatec (*Calvin und das Recht*, 113) notes that there is only a single occasion when Calvin disagrees with a Roman legal principle, and Beyerhaus observes that Calvin sometimes sees the provisions of Roman law as superior to the Law of Moses (*Studien zur Staatsanschauung Calvins*, 68).

⁹³ Helm, *Calvin’s Ideas*, 347.

⁹⁴ K. Barth, “No!” 109.

⁹⁵ *Ibid.*, 101-104.

principles of the Reformation, people must be willing to go beyond, and perhaps against, what Calvin and the Reformers said on the subject. This is why in Barth's *Dogmatik* he says that the Barmen Declaration was the "*first confessional document* in which the Evangelical Church has tackled the problem of natural theology." "The theology as well as the confessional writings of the age of the Reformation," Barth concedes, "left the question open."⁹⁶

The same can be said for others on Barth's side of the debate. Höpfl makes the stark claim that there "is no question of any serious examination of natural law" in Calvin's thought, but also says that "references to natural law served Calvin as partial justification for God's reprobation of those who had no access to Scripture."⁹⁷

Lang and Niesel argue similarly, as does Peter Barth. Niesel says that for Calvin natural law does not "give sufficient indications to enable us to walk uprightly before God," nor does it "provide the starting point for a universal ethic." Nevertheless, natural law is "manifest in the dictates of conscience" in order to "make man inexcusable before God."⁹⁸ Lang claims that Calvin attributes "to the *lex naturae* as moral standard ... a subordinate value" insofar as it serves "the purpose of preventing man from pleading before the judgement-seat of God the excuse of ignorance." But to concede natural law a "subordinate" value *is* nevertheless to concede natural law a value within Calvin's thought.

For Peter Barth, natural law serves simultaneously to render humanity inexcusable before God and to preserve the unique place of the human race in the created order by distinguishing humanity from irrational animals.⁹⁹

⁹⁶ *CD*, II/1, 171-172.

⁹⁷ Höpfl, *Christian Polity*, 184.

⁹⁸ Niesel, *Theology of Calvin*, 102-103.

⁹⁹ P. Barth, *Das Problem der natürlichen Theologie*, 43-44, 46.

There are certainly those who make more extreme claims. Garcia-Alonso argues that “[n]atural law, as the classical authors and the scholastic authors understood it,” was “abandoned” by Calvin and replaced with “a biblical moral philosophy.”¹⁰⁰

Such claims are obviously not tenable. Calvin, particularly in his biblical commentaries, and in fact more frequently than does Aquinas anywhere in his writings, appeals often to natural law and to nature as commanding, or forbidding, certain behaviours or states of affairs.

For Calvin, natural law furnishes us with rules that make common social,¹⁰¹ political and commercial life possible. Nature dictates “the political distinction of ranks,”¹⁰² that “honours ought to be conferred on none but competent persons,”¹⁰³ and that judges “must admit no favour as may oppress the guiltless.”¹⁰⁴ Nature enjoins us to love our country¹⁰⁵ and to respect the authority of magistrates.¹⁰⁶ It prompts us to be honest when dealing with our neighbours,¹⁰⁷ in contracts and business dealings in particular.¹⁰⁸ Natural law prescribes norms of justice and equity¹⁰⁹ and directs us “to act towards others, as we wish to be dealt with ourselves.”¹¹⁰

Natural law encourages mutual attraction between men and women,¹¹¹ providing the basis for human reproduction¹¹² and the institution of marriage.¹¹³ It forbids, according to Calvin, polygamy,¹¹⁴ adultery,¹¹⁵ sexual intercourse prior to marriage,¹¹⁶ same-sex

¹⁰⁰ Garcia-Alonso, “Biblical Law,” 18.

¹⁰¹ *Comm. Gen.* 11:1 (CO, 23:164); *Comm. Pss.* 55:12; *Comm. Acts* 13:36.

¹⁰² *Harm. Law*, II, Num 3:5 (CO, 24:444).

¹⁰³ *Comm. Gen.* 41:38.

¹⁰⁴ *Comm. Acts* 25:14.

¹⁰⁵ *Harm. Law*, III, Deut 28:64 (CO, 25:43); *Comm. Pss.* 83:5.

¹⁰⁶ *Comm. Gen.* 16:8.

¹⁰⁷ *Harm. Evangel.* I, Matt 5:37.

¹⁰⁸ *Comm. Gen.* 31:49; *Comm. Rom.* 2:15.

¹⁰⁹ *Harm. Law*, III, Exod 22:25 (CO, 24:680-683); *Comm. Isa.* 59:8; *Praelect. Hab.* 2:6 (CO, 43:541).

¹¹⁰ *Comm. Gen.* 47:20. See also *Comm. Gen.* 24:3 and *Comm. 1 Cor.* 9:1.

¹¹¹ *Praelect. Dan.* 11:38-39.

¹¹² *Comm. Pss.* 127:3 (CO, 32:324); 128:3.

¹¹³ *Comm. Gen.* 8:21; 38:8; *Praelect. Mal.* 2:14; *Harm. Evangel.* II, Matt 19:12.

¹¹⁴ *Comm. Gen.* 1:27; 2:24; 4:19; 16:1-2; 26:34; 29:27; 30:15; 31:50; 36:1.

¹¹⁵ *Comm. Gen.* 38:24; *Comm. Rom.* 2:15, *Comm. 1 Cor.* 7:11.

¹¹⁶ *Harm. Law*, II, Lev 21:13 (CO, 24:455).

intercourse,¹¹⁷ bestiality,¹¹⁸ intercourse with a menstruating woman,¹¹⁹ incest,¹²⁰ and divorce.¹²¹

Natural law establishes a distinction between the sexes which Calvin thinks must be reflected in social mores.¹²² The “order of nature,” Calvin claims, establishes “that women shall be subject” to men¹²³ and should stay “quietly at home” as “οἰκουροὶ, or keepers of the house.”¹²⁴ It decrees the exclusion of women from “the public management of affairs.”¹²⁵ The father, not the mother, has the natural right to name a child,¹²⁶ and male primogeniture is a matter not simply of human tradition but of the law of nature.¹²⁷ Men have a natural duty of care toward women and children.¹²⁸

Natural law governs the life of families.¹²⁹ It dictates that parents should love their children¹³⁰ and that children should reverence and obey their parents and care for them in old age.¹³¹ Natural law precludes children from marrying without the consent of their parents.¹³² The mutual duty of care established by the natural law within the nuclear family unit extends

¹¹⁷ *Harm. Law*, III, Lev 20:13 (CO, 24:645); *Comm. Rom.* 1:26.

¹¹⁸ *Harm. Law*, IV, Deut 27:16 (CO, 25:9).

¹¹⁹ *Harm. Law*, III, Lev 20:18 (CO, 24:659); *Praelect. Ezek.* 18:5-9.

¹²⁰ *Comm. Gen.* 19:31; 35:22; 38:13; 38:26; *Harm. Law*, III, Lev 18:1 (CO, 24:660); *Harm. Law*, III, Lev 18:6 (CO, 24:661f); *Harm. Law*, III, Lev 20:11-19 (CO, 24:666-667); *Harm. Law*, III, Deut 27:16 (CO, 25:9); *Harm. Law*, IV, Num 26:57 (CO, 25:307); *Praelect. Amos.* 2:7; *Harm. Evangel.* II, Matt 14:3-12; *Comm. I Cor.* 5:1.

¹²¹ *Harm. Law*, III, Deut 24:1-14 (CO, 24:657-658). Calvin says that divorce is “directly repugnant to the first institution of God, from whence a perpetual and inviolable rule is to be sought,” and that the prohibition on divorce is part of the “laws of nature” which are “indissoluble.” But he makes qualifications to this rule, appealing to Malachi 2:14 which saw divorce as preferable to polygamy. Shortly afterward, Calvin seems to contradict himself again by arguing that natural law cannot be modified by custom (*Harm. Law*, III, Lev 18:6 [CO, 24:662]).

¹²² *Harm. Law*, I, Num 6:5 (CO, 24:305); *Harm. Law*, III, Lev 18:6 (CO, 24:662); *Comm. Acts* 18:26; *Comm. I Cor.* 11:6, 12.

¹²³ *Comm. I Tim.* 2:13.

¹²⁴ *Comm. Gen.* 34:1.

¹²⁵ *Comm. I Cor.* 14:34.

¹²⁶ *Harm. Evangel.* I, Matt. 1.22.

¹²⁷ *Comm. Gen.* 48:17; *Harm. Law*, III, Deut 21:15 (CO, 24:709); *Praelect. Mal.* 1:2-6; *Comm. Rom.* 9:13; *Comm. Heb.* 6:17.

¹²⁸ *Harm. Law*, III, Exod 21:1 (CO, 24:701).

¹²⁹ *Comm. Gen.* 30:30.

¹³⁰ *Comm. Gen.* 8:21; *Harm. Law*, III, Deut 28:53 (CO, 25:39-40); *Comm. Pss.* 27:10; 106:37; *Praelect. Jer.* 47:3; *Praelect. Ezek.* 16:20; *Praelect. Hos.* 13:2

¹³¹ *Comm. Gen.* 9:24 (CO, 23:152); 22:2; 34:4; *Harm. Law*, III, Deut 5:16 (CO, 24:603); *Praelect. Jer.* 35:18-19; *Harm. Evangel.* I, Matt 10:37; *Harm. Evangel.* II, Luke 15:21; *Comm. I Cor.* 7:37; *Comm. Eph.* 5:31; 6:1, 4; *Comm. I Tim.* 5:4; *Comm. Heb.* 12:9.

¹³² *Comm. Gen.* 24:3; *Praelect. Jer.* 29:3-6.

to other relations, too.¹³³ It commands reverence and gratitude toward our ancestors¹³⁴ and respect for our elders.¹³⁵

All people, Calvin says, “have naturally a sentiment (*sensum*) of religion.”¹³⁶ Natural law inclines us to God, driving us to acknowledge God’s existence and to offer worship,¹³⁷ to give thanks,¹³⁸ to make intercession,¹³⁹ to set aside particular times for prayer,¹⁴⁰ to offer sacrifice,¹⁴¹ and to fear God above all earthly authority.¹⁴² The “plain dictates of natural reason” forbid idolatry¹⁴³ as well as the swearing of oaths other than by God’s name.¹⁴⁴

Natural law forbids murder¹⁴⁵ and causing harm to one’s neighbours¹⁴⁶ and fellow human beings.¹⁴⁷ It proscribes theft,¹⁴⁸ cruelty,¹⁴⁹ slavery,¹⁵⁰ hatred of those who speak the truth of God’s word,¹⁵¹ and the crossbreeding of different kinds of animal.¹⁵²

¹³³ *Harm. Law*, II, Deut 25:17 (CO, 24:554); *Comm. Pss.* 50:17; *Praelect. Jer.* 9:4; *Praelect. Amos.* 1:11-12; *Comm. Rom.* 1:31; 12:10; *Comm. 1 Tim.* 5:8.

¹³⁴ *Comm. Pss.* 78:8; *Comm. 1 Tim.* 5:4.

¹³⁵ *Praelect. Lam.* 5:12; *Comm. 1 Pet.* 5:5.

¹³⁶ *Comm. John* 19:8-9 (CO, 47:409).

¹³⁷ *Comm. Gen.* 33:10; *Comm. Pss.* 24:1; 28:2; 29:3; 50:9; 107:6, 20; *Comm. Isa.* 40:26; 55:5; *Praelect. Jer.* 15:20; 49:19; *Praelect. Lam.* 1:20; 2:19; 3:41; *Praelect. Ezek.* 8:18; *Praelect. Dan.* 3:6-7; *Praelect. Jonah* 3:6-8; *Harm. Evangel.* I, Luke 5:8; *Comm. John* 5:23 (CO, 47:115); *Comm. Rom.* 2:15; *Comm. 1 Cor.* 1:21.

¹³⁸ *Comm. Gen.* 43:23; *Harm. Evangel.* III, Matt 25:34.

¹³⁹ *Harm. Law*, Vol I, Exod 14:10 (CO, 24:150); *Comm. Pss.* 81:7; *Praelect. Dan.* 6:20.

¹⁴⁰ *Harm. Law*, II, Deut 5:11 (CO, 24:580-581).

¹⁴¹ *Praelect. Hag.* 2:10-14.

¹⁴² *Praelect. Dan.* 6:22.

¹⁴³ *Comm. Pss.* 115:8.

¹⁴⁴ *Comm. Gen.* 42:15.

¹⁴⁵ *Comm. Gen.* 9:5; 37:18; *Harm. Law*, IV, Num 31:19 (CO, 25:318); *Praelect. Lam.* 4:9; *Sermons on Deuteronomy*, 37.

¹⁴⁶ *Praelect. Zech.* 8:16-17.

¹⁴⁷ *Comm. Isa.* 9:19; *Comm. Gal.* 5:14.

¹⁴⁸ *Harm. Law*, Vol III, Deut 5:19 (CO, 24:669); *Comm. Rom.* 2:15.

¹⁴⁹ *Comm. Gen.* 42:21.

¹⁵⁰ *Comm. Pss.* 144:9. But see *Comm. Gen.* 12:5 where Calvin qualifies this claim.

¹⁵¹ *Harm. Evangel.*, I, Matt 10:21.

¹⁵² *Comm. Gen.* 36:24.

Natural law enjoins us to offer hospitality toward our fellow human beings,¹⁵³ to be thankful to our benefactors,¹⁵⁴ to pursue knowledge,¹⁵⁵ to care for the bodies of the dead,¹⁵⁶ and to repent of wrongdoing.¹⁵⁷

The list could go on.

It is absurd then, to claim that Calvin makes “no use of natural law.”¹⁵⁸ But there is a more reasonable version of the view put forward by the Barthian camp. One can concede that Calvin uses the concept of natural law, concede even that he uses it with some frequency, without thinking that such remarks have any significance within the context of his theological program. Calvin’s appeals to natural law might simply be generalised appeals to morality couched in a language in which such appeals were generally made in the sixteenth century.¹⁵⁹ J. B. Torrance, for instance, argues that although Calvin may have proceeded by “tacitly presupposing,” as part of the “common inheritance of his day,” some kind of “concept of natural law ... as the basis for civil order,” the Reformer never “employs the concept of natural law in his theology.”¹⁶⁰

Outstanding Questions

In terms of comparing Calvin to Aquinas, there are, as I see it, six outstanding questions raised by the secondary literature that need to be answered. Where available, more detailed

¹⁵³ *Comm. Gen.* 18:2; 42:21; *Harm. Law*, IV, Num 20:14 (CO, 25:240); *Comm. Isa.* 16:4; 30:1; 32:6; *Praelect. Jer.* 48:1; *Comm. Gal.* 6:2.

¹⁵⁴ *Comm. Gen.* 14:17.

¹⁵⁵ *Harm. Law*, I, Deut 18:9 (CO, 24:266).

¹⁵⁶ *Comm. Gen.* 23:3; *Harm. Law*, IV, Deut 34:7 (CO, 25:400); *Praelect. Jer.* 36:29-30

¹⁵⁷ *Praelect. Zech.* 1:1-3

¹⁵⁸ Clark, “Calvin on the *Lex Naturalis*,” 3, attributes this claim to “many Barthians.” This is not wholly accurate, although Lang did make the far-fetched claim that he had only found four references to natural law in Calvin’s writings (“Reformation and Natural Law,” 71, and see Beyerhaus’s critique of Lang in *Studien zur Staatsanschauung Calvins*, 66n4).

¹⁵⁹ Peter Barth notes that Calvin often makes use of moralistic appeals to nature in polemical contexts, such as when attempting to shame his congregation into behaving well. *Das Problem der Natürlichen Theologie*, 15, 48.

¹⁶⁰ Torrance, “Interpreting the Word,” 256-257 [emphasis mine].

examination of relevant secondary literature vis-à-vis these questions is given below in the relevant chapter, but I outline them here by way of introduction.

The first question is the one to which I have just adverted: does natural law play any role within Calvin's theology such that the coherence of his theology would be impaired if it were removed? If natural law does play a *theological* role for Calvin, is it different from the role natural law plays within Aquinas's theology?

A second outstanding question, closely related, I have already hinted at. There are those who say that the only – or, at least, the primary – function of natural law in Calvin's thought is to render humanity without excuse for sin. Knowledge of natural law robs us of the defence of ignorance. We have seen this claim from Höpfl, Lang, Niesel, and Peter Barth, and it is made by others like Klempa,¹⁶¹ Garcia-Alonso,¹⁶² Beck,¹⁶³ and Parker, who argues that “the concept of inexcusability” is “the definitive line of thought in the early chapters of the *Institutio*” and that the “concept governs Calvin's teaching on the whole extra-Biblical revelation of God.”¹⁶⁴

Krusche calls it the “critical function” of natural law in Calvin's thought. He distinguishes Calvin's version of natural law, with its “judicial, accusatory function,” from a more “optimistic” version of natural law by which “man is adequately equipped to find the right standard of life.” For Calvin natural law is “sufficient” in the sense that it provides sufficient knowledge to deprive humanity of excuse, but not a sufficient basis for constructing a practical ethic.¹⁶⁵

¹⁶¹ Klempa, “Calvin on Natural Law,” 89.

¹⁶² Garcia-Alonso, “Biblical Morality,” 1, 12. Garcia-Alonso argues that this “denunciatory” role of natural law fulfils a double function: rendering non-believers inexcusable and bringing the elect to repentance.

¹⁶³ Beck, “Natural Law and the Reformation,” *The Clergy Review*, 21.2 (1941), 78.

¹⁶⁴ Parker, *Calvin's Doctrine*, 53-54.

¹⁶⁵ Krusche, *Das Wirken Des Heiligen Geistes*, 86: “Aber was heißt heir ‘ausreichend’? Gegenüber dem naturrechtlichen Optimismus, der da meint, durch die *lex naturalis* werde der Mensch in ausreichendem Maße (*sufficienter*) ausgerüstet, die rechte Lebensnorm zu finden ist auf das Bestimmteste zu betonen: die *lex naturalis* ist nicht etwa in dem Sinne ‘ausreichend,’ daß man auf ihr eine Humanitätsethik aufbauen könnte, sondern sie ‘reicht aus,’ um den Vorwand der Unwissenheit unmöglich

Some connect this more optimistic version of natural law with Aquinas. Westberg contrasts Calvin's emphasis with medieval accounts of natural law,¹⁶⁶ and Verhey says that for Calvin natural law has primarily a "condemning function," by leading people to "confrontation with the righteousness of God," whereas for Aquinas the law leads to the "fulness of the good life minus only the theological virtues."¹⁶⁷

A third question arising from the secondary literature concerns the effect of original sin on our capacity for moral knowledge. Reformed scholars often call this the question of "the noetic effects of sin."

The argument is made by many that, while the post-Fall cosmos retains an objective moral order which is in principle knowable by the human intellect, the depraving effect of the Fall on human nature vitiates reason to such an extent that what is knowable in principle (to the *created* intellect) is no longer knowable in fact (to the *fallen* intellect).

By the same token, many Reformed scholars claim that one of the key differences between Calvin and Aquinas is that Aquinas has a more optimistic view of the effect of the Fall on human nature, a view which neglects the depraving effect of original sin on the intellect.

For instance, Stob argues that "the deeper meaning of the fall seems to escape Aquinas, and the devastating effects of sin tend to be ignored." "Calvin," Stob claims, "finds that Aquinas, apparently unmindful of the sin that everywhere pervades the thought of unredeemed mankind, is too quick to adopt wholesale and unmodified the disciplined ratiocinations of what St. Paul calls the natural man."¹⁶⁸

und also in Gottes Gericht unentschuldigbar zu machen. *Das* ist die 'suffizienz' der lex naturalis ... In dieser richtenden, anklagenden Funktion nimmt das Gewissen beim natürlichen Menschen in der Tat die Stelle des Gesetzes ein (vice legis). Diese kritische Funktion auszuüben ist der eigentliche Zweck des Gewissens bzw. der lex naturalis." [emphasis in original]

¹⁶⁶ Westberg, "The Reformed Tradition and Natural Law," Cromartie (ed.), *A Preserving Grace*, 105.

¹⁶⁷ Verhey, "Aquinas and Calvin," 82.

¹⁶⁸ Stob, "Calvin and Aquinas," 19.

Similar remarks are made even by those in the second camp who are warmer toward Aquinas. VanDrunen, for example, says:

For purposes of comparing to Calvin, the relative absence of the topic of sin in Thomas's discussions [of natural law and virtue] is noteworthy. For Thomas, the fundamental reason why grace is needed in addition to nature is not corruption of nature due to the fall into sin, but the inherent limits of nature itself. While sin aggravates the need for grace in the postlapsarian world, Thomas's nature-grace structure remains in all essential aspects before and after the fall.¹⁶⁹

Van Bentum calls this the "decisive" Reformed argument against Thomistic natural law theory, "which is always present if only in the background."¹⁷⁰

A fourth question concerns the role of conscience. "A number of scholars," VanDrunen notes, "have emphasized conscience as a distinctive feature of Calvin's natural law thought. Some have even presented this topic as Calvin's alternative to Thomas's scheme of reason participating in eternal law."¹⁷¹

There is extensive treatment of the secondary literature concerning this question later on, but, in brief, the argument is that Calvin views the conscience as a third faculty alongside intellect and will, and that it assumes the role that reason plays in Aquinas's natural law theory as the medium through which we distinguish right from wrong. This argument is connected with claims about the noetic effects of sin: it is *because* Calvin is seen as less confident than Aquinas in the ability of the fallen intellect to discern moral truth that he needs to lean on conscience.

¹⁶⁹ VanDrunen, "Medieval Natural Law," 95-96.

¹⁷⁰ Van Bentum, "Does 'Natural' Law Exist?," *The Eastern Churches Quarterly*, 15.3-4 (1963), 154.

¹⁷¹ VanDrunen, "Medieval Natural Law," 92.

A fifth question concerns the relationship between natural law and the Decalogue. The argument is made that Calvin stresses the role of the Decalogue in his natural law theory in a way that Aquinas does not.

This claim goes back to Troeltsch, who argued that “the distinctive acceptance of natural law as identical with the Decalogue” was a “peculiarity” of Calvin’s thought on the subject.¹⁷² Clark goes as far as to say that “the *most notable difference* between Thomas and Calvin is that the latter defined natural law in terms of the Decalogue and Thomas did not.”¹⁷³

Helm says that “Aquinas does not stress, as Calvin does, the importance of the enlightening and focusing character of the Decalogue upon the natural law” and that the difference between Aquinas and Calvin on this “encapsulates the Reformation conflict” which was a “conflict about the primacy, or otherwise, of special revelation.”¹⁷⁴

A sixth question is one that has been raised only obliquely in the existing secondary literature, but which is important enough to be discussed at length.

Aquinas famously grounds “the order of the precepts of the natural law” in “the order of natural inclinations” – inclinations to self-preservation, to sexual intercourse, to the rearing of children, to political society, and to the pursuit of truth and the worship of God.¹⁷⁵ Calvin, on the other hand, appears to ground natural law not in inclinations of the will but in innate conceptual knowledge.¹⁷⁶

This difference goes to the heart of what we mean when we speak of natural law: do we mean natural knowledge of propositions about right and wrong? Or something less cognitive and more affective, a felt recognition of the intrinsic desirability of certain goods?

¹⁷² Troeltsch, “Calvin and Calvinism,” 137. Beyerhaus also notes, in 1910, the connection between the Decalogue and the natural law in Calvin’s thought. *Studien zur Staatsanschauung Calvins*, 68-70.

¹⁷³ Clark, “Calvin and the *Lex Naturalis*,” 7-8.

¹⁷⁴ Helm, “Calvin and Natural Law,” 10-12.

¹⁷⁵ *ST*, 1a2ae, 94, 2.

¹⁷⁶ *Comm. Rom.* 2:14-15.

This difference has been noted in the secondary literature but left largely unexplored. Backus claims in passing that Calvin excludes “natural instincts ... from the realm of natural law,” noting the distinction with Aquinas who begins his account of natural law with “natural tendencies and inclinations.”¹⁷⁷

Helm asks whether, for Calvin, knowledge of the natural law is “natural in the sense of innate ... Is it like, or part of the *sensus divinitatis*, the innate *sense* of God[?]” Or is it like “the rudimentary *belief* that some things are round?”¹⁷⁸ He concludes that it is innate, but in comparing Calvin’s view of natural law with that of Aquinas and his medieval predecessors, he apparently does not notice that such an opinion on Calvin’s part would constitute a major point of contrast with Aquinas.

Verhey says that Calvin’s theory of natural law is more “persuasive” than Aquinas’s, because Aquinas’s theory relies on the claim that “the involuntary inclinations of man can obligate him morally,” whereas Calvin “has shown both that and how men are obligated by their own *rationality* to certain minimal duties.”¹⁷⁹ Again, Verhey never investigates, or even adverts to, the significance of this difference.

Michael Walzer, however, reads in Calvin precisely the reverse view: a view of natural law based on instinct, which downplays the importance of rationality:

Calvin retained the traditional Christian view ... that man in his innocence carried the law in his heart ... Calvin also referred frequently to some lingering remnant of Adam’s original innocence, but he showed little concern with this primary nature and little interest in fixing its precise form ... In contrast to Catholic theologians, Calvin apparently did not believe that it survived as a kind of powerless rationality. He more frequently identified the remnants of goodness as instinctive: a “natural instinct,” “some sense,” “a sentiment of conscience,” “an instinctive propensity.” He invoked this natural sense in justifying the sex taboos, and occasionally implied its connection to a larger “natural order.” More than this, he apparently believed that some propensity toward society lingered ineffectively in the human heart, some uneasy and rudimentary conscience of right and wrong.¹⁸⁰

¹⁷⁷ Backus, “Calvin’s Concept,” 11.

¹⁷⁸ Helm, “Calvin and Natural Law, 7 [emphases mine].

¹⁷⁹ Verhey, “Aquinas and Calvin,” 91-92 [emphasis mine].

¹⁸⁰ Walzer, *The Revolution of the Saints: A Study in the Origins of Radical Politics* (Cambridge, MA: Harvard University Press, 1965), 30-31.

Where do these radically divergent readings come from and which is correct?

Methodology and Structure

This study will proceed by taking the six areas of potential disagreement just highlighted and using them to interrogate relevant primary texts.

With regards to Aquinas, my focus is on the *Summa Theologiae* as the most mature expression of his thought, with extensive reference to other works (e.g., his scriptural commentaries) where relevant, and occasional reference to various lesser works.

Studies of Calvin's theology tend to focus heavily on the *Institutes*. However, while giving due consideration to the *Institutes*, I tend to refer just as frequently to his biblical commentaries and lectures. The reason for this is twofold. Firstly, Calvin himself says that the purpose of the *Institutes* is to "prepare" people "for the reading of the divine Word,"¹⁸¹ and it is generally recognised that the *Institutes* were intended to serve as a catechetical complement to the commentaries and lectures.¹⁸² Secondly, and more importantly, while the *Institutes* provide essential theological context for understanding what Calvin says about natural law, it is in the commentaries and lectures that most of Calvin's references to natural law are actually found.

These six potential areas of disagreement just mentioned between Calvin and Aquinas have been decided on after a comprehensive survey of relevant secondary literature on Calvin and natural law, making use of various Calvin bibliographies which cover the period from 1532 to 2019.¹⁸³

With regards to secondary literature on Aquinas – which is enormous – I have adopted a cautious but logical approach. Although this dissertation affords equal space to examining

¹⁸¹ *Inst.* "Calvin to the Reader."

¹⁸² Lane, *A Reader's Guide to Calvin's Institutes* (Grand Rapids: Baker, 2009), 20.

¹⁸³ See the "Reference and Bibliographical Works" section in the Bibliography.

Aquinas and Calvin in terms of the primary source material, it is Calvin scholars, not Aquinas scholars, who make comparisons between Aquinas and Calvin on natural law, so I have allowed Calvin scholars to set the terms of the debate. From them, I have distilled the questions I use to compare Aquinas with Calvin. I then discuss secondary literature on Aquinas only where it sheds light on one of these six questions. In this way, relevant secondary literature on Aquinas has been reduced to a sufficiently small and manageable body. For instance, I enter into the contemporary debate about what Aquinas really meant by “inclination” in the context of his natural law theory, but I do so *only* because this is a potential point of disagreement between Aquinas and Calvin.

The dissertation follows the order of the six questions as I have listed them above, although not slavishly. The question of the noetic effects of sin, for instance, is one that tends to be connected to other questions, so it is dealt with in connection to those other questions, rather than as a discrete topic.

Chapters 1 and 2 look at the function that natural law plays within the context of the systematic theology of Calvin (1) and Aquinas (2). Why would a theologian bother to talk about natural law? Calvin argues that knowledge of the natural law is essential to the “first use” of law, convicting us and rendering us “without excuse” for sin. I compare Calvin’s view with Aquinas’s view of natural law in his biblical commentaries, which I argue follows broadly similar lines. I then show how the same account of natural law is dispersed by Aquinas in overlooked texts from the *Summa*. Both Calvin and Aquinas are suspicious of the idea of natural law as a reliable autonomous source of morality. Instead, they both affirm the existence of natural law primarily as part of broader theological projects that seek to underscore human moral inadequacy and our consequent need for grace to know and fulfil God’s will.

Chapters 3 and 4 examine the relationship between natural law and conscience, and between natural law and the Decalogue in Aquinas (3) and Calvin (4). Some Calvin scholars

suggest that Calvin has no natural law theory in the sense that Aquinas does, because the place occupied by natural law in Aquinas's ethics is taken up, in Calvin's thought, either by his theory of conscience, or by the Decalogue. I argue that both of these conclusions are misunderstandings, either of Aquinas, or Calvin, or both. Conscience plays a central role in the understanding of natural law for both Calvin and Aquinas, and the importance of the Decalogue for Aquinas's natural law theory (and his theory of conscience) is often overlooked.

Chapters 5 (Aquinas) and 6 (Calvin) focus on two of the most important passages on natural law by Aquinas and Calvin: 1a2ae, 94, 2 of Aquinas's *Summa*, and Calvin's remarks on natural law in his *Commentary on Romans*, 2:14-16.

As Crowe and Lee note, a distinguishing feature of natural law ethics is the "emphasis that [it] places on the foundational role of the good in normative discourse."¹⁸⁴ But these two key texts suggest that Aquinas and Calvin have radically divergent views about the nature of our most basic grasp of the good, with Aquinas arguing that it is rooted in an affective disposition ("inclination"), and Calvin viewing it as a matter of innate knowledge. This apparent difference arises because Calvin seems to view the Fall as having completely perverted the will's natural desire for the good.

I argue in Chapter 5 that the concept of "inclination" as an affective disposition does indeed lie at the root of Aquinas's theory of how we come to know the good, offering new arguments in defence of Jacques Maritain's widely rejected views on Aquinas and natural law.

In Chapter 6, I argue that while Calvin appears to reject this idea in his *Commentary on Romans* and in certain other places, aspects of a moral theory similar to Aquinas's are very clearly implied in many other texts. Finally, I argue that both Aquinas and Calvin use the

¹⁸⁴ Crowe and Lee, "The Natural Law Outlook," Lee and Crowe (eds.), *Research Handbook on Natural Law Theory* (Cheltenham: Edward Elgar, 2019), 2.

concept of inclination (or some comparable concept) to explain aspects of the operation of Divine Providence insofar as it relates to human behaviour.

Before I begin, there are a few remaining points to be made about the methodology of this study.

Firstly, why the focus on “knowledge” of the natural law?

Maritain notes that discussions of natural law contain two elements: an ontological element (i.e., an affirmation that natural law exists and a discussion of what it is), and a “gnoseological” element.¹⁸⁵ Potential areas of disagreement between Aquinas and Calvin, however, centre almost entirely around this second element. To what extent is natural law *knowable*, given the impact of original sin on human reason? If so, by what medium is it known: Conscience? Reason? Revelation? Aquinas and Calvin agree that there is a natural law, and there is broad agreement on what the natural law tells us in practical terms. Potential disagreements are related more to the question of how natural law is known, and what the theological significance is of our knowing the natural law. Hence, while not completely excluding the ontological element, this dissertation foregrounds the epistemological or “gnoseological” element of natural law.

Secondly, and related to the point I have just made, this study tends to avoid analysis of practical ethics. Again, this is because potential disagreements between Calvin and Aquinas exist at the level of fundamental ethics rather than at the practical level. Although I make frequent mention of what Calvin or Aquinas said about various practical issues, these are made in order to illustrate points of theory.

For example, Aquinas says that “man has a natural inclination to know the truth about God,”¹⁸⁶ while Calvin teaches that “within the human mind ... by natural instinct,” there is

¹⁸⁵ Maritain, *Man and the State*, 85-89.

¹⁸⁶ *ST*, 1a2ae, 94, 2.

“an awareness of divinity.”¹⁸⁷ It is hardly worth remarking on the fact that a medieval priest and a sixteenth century preacher agree on the fact that religious sensibilities are “natural.” The worthwhile questions are theoretical: what did Aquinas mean by “natural inclination”? What did Calvin mean by “natural instinct”? How similar or different are those concepts?

Another possibility for study would be to focus on various practical points that Aquinas and Calvin make about natural law, in light of contemporary knowledge. For instance, Calvin’s claim that awareness of God is “naturally inborn” relies in part on claims about the non-existence of true atheism, since even those who try not to believe in a Deity are, Calvin argues, “unable to extricate themselves from the fear of God.”¹⁸⁸ While this may have seemed obvious in the sixteenth century, it is a difficult claim to sustain in the modern era.

Similarly, some of the claims that both Aquinas and Calvin make about natural law in respect of gender and sexuality, are, to many people today, including myself, disagreeable and at times morally offensive.

To examine these issues, however, would require serious examination of contemporary scholarship, and thus widen the remit of this dissertation beyond the primary texts. This is why I have sought to avoid it.

Thirdly, since I am commenting on the relationship between Calvin and Aquinas, I should make clear that this is not a study of the use that Calvin may or may not have made of any writings of Aquinas that he may or may not have read. Nor is it a study of the influence, if any, that Aquinas may or may not have had on Calvin.

Lane notes that “there are three different types of study of Calvin's relation to his predecessors.”

¹⁸⁷ *Inst.* 1.3.1.

¹⁸⁸ *Inst.* 1.3.3.

First, studies which “set out to compare Calvin's teaching with that of one or more earlier theologians.” These studies “need not presuppose Calvin's being influenced by, or even acquainted with, the figure concerned.” It might be possible for the “most remarkable parallels” to exist between Calvin and an earlier writer “with no actual influence.” For instance, parallels “between Calvin and Thomas Aquinas ... could arise from their common dependence upon an earlier writer (e.g. Peter Lombard) or from the influence on Calvin of later medieval theologians following Thomas.”

Second, there are studies that “examine the use that that Calvin made of earlier theologians.”

Third, there are “studies which seek to determine the influence of earlier theologians upon Calvin.”¹⁸⁹

Insofar as this dissertation deals with Calvin, it falls squarely in the first category. It is a comparison of ideas, not an intellectual genealogy.

Fourthly, and finally, in view of existing secondary literature, why bother with this study at all? What is new here?

Although existing literature raises questions about potential points of contact between Calvin and Aquinas, potential answers are often left unexplored because of limitations of space. There have been many studies of Aquinas's natural law theory, but there has been no study longer than a single article or book chapter focused solely on Calvin's thought on natural law since Bohatec's *Calvin und das Recht* appeared in 1934. Almost ninety years ago, Bohatec began by observing that in the existing literature of his own day, “there is no discussion of the interrelations between the doctrine of natural law and the rest of Calvin's conceptual world.”¹⁹⁰

¹⁸⁹ Lane, *Calvin: Student of the Church Fathers*, 15-16.

¹⁹⁰ Bohatec, *Calvin und das Recht*, 3. “Es fehlt vor allen Dingen die Erörterung der Zusammenhänge zwischen der Naturrechtslehre und der sonstigen Gedankenwelt Calvins.”

Arguably, this remains the case today, as much of the contemporary literature itself notes. The “status of natural law in [Calvin’s] theology remains unclear,” argues Backus.¹⁹¹ “[S]cholars have done little work on Calvin’s views of nature,” claims Diana Butler.¹⁹² “Calvin’s natural law teaching could well stand a careful re-examination,” observes Rae.¹⁹³

I also offer new readings of Thomas Aquinas on several key points. Comparing Calvin to Aquinas helps identify where Calvin follows the prior tradition on natural law, and where he departs from it. Counterintuitively, however, reading Aquinas in conversation with Calvin also helps to highlight certain features of Aquinas’s thought that are often neglected, because Calvin’s blunt Augustinianism accentuates aspects of Aquinas’s vision of natural law that are often not adverted to by those who read Aquinas solely through an Aristotelian lens.

While there are of course differences between Calvin and Aquinas on this subject, there is, I think, a basic Western Christian profile of natural law theory¹⁹⁴ that informs the work of both thinkers. The resolutions I suggest to apparent disagreements between Calvin and Aquinas will, I hope, help to throw some key features of that profile into relief.

¹⁹¹ Backus, “Calvin’s Concept,” 26.

¹⁹² Butler, “God’s Visible Glory: The Beauty of Nature in the Thought of John Calvin and Jonathan Edwards,” *The Westminster Theological Journal*, 52.1 (1990), 14

¹⁹³ Rae, “Calvin, Natural Law and Contemporary Ethics,” 20.

¹⁹⁴ Not all features of this profile are necessarily applicable to Eastern Christianity. See Harakas, “Eastern Orthodox Perspectives on Natural Law,” *American Journal of Jurisprudence*, 24 (1979); The Natural Law Teaching in the Ante-Nicene Fathers and in Modern Greek Orthodoxy Theology, ThD Dissertation, Boston University, 1965; Babie, “Natural Law in the Orthodox Tradition,” Doe (ed.), *Christianity and Natural Law: An Introduction* (Cambridge: CUP, 2017).

CHAPTER 1. CALVIN ON NATURAL LAW AS *DAMNATIONIS ARGUMENTUM*

1.1. INTRODUCTION

The question I want to begin with is: why would Calvin and Aquinas, *as theologians*, have wanted to talk about knowledge of the natural law?

The idea of natural law was explored by some of the finest minds of Greek and Roman society and continues to be explored today.

But why should a theologian, of any era, care about this philosophical idea? As Finnis notes, the “claim that there is a natural law” is found most often within “the discourse of ethics, political theory, or *philosophie de droit* (philosophy of law),” where it functions as an “offer to explain and defend the substance of certain assertions often made in different terms in pre theoretical discourse.”¹ Why should theologians be interested in a claim that finds its origin within the context of non-theological discourse?

Christianity tells a story about the relationship between God and humanity: a story of creation, fall, and redemption. God created humanity in a state of friendship with himself. By catastrophic disobedience, humans alienated themselves from God’s friendship and from one another. God subsequently redeemed humanity through the incarnation, death, and resurrection of Jesus. What role does natural law play in the craft of the theologian *qua theologian*, i.e., the craft of re-telling this story and exploring its implications?

Perhaps the standard answer, when one is ventured at all, is to place natural law in the context of the doctrine of creation. Brunner, for instance, saw “laws of nature” and “God’s orders of creation” as essentially convertible terms:

What we call the “laws of nature” are God's orders of creation. This, and this only, is the way in which God has ordered the world. God is a God of order, not of disorder; He works according to law and not in an arbitrary manner ... Thus to know something of ... such orders is to know part of God's creation, and thus of the will of God ... Thus

¹ Finnis, “Natural Law,” 199.

the question can never be put thus: Are there orders of creation which constitute an ethical standard? but only: What are they?²

For Brunner, to affirm the existence of natural law is to affirm the rationality and reasonableness of nature, and therefore to affirm the rationality and reasonableness of God, the author of nature. Natural law discourse is therefore *theo-logia* – discourse about God – since by affirming the existence of natural law we affirm that “God is a God of order” who does not work arbitrarily.

VanDrunen, similarly, observes that “classic Reformed theology” uses natural law to root the “political and cultural life” of humankind made in the image of God within “God’s work of creation and providence, not in his work of redemption and eschatological restoration through Jesus Christ.”³

Such accounts of the relationship between natural law and the doctrine of creation do indeed reflect part of what Calvin and Aquinas want to say about natural law. But I wish to begin by looking at the question from a different angle. I wish to begin by looking at how, for Calvin and Aquinas, appeals to natural law function as means by which they establish God’s righteousness as well as establishing human culpability for disobeying God’s law.

1.2. THE THEOLOGICAL FUNCTION OF NATURAL LAW

1.2.A. The *Triplex Usus Legis* and Natural Law

In the *Institutes* Calvin famously asserts that law has three fundamental purposes or “uses.”⁴

² Brunner, *Dogmatics II: The Christian Doctrine of Creation and Redemption* (Cambridge: James Clarke, 2002), 25-26. Brunner’s view of natural law as another way of describing the Lutheran concept of *schöpfungsordnung* is one reason Barth reacted violently against it. For Barth, argues Midgley, “[t]here is little difference between the ‘order of creation’ doctrine advanced by Brunner and that employed by the theological supporters of Hitler.” (Midgley, “Karl Barth and Moral Natural Law: The Anatomy of Debate,” *Natural Law Forum* [1968], 110-111). Although the younger Barth emphasised the concept of *schöpfungsordnung* (Peterson, *The Early Karl Barth: Historical Contexts and Intellectual Formation 1905–1935* [Tubingen: Siebeck, 2018], 204-209, 219).

³ VanDrunen, *Natural Law and the Two Kingdoms*, 2.

⁴ Engelbrecht (“Luther’s Threefold Use of the Law,” *Concordia Theological Quarterly*, 75.1-2 [2011], 136) argues that the concept of the threefold use of the law originates with Nicholas of Lyra, with

He describes the third use as the “principal use”: that “which pertains more closely to the proper purpose of the law.” Daily instruction in the law, Calvin argues, helps Christians “make fresh progress toward a purer knowledge of the divine will.” The law helps believers to “learn more thoroughly each day the nature of the Lord’s will to which they aspire, and to confirm them in the understanding of it.”⁵ Here, law is conceived of as a didact: a guide to the good life.

The second use is to protect the civil community by functioning as a “bridle” on the desires of individuals who might otherwise threaten social stability by running amok in sin.⁶ By “fear of punishment,” the law restrains those who are “untouched by any care for what is just and right,” Calvin argues. Wicked people, he claims, “burn and boil within, and are ready to do anything or burst forth anywhere – but for the fact that this dread of the law hinders them ... in this [way] the law is like a halter to check the raging and otherwise limitlessly ranging lusts of the flesh.”⁷

For now, however, it is the first use of the law that I wish to focus on.⁸ This use of the law is to convict humanity of its sinfulness. Here is what Calvin has to say about it in the *Institutes*:

[Let] us survey briefly the function and use of what is called the “moral law” ... The first part (*prima est*) is this: while it shows God’s righteousness (*justitiam Dei ostendit*), that is, the righteousness alone acceptable to God, it warns (*admoneat*), convicts

roots in the thought of Augustine. For background on the terminology during the Reformation period, but prior to the publication of the *Institutes*, see Ebeling, “On the Doctrine of the *Triplic Usus Legis* in the Theology of the Reformation,” *Word and Faith* (London: SCM, 1963), 62-78.

⁵ *Inst.* 2.7.12.

⁶ *Inst.* 2.7.11. Calvin’s second use corresponds to Luther’s first, and *vice versa*. Melancthon maintained Luther’s numbering while adding a third, didactic use of the law. Whereas Melancthon agreed with Luther in seeing the second use (i.e., Calvin’s first use) as the law’s principal use, Calvin places the third use in pole position. Elert (*Law and Gospel* [Philadelphia: Fortress, 1967], 44) argues that Calvin intended his teaching on this point as a deliberate correction of Luther.

⁷ *Inst.* 2.7.10.

⁸ *Harm. Law, III, Finis et Usus Legis* (CO, 24:725). This is sometimes referred to as the *usus paedagogicus*. (See Muller, *Dictionary of Latin and Greek Theological Terms* [Grand Rapids: Baker, 1985], 320-321). Calvin himself does not use this term. In the *Institutes* he refers to it simply as the “first use” (2.7.9). Calvin does quote (2.7.11) Paul’s characterisation of the law as a “*paedagogum ad Christum*,” but this comment is situated in his discussion of the second use of the law, not the first, and is intended by Calvin to be applied to *both* the first and second uses, so it is inaccurate to say that Calvin thought of the first use as the *usus paedagogicus*. The designation “pedagogical” is also easily confused with the didactic third use, as in Jones, *An Introduction to Biblical Ethics* (Nashville: B&H, 2013), 61.

(*convincat*), and lastly condemns (*condemnet*), every man of his own unrighteousness (*injustitiae*). For man, blinded and drunk with self-love, must be compelled to know and to confess his own feebleness and impurity ... The law is like a mirror. In it we contemplate our weakness, then the iniquity arising from this, and finally the curse coming from both – just as a mirror shows us the spots on our face.⁹

The verbs in this passage, and the order in which they appear, are significant. Note that although Calvin speaks of the “first part” played by the law, he deploys not one, but four distinct verbs to describe the work that the law does: showing or demonstrating (*ostendit*), admonishing or warning (*admoneat*), convicting (*convincat*), and condemning (*condemnet*).

Even under the heading of the “first” use, then, the law is described as fulfilling several complementary functions simultaneously. And the first function listed under this rubric (we might call it the first use of the first use of the law) has to do with God, rather than with humanity. Calvin speaks primarily of the law as a means by which God shows or displays his own righteousness or justice (*prima est, ut dum iustitiam Dei ostendit*).¹⁰ In light of this, and subsequently, humanity becomes aware of its own contrasting unrighteousness (*iniustitia*) and is, consequently, admonished, convicted, and condemned.

The Law of Moses and the Law of Nature

Calvin speaks here of “law” in general terms, and specifically about the Law of Moses, the revealed law of the Old Testament, so a cursory reader would be forgiven for thinking that Calvin’s discussion of the threefold use of the law has little to do with *natural* law.

But here we must bear in mind that Calvin, like Aquinas and his medieval predecessors, thought that the entire Law of Moses was ultimately reducible to the Decalogue.

⁹ *Inst.*, 2.7.6 [emphases mine]. See also *Harm. Law*, III, *Finis et Usus Legis* (CO, 24:726), where Calvin appeals to the teaching of Paul that the law is that which “brings wrath” (Rom 4:15). He warns against the idea that law exists “only for instruction, so that men might follow what they had learnt from it to be right.” Instead, he argues, law exists also “to convict [men] of their iniquity, that they might acknowledge themselves to be lost; as if they saw in a mirror their destruction through the just vengeance of God.”

¹⁰ See also *Comm. Gal.* 3:24 (CO, 50:220): “the law, by displaying the justice of God (*manifestando Dei iustitiam*), convinced them that in themselves they were unrighteous; for in the commandments of God, as in a mirror, they might see how far they were distant from true righteousness.”

And the Decalogue – the “two Tables” – Calvin tells us in Book II of the *Institutes*, “asserts the very same things” as the “natural law.”¹¹

If one reads closely, one sees that Calvin’s explanation of the threefold use of the law in Book II of the *Institutes* (2.7.6 to 2.7.14) functions as a preface to the Reformer’s exposition of the Decalogue (2.8.1 *et seq*). Calvin begins this exposition by equating the Decalogue, which he calls the “moral law” (*legis moralis*),¹² with the natural law:

Now that inward law (*lex illa interior*), which we have above described as written, even engraved (*impressam*), upon the hearts of all, in a sense asserts the very same things that are to be learned from the two Tables ... But man is so shrouded in darkness that he hardly begins to grasp through this natural law (*legem illam naturalem*) what worship is acceptable to God ... 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 (*lege naturali*).¹³

In other words, Calvin’s exposition of the Decalogue is prefaced by a lengthy explanation of the threefold use of “what is called the ‘moral law’” (*legis quam moralem vocant*). That exposition itself then begins by identifying that moral law with the “natural law.” It is clear that “moral law,” “natural law,” and “inward law” are terms Calvin uses to point to one and the same reality, a reality which exists in different modes.

The natural law is internal, implanted in human consciousness, whereas the Law of Moses is external and written.¹⁴ The content of the written law is the same as the content of the natural law. The written law simply functions as a “clearer witness of what was too obscure in the natural law.”¹⁵ “[T]he Law [i.e., of Moses],” Calvin says, “prescribes nothing

¹¹ *Inst.* 2.8.1.

¹² See the chapter heading, which is Calvin’s own, at *CO*, 2:266.

¹³ *Ibid.*

¹⁴ There is also a difference of function. The written law is anamnestic rather than instructive. “[T]he written law,” Calvin says, “is just an attestation of the law of nature (*lex scripta quam testimonium legis naturae*), through means of which God recalls to our memory (*reducit nobis in memoriam*) that which he has previously engraved on our hearts” (*Comm. Pss.* 119:52 [*CO*, 32:236]). It is the natural law engraved on the heart, not the *lex scripta*, which provides us with moral direction. The written law simply recalls the natural law to our memory.

¹⁵ *Inst.* 2.8.1. In his “Preface to Olivetan’s New Testament,” Calvin states that the primary value of the “written law” lies not in its moral content, since it is “incapable of bringing anyone to perfection,” but in its refiguration of the Messiah through its “ceremonies, purifications, and sacrifices.” (63)

which nature does not itself dictate to be most certain and most just.”¹⁶ The natural law is “engraved” by God in the human heart, just as the written law is “engraved” by the finger of God on tablets of stone at Mount Sinai.¹⁷

Given the close connection Calvin draws between the natural law and the Law of Moses, then, one way of beginning to understand the organising principles of Calvin’s thought on natural law is to look at what he says about the Law of Moses, since Calvin’s thoughts on the Law of Moses are generally more organised than his numerous but scattershot references to natural law.

1.2.B. Natural Law and the First Use of Law: Three Principles of Calvin’s Thought

That Calvin thinks of natural law – not just the revealed law – in relation to his threefold use of law can be seen further by comparing two brief passages.

The first comes at the conclusion of Calvin’s exposition of the Decalogue in his *Harmony of the Law* – a commentary which harmonises the books of Exodus, Leviticus, Numbers, and Deuteronomy, re-organising and expounding all of the legal material from the Pentateuch under the rubric of the ten commandments. Toward the end, Calvin appends a note entitled, “The End and Use of the Law” (*Finis et Usus Legis*). Before he lists the three uses of the law, however, he begins by situating his discussion within the context of natural law:

The knowledge of good and evil is indeed imprinted (*insculpta*) by nature on men, whereby they are rendered inexcusable (*quo reddantur inexcusabiles*); nor has any amount of barbarism ever so extinguished this light as that no form of law should exist.¹⁸

¹⁶ *Harm. Law*, III, Deut. 10:12-13; Deut. 6:5 (CO, 24:723).

¹⁷ For other examples of Calvin’s use of the engraving metaphor for natural law, see *Inst.* 2.2.22; *Comm. Gen.* 31:43 (CO, 23:431); *Harm. Law*, III, Exod 21:22 (CO, 24:627).

¹⁸ *Harm. Law*, III, *Finis et Usus Legis* (CO, 24:725).

Calvin begins his discussion of the three uses of law by making the claim that it is *by means of* natural law (the “knowledge of good and evil ... imprinted by nature on men, *whereby* ...”) that the first use of the law does its work: namely, to secure the conviction of sinful humanity by rendering it “inexcusable.”

This is the first and most important principle to grasp if one wishes to understand Calvin’s thought on the relationship between natural law and the first use of the law, and to understand the overall function of natural law within Calvin’s theology. One feature of the first use of the law already noted is that it convicts us of our unrighteousness. Our subjective knowledge of the natural law functions as the instrument *by means of which* that conviction takes place.

This point, in fact, is one that Calvin emphasises throughout his post-conversion life. Long before the *Institutes* or his biblical commentaries and sermons were conceived of, in a preface Calvin contributed to the French translation of the New Testament by Olivétan, written only a year or so after Calvin’s own conversion, he writes at length about the natural knowledge of God revealed in creation. He argues that the abundance of such knowledge available to us means that “*no one can pretend ignorance* in not knowing such a sovereign Lord.”¹⁹ It is a point he returns to repeatedly throughout his career, and understanding it is fundamental to understanding why he, as a preacher and theologian, felt it necessary to even mention the natural law at all.

The second passage I wish to highlight is from Book II of the *Institutes*. The same connection between natural law and the first use of the law occurs again in this text. This is a crucial text for understanding Calvin’s thought, since it is the only text in Calvin’s *corpus* in which the Reformer attempts a definition of natural law:

¹⁹ “Preface to Olivétan’s New Testament,” Haroutunian (ed.), *Calvin: Commentaries* (London: SCM, 1958), 59 [emphasis mine].

The purpose of the natural law, therefore, is to render man inexcusable (*finis ergo legis naturalis est, ut reddatur homo inexcusabilis*). This would not be a bad definition: natural law is that apprehension of the conscience which distinguishes between just and unjust, and which deprives men of the excuse of ignorance while it proves them guilty by their own testimony.²⁰

There is an important parallelism to be observed in Calvin's writing on this subject. When he defines the three uses of the law, he begins by talking about natural law, and then by defining the first use of the law in relation to natural law. By the same token, when Calvin comes to define the natural law, his definition is effectively a paraphrase of what he says elsewhere about the first use of the law. That which Calvin identifies as the fundamental purpose, the *finis* of natural law, is the very same thing he ascribes to the first use of the law, i.e., that it fulfils the function or "use" of rendering humanity inexcusable.

However, the Reformer's definition of natural law comes at the conclusion of a passage in which Calvin's primary concern is with divine action rather than with human behaviour:

If the Gentiles by nature have law righteousness engraved upon their minds (*naturaliter legis justitiam habent mentibus suis insculptam*), we surely cannot say they are utterly blind as to the conduct of life. There is nothing more common than for a man to be sufficiently instructed in a right standard of conduct by natural law (of which the apostle is here speaking). Let us consider, however, for what purpose men have been endowed with this knowledge of the law ... This is also clear from Paul's words [in Romans 2:14-15], if we note their context. He had just before said that those who sinned in the law are judged through the law; they who sinned without the law perish without the law. Because it might seem absurd that the Gentiles perish without any preceding judgment, Paul immediately adds that for them conscience stands in place of law; this is sufficient reason for their condemnation (*ad justam earum damnationem sufficere*). The purpose of natural law, therefore, is to render man inexcusable.²¹

Calvin's concern here, the reason why he feels compelled to venture into an argument about natural law, is to head off any charge of "absurdity" against God. His claims about the internal judgment of conscience and native knowledge of natural law are points of moral theory, but

²⁰ *Inst.* 2.2.2.

²¹ *Ibid.*

they are pressed into the service of an apologetic that is concerned with God's character, not with human morality. Calvin makes ethical claims, but not claims *about ethics*. His preoccupation, at this point, is not with regulating human conduct but with his need to vindicate the justice and rationality of what he perceives to be divine action.²² Calvin is not concerned (again, at least not at this point) with any discussion of the natural law as an ethical system that provides people with assistance in leading, or knowing how to lead, an upright life. It is divine righteousness he is interested in, not human righteousness.

How can a God who condemns – and condemns *as law-breakers* – those who never had access to the (written) law, be a just God? Calvin's theory of natural law is in large part a product of his search for an answer to this question. In order to properly understand Calvin's ethics, one must first understand that the concerns which govern his discussion of ethical questions are often doctrinal, rather than moral.

Calvin's answer to this theological conundrum in the *Institutes* is to argue that, for pagans, who are not members of God's chosen people with access to a revealed moral law (and, for that matter, for Jews who lived before the written law),²³ the inward moral law known by the conscience stands in place of the written law. Conscience provides sufficient reason for the just condemnation of any human being. The ethics of natural law are part of the terms of discussion, but the discussion itself is an apologetic one.

The question Calvin is struggling with was, as Steinmetz notes, first raised in the New Testament literature:

Paul had raised [in Romans 1-2] the question of the natural knowledge of God in the context of the problem of the moral responsibility of the Gentiles. If the ancient pagans had a knowledge of the true God, however rudimentary, they could be held responsible

²² Höpfl, *Christian Polity*, 181: “[T]he *main purpose* served by such assertions [concerning natural law] in the Institution was as a way of defending *God's reprobating and punishing* those who have no access to Scripture: they are condemned in their own consciences in that, knowing what is good, they do what is evil.” [emphasis mine].

²³ *Comm. Gen.* 38:24.

for their moral lapses and addiction to idols ... total religious ignorance would provide them with a legitimate excuse and relieve them of accountability.²⁴

Given that the concern centres around questions touching on guilt and responsibility, and about what constitutes a legitimate excuse for misconduct, the language of the courtroom that Calvin employs is not accidental, or mere rhetorical flourish. Conscience, for Calvin, is a courtroom drama, and his descriptions of the internal psychological processes of conscience are saturated with legal and judicial terminology: accusation, conviction, testimony, interrogation, sentencing, condemning, execution, and so on.

As Parker observes, Calvin sees Romans 1:18-23, the text to which he continually alludes in his discussion of the function of natural law, “as an account of an offender’s trial before his judge.”²⁵ Arraigned before God’s judgment seat, the gentile offers in his defence a plea of ignorance, only to have this plea rejected, for in Calvin’s view “men cannot allege any thing before God’s tribunal for the purpose of showing that they are not justly condemned.”²⁶

Parker points out that although Calvin’s judicial rhetoric in his Romans commentary is similar to that of other Reformers, the legal significance Calvin attributes to those terms is a distinctive feature of his thought:

I would suggest that whereas [Melanchthon and Bucer] were using the terms in the general sense which they had come to bear in the humanist climate of the day, where pleading in court had been translated into lecturing in the schools, preaching in the Church, or just writing, Calvin has his mind, in these earlier chapters of Romans, filled with the image of the court-room, so that the *termina rhetorica*, born of the lawcourt, are the right language to use in this context. The general image centred on *ut sint inexcusabilis*, crystallizes into the image of the author Paul, or rather his Gospel, which is the Word of God, as *advocatus*.²⁷

²⁴ Steinmetz, “Natural Knowledge of God,” 25.

²⁵ Parker, *Calvin’s Doctrine*, 59.

²⁶ *Comm. Rom.* 1:20.

²⁷ Parker, *Commentaries on the Epistle to the Romans: 1532-1542* (Edinburgh: T&T Clark, 1986),

For Calvin, the “principal point or the main hinge of the first part” of Romans is the claim that “we are justified by faith through the mercy of God alone,” and therefore that “righteousness, which is grounded on faith, depends entirely on the mercy of God.”²⁸ This means that *apart from faith* all are damned: “there is no righteousness except what is conferred, or comes through the gospel; for [Paul] shows that without this all men are condemned: by it alone there is salvation to be found.”²⁹

Although other Reformers agree with Calvin that the opening chapters of Romans are a *damnationis argumentum*, they tend to see the *argumentum* as an academic disputation, whereas Calvin views Paul as a legal advocate making a case for the prosecution. And, Calvin says, the “first proof of condemnation” – the first piece of evidence for the prosecution – that Paul brings to the attention of the court concerns humanity’s natural knowledge of God and of its self-evident moral “duty” in light of that knowledge:

And [Paul] brings, as the first proof of condemnation, the fact, – that though the structure of the world, and the most beautiful arrangement of the elements, ought to have induced man to glorify God, yet no one discharged his proper duty: it hence appears that all were guilty of sacrilege, and of wicked and abominable ingratitude.³⁰

The function that Calvin perceives the concept of natural moral knowledge as having performed within the context of Paul’s rhetoric, as a *damnationis argumentum* providing proof of human perversity, subsequently becomes the function that the natural law assumes in Calvin’s own theological rhetoric.

²⁸ *Comm. Rom.* 1:17.

²⁹ *Comm. Rom.* 1:18. See also Parker, *Commentaries on the Epistle to the Romans*, 118-119: “The exposition of the clause in hoc *ut sint inexcusabiles* [Rom 1:20] makes clear the direction of Calvin’s thought. He sees man as accused before his divine Judge. *The whole passage is concerned ... to show that, apart from the Gospel, all men are condemned.* And here, in the *inexcusabiles* clause, man’s defence in his case before God breaks down ... The manifestation or demonstration by which God makes his glory plainly appear in the creatures is sufficiently clear in its own light. It is only because of our blindness that it is insufficient. Yet we are not so blind that we can excuse our ignorance without at the same time accusing our perversity.” [emphasis mine]

³⁰ *Ibid.*

This, then, is the third principle: the importance of Romans in understanding Calvin's thought on natural law, and of the paradigm of human law (and the internal processes of human judicial systems) to understanding Calvin's interpretation of Romans and his thought on natural law.³¹

1.2.C. Supplementary Texts

Here follow my explanations of some additional texts from the *Institutes* and from Calvin's biblical commentaries which underscore the importance of the three principles just outlined as consistent organising features of Calvin's thought on natural law.

Supplementary Texts in the Institutes

Near the beginning of Book I of the *Institutes*, there is a much-discussed passage in which Calvin posits the existence of what he calls a *sensus divinitatis*, an "awareness of divinity" that exists "within the human mind ... by natural instinct."³²

Calvin says that God "has implanted in all men a certain understanding of his divine majesty" *in order to* "prevent anyone from taking refuge in the pretense of ignorance."³³ The function of the *sensus divinitatis* then, is not so much to lead us to God, but to condemn us.

In a later text in Book II referring back to this passage from Book I, Calvin speaks of the pre-Christian philosophers, arguing that they were given "a slight taste of [God's] divinity [so] that they might not hide their impiety under a cloak of ignorance."³⁴ Again, we see the

³¹ Biblical exegetes will argue (rightly) that Calvin paints Paul in his own lawyerly image. The relevant point, however, is not the correctness of Calvin's exegesis, but the way in which his exegesis conditions his thought on natural law.

³² *Inst.* 1.3.1. Calvin uses the idea of a "seed of religion" (*semen religionis*) interchangeably with the *sensus divinitatis*. For example, compare *Inst.* 1.3.1 with 1.4.1. See Hoeksema, "Calvin's Theology of the Semen Religionis," *Protestant Reformed Theological Journal*, 8 (1975).

³³ *Inst.* 1.3.1.

³⁴ *Inst.* 2.2.18. Later, in 1.10.3, Calvin argues that our natural awareness of divinity extends to knowledge of specific truths about God's nature. For instance, he claims that monotheism is "engraved upon the hearts of all," so that the "ignorant multitude" of polytheists were without excuse, and "whatever they had naturally sensed concerning the sole God (*naturaliter senserunt de unico Deo*) had no value beyond making them inexcusable (*inexcusabiles*)."

concern to cut off any appeal to moral ignorance, because if humanity is truly ignorant, then God is unjust. And again, we see that natural knowledge or “sense” functions as the evidence that proves humanity’s guilt.

Slightly later on in Book I from his original mention of the *sensus divinitatis*, Calvin reiterates the point that the purpose of natural revelation is to render humanity inexcusable, arguing that the reason God “sets forth to all without exception his presence portrayed in his creatures” is so that he can “involve the human race in the same guilt.”³⁵

In another oft-discussed text, near the beginning of Book II of the *Institutes*, Calvin draws a distinction between two kinds of human understanding. He says that there is, firstly, an understanding of “earthly things” such as “government, household management, all mechanical skills, and the liberal arts” – things “which have their significance and relationship with regard to the present life”:³⁶

[S]ince man is by nature a social animal, he tends through natural instinct (*naturali ... instinctu*) to foster and preserve society. Consequently, we observe that there exist in all men’s minds universal impressions of a certain civic fair dealing and order. Hence no man is to be found who does not understand that every sort of human organization must be regulated by laws, and who does not comprehend the principles of those laws. Hence arises that unvarying consent of all nations and of individual mortals with regard to laws. For their seeds have, without teacher or lawgiver, been implanted in all men ... For, while men dispute among themselves about individual sections of the law, they agree on the general conception of equity ... some seed of political order has been implanted in all men.³⁷

Calvin is effusive in his praise of human – even pagan – understanding of these “earthly things,” strongly censuring those who disagree:

Whenever we come upon these matters in secular writers, let that admirable light of truth shining in them teach us that the mind of man, though fallen and perverted from its wholeness, is nevertheless clothed and ornamented with God’s excellent gifts. If we

³⁵ *Inst.* 1.6.1.

³⁶ *Inst.* 2.2.13. See also *Inst.* 3.19.15 where Calvin speaks of a “twofold government in man ... one aspect is spiritual ... the [other aspect] has to do with the concerns of the present life.” And *Inst.* 4.20.1-2, 12.

³⁷ *Ibid.*

regard the Spirit of God as the sole fountain of truth, we shall neither reject the truth itself, nor despise it wherever it shall appear, unless we wish to dishonour the Spirit of God. For by holding the gifts of the Spirit in slight esteem, we contemn and reproach the Spirit himself ... Shall we deny that the truth shone upon the ancient jurists who established civic order and discipline with such great equity? ... No, we cannot read the writings of the ancients on these subjects without great admiration.³⁸

Secondly, there is an understanding of “heavenly things” such as “the pure knowledge of God, the nature of true righteousness, and the mysteries of the Heavenly Kingdom.”³⁹

Insight into heavenly things, Calvin says, consists in three things:

(a) Knowledge of God.

(b) Knowledge of God’s “fatherly favour in our behalf, in which our salvation consists.”

(c) Knowledge of “how to frame our life according to the rule of his law”⁴⁰ or “knowledge of the works of righteousness.”⁴¹

In regard to such things humanity is “utterly blind and stupid”⁴² because “the way to the Kingdom of God is open only to him whose mind has been made new by the illumination of the Holy Spirit.”⁴³

However, when he comes to discuss the third aspect of spiritual insight – knowledge of God’s law – Calvin backtracks. Since he was superlative in his praise for the human instinct for law and civic order, and since it can hardly be denied that these aspects of human law are also aspects of God’s law, Calvin admits that the “human mind sometimes seems more acute

³⁸ *Inst.* 2.2.15. See also *Inst.* 3.14.2, and *Harm. Law*, III, Lev 18:6 (*CO* 24:661): “The Roman laws accord with the rule prescribed by God, as if their authors had learnt from Moses what was decorous and agreeable to nature.”

³⁹ *Inst.* 2.2.13. Moroney (*The Noetic Effects of Sin: A Historical and Contemporary Exploration of How Sin Affects Our Thinking* [Lanham: Lexington, 2000], 14) notes that Calvin’s division between earthly and heavenly things is “insufficiently precise,” since activities like government and household management “are intimately connected to our service in God’s kingdom.”

⁴⁰ *Inst.* 2.2.18.

⁴¹ *Inst.* 2.2.22.

⁴² *Inst.* 2.2.19.

⁴³ *Inst.* 2.2.20. See also *Comm. 1 Cor.* 3:19.

in this than in higher things”⁴⁴ – i.e., the human mind is more acute with regard to point (c) than points (a) and (b).

To blunt the apparent contradiction, Calvin brings the discussion back to his favoured theme of inexcusability. “There is nothing more common than for a man to be sufficiently instructed in a right standard of conduct by natural law,” he says, but one must “consider ... for what purpose men have been endowed with this knowledge of the law,”⁴⁵ and that is that “men’s hearts have been imbued with the ability to distinguish just from unjust, *solely that they should not pretend ignorance as an excuse.*”⁴⁶ It is in this context that Calvin puts forward his definition of natural law quoted earlier, as an “apprehension of conscience ... which deprives men of the excuse of ignorance.”⁴⁷

Three other texts from the *Institutes* are worth mentioning briefly, one from each of the first three books.

First, in his discussion of the faculties of the human soul in Book I, Calvin says that the Christian must be careful to explain the effect of the Fall (*humani generis calamitas*) in such a way as to “vindicate God’s justice from every accusation.” If humans were able to “blame their depravity on nature,” Calvin argues, this would “bring reproach” upon God, the Creator of nature.⁴⁸

Therefore, the first of the powers of the soul Calvin mentions is the conscience and its natural ability to discern “between good and evil,” arguing that humans are distinguished from animals in part by their ability to “grasp things that are right, just, and honorable.” Calvin then returns to his favoured theme of defending the justice of divine action, arguing

⁴⁴ *Inst.* 2.2.22.

⁴⁵ *Ibid.*

⁴⁶ *Inst.* 2.2.24 [emphasis mine]. See also *Comm. Gen.* 4:20 where Calvin describes “civil government” as one of the “gifts of the Spirit” that has “descended to us from the heathen.” However, he says that the reason “God has thus liberally enriched them with excellent favours [is] that their impiety might have the less excuse.” [emphasis mine]

⁴⁷ *Inst.* 2.2.22.

⁴⁸ *Inst.* 1.15.1.

that the soul could not possibly be held “guilty before God unless it were liable for punishment.”⁴⁹

Second, in Book II of the *Institutes*, Calvin lays down the principle, which he appeals to elsewhere, that God’s word has a different effect on the elect and the reprobate. With regard to the elect, the word “arouses them to desire, to seek after, and to attain” the renewal of mind and heart that God himself works in the elect through his Spirit. With regard to the reprobate, the word simply confirms the already-existing “witness of conscience” given in nature, providing yet another testimony in order to “render them the more inexcusable (*magis reddantur inexcusabiles*).”⁵⁰

Lastly, in a passage inserted into Book III of the 1559 *Institutes* which responds to objections previously raised against his teaching on predestination, Calvin argues:

Let [men] not accuse God of injustice if they are destined by his eternal judgment to death ... How perverse is their disposition to protest is apparent from the fact that they deliberately suppress the cause of condemnation, which they are compelled to recognize in themselves, in order to free themselves by blaming God ... yet they do not promptly cleanse away the guilt that, engraved on their consciences, repeatedly meets their eyes.⁵¹

The same concern to vindicate God against accusations of injustice recurs. And the mode of vindication, again, is an appeal to natural moral knowledge “engraved on [the] conscience” in order to obstruct a plea of ignorance.

Supplementary Texts from the Biblical Commentaries on Sensus Naturae and Inexcusability

In his biblical commentaries, Calvin often explains important points of morality in terms of a “natural sense”⁵² (*sensus naturae* or *sensus naturalis*) that either prompts people toward

⁴⁹ *Inst.* 1.15.2.

⁵⁰ *Inst.* 2.5.5. See also *Harm. Evangel.* III, Luke 24:46: “With the reprobate, indeed, though the outward word passes away as if it were dead, still it renders them inexcusable.”

⁵¹ *Inst.* 3.23.3.

⁵² One reason this has gone unnoticed is because existing English translations of Calvin’s biblical commentaries often translate his references to the *sensus* with various different terms that obscure the

doing good or restrains them from doing evil. He sometimes also speaks of a “secret natural instinct” (*arcano instinctu naturae*) to designate the same phenomenon.

For example, murder is “contrary to the sense of nature (*naturae sensum*).”⁵³ Even more so when it involves near-relations such as children⁵⁴ or siblings:

[I]n profane history no such thing is found, as that nine brethren should conspire together for the destruction of an innocent youth, and, like wild beasts, should pounce upon him with bloody hands. Therefore a horrible, and even diabolical fury, took possession of the sons of Jacob, when, having cast aside the sense of nature (*naturae sensu*), they were thus prepared cruelly to rage against their own blood.⁵⁵

Just as the *sensus naturae* steers us away from harming others, so too it prompts us toward offering life-sustaining assistance to our fellow human beings when needed:

[Abraham] sees [the three travellers] wearied with their journey, and has no doubt that they are overcome by heat ... therefore he wishes both to comfort, and to relieve persons thus oppressed. And certainly, the sense of nature (*naturae sensus*) itself dictates, that the strangers are to be especially assisted ... therefore the right of hospitality has been held most sacred among all people.⁵⁶

Again, this is even more the case when those in need of assistance are our own kin:

[T]he sense of nature (*naturae sensus*) dictates that they who are united by ties of blood should endeavour to assist each other; but though the bond between relatives is closer, yet our kindness ought to extend more widely, so that it may diffuse itself through the whole human race.⁵⁷

meaning conveyed by the term. It is sometimes translated, for example, as “natural reason,” as at *Harm. Law*, II, Num 3:5 (CO, 24:444).

⁵³ *Comm. Gen.* 9:5 (CO, 23:146).

⁵⁴ *Praelect. Hos.* 13:2 (CO, 42:477): The sacrifice of their children to Moloch by Israelite parents “was utterly repugnant to the feeling of nature (*sensu naturae*).” See also *Comm. Pss.* 106:37 (CO, 32:131).

⁵⁵ *Comm. Gen.* 37:18 (CO, 23:485). See also *Comm. Gen.* 37:25, and *Comm. Isa.* 32:6 (CO, 36:546): “natural feeling (*naturae sensus*) prompts us to mercy and compassion (σμπάθειαν).”

⁵⁶ *Comm. Gen.* 18:2 (CO, 23:250). See also *Harm. Law*, IV, Num 20:14 (CO, 25:240).

⁵⁷ *Comm. Gen.* 29:13 (CO, 23:401). Calvin says that the Amalekites, in attacking the Israelites, “pushed aside the sense of nature (*abiecerint sensus naturae*),” since the Amalekites were descended from Isaac via Esau (Gen 36:12). See also *Harm. Law*, II, Deut 25:17 (CO, 24:554).

The *sensus naturae* warns us away from various kinds of sexual immorality.⁵⁸ The institution of monogamous⁵⁹ marriage proceeds from an “instinct of nature” (*naturae instinctu*),⁶⁰ and the *sensus naturae* prompts actions that strengthen bonds between family members.⁶¹ Calvin attributes the urge to reproduce to the *arcano naturae instinctu*.⁶²

The *sensus* helps to organise societies in an orderly hierarchy,⁶³ and dictates relations of justice between members of the community:

[A] great principle of equity is set before us in Laban; inasmuch as this sentiment (*sensus*) is inherent in almost all minds, that justice ought to be mutually cultivated, till blind cupidity draws them away in another direction. And God has engraven in man’s nature a law of equity; so that whoever declines from that rule, through an immoderate desire of private advantage, is left utterly without excuse.⁶⁴

Finally, it points us toward God and prompts us to worship and prayer:

All admit that we ought to worship God, and this sentiment (*sensus*), which is natural to us (*nobis a natura ingenitus*), is deeply rooted in our hearts (*in cordibus nostris radices*), so that no man dares absolutely to refuse to God the honour which is due to him; yet the minds of men lose themselves in going out of the way to seek God. Hence so many pretended deities, hence so many perverse modes of worship.⁶⁵

⁵⁸ *Praelect. Ezek.* 18:5-9: “we know [intercourse with a menstruating woman] to be prohibited under the law; as being contrary to nature; for it was not necessary to define the matter by written law, as it speaks for itself. and God detests such crimes ... because they are adverse to the instincts (*sensu*) of human nature.” *Harm. Law*, III, Lev 20:18 (CO, 24:659) again claims that intercourse with a menstruating woman is “abhorrent to the natural sense” (*naturae sensus abborret*). *Praelect. Amos* 2:7 (CO, 42:25-26): “The Prophet here charges the people of Israel with the unbridled lusts which prevailed then among them; which were promiscuous and even incestuous. It is, we know, a detestable monstrosity when a father and a son have connection with the same woman; for the common feeling (*naturae sensus*) of mankind abhors such flagitiousness ... Whenever this happens, it certainly proves that there is no fear of God, and that even the common feeling of nature (*sensum naturae*) is extinct.” *Harm. Law*, II, Lev 21:13 (CO, 24:455): “When God forbade the high priest to marry any but a virgin, he did not wish to violate this rule, which is dictated by nature and reason (*a natura et sensu dictatur*).”

⁵⁹ *Comm. Gen.* 31:50 (CO, 23:433).

⁶⁰ *Comm. Gen.* 38:8 (CO, 23:495).

⁶¹ *Harm. Law*, III, Deut 5:16 (CO, 24:603).

⁶² *Comm. Pss.* 127:3 (CO, 32:324).

⁶³ *Harm. Law*, II, Num 3:5 (CO, 24:444): “the political distinction of ranks is not to be repudiated, for natural reason itself dictates this (*sensus ipse naturae dictat*).”

⁶⁴ *Comm. Gen.* 29:14 (CO, 23:401). See also *Praelect. Hab.* 2:6 (CO, 43:541) and *Comm. Gen.* 47:20.

⁶⁵ *Comm. John* 5:23 (CO, 47:115). See also *Comm. John* 19:8-9 (CO, 47:409): “Pilate is a proof that men have naturally a sentiment (*sensum*) of religion.”

The *sensus naturae* prompts us to observe certain ritual activities during prayer, such as the raising up of the hands and eyes toward heaven,⁶⁶ and to observe certain forms of piety such as the performance of burial rites for the dead:

How religiously this has been observed in all ages, and among all people, is well known. Ceremonies have indeed been different, and men have endeavored to outdo each other in various superstitions; meanwhile, to bury the dead has been common to all. And this practice has not arisen either from foolish curiosity, or from the desire of fruitless consolation, or from superstition, but from the natural sense (*naturae sensu*) with which God has imbued the minds of men; a sense he has never suffered to perish.⁶⁷

The most important aspect of Calvin's thought on the *sensus naturae* from our perspective at this point, however, is the way he connects it to his favoured theme of inexcusability. Commenting on the passage in Genesis where Joseph's brothers sell him into slavery, Calvin describes the remorse that his brothers felt after initially resolving to kill Joseph:

[Judah] ingenuously confesses [to the other sons of Jacob] that they would be guilty of homicide, if they suffered him to perish in the pit ... By this time their fury was in some degree abated, so that they listened to more humane counsel; for though it was outrageous perfidy to sell their brother to strangers; yet it was something to send him away alive, that, at least, he might be nourished as a slave. We see, therefore, that the diabolical flame of madness, with which they had all burned, was abating, when they acknowledged that they could profit nothing by hiding their crime from the eyes of men; because homicide must of necessity come into view before God. For at first, they absolved themselves from guilt, as if no Judge sat in heaven. But now the sense of nature (*naturae sensus*), which the cruelty of hatred had before benumbed, begins to exert its power. And certainly, even in the reprobate, who seem entirely to have cast off humanity, time shows that some residue of it remains. When wicked and violent affections rage, their tumultuous fervor hinders nature from acting its part. But no minds are so stupid, that a consideration of their own wickedness will not sometimes fill them with remorse: for, in order that men may come inexcusable to the judgment-seat of God (*ut inexcusabiles ad Dei iudicium*), it is necessary that they should first be condemned by themselves.⁶⁸

The function of the *sensus naturae* is to make sure that "men may come inexcusable to the judgment-seat of God," self-condemned.

⁶⁶ *Comm. 1 Tim. 2:8* (CO, 52:274): "this attitude has been generally used in worship during all ages; for it is a feeling (*sensus*) which nature has implanted (*ingenitus*) in us, when we ask God, to look upwards."

⁶⁷ *Comm. Gen. 23:3* (CO, 23:323). See also *Comm. Gen. 35:17* (CO 23:473).

⁶⁸ *Comm. Gen. 37:25* (CO, 23:488).

The “natural sense” often plays the same function elsewhere in the *Commentary on Genesis*. For instance, speaking of the custom of prostitutes in the ancient world to veil their faces in order to conceal their identity, Calvin says:

[T]he Lord has caused this sense of shame to remain engraved on the hearts of those who live wickedly, that they may be witnesses to themselves of their own vileness ... while they flee from the light, they are affected with horror against their will, that their conscience may anticipate the judgment of God. By degrees, indeed, the greater part have so far exceeded all measure in stupor and impudence, that they are less careful to hide their faults; yet God has never suffered the sense of nature (*naturae sensum*) to be so entirely extinguished, by the brutal intemperance of those who desire to sin with impunity, but that their own obscenity shall compel even the most wicked to be ashamed ... the veil of Tamer shows that fornication was not only a base and filthy thing in the sight of God and the angels; but that it has always been condemned, even by those who have practiced it.⁶⁹

Calvin makes a similar observation about the function fulfilled by the *sensus naturae* in his *Harmony of the Law*. The passage being commented on is Exodus 14:10-12:

As Pharaoh drew near, the Israelites looked back, and there were the Egyptians advancing on them. In great fear the Israelites cried out to the Lord. They said to Moses, “Was it because there were no graves in Egypt that you have taken us away to die in the wilderness? What have you done to us, bringing us out of Egypt? Is this not the very thing we told you in Egypt, ‘Let us alone and let us serve the Egyptians’? For it would have been better for us to serve the Egyptians than to die in the wilderness.”

Calvin observes that “there is an appearance of two contrary facts being here reported.” The Israelites cried to God for help, but they also “mutinied against his minister” and “abandoned ... the recollection of God’s mercies” by longing to return to Egypt:

[W]e may easily gather that this cry neither arose from faith nor from serious and well-ordered affections, but that it was extorted by a confused impulse; since the natural sense impels all men (*naturae sensus ... impellit*), in their adversity, promiscuously to offer their prayers to God, although they neither embrace His mercy nor rely on His power ... because God, by the leadings of nature and by secret instinct (*natura duce et arcano instinctu*), draws them to Him in their danger, in order that the most careless and most profane may be rendered more inexcusable (*magis reddantur inexcusabiles*).⁷⁰

⁶⁹ *Comm. Gen.* 38:14 (*CO*, 23:497).

⁷⁰ *Harm. Law*, I, Exod. 14:10 (*CO*, 24:150).

Again, the purpose of the “natural sense” is to make people “inexcusable.”

Calvin makes a similar point about the function of the “natural sense” that leads people to pray in a crisis in a comment on a passage from the Book of Lamentations:

[T]he Prophet means that it was a common cry, often uttered even by the reprobate; for nature in a manner teaches this (*natura ... dictat*), that we ought to flee to God when oppressed by evils ... such a cry does not flow from a right feeling or from the true fear of God, but from the ... impulse of nature (*naturae sensu*): and thus God has from the beginning rendered all mortals inexcusable (*inexcusabiles*) ... for it is indigenous (*ingenitum*), as it were, in our nature.⁷¹

⁷¹ *Praelect. Lam. 2:18* (CO, 39:556-557). See also *Praelect. Ezek. 8:18* and *Praelect. Lam. 2:19*: “God has planted in men this feeling, even to raise upwards their hands, in order that they may go ... beyond the whole world, and that having thus divested themselves of all vain superstition, they may ascend above the heavens. This custom, I allow, is indeed common among the unbelieving; and thus *all excuse has been taken away from them*.” [emphasis mine] In *Inst. 1.4.2* Calvin applies this analysis to the “fools” of the Psalms. He says they “deliberately befuddle themselves” by “extinguishing (*suffocata*) the light of nature” and “furiously repel[ling] all remembrance of God although this is freely suggested to them inwardly from the feeling of nature (*naturae sensu intus suggeritur*).” For other examples, see *Comm. Gen. 29:14* (CO, 23:401): “this sentiment (*sensus*) is inherent in almost all minds, that justice ought to be mutually cultivated ... God has engraven in man’s nature a law of equity; so that whoever declines from that rule, through an immoderate desire of private advantage, is left *utterly without excuse*.” [emphasis mine]; *Comm. Gen. 35:17* (CO, 23:473): “the Lord ... designed that a testimony should exist among unbelievers, by which they might be rendered inexcusable (*inexcusabiles*). For since, independently of instruction, this sentiment (*affectus*) was innate (*ingenitus*) in all men, that to bury the dead was one of the offices of piety, nature has clearly dictated to them that the human body is formed for immortality.”

CHAPTER 2. NATURAL LAW AND SALVATION HISTORY IN AQUINAS

2.1. INTRODUCTION

Calvin's locates his discussion of the natural law firmly within the context of his first use of the law. The natural law is a concept he appeals to in order to defend the justice of God's condemnation of sinful humanity apart from faith in the gospel. This emphasis seems sharply at odds with the portrait of Aquinas commonly painted. It is certainly at odds with prominent strains of contemporary natural law discourse in the Thomistic tradition, which strike a somewhat more optimistic pose, to put it mildly.

For instance, in 2009 the Vatican's International Theological Commission (ITC) released a study document on natural law entitled, *In Search of a Universal Ethic*. References to Christian Scripture and the writings of Aquinas and other theological heavyweights such as Augustine and Bonaventure nestle alongside citations of Plato, Aristotle, Cicero, the Talmud, Confucius, the Qu'ran, and Hindu sacred texts such as the Laws of Manu.¹ The document claims that although "Christ reveals the fullness of what is human" by his incarnation, Christian revelation "brings together and confirms elements already present in the rational thought of the wisdom traditions of humanity."² Natural law, the ITC argues, is fundamentally a "philosophical" concept rather than a theological one, and therefore discussions about ethical matters which use natural law as a framework for dialogue are discussions in which "the religious convictions of each" dialogue partner can be respected while at the same time providing common ground in an appeal "to what is universally human in every human being."³

¹ ITC, *In Search of a Universal Ethic: A New Look at the Natural Law* (London: CTS, 2012), #13, 15, 19, 20, 21, n.12, and n.21.

² *Ibid.* 113.

³ *Ibid.* 114.

Michael Cromartie, a conservative evangelical, strikes a similarly optimistic note. “Natural law provides ethical and moral standards that all persons can grasp without the aid of special divine revelation,” he argues. He attributes the recent renewal of interest in natural law to the fact that public debates in the West are “often hampered by the lack of a moral vocabulary acceptable to both religious and secular interlocutors.” Cromartie suggests that the “Christian natural law tradition” provides a pan-creedal “common moral grammar” that could potentially unite Catholics, Protestants, and secular humanists.⁴

Some natural lawyers in the Thomist tradition make even bolder claims. Consider one version of the so-called “new natural law” theory, as characterised by Wolterstorff:

John Finnis and Joseph Boyle, who see themselves as representing the Aristotelian-Thomistic version of the tradition, offer *natural law theory as a mode of ethical inquiry which is independent both of all comprehensive religious and philosophical perspectives, and of all concrete moral communities. In particular, they present it as independent of theology.* It is from human nature as such that they propose to derive ethical principles; and it is their claim that these principles are not only knowable, but in good measure actually known, by every rational adult human being whatsoever.⁵

It is hardly surprising, then, that some Reformed scholars, having noted Calvin’s emphasis on natural law as an inculpatory mechanism, have claimed that this emphasis sets Calvin apart from Aquinas. Daniel Westberg argues that “in comparison to both medieval and later versions” of natural law, Calvin’s doctrine “is guarded and restrained and thus tends toward minimalism ... Calvin’s fundamental concern, in line with Romans 2, is the justice of God’s judgment.”⁶

Verhey notes the contrast between Calvin’s stern moral theology, and the prevailing view of Aquinas’s ethics:

For both Thomas and Calvin the law leads to grace, but it does so in significantly

⁴ Cromartie “Introduction,” *A Preserving Grace*, vii-ix. See also Cromartie, “Common Grace, Natural Law, and the Public Arena,” Dionne, Elshstain, and Drogosz (eds.), *One Electorate under God?: A Dialogue on Religion and American Politics* (Washington: Brookings Institution, 2004), 75-77.

⁵ Wolterstorff, “Foreword,” Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics* (Grand Rapids: Eerdmans, 1999), 11 [emphasis mine].

⁶ Westberg, “Natural Law,” 105.

different ways. In Thomas the law leads to the good life, happiness, which has its own authenticity and integrity ... In Calvin the law leads to a confrontation with the righteousness of God. Although there is a political use, it is particularly the condemning function of the law which crashes men to their knees in repentance and trust in God.⁷

If this reading of Aquinas's natural law theory – a view that sees Thomistic natural law as a way of thinking about moral questions that functions primarily to assist people in living “the good life” – is correct, then such a view certainly differs sharply from the view of natural law that emerges from the analysis I have just offered of Calvin: a view in which natural law is seen as a theological mechanism for vindicating God's justice and inculcating sinful humanity. But is this interpretation of Aquinas accurate? I want to argue that it is not, and that there are a number of texts from Aquinas's writings which suggest a different view, which might be closer to Calvin's.

2.2. NATURAL LAW IN AQUINAS'S COMMENTARY ON ROMANS

Prime examples of such texts can be found in Aquinas's commentaries on St Paul's letters. In his Galatians commentary Aquinas argues that “that the law is not only not opposed to grace but serves it”⁸:

[I]n general the law serves the promises of God in two ways. First, because it exposes sin: *for by the law is the knowledge of sin* (Rom 3:20). Second, because it reveals human infirmity, in the sense that man cannot avoid sin without grace which was not given by the law. And just as these two things, namely, the knowledge of a disease and the infirmity of a patient are a great inducement to seek medical treatment, so the knowledge of sin and of one's impotency lead us to seek Christ. Thus, therefore, is the law the servant of grace, inasmuch as it affords a knowledge of sin and actual experience of one's impotency.⁹

Like Calvin, Aquinas also sees a fundamental connection between the natural law and the Law of Moses. He argues that the entire Mosaic Law is reducible to the precepts of the

⁷ Verhey, “Aquinas and Calvin,” 82.

⁸ *In Gal.* C3, L8, 173.

⁹ *In Gal.* C3, L8, 174.

Decalogue,¹⁰ and that the precepts of the Decalogue are part of the natural law.¹¹ The point being that any theological remarks Aquinas makes about the function of “law” in general, and about the Law of Moses, should be taken to have the same significance for his teaching on natural law as I have argued that Calvin’s first use of the law should have in relation to the Reformer’s teaching on the same subject. If Aquinas says that law “affords a knowledge of sin and actual experience of one’s impotency,” this applies to the natural law, too.

Paul makes several statements in the opening chapters of Romans which have traditionally been taken as proof texts for the existence of natural law and natural knowledge of God:

(1) that gentile idolatry is the result of a decision to “suppress” (κατεχόντων – better translated as “to hold down”) truths plainly set forth in the created order (Rom 1:18-19).

(2) that “since the creation of the world [God’s] eternal power and divine nature ... have been understood and seen through the things he has made” (Rom 1:20).

(3) that “when Gentiles, who do not possess the law, do instinctively what the law requires ... they show that what the law requires is written on their hearts” (Rom 2:14-15).

In the *Summa*, Aquinas appeals to these texts in his discussions of law in general and natural law in particular.¹² But the way in which he expounds these classic natural law proof texts in his commentaries helps to illuminate what he means by them when he uses them in the *Summa*.

2.2.A. Blindfolds and Bungee Jumping: Ignorance and Guilt in Aquinas

At the outset of his Romans commentary Aquinas claims that the purpose of the entire first part of Romans (from 1:1 to 12:1) is to show “the power of the Gospel grace.”¹³ Immediately,

¹⁰ *ST*, 1a2ae, 100, 3.

¹¹ *ST*, 1a2ae, 100, 1.

¹² *ST*, 1a2ae, 90, 3, ad. 1; 91, 2, sc; 93, 2, ad. 1; 95, 6, ad. 1; 96, 5, ad. 1; 100, 1, sc.

¹³ *In Rom.* C1, L6, 97.

then, Aquinas's discussion of natural law in chapters 1 and 2 of Romans is situated within the context of a narrative which, as a whole, has to do with redemption rather than with creation. It is an emphasis that will be echoed centuries later by Calvin, when he asserts that the purpose of the early chapters of Romans is to show that "we are justified by faith through the mercy of God alone."

In his consideration of Rom 1:20, Aquinas begins by raising the same concern we saw Calvin raise in the passage from Book II of the *Institutes* where he gives a definition of natural law.¹⁴

"[S]omeone," Aquinas notes, "might believe that they would be excused from the sin of ungodliness on account of ignorance." Therefore, the first thing Paul must do is establish that humanity is "without excuse,"¹⁵ and to show that the guilt of the gentiles "did not proceed from ignorance."¹⁶ Paul does this, Aquinas argues, by establishing that humanity already "possessed knowledge of God," and is therefore culpable for ungodliness.¹⁷

[I]t should be noted that ignorance excuses from guilt, when it precedes and causes guilt in such a way that the ignorance itself is not the result of guilt; for example, when a person, after exercising due caution, thinks he is striking a foe, when he is really striking his father. But if the ignorance is caused by guilt, it cannot excuse one from a fault that follows. Thus, if a person commits murder, because he is drunk, he is not excused from the guilt, because he sinned by intoxicating himself ... First, therefore, [Paul] states his intention, saying ... *that they may be without excuse* [Rom 1:20], i.e. they cannot be excused on the plea of ignorance ... That their basic guilt was not due to ignorance is shown by the fact that, although they possessed knowledge of God, they failed to use it unto good. For they knew God in two ways: first, as the supereminent being, to whom glory and honor were due. They are said to be without excuse, therefore, because that, when they knew God, they have not glorified him as God, either because they failed to pay him due worship or because they put a limit to his power and knowledge by denying certain aspects of his power and knowledge ... Second, they knew him as the cause of all good things. Hence, in all things he was deserving of thanks, which they did not render; rather, they attributed their blessings to their own talent and power ... in their case, ignorance was the result of their guilt.¹⁸

¹⁴ *Inst.* 2.2.22.

¹⁵ *In Rom.* C1, L7, 123.

¹⁶ *In Rom.* C1, L7, 126.

¹⁷ *In Rom.* C1, L7, 127.

¹⁸ *In Rom.* C1, L7, 123-127.

That the “knowledge of God” Aquinas is talking about here refers not only to knowledge of God’s existence, but also to knowledge of the human good, can be seen, as Eugene Rogers points out, from two things.¹⁹

Firstly, Rom 1:20 is used by Aquinas both in the *Prima Pars* as the proof text for the demonstrability of the existence of God,²⁰ and in the *Prima Secundae* as a proof text for the knowability of the eternal law (natural law, of course, being our participation in the eternal law).²¹ The “knowledge of God” Aquinas is talking about here necessarily involves knowledge of God as both Creator and Ruler, with everything that knowledge of God as Ruler implies in terms of morality.²²

Secondly, when Aquinas in his Romans commentary discusses Paul’s charge that the gentiles “suppress the truth” of God (Rom 1:18), he specifies a concern with “philosophers” who “said that punishments from sin are not from God ... because they believed that God’s providence was so occupied with the heavens that it did not extend to earthly affairs.”²³ To suppress the truth concerning God is not simply to suppress a theoretical proposition, it is to emulate the “fool” of the Psalms who denies God. And the “fool,” as Rogers notes, “is not primarily one who speculates, but one who supposes he or she can get away with some injustice because God is not watching – as if ‘there is no God’ to watch.”²⁴ Thus, “natural knowledge of God is at once the natural knowledge of the human end and the human good”.²⁵

God's existence does not exhaust what Aquinas had in mind under natural cognition of God. Human participation in God's will, or God's eternal law, by rational observation of human nature, also counts as natural cognition of God.²⁶

¹⁹ Rogers, “The Narrative of Natural Law in Aquinas’s Commentary on Romans 1,” *Theological Studies*, 59 (1998), 267, 273.

²⁰ *ST*, 1a, 2, 2, sc.

²¹ *ST*, 1a2ae, 93, 2, ad. 1 and 91, 2.

²² Rogers, “Narrative of Natural Law,” 276.

²³ *In Rom.* C1, L6, 110.

²⁴ Rogers, “Narrative of Natural Law,” 267.

²⁵ *Ibid.*, 257.

²⁶ *Ibid.*, 266.

For Calvin, too, “the knowledge of God” includes, by definition, a moral component: “[T]he knowledge of God, as I understand it, is that by which we not only conceive that there is a God but also grasp what *befits us* and is proper to his glory.”²⁷

Let us return then to Aquinas’s claim that the gentiles cannot plead ignorance to excuse themselves from guilt, bearing in mind that the ignorance Aquinas has in mind here encompasses *moral* ignorance, not just ignorance about the existence of God.

Aquinas says that gentile ignorance “was the result of their guilt.” But this can be read in more than way. Consider the following example: A was born blind. B became blind after a reckless bungee jump damaged his eyesight. C wakes up every morning and puts on a blindfold, which she proceeds to wear all day. Unlike A, both B and C can be said to cause their own blindness, but clearly these are different kinds of causality.

To say that by means of X (reckless activity/guilt), Z (the agent) causes Y (blindness/ignorance) can mean that X is a single act performed by Z that gives rise to Y as a permanent condition, after which Z no longer has any choice between a state of affairs in which Y pertains and a state of affairs in which not-Y pertains. Or it can mean that Z always has a choice, but consistently chooses Y, and therefore also consistently chooses the means (X) that bring Y about.

To say that ignorance about morality results from sin, then, can mean that human nature, considered *in abstracto*, has the potential to know God’s will for our lives, but that this potential has been erased by original sin, and that *in concreto* humanity no longer has the power to choose a state of affairs which does not involve such ignorance.²⁸

²⁷ *Inst.* 1.2.1. See also *Comm. Rom.* 1:19, and *Comm. Isa.* 14:14: “As there is a seed of religion implanted in us by nature, so we are constrained, even against our will, to entertain the belief of some superior being who excels all things; and no man is so mad as to wish to cast down God from his throne; for we are instructed by nature that we ought to worship and adore God.” Calvin moves seamlessly between the affirmation that nature constrains us to believe that there is a God and the affirmation that nature instructs us that we ought to worship God. Both “is” and “ought” are part of the “seed of religion implanted in us by nature.”

²⁸ Humanity would in this case be guilty for its ignorance in the sense that Aquinas thinks humans descended from Adam are guilty of Adam’s sin (*ST*, 1a2ae, 81, 1, co. and ad. 1; 82, 4). But it is not clear exactly what Aquinas means by “guilt” in this case. It is a different sense of guilt to that employed by Aquinas when he says that we are guilty of our personal sins. The distinction is implied in Aquinas’s

On the other hand, it could mean that humanity, even in its postlapsarian state, has the capacity for actual knowledge of God, but continually chooses a state of ignorance over such knowledge.²⁹

The analogy Aquinas draws with the drunken murderer would seem to imply the former. Although the drunken murderer bears guilt for his crime, it is not the same sort of guilt attributed to a pre-meditated murder perpetrated by a sober assailant, precisely because, by premeditation, the second kind of murderer “knows” his crime in a way that the drunken killer does not. The drunken murderer, like the reckless bungee jumper, is responsible for choosing the cause that produces the effect, and therefore bears a certain kind of responsibility for that effect. But the effect itself is not directly willed.

Aquinas’s explanation of the “knowledge of God” possessed by the gentiles also reads more like an explanation of what can in theory be known from nature about God, rather than a statement of what was actually known. Aquinas says that “man is capable of knowing God” from creation through various means,³⁰ and that God has “manifested” himself to humanity internally, “by endowing [humanity] with an inner light,” and by “proposing external signs of his wisdom.”³¹ But being capable of knowing something is not the same thing as actually knowing it.

argument, since he describes the guilt of original sin by way of analogy (implying dissimilarity as well as similarity) with personal sin (*ST*, 1a2ae, 81, 1). Aquinas also (*ST*, 1a2ae, 81, 2) distinguishes between the guilt of Adam’s “original” sin, which was transmitted to posterity, and the guilt of the subsequent personal sins of Adam, which were not.

²⁹ The distinction between these two kinds of causality became a staple of early modern Catholic moral theology. Manualists distinguished between the *voluntarium in se* and the *voluntarium in causa*. The *voluntarium in se* is “that which, in and of itself, is immediately and directly intended by the will.” Whereas the *voluntarium in causa* is “that which, although not intended in and of itself, is willed insofar as the cause that brings it about is willed, and the final state of affairs either is foreseen, or ought to have been foreseen, as an effect proceeding from the cause that the will actually does intend.” (Palazzini, “De Actibus Voluntariis et Involuntariis,” Palazzini and De Jorio (eds.), *Casus Conscientiae: Propositi ac Resoluti a Pluribus Theologis ac Canonistis Urbis* [Torino: Marietti, 1958], 9. My translation: “Voluntarium in se est quod in se ipso immediate et directe a voluntate intenditur. Voluntarium in causa est quod voluntas non quidem in se intendit, vult tamen causam, unde praevidet aut praevidere potest eum effectum secuturum.”) Lortie gives the example of a man who misses Mass on Sunday, not because he does not want to worship God, but because he wants to go hunting instead. The man’s failure to fulfil his Mass obligation is *voluntarium in causa*, but not *voluntarium in se*. (*Elementa Philosophiae Christianae, Vol. 3: Ad Mentem S. Thomae Aquinatis Exposita; Ethica Seu Philosophia Moralis* [Quebec: 1921], 80).

³⁰ *In Rom.* C1, L6, 115.

³¹ *In Rom.* C1, L6, 114-116.

Aquinas, however, gives several clues in his Romans commentary that the kind of ignorance he is talking about is directly intended. For instance, he compares the gentiles to a person who deliberately turns away from the sun:

[Paul] mentions the ignorance which followed, when he says *was darkened*, i.e. by the fact that *their foolish heart* was darkened, i.e. deprived of the light of wisdom, through which man truly knows God. For just as a person who turns his bodily eyes from the sun is put in darkness, so one who turns from God, presuming on himself and not on God, is put in spiritual darkness.³²

More like the blindfolded than the bungee jumper. Aquinas also describes the knowledge of God as a sort of hostage to gentile sin:

[Paul] sets out the knowledge [the gentiles] had of [God], when he says: *of those men who detain the truth of God*, i.e., true knowledge of God, *in injustice*. For true knowledge of God, by its very nature, leads men to good, but it is bound, as though held captive, by a love of wickedness.³³

To suppress a thing involves a continuing choice. It is different from throwing something away and losing the ability to recover it (as I have already pointed out, *κατεχόντων* suggests a continuing act of holding down something, rather than a one-time suppression in the past). The language of binding and holding captive the knowledge of God suggests that ignorance of God is willed directly as an effect, and not simply willed indirectly as a by-product of an antecedent cause.

Most tellingly, Aquinas immediately adds to this the observation that “the wise men among the gentiles knew the truth about God,”³⁴ and refers slightly later to the knowledge of God among “the philosophers.”³⁵ This observation would make little sense if Aquinas were referring to a generic moral blindness resulting from original sin, since original sin implicates all of humanity, including the wise.

³² *In Rom.* C1, L7, 130.

³³ *In Rom.* C1, L6, 112.

³⁴ *In Rom.* C1, L6, 113.

³⁵ *In Rom.* C1, L6, 117 and 122.

2.2.B. Natural Law and Revelation

Rom 2:14-15 is often read as a straightforward claim by Paul that gentiles are capable of knowing and following basic moral precepts despite lacking the benefit of scriptural revelation. “Many interpreters,” notes biblical scholar Brendan Byrne, “have seen the total statement as an endorsement on Paul’s part of the idea of a ‘law of nature’ from which the principles of morality may be derived independently of positive revelation.”³⁶

Such an interpretation situates Paul within the Hellenistic Jewish intellectual tradition of the first century:

Hellenistic Judaism, most notably in the person of Philo of Alexandria, brought together the Stoic sense of “nature” and the Jewish understanding of God as Creator and Law-giver. Philo and others sought to overcome the particularity and contingency of the law of Moses by identifying it with the law of nature whereby the universe was created and sustained. Philo could also explain on this basis how key figures of Israelite history who lived before the promulgation of the Mosaic law could nonetheless keep its requirements: Abraham fulfilled the laws and commandments of God “not taught by written words,” but through “unwritten nature” ... By saying that the Gentiles, though not having the law (of Moses), nonetheless perform the requirements of the law *physei* [“by nature”], Paul is asserting for them the possibility Philo envisaged for Abraham.³⁷

This is an interpretation with which Aquinas was uncomfortable, whatever its theological and textual merits.

Aquinas does sometimes give the impression that he views Rom 2:14-15 as endorsing the idea of natural law as a vehicle for obtaining reliable moral knowledge independently of revelation. In the *Summa*, for instance, he uses Rom 2:14-15 as a proof text both for the existence of natural law,³⁸ and for the identity of natural law with the moral precepts of the Law of Moses.³⁹ Read in isolation from his biblical commentaries, in which he explains his understanding of the biblical texts he deploys as *auctoritates* in the *Summa*, one might get the

³⁶ Byrne, *Romans* (Collegeville: Liturgical Press, 1996), 92.

³⁷ *Ibid.*

³⁸ *ST*, 1a2ae, 91, 2, sc.

³⁹ *ST*, 1a2ae, 100, 1, sc

impression that Aquinas has a view similar to that of Byrne and many contemporary commentators. But in Aquinas's Romans commentary, he flags the following dilemma:

[Paul] commends [the gentiles'] observance of law, when he says *they do by nature those things that are of the law*, i.e., the moral precepts, which flow from a dictate of natural reason ... But the expression *by nature* causes some difficulty ... For it seems to favour the Pelagians, who taught that man could observe all the precepts of the law by his own natural powers.⁴⁰

Aquinas's problem is not primarily with the idea that the gentiles may have knowledge of "a 'law of nature' from which the principles of morality may be derived independently of positive revelation." It is with the claim that they can "perform the requirements of the law" by nature.⁴¹ It is this claim Aquinas sees as redolent of Pelagianism.

Aquinas therefore offers two interpretations, from which he lets his readers choose. The second interpretation is the view that seems to be indicated by a plain reading of the text, the view of most modern commentators, that "*by nature*" means "by the natural law showing them what should be done." After all, Aquinas notes, appealing to Ps 4:6,⁴² "the light of reason" in humanity is part of "God's image."⁴³

The first interpretation, however, which Aquinas clearly favours (likely following Augustine⁴⁴), is that "*by nature* should mean nature reformed by grace. For [Paul] is speaking of gentiles converted to the faith, who began to obey the moral precepts of the law by the help

⁴⁰ *In Rom.* C2, L3, 216 [emphases in original].

⁴¹ Byrne, *Romans*, 92 [emphasis mine].

⁴² "There are many who say, 'O that we might see some good!' / Let the light of your face shine on us, O LORD!"

⁴³ *In Rom.* C2, L3, 216.

⁴⁴ *Contra Julianum Pelagianum*, 3:24-25: "The reason they are said to do by nature the works of the Law without the Law is that they came to the Gospel from the Gentiles, not from the circumcision, to which the Law was given; they came by nature, because that they might believe, their very nature was corrected through the grace of God." Because Augustine's teaching is so different from that of so many other Church Fathers (see Harakas, *The Natural Law Teaching in the Ante-Nicene Fathers and in Modern Greek Orthodox Theology*, PhD Thesis. Boston University, 1965, 219-220), it is reasonable to assume that Aquinas was following Augustine on this point. Aquinas deploys another of Augustine's anti-Pelagian tracts, *De Spiritu et Littera*, when, in the Treatise on Grace (*ST*, 1a2ae, 109, 4, obj. 1 and ad. 1), he responds to an objector's use of Rom 2:14 to argue that "man without grace, and by his own natural powers, can fulfil the commandments of the Law." Calvin, too, was enamoured of the anti-Pelagian writings of Augustine (see Lane, *Calvin: Student of the Church Fathers*, 175).

of Christ's grace."⁴⁵ Whereas Calvin describes the law "written on the heart" in terms of natural knowledge of basic moral precepts possessed by all humanity,⁴⁶ Aquinas sees it as referring to the spiritual illumination granted to Christian believers.⁴⁷ It is the believer, says Aquinas, following a particular train of thought within Scripture (Jer 31:33; 2 Cor 3:3; Heb 8:10), who really possesses the law "written on the heart."

Aquinas's claim that the law "written on the heart" in Rom 2:15 refers to a law specially revealed by God, not to a natural law revealed in a more general sense within the created order, may seem to contradict the reading of Aquinas I have just given, according to which Aquinas, like Calvin, attributes ignorance of moral precepts to deliberate suppression of a truth which is naturally available to all, and not just known to Christians via revelation.

Now, it is true that Aquinas equivocates on the question of how much of the natural law post-lapsarian humanity is still aware of. This equivocation will come into sharper focus the deeper we delve into the relevant texts. But at this point in our reading, the contradiction is apparent, not real, and easily resolved by bearing in mind that Aquinas uses natural "law" to refer both to knowledge of God's will, and to the tendency of the human will to act in accordance with God's will.⁴⁸ Consider, for instance, Aquinas's comments on natural law in an evening sermon preached in Naples during the Lent of 1273:⁴⁹

Three things are necessary to man for salvation: namely, knowledge of what ought to be believed, knowledge of what ought to be desired, and knowledge of what ought to be done. The first is taught in the Creed, whereby knowledge of the articles of faith is

⁴⁵ *In Rom.* C2, L3, 216.

⁴⁶ *Comm. Rom.* 2:15. Calvin's interpretation on this point is more in line with the broader patristic witness. See Harakas, *op. cit.*

⁴⁷ *In Rom.* C2, L3, 218.

⁴⁸ Aquinas makes this distinction clearer in two places. Firstly, in *ST*, 1a2ae, 106, 1, ad. 2, Aquinas responds to an objection which holds that since the natural law is "written in the heart," if the "law of the Gospel were instilled in our hearts, it would not be distinct from the law of nature." Aquinas responds by making a distinction between the law insofar as it "indicat[es] to [man] what he should do," and insofar as man is assisted "to accomplish it." In the first way, the "natural law is instilled into man" by "being part of his nature." In the second way, the "New Law" is "added on to his nature by a gift of grace." But what Aquinas calls the "New Law" here, in terms of its actual content, is simply the natural law. Secondly, in his *Commentary on Hebrews* (404) Aquinas interprets the writing of the law on the heart in Heb 8:10a to be a writing of charity on top of knowledge.

⁴⁹ Hittinger notes that these were Aquinas's "last recorded remarks on the subject of natural law." *The First Grace: Rediscovering the Natural Law in a Post-Christian World* (Wilmington: ISI, 2007), 10.

transmitted; the second is taught in the Lord's Prayer; and the third is taught in the law. When we turn our attention to the knowledge of what ought to be done, a four-fold law is discovered. The first is the law of nature; and this is nothing other than the light of understanding implanted in us by God, by which we know what ought to be done and what ought to be avoided. God gave this light and this law to man in creation. But many believe they will be excused on account of ignorance if they do not observe this law. Against such people the Prophet spoke in Psalm 4:6, saying: "many say, 'Who shows us good things?'," as if they are ignorant of what ought to be done. But the Prophet in 4:7 responds: "The light of thy countenance, O Lord, is signed upon us": namely, the light of understanding, by which we know what ought to be done. For no-one is ignorant of the fact that that which he does not want done to him, he ought not do to others, and such like things. God may have given man this law in creation, namely, the natural law, but the devil over-seeded another law in man, namely, the law of concupiscence. For the soul of the first man was subject to God, keeping the divine precepts, and his body was subject in all things to his soul and to reason. But when the devil, by means of persuasion, drew the man away from the observance of the divine precepts, in this way his flesh was disobedient to reason. And so it happens that although a man may desire the good in accordance with reason, he is inclined otherwise by concupiscence. And this is what the Apostle says in Rom 7:23: "I see another law in my members, fighting against the law of my mind." And thus it is that frequently the law of concupiscence perverts the law of nature and the order of reason. As the Apostle adds in the same place, "captivating me in the law of sin, that is in my members." Since the law of nature has been destroyed by the law of concupiscence, it was fitting that man be returned to the works of virtue and impeded from the works of vice: for which purpose it was necessary that there be a written law.⁵⁰

Aquinas says that the "law of nature has been destroyed" (*lex naturae ... destructa erat*) by concupiscence. It is clear from the broader argument, however, that in this context he means "law" as tendency toward right action, right than "law" as moral knowledge. Concupiscence

⁵⁰ *De Duobus Praeceptis Caritatis Reportatio (In Duo Praecepta Caritatis et in Decem Legis Praecepta Expositio)*. My translation: "Tria sunt homini necessaria ad salutem: scilicet scientia credendorum, scientia desiderandorum, et scientia operandorum. Primum docetur in symbolo, ubi traditur scientia de articulis fidei; secundum in oratione dominica; tertium autem in lege. Nunc autem de scientia operandorum intendimus: ad quam tractandam quadruplex lex invenitur. Prima dicitur lex naturae; et haec nihil aliud est nisi lumen intellectus insitum nobis a Deo, per quod cognoscimus quid agendum et quid vitandum. Hoc lumen et hanc legem dedit Deus homini in creatione. Sed multi credunt excusari per ignorantiam, si hanc legem non observant. Sed contra eos dicit propheta in Psal. IV, 6: *multi dicunt: quis ostendit nobis bona?* Quasi ignorent quid sit operandum. Sed ipse ibidem 7, respondet: *signatum est super nos lumen vultus tui, domine*: lumen scilicet intellectus, per quod nota sunt nobis agenda. Nullus enim ignorat quod illud quod nollet sibi fieri, non faciat alteri, et cetera talia. Sed licet Deus in creatione dederit homini hanc legem, scilicet naturae, Diabolus tamen in homine superseminavit aliam legem, scilicet concupiscentiae. Quousque enim in primo homine anima fuit subdita Deo, servando divina praecepta, etiam caro fuit subdita in omnibus animae vel rationi. Sed postquam Diabolus per suggestionem retraxit hominem ab observantia divinatorum praeceptorum, ita etiam caro fuit inobediens rationi. Et inde accidit quod licet homo velit bonum secundum rationem, tamen ex concupiscentia ad contrarium inclinatur. Et hoc est quod apostolus dicit Rom. VII, 23: *video autem aliam legem in membris meis, repugnantem legi mentis meae*. Et inde est quod frequenter lex concupiscentiae legem naturae et ordinem rationis corrumpit. Et ideo subdit apostolus, ibid.: *captivantem me in lege peccati, quae est in membris meis*. Quia ergo lex naturae per legem concupiscentiae destructa erat, oportebat quod homo reduceretur ad opera virtutis, et retraheretur a vitiis: ad quae necessaria erat lex Scripturae."

destroys natural law in the first sense by “over-seed[ing]” (*superseminavit*) the tendency of the will toward right action with a contrary tendency toward sin. This over-seeding does not, however, destroy natural-law-as-knowledge, which is why humanity can still “desire the good in accordance with reason,” and why humanity experiences the war between this law and the law of concupiscence, *per* Rom 7:23. It is precisely by the over-seeding of the natural law with the law of concupiscence that natural law is “held down,” through which knowledge of the natural law is suffocated and obscured, and this is one reason why post-lapsarian ignorance of the natural law involves guilt.

2.3. NATURAL LAW AND SALVATION HISTORY IN THE *SUMMA THEOLOGIAE*

Eugene Rogers – one of the few scholars of Aquinas to pick up on the natural law theme in the Romans commentary – argues that Aquinas the biblical commentator sees natural law “more as a character in a drama than as a guide to goodness”:⁵¹

Aquinas’s Commentary on Romans 1 follows Paul in telling a real if sketchy story into which Aquinas fitted natural law – a story of a natural knowledge and the culpable loss of its entire effectiveness through injustice and ingratitude, so that the Gentiles have no use of it any more ... Aquinas portrayed natural law as an injured and therefore ineffective part in a story of decline and fall.⁵²

For Rogers, the story of natural law in the *Commentary on Romans* is a “subplot in the larger narrative of the gospel of Christ.” Human injustice and ingratitude reduce the natural law from a position of strength, in which it is able to serve as a guide to the good life, to a position of weakness, in which it stands in need of grace if it is to be able to perform even its natural function. The purpose of natural law as a character in this story is to show, not by its success, but precisely by its failure, the power of grace. Natural law *qua* natural law “serves not to improve behavior but to increase guilt,” leaving humanity more obviously in need of grace.⁵³

⁵¹ Rogers, “Narrative of Natural Law,” 254.

⁵² *Ibid.*, 254-257.

⁵³ *Ibid.*, 257-261.

Does the natural law theory of the biblical commentaries, then, contradict the natural law theory of the *Summa Theologiae*? Rogers is ambiguous on this point. On the one hand he says that “the end [natural law] serves in the Commentary on Romans 1 bears special scrutiny because the *Summa* refers to Romans 1:20 as natural law's scriptural warrant,” and he points out that the *Summa* is presented by Aquinas “as a more systematic treatment of the topics that arise from Scripture.”⁵⁴

On the other hand, however, Rogers appears to concede that the presentation of natural law in the *Summa* is different to the presentation given in the commentaries:

The *Summa* ... portrays natural law more as a cause than as a character. Natural law is defined as a human rational participation in God's eternal law; God's knowledge, after all, is causative Natural law in the *Summa* becomes a subset of the ways or laws by which God as a provident or prudent ruler, governs creaturely subjects ... by moving them in ways that befit the creaturely nature God has given each species.⁵⁵

I think, however, that Rogers has perhaps conceded a little too much here. If we pay close attention to what Aquinas says about natural law in the *Summa* it is possible to see that natural law as a “character” plays a similar role there to the role envisaged for it in the biblical commentaries. In some ways, the *Summa* describes the “character” we meet in the commentaries in even clearer terms.

The question on natural law (94) within the *Prima Secundae* follows Aquinas's discussion of law in general (90-92), and the question on eternal law (93). The question on natural law is then followed by three questions dealing with human law (95-97), and eight very lengthy questions on the Old Law, the Law of Moses (98-105). Finally, there are three questions on the Law of the Gospel (qq. 106-108).

From the position of the question on natural law within the Treatise on Law as a whole, we can see for that for Aquinas natural law serves, quite literally, as a preliminary for

⁵⁴ *Ibid.*, 254-255.

⁵⁵ *Ibid.*, 258.

the discussion of other kinds of law: first human law, but more importantly, divine or biblical law. There are eight times as many questions on biblical law as on natural law, and some of these questions contain more than twice the number of words that Aquinas uses in his sole question on the natural law.

The question therefore arises: how does Aquinas's discussion of natural law set the scene for his discussion of other kinds of law? Clearly, there is a point that Aquinas wishes to make, and in order to make that point he must first discuss natural law. But what is that point, and how does Aquinas's discussion of natural law help to illustrate it? To answer this question, one must look not at the question on natural law itself, but at the re-appearances of the "character" of natural law in the later questions on other types of law.

The objections are the parts of Aquinas's texts that tend to get overlooked. The objections, after all, do not reflect Aquinas's opinions, and the *Summa* is an enormous text. Readers who wish to cut out, say, 20-30% of their reading material can be tempted to skip the objections. But the objections tell a story. Although they reflect what other people thought, not what Aquinas thought, his decision to include certain objections, in order to facilitate particular arguments in his responses, gives us important information about Aquinas's own opinions. At 91, 3, the first objection Aquinas raises is:

It would seem that there is not a human law. For the natural law is a participation of the eternal law ... Now through the eternal law "all things are most orderly," as Augustine states ... Therefore the natural law suffices for the ordering of all human affairs. Consequently there is no need for a human law.⁵⁶

If the objection holds that "natural law suffices for the ordering of all human affairs," and Aquinas's view is located opposite the objection, there must in Aquinas's view be something

⁵⁶ *ST*, 1a2ae, 91, 3, obj. 1.

inadequate about the natural law's ability to order human affairs. If there were no such inadequacy, there would be no need for human law.

In other words, our need for human law highlights natural law's inadequacy. Or, put another way, Aquinas brings natural law into the narrative in order to highlight the inadequacy of our unaided moral reason. The rhetorical function of natural law in the context of the argument is to highlight the deficiency, rather than the sufficiency, of our natural moral reasoning powers.

Responding to the objection, Aquinas says that, owing to the limitations of human reason, natural law only partakes of the eternal law "according to certain general principles but not as regards the particular determinations of individual cases."⁵⁷ We need human law because natural law is insufficiently specific. It gives rules of thumb, a sense of what is generally right and wrong in most cases. But natural law alone cannot tell us what is right or wrong in any given situation, which is precisely when it is most needed.

Nor is natural law specific enough to provide concrete rules of conduct for communities. Aquinas argues that "the law of nature has it that the evil-doer should be punished."⁵⁸ But no-one can be generically "punished." Criminals are subject to specific kinds of punishment – imprisonment, fines, community service, flogging, hanging, deportation to penal colonies, etc – for specific offenses. And the specification of the proportionate punishment for a particular crime in a particular social context is precisely what the natural law cannot do, as Aquinas notes:

The general principles of the natural law cannot be applied to all men in the same way on account of the great variety of human affairs: and hence arises the diversity of positive laws among various people.⁵⁹

⁵⁷ *ST*, 1a2ae, 91, 3, ad. 1.

⁵⁸ *ST*, 1a2ae, 95, 2.

⁵⁹ *ST*, 1a2ae, 95, 2, ad. 3.

Aquinas's discussion of the inadequacy of natural law vis-à-vis human law is mirrored in his discussion of the judicial precepts of the Old Law.⁶⁰ The first objection asks why judicial precepts were needed, since "the precepts of the life we have to lead are moral precepts" (which are part of natural law).⁶¹ The answer, again, is that the moral precepts of the Old Law are only general rules, and therefore must be proportioned – "determined," in Aquinas's terminology – to a particular context in order to function as reliable guides to actions that occur within that context.⁶²

Aquinas makes a similar argument in his discussion of the ceremonial precepts of the Old Law.⁶³ Although the natural law dictates that we are obliged to worship God, one cannot worship a generic God in a generic manner any more than one can punish people generically. Rather, communities worship a specific God or gods, in specific ways, with the use of specific prayers, ritual gestures, specific feasts and fasts at specific times of the year, and so on (all of which, in Israel's case, is provided for in the Law). The dictate of natural law that humanity must worship God cannot in fact be fulfilled simply by relying on the natural law itself. To fulfil the obligations indicated by natural law, humanity requires further instruction from another law.

Just as Aquinas begins his discussion of human law by asking why we need it if the natural law exists, his discussion of divine law begins in the same way. At 91, 4, Aquinas considers three objections. The first:

It would seem that there was no need for a Divine law. Because ... the natural law is a participation in us of the eternal law. But the eternal law is a Divine law ... Therefore there was no need for a Divine law in addition to the natural law.⁶⁴

⁶⁰ *ST*, 1a2ae, 99, 4.

⁶¹ *ST*, 1a2ae, 99, 4, obj. 1, and 1a2ae, 100, 1.

⁶² *ST*, 1a2ae, 99, 4, ad. 2.

⁶³ *ST*, 1a2ae, 99, 3, ad. 2.

⁶⁴ *ST*, 1a2ae, 91, 4, obj. 1.

Note the re-appearance of the assertion that if natural law is our participation in the eternal law (which it is), this rules out the need for other kinds of law. This occurs in the first objection to both of the first articles dealing with both human law and divine law, respectively. The second objection argues similarly:

It is written that “God left man in the hand of his own counsel” ... Therefore man was left to the direction of his reason ... Therefore there is no need for man to be governed also by a Divine law.⁶⁵

The third, again, argues along the same lines:

[H]uman nature is more self-sufficing than irrational creatures. But irrational creatures have no Divine law besides the natural inclination impressed on them. Much less, therefore, should the rational creature have a Divine law in addition to the natural law.⁶⁶

There are three separate objections, but they are versions of one question: if natural law is our participation in God’s eternal law (which is, of course, divine), why do we need another “divine” law?

To account for the fittingness of divinely revealed moral instruction, Aquinas must first establish the inadequacy of natural law. Or, put another way, the function of Aquinas’s discussion of natural law is to demonstrate the necessity for a revealed law by highlighting the insufficiency of our natural capacity for moral reasoning. The *Treatise on Law* is in fact a treatise on *biblical* law. It is this law that makes up the vast bulk of its contents. The discussion of natural law merely sets the stage by highlighting our moral inadequacy and consequent need for biblical law.

⁶⁵ *ST*, 1a2ae, 91, 4, obj. 2.

⁶⁶ *ST*, 1a2ae, 91, 4, obj. 3.

2.3.A. Two Ways Natural Law Fails

Aquinas talks about two ways in which natural law fails on account of the inadequacy of human reason. He talks about our moral reasoning capacity firstly as “insufficient,” and secondly as “impeded.”⁶⁷

In the first case – insufficiency – Aquinas indicates an inadequacy that results from simple human finitude. This is not a moral defect, nor is it caused by sin. Human reason simply was not created with the capacity to independently know everything that people need to know about morality. In particular, as beings created for the “end of eternal happiness,”⁶⁸ the ultimate and most important goal of human life is beyond the reach of anyone, however virtuous, acting without the help of grace. “By the natural law, the eternal law is participated proportionately to the capacity of human nature,”⁶⁹ Aquinas says. But man is “ordained to an end ... which is inproportionate to man’s natural faculty,” and is therefore in need of an “additional law given by God, whereby man shares more perfectly in the eternal law.”⁷⁰

Even in purely secular affairs, Aquinas thinks the natural human capacity for knowledge is limited and finite:

[O]n account of the uncertainty of human judgment, especially on contingent and particular matters, different people form different judgments on human acts: whence also different and contrary laws result. In order, therefore, that man may know without any doubt what he ought to do and what he ought to avoid, it was necessary for man to be directed in his proper acts by a law given by God.⁷¹

Finitude is not an absence of something that ought to be present. The “uncertainty of human judgment” about moral matters is not a defect. It is the natural limit of human rational ability. Even had there been no Fall, Aquinas’s account of law suggests that humans would have needed civil law in order to function harmoniously in community. Divine law would also

⁶⁷ *ST*, 1a2ae, 99, 2, ad. 2.

⁶⁸ *ST*, 1a2ae, 91, 4, co.

⁶⁹ *ST*, 1a2ae, 91, 4, ad. 1.

⁷⁰ *ST*, 1a2ae, 91, 4, co.

⁷¹ *Ibid.*

have been needed in a prelapsarian state for humanity to attain the end of communion with God that lies beyond its natural powers. Aquinas assumes that God created human nature with an intrinsic need for grace from an extrinsic (divine) source.

2.3.B. Aquinas on the Noetic Effects of Sin: Four Observations

The second kind of inadequacy Aquinas talks about results from sin, not finitude. Human reason is not only insufficient but is also “impeded.”

Aquinas asks why the Old Law was given at the time of Moses, rather than earlier (immediately after Adam sinned) or later (with the Davidic covenant). His response is revealing:

[I]t was fitting that the Law should be given at such a time as would be appropriate for the overcoming of man's pride. For man was proud of two things, viz. of knowledge and of power. *He was proud of his knowledge, as though his natural reason could suffice him for salvation:* and accordingly, in order that his pride might be overcome in this matter, *man was left to the guidance of his reason without the help of a written law: and man was able to learn from experience that his reason was deficient,* since about the time of Abraham man had fallen headlong into idolatry and the most shameful vices ... But, after man had been instructed by the Law, his pride was convinced of his weakness, through his being unable to fulfil what he knew.⁷²

Four things should be noted about this response.

Firstly, note that the argument in this text is the same argument in the text quoted above from the Galatians commentary, where Aquinas says that “law [is] the servant of grace, inasmuch as it affords a knowledge of sin and actual experience of one’s impotency.”

There are not two views of natural law – one from the biblical commentaries and another from the *Summa* – but one view, expounded in both the commentaries and the *Summa*. Both the commentaries and the texts in the *Summa* on the Old Law, however, are

⁷² *ST*, 1a2ae, 98, 6 [emphasis mine].

often overlooked by those who focus on q. 94 of the *Prima Secundae*, since this is the only text that Aquinas headlines as a treatment of “natural law.”

Secondly, note the similarity between the claims Aquinas makes here, and Calvin’s account of the first use of the law. Just as Aquinas says the natural law functions to disabuse man of pride in his own knowledge and power, so Calvin says in the *Institutes* that the law serves to cure man of the “disease ... of pride”:

If man is not clearly convinced of his own vanity, he is puffed up with insane confidence in his own mental powers ... So long as he is permitted to stand upon his own judgment, [man] passes off hypocrisy as righteousness ... But after he is compelled to weigh his life in the scales of the law ... he discovers that he is a long way from holiness.⁷³

The mode of the argument differs. Calvin argues that man is confronted with an extensive, innate knowledge of God’s law. By means of this knowledge, we compare our own achievements “with the difficulty of the law,” and are disabused of our illusions of moral prowess. Aquinas argues, on the other hand, that it is not through knowledge of the law that our pride is destroyed. It is through being left to grope in confusion *without* adequate knowledge of the law. But both thinkers are using natural law as means of highlighting human moral inadequacy, importing the concept of natural law into theology as a way of reinforcing Paul’s teaching that for humans to be left to rely on their own works is for them to labour under a curse (Gal 3:10).

Thirdly, the extent to which sin vitiates natural moral knowledge is seen by Aquinas as quite extensive.

Scholars who wish to emphasise this point generally appeal to 94, 6 of the *Prima Secundae*. Here, Aquinas argues that although the “most general precepts” of the natural law

⁷³ *Inst.* 2.7.6.

“can nowise be blotted out from men's hearts,” the “secondary and more detailed precepts, which are, as it were, conclusions following closely from first principles,” can be blotted out. Aquinas apparently thinks even basic moral principles such as the wrongness of “theft, and ... unnatural vices” belong to the secondary precepts, not the general precepts, and our grasp of such principles can therefore be obliterated by “by evil persuasions ... or by vicious customs and corrupt habits.”⁷⁴

In his discussion of the moral precepts of the Old Law, however, Aquinas gestures toward an even more severe assessment of the extent to which sin has ravaged human moral reasoning powers. He notes that “there was need for man to receive a precept about loving God and his neighbour, because in this respect the natural law had become obscured on account of sin.”⁷⁵

What is striking about this assertion is that, in a previous article within the same question, Aquinas responds to an objection which asks why, if the Decalogue is so crucial that all other moral precepts are implicitly contained in it, does the Decalogue not include the two commandments of the Old Law that Jesus identified as being the most important, namely Deuteronomy 6:5 (“you shall love the Lord your God”) and Leviticus 19:18 (“you shall love your neighbour as yourself”)? Aquinas responds by arguing that these two commandments are not included because they are in fact even more fundamental than the Decalogue itself:

Those two principles are the first general principles of the natural law, and are self-evident to human reason, either through nature or through faith. Wherefore all the precepts of the decalogue are referred to these, as conclusions to general principles.⁷⁶

What is the significance of this? Although Aquinas believes the general precepts of the natural law – those most basic principles which are in some sense “self-evident” – are incapable of being completely “blotted out from men’s hearts,” he nevertheless thinks it possible for

⁷⁴ *ST*, 1a2ae, 94, 6.

⁷⁵ *ST*, 1a2ae, 100, 5, ad. 1.

⁷⁶ *ST*, 1a2ae, 100, 3, ad. 1.

knowledge of them to be “obscured” by sin to such an extent that it is necessary for them to be specifically revealed in the written law.

Fourthly, and finally, Aquinas’s view of the effect of the Fall on human reason does not involve a sudden, existential change in human nature – a radical alteration in our rational ability at the time of the Fall itself. Instead, Aquinas speaks of a gradual, progressive corruption which takes the Fall as its point of departure.

Aquinas argues that natural law served as a more useful guide for humanity during “the state of the law of nature” at the time of the biblical patriarchs.⁷⁷ In his consideration of whether the Old Law was promulgated at a “suitable time,” he distinguishes this state of the law of nature from later eras of human history during which “natural law began to be obscured on account of the exuberance of sin,”⁷⁸ and reason’s grasp of the “dictate of natural law” became “darkened by habitual sinning.”⁷⁹

This distinction between different historical eras with respect to the natural law is invoked on several occasions by Aquinas in his discussion of the sacraments. In a question in the *Tertia Pars* that considers the suitability of using material objects in administering sacraments, Aquinas references the following objection:

[I]t is not fitting that the salvation of men be restricted by the Divine Law ... in the state of the Law of nature determinate things were not required in the sacraments, but were put to that use through a vow, as appears from Genesis 28, where Jacob vowed that he would offer to God tithes and peace-offerings.⁸⁰

⁷⁷ *ST*, 1a2ae, 102, 3, ad. 12. Note that Aquinas only ever refers to the “state of *the law of nature*” (*statu legis naturae*), and never to the Hobbesian “state of nature.” Budziszewski points out that “[t]he distinction between the state of the law of nature and subsequent ages ... is not that there were no institutions of human authority, but that God had not yet promulgated the Divine law.” He argues that Aquinas thinks “[t]he state of affairs *natural* for human beings is the one they require to live well, the one in which their natural potentialities can be fulfilled. But without a shared concern for the common good under the authority of law, a good life is impossible, so” – *contra* Hobbes – “our natural condition is not anarchy, but political society.” *Companion to the Commentary on Thomas Aquinas’s Treatise on Law* (Cambridge: CUP, 2014), 101.

⁷⁸ *ST*, 1a2ae, 98, 6.

⁷⁹ *ST*, 1a2ae, 98, 6, ad. 1.

⁸⁰ *ST*, 3a, 60, 5, obj. 3.

He responds:

[D]iverse sacraments suit different times ... just as under the state of the Law of nature man was moved by inward instinct and without any outward law, to worship God, so also the sensible things to be employed in the worship of God were determined by inward instinct. But later on it became necessary for a law to be given (to man) from without: both because the Law of nature had become obscured by man's sins; and in order to signify more expressly the grace of Christ.⁸¹

Aquinas thinks that “under the state of the Law of nature,” humanity did not need extensive instruction in the right way to worship God but could rely mainly on “inward instinct” to get things right. Later on, because of sin, a law regulating divine worship became necessary. It is clear from the fact that the objection refers to Jacob, the post-lapsarian patriarch, that the “the state of the Law of nature” Aquinas speaks of is not the state of pre-lapsarian innocence, but the current state of human nature subject to original sin, albeit at an earlier stage in its historical development.

In another text in the *Tertia Pars*, Aquinas considers an objection which argues that since human nature did not change between the Fall and the coming of Christ, it was not fitting for God to institute different sacramental dispensations corresponding to the old and new covenants:

[S]acraments should be suitable to the state of the human race ... But the state of the human race underwent no change after sin until it was repaired by Christ. Neither, therefore, should the sacraments have been changed, so that besides the sacraments of the natural law, others should be instituted in the law of Moses.⁸²

Aquinas responds:

The state of the human race after sin and before Christ can be considered from two points of view. First, from that of faith: and thus it was always one and the same: since men were made righteous, through faith in the future coming of Christ. Secondly, according as sin was more or less intense, and knowledge concerning Christ more or less explicit. For as time went on sin gained a greater hold on man, so much so that it clouded man's reason, the consequence being that the precepts of the natural law were

⁸¹ *ST*, 3a, 60, 5, ad. 3.

⁸² *ST*, 3a, 61, 3, obj. 2.

insufficient to make man live aright, and it became necessary to have a written code of fixed laws, and together with these certain sacraments of faith ... Consequently in the old Law there was also a need for certain fixed sacraments significative of man's faith in the future coming of Christ: which sacraments are compared to those that preceded the Law, as something determinate to that which is indeterminate: inasmuch as before the Law it was not laid down precisely of what sacraments men were to make use: whereas this was prescribed by the Law; and this was necessary both on account of the overclouding of the natural law, and for the clearer signification of faith.⁸³

Aquinas rejects the assertion that the human race underwent no significant change after the Fall. It is true that the primal sin caused Adam to fall from God's friendship, and that it was not until the coming of Christ that a route to human reconciliation with God was opened. But the varying intensity of human corruption across different eras in salvation history is theologically significant for Aquinas, as is brought out in another response he makes to an objection concerning the fittingness of circumcision, the "sacrament" of the Old Law which typologically corresponds to Christian baptism:

Immediately after the sin of our first parent, on account of the knowledge possessed by Adam, who was fully instructed about Divine things, both faith and natural reason flourished in man to such an extent, that there was no need for any signs of faith and salvation to be prescribed to him, but each one was wont to make protestation of his faith, by outward signs of his profession, according as he thought best. But about the time of Abraham faith was on the wane, many being given over to idolatry. Moreover, by the growth of carnal concupiscence natural reason was clouded even in regard to sins against nature. And therefore it was fitting that then, and not before, circumcision should be instituted, as a profession of faith and a remedy against carnal concupiscence.⁸⁴

The *Summa* may not have the same narrative structure as Aquinas's biblical commentaries, which necessarily follow the narrative structure of the biblical texts on which they comment. Nevertheless, when the various uses Aquinas makes of natural law in the context of his systematic treatment of topics in the *Summa* are taken as a whole, it becomes apparent that the "character" of natural law in the *Summa* is the same character we meet in the commentaries, playing the same role within the same story – a story of human degradation

⁸³ *ST*, 3a, 61, 3, ad. 2.

⁸⁴ *ST*, 3a, 70, 2, ad. 1.

and divine redemption, in which natural law features as “bound and captive,”⁸⁵ held down by human wickedness (Rom 1:18).

2.4. AQUINAS AND CALVIN ON NATURAL LAW AND THE CHRISTIAN STORY

Having begun by stepping back to look at the bigger, systematic picture, it is now apparent that despite the differences in the accounts Aquinas and Calvin give of the place of natural law within Christian theology, and despite their differing modes of expression, they are both, in the end, engaged in similar endeavours. In that connexion, I wish to highlight three important points from the foregoing analysis in Chapters 1 and 2.

Firstly, both Aquinas and Calvin use natural law, within the context of their respective theological systems, as a prop that enables them to highlight human moral inadequacy and to stress our inability to attain the goal of human life without divine assistance. Calvin’s account is best summed up in the definitional passage from the Institutes:

The purpose of natural law, therefore, is to render man inexcusable. This would not be a bad definition: natural law is that apprehension of the conscience which distinguishes sufficiently between just and unjust, and which deprives men of the excuse of ignorance, while it proves them guilty by their own testimony.⁸⁶

All the essentials of Calvin’s doctrine are here. First, the claim that the essential “purpose” (*finis*) of the natural law is to make humanity inexcusable (*ut reddatur homo inexcusabilis*). Second, the emphasis on conscience as the epistemological mechanism of the natural law – it is by means of the conscience that natural law is perceived.⁸⁷ Third, the claim that although post-lapsarian humanity lacks a complete knowledge of the natural law, it is sufficiently capable of distinguishing between right and wrong that we are deprived of the excuse of

⁸⁵ Rogers, “Narrative of Natural Law,” 260.

⁸⁶ *Inst.* 2.2.22.

⁸⁷ *Inst.* 1.15.2; 2.5.10; 3.23.3.

ignorance. Fourth, juridical rhetoric provides a framework within which the foregoing points are situated.

Aquinas on the other hand prefers to emphasise God's desire to rescue humanity by providing a means of grace that begins to make up for the deficiencies of the natural law. The natural law functions as a kind of *praeparatio evangelica*, to be sure, but it fulfils this role on account of its own inadequacy to lead humanity toward the good:

It was fitting that the Divine law should come to man's assistance not only in those things for which reason is insufficient, but also in those things in which human reason may happen to be impeded. Now human reason could not go astray in the abstract, as to the universal principles of the natural law; but through being habituated to sin, it became obscured in the point of things to be done in detail. But with regard to the other moral precepts, which are like conclusions drawn from the universal principles of the natural law, the reason of many men went astray, to the extent of judging to be lawful, things that are evil in themselves. Hence there was need for the authority of the Divine law to rescue man from both these defects.⁸⁸

Both Calvin and Aquinas tell the same story of humanity's moral helplessness and consequent need for divine intervention, and both make use of what Eugene Rogers calls the "character" of natural law in order to tell this story. Both also borrow the portrayal of that character from the Epistle to the Romans.

Secondly, in their discussions of natural law Calvin and Aquinas are concerned as much with divine action as they are with human behaviour. Again, their emphases differ. For Calvin the key word is justice, for Aquinas it is, perhaps, fittingness. Calvin wants to vindicate and defend the justice of God's damnatory decrees against would-be scoffers. Aquinas, on other hand, wants to prove that God does not act superfluously or arbitrarily, and to show how different modes of divine action are the most appropriate modes for different historical circumstances. But, again, both share the same apologetic concern with vindicating the reasonableness of divine action, and both use natural law to illustrate that point.

⁸⁸ *ST*, 1a2ae, 99, 2, ad. 2.

John McNeill argues that “natural law is, for Calvin of secondary interest in relation to his main doctrines” because “the realm of mundane affairs is ... subordinate to the realm of the supernatural.”⁸⁹ Such interpretations of Calvin overlook the important fact that for Calvin, as for Aquinas, appeals to natural law were a way of explaining the coherence of their ideas about supernatural affairs, not a foray into moral philosophy unrelated to their larger theological concerns. Natural law, considered in and of itself, may not be one of Calvin’s “main doctrines,” but it was a philosophical instrument that Calvin chose to use in order to explain those theological doctrines and render them fully intelligible.

Thirdly, the different ways in which Calvin and Aquinas situate natural law within the Christian story suggest that they have different views about the impact of sin on knowledge of the natural law.

The way that Aquinas tells the story, we need revelation to aid us in pursuing the good, and God intervened to provide that revelation at a point in history when natural moral knowledge had become inadequate to its original task (although, as I have already noted, Aquinas is equivocal on this point, since he also argues that our “ignorance” involves deliberate and continual suppression of the truth – something that merely revealing *knowledge* of the law does not remedy).

The way Calvin tells the story, however, does not imply the same kind of progressive degradation of knowledge throughout history. In fact, Calvin’s insistence that innate knowledge of the natural law alone is “sufficient” to render us inexcusable before God would seem to imply the opposite.

Calvin describes claims of ignorance in moral matters as a “pretense.”⁹⁰ His view of the effect of the Fall on our moral character is not that the Fall has robbed us of our ability to

⁸⁹ McNeill, “Natural Law,” 182.

⁹⁰ *Inst.* 1.3.1.

distinguish good from evil, but that it has turned us into hypocrites who choose to do evil despite knowing better.

If humanity cannot plead ignorance, then in Calvin's view humanity must remain substantially in possession of that body of natural moral knowledge of which Aquinas thinks humanity has become progressively more ignorant throughout history. Accordingly, Calvin's emphasis is less on God rescuing humanity by revelation, and more on "holding before us the difference between good and evil" of which we are already aware, and "accusing us when we fail in our duty."⁹¹ "This is why," Calvin argues, "Plato seems to have been compelled to consider ... that we sin only out of ignorance":

This might have been an appropriate statement if only human hypocrisy had covered up vices with sufficient skill to prevent the mind from being recognized as evil in God's sight. *The sinner tries to evade his innate power to judge between good and evil. Still, he is continually drawn back to it and is not so much as permitted to wink at it without being forced, whether he will or not, at times to open his eyes.*⁹²

For Aquinas, the cognitive effect of sin is that it corrupts knowledge and the intellectual capacity for grasping knowledge. Through the will's consistent substitution of lower for higher goods, the light of reason is suffocated and blinded,⁹³ "over-seeded" with a contrary law of concupiscence. For Calvin, on the other hand, the cognitive effect of sin is not ignorance but dissonance: sin produces cognitive tension as we try in vain to suppress knowledge that we cannot in fact escape, and to which we are "continually drawn back."

Charlotte Methuen remarks that "[s]ixteenth-century views of human nature and human potential to understand the world, particularly within Protestantism, were at once more optimistic and more pessimistic than those of their medieval predecessors."⁹⁴ In his moral

⁹¹ *Inst.* 2.8.1.

⁹² *Inst.* 2.2.22 [emphasis mine].

⁹³ Cooper, "Degrading the Body, Suppressing the Truth: Aquinas on Romans 1:18- 25," Levering and Dauphinais (eds.), *Reading Romans with St. Thomas Aquinas* (Washington: Catholic University of America Press, 2012), 117-124. See also *ST*, 1a2ae, 77, 2.

⁹⁴ Methuen, "Natural Order or Order of Nature? Natural and Moral Philosophy in the Thought of the Reformers," *Science and Theology in the Reformation: Studies in Theological Interpretation and Astronomical Observation in Sixteenth-Century Germany* (London: T&T Clark, 2008), 7.

epistemology we see that Calvin is very much a man of the sixteenth-century. Compared to Aquinas, he is relentlessly “optimistic” about the extent to which it can be assumed that all people form similar moral conceptions on the basis of “nature.” And, at the same time, he is highly pessimistic about this natural moral knowledge serving any positive use in relation to our salvation.

CHAPTER 3. CONSCIENCE, NATURAL LAW, AND THE DECALOGUE IN AQUINAS

3.1. INTRODUCTION

In Chapter 1, we saw that Calvin defines natural law as an “apprehension of the conscience (*conscientiae agnitio*).”¹ For Calvin, conscience is the epistemological mechanism by which the natural law is perceived.

Calvin shows an interest in conscience from his earliest published work. He discusses it on several occasions in his commentary on Seneca’s *De Clementia*.² “Opening the *Institutes* at random, it is difficult to proceed very far without running into an appeal to conscience.”³

Aquinas, likewise, devoted “considerable attention to [the subject of conscience], particularly in his early works.”⁴ For Aquinas, what we call “conscience” is divided into two separate but related phenomena: *synderesis*,⁵ a habitual grasp of fundamental moral principles, and *conscientia*, the act of applying those principles to derive conclusions about right action in a given situation.

On several occasions, Aquinas states his view that the fundamental principles of which *synderesis* constitutes the habitual grasp are in fact the fundamental principles of the natural law. In *De Veritate*, he says:

[J]ust as there is a natural habit of the human soul through which it knows principles of the speculative sciences, which we call understanding of principles, so, too, there is in the soul a natural habit of first principles of action, which are the universal principles of the natural law. This habit pertains to *synderesis*.⁶

¹ *Inst.* 2.2.2. See also 1.15.2.

² *Commentary on Seneca's De Clementia*, 3.34-5; 4.28-29; 6.1-2; 93.36-37; 94.5-6; 102.30ff; 103.33-34; 104.1ff.

³ Bosco, “Conscience as Court and Worm: Calvin and the Three Elements of Conscience,” *The Journal of Religious Ethics*, 14.2 (1986), 333.

⁴ Crowe, “The Term *Synderesis* and the Scholastics,” *Irish Theological Quarterly*, 23.2 (1956), 228.

⁵ From συνείδησις. Danker, *A Greek-English Lexicon of the New Testament and other Early Christian Literature* (Chicago: University of Chicago Press, 2000), 967-968.

⁶ *De Veritate*, 16, 1.

A decade or more later, in the *Summa Theologiae*, this identification of *synderesis* with natural law is restated by Aquinas more succinctly:

Synderesis is said to be the law of our mind, because it is a habit containing the precepts of the natural law, which are the first principles of human actions.⁷

Calvin, too, identifies “the testimony of natural law” with the testimony of conscience. He uses the metaphor of engraving to describe the way in which conscience knows the natural law:

It is a fact that the law of God which we call the moral law is nothing else than a testimony of the natural law and of that conscience which God has engraved (*insculpta*) upon the minds of men.⁸

3.2. THE CHENEVIÈRE THESIS

Some scholars have alleged that here – at the bare mention of conscience in connexion with natural law – the similarity between Aquinas and Calvin ends.

“The scholastics, for the most part, were essentially optimistic about the capability of reason,” says Hesselink. “Hence they assumed, as a matter of course, that the ‘law of nature,’ being perceived by the light of reason, was a matter of obligation for all human beings who enjoyed the use of their rational faculties.” Aquinas, he argues, shared in the rose-tinted optimism of his scholastic peers about the capacity of post-lapsarian reason to perceive the good and deliberate correctly about moral matters in a fallen world. Calvin’s “concept of depravity” thus marks an “all-important difference” between the Reformer and the Schoolman. Calvin’s “emphasis on the radical nature of sin, including its impact on human

⁷ *ST*, 1a2ae, 94, 1, ad. 2. For the consistency of Aquinas’s view over time, note the similarity of his response to the objection here with his comments in *Super Sent.*, lib. 2, d. 24, q. 2, a. 4, ad 4.

⁸ *Inst.* 4.20.16.

cognitive abilities separates [him] ... from the scholastic conception of natural law.”⁹

But if the scholastics believed that we apprehend the natural law through our intellect, and if Calvin, because of his views on the noetic effects of sin, rejects this belief, and if Calvin nevertheless affirms that we do have an apprehension of the natural law, this raises an obvious question: where does Calvin think this apprehension comes from?

One answer put forward by some interpreters of Calvin is that it is conscience – considered as a power distinct from reason – which apprehends the natural law. Conscience functions as a kind of third faculty, distinct from intellect and will, by means of which humanity has access to the natural law.

The most lucid exponent of this view is Chenevière, in his 1937 study in Calvin’s political thought.¹⁰ Chenevière argues that conscience, for Calvin, is a “faculty,” a “sentiment,” and a “sort of voice” by which the law of God is known.¹¹ “The natural law, for Calvin, is not known by reason, but by conscience,” he claims.¹²

Conscience for Calvin is not, in and itself, a law, Chenevière says. This view, rather, is one which Chenevière associates with Thomism, which he says posits a human nature capable of rational participation in God’s wisdom, and therefore a version of natural law that is “constituted by human nature expressing itself rationally” and based on a “justice proper to our own nature.”¹³ Instead, for Calvin, conscience is a perceptive faculty which gives us

⁹ Hesselink, *Calvin’s Concept of the Law*, 67-69.

¹⁰ Chenevière, *La Pensée Politique de Calvin* (Paris: Labor, 1937).

¹¹ *Ibid.*, 61-62: “la conscience, c’est-à-dire une faculté infiniment plus complexe qu’une qu’une simple faculté rationnelle ... cette justice dont parle Calvin n’est pas la raison, c’est tout simplement la loi de Dieu qui fut imprimée par Dieu au coeur des hommes lors de leur création, et qui nous est révélée par une sorte de voix intérieure qui, d’une façon générale, indique à l’homme où est le bien et où est le mal.” But see also p. 65 where Chenevière refers to conscience as “[c]e sentiment est donc plus que le simple produit de la connaissance rationnelle.” Here conscience is seen as going *beyond* reason rather than as being an alternative to reason, strictly speaking.

¹² *Ibid.*, 62.

¹³ *Ibid.*, 62-63: “La loi naturelle pour Calvin n’est donc pas connue par la raison, mais par la conscience; elle n’est donc pas constituée par la nature humaine s’exprimant rationnellement; elle est une loi imposée du dehors par Dieu à ses créatures ... pour Calvin, il n’y a pas d’autre justice que celle de Dieu. Il ne pense pas qu’il y ait une justice propre à notre nature, ainsi que l’enseignaient les penseurs thomistes.”

“a subjective version of the objective rule of justice, which is the natural law.”¹⁴ This description of Calvin’s theory of conscience is echoed by Dowey and Gloede.¹⁵

Conscience is not a form of “knowledge, in and of itself, but rather a faculty for knowing.” Chenevière describes it as “an instinctive faculty” as opposed to a “rational faculty.” It is “a sense ... of adherence to the objective truth which results in a ‘feeling’ of what is good and what is evil”:¹⁶

Calvin, less influenced than the Thomist theologians by the ancient philosophy which, nevertheless, he also knew well, and more preoccupied than the Thomists with remaining faithful solely to the biblical text, breaks all the links which previously connected the knowledge of the natural law to reason, and makes knowledge of the natural law rest instead on conscience, which he defines as a kind of inner voice that has no need of reason to express itself.¹⁷

Although conscience here is seen as an *inward* sense, by which Calvin means that conscience is interior to and constitutive of human nature, it is important for Chenevière that the natural law itself not be described as a law constituted by something which is interior to human nature, i.e., by reason. Rather, he claims that for Calvin it is “a law imposed from the outside by God upon his creatures,” even if the perception of this externally-imposed law comes to us inwardly, via conscience.¹⁸

Chenevière claims that Calvin’s view of conscience resembles that of St John Chrysostom, who refers to conscience as a “mysterious voice, clear and distinct,” which

¹⁴ *Ibid.*, 65: “pour Calvin la loi naturelle n’est pas le conscience. La loi naturelle est seulement perçue par la conscience ... La conscience nous donne, en somme, une version subjective de la règle objective de justice, qui est la loi naturelle.”

¹⁵ Dowey, *Knowledge of God*, 69-70; Gloede, *Theologia Naturalis*, 105.

¹⁶ *Ibid.*, 65: “la conscience ne constitue pas une connaissance en elle-même, mais plutôt une faculté de connaissance ... la conscience n’est pas une faculté rationnelle de connaissance, mais une faculté de connaissance infiniment plus vaste. C’est en quelque sorte une faculté instinctive d’adhésion à une vérité objective, qui se traduit par le ‘sentiment’ de ce qui est bien ou de ce qui est mal.”

¹⁷ *Ibid.*, 66: “Calvin, moins influencé que les théologiens thomistes par la philosophie ancienne que pourtant il connaissait bien, et plus préoccupé qu’eux de rester fidèle au seul texte biblique, rompt donc tous les liens qui rattachaient la connaissance de la loi naturelle à la raison et fait reposer cette connaissance sur la conscience, qu’il définit comme une sorte de voix intérieure qui n’a pas besoin de la raison pour s’exprimer.”

¹⁸ *Ibid.*, 62.

expresses the natural law.¹⁹ He contrasts this unflatteringly with the “Aristotelian school of the twelfth and thirteenth centuries” of which Aquinas was a member, which he argues saw natural law and conscience in rationalistic terms.²⁰

Many other Reformed scholars agree with Chenevière’s characterisation of Calvin’s views on conscience, and the contrast Chenevière draws between those views and the views of Aquinas.

McNeill argues that “Calvin’s emphasis upon conscience as the organ of natural law marks a sharp break from traditional expositions, in which reason holds this position.” Instead of basing the distinction between good and evil on “reasoned principles of justice,” McNeill claims that Calvin makes it “spontaneous and rudimentary.”²¹

Striking a more cautious note, Grabill notes that “Calvin, in distinction to Aquinas ... attributes greater priority to the post-lapsarian conscience than to the pre-lapsarian reason as the defining characteristic of his doctrine of natural law.”²²

Backus says that for Aquinas, “the term *natural law* applies in its strict sense” not to our natural inclinations but to the precepts that “reason enunciates” by reflecting on those inclinations. This view of natural law, however, “is absent from Calvin’s work.” In contrast, “the vehicle of natural law in Calvin’s system” is conscience, and Calvin’s “concept of conscience implies each man’s dependence on God in a one-on-one relationship, which would have been inconceivable to Aquinas.” Calvin believes that through conscience individuals have “innate knowledge of right and wrong,” bypassing the need for rational moral reflection.²³

¹⁹ *Ibid.*, 68: “‘C’est une loi qui trouve son expression dans la conscience’, declare saint Jean Chrysostome, ‘cette voix mysterieuse mais claire et distincte.’”

²⁰ *Ibid.*, 75: “Calvin ... s’oppose a l’Ecole aristotelicienne des XIIe et XIIIe siecles, qui voyait dans la loi naturelle la participation analogique et rationelle de la nature humaine a la sagesse divine.”

²¹ McNeill, “Natural Law,” 180. This, in spite of his claim (168) that there is “no real discontinuity” between the teaching of the Reformers and the scholastics on natural law.

²² Grabill, *Rediscovering the Natural Law*, 90.

²³ Backus, “Calvin’s Concept,” 10-12.

Along similar lines, Herdt claims that Calvin's doctrine of conscience "directly places the individual before the judgement of God." Conscience, according to Calvin, gives us "immediate awareness of God's judgement of our individual actions, and thereby of the natural law." Although Aquinas holds "that there is an infallible moral knowledge which is universally available (through *synderesis*)," Herdt says this "conveys knowledge only of the most general moral principles; disagreement and error are to be expected."²⁴

Wyatt argues that Calvin's theory of natural law "is distinguished from that of the medievals in its emphasis on the connection of natural law with conscience rather than directly with reason." He observes that "according to the teaching of Aquinas, the natural law is to be viewed properly and essentially as a function of reason in its practical use and is actually constituted by it." Whereas, for Calvin, the natural law is "constituted autonomously from reason, though human reason is ordered to it; it is 'implanted' by God and is apprehended by conscience."²⁵

Finally, VanDrunen says that "there seems to be an immediacy to the knowledge of natural law in Calvin that does not exist" in Aquinas's work, and that this immediacy comes from Calvin's emphasis on conscience. "While conscience and natural law do bear a certain relation to each other in Thomas's theology," he says, "Calvin draws them into much closer relation, approaching identity." VanDrunen argues that Calvin's theory of conscience as an immediate "awareness of God's law and judgment" is the Reformer's "alternative to Thomas's scheme of reason participating in eternal law." Like Herdt, he notes a "certain similarity" between Aquinas's concept of *synderesis* as an innate grasp of fundamental moral principles, and Calvin's concept of conscience as an innate awareness of God's judgment upon us. Both thinkers appear to affirm the existence of some kind of innate knowledge of the natural law that is mediated by something called the conscience to what might be called

²⁴ Herdt, "Calvin's Legacy," 422-423.

²⁵ Wyatt, *Jesus Christ and Creation*, 130-131.

our conscious awareness, although Aquinas appears to think this knowledge operates at a much higher level of abstraction than Calvin.²⁶

In sum, Reformed scholars are keen to emphasise the role of conscience as a distinctive feature of Calvin's thought on natural law. It is argued that Calvin views the conscience as a third faculty alongside intellect and will, playing the role that reason plays in Aquinas's natural law theory as the medium through which we apprehend knowledge of right and wrong. Further, it is claimed that Calvin needs to replace reason with some other locus of moral judgment because his concept of depravity renders him less confident than Aquinas about the ability of the fallen intellect to apprehend moral knowledge.

3.3. THE DECALOGUE AND THE NOETIC EFFECTS OF SIN

There is a complication, however. A second group of scholars, who agree that Calvin rejects Aquinas's emphasis on reason as the vehicle of natural law, and also attribute to Calvin a severe view of the noetic effects of sin, identify reason's replacement not in the inward sense of conscience, but in the external norm of biblical revelation – specifically, the Decalogue.

For instance, Clark claims that “the most notable difference between Thomas and Calvin” in terms of their respective natural law theories is not Calvin's emphasis on conscience, but the fact that Calvin “defined natural law primarily in terms of the Decalogue and Thomas did not.”²⁷

Helm argues that the “one crucial difference” between Aquinas and Calvin on the subject of natural law is that:

Aquinas is much more sanguine than is Calvin about what human reason unaided by special grace can understand. For Aquinas the natural law is natural both in the sense that it is a divine law for human nature given at the creation, and in the sense that it is now successfully apprehended naturally, by unaided fallen reason alone ... For Aquinas, natural law is knowable and is known by the natural reason of man as he now

²⁶ VanDrunen, “Medieval Natural Law,” 92-94.

²⁷ Clark, “Calvin on the *Lex Naturalis*,” 7-8.

is.²⁸

In contrast to Aquinas, Helm argues that Calvin stresses the “enlightening and focussing character of the Decalogue.” For Aquinas, he says, the Decalogue has only a “supplementing function,” because Aquinas believes that natural law can be discerned by reason without the need for revelation. For Calvin, however, the function of the Decalogue is primary: it is *by means of* biblical revelation that the intellect receives knowledge of the natural law:

The contrast with Calvin at this point could hardly be sharper. Whereas for Aquinas the revelation of the Decalogue complements the natural law which is recognised by all, for Calvin, though those without benefit of special revelation know that there is a natural law and have some sense of its content, what that moral law is ... can only be known clearly, not through reason alone, but through a reasoned understanding of special revelation. It is only with the hindsight that special revelation provides that the content of natural law can now be recognised.²⁹

Clearly, these claims are in conflict. Both groups agree in their criticism of Aquinas: that he is overly confident in human reason. One group claims that the place taken by reason in Aquinas’s theory of natural law is assumed in Calvin’s teaching by the internal witness of conscience. The other group claims that this role is filled by written revelation.

These are, I think, mutually exclusive claims. Backus, for example, argues that Calvin’s theory of “innate knowledge of right and wrong” given by the conscience “separates natural moral law from biblical precepts.” This separation is a necessary move for Calvin to explain how “nations who do not know the Bible” have legal systems that reflect the same ethical values as Scripture.³⁰ Clearly, Helm’s claim that “[i]t is only with the hindsight that special revelation provides that the content of natural law can now be recognised” cannot be correct if Backus’s claim that Calvin “separates natural moral law from biblical precepts” is also correct.

In the remainder of Chapter 3, and continuing in Chapter 4, therefore, I examine what

²⁸ Helm, “Calvin and the Natural Law,” 10-11.

²⁹ *Ibid.*, 11.

³⁰ Backus, “Calvin’s Concept,” 10.

Aquinas and Calvin have to say about the relationship between knowledge of the natural law, conscience, and the Decalogue, in light of these claims and the questions they raise.

3.4. AQUINAS'S THEORY OF CONSCIENCE

3.4.A. Prior Tradition

The route by which medieval scholastics came to distinguish *synderesis* from *conscientia* is perhaps one of the most consequential infelicities of expression in the history of Western ethics.

In a homily on Ezekiel 1:10 – in which the Prophet describes a vision of four living creatures, each with the face of a human, lion, calf, and eagle on different sides of its head – Origen relates each face to a different part of the soul according to Plato's tripartite psychology.³¹ The human face corresponds to reason, the lion's to irascibility, and the calf's to appetite.³²

That, of course, leaves the eagle – the fourth face – which obviously does not fit Plato's tripartite model. Origen relates the eagle, therefore, to what he calls the "spirit" of man. This spirit "is not the Holy Spirit, but a spirit within an individual human being" that operates like Socrates's *daimon*.³³ In his Romans commentary, Origen claims that this "spirit" is conscience. For Origen, the "spirit [*pneuma*] of the conscience" is not part of the soul, but superior to it – the spirit of conscience is united with the soul, and "functions like a pedagogue to the soul, a guide and companion, as it were, so that it might admonish [the soul] concerning better things or correct it and convict it of faults."³⁴

When Jerome comments on the same passage, he notes that some relate the eagle to

³¹ *Republic*, 436c-441e.

³² Sorabji, *Moral Conscience Through the Ages* (Oxford: OUP, 2014), 59.

³³ Kries, "Origen, Plato, and Conscience ('Synderesis') in Jerome's Ezekiel Commentary," *Traditio*, 57 (2002), 74.

³⁴ Origen, *Commentary on the Epistle to the Romans*, 2.9.4.

“that which the Greeks call *suneidesin* ... the spark of conscience (*scintilla conscientiae*).”³⁵ Yet later in the same passage Jerome refers simply to *conscientia*, not *scintilla conscientiae*.³⁶ Jerome almost certainly never intended this to be read as a meaningful distinction, but his manner of expression led the medieval scholastics to assume that there must be an important distinction between *conscientia* and *scintilla conscientiae*, the latter identified by the medievals as *synderesis* (a Latinised corruption of the Greek *suneidesis*).

The scholastics sought to explain this distinction in various ways. Bonaventure, for example, saw *conscientia* as the rational, cognitive aspect of the moral faculty: *conscientia* is an intellectual light which illumines the knowledge we need to act rightly. *Synderesis* he saw as having an affective, motivational function, inclining the will and the appetites toward what they ought to desire. For Bonaventure, *synderesis* is the part of the moral faculty that feels, *conscientia* the part that thinks.³⁷

Aquinas’s mentor, Albert the Great, takes a decisive step by situating his consideration of *synderesis* within his discussion of natural law.³⁸ Albert argues that *synderesis* is a “special power of the soul” in which the universal principles of the natural law are transcribed.³⁹

Reason, Albert argues, apprehends certain speculative principles of truth. It does not learn them. Rather, it is by means of these principles that reason is capable of learning anything at all. These principles are conditions of possibility for speculative knowledge. Similarly, practical reason grasps that there exists a distinction between good and evil, by means of which we can reason about morality. This distinction, Albert identifies with the natural law which he says is transcribed (*scripta*) in the spirit of a person (*in spiritu*

³⁵ CCSL, LXXV:12 (l. 218-219).

³⁶ *Ibid.* (l. 228-229).

³⁷ Sorabji, *Moral Conscience*, 61.

³⁸ Celano, “The Relation of Prudence and *Synderesis* to Happiness in the Medieval Commentaries on Aristotle’s *Ethics*,” Miller (ed.), *The Reception of Aristotle’s Ethics* (Cambridge: CUP, 2012), 146.

³⁹ *De Homine*, *De Viribus Animae Motivis*, 4.1. My translation: “*Synderesis est specialis vis animae ... universalis iuris naturalis descripta sunt.*”

humano).⁴⁰

For Albert, *synderesis*, although not affording a complete knowledge of the natural law, gives us knowledge of specific ethical precepts such as negative prohibitions against fornication and murder, and the need to have compassion for the sick. These precepts are known infallibly, although only in an abstract and general sense.⁴¹ For example, it is not possible to be ignorant of the wrongness of murder. But presumably one might be ignorant of whether a particular homicide (e.g., in war, or euthanasia) constitutes murder.

3.4.B. *Synderesis* as Habit of Reason

For Aquinas, *synderesis* is not, as for Albert, a “power” of the soul, but rather, a habit of the power of reason by which basic moral principles are known.⁴² Aquinas agrees with Albert in drawing a comparison between the first principles of speculative reason and the first principles of practical reason. There are, he observes, basic rational principles (for example, the principle of non-contradiction) which are “naturally known without any investigation.” We do not learn them. Rather, we learn *by them*.⁴³

There are certain principles of morality which we do not learn, but are part of the architecture of the mind by means of which we deliberate about our behaviour.⁴⁴ Aquinas says “this knowledge [is] the principle of all the knowledge that follows,” comparing it to a “kind of seed plot containing in germ” all other moral knowledge.⁴⁵

Although *synderesis* is a habit of reason, however, its role is not simply to emotionlessly generate rational maxims governing behaviour. *Synderesis*, Aquinas tells us,

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *De Veritate*, 16, 1; *ST*, 1a, 79, 12.

⁴³ *ST*, 1a, 79, 12. Mahoney likens Aquinas’s account of *synderesis* to the “rules of grammar.” We are not necessarily aware of the principles of *synderesis* when acting, just as we do not think about grammar while speaking. But if we lacked a habitual grasp of grammar, we would be incapable of speech. (*The Making of Moral Theology: A Study of the Roman Catholic Tradition* [Oxford: Clarendon, 1987], 188).

⁴⁴ *Ibid.*

⁴⁵ *De Veritate*, 16, 1.

“inclines to good”⁴⁶ and “warn[s] against evil.”⁴⁷ It causes remorse⁴⁸ and torments (*remordere*).⁴⁹ Aquinas speaks of both the joy of a good conscience (*gaudium conscientiae*),⁵⁰ and the gnawing, “worm”-like torment of a bad conscience (*vermis conscientiae*).⁵¹ Although Aquinas does not, like Bonaventure, make the affective/cognitive distinction the basis of his distinction between *synderesis* and *conscientia*, he nevertheless has a place in his account for both the affective and cognitive dimensions of conscience.

3.4.C. Principles of *Synderesis*

Aquinas departs from Albert by rejecting the idea that the universal principles of the natural law known via *synderesis* include specific prohibitions and commands relating to action (such as those against fornication and murder). As Hoffmann observes, “the ethical principles of *synderesis* operate at an extremely general level ... Aquinas understands the directives of *synderesis* as formal principles, not as concrete moral norms. As such, they are merely the condition of possibility for particular directives.”⁵²

Aquinas does, however, give a few examples of what he means by these principles: “God must be obeyed,”⁵³ “worship should be offered to God,”⁵⁴ the conceptual distinction between good and evil *per se*,⁵⁵ and, “we must live according to reason.”⁵⁶ All these principles are, in a certain sense, tautological. The idea of worship being owed to God, for example, is inherent in Aquinas’s conception of Deity.

⁴⁶ *De Veritate*, 16, 1, ad. 7.

⁴⁷ *De Veritate*, 16, 1, ad. 12.

⁴⁸ *De Veritate*, 17, 1.

⁴⁹ *ST*, 1a, 79, 13.

⁵⁰ *In Pss.* Ps. 50.

⁵¹ *De Malo*, 5, 3, and 16, 6, ad 10.

⁵² Hoffmann, “Conscience and *Synderesis*,” Davies (ed.), *The Oxford Handbook of Aquinas* (Oxford: OUP, 2012), 256-257. Celano (“Relation of Prudence and *Synderesis*,” 151) is mistaken to say that Aquinas identifies these principles “specifically and clearly.” They are highly opaque.

⁵³ *De Veritate*, 16, 1, ad. 9.

⁵⁴ *De Veritate*, 16, 2, ad. 2.

⁵⁵ *De Veritate*, 16, 2.

⁵⁶ *De Veritate*, 16, 1, ad. 9.

The primary reason these principles operate at such a high level of abstraction is because Aquinas wants to maintain that knowledge of the first principles of natural law is infallible. He observes that “all speculative knowledge is derived from some most certain knowledge concerning which there can be no error.” This knowledge is the “knowledge of the first general principles, in reference to which everything else which is known is examined and by reason of which every truth is approved and every falsehood rejected.”

Just as the possibility of error in the first speculative principles would render certainty in any subsequent knowledge impossible, “for probity to be possible in human actions, there must be some permanent principle which has unwavering integrity, in reference to which all human works are examined, so that that permanent principle will resist all evil and assent to all good.”⁵⁷ Since Aquinas apparently does not think that infallible knowledge of specific precepts (e.g., against theft) is possible,⁵⁸ the content of the first principles is drastically reduced in comparison with Albert.

3.4.D. *Conscientia*

Conscientia, finally, is the act by which a person applies the habitually-known knowledge of *synderesis*. This can be a prospective application, so that “one is directed through the habit of knowledge to do or not do” some act being contemplated. It can also be retrospective, so that after an act is performed, “it is examined with reference to the habit of knowledge to see whether it was right or not.”⁵⁹ Unlike *synderesis*, the judgment of *conscientia* is not infallible. Aquinas gives the example of those who murdered the Apostles, thinking that they were pleasing God. Their error, he says, “did not come from the universal judgment of *synderesis*,” by which they sought to do what was pleasing to God. It came through the false inference

⁵⁷ *De Veritate*, 16, 2.

⁵⁸ *ST*, 1a2ae, 94, 6.

⁵⁹ *De Veritate*, 17, 1. See also *ST*, 1a, 79, 13.

that killing the Apostles would in fact please God.⁶⁰ It was an error of fact, not an error of law.

3.5. ERRONEOUS CONSCIENCE AND THE MORAL LAW

At this point, there seems to be a major gap in Aquinas's account. Celano claims that Aquinas posits *synderesis* as a "universal code of human action that would determine all subsequent moral action."⁶¹ But, despite Aquinas's "seed plot" analogy, this is not the case. The problem, in fact, is that providing a code of action is exactly what *synderesis* does not do.

Synderesis may determine moral action with respect to its *form*, but not with respect to its *matter*. In other words, the principles of *synderesis* being what they are, human moral judgments will necessarily take the form of judgments about what is good and/or evil. But *synderesis* itself does not command or forbid specific acts as falling under the description of good or evil (except in the tautological sense already noted). *Synderesis* operates at an extremely high level of abstraction. But *conscientia* is highly specific, telling us, "perform – or refrain from performing – this act, here and now." How does one move from the principles of *synderesis* to the definite conclusion of *conscientia*? How does one move from the conceptual distinction between right and wrong *per se*, to judgments about specific acts?

3.5.A. Erroneous Conscience and Knowledge of God's Law

Although Aquinas never frames the problem in these terms, his thought on the problem of erroneous conscience gives important clues as to how he plugs this apparent gap in his theory.

One of the positions Aquinas defended consistently was the claim that the false judgments of a mistaken conscience still create moral obligations, since it is only through the voice of conscience that one knows the law of God in any given situation. In this, Aquinas

⁶⁰ *De Veritate*, 16, 2, ad. 2.

⁶¹ Celano, "Relation of Prudence and *Synderesis*," 151.

was unusual among his contemporaries. Then the then-standard position was that an erroneous conscience was binding only in morally indifferent matters (e.g., whether or not to pick up a piece of straw). When conscience errs by commanding what the moral law forbids, or prohibiting what the moral law enjoins, it does not bind, according to the pre-Thomistic view.⁶²

As early as his *Commentary on the Sentences*, Aquinas refutes this view. It is one of few points where he bluntly dismisses Lombard,⁶³ indeed the only place in the entire *Commentary* where Aquinas simply says, *hic magister falsum dicit* (“here the master speaks falsely”).⁶⁴

Later, in *De Veritate*, Aquinas takes up an objection based on one of Augustine’s sermons:

Augustine says that we should not obey a lower power contrary to the commandment of a higher power, just as we should not obey the proconsul if his order is contrary to that of the emperor. But a false conscience is inferior to God. Therefore, when conscience gives orders contrary to the commands of God, the command of a mistaken conscience seems to impose no obligation whatever.⁶⁵

Aquinas’s response is that the emperor-proconsul analogy only works when we imagine that “the command of the emperor could never reach a man except through the proconsul,” and that “the proconsul would not order anything except in so far as he repeated the emperor’s commands.” But in this case, disobedience to the proconsul is the same as disobedience to the emperor, since the proconsul is our only way of knowing the emperor’s will. One who disobeys his conscience, therefore, shows contempt for the will of God, “since the dictate of conscience is nothing other than the delivery of a divine command to him who has the

⁶² *ST*, 1a2ae, 19, 5.

⁶³ Keenan, “Can a Wrong Action Be Good? The Development of Theological Opinion on Erroneous Conscience,” *Eglise et Theologie*, 24 (1993), 211.

⁶⁴ *Super Sent.*, lib. 4, d. 38, q. 2, a. 4.

⁶⁵ *De Veritate*, 17, 4, obj. 2.

conscience.”⁶⁶

In the *Summa*, Aquinas repeats this point about the binding nature of false conscience. Imagine, he says, that someone wrongly believes it would be evil for them to abstain from fornicating. Since “the will does not tend to this good except in so far as it is proposed by the reason,” Aquinas argues, it would therefore be evil for this person *not* to fornicate. Although, by abstaining, they are not choosing to do what is “evil in itself,” they are choosing “that which is evil accidentally, through being apprehended as such by the reason.”⁶⁷

Does this mean one must always follow one’s conscience, even when it is wrong? Surprisingly, given Aquinas’s argument up to this point, the answer is no. A person must never act against their conscience. But this is not the same as saying that one has a positive obligation to follow one’s conscience.

In the article following, Aquinas makes an important distinction. He gives the example of a man who thinks he is obliged to have intercourse with someone else’s wife. There are two possibilities, Aquinas thinks. Firstly, even though the man accepts that adultery is immoral, he might mistakenly think that someone else’s wife is in fact his own, and that by consenting to intercourse he is fulfilling his own marital obligations. In other words, adultery arises from an error of fact or circumstance (*ignorantia circumstantiae*). Assuming that there was no negligence on his part in determining the facts, the will of the man (though not, obviously, the situation as a whole) is not evil, since ignorance of fact causes the act to be involuntary.⁶⁸

If, however, the man knows that the woman is not his wife, but thinks he is obliged to have intercourse with her because he is ignorant of the immorality of adultery, then in this case his error is inexcusable because it arises from ignorance of the law (*ignorantia legis*),

⁶⁶ *De Veritate*, 17, 4, ad. 2. Aquinas’s definition here refutes Backus’s claim that Calvin’s concept of “a one-on-one relationship” between the individual and God in the conscience was “inconceivable to Aquinas,” although Calvin certainly gives a more psychologically penetrating description of this relationship.

⁶⁷ *ST*, 1a2ae, 19, 5.

⁶⁸ *ST*, 1a2ae, 19, 6.

and Aquinas says we are obliged to know God's law.

While this knowledge of specific commands and prohibitions (e.g., against adultery) is not part of the knowledge of first principles (*synderesis*), it seems to form an essential if neglected part of Aquinas's account of how conscience works.

In his Galatians commentary Aquinas grapples with two apparently contradictory assertions. Paul says those who are circumcised according to Jewish law undertake an obligation to observe that law (Gal 5:3). But he also says those who are circumcised have "fallen away from grace" (Gal 5:2). How is it possible to be obliged to do something which causes the loss of grace?

Aquinas solves the conundrum by appealing to his account of conscience. A man whose conscience commands him to be circumcised and follow the Jewish law would sin by not following his conscience. The sin arises "not on account of the deed done, but on account of the intention of the doer," who acts contrary to conscience.⁶⁹ But Aquinas also says that the man would also sin if he followed his conscience. Ignorance of the kind under consideration, Aquinas argues, does not excuse from sin, since it is ignorance of the law.⁷⁰

Hoffmann argues that, "[i]n Aquinas's eyes, apart from the situation of madness all instances of ignorance of the moral law (*ignorantia iuris*) are due to voluntary ignorance," and therefore inexcusable.⁷¹ This is perhaps overstating the case.⁷² But it is true that even if one reads Aquinas as leaving open the possibility of being involuntarily ignorant of the wrongness of adultery, he never affirms that such ignorance occurs except as a consequence

⁶⁹ *In Gal.*, C5, L1. My translation: "quod nisi faceret hoc ac quod inducit conscientia, peccaret mortaliter, non quidem ex genere operis, sed ex intentione operantis."

⁷⁰ *Ibid.*

⁷¹ Hoffmann, "Conscience and Synderesis," 261.

⁷² What Aquinas says in the text to which Hoffmann refers is that "ignorance of the law does not excuse from sin, unless the ignorance is invincible, as in the case of mad and insane people." (*Quodlib.*, 3, q. 12, a. 12, ad. 2. My translation: "ignorantia iuris non excusat a peccato, nisi forte sit ignorantia invincibilis, sicut est in furiosis et amentibus.") Aquinas gives madness as *an example* of invincible ignorance but does not say he thought invincible ignorance exists only in this case. Also, as we saw in Chapter 1, "voluntary" ignorance for Aquinas covers more than one kind of ignorance, and it is not entirely clear which of these Aquinas is referring to here.

of broader cognitive malfunction.⁷³ Consider what Aquinas says in his Romans commentary:

[W]hen [Paul] says *their conscience bearing witness* he proves his statement that the work of the law is written in their hearts by citing actions which announce its presence. First, he cites those actions, one of which is the witness of conscience ... conscience being the application of one's knowledge in judging whether some action was good or bad to do ... *However, no one can testify that an action is good or bad, unless he has knowledge of the law. Hence, if conscience bears witness about good or evil, this is a clear sign that the work of the law has been written in the man's heart.*⁷⁴

If we are able to judge particular actions good or bad, substantive knowledge of the moral law, not merely knowledge of the conditions of possibility for moral reasoning, is essential.

Synderesis tells us that we should not do X if X is wrong, but it cannot tell us *that* X is wrong unless X is described in purely formal terms. For instance, if murder is described as “wrongful killing,” then knowledge of the wrongness of murder follows infallibly from the formal principles of *synderesis*. Yet in his discussion in the *Summa* of the blameworthiness of following a conscience that tells one to commit adultery, Aquinas deploys a material rather than a formal description of the act as “going in to another man’s wife.”⁷⁵ If adultery were to be described merely as “wrongful sexual intercourse,” then its wrongness would be evident in light of *synderesis*, which dictates that what is wrong should be avoided. The wrongness of “going in to another man’s wife,” however, can only become apparent in the light of a more specific law.

There is, then, a third moving part in Aquinas’s account of conscience along with *synderesis* and *conscientia*, namely, the objective moral law (or, from a subjective point of view, our own knowledge of that law). Aquinas does not mention this in his generic accounts of conscience that appear in the *Summa* and in *De Veritate*. He mentions only *synderesis* and *conscientia*. But whenever Aquinas comes to apply that generic account to actual cases – as

⁷³ This point raises awkward questions for Calvinistic defenders of the idea of conscience as a third faculty. If conscience is distinct from intellect, then severe intellectual impairment or disability cannot *necessarily* excuse a person from responsibility for their actions in the way that almost all humane legal systems take for granted.

⁷⁴ *In Rom.* C2, L3, 219 [emphasis mine].

⁷⁵ *ST*, 1a2ae, 19, 6.

evidenced in his discussion of culpability for erroneous conscience in the *Summa* and in his biblical commentaries – knowledge of the moral law is seen to be an essential aspect of his complete account of how conscience functions. Ultimately, it is only in light of the precepts of the law that we deliberate about what to do in specific cases.

3.5.B. Conscience and the Decalogue

What, then, are these precepts? The discussion of adultery, which is forbidden by the Decalogue, gives us a clue. In his Romans commentary, Aquinas is talking specifically about the moral precepts of the Old Law – since this is the “law” about which Paul is concerned in Romans – and he argues in the *Summa* that all of the moral precepts of the Old Law are reducible to the precepts of the Decalogue.⁷⁶ Aquinas has, in effect, come back around to something very much like the position of Albert the Great, even if he declines to file these precepts under the rubric of *synderesis*.

Aquinas says that the Decalogue includes “those precepts the knowledge of which man has immediately from God,” and which “can be gathered at once from the first general principles” with only “slight reflection (*modica consideratione*).” Excluded from the Decalogue are two other types of precept. Firstly, the “general principles” known via *synderesis* are excluded from the Decalogue because they are already “imprinted on the natural reason,” and, being self-evident, “need no further promulgation.” Also excluded are more complicated precepts which can be formulated only after “careful reflection.”⁷⁷ Aquinas is clear that there is an identity between the natural law and the moral law expressed in the Decalogue: “all the moral precepts of the Law belong to the law of nature.”⁷⁸

The precise status of these precepts in relation to *synderesis* is opaque. Aquinas affirms that we have knowledge of them “immediately from God,” but also that we ourselves

⁷⁶ *ST*, 1a2ae, 100, 3.

⁷⁷ *Ibid* [emphasis mine].

⁷⁸ *ST*, 1a2ae, 100, 1, sc.

formulate them after (slight) “reflection.” He says that “there are certain things which the natural reason of every man, of its own accord and at once, judges to be done or not to be done: e.g. *Honour thy father and thy mother*, and, *Thou shalt not kill*, *Thou shalt not steal*: and these belong to the law of nature absolutely.”⁷⁹ Elsewhere, Aquinas considers the following objection:

Just as man has a natural affection for his parents, so has he also for his children. Moreover the commandment of charity extends to all our neighbours ... Therefore as there is a precept referring to parents, so should there have been some precepts referring to children and other neighbours.⁸⁰

His response is revealing:

That a man should not do harm to anyone is an immediate dictate of his natural reason: and therefore the precepts that forbid the doing of harm are binding on all men. But it is not an immediate dictate of natural reason that a man should do one thing in return for another, unless he happen to be indebted to someone. Now a son's debt to his father is so evident that one cannot get away from it by denying it: since the father is the principle of generation and being, and also of upbringing and teaching. Wherefore the decalogue does not prescribe deeds of kindness or service to be done to anyone except to one's parents.⁸¹

One qualification for a particular moral precept being included in the Decalogue, then, is that it *does not* need to be taught. It is an “immediate dictate” of the reason that “one cannot get away from.” Elsewhere, Aquinas affirms that “the precepts of the decalogue are such as the mind of man is ready to grasp at once,”⁸² identifying them with “natural instinct.”⁸³ Yet, in another text, Aquinas says:

[T]he moral precepts derive their efficacy from the very dictate of natural reason, even if they were never included in the Law. Now of these there are three grades: for some are most certain, and so evident as to need no promulgation; such as the commandments of the love of God and our neighbour, and others like these ... which are, as it were, the ends of the commandments; wherefore no man can have an erroneous judgment about them. Some precepts are more detailed, the reason of which even an uneducated

⁷⁹ *ST*, 1a2ae, 100, 1.

⁸⁰ *ST*, 1a2ae, 100, 5, obj. 4.

⁸¹ *ST*, 1a2ae, 100, 5, ad. 4.

⁸² *ST*, 1a2ae, 100, 6.

⁸³ *ST*, 1a2ae, 100, 11, ad. 2.

man can easily grasp; and yet they need to be promulgated, because human judgment, in a few instances, happens to be led astray concerning them: these are the precepts of the decalogue.⁸⁴

The fact is that, again, Aquinas equivocates. He says both that these moral precepts are things that reason grasps immediately or that we receive immediately from God, but also that reflection is needed to form them. He says that one “cannot get away from” them, but also that “in a few instances” human judgment can be “led astray concerning them.” He says that we cannot be excused for not knowing them, because it is not possible to not know them, but also that it is indeed possible for them not to be known in some cases.

The key point, however, is that in spite of rejecting Albert the Great’s argument that *synderesis* includes specific moral precepts, Aquinas’s account of conscience nevertheless relies for its cogency on a law which mediates between the conditions of possibility for moral reasoning known via *synderesis*, and *conscientia*’s dynamic knowledge of right action here and now. This law – whose content Aquinas identifies with the Decalogue – is essential to a complete understanding of Aquinas’s account of conscience. Indeed, the Decalogue is literally at the centre of Aquinas’s account, because the principles of *synderesis* “are contained in [the precepts of the Decalogue], as principles in their proximate conclusions,” and the specific dictates of *conscientia* are likewise contained in the Decalogue in the same way that detailed conclusions are implicitly contained in the premises from which they follow.⁸⁵ It is the Decalogue, then, that connects *synderesis* and *conscientia*, forming in effect the lynchpin of Aquinas’s account of conscience.

⁸⁴ *ST*, 1a2ae, 100, 11.

⁸⁵ *ST*, 1a2ae, 100, 3.

CHAPTER 4. CALVIN ON CONSCIENCE

4.1. MEANING OF “CONSCIENCE” IN CALVIN

Analysis of Calvin’s view on conscience has traditionally been hampered by the task of trying to pin down what he meant by the term. In a brief but classic treatment of the question, Dowey refers to the “baffling variety of expressions” Calvin employs to describe conscience.¹

Further complicating the task, as Foxgrover notes, is the fact that Calvin shows little interest in earlier Christian understandings of conscience or in positioning his own analysis with reference to the prior tradition.² For example, in the only place I have found where Calvin refers to the centuries-long debate about *synderesis*, he simply dismisses as “puerile” the entire tradition of commentary running from Origen through the late medieval scholastics. It is “better to bury at once,” he argues, the “many trifles” of this tradition, rather than wasting time refuting fictions which would “vanish if ... properly examined.”³

Calvin instead sets out to develop his own, biblically-based exposition of the meaning of conscience – an exposition which makes use of a staggering variety of off-the-cuff expressions, a few scattered technical definitions, and a cornucopia of poetic metaphors, without ever explaining how these various terms relate to one another.⁴

4.1.A. Definitions of Conscience

If we look just at Calvin’s definitions of the term “conscience,” we are left with several apparently different meanings.

(1) Calvin describes conscience as a “sense (*sensum*) of divine judgment,”⁵ an

¹ Dowey, *Knowledge of God in Calvin’s Theology*, 57.

² Foxgrover, *John Calvin’s Understanding of Conscience*, PhD Dissertation, Claremont School of Theology, 1978, ix.

³ *Praelect. Ezek.* 1:4.

⁴ Foxgrover, *loc. cit.*

⁵ *Inst.* 3.19.15. See also *Comm. Acts* 28:4 (*CO*, 48:561).

“awareness (*sensus*) which hales man before God’s judgment,”⁶ and as a “feeling (*sensus*), which draws men to God’s judgment.”⁷

(2) as a “witness (*testem*) joined to [people], which does not allow them to hide their sins before being accused before the Judge’s tribunal.”⁸

(3) as a “certain mean (*medium*) between God and man.” What exactly Calvin means by this is a little obscure, but he seems to be saying that if conscience were “knowledge ... closed up in man,” then it could in some sense be hidden from God. Therefore, conscience must consist in knowledge of human conduct perceived simultaneously by man and God, since this “does not allow man to suppress within himself what he knows, but pursues him to the point of convicting him.”⁹

(4) he defines conscience is “a sort of guardian appointed for man (*quasi appositus homini custos*) to note and spy out all his secrets.”¹⁰

(5) Calvin defines conscience etymologically, as *con*-(together with) *scientia* (knowledge).¹¹ *Conscientia* is a kind of shared knowledge of our moral state to which both we and God have access. It is humanity “knowing together with” God.

(6) Calvin distinguishes between “mind” which relates to “the understanding,” and “conscience” which “relates rather to the affections of the heart.”¹²

(7) elsewhere, however, Calvin identifies conscience with rationality, speaking of a “light” by which people “naturally possess ... the distinction between good and evil ... engraven on their consciences.” Calvin relates this “light” to the “reasoning faculties.”¹³

(8) in other texts, Calvin describes conscience not as a faculty but a dynamic process.

⁶ *Inst.* 3.19.15.

⁷ *Inst.* 4.10.3.

⁸ *Inst.* 3.19.15

⁹ *Ibid.*

¹⁰ *Ibid.* See also 4.10.3.

¹¹ *Inst.* 3.19.15 and 4.10.3.

¹² *Comm. Titus.* 1:15. See also *Comm. 1 Thess.* 3:13 where Calvin identifies conscience with the heart “or the innermost part of the soul.”

¹³ *Comm. John.* 1:5. See also 1:9 (*CO*, 47:9).

In his Romans commentary, Calvin sees conscience as a “process of accusation and defense” – “reasons come to our minds, by which we defend what is rightly done, and ... there are those which accuse and reprove us for our vices.”¹⁴

Now, it is true that Calvin describes conscience in such a variety of ways that it is impossible to synthesise them into one narrative without flattening and doing injustice to multiple layers of meaning. It is true, too, that on occasion Calvin seems to use conscience as a psychological Rorschach blot, attributing to it various aspects of the psyche for which his anthropology has not elsewhere provided a home. But, for all that, I think it is still possible to speak of something approaching a unified theory of conscience in Calvin. Unlike Aquinas’s syllogistic exposition, Calvin’s account is more like a “tapestry,”¹⁵ and one has to hunt for the various threads running throughout his work that make up that tapestry. As Bosco says, even though Calvin did not write an “extended systematic treatment” of conscience, “traces of [his] characteristic systematic precision can be uncovered” by those who read the *Institutes* and biblical commentaries with a discerning eye.¹⁶

4.1.B. Conscience and Legal Terminology

One important thread is the pattern of legal and judicial terminology that Calvin uses to describe conscience. He speaks about conscience accusing or convicting people, as testifying or witnessing against people, and as condemning them.¹⁷ He speaks of conscience as an

¹⁴ *Comm. Rom.* 2:15.

¹⁵ Lee, “The Spark That Still Shines: John Calvin on Conscience and Natural Law,” *Oxford Journal of Law and Religion*, 3.

¹⁶ Bosco, “Conscience as Court and Worm,” 333-334.

¹⁷ *Inst.* 1.3.1; 4.10.3; 4.10.4; *Comm. Gen.* 3:1; 3:8; 4:9; 4:18; 16:6; 25:29; 26:29; 31:22; 31:30; 43:22; 45:8; 50:16; *Comm. Josh.* 24:22; *Comm. Pss.* 10:3; 11:3; 13:4; 17:1; 18:31; 18:45; 19:12; 22:7; 31:14; 32:1; 34:15; 35:7; 35:19; 38:4, 20; 41:8; 43:1; 51:4; 55:23; 58:1; 69:4; 69:5; 73:12; 79:5; 86:2; 109:17; 109:22; 119:21; *Praelect. Jer.* 2:35; 14:7; 16:10; 17:1; 20:12; 26:2; 27:10; 28:17; 43:3; *Praelect. Ezek.* 2:3; 3:18; 18:1-4, 24; *Praelect. Hos.* 7:3; *Praelect. Micah.* 6:6-8; 7:20; *Praelect. Hab.* 3:2; *Comm. John.* 3:19; 8:10; 15:21; 16:2; *Comm. Acts.* 17:22; 25:10; *Comm. Rom.* 3:19; 5:14; 6:22; 8:33; 12:20; *Comm. Gal.* 4:6; *Comm. Eph.* 4:19. Calvin is particularly fond of repeating the proverb that conscience is “like a thousand witnesses.” See his *Commentary on Seneca's De Clementia*, 152; *Inst.* 3.19.15; *Comm. Gen.* 4:7 and 39:11; *Praelect. Jer.* 16:10; *Comm. Acts.* 24:16; *Comm. Rom.* 2:15.

interrogator, a judge, and an executioner.¹⁸

Conscience is not, for Calvin, an act of judgment, but a judicative process. This internal process resembles a courtroom (the “forum of conscience”¹⁹) in the sense that it is oriented toward the discovery of truth and the rendering of a just verdict, but also in the sense that a court is adversarial: the discovery of truth is the product of a process involving conflict.

How does this discovery of moral truth come about? Calvin speaks often of the importance of self-examination.²⁰ After recounting the story of Cain and Abel, Calvin uses it for didactic purposes to exhort the Christian to examine his or her conscience carefully and regularly:

As often, then as the secret compunctions of conscience invite us to reflect upon our sins, let us remember that God himself is speaking with us. For that interior sense (*interior ... sensus*) by which we are convicted of sin is the peculiar judgement-seat (*forum*) of God, where he exercises his jurisdiction. Let those, therefore, whose consciences accuse them, beware lest, after the example of Cain, they confirm themselves in obstinacy ... Hence it appears how great is the depravity of the human mind; since, when convicted and condemned by our own conscience, we still do not cease either to mock, or to rage against our Judge ... Hence, the force of the Divine judgment is clearly perceived; for it so pierces into the iron hearts of the wicked, that they are inwardly compelled to be their own judges.²¹

Note the dual “judgment” that Calvin refers to here. Our conscience is the “judgement-seat of God, where he exercises his jurisdiction.” But it is also the place where we judge ourselves. These judgments are one and the same. As Zachman explains, the “fundamental difference” between *scientia* and *conscientia* is that while “both are founded on a knowledge or awareness of a reality outside of us, *scientia* represents our knowledge of another thing, whereas *conscientia* represents our awareness of God’s judgment of us.”²² The “knowing subject of *scientia* is the human being,” whereas the “knowing subject of *conscientia* is God the judge,

¹⁸ *Comm. Isa.* 33:16; 66:24; *Praelect. Jer.* 27:15; *Comm. John.* 8:10; *Comm. Rom.* 2:15.

¹⁹ *Inst.* 3.19.15 and 4.10.3.

²⁰ *Inst.* 1.1.2; 1.5.10; 2.8.3; 3.20.6; 4.17.40; *Commentary on Seneca's De Clementia*, 6.1-2.

²¹ *Comm. Gen.* 4:9 (*CO*, 23:91).

²² Zachman, *The Assurance of Faith: Conscience in the Theology of Martin Luther and John Calvin* (Louisville: Westminster/John Knox Press, 1993), 100. See also Bohatec, *Budé und Calvin*, 384.

although we also share in the awareness of God’s judgment of us.”²³ It is the fact that conscience is a sharing in divine knowledge that marks it off as a distinctive mode of knowing:

They who suppose that the father made this inquiry of Cain respecting his son Abel, enervate the whole force of the instruction which Moses here intended to deliver; namely, that God, both by secret inspiration, and by some extraordinary method, cited the parricide to his tribunal, as if he had thundered from heaven ... God may have interrogated Cain by the silent examinations of his conscience; and that he, in return, may have answered, inwardly fretting, and murmuring. We must, however, conclude, that he was examined, not barely by the external voice of man, but by a Divine voice, so as to make him feel that he had to deal directly with God.²⁴

Calvin does appear to distinguish conscience not only from the will, but also from the intellect, since the intellect’s knowledge – for Calvin, as for Aquinas – comes from sense data. As Dowey notes, for Calvin knowledge possessed by conscience is distinctly marked off from “all other kinds of knowledge of God’s orderly will for creation, which come from without through experience, whether by observation or creation or listening to special revelation.”²⁵ Calvin makes conscience distinct from both of these faculties in that it is a “divine voice” *within* – an interior awareness of, or participation in, God’s knowledge about us.²⁶

4.1.C. Calvin Among Greek and Roman Conceptions of Conscience

For Aquinas, *conscientia*, in and of itself, was a morally neutral term. Conscience as judgment about right action can be accurate or mistaken. But the earliest uses of the Greek term *συνείδησις* (*suneidesis*) in the playwrights of the fifth century BC give it a different meaning. The word *συνείδησις* is, as with the Latin *con-scientia*, a compound of *συν* (together with)

²³ *Ibid.*

²⁴ *Comm. Gen. 4:9* (CO, 23:91).

²⁵ Dowey, *Knowledge of God*, 69.

²⁶ At *Comm. Gen 3:8* (CO, 23:65) Calvin connects the “voice of God” which Adam and Eve heard in Eden after they had sinned, with the “inward” knowledge of “the difference between good and evil” engraved on the conscience.

and εἶδησις (knowledge). The original connotation was of sharing knowledge with one's self, as if the self were split in two, one sharing a secret with the other concerning a moral defect.²⁷ The knowledge divulged by *suneidesis* was always a knowledge of having done some kind of wrong.²⁸ Conscience has thus, in its etymological origin, a forbidding and condemning sense. Later, Socrates's *daimon* or guardian spirit – an analogue of the playwrights' *suneidesis* – is described by Plato as opposing Socrates's thoughts and actions, but never proposing or approving positively:²⁹

I have this from my childhood; it is a sort of voice that comes to me, and when it comes it always holds me back from what I am thinking of doing, but never urges me forward.³⁰

Only later do Roman philosophers begin to speak of *conscientia* as the capacity to share with oneself not only knowledge of one's defects, but of one's merits, and of conscience as having the capacity not only for condemnation and disapproval, but for approbation and joy.³¹ Similarly, St Paul speaks of conscience as being able to both accuse or excuse, to inculcate or exculpate (Rom 2:15). Eric D'Arcy suggests that Paul's account marks a decisive turning-point. Whereas conscience for pagan writers "did not appear on the scene until/after the action was performed, and its role was purely judicial," for Paul conscience plays "a directive role before action." In addition to the judicial function, it has a legislative role, inducing "obligation in the proper sense."³²

It is difficult to situate Calvin precisely in relation to this history, although obviously he sought to be faithful to the biblical account as he understood it, and, like Paul, but unlike the ancient Greeks, Calvin thinks conscience applies prospectively as well as retrospectively.

²⁷ Sorabji, *Moral Conscience*, 1-2.

²⁸ *Ibid.*, 15.

²⁹ *Ibid.*, 21.

³⁰ *Apology*, 31D.

³¹ *Ibid.*, 26. See also Sorabji, *Gandhi and the Stoics: Modern Experiments on Ancient Values* (Chicago: University of Chicago, 2012), 146.

³² D'Arcy, *Conscience and Its Right to Freedom* (London: Sheed and Ward, 1961), 11-12.

But, on the whole, and in spite of his fondness for Seneca, it is fair to say that Calvin is more of a Greek than a Roman in the way he thinks of conscience. Calvin's usage of the term more often than not bears a negative sense. The action of conscience is presented as terrorising or reproving or somehow wounding the possessor of the conscience.³³ Conscience is generally spoken of by Calvin as something that forms a negative judgment on one's moral defects, rather than as something that rejoices in merit or good deeds. True, he does refer with some frequency to the importance of having the testimony of a good conscience³⁴ which gives interior assurance,³⁵ and insulates one against the need to seek human approval.³⁶ He refers often, too, to the importance of purity of conscience,³⁷ and describes consciences at peace, at rest, or quieted.³⁸ He even speaks, like Seneca, of the joyful or rejoicing conscience.³⁹ The positive affective dimensions of conscience are not absent from Calvin's work. But the point to be borne in mind with respect to such usage is that a "good" conscience, for Calvin, is one that has abandoned any attempt to justify itself by the standards of the law⁴⁰ and finds peace instead in the "unmerited righteousness ... conferred on us as a gift of God."⁴¹ The specifically *ethical* function of conscience as a judge of human behaviour, however, seems to be a negative function. Indeed, the proper object of conscience in the definitions of conscience Calvin gives in the *Institutes* is not merit or virtue, but sin and guilt. Conscience

³³ *Inst.* 4.10.11, 22; 4.15.3; *Comm. Gen.* 3:8; 26:29; 50:15; *Comm. Pss.* 28:5; 31:1; 32:1; 32:18; 36:2; 51:1, 3, 9; 52:5; 67:1; 69:7; 90:11; 119:70; 139:23; 141:5; *Comm. Isa.* 1:16; 5:20; 9:6; 26:17; 28:19; 33:14; 33:14-16; 38:1; 47:10; 48:22; 52:1; 57:20; 61:2; 66:24; *Praelect. Jer.* 19:12; *Praelect. Ezek.* 18:1-4; *Praelect. Hos.* 4:2, 8; 8:17; 9:3; *Praelect. Amos.* 6:17; 8:7; 9:10; *Praelect. Obad.* 7-8; *Praelect. Jonah.* 1:12; 3:6-8; *Praelect. Mic.* 7:18; *Praelect. Zech.* 11:5; *Comm. John.* 8:9; *Comm. Acts.* 2:36; 19:23; *Comm. Rom.* 5:1; 7:15; 8:15; 12:20; *Comm. 1 Cor.* 14:10; *Comm. Eph.* 4:19; *Comm. 1 Tim.* 2:8; 6:10; *Comm. Heb.* 2:6; 10:27; *Comm. Jas.* 4:9; *Comm. 1 Pet.* 1:14.

³⁴ *Inst.* 4.14.24; 4.16.21; *Comm. Gen.* 31:30; *Comm. Pss.* 4:1-2, 11:3, 17:1, 34:15, 43:1, 58:1, 109:21, 119:121; *Comm. Acts.* 23:1; *Comm. 1 John.* 3:20.

³⁵ *Comm. Gen.* 8:16; *Comm. Pss.* 22:7; 35:7; 41:8; *Comm. John.* 15:21; *Comm. 2 Cor.* 1:18.

³⁶ *Comm. Gal.* 1:10.

³⁷ *Inst.* 4.20.13. *Comm. Gen.* 5:10; *Comm. Isa.* 1:14-16, 6:10, 23:18, 43:24, 50:8, 58:6, 59:3, 60:6, 65:10; *Praelect. Jer.* 18:19; *Praelect. Hab.* 2:4; *Praelect. Mal.* 2:9, 3:5; *Comm. John.* 4:23; *Comm. Eph.* 1:4.

³⁸ *Comm. Pss.* 32:11; 37:9; 116:8; *Comm. Isa.* 2:4, 9:6; 12:2; 29:8; 53:5; 55:7; 56:7; 59:20; *Praelect. Jer.* 6:16; *Praelect. Mic.* 5:5; *Comm. John.* 15:11; *Comm. Rom.* 5:1; *Comm. 1 Cor.* 7:9; *Comm. 2 Cor.* 8:13.

³⁹ *Comm. Isa.* 9:5; *Comm. Rom.* 14:17; *Comm. Acts.* 2:25.

⁴⁰ *Inst.* 3.19.2.

⁴¹ *Inst.* 3.13.3. See also *Sermons on 2 Samuel*, 495 (Sermon 33).

is a “witness,” yes, but not to good deeds. It is a witness “which does not allow [people] to hide their *sins*.”⁴²

In his commentary on the story from Genesis of the incest between Lot and his daughters, two important features of Calvin’s account are apparent:

[T]hey well know that they commit a great sin. For, why make they their father drunken? Is it not, because they guess, that he cannot be made willing? ... in no wise they are to be excused, that they lend themselves to a scandalous intercourse, which all the nation abhor by nature ... with suppression of the conscience, Lot’s daughters devote themselves to that crime. The reason to mislead their father was no other than this, that they knew the disgrace, which they themselves necessarily had to condemn, because they knew that it was against the order of nature.⁴³

First, we see here conscience’s native knowledge of the natural law. Had Lot’s daughters heeded their conscience, they would have been restrained from acting in a manner “contrary to the order of nature.” Thus, the law according to which conscience judges is the natural law.

Secondly, we see the psychological function of conscience as reproving action, rather than approving it. Calvin refers to Lot’s daughters as having “suppressed” the action of their consciences (*repugnante conscientia*) in order to indulge in sin. The voice of conscience which they suppressed is not presented here as a positive voice, urging them to do good, but, like Socrates’s *daimon*, a forbidding voice, by which they are condemned. Calvin refers elsewhere, too, to the way in which the wicked attempt to deceive not only God, but their own conscience, in order to justify their desire to sin:

True repentance is displeasure at sin, arising out of fear and reverence for God, and producing, at the same time, a love and desire of righteousness. Wicked men are far from such a feeling; for they would desire to sin without intermission, and even, as far as lies in their power, they endeavour to deceive both God and their own conscience, but notwithstanding their reluctance and opposition, they are tormented with blind horror by their conscience, so that, though they do not hate their sin, still they feel, with sorrow and distress, that it presses heavily and painfully upon them.⁴⁴

⁴² *Inst.* 3.19.15 and 4.10.3 [emphasis mine].

⁴³ *Comm. Gen.* 19:31 (*CO*, 23:282).

⁴⁴ *Harm. Evangel. III.* Matt 27:3.

A person needs to do violence to their conscience in order to justify the decision to sin, a process which is never wholly successful, and therefore gives rise to the various psychological torments Calvin lists when discussing conscience. Whereas Aquinas claimed that those who killed the apostles did so through culpable error of fact,⁴⁵ Calvin says that the Jewish priests who bribed the Roman soldiers to remain silent about the empty tomb “abused their evil conscience” in order to add “sin to sin.”⁴⁶

4.2. CALVIN ON CONSCIENCE AND THE DECALOGUE

Calvin identifies conscience with “the testimony of natural law,”⁴⁷ and the suppression of one’s conscience with the decision to act against nature. But in practical terms, what does this mean?

Commenting on John 1:5, Calvin takes the “light” to refer to a light which “indwells corrupt nature” after the Fall, and consists of two parts. Firstly, there is in everyone some “seed of religion” (*religionis semen*), and secondly, everyone has “the distinction between good and evil engraved (*insculptum*) into their consciences.”⁴⁸

Commenting on John 1:9, Calvin paints his own position as lying between two extremes. On the one hand, he says, there are those who restrict the meaning of the phrase “every man” to the regenerate, holding that it is impossible to receive “light” from God except through grace.

Augustine is in this school of thought. He gives the example of a town with only one schoolmaster. The schoolmaster will be dubbed the educator of the whole town, even though as a matter of fact not everyone in the town attends school.

Calvin rejects this interpretation, since he says the plain meaning of the text indicates

⁴⁵ *De Veritate*, 16, 2, ad. 2.

⁴⁶ *Harm. Evangel. III*, Matt 28:11.

⁴⁷ *Inst.* 4.20.16.

⁴⁸ *Comm. John.* 1:5 (CO, 47:6).

a light whose “rays are diffused over all mankind,” not merely over the regenerate.⁴⁹

On the other hand, Calvin also criticises “fanatics who rashly strain and torture this passage” in order to claim that the light refers to a “grace of illumination” (i.e., a light of faith) offered on equal terms to all people.

Calvin holds instead that the light is a “common light of nature,” identifying it with the capacity of reason (*rationis lucem*) imparted by God to humanity. The natural light of reason is inferior to the light of faith, since the former does not allow the mind to penetrate into heavenly things. Moreover, Calvin says that the light of reason has been so thoroughly “obscured through sin, that amidst the dense darkness, and horrendous ignorance and abyss of errors, there appear hardly a few paltry sparks which are not immediately suffocated.”⁵⁰

Nevertheless, the light of reason is a genuine “perception (*sensus*) of the eternal light,” and as a result of it, people bear “the distinction between right and wrong engraved on their conscience.”⁵¹ Calvin returns to this theme later on in his *Commentary on John*, describing the knowledge of the distinction between good and evil engraved on the conscience as one of the “gifts” which humanity continues to possess after the Fall.⁵² Elsewhere, too, he refers to malefactors who try to extinguish the “distinction between good and evil in their consciences.”⁵³ And, echoing Origen, the *Institutes* refer to the ability of conscience to discern “between good and evil” as a sign of humanity’s “immortal spirit.”⁵⁴

So far, however, it is not clear what this means. For conscience to grasp the distinction between good and evil could mean one of two things. It could mean that conscience grasps a conceptual distinction between good and evil *as such*: a knowledge of good and evil as formal concepts, as the conditions of possibility for further moral reasoning, similar to Aquinas’s idea of *synderesis*. Or the conceptual grasp by the conscience of the distinction between good

⁴⁹ *Comm. John.* 1:9 (CO, 47:9).

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Comm. John.* 3:6 (CO, 47:57).

⁵³ *Praelect. Zeph.* 1:12 (CO, 44: 22).

⁵⁴ *Inst.* 1.15.2.

and evil may refer to actual good and evil acts.

Calvin seems to think the latter: the conscience has an innate knowledge that certain things are desirable, and others reprehensible. For example, he says that there is “nothing more common than for a man to be sufficiently instructed in a right standard of conduct by natural law,” and that for the gentiles, “conscience stands in place of law.”⁵⁵ But if the purpose of law is, as Calvin states, to act as a “method of properly regulating the conduct,” then a conscience which fulfils the same function as law must contain knowledge of particular precepts which regulate conduct *materialiter*. Later in the same book of the *Institutes*, in a passage we have already encountered, Calvin makes this explicit:

Now that inward law, which we have 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.⁵⁶

Conscience, for Calvin, thus has an innate grasp not only of the conceptual distinction between good and evil *per se*, but also of the rightness and wrongness of particular courses of action.

The extent of this knowledge he identifies with the moral precepts of the Decalogue, and he generally sticks to this idea throughout his writings. For example, in his Romans commentary, Calvin distinguishes between “full knowledge of the law,” which is not possible without revelation, and “some seeds of what is right”:

All the Gentiles alike instituted religious rites, they made laws to punish adultery, and theft, and murder, they commended good faith in bargains and contracts. They have thus indeed proved, that God ought to be worshipped, that adultery, and theft, and murder are evils, that honesty is commendable.⁵⁷

⁵⁵ *Inst.* 2.2.22.

⁵⁶ *Inst.* 2.8.1.

⁵⁷ *Comm. Rom.* 2:15.

It is clear that Calvin has the Decalogue in mind here, hence the mention of adultery, theft, murder, and honesty, covered by four of the commandments in the Second Table, and of worship, the concern of the First Table.

4.3. CALVIN ON CONSCIENCE, HYPOCRISY, AND THE NOETIC EFFECTS OF SIN

Aquinas, as we have seen, equivocates somewhat on the question of whether it is possible to be ignorant of the moral precepts of the Decalogue, arguing – in two different articles within the same question of the *Summa* – that one cannot turn one’s mind away from such knowledge, but also that “in a few instances” human judgment can be “led astray concerning them.”

Where does Calvin stand on this question? He cites with approval the fourth-century commentator on Aristotle, Themistius, noting that “the intellect is very seldom mistaken in the general definition or essence of the matter,” but that the possibility for deception increases exponentially as the intellect “descends to particulars”:⁵⁸

That homicide, putting the case in the abstract, is an evil, no man will deny; and yet one who is conspiring the death of his enemy deliberates on it as if the thing was good. The adulterer will condemn adultery in the abstract, and yet flatter himself while privately committing it. The ignorance lies here: that man, when he comes to the particular, forgets the rule which he had laid down in the general case.⁵⁹

Calvin’s account at this point differs from Aquinas. Both Calvin and Aquinas affirm that the judgments of conscience are dependent, not on knowledge of the Decalogue *itself*, but on moral knowledge of the kind that one finds expressed in the Decalogue. Both Calvin and Aquinas seem to affirm that knowledge of these precepts is something we cannot be ignorant of. But whereas Aquinas’s account appears to allow for error in applying the precept to the case (so that I might genuinely be confused, say, about whether a particular killing is

⁵⁸ *Inst.* 2.2.23.

⁵⁹ *Ibid.*

wrongful, and therefore constitutes murder), Calvin argues that mistakes in the application of general rules to specific situations occur as a result of self-flattery and wilful forgetfulness.

4.3.A. Conscience, Hypocrisy, and Natural Law in Calvin's *Sermons on 2 Samuel*

Krusche argues from this passage that Calvin thinks “the judgment of the conscience in a concrete case is, in fact, unreliable” as a guide to moral truth, since conscience grasps only general moral norms that “any idiot” will admit to be correct in abstract terms.⁶⁰

Krusche cites, in his defence, Calvin's commentary on the enraged reaction of King David to the Prophet Nathan when he heard the story of the rich man who had taken a poor traveller's lamb and cooked it (2 Sam 12:1-15). David understood the general principle that a person who has plenty ought not to take away what belongs to someone who has less, and he could apply that principle accurately to the parabolic example given by Nathan. But David had not been able to apply the same principle correctly to his own adultery with Bathsheba and subsequent murder of her husband. This is the point Calvin might appear to be making in the following remark from his *Sermons on 2 Samuel*, cited by Krusche:⁶¹

[W]e have to note that, in general we always recognise good and evil well enough. But we are totally witless when the case applies to us; so much so that our eyes are dulled, all our senses are lost and, in short, we do not apply it fairly to ourselves ... we see that David has thus condemned the one who had done such a wicked deed, let us note that he saw very clearly into someone else's business. Nevertheless, he was in regard to himself, so blinded, so stupid and witless.⁶²

But Krusche omits the very next line from Calvin's sermon:

[W]hat is the cause of this [i.e., our inability to correctly apply moral principles to our own case] if not hypocrisy blinding us? As a result, our eyes are bandaged through self-love ... everyone makes himself a beast voluntarily! For when we bandage our eyes

⁶⁰ Krusche, *Das Wirken des Heiligen Geistes*, 88. “Jeder Idiot gebe zu, daß Diebstahl und Mord strafwürdige Verbrechen seien, wann man so im allgemeinen davon spreche ... Trotz gewisser inhaltlicher Berührungen der *lex naturalism* mit der *lex scripta* ist also das Urteil des Gewissens im konkreten Fall faktisch unzuverlässig.”

⁶¹ *Ibid.*, 87-88.

⁶² *Sermons on 2 Samuel*, 525-527 (Sermon 35).

with self-love, to whom will we attribute that evil?⁶³

Calvin attributes to David not a defective moral antennae, but “hypocrisy.” The point of this sermon – indeed of the entire sequence of sermons that Calvin gave on David’s adultery – is not that, due to the depraving effect of original sin on reason, David made some kind of gaffe in applying the principle “you shall not commit adultery” to his relationship with Bathsheba. The point is that David, whipped up to a frenzy by his own lust, knew very well that what he wanted to do was wrong, did it anyway, and suffered dire consequences for it, including the internal torment he suffered as a result of his awareness of his own wrongdoing. As a preacher, Calvin wishes to impress upon those listening that they had better watch out in case, like David, they invite the same chaos into their own lives as a result of failing to control their passions. Thus, two sermons previously in the same sequence, Calvin admonishes his congregation:

David’s great perplexity shows us that even kings cannot flee the torment with which God pursues all those who have offended him ... God knows exactly how to bring down their thoughts when he constrains them – whether they want to or not – to feel their offences, and to have no rest in their conscience, but rather to be in continual turmoil. No-one had accused David, but even while his sin was still unknown, he felt under pressure ... when men are as blinded by hypocrisy as David, God does not fail to leave them, as it were, in fires of torment, and shows them that he is their Judge ... Let us carefully note, therefore, that a bad conscience will always be accompanied by torment, anxiety and anguish – as it says, the wicked “will flee when no man pursues him” (Lev 26:17, 36).⁶⁴

In another sermon in the same sequence, Calvin makes a similar point, this time about Bathsheba. He connects Bathsheba’s awareness of her sin with our universal awareness of natural law, and the apprehension of the knowledge of natural law by the conscience:

[I]t says that “the woman was cleansed from her impurity and returned to her house” (2 Sam 11:4). Well, these words show us that men have always had some discretion between good and evil engraved in their hearts. That (I say) is to be found even among the Jews and, indeed, among the pagans, who have not been able to ignore the fact that

⁶³ *Ibid.*, 526.

⁶⁴ *Sermons on 2 Samuel*, 494-495 (Sermon 33).

they have a natural ability to judge that fornication, thievery, murder, and all other vices are contrary to good ... This is what St Paul is saying, that no-one should be surprised if everyone is subject to condemnation. For those who do not have the written Law will not fail (he says) to be their own judges (Rom 2:14-15). Why? Because though they want to sleep in their self-flattery, their conscience summons them before God. Then if they have done evil, they must come to account for it, and they will feel inner pricks and remorse over it ... Therefore, since the pagans, who have never heard a word of the Law, experience such remorse, we do not find it strange if Bathsheba was convicted of her evil after she had committed adultery with David.⁶⁵

To be sure, Calvin says that “when we are carried away by evil desires, we lose our moral discernment.” But Calvin’s emphasis is on the fact that it is our choice, as individuals, to allow ourselves to be carried away: “everyone makes himself a beast voluntarily.” The loss of the capacity for moral discernment, in other words, is not a loss that accrues to humanity in general as a product of original sin. In fact, it is not really a “loss” at all, but a voluntary renunciation made by each individual insofar as they choose what they know to be wrong. “[W]hen sinners are hardened, they lose their sensitivity to good and evil, like someone stupid,”⁶⁶ Calvin says. But to behave *like* someone who is ignorant – someone who lacks the capacity for discernment – is not the same as *being* someone who lacks the capacity for discernment. Sinners behave stupidly, but it does not follow that Calvin thinks sin is an effect of which stupidity is the prior cause.

Calvin’s sermons on David’s adultery would make little sense as an appeal to the conscience of his listeners if he were trying to use David’s example to articulate the claim that his listeners would be ignorant of the immorality of adultery without the benefit of special revelation. Krusche’s argument simply ignores the fact that Calvin attributes error in applying general norms to particular cases to deliberate bad faith, and that Calvin’s overall doctrine of conscience is concerned less with speculative knowledge of general moral precepts than with our awareness of God’s judgment upon us for specific wrongful actions.

Calvin’s aim seems to be to abolish – or at least narrow dramatically – the scope for

⁶⁵ *Sermons on 2 Samuel*, 487 (Sermon 32).

⁶⁶ *Ibid.*, 506-507 (Sermon 34).

attributing errors of conscience to ignorance in good faith.⁶⁷

“When any man is tempted to do what is sinful,” Calvin says in his Isaiah commentary, “his conscience secretly asks him, What are you doing? And sin *never advances so freely as not to feel this check*.”⁶⁸ This is a point Calvin often emphasises. The function of the conscience, *inter alia*, is to vindicate God’s justice in condemning us. Since we cannot claim to have been ignorant of the demands of the moral law, “all excuse is cut off.”⁶⁹

What a Thomist might think of as invincible ignorance, Calvin thinks of as hypocrisy, “by which a man, knowing himself guilty before God . . . deceives himself before God.” “[W]e

⁶⁷ Some interpreters of Calvin have suggested that the young Calvin was taught or somehow influenced by the Scottish philosopher John Mair, who taught in Paris during the time Calvin studied there (Torrance, *The Hermeneutics of John Calvin* [Edinburgh: Scottish Academic, 1988], 80ff). If this view is correct, there may be interesting connections to be explored between Calvin’s thought on conscience and Mair’s teachings. Mair distinguishes between those who are “akratic” (*incontinens*) and those who are “intemperate.” The akratic man “acts wrongly against his better judgment” – i.e., against the judgment of his conscience which “speaks (*remurmurat*) to him like an external monitor.” The intemperate man, by contrast, simply has no better judgment – i.e., he has no conscience. For Mair, the existence of conscience presupposes knowledge, at some level, of the right precept governing the particular situation in which I find myself. Thus, for Mair, akratic acts “are not explained by temporary ignorance of moral norms, which is the more traditional Aristotelian solution, but rather by the ability of the free will to choose between contradicting alternatives that have been clearly perceived.” One can see the similarity with Calvin here, not only in the conceptualisation of conscience as an internal monitor (Calvin’s *quasi appositus homini custos*), but, more to the point, in the “close connection between akrasia and conscience” that aligns with Calvin’s view of sin and guilt as the proper objects of knowledge mediated to us by the conscience (see Karkkainen, “Conscience and Synderesis in John Mair’s Philosophical Theology,” Slotemaker and Witt [eds.], *A Companion to the Theology of John Mair* [Leiden: Brill, 2015], 186-191). The difference is that for Calvin the connection between akrasia and conscience is universal in scope. For Calvin, each and every person is Mair’s “akratic man” who “deliberately neglects the voice of conscience . . . and is thus both morally guilty of wrongdoing and capable of formulating the correct judgement” (see Saarinen, *Weakness of Will in Renaissance and Reformation Thought* [Oxford: OUP, 2011], 85). Also of note is Mair’s claim that conscience is not an ordinary means of moral decision-making, but “is to be followed only when the guidance of an external instructor is not available” (Karkkainen, “Conscience and Synderesis,” 187). “Because it is not always possible to have a teacher external to us,” Mair says, “God gives us our conscience to regulate our actions” (*quia non possumus habere semper doctorem extrinsecum, Deus dat nobis conscientiam nostrum regulatricem actuum nostrum – In secundum Sent.* [1510], d. 39, q. un., fol. 64ra, cited in Karkkainen, “Conscience and Synderesis,” 186n32). Conscience, in other words, is an internal judge that takes over when external means of judgment are unavailable. Aquinas, by contrast, thought that conscience was the medium for all of our moral judgments, not just those in which we lack the guidance of external norms. Calvin agrees with the more classical, Thomist view, but he incorporates into this classical view the view of later scholastics such as Mair who saw conscience as an internal monitor or judge which God has put inside humanity. Because conscience, for Mair, is only to be followed when the guidance of external precepts is unavailable, he therefore regards it as sinful to follow an erroneous conscience, and argues that we have a positive obligation to act against an erroneous conscience – a view which, like Calvin’s, assumes the presence of a deeper level of psychological awareness in light of which an erroneous judgment of “conscience” can be judged incorrect (Karkkainen, “Conscience and Synderesis,” 186-191). Other interpreters of Calvin dispute the claim that he was taught or influenced by Mair. Alexandre Ganoczy, for instance, offers an opposing view in *The Young Calvin* (Edinburgh: T & T Clark, 1988), 174f., although even he agrees that Calvin had read Mair.

⁶⁸ *Comm. Isa.* 5:18 [emphasis mine].

⁶⁹ *Inst.* 1.5.14-15.

know,” Calvin observes, “what a strong propensity men have to falsehood, so that they not only have a natural desire (*naturaliter ... appetunt*) to be deceived, but each individual appears to be ingenious in deceiving himself.”⁷⁰ He admits that such people act with an analogue of good faith, having “pleasantly and peacefully” constructed a false reality which they may have convinced themselves is real.⁷¹ The epistemic import of this view is obvious: if Calvin thinks that acting contrary to God’s law is to act against what one knows to be right, then conscience’s native apprehension of the natural moral law must be sufficiently extensive to deprive us of the defence of ignorance before “the peculiar judgement-seat of God, where he exercises his jurisdiction.”⁷²

4.3.B. Counterpoints from Secondary Literature

Calvin’s line of argument here contrasts with Aquinas, who thinks infallible natural moral knowledge pertains only to the principles of *synderesis*: the conditions of possibility for thinking about morality. It also contrasts with the picture of Calvin painted by many Reformed scholars, and to the comparisons such scholars make between Calvin and Aquinas.

It has become something of a truism in recent years, particularly in Reformed circles, to claim that one of the differences between the Reformed and Roman Catholic traditions is that Catholics have a more optimistic view of the effect of the Fall on human nature. For the Catholic, it is said, human nature remains fundamentally good after the Fall, albeit diminished and weakened, whereas for the Reformed Christian human nature is corrupted and depraved. In particular, it is often claimed that Aquinas’s approach to ethics is based more on rationalistic principles, whereas Calvin is mistrustful of post-lapsarian reason, and hence envisages a stronger guiding role for biblical revelation in the moral life.

⁷⁰ *Harm. Evangel.* I, Matt 7:15 (*CO*, 45:224). Note that the biblical reference in *CO* (the comment is placed under v. 16) is mistaken.

⁷¹ *Inst.* 3.12.14.

⁷² *Comm. Gen.* 4:9.

In his study of Martin Luther's political thought, Thompson argues that "Luther's general approach to the concept of natural law is very traditional [i.e. medieval] in its outlines." Luther accepted, he claims, "the standard medieval view that there is a universal moral law which is binding on all men – irrespective of whether they are Christians or not – since it is laid down by God and the knowledge of which is planted by God in men's hearts." Where Luther departs from the Thomistic position, Thompson argues, is in the fact that he "places rather more emphasis on the extent to which man's understanding of natural law was darkened by the Fall."⁷³

The picture of Calvin painted by many Reformed scholars on this point might be described as a more severe and thoroughgoing version of Luther. Some have argued that Luther's thought on natural law was a significant and direct influence on Calvin. Regardless of whether such claims can be supported,⁷⁴ it remains the case that the contrasts Reformed scholars draw between Calvin's teaching on natural law and the teaching of Aquinas run along these lines.

Helm argues that the "difference between Aquinas and Calvin regarding the apprehension of the law of nature encapsulates the Reformation conflict":⁷⁵

It was conflict about the primacy, or otherwise, of special revelation, about the extent of human sinfulness, and about the need for the power of God's regenerating grace. In the case of Aquinas ... Calvin would hold that there is an under-estimation of the noetic effects of sin. The idea that sin is solely a matter of sensuality prevails with them, whereas for Calvin sin affects the understanding, not by destroying it but by depraving it. It is not completely wiped out, but it is choked with ignorance, as a result of which the will cannot strive after what is right ... the relative positions of Calvin and Aquinas on natural law has a precise parallel in their respective views on natural theology ... By reason alone, starting from self-evident principles, any rational man may conclude that God exists. This is what Aquinas thought Paul was teaching in Romans I. Calvin, it seems to me, is much more cautious. It would be wrong to suppose that he thinks that there is no natural knowledge of God. But it would be equally incorrect to suppose that Calvin is committed a full-orbed natural theology. Rather what we find in Calvin here is precisely what we find in his treatment of the natural law, namely that man has from

⁷³ Thompson, *The Political Thought of Martin Luther* (Brighton: Harvester, 1984), 86.

⁷⁴ Clark ("Calvin on the *Lex Naturalis*," 11) argues that the influence of Luther's view of natural law on Calvin was "considerable," but the remark he cites from Calvin, while effusive in its praise of Luther, has nothing to do with the subject of natural law.

⁷⁵ Helm, "Calvin and the Natural Law," 12.

the creation around him clues about the existence of God which he – predictably but culpably – fails to follow up.⁷⁶

Other Reformed scholars paint the contrast between Aquinas and Calvin with much broader brush strokes.

Parker attributes to Calvin the “argument that all men are blind to [natural revelation] until enlightened by the Scriptures.”⁷⁷ While Backus contrasts this with Aquinas’s view, arguing that Aquinas’s concept of natural law, “which allows human reason a certain amount of autonomy in the moral realm, is absent from Calvin's work.”⁷⁸

Grabill argues that the “principal difference between Aquinas and Calvin” relates to “Calvin's epistemological modifications to the realist theory of natural law.” It is Calvin’s distrust of reason, Grabill argues, that leads him to transfer the locus of the knowledge of natural law from the intellect to conscience.⁷⁹

Stob claims that “the deeper meaning of the fall seems to escape Aquinas, and the devastating effects of sin tend to be ignored or glossed over.”⁸⁰ He argues that Aquinas is “unmindful of the sin that everywhere pervades the thought of unredeemed mankind [and] too quick to adopt wholesale and unmodified the disciplined ratiocinations of what St. Paul calls the natural man, and to allow these to serve as a purely rational foundation on which to erect a Christian superstructure.”⁸¹

⁷⁶ *Ibid* (emphasis in original). Helm’s characterisation of Aquinas’s views on natural theology seems to conflict with what Aquinas says in *ST*, 1a, 2, 1. There is no suggestion here that he thinks “any rational man” will be capable of deducing God’s existence from creation. In fact, his reference to the “learned,” coupled with his references to “the philosophers” in *In. Rom.* (C1, L6, 110, 117, 122) suggests the opposite conclusion: while Aquinas thinks God’s existence is self-evident in itself (i.e., the concept, “God,” entails the concept, “existence”), and also self-evident to “the wise,” it is not self-evident to all rational people. Also, Calvin seems to think that a lot of information about God is revealed in nature. Calvin says that God has made a “manifestation ... of himself as a father to us” in “the order of nature” (*Comm. Pss.* 104, *Arg* [CO, 32:84]). There are various ways of reading this statement, but it is by no means clear that Calvin’s natural theology is less “full-orbed” than Aquinas’s.

⁷⁷ Parker, *Calvin’s Doctrine*, 39.

⁷⁸ Backus, “Calvin’s Concept,” 12.

⁷⁹ Grabill, *Rediscovering the Natural Law*, 90.

⁸⁰ Stob, “Calvin and Aquinas,” 19.

⁸¹ *Ibid.*, 20.

Schaeffer says that in Aquinas's view the human intellect was not subject to the fall, and that accordingly Aquinas "opened the way for much that was destructive."⁸²

And Herman Dooyeweerd argues:

[S]cholasticism maintained that when God created man he furnished him with a "supranatural" gift of grace, a suprahuman faculty of thought and will by which man could remain in right relationship with God. Man lost this gift at the fall, and as a result he was reduced to mere "human nature" with its inherent weakness. But this human "nature," which is guided by the natural light of reason, was not corrupted by sin and thus also does not need to be restored by Christ. Human nature is only "weakened" by the fall. It continues to remain true to its in-created "natural law" and possesses an autonomy, a relative independence and self-determination in distinction from the realm of grace of the Christian religion.⁸³

Although Aquinas "did acknowledge God as the 'first cause' and the 'ultimate goal' of nature," Dooyeweerd concedes, he nevertheless "divided the creation order into a natural and supranatural realm," and he took his view of the natural realm not from Christian revelation, but from Aristotle.⁸⁴

Arvin Vos summarises the charge sheet drawn up by Reformed scholars:

Protestant critics have gone so far as to suggest that Aquinas's excessive reliance on natural theology can be traced to a more fundamental anthropological misperception on his part: they say that he asserts that only a part of each human being fell in Adam – only the will, but not the intellect.⁸⁵

I think the analysis in Chapter 2 is sufficient to demonstrate why the picture presented of Aquinas's views is highly distorted. It is *because* of his convictions about the depravity of the intellect that Aquinas brings natural law into his theology at all, as an illustration of the failure of natural moral reason. But what about the contrasting picture of Calvin?

⁸² Schaeffer, *Escape from Reason* (Downer's Grove: InterVarsity, 2006), 16.

⁸³ Dooyeweerd, *Roots of Western Culture: Pagan, Secular, and Christian Options* (Toronto: Wedge, 1979), 116.

⁸⁴ *Ibid.*, 119.

⁸⁵ Vos, *Aquinas, Calvin, and Contemporary Protestant Thought: A Critique of Protestant Views on the Thought of Thomas Aquinas* (Grand Rapids: Christian University, 1985), 126.

4.3.C. Response to Counterpoints

To answer this question, it is perhaps helpful to invoke once again the distinction already mentioned between two ways in which ignorance can result from guilt. When Calvin talks about the Fall robbing us of knowledge of the natural law, does this ignorance take the form of inadvertence, albeit an inadvertence for which we bear responsibility, like the reckless bungee jumper's blindness?⁸⁶ Or does he mean that such ignorance is willed in itself, like the blindness of the blindfolded – i.e., that the “actual guilt of man ... is the result of an actual rejection of an actual revelation that remains clear”?⁸⁷ In other words, does the darkening of our understanding of the natural law brought on by the Fall, in Calvin's view, consist in an *absence* of knowledge, or in the *rejection* of knowledge?

Before I give my own view, I would note that any answer to this question should be offered with caution, not only because Calvin never *directly* addresses it, but also because even in the texts that speak to it, he is not always clear and consistent. For instance, in his 51st lecture on Ezekiel, Calvin appears to argue that truce-breaking is against a widely-perceived natural law:

Here God shows that, humanly speaking, Zedekiah's revolt could not prosper; for even profane men (*profanis hominibus*) are always persuaded that the perfidy of him who breaks his word will not go unpunished, especially in treaties, which are held sacred by common consent. Since, therefore, the sacredness of treaties was so great, that they could not be violated without weakening the bonds of society, hence the general persuasion that the falsehood of all truce-breakers will turn out unhappily.⁸⁸

⁸⁶ One early red flag against adopting this interpretation is that Calvin himself does not appear to have adopted entirely uncritically Augustine's notion that “original sin” consists in postlapsarian humanity sharing in the guilt of Adam's first sin. Rather, Calvin says: “Original sin ... seems to be a hereditary depravity and corruption of our nature, diffused into all parts of the soul, which first makes us liable to God's wrath, then also brings forth in us those works which Scripture calls ‘works of the flesh’ [Gal 5:19]. And that is properly what Paul often calls sin ... since it is said that we became subject to God's judgment through Adam's sin, *we are to understand it not as if we, guiltless and undeserving, bore the guilt of his offense* but in the sense that, since we through his transgression have become entangled in the curse, he is said to have made us guilty ... a contagion imparted by [Adam] resides in us, which justly deserves punishment.” *Inst.* 2.1.8 [emphasis mine]. See also 4.15.10.

⁸⁷ Dowey, *Knowledge of God*, 73.

⁸⁸ *Praelect. Ezek.* 17:11-16 (*CO*, 40:409).

Yet, in his 52nd lecture – which Calvin gave the very next day⁸⁹ – he says:

The Prophet had spoken after the usually received manner when he said that Zedekiah's perfidy would not be unrevenged; but he now brings forward God as the speaker, because, unless he appeared as an avenger of perfidy, mankind would scarcely ever be seriously persuaded that punishment was prepared for perjurers and truce-breakers.⁹⁰

Calvin contradicts himself, arguing on the first day that there is “common consent” to the sacredness of treaties, coupled with a common conviction that “truce-breakers will turn out unhappily.” But he then argues that unless God had revealed that “punishment was prepared for perjurers and truce-breakers,” there would be no such conviction that truce-breakers will turn out unhappily after all.

Calvin appears to recognise the contradiction, but his attempt to resolve it is unconvincing:

As I have said that this opinion [i.e., concerning the sacredness of treaties] was fixed in the hearts of all (*defixam in omnium cordibus*), so it must be understood that this opinion was received, and that men were fully persuaded of it: but persuasions which are called “common” (κοίνας ἐννοίας) vanish away; there are common thoughts (*communes conceptiones*) which are almost born with us, and follow nature, but they are not firm, because the profane (*profani homines*) do not hold the principal point, that God is the judge of the world.⁹¹

In his previous remarks, Calvin had said that “even profane men” know that treaties are sacred and those who break them will come to a bad end. But he then says that revelation is required in order for these things to be firmly known, because without revelation, “the profane” will not be persuaded of them. This shows something of how difficult it can sometimes be to pin Calvin down to a particular view on this question.

⁸⁹ *Praelect. Ezek.* 17:18 (CO, 40:412).

⁹⁰ *Praelect. Ezek.* 17:19 (CO, 40:412-413).

⁹¹ *Ibid.*

Let us return to the substance of our question: is the darkening effect of the Fall best summarised as the absence of natural moral knowledge, or the rejection of it? There are, to be sure, texts that can be used to construct a defence of the former interpretation. Calvin teaches that, at the point of creation:

God provided man's soul with a mind, by which to distinguish good from evil, right from wrong; and, with the light of reason as guide, to distinguish what should be followed from what should be avoided ... man was far different at the first creation from his whole posterity, who deriving their origin from him in his corrupted state, have contracted from him a hereditary taint.⁹²

Part of what we lose in our "corrupted state" is the "soundness of mind" (*mentis sanitas*) with which humanity was endowed at the first creation.⁹³ The removal of grace from Adam's posterity on account of Adam's sin renders humanity morally blind: "after [God's] light is removed, nothing but darkness and blindness remains."⁹⁴ Calvin frequently refers to this "blindness,"⁹⁵ to the fact that what is clear in the order of nature considered in and of itself, is obscure to us on account of the degrading effect of sin on our intellectual perception. The "knowledge of God" may indeed be "naturally presented to all men in this world as in a mirror,"⁹⁶ but we are too blind to perceive what is represented in that mirror:

The power of God, as well as His goodness, is indeed abundantly manifested in the use of His creatures, which we naturally enjoy; but the depravity of the human mind causes that the testimonies of it act like a veil to obscure that bright light ... men do not sufficiently profit by the guidance and instruction of nature, but rather are blinded in their view of God's works.⁹⁷

Yet because the contagion of original sin is one that resides *in us*, our inability to advert to the knowledge of God perceptible in creation is attributable to us as a personal fault:

⁹² *Inst.* 1.15.8. See also *Comm. Gen.* 5:1.

⁹³ *Ibid.* See also *Inst.* 2.2.12 on the loss of *sanitas mentis*, and *Comm. Pss.* 119:34; *Praelect. Jer.* 24:24; *Praelect. Dan.* 2:22.

⁹⁴ *Inst.* 2.4.3.

⁹⁵ *Inst.* 2.8.1.

⁹⁶ *Comm. Pss.* 19:4.

⁹⁷ *Harm. Law*, I, Deut 8:3 (*CO*, 24:240).

“although we lack the ability to mount up unto the clear and pure knowledge of God, all excuse is cut off because the fault of dullness is in us.”⁹⁸ Our blindness is a punishment, an effect of the deprivation of grace that comes with the loss of humanity’s original state.⁹⁹

Consequently, Calvin emphasises the need for biblical revelation and for the enlightening power of the Holy Spirit to correct the noetic defect that resides in humanity on account of the Fall, so that *by faith* we may come to understand what previously (i.e., before the Fall), and in principle, humanity was and is capable of understanding *by nature*:

Through faith we understand that the worlds were framed by the word of God ... Men’s minds therefore are wholly blind, so that they see not the light of nature which shines forth in created things, until being irradiated by God’s Spirit, they begin to understand by faith what otherwise they cannot comprehend. Hence most correctly does the Apostle ascribe such an understanding to faith; for they who have faith do not entertain a slight opinion as to God being the Creator of the world, but they have a deep conviction fixed in their minds and behold the true God. And further, they understand the power of his word, not only as manifested instantaneously in creating the world, but also as put forth continually in its preservation; nor is it his power only that they understand, but also his goodness, and wisdom, and justice. And hence they are led to worship, love, and honour him.¹⁰⁰

We are faced, then, with two contradictory interpretations of Calvin’s view of the natural knowledge of God. The first interpretation (the standard view) sees such knowledge as a hypothetical possibility that cannot be actualised because the moral condition of the human race after the Fall vitiates our ability to grasp a natural revelation which remains objectively clear. Nature, on this interpretation, is a theatre showing forth God’s glory, but the audience has been completely blinded by sin.¹⁰¹

The second interpretation – which I have favoured here – sees natural knowledge of God (including the knowledge of God’s will for us, his law) as a continuing possibility,

⁹⁸ *Inst.* 1.6.15.

⁹⁹ *Comm. Isa.* 29:9-10.

¹⁰⁰ *Comm. Heb.* 11:3. On the need for Scripture to dispel the moral ignorance engendered by the Fall, see *Inst.* 1.6.4; 1.10.1; 2.8.1. On the need to be illumined by the Holy Spirit, see *Inst.* 3.2.34.

¹⁰¹ *Inst.* 1.5.8: “[M]ost people, immersed in their own errors, are struck blind in such a dazzling theatre ... however much the glory of God shines forth, scarcely one man in a hundred is a true spectator of it.”

because such knowledge convicts us of sin. It is precisely because we are *not* completely blind that we can be held responsible for sin.

These contradictory interpretations sometimes seem to be offered by the same author in the same text. For instance, Butler asserts that “[n]atural knowledge of God, after the Fall, is a kind of revelation reserved for the regenerate,”¹⁰² but also that “[h]umanity is given enough knowledge of God through nature to make them responsible for their refusal to acknowledge and worship God.”¹⁰³

While the standard interpretation of Calvin’s view on the noetic effects of sin is *prima facie* plausible, there are, I think, at least three good reasons to doubt it.

The first and most important reason is that such a view renders Calvin’s thought incoherent on virtually all of the points I have touched on thus far. Calvin’s thought on knowledge of the natural law as the instrument of the first use of the law, as that which removes the excuse of ignorance, makes little sense if humanity is, after all, ignorant of the natural law. His thought on conscience as the organ of knowledge of the natural law, as an inner, ineradicable awareness of it, is rendered unintelligible by the standard reading. The standard reading only makes sense if one elevates a certain subset of texts bearing on the question of the knowledge of God far above everything else Calvin has to say on the subject. But such a reading, in turn, only makes sense in light of a prior theological commitment, not on the basis of the totality of what Calvin himself says.

Indeed, Calvin explicitly states that, if the ancient Israelites had not been beneficiaries of divine revelation, they would nevertheless have been deprived of the excuse of ignorance on account of the natural law:

[God] demanded of the Jews only what they were supposed to do voluntarily, for had no law been written, even the sense of nature dictated to the Jews that they must obey

¹⁰² Butler, “God’s Visible Glory,” 25.

¹⁰³ *Ibid.*, 21.

God. In fact, the law of piety is engraved upon our hearts in such a way that no one may justifiably plead error or ignorance in relation to this testimony. God therefore declares here that he requires nothing except that which nature itself dictates ... for even if there had been no prophet among them, nonetheless, in this respect each one ought to have been his own professor and teacher.¹⁰⁴

“Let them not accuse God of injustice,” Calvin says of the reprobate, “if they are destined by his eternal judgment to death,” since “they *deliberately suppress* the cause of condemnation, which they are compelled to recognize in themselves ... they do not promptly cleanse away the guilt that, engraved (*insculptum*) upon their consciences, repeatedly meets their eyes.”¹⁰⁵

Secondly, Calvin is aware that biblical revelation does nothing to solve the problem of disobedience, and it is disobedience of the will rather than intellectual ignorance that Calvin sees as the root of humanity’s alienation from God. Knowledge of the moral law gleaned from revelation does not make people law-abiding, any more than natural moral knowledge does. This can be seen, again, from the Old Testament, which depicts the People of God in recurring disobedience despite being the privileged recipients of revealed laws:

*Our fathers understood not thy wonders in Egypt [Ps 106:7], Here [the Psalmist] relates how the people [of Israel] immediately, from the very commencement of their emancipation from bondage, were ungrateful to God, and conducted themselves in a rebellious manner ... He first blames the folly of the people as the occasion of such ingratitude. In calling it folly, he does not intend to lessen the offense, (as some are often wont to do,) but to expose the vile and disgraceful stupidity of the people, in being blind in matters so plain; for God’s works were such that even the blind might behold them ... Now, when he adds, they remembered not, he expresses more forcibly the inexcusable nature of their ignorance, nay, that their blindness was the result of stupid indifference, more than the want of proper instruction. For the cause of their ignorance was their overlooking those matters which, in themselves, were abundantly manifest.*¹⁰⁶

¹⁰⁴ *Praelect. Jer. 35:12-15 (CO, 39:111)*. My translation: “Hic ostendit Deus legem suam in hoc differre a praeceptis Ionadab, quia simpliciter a Iudaeis postulaverit quod ultro debuerant praestare, nam ut nulla lex unquam fuisset scripta, dictabat tamen Iudaeis naturae sensus, parendum esse Deo. Nam lex pietatis ita insculpta est cordibus nostris, quo ad testimonium, ut nemo iure obtendat errorem, vel ignorantiam. Deus ergo hic commemorat se nihil postulasse, nisi quod natura ipsa dictabat, nempe ut resipiscerent Iudaei, et vitam suam formarent ad regulam pietatis, etiamsi nemo fuisset apud eos propheta, debuit tamen hac in parte sibi quisque esse doctor et magister.”

¹⁰⁵ *Inst. 3.23.3* [emphasis mine].

¹⁰⁶ *Comm. Pss. 106:7* [emphasis mine].

Note the close parallels between Calvin’s argument about the Jews here, in his *Commentary on the Psalms*, and his argument about the gentiles in his *Commentary on Romans*. In both cases, ingratitude toward God results in a state of culpable blindness which causes people to turn aside from the moral law inexcusably.¹⁰⁷ The difference is only that the “law” in question is, for the ancient Jews, the Law of Moses, and for the gentiles, the natural law. Under the New Covenant, too, Calvin is aware that many Christians both can and do spurn the benefit of revelation, if they lack the correct disposition of the will:

Although hypocrites testify themselves to be prepared for obedience, if only they can be quite sure that God is speaking to them, yet they are certainly held back by some hidden depravity from coming openly to the light. And whenever God’s word is put before us, whoever does not prove himself of a docile disposition, even if he should swear a hundred times over that he is perplexed and must decline embracing the teaching proposed to him, because he is doubtful whether God speaks to him or not, he lies ... for all who do not hear God when he speaks to them are backsliders and inwardly perverse, and by the depravity of their nature place a veil before themselves which obscures their perceptions, and then their own minds prevent them from becoming obedient to God.¹⁰⁸

Thirdly, I would argue that many passages which appear to favour the standard reading of Calvin’s view on the noetic effects of sin instead favour the reading I have offered, provided that they are read in their full context and not as disembodied pericopes.

For example, commenting on Matt 6:24, Calvin says: “I confess, indeed, that men naturally possess reason, to distinguish between vices and virtues, but I say that it is so corrupted by sin, that it fails at every step.”¹⁰⁹

¹⁰⁷ See also *Inst.* 3.24.13: “to those whom he pleases not to illumine, God transmits his doctrine wrapped in enigmas in order that they may not profit by it except to be cast into greater stupidity ... [but] however much obscurity there may be in the Word, there is still always enough light to convict the conscience of the wicked.”

¹⁰⁸ *Praelect. Dan.* 9:11. See also *Comm. Rom.* 8:3: “The corruption then of our nature renders the law of God ... useless to us; for while it shows the way of life, it does not bring us back who are running headlong into death.”

¹⁰⁹ *Harm. Evangel.* I, Matt 6:22 (*CO*, 45:207).

This remark appears to favour the standard reading, one might argue. But a look at Calvin's more complete argument yields a more nuanced view:

God has given reason to guide them, and to act the part of a lantern in showing them the way. But what is the usual result? All the soundness of judgment which had been given to men is corrupted and perverted by themselves (*sponte corrumpunt ac pervertunt*), so that not even one spark of light continues to dwell in them ... We see, then, as I have already said, that these words reprove the indolence of men, who neglect to open their eyes (*mentis oculos aperire negligent*) for the guidance of their affections. The inference which the Papists draw from this passage, that men possess as much reason and wisdom, as to be free to choose either good or evil (*pollere rationis et prudentia homines, ut libera sit illis boni et mali electio*), is mere trifling. For Christ does not here inform us what ability we possess, but how we ought to walk, by having our eye fixed on a certain object; and at the same time shows, that the whole course of human life is dark, because no man proposes for himself a proper object, but all permit themselves to pursue eagerly what is evil (*omnes sibi ad malum cupide sectandum indulgeant*). I confess, indeed, that men naturally possess reason, to distinguish between vices and virtues; but I say that it is so corrupted by sin, that it fails at every step. Meanwhile, it does not follow, that men do not voluntarily bring darkness on themselves (*non sequitur, quin tenebras sibi sponte arcessant homines*), as if they shut their eyes to avoid the light which was offered to them, because they are knowingly and willingly carried after their own lust (*ac si clausis oculis oblatum lumen fugerent, quia scientes et volentes post suas concupiscentias feruntur*).¹¹⁰

Note who Calvin's opponent is in this passage: the "papists," who allegedly teach that our will is "free to choose either good or evil." Calvin's principal concern, then, is to affirm the corruption of our power to *choose* what is good. He neither denies that we have a basic (but frustrated) disposition to the good, nor does he deny the natural corollary of that, i.e., that the good is an object of our knowledge. Quite the contrary. It is precisely the fact that we do indeed know what is good, and yet "knowingly and willingly" reject it, that Calvin is at pains to emphasise in the various places in the text that I have drawn attention to. Read in its fuller context, what appears to be a straightforward statement of the standard reading is only fully comprehensible when read in line with the interpretation I have offered.

¹¹⁰ *Ibid.* (CO, 45:206-207)

The need for a careful and complete reading is particularly acute when it comes to the blindness metaphors that Calvin frequently makes use of to describe the noetic effects of sin.

Firstly, when used to describe the effect of sin, the blindness metaphor tends in Calvin's thought to be linked specifically with spiritual or heavenly goods, as, for instance in this oft-quoted passage from Calvin's *Commentary on John*:

[S]ince man lost the favour of God, his mind is so completely overwhelmed by the thralldom of ignorance, that any portion of *light* which remains in it is quenched and useless. This is daily proved by experience; for all who are not regenerated by the Spirit of God possess some reason, and this is an undeniable proof that man was made not only to breathe, but to have understanding. But by that guidance of their reason they do not come to God, and do not even approach to him; so that all their understanding is nothing else than mere vanity. Hence it follows that there is no hope of the salvation of men, unless God grant new aid; for though the Son of God sheds his *light* upon them, they are so dull that they do not comprehend whence that *light* proceeds, but are carried away by foolish and wicked imaginations to absolute madness. The *light* which still dwells in corrupt nature consists chiefly of two parts; for, first, all men naturally possess some seed of religion; and, secondly, the distinction between good and evil is engraven on their consciences. But what are the fruits that ultimately spring from it, except that religion degenerates into a thousand monsters of superstition, and conscience perverts every decision, so as to confound vice with virtue? In short, natural reason never will direct men to Christ; and as to their being endued with prudence for regulating their lives, or born to cultivate the liberal arts and sciences, all this passes away without yielding any advantage. It ought to be understood that the Evangelist speaks of natural gifts only, and does not as yet say any thing about the grace of regeneration ... man especially was endued with an extraordinary gift of understanding; and though by his revolt he lost the light of understanding, yet he still sees and understands, so that what he naturally possesses from the grace of the Son of God is not entirely destroyed. But since by his stupidity and perverseness he darkens the light which still dwells in him, it remains that a new office be undertaken by the Son of God, the office of Mediator, to renew, by the Spirit of regeneration, man who had been ruined. Those persons, therefore, reason absurdly and inconclusively, who refer this *light*, which the Evangelist mentions, to the gospel and the doctrine of salvation.¹¹¹

Calvin's concern here is to rebut those who think "natural reason" might "direct men to Christ" and to salvation, but he nevertheless affirms that we have a natural capacity for moral reasoning which remains competent for "regulating [our] lives" within its own, earth-bound

¹¹¹ *Comm. John.* 1:5. See also *Inst.* 1.2.2 where Calvin uses a metaphor of defective vision specifically in relation to "spiritual goods." And *Comm. Isa.* 55:5.

perspective. Thus, in his *Lectures on Malachi*, Calvin describes the “blindness” of nature as nevertheless involving a partial enlightenment which derives its power of illumination from the light of Christ, the pre-eternal *Logos* by whom the worlds were made.¹¹²

Secondly, and most importantly, “blindness” seems to be used by Calvin as a metaphor not for the complete absence of perception, but for the wilful refusal to make use of one’s powers of perception – a usage with a long history in the Christian tradition, and which Calvin shares with Aquinas.¹¹³

In his Isaiah commentary, blindness is conflated with “obduracy,” the deliberate decision to turn away from the light:

The Prophet himself explains what is the nature of this blindness of which he spoke, and shews that it is double; and this shews clearly that he spoke of the Jews, who by wicked contempt had quenched God’s light. Our guilt will be double when we shall come to the judgment-seat of God, if we shut our eyes when he exhibits the light, and shut our ears when he teaches by his word. The heathen nations will indeed be without excuse; but the Jews and others to whom the Lord revealed himself in so many ways, will deserve double condemnation for having refused to see or hear God. We, therefore, who have so many and so illustrious examples set before us at the present day, ought to dread this judgment; for in many persons there will now be found not less blindness or obduracy than formerly existed among the Jews, and not more excusable ... the distresses and afflictions which [the Israelites] endure are the punishment of their blindness, which they have voluntarily brought upon themselves ... As to the heavy calamities that have come on the Jews, the reason is, that of their own accord they have resolved to be blind, and to bring afflictions on themselves, instead of obeying God.¹¹⁴

¹¹² *Praelect. Mal.* 4:2: “Sun is a name appropriate to Christ; for God the Father has given a much clearer light in the person of Christ than formerly by the law, and by all the appendages of the law. And for this reason also is Christ called the light of the world; not that the fathers wandered as the blind in darkness, but that they were content with the dawn only, or with the moon and stars. We indeed know how obscure was the doctrine of the law, so that it may truly be said to be shadowy. When therefore the heavens became at length opened and clear by means of the gospel, it was through the rising of the Sun, which brought the full day; and hence it is the peculiar office of Christ to illuminate. And on this account it is said in the first chapter of John, that he was from the beginning the true light, which illuminates every man that cometh into the world, and yet that it was a light shining in darkness; for some sparks of reason continue in men, however blinded they are become through the fall of Adam and the corruption of nature. But Christ is peculiarly called light with regard to the faithful, whom he delivers from the blindness in which all are involved by nature, and whom he undertakes to guide by his Spirit.”

¹¹³ Cooper, “Degrading the Body,” 119.

¹¹⁴ *Comm. Isa.* 42:19-21. See also *Comm. Isa.* 44:20, and 46:8: “Men who otherwise are not well instructed in the Law are led into mistakes, because they extinguish that knowledge which God kindles in their hearts; for there is no person who has not some seed of religion implanted in him by nature, but men choke it by their unbelief, or corrupt and debase it by their inventions.” In other places, Calvin does indeed use blindness as a metaphor for ignorance rather than obduracy. But he is often at pains to emphasise that such ignorance is not significant enough to be exculpatory (see, for example, *Inst.* 1.4.1).

Calvin makes a similar point in his *Commentary on John*:

[H]uman reason considers nothing to be more unreasonable than to say, that *they who see are made blind by the light of the world*. This then is one of the secret judgments of God, by which he casts down the pride of men. It ought to be observed, that the *blindness* which is here mentioned, does not proceed so much from Christ as from the fault of men. For by its own nature, it does not strictly *blind* any man, but as there is nothing which the reprobate desire more earnestly than to extinguish its light, the eyes of their mind, which are diseased through malice and depravity, must be dazzled by the light which is exhibited to them.¹¹⁵

Here, the “light” spoken of is not the natural light of reason, but the supernatural light brought into the world by Christ’s coming. The important point, however, is the way in which Calvin uses the metaphor: blindness is not a symbol for the absence of intellectual perception but for the wilful refusal to perceive.

Calvin says it is precisely because our moral blindness is something we embrace “wilfully,” rather than a malady we suffer against our will, that we can be said to be “inexcusable” for it:

[The Psalmist] deservedly severely reprehends men naturally endued with understanding, because they divest themselves of reason and judgment (*se ipsos abdicent omni ratione et iudicio*), and even of common sense. For those who ask life from things which are lifeless, do they not endeavor to the utmost of their power to extinguish all the light of reason (*nonne quantum in se est extinguunt omne rationis lumen*)? In a word, were they possessed of a particle of common sense, they would not attribute the properties of deity to the works of their own hands, to which they could impart no sensation or motion. And surely this consideration alone should suffice to remove the plea of ignorance, their making false gods for themselves in opposition to the plain dictates of natural reason. As the legitimate effect of this, they are willfully blind (*sponte claudere oculos*), envelop themselves in darkness, and become stupid; and this renders them altogether inexcusable (*quae voluntaria caecitas eos prorsus inexcusabiles reddit*), so that they cannot pretend that their error is the result of pious zeal. And I have no doubt that it was the prophet’s intention to remove every cause and colour of ignorance, inasmuch as mankind spontaneously become stupid.¹¹⁶

A final passage, from Calvin’s Genesis commentary, sums up the need to read the Reformer carefully on this point:

¹¹⁵ *Comm. John*. 9:39.

¹¹⁶ *Comm. Pss.* 115:8 (*CO*, 32:187).

The corruption of our nature was unknown to the philosophers who, in other respects, were sufficiently, and more than sufficiently, acute. Surely this stupor itself was a signal proof of original sin. For all who are not utterly blind perceive that no part of us is sound; that the mind is smitten with blindness, and infected with innumerable errors.

Even Calvin's statements about the insufficiency of post-lapsarian reason affirm, in a back-handed way, its sufficiency. The visual metaphor cuts both ways here. On the one hand, "the mind is smitten with blindness" on account of original sin. On the other hand, it is possible to "perceive" this fact about our own predicament precisely because we are not "utterly blind."

4.4. CONSCIENCE, THE DECALOGUE, AND THE NOETIC EFFECTS OF SIN

4.4.A. Summary and Questions

To sum up: in spite of idiomatic differences, there is a significant degree of agreement to be found in the underlying substance of the basic accounts of conscience and of its relationship to our knowledge of natural law put forward by Calvin and Aquinas. Both accounts affirm that human beings have an infallible grasp of a body of moral data. Aquinas calls this grasp *synderesis*; Calvin does not employ a technical term to describe it. Both affirm, moreover, that conscience not only grasps conditions of possibility for moral reasoning, but also has access to a law which provides concrete direction on human behaviour, and that the moral substance of this law is identical to the substance of the Decalogue. In Calvin's case, the identification of the content of the Decalogue with the knowledge of conscience is straightforward: he says that conscience is an inward law which gives us knowledge of the same data as the written law. In the case of Aquinas, the identity is less succinctly expressed. But when we look at Aquinas's thought on the problem of erroneous conscience, we see that his argument depends for its cogency on the presumption that there are certain precepts of which no human being who has the use of reason can justifiably claim to be ignorant, and

that the range of such precepts is the same as the range of the precepts of the Decalogue. For Aquinas, it is the knowledge of these precepts that provides the link between the two aspects of his theory of conscience – *synderesis* and *conscientia*.

If we were to attempt to sum up the relationship between conscience, natural law, and the Decalogue in one sentence with which both Calvin and Aquinas might agree, we could say that conscience is the psychological medium of our apprehension of that (natural) moral law of which the Decalogue constitutes a privileged written expression (although, as Calvin in particular is keen to insist, the Decalogue is uniquely privileged because of its *mode* – the fact of its being revealed by God – and not because its *content* is unique compared to the moral codes of non-Christian civilisations).

With this in mind, let us turn back to the questions I highlighted at the beginning of Chapter 3, arising from comparisons made by Reformed scholars between the thought of Aquinas and Calvin on the relationship between conscience and natural law. There are, as I see it, three main issues, in no particular order.

Firstly, there are those who have argued that Calvin's rejection of the allegedly rationalistic scholastic account of natural law led him to replace reason not with conscience, but with biblical revelation. Is it true that the "the most notable difference between Thomas and Calvin" lies in the fact that Calvin "defined natural law primarily in terms of the Decalogue and Thomas did not"?

Secondly, there is the related question of the noetic effects of sin. Does Calvin see the effects of the Fall on human moral cognition as more severe than Aquinas?

Thirdly, there is what I have called the "Chenevière thesis" concerning the connection between conscience and reason. Does Calvin break the links which connected conscience to reason in the scholastic account of natural law? Does Aquinas even establish the kind of connection between conscience and reason that some Reformed scholars claim? Is conscience, for Calvin, a third faculty, distinct from intellect and will?

4.4.B. Natural Law and the Decalogue

Firstly, it is a mistake, I think, to claim that Calvin and Aquinas differ substantially in their view of the relationship between natural law and the Decalogue. Moreover, it is surprising that such a claim, which can avail itself of only the weakest support in the work of either Aquinas or Calvin, should have proven to be so resilient. Chenevière, for instance, argued in 1937 that Aquinas posited a “radical distinction between the Decalogue and the natural law,” and he seems to have regarded such an assertion as uncontroversial with his readers.¹¹⁷ We find his opinion echoed over 50 years later by Klempa, who argues that “to distinguish natural and divine law, as Aquinas did, is to fall into the danger of dualistic thinking ... For Calvin, unlike Aquinas, there are not two laws, one law of ‘nature’ and another of ‘revelation.’ There is only one law: that is, the moral law [that] is ultimately identical with natural law.”¹¹⁸ A decade later, Clark claims that Calvin “made a very sophisticated revision of the natural law” in order to equate natural law with the Decalogue, as if this was some kind of clever innovation on Calvin’s part. Calvin, Clark argues, rejected the “Classical or Thomistic view of the *lex naturalis*” by “removing [natural law] from the Stoic and Thomistic corpus of ‘self-evident’ truths and identifying it with the content of the Law revealed ... at Sinai.”¹¹⁹

But Aquinas does not make any kind of distinction between natural law and divine law that Calvin does not also make. The principal distinction Aquinas makes is his distinction between the moral, ceremonial, and judicial precepts of the divine law – a distinction which Aquinas uses to *identify* the moral precepts with the natural law, and to *relate* the ceremonial and judicial precepts to the natural law. For instance:

[T]he precepts of the natural law are general, and require to be determined: and they are determined both by human law and by Divine law. And just as these very

¹¹⁷ Chenevière, *La Pensée Politique de Calvin*, 76-77: “D'autre part, il s'opere, au XIII siecle, une distinction radicale entre le Decalogue et la loi naturelle Telle sera aussi la position de Jean de La Rochelle et surtout celle de saint Thomas d'Aquin et de toute son Ecole.”

¹¹⁸ Klempa, “John Calvin on Natural Law,” 80.

¹¹⁹ Clark, “Calvin on the *Lex Naturalis*,” 17-18.

determinations which are made by human law are said to be, not of natural, but of positive law; so the determinations of the precepts of the natural law, effected by the Divine law, are distinct from the moral precepts which belong to the natural law. Wherefore to worship God, since it is an act of virtue, belongs to a moral precept; but the determination of this precept, namely that He is to be worshipped by such and such sacrifices, and such and such offerings, belongs to the ceremonial precepts. Consequently the ceremonial precepts are distinct from the moral precepts.¹²⁰

And:

[I]n every law, some precepts derive their binding force from the dictate of reason itself, because natural reason dictates that something ought to be done or to be avoided. These are called 'moral' precepts: since human morals are based on reason. At the same time there are other precepts which derive their binding force, not from the very dictate of reason (because, considered in themselves, they do not imply an obligation of something due or undue); but from some institution, Divine or human: and such are certain determinations of the moral precepts. When therefore the moral precepts are fixed by Divine institution in matters relating to man's subordination to God, they are called 'ceremonial' precepts: but when they refer to man's relations to other men, they are called 'judicial' precepts. Hence there are two conditions attached to the judicial precepts: viz. first, that they refer to man's relations to other men; secondly, that they derive their binding force not from reason alone, but in virtue of their institution.¹²¹

The ceremonial and judicial precepts are distinct from the natural law, not in the sense that their subject matter (morals) is different, or that they are somehow concerned with matters beyond the scope of nature. They are distinct insofar as they involve a higher degree of specificity than the moral precepts. The ceremonial precepts specify more precisely what is required by the First Table (which contains general precepts governing the relationship between humanity and God), and the judicial precepts specify more precisely what is required by the Second Table (which contains general precepts governing relationships within the political community) in the context of a particular society, i.e., ancient Israel.

For instance, there is a general moral precept forbidding murder, applicable to all times and places, and knowable by reason. But that a particular kind of murder (e.g., incinerating one's children as a sacrificial offering to Moloch) should be punished by a

¹²⁰ *ST*, 1a2ae, 99, 3, ad. 2.

¹²¹ *ST*, 1a2ae, 104, 1.

particular kind of penalty (i.e., being stoned to death) is a context-specific law that applies the basic moral precept forbidding murder to a particular set of social circumstances in a way that gives the natural law concrete force in a particular time and place. The ceremonial and judicial precepts, then, cannot be *identified* with the natural law, but given that there is no such thing as an acontextual human being, they flow necessarily from it. The designation of the ceremonial and judicial precepts as “precepts” is a nod by Aquinas to their intrinsic relationship with the natural law. It is from the fact that the ceremonial and judicial precepts concretely apply the universal moral law that they derive their force *as precepts*, as obligations that impinge on our actions.

The moral precepts, however, *are the natural law*, and, moreover, they are the basis for the judicial and ceremonial precepts. Although there may be some justification in saying Aquinas distinguished natural law from divine law, Klempa is wrong to suggest that Aquinas distinguished natural law from the moral precepts of the divine law, and that Calvin’s identification of the natural law with the moral law therefore constitutes a departure from the prior tradition.¹²²

Calvin also embraces what he calls “the common division of the whole law of God published by Moses into moral, ceremonial, judicial laws,”¹²³ and he explains this division in similar terms to Aquinas. The moral law is “the true and eternal rule of righteousness, prescribed for men of all nations and times,” Calvin argues, and it “is contained under two heads, one of which simply commands us to worship God with faith and piety; the other, to embrace men with sincere affection.” The ceremonial precepts “belonged to the doctrine of piety, inasmuch as they kept the church of the Jews in service and reverence to God,” while the judicial precepts concerned “civil government ... equity and justice,” and were intended to “to preserve that very love [between human beings] which is enjoined by God’s eternal

¹²² Klempa, “John Calvin on Natural Law,” 88.

¹²³ *Inst.* 4.20.14.

law.”¹²⁴ Noting that “ceremonial and judicial laws also pertain to morals,” Calvin argues that the reason “ancient writers” have distinguished the ceremonial and judicial precepts from the moral precepts is because the ceremonial and judicial precepts “could be changed or abrogated, while morals remained untouched.”¹²⁵

It also seems to me that Helm is somewhat wide of the mark when he claims that Calvin thinks it is only by means of revelation that the intellect has access to reliable knowledge of the natural law. Calvin is clear that there is an “inward law” through which we apprehend reliable knowledge of right and wrong, irrespective of whether we have the benefit of revelation. Many of Calvin’s references to the natural law are to be found in his *Commentary on Genesis*, and Calvin would have taken many of the stories in Genesis to be historical accounts of events which occurred prior to the giving of the Law on Mount Sinai. His outrage at the incest of Lot’s daughters, for example, is not simply directed at the fact that they violated the natural law, but at the fact that they *knew* they were violating the natural law, even prior to the revelation of the Decalogue.

4.4.C. Noetic Effects of Sin

As we have seen, Calvin thinks that ignorance of the natural law is something that is self-induced, a matter of hypocrisy and self-flattery rather than ignorance. As I have already indicated in Chapter 1, and explained at further length here, the principal role that natural law plays in Calvin’s theological enterprise is the part of an inculpatory mechanism that highlights human guilt for sin. To return again to Lot’s daughters, Calvin’s concern is not didactic (to point out that incest violates the natural law), nor is it epistemological (to claim that Lot’s daughters must have known that incest was unnatural). His overriding concern, rather, is inculpatory: because they knew they were acting against the natural law, they are “in no wise

¹²⁴ *Inst.* 4.20.15.

¹²⁵ *Inst.* 4.20.14.

... to be excused” and cannot “plead themselves free” by invoking ignorance as an excuse. Sinners “necessarily see what of themselves they seek not to know.”¹²⁶

By establishing the identity of the natural law with God’s law as “published” in the Decalogue, and further establishing that humanity has a native apprehension of natural law which was not eradicated by the Fall (through the medium of conscience) Calvin hopes that “all excuse [will be] cut off”¹²⁷ for violators of God’s law. As I explained in Chapter 1, since Calvin identifies the natural law with moral law (i.e., the moral precepts of the Old Law), it is part of the function of the natural law to fulfil Calvin’s first use of the law – to condemn “every man of his own unrighteousness” by depriving him of excuse and reducing his own estimation of himself, and by so doing moving him toward a position of realising his need for grace.

The force of this argument, and the confrontation that Calvin hopes it will induce between the sinful reader and God, would be undermined if Calvin were of the view that many scholars seem to attribute to him. Moral ignorance, on this reading, would become something akin to dementia – a tragic effect upon human cognition of the disintegration within the natural world caused by the Fall, for which individuals might be held guilty in the sense that they are guilty of original sin, but not a directly intended personal evil as Calvin seems to envisage it.

One curious effect of Calvin’s claim that ignorance of the natural law is feigned and hypocritical is that he seems to envisage us having “natural” access to a much more extensive range of moral data than Aquinas does:

Although lists are tiresome, it is necessary to offer some illustration of the range of moral questions on which Calvin took natural law to deliver rules of conduct, and the sometimes surprisingly specific character of those deliverances. Thus Calvin thought that “nature” or “natural sense” ... teaches the authority of fathers over wives and children, the sanctity of monogamous marriage, the duty to care for families, breast-feeding, primogeniture (albeit with qualifications) the sacrosanctity of envoys and

¹²⁶ *Comm. Rom.* 1:21.

¹²⁷ *Inst.* 1.5.14-15.

ambassadors, the obligation of promises, degrees of marriage, the need for witnesses in murder trials, the need for a distinction of ranks in society; and natural law prohibits incest, murder, adultery, slavery, and even the rule of one man. And, again, nature itself teaches the duty to award honours only to those qualified, respect for the old, equity in commercial dealings and that religion must be the first concern of governors.¹²⁸

While Aquinas would no doubt have agreed with many items on this list, a Thomist theory of natural law would see others as remote moral conclusions available only to the wise, and still others as matters of moral indifference. Thus, VanDrunen notes that it is “surely ironic that Calvin, whose thought many have portrayed as fundamentally hostile to natural law, seemed to believe that a far greater amount of specific moral knowledge is immediately accessible to all people than did Thomas, recognized as a great champion of natural law.”¹²⁹

Ironic, perhaps, but once one has grasped how Calvin uses the concept of natural law as an inculpatory mechanism, one sees that his more expansive view of our knowledge of the content of natural law is in line with his broader theology, and not an unfortunate departure from it. Even Chenevière observes that “Calvin’s natural law, by its very nature, governs a larger domain than the natural law theory of the scholastic thinkers,”¹³⁰ and Krusche notes the connection between the “range” of the natural law in Calvin’s thought and its essentially “negative purpose.”¹³¹

4.4.D. Conscience and Rationality

Finally, there is the question of the relationship between conscience and reason, and the question of whether, in Calvin’s work, the former functions as a replacement for the latter.

¹²⁸ Höpfl, *Christian Polity*, 179-180.

¹²⁹ VanDrunen, “Medieval Natural Law,” 94-95.

¹³⁰ Chenevière, *La Pensée Politique de Calvin*, 70: “de par sa nature meme la loi naturelle de Calvin regit un domaine plus vaste que la loi naturelle des penseurs scolastiques.”

¹³¹ Krusche, *Das Wirken des Heiligen Geistes*, 86: “Die Reichweite der lex naturalis ergibt sich aus dieser ihrer negativen Zweckbestimmtheit.”

The idea of conscience as a “third faculty” alongside intellect and will, in my view, can be a helpful way of explaining Calvin’s ideas about conscience at a basic level, but beyond this it is potentially misleading.

Calvin distinguishes conscience from intellect insofar as the intellect’s knowledge comes from the senses, while conscience is a form of awareness that arises *within* a person, not from observation or experience of the external world.

That being said, one must remember that Calvin believes the Fall has a depraving effect that extends to every part of human nature. Therefore, it is not at all clear to me why the conscience, if Calvin intended it to be understood as a distinct faculty from the intellect, should not have suffered a similar fate to the intellect and will after the Fall, or how the attribution of this position to Calvin (as its advocates seem to think) is somehow less “optimistic” about the effect of the Fall on human nature *in toto* than the position they attribute to Aquinas. Lee, for example, refers to conscience as “a little vestige of the divine image ... that survived the Fall.”¹³² She observes:

Genesis 2:4-3:24 narrates that in the beginning God formed man and woman in the divine image who then go on to commit the first act of sin rendering human nature corrupt thereafter. Ubiquitous to all natural law theories premised on this account ... is the issue of the human faculty to access universally occurring moral laws where human nature is inherently fallible. At first, this doctrine appears wildly disjunctive with the notion of natural law. That is because absent a connection to a human faculty that enables moral norms to be perceived, natural law is not possible. Any account of a natural-occurring objective morality necessarily presupposes some innate moral agency. If human nature is totally corrupt, how is moral reasoning possible?¹³³

Lee suggests that “Calvin's account of conscience is one way to resolve the vexed issue for Reformed natural law” and “by representing a preserved space for a priori human moral

¹³² Lee, “John Calvin’s Natural Law Theory,” Lee and Crowe (eds.), *Research Handbook on Natural Law Theory* (Cheltenham: Elgar, 2019), 100.

¹³³ Lee, “The Spark That Still Shines: John Calvin on Conscience and Natural Law,” *Oxford Journal of Law and Religion*, 8.3 (2019), 616.

knowledge, [Calvin's account] accommodates the real possibility of a theory of natural law in spite of degenerate human reason."¹³⁴

But the advocates of this position have done with conscience exactly what they rebuke Aquinas for doing with reason. That is, they have designated a part of human nature within which the Fall has left the function of that nature relatively unscathed.

Calvin never comments on the precise status of the conscience vis-à-vis the faculties of intellect and will, because his interest in conscience lies in its role in the moral and spiritual life, rather than in speculative anthropology.

That being said, when describing the conscience, Calvin uses terminology that links it both to the affective and cognitive dimensions of human awareness. As we have seen, he describes conscience as *sensus* – “perception” or “feeling.”¹³⁵ He says that conscience has to do with “the affections of the heart,” and distinguishes it from “mind” and “understanding.”¹³⁶ He uses a range of highly emotive terms to describe the effect that conscience has on us. The reproving action of conscience is experienced by us not as the conclusion of a syllogism grasped by the intellect but as a kind of emotional torment.

However, Calvin also defines conscience etymologically as *scientia* – “knowledge.”¹³⁷ In his *Commentary on John*, he defines conscience as *sensus* while at the same time identifying *sensus* not with the affections but with “reason and intelligence” and with the “reasoning faculties.”¹³⁸ Commenting on this passage, Klempa argues that “a distinctive quality of conscience” in Calvin’s thought is its “noetic character,” and its association “with the understanding rather than with the will.”¹³⁹

Of particular importance in this connexion is Calvin’s use of judicial terminology. He describes conscience as a “process of accusation and defence” involving “*reasons* [which]

¹³⁴ *Ibid.*

¹³⁵ *Inst.* 3.19.15; 4.10.3; *Comm. Gen.* 4:9; *Comm. John.* 1:5.

¹³⁶ *Comm. Titus.* 1:15. See also *Comm. 1 Thess.* 3:13.

¹³⁷ *Inst.* 3.19.15 and 4.10.3

¹³⁸ *Comm. John.* 1:5 (*CO*, 47:6).

¹³⁹ Klempa, “John Calvin on Natural Law,” 82-83.

come to our *minds*.”¹⁴⁰ Calvin, a lawyer, tends to use *conscientia* most often in conjunction with legal metaphors. A courtroom is a place where feelings may run high but where judgements made on the basis of cool reason ought to prevail, and it is significant that Calvin describes conscience not merely as a witness (a member of the court who gives their own subjective impressions of things), but as a judge, who must attempt to be impartial and rational.¹⁴¹

It may be correct to say that Calvin breaks the links that connect conscience to reason if by “reason” one means the faculty of intellect. Specifically, conscience differs from what Aquinas would call the “speculative” intellect since, again, conscience’s input does not come via the senses. But although Calvin may have divorced conscience from reason in this sense, he does not divorce conscience from rationality. Conscience cannot, in other words, be reduced to mere sentiment or emotion, even though it engages the emotional life. Chenevière is right to say that conscience is a “faculty *for knowing*,”¹⁴² and yet also that the kind of knowledge Calvin has in mind here is different from the kind of knowledge with which the speculative intellect is concerned – the kind of knowledge, as Calvin puts it, that “merely flits in the brain.”¹⁴³ But Chenevière goes too far when he claims that Calvin thinks the conscience is *not* a “rational faculty,” and in attempting to divorce Calvin’s idea of conscience from practical reason.¹⁴⁴ It is one thing to distinguish conscience from reason, quite another to make of conscience something non-rational, even anti-rational.

¹⁴⁰ *Comm. Rom. 2:15* [emphasis mine].

¹⁴¹ Bosco (“Conscience as Court and Worm,” 336) claims that Calvin “never refers to conscience as a judge,” and that he sees conscience simply as “a responder to a determination which has already been made” by God. Conscience is “central to moral judgment without being the judge.” This is not true. Calvin refers many times to conscience as a judge. See *Comm. Gen. 3:7*; *Comm. Pss. 19:12-14*; *Comm. Isa. 10:6*; *Praelect. Jer. 27:15*; *Comm. Acts. 17:22*, *inter alia*.

¹⁴² Chenevière, *La Pensée Politique de Calvin*, 65 [emphasis mine].

¹⁴³ *Inst. 1.5.9*.

¹⁴⁴ Chenevière, *La Pensée Politique de Calvin*, 64-65: “Cette distinction nous semble pourtant exister: chaque fois que Calvin s’explique avec quelques détails, il fait la distinction. Ce n’est que quand il parle comme en passant de la loi naturelle et de la raison, qu’il semble confondre raison et conscience ... la conscience ne constitue pas une connaissance en elle-même, mais plutôt une faculté de connaissance ... la conscience n’est pas une faculté rationnelle de connaissance, mais une faculté de connaissance infiniment plus vaste. C’est en quelque sorte une faculté instinctive d’adhésion à une vérité objective, qui se traduit par le ‘sentiment’ de ce qui est bien ou de ce qui est mal.”

Aquinas's theory of conscience has two parts: *synderesis* and *conscientia*. Although *conscientia* is an act of the reason, *synderesis* is not. When comparing Calvin to Aquinas one needs to remember that Calvin's *conscientia* corresponds not to Aquinas's *conscientia* but to *synderesis* (i.e., the sub-rational part).

While Aquinas thinks of *synderesis* as a habit of the faculty of reason, it does not involve ratiocination – discursive reasoning – and therefore even to speak about “reason” at all can be potentially misleading. The kind of intellectual processes Calvin views as having been damaged by the Fall – those involving movement between a “general definition or ... essence” and “particular cases”¹⁴⁵ – are certainly not at issue here, and it is precisely these kinds of processes that Aquinas, too, characterises as “reasoning” (*ratiocinatio*).¹⁴⁶

To the contemporary ear, talking about *synderesis* as a “habit of reason” containing “principles” can give the impression that what *synderesis* gives us is a series of precepts contained in the mind in a speculative manner similar to the way in which we understand logical axioms. But this is not what Aquinas means. *Synderesis* makes moral reasoning possible but is not itself a form of reasoning. If reasoning, Aquinas thinks, is “a kind of movement” (*ratiocinatio hominis ... sit quidam motus*)¹⁴⁷ then *synderesis* is the mover that makes such movement possible, without *synderesis* itself being a kind of motion. It is, in a sense, the unmoved mover of the natural moral life. Additionally, one must bear in mind the fact that Aquinas thinks of *synderesis* as a habit of the *practical* intellect, not a habit of speculative reason. *Synderesis* corresponds more to what we would think of as a “skill,” like the ability to play a musical instrument, than to the intellectual grasp of axioms.

In his *Commentary on the Sentences*, one of the arguments that Aquinas uses to prove the existence of *synderesis* is taken from the concept of hierarchy in the work of Pseudo-Dionysius. The basic principle that he borrows from Dionysius, as Crowe explains, is the idea

¹⁴⁵ *Inst.* 2.2.23. On this point Aquinas holds the view that would be later put forward by Calvin. See *Super Sent.*, lib. 2, d. 39, q. 3, a. 1, ad. 3.

¹⁴⁶ *ST*, 1a, 79, 12.

¹⁴⁷ *Ibid.*

that “Divine Wisdom must arrange created beings in an orderly series without any gaps ... This requires that adjacent members of the hierarchy should have something in common, that they should, as it were overlap.”¹⁴⁸ Or, as Aquinas himself puts it, “the inferior creature [must] participate in the likeness of the superior creature.”

How is this relevant to the discussion at hand? In the first place in the order of creatures, Aquinas argues, are the angels, and next to the angels, humanity. Now, because humans are rational souls joined to bodies, the kind of knowing proper to human nature is a kind of knowing which arrives at abstract truth only by means of an inquiry which begins with something experienced by the senses. Angels, however, because they do not have bodies, are able to grasp the knowledge of the truth without discursive reasoning. As Aquinas puts it: “Since, however, an angel is incorporeal, and not united to a body, the cognition that is proper to the nature of an angel is to simply, without inquiry, lay hold on the truth.”¹⁴⁹ Crowe calls it an “immediate, non-discursive apprehension of truth.”¹⁵⁰

However, just as non-rational animals, i.e., the creatures immediately below humanity in the hierarchy of creation, enjoy a “certain ... participation in reason,”¹⁵¹ so humans, the creatures immediately below the angels, participate in the immediate, non-discursive apprehension of truth proper to the angels, and *synderesis* is one example of such participation.¹⁵² Aquinas is not, after all, so distant from Calvin’s idea of an immediate, innate

¹⁴⁸ Crowe, “*Synderesis* and the Scholastics,” 231.

¹⁴⁹ *Super Sent.*, lib. 2, d. 39, q. 3, a. 1. My translation: “divina sapientia conjungit prima secundorum ultimis primorum, quia, ut in Lib. de causis ostenditur, in ordine creatorum oportet quod consequens praecedenti similetur, nec hoc potest esse nisi secundum quod aliquid participat de perfectione ejus; quod quidem inferiori modo est in secundo ordine creaturarum quam in primo; unde hoc quod inferior creatura de similitudine superioris participat, est supremum in inferiori et ultimum in superiori, quia est deficientius receptum quam in superiori sit. Inter creaturas autem talis est ordo ut primo sit Angelus, et secundo sit rationalis anima. Et quia rationalis anima corpori conjuncta est; ideo cognitio debita sibi secundum suum proprium ordinem, est cognitio quae a sensibilibus in intelligibilia procedit, et non pervenit in cognitionem veritatis nisi inquisitione praecedente, et ideo cognitio sua rationalis dicitur. Quia vero Angelus simpliciter incorporeus est, nec corpori unitur; cognitio naturae suae debita est ut simpliciter sine inquisitione veritatem apprehendat: propter quod intellectualis natura nominatur.”

¹⁵⁰ Crowe, “*Synderesis* and the Scholastics,” 232.

¹⁵¹ *ST*, 1a, q. 96, a. 1, ad. 4. See also *De Veritate*, q. 15, a. 1.

¹⁵² *Super Sent.*, lib. 2, d. 39, q. 3, a. 1. It is this immediate, non-discursive apprehension of truth that Aquinas thinks of as the activity of “intellect” properly speaking. *Synderesis*, along with our immediate understanding of speculative principles of truth, he thus describes in *Super Sent.* as a *participation* in intellection (*participatio intellectualis*). As Aquinas explains in the *De Veritate* (15, 1), “it is not possible

knowledge of morality.

Calvin, unsurprisingly, is no fan of Pseudo-Dionysius, bluntly dismissing *On Celestial Hierarchy* as “nothing but talk.”¹⁵³ Yet the point here is that in spite of their differing – even opposed – modes of expression, Calvin and Aquinas say, in effect, the same thing. McNeill argues that Calvin eschews the idea that the basis of our knowledge of natural law should be “reasoned principles,” instead making of it something “spontaneous and rudimentary” by placing it within the scope of conscience.¹⁵⁴ Yet Aquinas, too, claims that our grasp of the “the universal principles of the natural law” is something that happens by, in González’s words, a “sudden and simple intellection,”¹⁵⁵ and one which, in contradiction to the description of Aquinas given by his Reformed critics, he describes as being in a different category altogether to *ratiocinatio*, the kind of thinking that gives us “reasoned principles.” In this connexion, Robert Greene may be on to something important when he argues that “by relocating *synderesis* in the affective rather than the intellectual part of man's nature,” Bonaventure simply “made explicit what had remained latent in the thinking of Thomas Aquinas.”¹⁵⁶

These considerations simply open up deeper questions about the relationship between

for that which is proper to a higher nature to exist in a perfect way in an inferior nature, but only weakly and by way of participation” (My translation: “quia illud quod superioris naturae, non potest esse in inferiori natura perfecte, sed secundum quamdam tenuem participationem.”) González explains the thinking behind Aquinas’s careful choice of terms: “Aquinas posits that there are some higher spiritual substances endowed from the very beginning of their existence with a capacity for ‘reading’ truth without any movement of discourse or reasoning; they grasp the truth by a sudden and simple intellection. Immediate access to truth is what the word *intellectus* indicates. One is said to be exercising acts of immediate intellection (*intelligere*) because in some sense one reads (*legit*) the truth within (*intus*) the very essence of things. This is the way of knowing proper to intellectual substances.” *Actus Essendi and the Habit of the First Principle in Thomas Aquinas* (New York: Einsiedler, 2019), 197.

¹⁵³ *Inst.* 1.14.4. Froehlich argues that Calvin often uses Dionysius as “a prime example of *curiositas*, of illicit speculation beyond that which God has revealed.” “Pseudo-Dionysius and the Reformation of the Sixteenth Century,” Rorem and Luibheid (eds.), *Pseudo-Dionysius: The Complete Works* (Mahwah: Paulist, 1987), 44.

¹⁵⁴ McNeill, “Natural Law,” 180.

¹⁵⁵ González, *loc. cit.*

¹⁵⁶ Greene, “Instinct of Nature: Natural Law, Synderesis, and the Moral Sense,” *Journal of the History of Ideas*, 58.2 (1997), 173. Branya quotes Bonaventure as saying that “synderesis is to conscience as ... the habit of affect itself is to the habit of the practical intellect.” See *In II Sent.*, d. 39, a. 2, q. 2, ad. 4, *Opera Omnia* (Florence: Collegii S. Bonaventurae, 1837), 911, cited in Branya, *Synderesis According to Leonardo Polo Barrena*, PhD Dissertation, Strathmore University, 2016, 68.

knowledge of the natural law and the affective and cognitive dimensions of human moral awareness. And it is to these questions that I now turn.

CHAPTER 5. AQUINAS ON NATURAL INCLINATION

5.1. INTRODUCTION

In a famous passage, Aquinas asserts that natural law is rooted in “the order of natural inclinations”:

[A]ccording to the order of *natural inclinations*, is the order of the precepts of the natural law. Because in man there is first of all an *inclination* to good in accordance with the nature which he has in common with all substances: inasmuch as every substance seeks the preservation of its own being, according to its nature: and by reason of this *inclination*, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law. Secondly, there is in man an *inclination* to things that pertain to him more specially, according to that nature which he has in common with other animals: and in virtue of this *inclination*, those things are said to belong to the natural law, “which nature has taught to all animals” ... such as sexual intercourse, education of offspring and so forth. Thirdly, there is in man an *inclination* to good, according to the nature of his reason, which nature is proper to him: thus man has a *natural inclination* to know the truth about God, and to live in society: and in this respect, whatever pertains to this *inclination* belongs to the natural law; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above *inclination*.¹

There are nine references to “inclination” (*inclinatio*) in this short passage. Aquinas’s writings contain 2,268 uses of *inclin-* terms in 1,220 locations.² His reliance on the idea of inclination in the only detailed explanation of the natural law he gives tells us that Aquinas’s concept of natural law is dependent on his concept of inclination. But what does he mean by “inclination”? One might think of inclination as a particular kind of desire, but what kind of desire?³

¹ *ST*, 1a2ae, 94, 2 [emphases mine].

² Cunningham, *Natural Inclination in Aquinas*, PhD Dissertation, The Catholic University of America, Washington, DC, 2013, 65.

³ Feingold (*The Natural Desire to See God According to St. Thomas Aquinas and His Interpreters* [Naples: Sapientia, 2010], 11-18) distinguishes two kinds of natural desire in Aquinas’s thought: “innate appetite” and “elicited desire.” Innate appetite is “an innate tendency, inclination, or relation of the will to its maximum and proper perfection, prior to any knowledge.” Elicited desire is a “*conscious act* ... What previously was not desired, is now actually desired on account of the presence of knowledge of the goodness of that object, which *draws out (elicits)* an act of desire.” The key terms in these definitions are “prior to any knowledge” and “on account of the presence of knowledge.”

In what follows, I look firstly at the possible origins of Aquinas's usage of *inclinatio*, and at some considerations suggested by his use of the term. Secondly, I examine the connection between inclination and appetite (*appetitus*), arguing that although the terms are related, they should not be identified. Thirdly, I enter the debate about whether natural inclinations precede rational knowledge, or are desires caused by rational knowledge. I offer a defence of the view that the inclinations mentioned in 94, 2 of the *Prima Secundae* are pre-rational, and a rebuttal of the view that they depend upon reason.

In Chapter 6, I then move on to consider the congruity of Aquinas's view with Calvin's thought. Calvin's most extensive single comment on natural law is found in his *Commentary on Romans*. There, he appears to deliberately reject precisely the view of Aquinas that I describe here, positing instead a view that grounds natural law in innate knowledge. This raises the possibility that Aquinas and Calvin advocate not a single concept of natural law in different idioms, but two fundamentally different theories: a Thomist theory grounded in natural desire for the good, and a Calvinist theory based on innate knowledge of God's law. I argue, however, that despite Calvin's apparent rejection of a natural law theory grounded in inclination in his Romans commentary, his comments elsewhere assume the inclination-based theory and rely on it for their coherence.

Feingold argues further that the distinction between innate and elicited forms of desire can also be applied *within* the rational appetite or will. On the one hand, the will has an "appetite for its natural end" which is simply part of its nature as will. That is to say, the will as will desires happiness. But it is also part of the nature of the will as a "rational" appetite that it desires that which reason perceives to be good. There is therefore an "elicited" movement in the will when it is "in the presence of knowledge."

Feingold makes a further distinction within the category of "elicited desire." There are desires elicited by knowledge without deliberation (*voluntas ut natura*). And there are desires elicited by knowledge which is the product of deliberation (*voluntas ut ratio*). With regard to the former, the knowledge in question is "self-evident," while in the latter case, it is "the product of an investigation ordering means to ends." Feingold gives the example of the difference between the desire for "health," and "seeing a doctor or taking medicine" as "means to health." That health is good is self-evident. That one must take medicine to preserve one's health is not self-evident but can be the conclusion of deliberation under certain circumstances.

I do not mention Feingold's schema of natural desires in order to suggest that *inclinatio* can be conflated with one of the forms of desire Feingold mentions, although, as we will see, the distinction between forms of desire "prior to any knowledge" and those "on account of the presence of knowledge" is key to the debate about the meaning of "inclination" in Aquinas. But it is useful to illustrate the difficulty involved in assuming we know Aquinas might mean by something as apparently simple as "inclination," and how the attempt to explore it often leads to an endless series of distinctions. See also Suarez, *Opera Omnia* 4:149b.

Finally, I suggest that both Aquinas and Calvin make use of the concept of inclination (or, in Calvin’s case, analogous terms) to contextualise their respective theories of natural law within their respective theologies of Divine Providence.

5.2. AQUINAS: THE MEANING OF *INCLINATIO*

5.2.A. Three Possibilities

Steven Jensen points out that it is “far from clear what Aquinas means by a natural inclination,” but “[t]hree possibilities suggest themselves.”

(1) *Inclinatio naturalis* could refer to “inborn emotional desires” or “passions of the soul.” For example, the “natural sexual drive” that precedes particular patterns of sexual preference and decisions about how (or whether) to realise those preferences.⁴

(2) Aquinas is referring to “natural desires of the will.” In this case, inclinations would be desires that follow rational knowledge – inclining toward X would be consequent on intellectual recognition of X as a good.⁵

(3) Aquinas is referring to “nonconscious inclinations.” It is not clear how Jensen thinks this is distinct from (1). Jensen refers to the “inclination to ... reproduce” as an example of “nonconscious inclination,” despite having referred to the “sexual drive” as an example of an “inborn emotional desire.”⁶ Is there a difference between the two? One possibility is that Jensen is attempting to distinguish between our experience of attraction toward a particular object (hence “emotional” desire), and the underlying, built-in “drive” from which that experience of attraction arises. For example, Grisez, in a well-known commentary on 1a2ae, 94, 2, refers to “the inclinations we feel.”⁷ But the concept of inclination surely extends

⁴ Jensen, *Knowing the Natural Law: From Precepts and Inclinations to Deriving Oughts* (Washington: Catholic University of America Press, 2015), 44.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Grisez, “The First Principle of Practical Reason: A Commentary on the Summa Theologiae, 1-2, Question 94, Article 2,” *Natural Law Forum*, 10 (1965), 180.

beyond “feelings” to the drives that undergird those feelings. It is possible, for instance, to have an inclination to nutrition while “feeling” repugnance at the thought of eating.

It will be useful to bear these possibilities in mind as we go forward, especially Jensen’s observation that an inclination may or may not be consequent on intellectual activity.

5.2.B. Etymological Considerations

Thomistic lexicographer Roy Deferrari offers two definitions of *inclinatio*. One is tautological: “the condition of being mentally inclined or disposed to something.” The second is the “natural tendency or affinity of inorganic substances, which impels them towards what is suitable to their nature.”⁸ Clearly, the second cannot be what Aquinas has in mind in 1a2ae, 94, 2 since he is discussing human inclinations, not those of inorganic substances.

Another possibility, raised by Pinckaers, is that Aquinas may have adapted his threefold scheme of inclinations from a passage in Cicero:⁹

Nature has endowed every species of living creature with the instinct of self-preservation, of avoiding what seems likely to cause injury to life or limb, and of procuring and providing everything needful for life ... A common property of all creatures is also the reproductive instinct (the purpose of which is the propagation of the species) and also a certain amount of concern for their offspring ... Nature likewise by the power of reason associates man with man in the common bonds of speech and life ... She also prompts men to meet in companies, to form public assemblies and to take part in them ... Above all, the search after truth and its eager pursuit are peculiar to man. And so, when we have leisure from the demands of business cares, we are eager to see, to hear, to learn something new, and we esteem a desire to know the secrets or wonders of creation as indispensable to a happy life.¹⁰

But the problem with comparing Aquinas to Cicero is that the meanings of Cicero’s terms are no more transparent than Aquinas’s.¹¹ In the passage above, nature is associated both with (presumably pre-rational) “instinct” and with the “power of reason.”

⁸ Deferrari, *A Lexicon of Saint Thomas Aquinas* (Washington: Catholic University of America, 1949), 530.

⁹ Pinckaers, *The Sources of Christian Ethics* (Edinburgh: T&T Clark, 1995), 405.

¹⁰ *De Officiis*, 1.4.

¹¹ Parry, *The Age of Reconnaissance* (Berkeley: University of California, 1963), 311.

Another possibility is that Aquinas is following Aristotle. Gustafson argues that *inclinatio* is Aquinas's equivalent for Aristotle's ὀρμή,¹² which conveys a sense of “the first stir or start in a thing,”¹³ the “impulse to do a thing,” and “setting oneself in motion.”¹⁴ The problem with this theory is that ὀρμή, which finds its earliest uses in Greek military literature to denote the forward motion of an assault or march, corresponds better to, and is more frequently translated as, the Latin *impetus* rather than *inclinatio*.

Denis Bradley thinks that Aquinas's “doctrine” of inclination, if not the terminology, is Aristotelian in origin.¹⁵ But of the three texts in Aquinas's Aristotelian commentaries that Bradley cites, the term *inclinatio* appears only in one, and Sean Cunningham points out that although Aquinas attributes *inclinatio* terminology to Aristotle in several places, the term *inclinatio* does not appear in the relevant texts of the Latin translations of Aristotle that Aquinas would have used.¹⁶ It seems more likely that Aquinas projected his own concept of inclination onto Aristotle's text, than that he derived the doctrine from Aristotle.

5.2.C. *Inclinatio* and Teleology

Cunningham highlights two important features of Aquinas's use of the term *inclinatio*.

Firstly, it is “always teleological”:¹⁷

For St. Thomas, the very notion of inclination or inclining is unintelligible except in reference to some direction and goal, whether the goal be a human purpose, a natural end, or the end conceived by another agent (such as the Devil). The physical senses of inclin-(bending, leaning, bowing) are locomotive (i.e., involving motion towards a determinate place) in the sense that there is, or has been, local motion. This leaning and resultant local motion, in turn, are towards a determinate place.¹⁸

¹² Gustafson, *The Theory of Natural Appetency in the Philosophy of St. Thomas* (Washington: Catholic University of America Press, 1944), 12.

¹³ Halsey, *An Etymology of Latin and Greek* (Boston: Ginn & Company, 1891), 416.

¹⁴ Liddell and Scott (eds.), *A Greek-English Lexicon* (Jones/McKenzie rev. ed., Oxford: Clarendon, 1940), 1258.

¹⁵ Bradley, “Thomas Aquinas on the Role of Volition in Natural Law Prescriptions,” Szaif and Lutz-Bachmann (eds), *Was ist das für den Menschen Gute? Menschliche Natur und Guterlehre* (New York: De Gruyter, 2003), 184 and see 184n89.

¹⁶ Cunningham, *Natural Inclination in Aquinas*, 122.

¹⁷ *Ibid.*, 71.

¹⁸ *Ibid.*, 72.

The claim that inclination is teleological – that it is always inclination *to* something – may appear obvious. But, as we have seen, Grisez speaks of the “inclinations we feel,” and feelings are not necessarily goal-directed.

The concept of inclination-as-feeling is not uncommon among the New Natural Law school. Murphy observes that for Finnis, “inclination is paradigmatically something felt, a sort of urge – even if in particular cases the urge can be fairly colorless.” Murphy argues that *inclinatio* in Aquinas is “better translated as ‘directedness,’ denoting an agent's tendency to act purposively to secure certain objects.” Murphy contrasts Finnis’s view, in which “the precondition for recognizing a good as such is an urge,” with Aquinas’s view, in which the “precondition is a tendency to act.”¹⁹

Cunningham warns that to understand Aquinas’s use of *inclinatio* we must take his view of nature on its own terms: “nature inclines and it does so for a determinate end; it does not merely seem to do so.” Moreover, we must avoid confusing Aquinas’s teleological use of *inclinatio* with the “inchoate urge” suggested by the contemporary English term “natural inclination” and apparently adopted by New Natural Lawyers.²⁰

5.2.D. *Inclinatio*: Matter and Form

Secondly, Cunningham points out that Aquinas’s use of *inclinatio* almost always refers “to an inclination following upon some form, and ... in the natural law context, the inclination follows upon natural form, not upon matter, nor upon apprehended or supervenient form.”²¹

What does this mean?

For Aquinas, matter is the “stuff” out of which a particular thing (X) is made. Form, on the other hand, refers to the organising principle or pattern that makes X an instance of A

¹⁹ Murphy, *Natural Law and Practical Rationality* (Cambridge: CUP, 2001), 10.

²⁰ Cunningham, *Natural Inclination in Aquinas*, 84.

²¹ *Ibid.*, 71.

rather than an instance of B or C. For example, a carpenter can, by applying different forms to a block of wood (matter), make a variety of different items: chairs, tables, etc. The same form can also be applied to different kinds of matter to produce a different instance of the same kind of thing, e.g., a plastic chair instead of a wooden one. Form, in this context, is indistinguishable from the concept of a thing having an “essence” or “nature” shared with other instances of the same thing. It is what places the thing in a particular species or category of things. Thus, in the Treatise on Law, Aquinas uses the terms “nature” and “form” interchangeably within the same argument:

[T]o the natural law belongs everything to which a man is inclined according to his nature (*secundum suam naturam*). Now each thing is inclined naturally to an operation that is suitable to it according to its form (*secundum suam formam*).²²

In this connexion, there are two ways in which Aquinas talks about *inclinatio*, both of which are fairly obvious uses even of our own English “inclination.” Inclination can refer to the temperament unique to an individual: an inclination that follows upon matter. It can also refer to inclinations “common to all members of a species” – i.e., those that follow upon form.²³

What it means to say that natural inclination follows upon form, and not upon matter, is that the kind of inclinations Aquinas has in mind when discussing natural law are inclinations common to all human beings. Inclination “in the sense proper to natural law means a disposition a man has by virtue of his *form* as human,”²⁴ rather than by virtue of the individuated *matter* by which he has a unique body, which provides the matrix for a temperament unique to that individual.²⁵

²² *ST*, 1a2ae, 94, 3.

²³ Cunningham, *Natural Inclination in Aquinas*, 89.

²⁴ *Ibid.*, 101 [emphasis mine].

²⁵ *ST*, 1a2ae, 63, 1: “by reason of a disposition in the body, some are disposed either well or ill to certain virtues.”

Thus, when Aquinas says that upon every form there “follows” an inclination,²⁶ he means the inclination arises from the form or nature, that the form is the principle of the inclination:

Natural inclination arises in that a natural thing has an affinity and agreement with that to which it is moved as a result of its form (which, as we have already said, is the principle of the inclination). For instance, a heavy object has an inclination to downward motion.²⁷

Just as the inclination to downward motion arises from the form or nature of a heavy object *as heavy*, so humans have inclinations arising from the various aspects of their nature *as human*, as Aquinas says in 1a2ae, 94, 2:

[I]n man there is first of all an inclination to good *in accordance with the nature which he has in common with all substances* ... Secondly, there is in man an inclination to things that pertain to him more specially, *according to that nature which he has in common with other animals*... Thirdly, there is in man an inclination to good, *according to the nature of his reason, which nature is proper to him*.²⁸

“According to nature” here means consequent upon form. It is important to note that in spite of the way Aquinas words this passage, natural inclinations do not correspond to separate forms – one substantial, one animal, and one rational – as it were stacked on top of one another. The inclinations are, in a certain sense, hierarchical (goods of reason predominate over those of life, for instance²⁹), but there is no “plurality of substantial forms hierarchically ordered.”³⁰ There is a single form: the form of the human. This explains why elsewhere Aquinas speaks as if humans have only one natural inclination: to act according to reason:

²⁶ *ST*, 1a, 80, 1.

²⁷ *SCG*, 4.19.3. My translation: “oritur inclinatio naturalis, quod res naturalis habet affinitatem et convenientiam secundum formam, quam diximus esse inclinationis principium, cum eo ad quod movetur, sicut grave cum loco inferiori.”

²⁸ *ST*, 1a2ae, 94, 2.

²⁹ Brock, *The Legal Character of Natural Law According to St. Thomas Aquinas*, PhD Dissertation, University of Toronto, 1988, 184n43: “[T]he good of each thing is the perfection of its being, and ... what is most fundamental to the being of each thing is that in virtue of which” it is the kind of being that it is (in humanity’s case, rationality).

³⁰ Goyette, “St. Thomas on the Unity of Substantial Form,” *Nova et Vetera*, 7.4 (2009), 781.

For it has been stated that to the natural law belongs everything to which a man is inclined according to his nature. Now each thing is inclined naturally to an operation that is suitable to it according to its form: thus fire is inclined to give heat. Wherefore, since the rational soul is the proper form of man, there is in every man a natural inclination to act according to reason: and this is to act according to virtue.³¹

The fact that “a single human nature” – a single *form* – “comprises both that which man has in common with other animals and that which is proper to man as man”³² is why Aquinas can argue elsewhere that:

[I]t is not only things pertaining to the will that the will desires, but also that which pertains to each power, and to the entire man. Wherefore man wills naturally not only the object of the will, but also other things that are appropriate to the other powers; such as the knowledge of truth, which befits the intellect; and to be and to live and other like things which regard the natural well-being; all of which are included in the object of the will, as so many particular goods.³³

The specific (human) nature “overflows” and determines the generic (animal) nature. For example, when Aquinas speaks of man having a natural inclination to sexual intercourse “according to that nature which he has in common with other animals,” this does not mean that humans have a brute urge to reproduction which is then rationally domesticated by human custom. While certain features of marriage are evidently of human institution (or, for Aquinas, derive from divine positive law), Aquinas nevertheless holds that humans are naturally inclined to some kind of monogamy even at the level of their animal nature.³⁴ This is because there is a single human nature that comprises both rationality and animality, and the rational aspect of that nature – the specific difference of the human species – “shapes or colors” the other aspects of the nature.³⁵

³¹ *ST*, 1a2ae, 94, 3.

³² Cunningham, *Natural Inclination in Aquinas*, 205.

³³ *ST*, 1a2ae, 10, 1.

³⁴ Cunningham, *op cit.*, 205-206. See *SCG*, 3.122.6.

³⁵ *Ibid.*

5.3. INCLINATIO AND APPETITUS

Aquinas often mentions *inclinatio* in close connection with *appetitus*. In fact, he says in his commentary on Aristotle's *Metaphysics* that natural inclination is called appetite (*naturalis inclinatio appetitus dicitur*),³⁶ and in the *Summa*, he defines appetite as the "inclination of a person desirous of a thing toward that thing (*inclinatio appetentis in aliquid*)."³⁷

Does this mean the two terms should be treated as convertible? Some think so. Jenkins translates Aquinas's assertion in 1a2ae, 94, 2 that "the good is what all *desire (appetunt)*" as: "good is that to which all things are naturally inclined."³⁸

For Aquinas, *appetitus* is that which directs the affection (*affectus*) to something external to the desiring subject.³⁹ It is the part of our nature by which we seek what is good. Aquinas states that the *ratio* (i.e., the meaning of the concept) of "goodness" is "that it is in some way desirable (*appetibile*)."⁴⁰ Other versions of this statement include Aquinas's observations that a thing is good insofar as it is desirable,⁴¹ that everything desirable is good,⁴² that "goodness" is that which adds the concept of desirableness to the concept of being,⁴³ that the meaning of the concept of "good" is exactly the same as the meaning of the concept of "desirable" (*ratio boni sit ratio appetibilis*),⁴⁴ that a thing is good in the same way it is

³⁶ *Metaphysica*, V, L6.

³⁷ *ST*, 1a2ae, 8, 1. See also 1a, 81, 2: "the sensitive appetite is an inclination following sensitive apprehension, as natural appetite is an inclination following the natural form."

³⁸ Jenkins, "Good and the Object of Natural Inclinations in St. Thomas Aquinas," *Medieval Philosophy and Theology*, 3 (1993), 64. See also 77-78: Aquinas's says in *De Veritate* (21, 2) that being a "desirable thing" (*appetibile*) is part of the ratio of an end (which in turn is part of the ratio of "good"). Jenkins translates this as: "the *ratio* of an end [is that] it is naturally inclined to." Lombardo also defines appetite as "an inclination" in *The Logic of Desire: Aquinas on Emotion* (Washington: Catholic University of America Press, 2011), 31.

³⁹ *ST*, 1a, 59, 3, ad. 2.

⁴⁰ *ST*, 1a, 5, 1. See also 1a, 5, 2, ad. 1; 1a, 5, 4, ad. 1; 1a2ae, 29, 5.

⁴¹ *ST*, 1a, 5, 5; 1a, 6, 1.

⁴² *ST*, 1a, 20, 1; 1a, 48, 1

⁴³ *ST*, 1a, 16, 3.

⁴⁴ *ST*, 1a, 19, 9.

desirable,⁴⁵ and that things are good insofar as they are capable of moving the appetite as ends.⁴⁶

Aquinas defines “goodness” as “that towards which the appetite tends,”⁴⁷ and as that which has a “power of attraction” (*virtutem attractivam*) in relation to the appetite.⁴⁸ But what is it that makes something desirable, i.e., good? He defines desirability in terms of perfection or plenitude: a condition where nothing is lacking that a particular being ought to have according to its nature.⁴⁹ Every nature desires, seeks after (*appetit*) its own perfection.⁵⁰ Thus, in the *Summa*, when Aquinas asks whether “being” and “goodness” are the same reality, his answer is that “it is clear, in respect of reality, that goodness and being are the same thing,” but “‘goodness’ represents the concept of ‘desirability,’ which ‘being’ does not represent.”⁵¹ What does desirability add to the concept of being? The addition consists in the fact that “a thing is desirable only in so far as it is perfect; for all desire their own perfection.”⁵² For something *to be* is not for it to be perfect. We desire not simply *to be* but to flourish, according to the particular nature (i.e., form) that we possess.⁵³ “Accordingly, whatever has ultimate perfection is said to be good without qualification; but whatever does not have the ultimate perfection which it should have ... is not said to be perfect or good without qualification, but only in a certain respect.”⁵⁴

⁴⁵ *De Veritate*, 22, 1, ad. 7.

⁴⁶ *ST*, 1a, 5, 6.

⁴⁷ *ST*, 1a, 16, 1.

⁴⁸ *ST*, 1a2ae, 23, 4.

⁴⁹ *ST*, 1a, 5, 5: “Now a thing is said to be perfect if it lacks nothing according to the mode of its perfection. But since everything is what it is by its form (and since the form presupposes certain things, and from the form certain things necessarily follow), in order for a thing to be perfect and good it must have a form, together with all that precedes and follows upon that form ... the form itself is signified by the species; for everything is placed in its species by its form.”

⁵⁰ *ST*, 1a, 48, 1. See also 1a, 6, 1.

⁵¹ *ST*, 1a, 5, 1. My translation: “Unde manifestum est quod bonum et ens sunt idem secundum rem, sed bonum dicit rationem appetibilis, quam non dicit ens.”

⁵² *Ibid.*

⁵³ *ST*, 1a, 60, 3: “by natural appetite each desires what is good *for self*” [emphasis mine].

⁵⁴ *ST*, 1a, 5, 1, ad. 1. My translation: “Unde id quod est ultimo perfectum, dicitur bonum simpliciter. Quod autem non habet ultimam perfectionem quam debet habere ... non tamen dicitur perfectum simpliciter, nec bonum simpliciter, sed secundum quid.”

Aquinas's identification of goodness with desirability creates two pitfalls for the contemporary reader.

Firstly, while "desire" in contemporary English can have passionate connotations, Aquinas's usage is purely formal. He says, for instance, that the faculty of sight "desires" (*appetit*) visible objects.⁵⁵ While he recognises that some movements of desire are ardent, intense yearning is inessential to the meaning of desire.

Secondly, the identification of goodness with desirability does not mean that Aquinas thinks anything that anyone might desire is therefore a morally appropriate object of choice. The fact that something is desired means that it must be good in some respect, but to be a good choice, something must be good in all relevant respects. Devouring immense quantities of chocolate is good insofar as it nourishes and is pleasurable, but it may not be an appropriate choice during Lent. Aquinas often repeats Aristotle's dictum that "good is what all desire."⁵⁶ But this is simply to say that a thing is desired because it is perceived as good by the desiring subject. Such perceptions may be incorrect. This is part of what Aquinas means by saying that what is desired is desired "under the aspect of the good (*sub ratione boni*)."⁵⁷

5.3.A. Distinguishing *Appetitus* and *Inclinatio*

Despite the close connection between *appetitus* and *inclinatio*, there are two good reasons why they should not be identified with one another.

The first is that Aquinas uses the term "natural appetite" to describe different things, not all of which are relevant to the inclinations discussed in 1a2ae, 94, 2. In some contexts, Aquinas

⁵⁵ *ST*, 1a, 78, 1, ad. 3.

⁵⁶ *ST*, 1a, 5, 1; 1a, 6, 2, ad. 2; 1a2ae, 27, 1, ad. 3; 1a2ae, 94, 2.

⁵⁷ *ST*, 1a, 100, 2.

defines natural appetite in opposition to the will.⁵⁸ In other contexts, he defines will as the natural appetite of the rational creature.

In the first instance, Aquinas uses *appetitus naturalis* to designate the kind of appetite proper to beings that lack the capacity for cognition. Even plants have a “natural desire for their own flourishing.”⁵⁹ Unlike animals, plants are not capable of consciously apprehending goods, and so the apprehension of their good occurs on the part of the Creator, who inclines the plant to its end.⁶⁰

Appetitus naturalis is, in this sense, a relational term. “Natural appetite” (without cognition) is distinguished firstly from “sensitive appetite” (the appetite proper to non-rational animals, who are capable of cognition, but only in respect of particular goods rather than “good” as a universal).⁶¹ Natural appetite is also distinguished from “rational appetite” or will. Humans are free in their pursuit of the good because the rational appetite is determined only to the universal good, leaving a choice of means open: the will is “determinate to one thing in general ... [but] indeterminate in respect of particular goods.”⁶² In one sense, then, natural desire refers very specifically to the kind of desire that occurs without knowledge on the part of the subject.⁶³

Yet Aquinas also speaks about natural appetite in the context of the natural tendencies of particular powers or capacities – for instance, the power of vision “desiring” the visible object.⁶⁴ He refers also to the “natural” tendency of the will toward the universal good.⁶⁵ In

⁵⁸ *ST*, 1a2ae, 1, 2: “if the agent were not determinate to some particular effect, it would not do one thing rather than another: consequently in order that it produce a determinate effect, it must, of necessity, be determined to some certain one, which has the nature of an end. And just as this determination is effected, in the rational nature, by the ‘rational appetite,’ which is called the will; so, in other things, it is caused by their natural inclination, which is called the ‘natural appetite.’”

⁵⁹ Miner, *Thomas Aquinas on the Passions: A Study of Summa Theologiae: 1a2ae 22-48* (Cambridge: CUP, 2009), 20.

⁶⁰ *ST*, 1a2ae, 26, 1; 1a2ae, 35, 1.

⁶¹ *ST*, 1a, 82, 5.

⁶² *ST*, 1a2ae, 13, 2.

⁶³ *ST*, 1a, 44, 4, ad. 3; 1a2ae, 6, 4; 1a2ae, 17, 8.

⁶⁴ *ST*, 1a, 78, 1, ad. 3.

⁶⁵ *ST*, 1a, 59, 2.

one context, then, natural appetite is defined against the will, while in another context the will itself is a kind of natural appetite.

Sullivan distinguishes the “actual tendency” of the will in Aquinas’s writings – which always follows cognition – from the “innate natural appetite identified with the will itself as a power.”⁶⁶ It is *because of* this natural appetite of the will as a power that it tends toward the good as recognised by the intellect. In this sense, namely, as appetite that follows form, *appetitus naturalis* is more closely related to the term *inclinatio naturalis*, and in this sense Aquinas does sometimes use the terms interchangeably.⁶⁷

Second, appetite denotes actual movement toward the good.⁶⁸ “To desire or have appetency (*appetere*) is nothing else but to strive for something (*ad aliquid petere*), stretching, as it were, toward something which is destined for oneself.”⁶⁹ I think, however, that inclination is more accurately seen not as movement, but as a disposition from which movement arises. It is the condition of being oriented toward X, not moving toward X. It is the reason for movement in the sense that “inclination” answers the question: “why do things with this nature characteristically move toward that good?”

There are, it should be noted, texts in which Aquinas appears to conflate inclination and appetite, or in which he speaks of appetite as “inclining,” but to take these at face value can be misleading.⁷⁰ If inclination and desire were two words for the same reality – movement

⁶⁶ Sullivan, “Natural Necessitation of the Human Will (Conclusion),” *The Thomist*, 14.4 (1951), 507.

⁶⁷ *ST*, 1a, 59, 2: “Now the will has a natural tendency towards good” (*voluntas autem habet inclinationem in bonum naturaliter*); 1a, 60, 1: “in the intellectual nature there is to be found a natural inclination coming from the will (*inclinatio naturalis secundum voluntatem*);” 1a, 80, 1, ad. 3: “Each power of the soul is a form or nature (*forma seu natura*), and has a natural inclination (*naturalem inclinationem*) to something. Wherefore each power desires by the natural appetite (*naturali appetitu*) that object which is suitable (*conveniens*) to itself.”

⁶⁸ *Physica*, VIII, L12, C6; *ST*, 1a, 81, 1; 1a2ae, 25, 2; 1a2ae, 42, 1.

⁶⁹ *De Veritate*, 22, 1. See also *ST*, 1a2ae, 40, 2, where Aquinas speaks of the “stretching out of the appetite towards good.”

⁷⁰ *ST*, 1a, 87, 4; 1a, 111, 2.

toward something – then it would make little sense for Aquinas to speak, as he does, of desires themselves having inclinations or being inclined:

[T]hat a man in thinking of fornication takes pleasure in the act thought of, is due to his desire being inclined to this act. Wherefore the fact that a man consents to such a delectation, amounts to nothing less than a consent to the inclination of his appetite to fornication: for no man takes pleasure except in that which is in conformity with his appetite.⁷¹

This passage makes sense, however, if *inclinatio* is the disposition from which the movement of appetite arises. Inclination is not itself a form of motion, but the reason the appetite moves in this direction rather than in that direction is because it is inclined to do so. Inclination renders motion intelligible.⁷²

5.4. INCLINATION AND INTELLECT

Having noted the connection Aquinas draws between appetite and inclination, and having noted that, for Aquinas, desires follow upon cognitive apprehension of the good, a further question presents itself: what is the relationship between inclination and knowledge?

Answering this question is crucial for determining what connection, if any, we can draw between Aquinas’s statement that natural law follows the order of inclinations, and Calvin’s apparent claim, which I outline further in the next chapter, that natural law begins

⁷¹ *ST*, 1a2ae, 74, 8. See also 1a, 115, 4.

⁷² Cunningham (Natural Inclination in Aquinas, 399) cautions against conflating inclination with “disposition” because Aquinas often uses the term *dispositio naturalis* to denote “the material disposition of the body” (e.g., *ST*, 1a2ae, 17, 7, ad. 2), whereas Lisska (*Aquinas’s Theory of Natural Law: An Analytic Reconstruction* [Oxford: Clarendon, 1996], 104) recommends translating *inclinatio* as “disposition,” albeit for different reasons than my own. Cunningham himself notes that “disposition” preserves the important twofold meaning of *inclinatio* – one can dispose oneself to X as well as be disposed to X by an external agent (Natural Inclination in Aquinas, 402). This flags a third reason for distinguishing appetite from inclination: *appetitus* does not carry the important extrinsic sense of *inclinatio* which I describe in Chapter 6: a sense which is essential to the moral and theological meaning of the term. Thus, Cunningham (98) argues that although Aquinas “could have used the terms *appetitus* or *desiderium*” in 1a2ae, 94, 2, “neither would have carried the twofold sense of being inclined as well as tending from within.” He suggests that texts in which Aquinas appears to conflate *appetitus* and *inclinatio* should be taken to refer specifically to the intrinsic component of *inclinatio*.

with an intellectual conception of the good, that natural law concerns what we know rather than what we are affectively disposed toward.

Aquinas evidently thinks that natural inclination is prior to rational deliberation (e.g., it is prior to the mental act of comparing different possibilities for action):

Avicenna gives the example of a harpist, for whom it is not necessary to deliberate about which chords to strike, since these are already determined for him: otherwise, there would be a delay between the striking of the chords, which would be incongruous ... thus it is clear ... that it is possible for a natural agent to intend an end without deliberation. And to intend an end without deliberation is nothing else than to have a natural inclination to something.⁷³

Natural inclination is prior to rational *deliberation*, but is it prior to rational *apprehension*?

There are two schools of thought on this issue. The first and indeed the majority view is that natural inclinations are in some sense prior to reason. We simply *are* inclined in certain ways. Reason subsequently recognises the objects of these inclinations as good. The second view, propounded by Lawrence Dewan⁷⁴ and Stephen Brock,⁷⁵ is that natural inclinations follow reason, i.e., because reason recognises certain things as good, we are thereby inclined to them.

5.4.A. Inclination and Connaturality: A Defence of Jacques Maritain's Reading of 2a2ae, 45, 2

Jacques Maritain is one of the most well-known exponents of the view that inclinations are prior to reason, though also one of the more controversial. Maritain argued that there are two

⁷³ *De Principiis Naturae*, III. My translation: "Et ponit exemplum Avicenna de citharaedo quem non oportet de qualibet percussione chordarum deliberare, cum percussiones sint determinatae apud ipsum; alioquin esset inter percussiones mora, quod esset absonum. Magis autem videtur de operante voluntarie quod deliberet, quam de agente naturali. Et ita patet per locum a maiori, quod possibile est agens naturale sine deliberatione intendere finem: et hoc intendere nihil aliud erat quam habere naturalem inclinationem ad aliquid."

⁷⁴ Dewan, "St. Thomas, Our Natural Lights, and the Moral Order," *Angelicum*, 67 (1990).

⁷⁵ Brock, *The Legal Character of Natural Law According to St. Thomas Aquinas*, PhD Dissertation, University of Toronto, 1988; *Action and Conduct: Thomas Aquinas and the Theory of Action* (Edinburgh: T&T Clark, 1998); "Natural Inclination and the Intelligibility of the Good in Thomistic Natural Law," *Vera Lex*, 6 (2005); "The Distinctiveness of the Natural Inclinations Proper to Man in *Summa Theologiae* 1-2.94.2," *The Truth About God, and its Relevance for a Good Life in Society*, Doctor Communis, Proceedings of the XI Plenary Session, 17-19 June, 2011; "Knowing the Natural Law: From Precepts and Inclinations to Deriving Oughts by Steven J. Jensen (review)," *The Thomist*, 81. 1 (2017).

different ways in which moral value is recognised. “On the one hand we can possess in our mind moral science, the conceptual and rational knowledge of the virtues.” On the other hand, “we can possess the virtue in question in our own powers of will and desire.”⁷⁶

In the first case, moral knowledge “produces in us a merely intellectual conformity with the truths involved.” If, for instance, we are asked a question about morality, we may be capable of answering correctly, but only by “consulting the intelligible objects contained in our concepts.” In the second instance, we have the answer “embodied in ourselves, and thus ... [are] co-natured with it in our very being.”⁷⁷

When Maritain talks of connatural “virtue,” this should not be misunderstood as a claim that, naturally speaking, all people are more or less morally upright. In effect, Maritain is paraphrasing Aquinas’s teaching that “there is in every man a natural inclination to act according to reason: and this is to act according to virtue.”⁷⁸ It is simply a statement of the fact that whatever is desired by an agent is desired, rightly or wrongly, under the aspect of goodness – a goodness with which we share a certain connaturality on account of our having the nature that the desired good perfects.

Connatural knowledge is not placed in opposition to reason. Maritain argues it “is really and genuinely knowledge.” But it is not “rational knowledge, knowledge through the conceptual, logical and discursive exercise of Reason.” It is, rather, a form of knowledge that is “affective,” a kind of “disposition” rather than a mental conception. Maritain has various labels for this – knowledge through connaturality, union, or through inclination.⁷⁹ McCauliff

⁷⁶ Maritain, “On Knowledge through Connaturality,” *The Review of Metaphysics*, 4.4 (1951), 474.

⁷⁷ *Ibid.*

⁷⁸ *ST*, 1a2ae, 94, 3.

⁷⁹ Maritain, *loc. cit.*

has described it as “intuition,” and as “a kind of moral sensitivity.”⁸⁰ Anderson calls it “pre-conscious reason.”⁸¹ Maritain argues:

[H]uman reason does not discover the regulations of natural law in an abstract and theoretical manner, as a series of geometrical theorems. Nay more, it does not discover them through the conceptual exercise of rational knowledge. I think that Thomas Aquinas’ teaching, here, needs to be understood in a much deeper and more precise fashion than is common. When he says that human reason discovers the regulations of natural law through the guidance of the *inclinations* of human nature, he means that the very mode or manner in which human reason knows natural law is not rational knowledge, but knowledge *through inclination* ... vital knowledge by connaturality or affinity.⁸²

Maritain identifies this “knowledge through inclination” with the natural inclinations discussed by Aquinas in 1a2ae, 94, 2, arguing that his own position on connaturality reflects “the real meaning implied by St. Thomas.” Even though Aquinas did not employ the same expressions, Maritain argues that “[k]nowledge through inclination is generally understood in all his doctrine on Natural Law. It alone makes the doctrine perfectly consistent.”⁸³ It is “an absolutely essential element” to the concept of natural law itself, since the concept of natural law is “the concept of a law which is natural not only insofar as it expresses the normality of functioning of human nature, but also insofar as it is *naturally known* ... through inclination or connaturality, not through conceptual knowledge and by way of reasoning.”⁸⁴

As David Klassen notes, Maritain’s approach to natural law “has earned high praise for being able to explain the historical development of human *knowledge* of the natural law, and thus the diverse moral practices that prevail in different cultures.” Unlike “rationalistic theories”

⁸⁰ McCauliff, “Cognition and Consensus in the Natural Law Tradition and in Neuroscience: Jacques Maritain and the Universal Declaration of Human Rights,” *Villanova Law Review*, 54. 3 (2009), 442.

⁸¹ Anderson, “Connatural Knowing in Jacques Maritain,” Zdybicka et. al. (eds.), *Wierność rzeczywistości. Księga pamiątkowa z okazji jubileuszu 50-lecia pracy naukowej na KUL o. prof. Mieczysława A. Krąpca* (Lublin: Polskie Towarzystwo Tomasza z Akwinu, 2001), 241.

⁸² Maritain, *Man and the State*, 91 [emphases in original].

⁸³ *Ibid.*, 82n2.

⁸⁴ Maritain, “Knowledge through Connaturality,” 478 [emphasis in original].

which “assume that the natural law is a universally applicable code that reason clearly and distinctly presents in detail to all humans,” Maritain’s theory of knowledge through inclination presents natural law as being known at first “obscurely and non-conceptually, and only gradually ... discovered over time by rational consciousness.” It is thus able to account for “cultural and historical development” while also “affirming absolute and universal truths embodied in the natural law itself, which is ontologically grounded in unchanging human nature.”⁸⁵

Maritain also deserves credit for highlighting the need for a Christian theory of natural law to answer the question of how we know natural law, rather than simply asserting that natural law exists and proceeding to explain it. “Maritain took the standard Thomistic account of natural law ... to a new level by shifting the focus from the natural law system to the individual's apprehension of natural law.”⁸⁶

McCauliff also commends Maritain for his insights on moral intuition, which are “the subject of much empirical verification by psychologists, social biologists, and other scientists,” suggesting that those “who have rejected natural law because they think it exclusively concerns reason and fails to take the whole person into account might consider” a closer look at Maritain.⁸⁷ No doubt this posthumous confirmation would be pleasing to Maritain, who commented that he saw his mission in part as the articulation of a “sort of unwritten common law, at the point of practical convergence of extremely different theoretical ideologies and spiritual traditions.”⁸⁸

⁸⁵ Klassen, *Thomas Aquinas and Knowledge of the First Principles of the Natural Law*, PhD Dissertation, The Catholic University of America, 2007, 62.

⁸⁶ McCauliff, “Cognition and Consensus in the Natural Law Tradition,” 440.

⁸⁷ *Ibid.*, 475-477. For scientific support for Maritain’s view see, inter alia, Haidt, “The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgment,” *Psychological Review*, 108. 4 (2001), 814–834: “*moral intuition* can be defined as the sudden appearance in consciousness of a moral judgment, including an affective valence ... without any conscious awareness of having gone through steps of searching, weighing evidence, or inferring a conclusion.”

⁸⁸ Maritain, *The Peasant of the Garonne: An Old Layman Questions Himself About the Present Time* (Eugene, OR: Wipf & Stock, 2011), 67.

Considered specifically as an interpretation of Aquinas's thought, however, Maritain's thought on natural law has been heavily criticised. Paul Ramsey, although sympathetic to Maritain's critique of "extreme rationalistic versions of the natural law," nevertheless argues that Maritain's concept of connatural knowledge of the good "stands in contrast ... with Thomas Aquinas so far as his treatise on law is concerned."⁸⁹

Germain Grisez calls Maritain's position "misleading" and claims that, for Aquinas, "there is no nonconceptual intellectual knowledge."⁹⁰

Maritain's claim that his theory of knowledge through inclination accurately represents Aquinas's thought is often criticised because Maritain's principal proof text seems to have nothing to do with natural law. Maritain cites 2a2ae, 45, 2, which appears in Aquinas's discussion of the gifts of the Holy Spirit:

[W]isdom connotes a certain rectitude of judgment according to Divine Reason. Now, there are two ways of judging rightly: on the one hand, by the perfect use of reason; on the other hand, by a certain connaturality (*connaturalitatem*) with the matter about which one judges. Accordingly, concerning matters of chastity, someone through rational inquiry (*rationis inquisitionem*) forms a right judgment insofar as he has learned moral science: but he who has the habit of chastity judges rightly of the same thing through a kind of connaturality.

Therefore it is the same concerning Divine things (*sic igitur circa res divinas*). To have right judgment by rational investigation pertains to wisdom which is an intellectual virtue: but to have right judgment on account of a certain connaturality with Divine things pertains to the wisdom which is a gift of the Holy Spirit ...

Now this agreement with, or connaturality in respect of Divine things is a product of charity, which unites us with God ... Therefore wisdom which is a gift has its cause in the will, namely, charity: but its essence is in the intellect, since the act of the intellect is to judge rightly.⁹¹

⁸⁹ Ramsey, *Nine Modern Moralists* (Englewood Cliffs: Prentice-Hall, 1962), 215-223.

⁹⁰ Grisez, "First Principle of Practical Reason," 172n11. Grisez's critique of Maritain is the subject of a lengthy rebuttal in Haggerty, *Jacques Maritain and the Notion of Connaturality: The Valid Role of Nonconceptual Moral Knowledge in the Existential Order*, PhD Dissertation, Pontifical Lateran University [Academia Alfonsiana], 1995. See also Haggerty, "A Via Maritainia: Nonconceptual Knowledge by Virtuous Inclination," *The Thomist*, 62 (1998).

⁹¹ *ST*, 2a2ae, 45, 2. My translation: "sapientia importat quendam rectitudinem iudicii secundum rationes divinas. Rectitudo autem iudicii potest contingere dupliciter, uno modo, secundum perfectum usum rationis; alio modo, propter connaturalitatem quendam ad ea de quibus iam est iudicandum. Sicut de his quae ad castitatem pertinent per rationis inquisitionem recte iudicat ille qui didicit scientiam moralem, sed per quendam connaturalitatem ad ipsa recte iudicat de eis ille qui habet habitum castitatis.

Klassen argues that Maritain's interpretation of this passage confuses the order of grace with the order of nature. In the natural order, "knowledge causes love and connaturality," whereas in 2a2ae, 45, 2 Aquinas speaks of connaturality causing right judgment because it "come[s] about through Divine intervention as a gift of the Holy Spirit, and not as natural or philosophic knowledge."⁹²

Insofar as Aquinas speaks of something like Maritain's "knowledge through connaturality" in this text, he seems to envisage it as "wisdom that is received into the intellect as a gift of the Holy Spirit as a result of a charitable disposition of the will." This knowledge cannot be "ordinary knowledge of the natural law" because natural law, by definition, is known "through our natural powers" and not as a result of possessing theological virtues. "It must be concluded," Klassen argues, "that Maritain's theory of knowledge through inclination or connaturality is not an accurate interpretation of the Thomistic doctrine," because "Maritain takes elements of Aquinas's theory of infused and supernatural knowledge of the virtues and mistakenly presents those elements as part of Aquinas's theory of knowledge of the natural law."⁹³

Superficially, the critique appears solid. 2a2ae, 45, 2 never mentions natural law. Moreover, the passage suggests that Aquinas considers judgment resulting from connaturality to be a superior form of judgment to that formed by rational investigation precisely because the latter is merely a product of natural virtue while the former proceeds from a gift of the Holy Spirit.

Sic igitur circa res divinas ex rationis inquisitione rectum iudicium habere pertinet ad sapientiam quae est virtus intellectualis, sed rectum iudicium habere de eis secundum quandam connaturalitatem ad ipsa pertinet ad sapientiam secundum quod donum est spiritus sancti...

Huiusmodi autem compassio sive connaturalitas ad res divinas fit per caritatem, quae quidem unit nos Deo ... Sic igitur sapientia quae est donum causam quidem habet in voluntate, scilicet caritatem, sed essentiam habet in intellectu, cuius actus est recte iudicare."

⁹² Klassen, *Knowledge of the First Principles*, 45.

⁹³ *Ibid.*, 54-58.

There are reasons, however, to doubt the critique.

In a letter, Augustine talks of virtuous pagans as moral exemplars in their practice of “frugality, continence, chastity, sobriety, contempt of death for the sake of their homeland,” etc.⁹⁴ Although Aquinas thought the virtue of pagans could be “only a relative and imperfect virtue,” he allows even “more readily, or more explicitly, than Augustine for the possibility that a pagan may perform praiseworthy acts habitually: may, in other words, possess the corresponding virtue.”⁹⁵ When Aquinas speaks in 45, 2 of the man “who has the habit of chastity,” who makes sound judgments about his sexual affairs “through a kind of connaturality” rather than by “rational inquiry,” it would therefore be odd if, as Klassen suggests, he intended such an example to apply *only* in the case of those who have received “a gift of the Holy Spirit as a result of a charitable disposition of the will.”

More important reasons for doubt come from a close reading of the text itself. Aquinas argues that to have connaturality with divine things (*res divinas*) is superior to reaching correct conclusions about the same matters after rational investigation. Given that the matter about which the judgment is being made concerns *res divinas*, it makes sense that this particular kind of connaturality can come only through the Holy Spirit, and cannot be merely natural (i.e., it can be neither innate nor acquired). That this is so, however, says nothing about the nature of connatural judgment *per se*. It only tells us about the nature of the matter about which a judgment is being made here – i.e., *res divinas*.

In addition to this graced connaturality with the things of God, is there not also a natural connaturality concerned with natural goods? And would the moral knowledge implied in such connaturality not also be distinguished from knowledge discovered by rational investigation? Furthermore, might it not be the case that the graced connaturality Aquinas

⁹⁴ *Ep.* 164.2.4 (*PL*, 33:710). My translation: “in caeteris moribus parcimoniae, continentiae, castitatis, sobrietatis, mortis pro patriae salute contemptus, servatque fidei non solunt civibus, verum et hostibus, imitandi merito proponantur.”

⁹⁵ Moriarty, “Aquinas on Pagan Virtue,” *Disguised Vices: Theories of Virtue in Early Modern French Thought* (Oxford: OUP, 2011), 91.

speaks of in this passage is not *sui generis*, but in fact an analogue of natural connaturality? I think that this is a plausible inference from the text.

Although 45, 2 deals ostensibly with wisdom (*sapientia*) as a spiritual gift, Aquinas begins by talking about wisdom in a more general sense. He says the word *sapientia* denotes “rectitude of judgment according to Divine Reason (*rationes divinas*).” But “Divine Reason” here is not the same thing as the *res divinas* Aquinas mentions later, which concerns supernatural affairs. Rather, as commentators and translators note,⁹⁶ it appears to be a reference to the eternal law. Aquinas often defines eternal law as *ratio divina*, including in several texts within the Treatise on Law.⁹⁷ “Wisdom” in this sense, then, includes knowledge of the natural law, since the article in which Aquinas defines natural law as “the rational creature's participation of the eternal law”⁹⁸ comes immediately after an article in which he defines *lex aeterna* in terms of *ratione divina*.⁹⁹

Aquinas then goes on, in 45, 2, to outline the two ways in which a moral judgment can be correct: i.e., “on account of perfect use of reason,” and “on account of a certain connaturality with the matter about which one has to judge.” Only at this point does Aquinas offer the observation that this same distinction also applies in *res divinas*. In other words, the distinction he posits is in the first place a natural one, but he extends it to his discussion of supernatural affairs. When Aquinas makes the distinction for the second time, between those who judge rightly *ex rationis inquisitione* and those who judge rightly *secundum connaturalitatem*, the distinction is not between the natural virtue of wisdom and wisdom as a supernatural gift of the Holy Spirit. Rather, the distinction is between wisdom as a

⁹⁶ The Fathers of the English Dominican Province translate *sapientia importat quandam rectitudinem iudicii secundum rationes divinas* as “wisdom denotes a certain rectitude of judgment according to the Eternal Law.” Heath gives a more accurate translation: “wisdom implies a certain rightness in judging according to divine norms.” But a footnote attached to “divine norms” reads: “The Eternal Law; see 1a2ae. 93.” See Heath (ed), *St Thomas Aquinas Summa Theologiae, Volume 35, Consequences of Charity, 2a2ae. 34-46* (Blackfriars, 1972), 165.

⁹⁷ See *ST*, 1a2ae, 19, 4; 1a2ae, 46, 4, ad.2; 1a2ae, 91, 1; 1a2ae, 93, 1; 1a2ae, 93, 5, ad. 2; 1a2ae, 97, 1, ad. 1; 2a2ae, 50, 4; 2a2ae, 52, 2; 2a2ae, 130, 1; *Comm. Job*, C38, L1.

⁹⁸ *ST*, 1a2ae, 91, 2.

⁹⁹ *ST*, 1a2ae, 91, 1.

supernaturally infused virtue and wisdom as a gift of the Holy Spirit, thus paralleling the natural distinction Aquinas had made at the beginning of his argument.

At this stage, our reading still has nothing to do with natural law, or with the natural inclinations that Aquinas describes as the basis for natural law. Although Aquinas elsewhere describes the connaturality he speaks of in 45, 2 as an “inclination,”¹⁰⁰ it is not a *natural* inclination. The analogue to graced connaturality is not a natural inclination, but natural moral virtue (specifically, in the case of 45, 2, the virtue of chastity).

The difference is twofold. Firstly, whereas natural inclinations are innate, the kind of moral virtue Aquinas has in mind in 45, 2 is likely acquired virtue. Secondly, a virtue in this sense is specific to an individual, rather than common to humanity. Evidently, not all people are naturally disposed to chastity. Natural virtue is, for Aquinas, consequent on the bodily disposition of a particular individual.¹⁰¹ Natural inclination, on the other hand, is a disposition common to the human species as a whole. Put another way, natural virtue, insofar as it is an inclination, is consequent on *matter* unique to the individual, while natural inclination in the sense spoken of 1a2ae, 94, 2 is, as we have seen, consequent on the *form* of the human being.

The connection between 2a2ae, 45, 2 and 1a2ae, 94, 2, then, comes down to this: if, as I read Aquinas to be saying in 2a2ae, 45, 2, there is such a thing as a natural inclination of a particular individual to specific goods consequent on *matter*, and if this inclination is to be identified with a kind of connaturality of that individual in respect of those goods, it must surely also be the case that the natural inclinations of the human species – i.e., those inclinations consequent on *form* – can be identified with a kind of connaturality of the human being with the goods that Aquinas identifies as the objects of those natural inclinations in 1a2ae, 94, 2. In fact, this seems to me to be exactly what Aquinas means when, in the *Summa*

¹⁰⁰ *ST*, 1a, 1, 6, ad. 3: “A man may judge in one way by inclination, as whoever has the habit of a virtue judges rightly of what concerns that virtue by his very inclination towards it. Hence it is the virtuous man, as we read, who is the measure and rule of human acts. In another way, by knowledge, just as a man learned in moral science might be able to judge rightly about virtuous acts, though he had not the virtue.”

¹⁰¹ *ST*, 1a, 83, 1, ad. 5; 1a2ae, 63, 1.

Contra Gentiles, he defines a “natural inclination” as an “affinity” (*affinitatem*) – a term Maritain also uses – “with that [good] to which the [nature of the thing that has the inclination] is moved as a result of its form.”¹⁰²

A further piece of evidence in favour of this reading is that in the question on natural law within the *Treatise on Law*, Aquinas distinguishes that which is done through the inquiry of reason from that which is done because nature as *form* (i.e., the nature of the species) at first inclines the person to it:

Now each thing is inclined naturally to an operation that is suitable to it according to its form: thus fire is inclined to give heat. Wherefore, since the rational soul is the proper form of man, there is in every man a natural inclination to act according to reason: and this is to act according to virtue ... But if we speak of virtuous acts, considered in themselves, i.e. in their proper species, thus not all virtuous acts are prescribed by the natural law: for many things are done virtuously, to which nature does not incline at first; but which, through the inquiry of reason, have been found by men to be conducive to well-living.¹⁰³

This parallels the distinction drawn in 2a2ae, 45, 2 between acting virtuously as a result of rational investigation and acting virtuously by connaturality, but here the distinction appears in Aquinas’s discussion of natural law, rather than in the context of his discussion of the virtues. Acting out of an inclination is counterposed to rational inquiry in the *Prima Secundae* in the same way judging from connaturality will later be counterposed to judgment *ex rationis inquisitione* in the *Secunda Secundae*.

In the *Prima Pars*, Aquinas had already stated that the effect caused by the good in the appetite is “a certain inclination ... or connaturality.”¹⁰⁴ Thus, it would seem that the fundamental human goods that Aquinas identifies with the objects of the natural inclinations in 1a2ae, 94, 2, are the cause of a certain connaturality with those goods in the human person, and that this connaturality is the same thing as “natural inclination.” Whereas Klassen argues

¹⁰² *SCG*, 4.19.3.

¹⁰³ *ST*, 1a2ae, 94, 3.

¹⁰⁴ *ST*, 1a2ae, 23, 4. My translation: “Bonum ergo primo quidem in potentia appetitiva causat quandam inclinationem, seu aptitudinem, seu connaturalitatem ad bonum.”

that “Maritain takes elements of Aquinas’s theory of infused and supernatural knowledge of the virtues and mistakenly presents those elements as part of Aquinas’s theory of knowledge of the natural law,” the opposite is in fact the case: in 2a2ae, 45, 2, Aquinas has extended elements of his theory of natural law into his subsequent discussion of the infused and supernatural virtues.

It is easy to appreciate why Maritain has been criticised by scholars of Aquinas. He appears to impose a terminology on to Aquinas’s discussion of natural law that Aquinas himself does not use, and subsequently does not make a convincing job of justifying this imposition by reference to actual texts, even at points where his interpretation is objectively defensible. Moreover, he unnecessarily conflates connatural knowledge of the good with “mystical” and “poetic” knowledge, whatever this might mean.¹⁰⁵ Finally, Maritain’s hazy reflections on natural law give free reign to his penchant for linguistic flights of fancy. He speaks, for example, of the need for the rational intellect to listen to “the inner melody that the vibrating strings of abiding tendencies make present in the subject” in order to form moral judgments, apparently attributing such a view to Aquinas.¹⁰⁶ For Thomists accustomed to the sturdy, workmanlike vocabulary of Aquinas, these are understandable red flags.

Ultimately, the enduring value of Maritain’s observations lies not in the specific details of his concept of knowledge through connaturality but, as Rhonheimer notes, in the fact that Maritain was one of the first modern scholars of Aquinas to re-emphasise the traditional idea that “the self-experience of the ‘good for man’ does not really derive from ‘theoretical principles’ about human nature, but is originally a practical fact.”¹⁰⁷

¹⁰⁵ Maritain, “On Knowledge through Connaturality,” 475-476.

¹⁰⁶ Maritain, *Man and the State*, 92.

¹⁰⁷ Rhonheimer, “Practical Reason and the Truth of Subjectivity: The Self-Experience of the Moral Subject at the Roots of Metaphysics and Anthropology,” *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy* (Washington: Catholic University of America Press, 2008), 268, and 268n37.

That this has enduring value can be seen from the fact that some of Maritain's severest critics not only concede the point, but take it for granted. Kai Nielsen, for example, brands Maritain's explanation of connatural knowledge as "murky."¹⁰⁸ He criticises Maritain for calling knowledge through inclination a kind of "knowledge which is produced in the intellect"¹⁰⁹ while also making it "entirely nonrational and nonconceptual." Nielsen claims that to use the word "knowledge" in this way is "puzzling," and that Maritain "could use a few lessons from G. E. Moore." He argues that "the work of philosophical analysts like Ryle and Wittgenstein makes it questionable whether one can sensibly speak of a kind of knowing 'inexpressible in words and notions.' To call something that cannot be conceptualized or expressed 'knowledge' seems like an early retreat into a kind of obscurity that makes philosophical appraisal impossible."¹¹⁰

Yet Nielsen concedes that "Maritain is right in claiming that the concept of knowledge has an analogous character" insofar as it "gets used in several different but not unrelated ways for several different purposes." He then says:

Maritain is also right (following Aristotle) in regarding moral knowledge as a kind of practical knowledge and in claiming that moral philosophy cannot by itself supply standards of moral appraisal. Surely, if a man had never experienced pain, remorse, deprivation, desire and the like, moral distinctions could have no meaning for him. A completely unmoved spectator of the actual would and could make no moral judgments or reflective moral appraisals. Furthermore, moral appraisals are practical in the sense that they are to guide action and alter behavior and not just to describe a state of affairs. But this claim has been clearly explicated from within an essentially empiricist point of view without any of Maritain's obscure constructions.¹¹¹

But this claim is in fact Maritain's point, and in making this point, Maritain was pushing back against what was then the prevailing current in Catholic natural law thinking. Despite his withering criticism, Nielsen not only concedes that Maritain is correct, but goes even further

¹⁰⁸ Nielsen, "An Examination of the Thomistic Theory of Natural Moral Law," *The American Journal of Jurisprudence*, 4.1 (1959), 49.

¹⁰⁹ Maritain, *The Range of Reason* (London: Geoffrey Bles, 1953), 22.

¹¹⁰ Nielsen, "Thomistic Theory of Natural Moral Law," 48-49.

¹¹¹ *Ibid.*

than Maritain himself by claiming that Maritain's "obscure" philosophical arguments are empirically verifiable.

Similarly, Finnis asserts that the idea of "a non-conceptual 'knowledge through inclination'" is "suspect and textually unwarranted." He argues that "such a representation of the foundations of the moral life is offensive to human dignity" because it presupposes an idea of "the human person as a sort of puppet pulled hither and thither by inclinations which reason and rationally shaped choice merely *serve*."¹¹² But Finnis says in *Natural Law and Natural Rights*:

Aquinas considers that practical reasoning begins not by understanding this nature from the outside, as it were, by way of psychological, anthropological, or metaphysical observations and judgments defining human nature, but by experiencing one's nature, so to speak, from the inside, in the form of one's inclinations ... One does not judge that "I have (or everybody has) an inclination to find out about things" and then infer that therefore "knowledge is a good to be pursued." Rather, by a simple act of non-inferential understanding one grasps that the object of the inclination which one experiences is an instance of a general form of good.¹¹³

Finnis holds that the natural inclinations are "prior to any rational control of ours" and "underlie all our effort, including our effort to make our efforts intelligent and reasonable,"¹¹⁴ describing inclinations as "tendencies, dynamisms, or dispositions which can be influential even without consciousness of their working."¹¹⁵ As we have already seen, Murphy describes Finnis's own view of inclination as "paradigmatically something felt, a sort of urge."¹¹⁶

What Finnis describes as "experiencing one's nature, so to speak, from the inside, in the form of one's inclinations" seems to me the same thing Maritain is trying to describe by the concept of knowledge through inclination. In this connexion, it must be remembered that Maritain holds that knowledge through inclination is indeed a kind of knowledge, and not an

¹¹² Finnis, "Introduction," Finnis (ed.), *Natural Law*, Vol. 1 (New York: New York University Press, 1991), xvii.

¹¹³ Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon, 1980), 34.

¹¹⁴ *Ibid.*, 402.

¹¹⁵ Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: OUP, 1998), 92.

¹¹⁶ Murphy, *Natural Law and Practical Rationality*, 10.

animal urge by which one is “pulled hither and hither.” Although Maritain opposes this knowledge to explicit ratiocination, it does not seem opposed to what Finnis calls an “act of non-inferential understanding.” The specifics of the disagreement, however, are less important than noting that even some of Maritain’s harshest critics are themselves of the view that the natural inclinations are prior to reason, and even function as determinants of the content of reason’s apprehensions, in the sense that certain objects are identified as good *because* people are inclined to them, and not vice versa.

5.4.B. Inclination and Cognition: A Critique of Stephen Brock

As we have already seen, Jensen suggests that one way of understanding *inclinatio* is as a reference to “natural desires of the will.”¹¹⁷ On this view the natural inclinations, like acts of the will, would be “elicited by prior or concomitant acts of intellectual cognition.”¹¹⁸ The inclinations referred to in 1a2ae, 94, 2 would be a product of intellectual knowledge, given that the will has a natural disposition to move toward that which the intellect perceives and “presents” (*repraesentandus*) to the appetite as good.¹¹⁹

Aquinas repeatedly affirms that *appetitus* depends upon knowledge: “what is naturally desired by man must be naturally known to him.”¹²⁰ Knowledge (*cognitio*) “naturally precedes appetite.”¹²¹ Although beings incapable of cognition have a kind of desire without knowledge (in the sense that their good is apprehended for them by the Creator), for human beings “desire (*desiderium*) ensues upon knowledge.”¹²² This view is, of course,

¹¹⁷ Jensen, *Knowing the Natural Law*, 44.

¹¹⁸ Bourke, *Will in Western Thought: An Historico-Critical Survey* (New York: Sheed and Ward, 1964), 53.

¹¹⁹ *ST*, 1a2ae, 9, 6, ad. 3; 1a2ae, 19, 1, ad. 3; 1a2ae, 40, 2.

¹²⁰ *ST*, 1a, 2, 1. See also 1a2ae, 5, 8; 1a2ae, 46, 2.

¹²¹ *ST*, 1a, 16, 4. See also 1a, 64, 2 (“the appetitive power is ... proportioned to the apprehensive, whereby it is moved, as the movable by its mover”); 1a, 80, 2; 1a2ae, 13, 1; 1a2ae, 13, 5, ad. 1.

¹²² *ST*, 1a, 75, 6.

related to Aquinas's concept of the good as an end,¹²³ since "in order for a thing to be done for an end, some knowledge of the end is necessary."¹²⁴ The goodness of the will depends on its subjection to reason¹²⁵ since "in moral matters the reason holds the place of commander and mover, while the appetitive power is commanded and moved."¹²⁶ Aquinas says that when the appetite holds the place of commander over reason, this is a violation of the natural order resulting from sin.¹²⁷

I have argued above that although *appetitus* and *inclinatio* are not identical, they are closely related terms. Many things predicated of the one can be predicated of the other. To what extent, then, does the priority of reason over *appetitus* apply also to *inclinatio naturalis*?

Stephen Brock is the best-known exponent of the view that the natural inclinations referred to in 1a2ae, 94, 2 are inclinations of the rational appetite. For Brock, the "natural inclinations of man to which the precepts of natural law directly correspond are in fact natural inclinations of the will, and ... these follow upon his natural understanding of the human good rather than preceding or measuring it."¹²⁸

Brock argues that this must be the case for several reasons.

First, in order for Aquinas to assert that it is self-evidently true that reason naturally apprehends the objects of the inclinations as good, such inclinations must be voluntary, since there "are many non-voluntary, natural inclinations in man of whose objects reason is not even naturally aware," such as "the processes and tendencies only discovered through the researches of physiology." When Aquinas says, therefore, that "all those things to which man

¹²³ *Comp. Theol.*, I, 47: "good that is loved has the nature of an end"; *ST*, 1a, 5, 4: "Since goodness is that which all things desire, and since this has the aspect of an end, it is clear that goodness implies the aspect of an end."

¹²⁴ *ST*, 1a2ae, 6, 1.

¹²⁵ *ST*, 1a2ae, 19, 3: "the goodness of the will depends properly on the object. Now the will's object is proposed to it by reason. Because the good understood is the proportionate object of the will; while sensitive or imaginary good is proportionate not to the will but to the sensitive appetite: since the will can tend to the universal good, which reason apprehends; whereas the sensitive appetite tends only to the particular good, apprehended by the sensitive power. Therefore the goodness of the will depends on reason, in the same way as it depends on the object."

¹²⁶ *ST*, 1a2ae, 60, 1.

¹²⁷ *In. Rom.* C1, L7, 137.

¹²⁸ Brock, *The Legal Character of Natural Law*, 166.

has a natural inclination, are naturally apprehended by reason as being good,” this must mean “all the things to which reason naturally inclines man are things that it naturally apprehends as good,”¹²⁹ rather than meaning that the inclinations are prior to reason’s apprehension.

Second, Brock contends that his interpretation establishes a firmer link between the definition of natural law given in 1a2ae, 94, 2 and the earlier definition in 1a2ae, 91, 2.¹³⁰ What exactly Brock means by this is obscure, but I take him to be arguing that since the earlier question has already defined the natural law as a participation in eternal reason “whereby [the rational creature] has a natural inclination to its proper act and end,” this must mean that natural inclinations are consequent upon the natural light of human reason which results from an *impressio* of the Divine light.¹³¹

Third, as we have already seen, natural inclinations proper to individuals are consequent on matter or bodily disposition, whereas those proper to the human being as such are consequent on form – i.e., the human being’s rational soul. Brock asserts that since the inclinations of 1a2ae, 94, 2 are those that arise from the rational soul, they must, by definition, be desires of the will. The “inclinations that belong to man according to the nature of his species are those that belong to him as man and as a whole. But the appetitive power belonging to a man as man and as a whole is the will. And ... the will does not actually incline to anything except under the apprehension of reason.”¹³²

Fourth, Brock observes that Aquinas’s definition of desirability as perfection of being means that desire necessarily involves an intellectual comparison – a comparison between what a thing is and that thing’s perfect form.¹³³ Desire as such is not simply for the good in general, but for the absent good, the good that one lacks. Such desire can only be the result

¹²⁹ *Ibid.*, 157.

¹³⁰ *Ibid.*, 158.

¹³¹ *ST*, 1a2ae, 90, 1.

¹³² Brock, *Legal Character of Natural Law*, 159.

¹³³ Brock, “Natural Inclination and the Intelligibility of the Good,” 72.

of comparing what I am with what I ought to be, and that requires knowledge of what I am, knowledge of what I ought to be, and a rational act of comparison between the two.

Fifth, Brock points out that “[u]nreasoned feeling may be right or wrong.” What guarantees the “rectitude of a person’s feeling is guaranteed only when it is directed by (right) reason.” And, as Brock points out, Aquinas “is quite explicit about the fact that sometimes the non-rational inclinations existing naturally in a human being are not right.”¹³⁴ Only if the inclinations of 1a2ae, 94, 2 are consequent on reason, Brock argues, would it make sense for Aquinas to assume that they are self-evidently directed to good.¹³⁵

One problem with Brock’s reading, however, is that when Aquinas speaks of “natural inclination” to evil, he clearly means inclination arising from the disposition of matter rather than that arising from form. In *De Malo* he says that “human beings have a natural inclination for things agreeable to the carnal senses contrary to the rational good.” This results from “the lower nature” having “an inclination toward a particular good befitting the lower nature and contrary to the higher nature by which we consider good in an absolute sense.” With regard to form, however, “it does not even then belong to devils to be evil by nature.”¹³⁶ In fact, in the *Prima Pars*, Aquinas asserts that since natural inclination is “the inclination implanted in nature by its Author,” to argue that “a natural inclination is not well regulated, is to derogate from the Author of nature.”¹³⁷ And in the *Prima Secundae*, prior to the Treatise on Law, he argues that action in accordance with natural inclination is right action by definition.¹³⁸ Given this view, which Aquinas clearly states prior to his discussion of natural law, if Aquinas is in fact talking in 1a2ae, 94, 2 of natural inclinations as pre-rational dispositions that follow form,

¹³⁴ *Ibid.*, 61-62.

¹³⁵ Brock argues that this would also explain why Aquinas says that all “inclinations of any parts whatsoever of human nature” belong to the natural law “in so far as they are ruled by reason” (ST, 1a2ae, 94, 2, ad. 2).

¹³⁶ *De Malo*, 16, 2.

¹³⁷ ST, 1a, 60, 1, ad. 3.

¹³⁸ ST, 1a2ae, 21, 1: “Now the due order to an end is measured by some rule. In things that act according to nature, this rule is the natural force that inclines them to that end. When therefore an action proceeds from a natural force, in accord with the natural inclination to an end, then the action is said to be right.”

it is reasonable for him to assume as self-evident that the objects of these inclinations are good, without meaning that they must follow the apprehension of reason.

Second, Brock's interpretation also founders on the fact that while one can sin by following "unreasoned feeling," one can also sin by following reasoned judgments. Imagine two cases in which a soldier summarily executes a prisoner of war, contrary to the laws of war. In the first case, the soldier allows unbridled rage against the enemy to overcome his rational knowledge that such an act is contrary to sound morals and to the Geneva Conventions. In the second case, the soldier is commanded to perform the execution by his superior. He has a gut feeling that there would be something wrong in following this order, but he cannot account for this feeling in "rational" terms. He is a conscript, uneducated in the details of the Geneva Conventions, and while he of course knows that killing is *prima facie* wrong, many instances of killing in war are not wrong, and he has no *reason* (only feeling) to deny that this instance is one such. Moreover, reason (as well as his Jesuit confessor¹³⁹) tells him that, in cases of doubt, a soldier must obey his commanding officer, and his commander furnishes him with a set of rational justifications for committing the act (guarding prisoners wastes resources that could be placed at the service of military efforts, and so on). Thus, he performs the execution. In both cases, an unlawful killing has occurred, but in the first case the soldier sins by not following his reason, while in the second case, he sins by following a reasoned judgment which is erroneous.

Aquinas holds both that sin occurs when "a passion draws the reason counter to its knowledge,"¹⁴⁰ and that reason itself can sin "in so far as it errs in the knowledge of truth" or "when it either commands the inordinate movements of the lower powers, or deliberately fails to check them."¹⁴¹ The point is, claiming that the natural inclinations of 1a2ae, 94, 2 are desires of the will cannot explain, as Brock contends it does, why Aquinas is able to assume

¹³⁹ Slater, *A Manual of Moral Theology* (London: Burns, Oates & Washbourne, 1925), 207.

¹⁴⁰ *ST*, 1a2ae, 77, 2, sc.

¹⁴¹ *ST*, 1a2ae, 74, 5.

that the objects of those inclinations are self-evidently good, since motions of the will can err by following reason's presentation of an apparent, but false good.¹⁴²

A third problem with Brock's interpretation is his explanation of the nature of the good. Brock argues that the "discernment of what good is" must be separated from "the judgment that it is to be pursued through action."¹⁴³ Recall what Aquinas says in 1a2ae, 94, 2:

[A]ll those things to which man has a natural inclination, are naturally apprehended by reason as being good, and *consequently* as objects of pursuit.¹⁴⁴

When Aquinas talks about things being apprehended as good "and consequently as objects of pursuit," most readers would (correctly) understand "consequently" to be a statement of definitional equivalence, particularly if they have followed everything Aquinas has said in the *Summa* about the nature of the good up to this point in the *Prima Secundae*. Given that earlier in the same article Aquinas has already told us that he thinks the good has the *ratio* of an end (and what is the *ratio* of an "end" if not something worthy of pursuit?), it would seem that all Aquinas is saying here is that to recognise something as "good" is by definition to recognise it as "an object of pursuit," because pursuit-worthiness is the *ratio* of the good.

Brock, however, argues that these are two different things: first one considers X simply as "good," and then – "consequently" – as a consequence and by a further inference, one grasps that X is "an object of pursuit." This distinction buttresses the argument that the apprehension of reason (i.e., that which *recognises* X as good) precedes inclination (i.e., that which *disposes or inclines* the person to X as pursuit-worthy).

The problem I have with this is simple: Brock seems to assume that there is a more fundamental *ratio* of goodness than pursuit-worthiness, from which pursuit-worthiness can be inferred as a secondary consequence but not as something constitutive of the original *ratio*.

¹⁴² *ST*, 1a2ae, 74, 1, ad. 1; 1a2ae, 75, 2.

¹⁴³ Brock, "Natural Inclination and the Intelligibility of the Good," 65.

¹⁴⁴ The emphasis is Brock's. See *Ibid.*

But pursuit-worthiness, for Aquinas, simply *is* what defines the good. The good *is* (i.e., *is defined as*) that which moves desire, as Aquinas repeatedly states.

Brock points out that for Aquinas the *ratio* of desirableness is dependent on the idea of perfection: a desirable thing is that which perfects according to our nature.¹⁴⁵ But I do not see how this helps Brock's case, since there are two ways of explaining how this observation relates to the question at hand:

- 1) We begin with knowledge of what our nature is, and which goods are perfective of that nature. As a result of such knowledge, we understand that these goods are worthy of pursuit, and thus desire them.

- 2) We begin by having within ourselves certain natural inclinations, prior to reason. Subsequently, we come to understand by reason that these inclinations are in us because the objects of those inclinations are perfective of our nature, and thus that those objects cause in us a disposition toward said objects.

Brock evidently thinks that (1) is the case. But simply to point out that the ratio of desirableness depends on the idea of perfection is not to make an argument for (1).¹⁴⁶ On the other hand, a strong argument can be made for (2) on the basis that Aquinas says the *ratio* of good is desirableness. In other words, although Aquinas may not think that the fact of X being desired by us is what makes X good, he does seem to think that the fact of X being desired

¹⁴⁵ Brock, "Natural Inclination and the Intelligibility of the Good," 70-75.

¹⁴⁶ Even those who share some of Brock's concerns do not thereby take the view that the natural inclinations spoken of in 1a2ae, 94, 2 are movements of the will. For example, Jenkins ("Good and the Object of Natural Inclinations in St. Thomas Aquinas," 62-96) argues that to define the good as "being the object of our inclinations" is to move "in the direction of moral subjectivism and relativism" because "the fact that something is good or evil cannot depend on whether we are attracted to it or repulsed by it." Jenkins suggests that "being the object of creaturely natural inclinations" is only an "accidental attribute of goodness." But he does say that our own "dispositions to desire are intimately involved in our understanding of and reasoning about what is good for us." Jenkins, like Brock, seems to want to separate the good's attractive force from its fundamental *ratio*, but he does not assert that the inclinations therefore follow reason's apprehension.

by us is what makes us *aware* of the fact that X is good. This “awareness” must surely be prior to, and give rise to, rational understanding, as John Cahalan argues:

Our original, prephilosophic knowledge that choices are morally good or bad comes from the inclinations that are the reasons why we call things good or bad. Without an awareness of those inclinations we could not have our awareness of things as good or bad, since to be good or bad is to be a term to which we are related by such an inclination. We need concepts to understand moral value. But the experience from which moral concepts derive is an awareness of inclinations, an awareness that cannot depend on mental states, such as concepts, other than the inclinations themselves.¹⁴⁷

In other words, for reason to represent an object as good (i.e., as worthy of pursuit), reason must already possess a concept of pursuit-worthiness. But reason would not be capable of forming such a concept unless there was a prior movement of desire which, by being understood, enabled the reason to form such a concept. Put another way, the *ratio* (intelligible meaning) of good can only be a *ratio* – can only be intelligible – insofar as there is a movement of desire prior to reason. To quote Nielsen again: “if a man had never experienced ... desire and the like, moral distinctions could have no meaning for him.”¹⁴⁸

5.5. DESIRING TO KNOW: AQUINAS’S TEACHING ON INCLINATION

The problem with seeing *inclinatio naturalis* not as an affective disposition prior to reason, but as a movement consequent on the apprehension of reason, is that such a view cannot answer the question of why we characteristically follow reason’s apprehensions to begin with. Either our inclination to act rationally is prior to cognition (in which case there are indeed natural inclinations that do not follow reason’s apprehension), or we are compelled to say that our inclination to follow reason’s apprehensions is a result of a rational apprehension that it is good to follow reason’s apprehensions, which simply poses the same question again, and so on to infinite regress.

¹⁴⁷ Cahalan, “Natural Obligation: How Rationally Known Truth Determines Ethical Good and Evil,” *The Thomist*, 66.1 (2002), 126.

¹⁴⁸ Nielsen, “Thomistic Theory of Natural Moral Law,” 48-49.

In the *De Trinitate*, Augustine speaks of a kind of desire that precedes knowledge as well as a kind which follows it:

Inquiry is a desire (*appetitus*) to find ... Although this desire, (i.e., inquiry), does not seem to be the love by which what is known is loved ... it can even now be called ‘will’ (*voluntas*) since all who seek wish to find, and if what is sought pertains to knowledge, all who seek wish to know ... therefore a sort of desire (*appetitus*) goes before (*antecedit*) the birth in the mind (*partum mentis*) and by means of this desire ... knowledge itself is born (*nascitur ipsa notitia*).¹⁴⁹

The Trinitarian analogue is in Augustine’s reference to birth. As desire, in the normal course of things, precedes generation, so too there must be a kind of desire that precedes the “birth” of the word of knowledge (the love with which the Father loves himself, as opposed to the love with which the Father and the Son love one another).¹⁵⁰ Augustine thus affirms that as well as desire consequent on knowledge (“the love by which what is known is loved”) there is a kind of desire which “goes before” knowledge. This desire precedes knowledge because it causes knowledge. It is “the love of the unknown” inasmuch as by it the intellect is moved to seek knowledge that it does not have.¹⁵¹

“[T]here resides in every man a natural desire to know the cause of any effect which he sees; and thence arises wonder,” says Aquinas.¹⁵² In a certain sense, for Aquinas, the

¹⁴⁹ *De Trinitate*, 9.12 (*PL*, 42:972). My translation: “Nam inquisitio est appetitus inveniendi ... Qui appetitus, id est inquisitio, quamvis amor esse non videatur, quo id quod notum est, amatur ... Nam voluntas jam dici potest quia omnis qui quaerit invenire vult, et si id quaeritur quod at notitiam pertineat, omnis qui quaerit nosse vult ... Partum ergo mentis antecedit appetitus quidam, quo id quod nosse volumus quaerendo et inveniando nascitur proles ipsa notitia.”

¹⁵⁰ Much of Aquinas’s thought on the relationship between knowledge and love serves as preparation for his Trinitarian theology. The early questions of the *Prima Pars* contain a number of references to human intellect, desire, and the relationship between them, despite the fact that these questions ostensibly deal with the nature of God. Upon reaching q. 27, where Aquinas discusses the procession of the Persons of the Trinity, it becomes apparent that these anthropological reflections serve a theological purpose. Aquinas draws an analogy between the procession of the Son from the Father and an “act of human understanding” that produces a “word” in the mind. Our human “words” are separate from “the substance itself of [our] intellect.” But for God, the divine act of understanding is God’s very substance, and so the Word of God “proceeds as subsisting in the same nature” (27, 2, ad. 2). If the “procession of the Word is by way of intelligible operation,” then the procession of the Holy Spirit is likened to an act of love in the will (27, 3). Just as the Holy Spirit proceeds from the Father and the Son in Western Christianity, so Aquinas argues that “love must proceed from a word ... [since] we do not love anything unless we apprehend it by a mental conception” (36, 2).

¹⁵¹ Lombardi, *The Syntax of Desire: Language and Love in Augustine, the Modistae, Dante* (Toronto: University of Toronto Press, 2007), 72.

¹⁵² *ST*, 1a, 12, 1.

“desire to know” is a desire for what already is known, because the unknown cause is known to the intellect in its effect.¹⁵³ In another sense, however, it is indeed a love of the unknown, and the intellect is prepared to know the unknown by the *desire* to know.¹⁵⁴ Cognition is made possible through the medium of desire,¹⁵⁵ inasmuch as the desire for knowledge prepares the intellect to receive its object (the true). Although the apprehension of the intellect precedes desire, nature as the form of the human being “comes before intellect,” and part of what it means to have a “nature” (human or otherwise) is “to have some inclination” which is a “natural appetite or love.”¹⁵⁶ The natural inclinations operate at the level of this natural love constitutive of human nature which precedes – and gives rise to – the use of reason. The natural inclinations are simply the “natural dynamism”¹⁵⁷ of the human being toward the end appointed for him or her by the author of nature.

¹⁵³ As Augustine also affirms. See *De Trinitate*, 10, 1.

¹⁵⁴ *ST*, 1a, 12, 6: “desire in a certain degree makes the one desiring apt and prepared to receive the object desired.” See also *Suppl.*, 93, 3. In holding this view, Aquinas is fundamentally Aristotelian. See Lear, *Aristotle: The Desire to Understand* (Cambridge: CUP, 1988), 1-15.

¹⁵⁵ *ST*, 1a, 20, 1, ad. 1: “The cognitive faculty does not move except through the medium of the appetitive.” See also 1a, 16, 4, ad. 1.

¹⁵⁶ *ST*, 1a, 60, 1.

¹⁵⁷ Jacobs, *The Metaphysics of Morals in Thomas Aquinas: The Transcendentals as the Foundation for Natural Law Ethics*, PhD Dissertation, Fordham University, 2002, 249.

CHAPTER 6. CALVIN ON INCLINATION, INSTINCT, AND PROVIDENCE

6.1. STATEMENT OF THE PROBLEM

6.1.A. Calvin on Rom 2:14-15

“Any writer’s interpretation of Rom ... 2:14-15 is a touchstone by which to judge his attitude on natural law.”¹ If 1a2ae, 94, 2 serves as the Magna Carta for a Thomist theory of natural law, the closest a reader of Calvin might come to a similarly important text is in the Reformer’s commentary on Romans 2:14-15.

Calvin follows the patristic tradition² in making his commentary on Romans a focal point for his discussion of natural law:

14. *For when the Gentiles ...* Paul proves that ignorance is deceitfully alleged by the Gentiles, since by their own deeds they declare that they have some rule of justice. For no nation is so inhumane that it fails to enclose itself within the bounds of some laws. Since, therefore, spontaneously and without counsel, all nations are inclined to make laws for themselves, it is certain beyond all doubt that some conceptions of justice and rectitude – which the Greeks call “prolepsis” – are naturally inborn in human souls. Therefore, they who are without the Law nevertheless have a law: for although they do not have the written law of Moses, they are by no means completely lacking in knowledge of what is honest and equitable. Otherwise, it would not be possible for them to distinguish between vice and virtue: the first of which they restrain by punishment, the second of which they commend ... Paul opposes nature to the written law insofar as the gentiles were a law to themselves because they had the shining light of natural justice, which supplied the place of that law by which the Jews were instructed.

¹ McNeill, “Teaching of the Reformers,” p. 181.

² See Origen, *Comm. Rom.* 2. 9; Ambrose, *Ep.* 73.1-3; Augustine, *Ennar. Pss.* 118.25.4. Hilary of Poitiers is typical in his straightforward identification of natural law with the “law” of which Paul speaks in Rom 2:14: “For the natural law is, that injury be done to no one, nothing stolen that belongs to another, to abstain from fraud and perjury, and not to lie in wait for another man's wife. And the Apostle recognises this law, saying: ‘When Gentiles who have not the law do by nature what the law requires, they are a law to themselves, even though they do not have the law. They show that what the law requires is written on their hearts.’ Therefore, he will be reckoned as a transgressor who, having received this natural law, forsakes it.” (*Tr. Ps. 118 [PL, 9:604-605]* My translation: “*Lex enim veluti naturalis est, iniuriam nemini inferre, nil alienum praeripere, fraude ac periurio abstinere, alieno coniugio non insidiari. Novit et hanc Apostolus legem, dicens: Cum enim nationes, quae legem non habent, naturaliter secundum legem faciunt, tales homines legem non habentes sibi ipsi sunt lex, qui ostendunt opus legis scriptum in cordibus suis (Rom. II, 14). Ergo praevaricatores existimantur, qui quod a naturali lege accipiunt, derelinquunt. Furem quis deprehensum, aut adulterum, aut homicidam arguet lege naturae. Sed si in his ipse versetur, praevaricator est legis.*”)

15. *Who show the work of the law written.* That is, they testify that there is a distinction and judgment between equity and iniquity engraved on their hearts, by which they distinguish between what is honest and what is base. Paul does not mean that it was engraved on their will in such a way that they desired and eagerly pursued it, but rather that they were so overpowered by the force of the truth that it was not possible for them not to assent to it. For why did they institute religious observances, unless they judged that God ought to be worshipped? Why were they ashamed at theft, or harlotry, unless they supposed them to be evil? Therefore, it is inappropriate that the power of our will be deduced from this text, as if Paul had said that it is within our power to obey the Law; for he speaks of the knowledge of the Law, not of the power to fulfil the Law. Nor is the word “heart” to be taken for the seat of the affections, but only for the intellect ... Besides which, nor can it be gathered from this text that people have a complete knowledge of the Law, but merely that there are some seeds of justice implanted in their nature: for all nations alike instituted some kind of religious observances, punished adultery, theft, and murder by laws, and commended good faith in commerce and in the making of contracts ... Paul could not have more strongly urged them than by the testimony of their own conscience, which is like a thousand witnesses. People sustain and console themselves by the consciousness of having done good, but those conscious of evil are inwardly tortured and crucified ... There is therefore a certain understanding of the law by nature, which dictates that this thing is good and desirable, and that that thing is detestable.³

Calvin’s exegesis here suggests there are important differences between his account of natural law and that of Aquinas.

³ *Comm. Rom. 2:14-15 (CO, 49:37-38).* My translation: “14. Quum enim Gentes ... Probat enim frustra obtendi a Gentibus ignorantiam, quum factis suis declarant, nonnullam se habere iustitiae regulam. Nulla enim gens unquam sic ab humanitate abhorruit, ut non se intra leges aliquas contineret. Quum igitur sponte ac sine monitore, gentes omnes ad leges sibi ferendas inclinatae sint: constat absque dubio quasdam iustitiae ac rectitudinis conceptiones, quas Graeci *προληψεις* vocant, hominum animis esse naturaliter ingenitas. Habent ergo legem sine Lege: quia utcunque scriptam Mosis Legem non habeant, notitia tamen recti et aequi nequaquam prorsus carent. Neque enim aliter possent inter flagitium virtutemque discernere: quorum alterum coercent poenis, alteram commendant ... Naturam opposuit Legi scriptae, intelligens scilicet Gentibus naturalem iustitiae fulgorem illucere, qui Legis vicem suppleat qua Iudaei erudiuntur, ut sint ipsae sibi Lex.

15. Quae ostendunt opus Legis scriptum. Hoc est testificantur esse inscriptum cordibus suis discrimen et iudicium quo inter aequum et iniquum, honestum et turpe distinguant. Non enim intelligit, insculptum eorum voluntati ut appetant, et studiose persequantur, sed quia sic veritatis potentia vincuntur ut non possint non approbare. Cur enim religiones instituunt, nisi quia Deum colendum iudicant? Cur scortari et furari pudent, nisi quia utrunque malum consent? Importune ergo ex hoc loco potestas voluntatis nostrae effertur: acsi facultati nostrae subiectam Legis observationem diceret Paulus: quum de implendae Legis potestate non loquatur, sed de notitia. [Nec vero cordis nomen pro sede affectum sed tantum pro intellectu capitur ...] Praeterea nec ex eo colligendum est, hominibus inesse plenam Legis cognitionem, sed quaedam duntaxat iustitiae semina esse indita ipsorum ingenio: qualia sunt quod religiones instituunt omnes peraeque gentes, adulterium Legibus plectunt, et furtum, et homicidium: bonam fidem in commerciis ac contractibus commendant ... Non poterat forties eos premere quam propriae conscientiae testimonio, quae est intar mille testium. Conscientiae benefactorum se sustentant ac <consolantur> homines: male sibi conscii, intra se torquentur ac cruciantur ... Est igitur naturalis quaedam Legis intelligentia, quae hoc bonum [atque expetibile] dictet, illud autem detestandum.”

First, whereas Calvin suggests that we are born with certain rudiments of moral knowledge, Aquinas thinks that even the most basic aspects of morality (let alone complex concepts like equity) “depend upon ... experience and are not simply innate.”⁴ Calvin, it seems, is compelled to embrace a form of innatism because it is the only way he can harmonize the achievements of the classical world with his more pessimistic theological anthropology, which appears to rule out the idea that pagans could formulate laws based on the rational out-workings of natural desires which remain fundamentally oriented to good after the Fall.

Secondly, for Aquinas, natural law follows the “order of the natural inclinations.” Its focus – or at least its point of departure – is in the appetitive aspect of our nature, rather than in our powers of cognition. Calvin, on the other hand, appears instead to place the locus of our grasp of natural law exactly where Aquinas says it is not: in the mind or intellect.⁵

Our fundamental grasp of natural law, for Calvin, appears not to be a matter of innate natural *inclinations* that shape what agents *desire*, but rather a matter of innate *conceptions* that shape what agents *think* about actions they are contemplating doing or avoiding, or reflecting on having done or avoided doing.

In this text, Calvin appears to have carefully crafted his explanation in order to exclude from consideration precisely the kind of natural law theory that Aquinas outlines and defends. In other words, the problem is not simply that Aquinas and Calvin offer apparently different explanations of natural law. It is that Calvin appears to recognise and reject the Thomist view, making efforts to deliberately distinguish his own view of natural law from that view.

⁴ Roos, “Unger and Aquinas on Universals and Particulars”, *American Journal of Jurisprudence*, 38 (1993), 75.

⁵ See also *Comm. Rom.* 1:21: “God has presented to the *minds* of all the means of knowing him, having so manifested himself by his works, that they must necessarily see what of themselves they seek not to know.” [emphasis mine]

For Aquinas, the natural law begins with what is naturally *appetibile*. Goodness – which is to say, desirableness – rather than “truth” is the first thing apprehended by practical reason. But Calvin appears to place the font of the natural law not in what is desirable, but in principles of the speculative order – innate truths that overwhelm our intellectual judgment.

Both Calvin and Aquinas see an impression or engraving of the divine in us⁶ but they seem to conceptualise this *impressio* in different, even opposed terms. Instead of a Christian *theory* of natural law, there may in fact be at least two *theories* of natural law: one based on the intellectual grasp of precepts, the other based on the appetite’s desire for what is desirable.

This chapter will consider whether this apparent divergence between Calvin and Aquinas is borne out by a closer reading of Calvin’s texts.

After highlighting some salient claims from existing secondary literature, I first attempt to pin down exactly what Calvin thinks about the moral status of our natural inclinations. I examine Calvin’s view of natural desire from the time of his first published work, his *Commentary on Seneca’s De Clementia*, and show how the close connection Calvin draws between natural desire *per se* and concupiscent desire (i.e., the specific kind of desire that inclines a person toward sin) from the early 1540s onward remains a constant of his thought on desire during his later years.

Secondly, I attempt to tease out exactly in what sense Calvin thinks our natural inclinations are, and are not, inclinations toward the good.

Thirdly, returning to Calvin’s idea of a *sensus naturae* that I highlighted in Chapter 1, I sketch an interpretation of Calvin which places natural inclinations within the scope of Divine Providence, and brings Calvin’s view of natural law a considerable way back in the direction of the interpretation of Aquinas I outlined in Chapter 5.

⁶ VanDrunen, “Medieval Natural Law and the Reformation,” 85.

6.1.B. Secondary Literature

The apparent divergence I have noted between Aquinas and Calvin on this point is often overlooked by Reformed scholars. VanDrunen's comparison of Aquinas and Calvin on natural law notes four points of difference between the two thinkers. The difference in their attitude toward natural inclinations is not one of these points.⁷ And when Schreiner quotes Calvin's remarks on Rom 2:14-15, she omits his statement about principles of justice being engraved on the mind rather than in the will, apparently considering it superfluous to Calvin's main point, which she takes to be merely an affirmation of "the existence of natural law."⁸

Others, however, do refer to Calvin's thought on this point. Chenevière says that Calvinian natural law "is not a law of nature in the sense of being a law of instinct"⁹ (although it is not clear to me how this squares with Chenevière's idea, explained in Chapter 3, of the natural law being intuited by the conscience, which he describes as: "an instinctive faculty ... a feeling").¹⁰ While Verhey notes with evident approval the divergence between Calvin and Aquinas on this point:

While Thomas has the natural (rational) law of man's rational nature plus the natural (involuntary) law of immanent principles of motion, Calvin has only the natural (rational) law of man's rational nature ... Because "good has the nature of an end," Thomas looks for those things to which man has a "natural inclination," an involuntary drive, an immanent entelechy. These the reason apprehends as being good, and, therefore, to be sought ... The natural law doctrines of both Calvin and Aquinas are powerful and intriguing. Calvin's alone, however, seems to me to be persuasive. Contrary to St. Thomas, I fail to see how the involuntary inclinations of man can obligate him morally. They are submoral; and, while decisions must be made about them – in controlling them, for example – I do not see how they can be normative for those decisions. Judging from my own "involuntary inclinations," I find no generally trustworthy guidance in them ... Calvin, on the other hand, has shown both that and how men are obligated by their own rationality to certain minimal duties. The case does

⁷ VanDrunen, "Medieval Natural Law and the Reformation, 90-97.

⁸ Schreiner, "Calvin's Use of Natural Law," 55-57.

⁹ Chenevière, *La Pensée Politique de Calvin*, 70: "elle n'est pas la loi de nature au sens de loi d'instinct."

¹⁰ *Ibid.*, 65: "la conscience n'est pas une faculté rationnelle de connaissance, mais une faculté de connaissance infiniment plus vaste. C'est en quelque sorte une faculté instinctive d'adhésion à une vérité objective, qui se traduit par le 'sentiment' de ce qui est bien ou de ce qui est mal."

not rest on certain natural (involuntary) inclinations, not are the primary precepts claims about goals or purposes.¹¹

Verhey argues that the claim that our involuntary inclinations are capable of generating moral obligations falls foul of the “naturalistic fallacy,” and fails to take account of the need for our inclinations “to be ‘reined’ by reflection and decision about the right and the good.”¹² He claims that Aquinas’s concept of *naturalis inclinatio* as an “involuntary drive” does not sufficiently distinguish it from what Aquinas calls the “fomes” of sin: the law of sin that St Paul teaches is at work in our members, warring against the law of our mind (Rom 7:23):

If “fomes” is an involuntary inclination, why is it not allowed to direct the moral life as well? The answer to that cannot be in any one of the natural inclinations but can be in man’s reason, in the natural law considered as something else than involuntary drives.¹³

Although uninterested in comparisons between Calvin and Aquinas, David Bosco notes the apparent downplaying of affectivity and the role of the will in Calvin’s thought on conscience. He compares Calvin’s views to the threefold definition of conscience given by the twentieth-century British epistemologist and moral philosopher C. D. Broad, who described conscience as a “system of cognitive, emotional, and conative dispositions.” Saying that someone “has a Conscience,” Broad argues, “is equivalent to asserting the following three closely connected propositions about him”:

(1) That he has and exercises the cognitive power of reflecting on his own past and future actions ... of reflecting on his own motives, intentions, emotions, dispositions,

¹¹ Verhey, “Aquinas and Calvin,” 83-92. Verhey, however, never explains how Calvin offers an alternative to Aquinas’s inclination-based theory. He says that for Aquinas “political obligation is justified by [the] social inclination of man” (88) and that although “Calvin also considered the social nature of man to be the basis of political obligation,” he did so “in a fundamentally different way.” For Calvin, he says “[e]ach man bears the structural image of God; each must be free to discern and seek the ‘good’.” (89) But it is not at all clear what this means in practice or how it differs from Aquinas, who thinks people seek the good because the good is, by definition, seek-able. On what basis is Verhey saying that Calvin thinks we “seek” the good, if not because we perceive it as desirable? Verhey concedes that some of Calvin’s discussion of “natural instinct ... sounds very much like St. Thomas” (85n13) but argues that when Calvin talks about “created ends,” the “in-created *telos* in those cases belongs not to man himself” but to the thing sought as a good – a distinction which is surely irrelevant to the question.

¹² *Ibid.*, 92.

¹³ *Ibid.*, 92n29.

and character ... and of reflecting on the relative moral value of various alternative ideals of character and conduct. (2) That he has and exercises the emotional disposition to feel certain peculiar emotions, such as remorse, feeling of guilt, moral approval, etc., towards himself and his own actions, dispositions, etc... (3) That he has and exercises the conative disposition to seek what he believes to be good and to shun what he believes to be bad, as such, and to do what he believes to be right and avoid what he believes to be wrong, as such ... I propose to describe this as “the phenomenological sense” of the phrase “having a conscience.”¹⁴

Bosco argues that “one component [of Broad’s definition] which is conspicuously missing from Calvin’s approach is what Broad defines as the conative element of conscience,” and that Calvin’s “inclination to dismiss any integral role for the will in his description separates [his] view from many modern philosophical approaches to conscience.”¹⁵

Given that conscience is, for Calvin, the organ of our knowledge of the natural law, it would also separate Calvin’s view of natural law from Aquinas’s which, since it is based on natural inclination, foregrounds what Broad calls our “conative” disposition.

Bosco suggests that, according to Calvin, “the main reason the unregenerate are in such a fix is precisely because they are not disposed to seek the good and right and to act in accordance with moral principles.” It is “the human will which has been most thoroughly perverted by the Fall. The ability to will the good and right is simply no longer present in the unregenerate nature.”¹⁶

Finally, Dewey Hoytenga has written a monograph on the role of the will in Calvin’s theological anthropology.¹⁷ Hoytenga’s thesis is that there is an inconsistency between the way Calvin describes the effect of the Fall on the intellect and the way he describes the effect of the Fall on the will, leading the Reformer to unnecessarily minimise the continuing importance of the will in post-lapsarian human nature.

¹⁴ Broad, “Conscience and Conscientious Action,” *Philosophy: The Journal of the British Institute for Philosophy*, 15.58 (1940), 118-125 [emphasis in original].

¹⁵ Bosco, “Conscience as Court and Worm,” 351.

¹⁶ *Ibid.*

¹⁷ Hoytenga, *John Calvin and the Will: A Critique and Corrective* (Grand Rapids: Baker, 1979).

For Calvin, as for Augustine, the Fall destroyed the “supernatural gifts” with which human nature was endowed at the point of its original creation, while leaving the “natural gifts” in – albeit corrupted and malfunctioning – operation:

[T]hat common opinion which they have taken from Augustine pleases me: that the natural gifts were corrupted in man through sin, but that his supernatural gifts were stripped from him. For by the [supernatural gifts] they understand the light of faith as well as righteousness, which would be sufficient to attain heavenly life and eternal bliss. Therefore, withdrawing from the Kingdom of God, [humanity] is at the same time deprived of spiritual gifts ... soundness of mind and uprightness of heart were withdrawn at the same time. This is the corruption of the natural gifts. For even though something of understanding and judgment remains as a residue along with the will, yet we shall not call a mind whole and sound that is both weak and plunged into deep darkness. And depravity of the will is all too well known.

Since reason, therefore, by which man distinguishes between good and evil, and by which he understands and judges, is a natural gift, it could not be completely wiped out; but it was partly weakened and partly corrupted, so that its misshapen ruins appear. John speaks in this sense: “The light still shines in the darkness, but the darkness comprehends it not” (John 1:5). In these words both facts are clearly expressed. First, in man’s perverted and degenerate nature some sparks still gleam. These show him to be a rational being, differing from brute beasts, because he is endowed with understanding. Yet, secondly, they show this light choked with dense ignorance, so that it cannot come forth effectively.

Similarly the will, because it is inseparable from man’s nature, did not perish, but was so bound to wicked desires that it cannot strive after the right.¹⁸

In the *Institutes* Calvin invokes this principle – that the supernatural gifts were destroyed, but the natural gifts only corrupted – a number of times.¹⁹ Hoitenga says that “Calvin literally frames his entire discussion of our fallen state with [this] Augustinian principle.”²⁰

But Calvin’s discussion of what it means for reason to be corrupted by the Fall seems to be more generous toward our postlapsarian nature than his discussion of the Fall’s effect on the will.

Calvin says that, after the Fall, “man’s mind ... cannot hold to the right path, but wanders through various errors and stumbles repeatedly, as if it were groping in darkness.”²¹ But he also says that “human understanding” remains “captivated by love of truth” even after

¹⁸ *Inst.* 2.2.12.

¹⁹ *Inst.* 2.2.4, 2.2.12, 2.2.16, and 2.5.19. See also *Comm. Jas.* 3:9.

²⁰ Hoitenga, *Calvin and the Will*, 70.

²¹ *Inst.* 2.2.12.

the Fall and, as I pointed out previously, Calvin is quite confident in the enduring ability of post-lapsarian reason to lead humanity to truth in matters “which have their significance and relationship with regard to the present life” such as “government, household management, all mechanical skills, and the liberal arts.”²²

Yet, as Hoitenga points out, “Calvin’s descriptions of the fallen will (more so than of the intellect) imply not just the corruption, but nearly the complete destruction of its natural components.” He accuses Calvin of perpetrating a “betrayal of the Augustinian principle.”²³

In the passage just quoted from the *Institutes*, for example, Calvin ascribes remnants – “sparks” – of understanding and judgment to the fallen intellect. And we have already seen how Calvin ties human culpability for personal sin after the Fall to the intellect’s native ability to distinguish right from wrong, an ability in which the fallen intellect is continuous with the original created intellect.

The fallen will, however, is here described by Calvin merely in terms of its depravity, and not with reference to any enduring native capacity that carries over from the created to the fallen will. Nor are such comments an isolated instance of this disparity between his treatment of will and intellect. “[T]he will is a natural power,” Calvin says, “but, as nature is corrupted, it has *only depraved inclinations*. It is hence necessary that the Spirit of God should renew it, in order that it may *begin to be good*.”²⁴

Hoitenga says that if Calvin’s account of the fallen will were to be congruent with his account of the fallen intellect, then the “will should retain, for all its depravity, something of its created inclination to goodness besides its new inclination to evil, as well as its ability to

²² *Inst.* 2.2.12-13. See also 3.19.15 and 4.20.1-2, 12.

²³ Hoitenga, *Calvin and the Will*, 73.

²⁴ *Comm. 1 John* 3:8 [emphasis mine].

choose between these contrary inclinations.”²⁵ Yet Hoitenga says the account Calvin actually gives is more pessimistic and confused:

Calvin distinguishes with some care the natural functions of the intellect that survive the fall from the corruption that plagues them. By contrast ... he offers nearly nothing to distinguish the natural functions of the will (inclination to goodness and moral choice) as they survive from the corruption that plagues them ... the will’s created inclination for goodness has been wholly lost; it has been simply replaced by an inclination to evil ... either the will is sound ... or it is eagerly disposed to sin. Calvin simply ignores a third alternative ... that something of the will’s own created inclination to goodness might persist in the fallen state, *without* being wholly lost in the way the supernatural gifts were lost.²⁶

Hoitenga thinks that this disparity stems from Calvin’s lack of care in distinguishing between two different questions about the role of the will in the post-lapsarian moral life. There is the question of “what elements of the natural will’s moral capacity survive,” but there is also the question of “whether the capacities of the will that do survive can assist in or conduce toward its conversion” back to God. Believing that the natural will is incapable of self-converting does not entail believing that it has lost its character as natural will (i.e., its inclination to goodness and power of choice). But Calvin, Hoitenga argues, “turns the inability of the will to restore itself to favor with God into a theory of a will that is unable to produce any moral good at all.”²⁷

6.2. NATURAL DESIRE AS EXCESS

Reading Calvin on desire, it is not difficult to see why thinkers like Verhey who follow in his theological footsteps say they find no trustworthy guidance in their natural inclinations. The

²⁵ *Ibid.* 72-73. A defender of Calvin’s apparent inconsistency on this point might argue that Hoitenga has not fully reckoned with the consequences of the view expressed by Calvin in *Inst.* 1.15.8, where he follows Augustine in attributing the Fall to the will, rather than attributing it to the intellect (as, generally, did the Greek Fathers). In light of this, it is perhaps understandable that Calvin thinks the will – the cause of the Fall – was more severely damaged by the Fall than the intellect. This might also explain why Calvin’s view of the post-lapsarian relationship between intellect and will envisages a straightforward submission of the latter to the former (*Inst.* 1.15.7).

²⁶ *Ibid.*, 74, 84.

²⁷ *Ibid.*, 115.

more that something “delights human nature,” Calvin says, the more it ought to be “suspected by believers.”²⁸ Calvin’s own work shows that he was an enthusiastic adherent of this hermeneutic of suspicion.

When Calvin speaks of natural inclination²⁹ it is generally in a negative sense, in the context of our fallen proneness to evil. “Natural inclination” refers to those inclinations “proceeding of the corrupt nature that we take from Adam.”³⁰ He speaks of the “depravity of our natural disposition (*ingenii*).”³¹ Our “natural inclinations (*inclinacione naturae*)” are conflated with “depraved lusts (*pravis cupiditatibus*).”³² Our “natural disposition (*ingenium*)” is placed in opposition to holiness.³³ It is “opposed to the Spirit.”³⁴ “The doctrine of Christ teaches us to renounce our natural dispositions (*ingenii*).”³⁵ To “follow the bent of our natural disposition (*indulgeamus genio*)” is conflated with acting contrary to God’s commandments,³⁶ and being borne along by one’s natural inclinations is equated with being “destitute of sound judgment, and maddened by passion.”³⁷ Calvin says that the phrase “the world” in John’s Gospel “denotes men who ... retain their natural disposition (*ingenium*).”³⁸

After the Fall, our will does have a natural inclination, but it is an inclination toward sin, rather than toward goodness: “the will remains, with the most eager inclination (*propendissima affectione*) disposed and hastening to sin.”³⁹ We are “by nature inclined to evil with our whole heart (*ad malum toto animo sumus naturaliter propensi*).”⁴⁰ The “will of

²⁸ *Inst.* 4.10.11.

²⁹ Calvin tends to use the terms *inclinatio* and *propensio* interchangeably, with a preference for the latter. He also very frequently uses, in this connexion, the term *genio*, i.e., that which is inborn in us.

³⁰ *Sermons on Deuteronomy*, Sermon 35.

³¹ *Comm. 1 Tim.* 6:17 (*CO*, 52:333).

³² *Comm Gal.* 5:17 (*CO*, 50:253).

³³ *Comm. Eph.* 1:4 (*CO*, 51:147-148).

³⁴ *Comm. Gal.* 5:17 (*CO*, 50:252).

³⁵ *Comm. Eph.* 4:20 (*CO*, 51:207).

³⁶ *Comm. Isa.* 38:22 (*CO*, 36:664). Also *Inst.* 4.20.24; *Comm. Isa.* 48:16; *Comm. Isa.* 65:2 (*CO*, 37:417 – the Israelites “chose to abide by their own natural inclinations [*suo ingenio*] rather than to follow God as their leader.”)

³⁷ *Harm. Evangel.* II, Luke 15:12 (*CO*, 45:507).

³⁸ *Comm. John*, 7:7 (*CO*, 47:166).

³⁹ *Inst.* 2.3.5.

⁴⁰ *Inst.* 2.3.8. See also *Comm. Isa.* 8:11 (*CO*, 36:174); *Comm. Heb.* 3:12 (*CO*, 55:42): “By nature we are inclined to evil (*ut natura sumus ad malum proclives*).”

natural man is subject to the devil's power" and "captivated by Satan's wiles."⁴¹ "[T]here is in us naturally a will (*naturaliter ingenita sit nobis voluntas*), which ... always inclines (*inclinat*) us to sin."⁴² "For so long as we are governed by ... our natural disposition (*ingenio*), we are in bondage to sin."⁴³

Calvin says that we must "give up our natural inclinations (*proprio ingenio*)" which he conflates with "the affections of our flesh (*carnis affectibus*)."⁴⁴ This identification between natural inclinations and what St. Paul calls "the flesh" is a constant feature of Calvin's thought in his biblical commentaries.⁴⁵ The "term 'flesh' is not restricted to the lower appetites merely ... but is employed to describe man's whole nature ... the flesh and man's natural disposition are quite synonymous".⁴⁶

To fulfill these desires [of the flesh], is to live according to the guidance of our natural disposition and of our mind. The flesh means here the disposition (*ingenium*), or, what is called, the inclination of the nature (*naturae ... inclinationem*).⁴⁷

Therefore, for Calvin the solution to the problem of our natural inclinations is the same as the solution to the problem of "the flesh": spiritual conversion. In order to even "begin to be inclined to that which is good (*proclivis ad bonum*)," Calvin teaches, humanity must be completely changed by God's grace – "turned by the power of God to new obedience" – since

⁴¹ *Inst.* 2.4.1.

⁴² *Comm. Pss.*, 40:8 (*CO*, 31:412).

⁴³ *Comm. John* 8:32 (*CO*, 47:203).

⁴⁴ *Harm. Evangel.* II, Matt 16:20 (*CO*, 45:481).

⁴⁵ *Comm. Rom.* 7:14 and 8:5; *Comm. 1 John* 2:15; *Comm. 1 Pet.* 2:11; *Comm. 2 Peter.* 2:10. Care must be taken in rendering Calvin's thought into English on this point. For example, translating *caro* ("flesh") as "corrupt nature" (as Anderson does at *Comm. Pss.* 85:5 [*CO*, 31:787]) is probably a reasonable interpretation. Translating it simply as "nature" (as Anderson does at *Comm. Pss.* 148:12 [*CO*, 32:430]), in spite of Calvin's remarks at *Comm. Gal.* 5:17 (*CO*, 50:252), obscures the distinction Calvin draws between what is substantively natural to humanity in the sense of being part of our original created endowment and what is accidentally natural in our current fallen state. It seems better to me to translate *caro* straightforwardly as "the flesh," with all the rich Pauline connotations the term implies.

⁴⁶ *Comm. 1 Cor.* 3:3. See also *Comm. Gal.* 5:17 (*CO*, 50:252): "The word flesh ... denotes the nature of man (*carnis nomine hominis naturam significari*)."

⁴⁷ *Comm. Eph.* 2:3 (*CO*, 51:162). Calvin goes on: "the next expression (*διανοιῶν*) means what proceeds from the mind. Now, the mind includes reason, such as it exists in men by nature; so that lusts do not refer exclusively to the lower appetites, or what is called the sensual part of man, but extend to the whole."

“the natural corruption of man is so great” that “naturally and spontaneously (*naturaliter et sponte propensi*)” he “seeks for any thing rather than what is right.”⁴⁸

In addition to our natural inclination toward sin in general, Calvin says we are also naturally inclined toward a host of specific sins. “[A]ll of us are by nature inclined (*natura propensi*) to hypocrisy.”⁴⁹ “[W]e are all naturally inclined (*omnes naturaliter ad eam sumus propensi*)” to the “contagion of idolatry.”⁵⁰ “There is, indeed, nothing we are so disposed (*proclivius*) to do as to forsake true religion.”⁵¹ “[T]he human mind has a natural inclination (*sponte inclinēt humanum ingenium*) toward vanity and errors.”⁵² Nature “so easily inclines (*inclinat*) us to love of ourselves alone.”⁵³ We are “inclined (*propendemus*) by nature” too much to the desire of earthly things.⁵⁴ Desire itself is equated with covetousness.⁵⁵ Innate inclinations are also presented by Calvin as deceptive. For instance, he says that we have an “inborn feeling” (*ingenitus sensus*) not to accept the rule of a tyrant.⁵⁶ But shortly after saying this Calvin teaches that we have a moral obligation to accept such rule.⁵⁷

6.2.A. From the *Commentary on Seneca’s De Clementia* to the 1543 *Institutes*

In his *Commentary on Seneca’s De Clementia*, published in 1532, Calvin describes “desire” (*cupiditatis*) as being “contrary and inimical to reason” and to “a peaceful and quiet constancy of mind.”⁵⁸ Commenting on Seneca’s assertion that “desires are never so well controlled as to cease at the point of attainment,” Calvin outlines Epicurus’s threefold division of human desires into (1) those which are “natural and necessary,” and usually easily attainable in

⁴⁸ *Comm. Pss.* 119:36 (*CO*, 32:230).

⁴⁹ *Inst.* 1.1.2.

⁵⁰ *Praelect. Ezek.* 20:9 (*CO*, 40:478).

⁵¹ *Praelect. Hos.* 4:15 (*CO*, 42:288). See also *Inst.* 1.11.3, and *Inst.* 3.2.20: “our heart especially inclines (*propendat*) by its own natural instinct (*naturali instinctu*) to unbelief.”

⁵² *Harm. Evangel.* II, Matt 16:5 (*CO* 45:467). See also *Inst.* 1.4.11 and *Praelect. Ezek.* 18:5-9 (*CO*, 40:427).

⁵³ *Inst.* 3.7.5.

⁵⁴ *Inst.* 3.11.3.

⁵⁵ *Inst.* 2.8.58 and 2.12.5.

⁵⁶ *Inst.* 4.20.24.

⁵⁷ *Inst.* 4.20.29.

⁵⁸ *Commentary on Seneca’s De Clementia*, 10.22-44.

principle, (2) those which are “natural but not necessary,” and (3) those which are “neither natural nor necessary,” and are therefore insatiable because they admit of no natural limit.⁵⁹

Calvin says that Seneca’s censures do not apply to all desires and identifies the kind of desire about which Seneca is talking as “the third sort ... namely, desire insatiable.”⁶⁰ Calvin does not indicate any disagreement with the view expressed by Seneca. At this early point in his career, then, it seems that Calvin’s claim is effectively tautological: those desires which are contrary to nature are inimical to reason and to our peace of mind.

However, by the time Calvin came to publish the third Latin edition of the *Institutes* in 1543, his analysis of desire had expanded and hardened:

It may seem absurd to some that all desires by which man is by nature affected are so completely condemned (*universum damnari cupiditates omnes, quibus homo naturaliter afficitur*) – although they have been bestowed by God himself, the author of nature. To this I reply that we do not condemn those inclinations (*appetitiones*) which God so engraved (*insculpsit*) upon the character of man at his first creation, that they were eradicable only with humanity itself, but only those bold and unbridled impulses (*motus*) which contend against God’s control. Now, all man’s faculties are, on account of the depravity of nature, so vitiated and corrupted that in all his actions persistent disorder and intemperance threaten because these inclinations (*appetitiones*) cannot be separated from such lack of restraint. Accordingly, we contend that they are vicious. Or, if you would have the matter summed up in fewer words, we teach that all human desires are evil (*omnes hominum cupiditates malas esse docemus*), and charge them with sin – not in that they are natural, but because they are inordinate.⁶¹

In his *Commentary on Seneca*, Calvin had divided human desires into three kinds, the first two of which escape explicit moral censure because they are in accordance with nature. The third – unnatural desire – is condemned. Calvin quotes Seneca’s *Consolations* on this point: “[E]very appetite which arises not from real want but from vice is of the same nature: however much you lavish on it, it will not cease, but will only increase further.”⁶²

⁵⁹ *Ibid.*, 17.25-39

⁶⁰ *Ibid.*

⁶¹ *Inst.* 3.3.12 (to avoid confusion, the reference here is to the location of the passage as it appears in the standard 1559 edition, but the passage itself first appeared in the 1543 edition and then remained unaltered in subsequent editions). See also *Inst.* 3.3.19.

⁶² *Commentary on Seneca’s De Clementia*, 11.4.

By the time of the 1543 *Institutes*, however, these different categories of desire seem to have been, in effect, collapsed into one another. Calvin is clear that those desires constitutive of our original nature as created by God are, in and of themselves, good.⁶³ Indeed, we even share such desires with Christ in his human nature.⁶⁴ But he goes on to condemn even these desires since, he argues, they have been “vitiating by original sin,” and are now experienced *naturally* as inordinate and insatiable.⁶⁵ For instance, the natural desire for sexual union becomes lust,⁶⁶ the need for food becomes gluttony, and so on.⁶⁷ Even “natural affections (στοργαὶ φυσικαὶ)” such as those “of a father to a son” are unruly and in need of being “checked and restrained.”⁶⁸

Thus, an analysis that Seneca applies only to a particular sub-category of desire, Calvin eventually ends up applying to all human desire. In the process, he blurs the distinction between natural inclinations and unnatural vices by branding the former with the same moral disapprobation which classical and Scholastic authors reserve for the latter. Aquinas’s “natural inclinations” have become “the wanton impulse of the flesh.”⁶⁹

⁶³ *Comm. Phil.* 2:27: “dispositions which God originally implanted in our nature are not evil in themselves, because they do not arise from the fault of corrupt nature, but come forth from God as their Author.” See also *Comm. Acts* 8:2 and 20:37.

⁶⁴ *Comm. John* 11:33: “It will perhaps be objected, that the passions of men are sinful, and therefore it cannot be admitted that we have them in common with the Son of God. I reply ... the feelings of men are sinful and perverse on two accounts; first, because they are hurried along by impetuous motion, and are not regulated by the true rule of modesty; and, secondly, because they do not always arise from a lawful cause ... Nothing of this nature was to be found in Christ; for he had no passion or affection of his own that ever went beyond its proper bounds ... To make this matter still more clear, it will be of importance for us to distinguish between man’s first nature, as it was created by God, and this degenerate nature, which is corrupted by sin. When God created man, he implanted affections in him, but affections which were obedient and submissive to reason. That those affections are now disorderly and rebellious is an accidental fault; that is, it proceeds from some other cause than from the Creator. Now Christ took upon him human affections, but without (ἀταξία) disorder.”

⁶⁵ *Comm. Gen.* 8:21 (*CO*, 23:140-141): “the very affections of nature (*naturae affectus*), which in themselves are laudable, are yet vitiated by original sin, and on account of their irregularity have degenerated from their proper nature; such are the mutual love of married persons, the love of parents towards their children, and the like.” See also *Comm. Pss.* 106:12-14; *Comm. Rom.* 13:14; *Comm. 1 Cor.* 7:33. In some texts there is a certain ambiguity even regarding the pre-fallen status of these natural desires. See, for example, *Harm. Evangel.* I, Matt 4:1: “the nature of Adam, while it was still innocent ... was liable to temptations. All the bodily affections, that exist in man, are so many opportunities which Satan seizes to tempt him.”

⁶⁶ *Harm. Evangel.* I, Luke 2:22.

⁶⁷ Lane, *Reader’s Guide to Calvin’s Institutes*, 103.

⁶⁸ *Comm. Isa.* 6:11. See also *Comm. Gen.* 8:21.

⁶⁹ *Inst.* 3.8.5.

Calvin's treatment of the episode in Exodus where Moses smashes the original tablets on which the Ten Commandments were engraved is illustrative of his thought here:

*And it came to pass, as soon as he came nigh unto the camp ... [Moses], when he sees the calf, bursts forth into rage, and the hideousness of the crime awakens him to different feelings. Now, since anger is here mentioned with praise, the stoics must abandon their paradox, that all the passions (*motus animi*) are vicious. I allow, indeed, that whilst men are led by nature, they are never angry without vice; because they always exceed due bounds, and often also do not aim at a proper object. But it must be observed that this occurs from the corruption of nature; and, consequently, anger is not in itself or absolutely to be condemned. For the principle which the Stoics assume, that all the passions are perturbations and like diseases, is false, and has its origin in ignorance; for either to grieve, or to fear, or to rejoice, or to hope, is by no means repugnant to reason, nor does it interfere with tranquillity and moderation of mind; it is only excess or intemperance which corrupts what would else be pure. And surely grief, anger, desire, hope, fear, are affections of our unfallen nature (*integrae naturae*), implanted in us by God, and such as we may not find fault with, without insulting God Himself. Moreover, the anger which is here ascribed to Moses is, in Deuteronomy 9, attributed to the person of God Himself. Whence we infer, that, since it emanated from the impulse of the Spirit, it was a virtue worthy of praise.⁷⁰*

Anger is not wrong in itself. It is part of our original nature, and a rational response to certain kinds of stimuli. However, in a fallen world, insofar as we are led by human nature, anger will always tend to excess, and therefore to vice. In our fallen world, or so Calvin's argument goes, anger can only be moral when it comes not from being "led by nature" but from "the impulse of the Spirit."

That the correct inclination of the will – originally an endowment of nature itself – can now only be experienced by those regenerated by the Spirit is a constant of Calvin's thought. In the absence of such regeneration, we do indeed still possess a natural inclination (and thus, our original endowment cannot be said to have been entirely destroyed), but this inclination is toward evil, not good. This is something Calvin emphasises on a number of occasions:

[T]he will is naturally implanted in man, whence this faculty belongs equally to the elect and the reprobate. All therefore will, but through Adam's fall it happens that our will is depraved and rebellious against God: will, I say, remains in us, but it is enslaved

⁷⁰ *Harm. Law*, III, Exod 32:19 (*CO*, 25:90).

and bound by sin. Whence then comes an upright will? Even from regeneration by the Spirit. Hence the Spirit does not confer on us the faculty of willing: for it is inherent to us from our birth, that is, it is hereditary, and a part of the creation which could not be blotted out by Adam's fall.⁷¹

[T]here is in us naturally a will (*naturaliter ingenita sit nobis voluntas*), which, however, is depraved by the corruption of our nature, so that it always inclines (*inclinat*) us to sin, God changes it for the better, and thus leads us cordially to seek after (*appetamus*) righteousness, to which our hearts were previously altogether averse.⁷²

Even something as basic as the human desire to know truth becomes, for Calvin, unbounded and dangerous after the Fall:

And thou shalt set bounds. By this symbol the Israelites were admonished to restrain their natural inquisitiveness, that they may be sober in their desires after knowledge, because God, by the teaching of His Law, only enlightens those who are as "little children." We know how great is men's natural (*ingenita*) curiosity ... wherefore there was good cause why He should set these bounds, and restrain this perverse longing after unlawful knowledge ... Thus are their modesty and docility proved, when they desire no more than is permitted them, and keep themselves within the bounds of revelation.⁷³

6.3. TWO KINDS OF INCLINATION, TWO KINDS OF GOOD

These considerations seem to leave untouched Hoitenga's critique of Calvin. Can we really say that the post-lapsarian inclination of the will is continuous with the pre-lapsarian "natural gift" simply on account of the fact that both are in part constituted by inclinations to *something*, when one is an inclination to good and the other to evil, i.e., when one is an inclination to that which is the opposite of the other?

I would like to suggest, however, that Calvin speaks about natural inclinations operating on two different levels. While, on one level, the pre-lapsarian inclination to good has become an inclination to evil and sin, there is another level at which post-lapsarian natural inclination appears continuous with the pre-lapsarian inclination to the good.

⁷¹ *Praelect. Ezek.* 11:21.

⁷² *Comm. Pss.* 40:7 (*CO*, 31:412).

⁷³ *Harm. Law*, I, Exod 19:12 (*CO*, 24:200). See also *Praelect. Jer.* 50:36.

6.3.A. Inclination and Choice

While discussing the idea of free will, Calvin relies on two distinctions which are important for understanding his thought on this matter:

[T]he philosophers teach that all things seek good through a natural instinct (*omnia naturali instinctu bonum appetere*), and this view is received with general consent. But that we may not suppose this doctrine to have anything to do with the uprightness of the human will, let us observe that the power of free choice is not to be sought in such an appetite (*appetitu*), which arises from inclination of nature (*essentiae inclinatione*) rather than from deliberation of mind ... And actually, if you consider the character of this natural desire of good in man (*naturale boni in homine desiderium*), you will find that he has it in common with animals. For they also desire their own well-being (*bene sibi esse cupiunt*) ... But man does not choose by reason and pursue with zeal what is truly good for himself according to the excellence of his immortal nature; nor does he use his reason in deliberation or bend his mind to it. Rather, like an animal he follows the inclination of his nature, without reason, without deliberation. Therefore whether or not man is impelled to seek after good by an impulse of nature has no bearing upon freedom of the will. This instead is required: that he discern good by right reason; that knowing it he choose it; that having chosen it he follow it.

That no reader may remain in doubt, we must be warned of a double misinterpretation. For “appetite” here signifies not an impulse of the will itself but rather an inclination of nature (*appetitus hic non proprius voluntatis motus, sed naturalis inclinatio*); and “good” refers not to virtue or justice but to condition, as when things go well with man (*bonum, non virtutis aut iustitiae appellatur, sed conditionis: ut scilicet homo bene habeat*). To sum up, as much as man desires to follow what is good, still he does not follow it. There is no man to whom eternal blessedness is not pleasing, yet no man aspires to it except by the impulsion of the Holy Spirit. The desire for well-being natural to men (*naturale hominibus bene habendi desiderium*) no more proves freedom of the will than the tendency of metals and stones toward perfection of their essence (*ad essentiae suae perfectionem inclinans affectio*) proves it in them.⁷⁴

Calvin accepts, with “the philosophers,” that there is a natural inclination toward the good, labelling this variously as “instinct” (*instinctus*), “appetite” (*appetitus*), “inclination” (*inclinatio*), “desire” (*cupiditas*), “affection” (*affectio*), and “natural desire” (*desiderium naturale*), terms he uses interchangeably to indicate the fact that whatever our will tends toward, it tends toward because it is perceived – rightly or wrongly – to be in some sense good, to be perfective of our nature.

⁷⁴ *Inst.* 2.2.26.

Calvin refuses to directly concede any ethical value to natural inclination in this sense, however, distinguishing “inclination of nature” from “impulse of the will.” This is odd because elsewhere Calvin relies on the traditional dual definition of the will in terms of both inclination and choice.⁷⁵ Here he seems to remove the first component from the purview of the will. “Inclination of nature” becomes something other than an activity of the will, while willing is defined solely in terms of choice.

Having separated out natural inclination from the will, Calvin argues that natural inclination is non-moral.⁷⁶ It is something humanity shares in common with animals⁷⁷ and even with “metals and stones” which have a “tendency ... toward perfection of their essence.”⁷⁸ In other words, because the natural inclinations are not rational (with “rational” here meaning activity proceeding from explicit ratiocination, not just activity in accordance with reason) they are not moral. Questions of morality only begin when people use their “reason in deliberation.”⁷⁹ This is a very different view from that of Aquinas in which the “*primum consideratum*” of the moral life is the “*appetibile*.”⁸⁰

⁷⁵ Headley, *The Nature of the Will in the Writings of Calvin and Arminius: A Comparative Study* (Eugene, OR: Wipf & Stock, 2017), 56.

⁷⁶ Elsewhere, however, Calvin sometimes suggests that pursuit of our well-being is positively immoral: *Inst.* 3.7.1-3. Calvin claims at one point that the gospel “commands us to put off our nature and to deny whatever our reason and will (*ratio et voluntas*) dictate” (*Inst.* 3.7.3) and that in order to do good “our mind [must] be previously emptied of its natural feeling (*naturali sensu*).” (*Inst.* 3.7.4; see also *Inst.* 3.20.43). But Calvin also advises building on our natural tendency to self-love. For instance, he advises developing the capacity for altruism not through obliterating self-regard but by harnessing it. They who wish to become altruistic should “put *themselves* in the place of him whom they see in need ... *as if they themselves experienced* and bore it” (*Inst.* 3.7.3). The morally praiseworthy “feeling of mercy” thus arises, for Calvin, in part *from* our self-love, and not by disregarding our own wellbeing.

⁷⁷ Herdt (“Calvin’s Legacy,” 424-425) argues that Calvin here is referencing a concept of natural law specific to Roman civil law, which sees natural law in terms of that which humanity shares in common with animals. This is different to the natural law theory put forward by medieval canonists and theologians, who saw natural law as “particular to human beings, and as prescribing the fulfilment of natural inclinations, including those shared with other animals, in ways which are suitable for rational animals.” See Justinian’s *Institutes*, 1.2.1, 12. “Justinian’s work was the core of university study of law from the twelfth to the eighteenth centuries,” during the time Calvin undertook his legal training. See McConnell, “The Nature in Natural Law,” *Liberty University Law Review*, 2.3 (2008), 808ff.

⁷⁸ See also *Comm. Rom.* 8:20: “Since there is no reason in such creatures, their will is to be taken no doubt for their natural inclination, according to which the whole nature of things tends to its own preservation and perfection.” And see *Sermons on Deuteronomy*, Sermons 71, 126, 143, and 172

⁷⁹ *Inst.* 2.2.26.

⁸⁰ *In De Anima*, 3.15.4.

6.3.B. The *Per Se* Good and the Good of Condition

More relevant here is the distinction Calvin seems to be making in this passage between two senses of the word “good.” There is a “true good” which Calvin associates with “virtue” and “justice.” Then there is what he calls a good of “condition,” or of “well-being.” Depending on which of these two kinds of good a natural inclination is an inclination toward, a *natural inclination to the good*, then, can mean one of two things: (1) an inclination to what is truly good precisely because it is good, or (2) an inclination to what is good for us in the sense of being advantageous or conducive to our self-interest; this may or may not be objectively good. Presumably, before the Fall, there would have been no distinction between inclination (1) and inclination (2). After the Fall, there is a bifurcation, and while humanity retains inclination (2), inclination (1) is obliterated from nature (although it can be restored through spiritual regeneration).

In light of this distinction, apparently contradictory statements that Calvin makes about the pursuit of the good begin to make sense. For instance, in Book I of the *Institutes* Calvin says that the idea “that man by his own nature somehow seeks after the good” is an idea which “displeases” him.⁸¹ And in the very next passage of the *Institutes* from the one we have just considered in which he affirms the claim that all things seek the good by natural instinct, Calvin appears to contradict himself by criticising the claim that “there is a faculty in the soul voluntarily to aspire to good.”⁸²

It could be that Calvin is hopelessly contradictory. Or it could be that at some point during his career he changed his mind.⁸³ But I think a better explanation is that when he affirms the presence in post-lapsarian human nature of a natural inclination to the good, this

⁸¹ *Inst.* 1.2.6.

⁸² *Inst.* 2.2.27. See also 2.4.1: “man is so held captive by the yoke of sin that he can of his own nature neither aspire to good through resolve nor struggle after it through effort.”

⁸³ The critique first appears in the 1539 *Institutes*, while the affirmation of natural instinct is inserted into the 1559 edition. Calvin generally added new passages to each subsequent edition of the *Institutes* without removing the earlier passages.

should be taken to refer to inclination (2), and when he denies it, such denials should be taken to refer to inclination (1). One might say that, according to Calvin, post-lapsarian humanity⁸⁴ is not capable of pursuing *the* good, properly speaking, but that humans, like all beings, act in pursuit of their own well-being or self-interest, i.e., in pursuit of *their own* good, by a kind of natural instinct or inclination.

Thus, in one passage in Book II of the *Institutes*, Calvin says both that “the soul ... is utterly devoid of all good”⁸⁵ but also that in “every age there have been persons who, guided by nature (*natura duce*), have striven toward virtue throughout life.”⁸⁶ He can both praise the good works of pagan societies, and claim that fallen man is utterly incapable of good works.⁸⁷ This is because who live the good life “guided by nature” do so by acting out of self-interested motives (avoidance of shame and disgrace, desire for personal gain, desire to rule, and so on⁸⁸) since, even though the Fall has destroyed our ability to aspire to the “true good,” it has left intact our inclination to our own well-being, our tendency to pursue our own advantage. Such pursuit of the good has “no value to acquire righteousness” before “the heavenly judgment seat,” but is nevertheless a fact of life.⁸⁹

Elsewhere, too, Calvin implicitly relies on this distinction. For instance, he affirms that some kind of natural inclination toward some kind of good is operative in the reprobate, using the example of Saul: “Saul ... knew God was a father to him, and he was attracted by something delightful about His goodness.”⁹⁰ Saul (unlike the truly righteous) is attracted to God not as *the* good but as something good *for him*. Calvin says that “because the eye of our mind is too blind to be moved solely by beauty of the good, our most merciful Father out of his great kindness has willed to attract us by sweetness of rewards to love and seek after

⁸⁴ With the exception of the regenerate, who “tend toward good with the chief part of their soul (*regeneratis ... qui praecipua animae parte ad bonum tendunt*).” See *Inst.* 2.2.27.

⁸⁵ *Inst.* 2.3.2.

⁸⁶ *Inst.* 2.3.3.

⁸⁷ *Inst.* 2.3.12; 3.14.5.

⁸⁸ *Inst.* 2.3.3.

⁸⁹ *Inst.* 2.3.4. See also *Comm. John* 11:25.

⁹⁰ *Inst.* 3.2.12.

him.”⁹¹ Note Calvin’s distinction between a will that is moved by *the* good (i.e., by the concept of obligation *per se*)⁹² and a will that is moved by that which is *a* good *for the agent* (i.e., by a “reward” from God).⁹³ There is *the good*, and there is *the good for us*. Precisely because it is good for us it has a certain “sweetness” and attractiveness by means of which God holds it out to us as a “reward” to draw us to himself. Nevertheless, there is another, more integral good, and “we are too blind to be moved solely by the beauty” of this kind of good.

To illustrate this point, let us return to C. D. Broad’s three elements of conscience that I mentioned earlier: the cognitive, emotional, and conative dispositions. Recall that Broad defined the conative disposition as being present when a moral agent “has and exercises the ... disposition to seek what he believes to be good and to shun what he believes to be bad, as such, and to do what he believes to be right and avoid what he believes to be wrong, as such.”

⁹¹ *Inst.* 2.8.4

⁹² Calvin says (*Inst.* 3.6.2) we are “not at all inclined by nature” to “love of righteousness” – i.e., to love of the good for its own sake.

⁹³ Calvin’s distinction here seems to parallel the distinction Duns Scotus draws between *affectio iustitiae* and *affectio commodi*. “The affection for advantage [*affectio commodi*] is a natural appetite, an inclination or tendency toward one’s own proper perfection or happiness. The affection for justice is the inclination toward intrinsic goods for their own sake.” (Hare, “Scotus on Morality and Nature,” *Medieval Philosophy and Theology*, 9 [2000], 15-16).

If Calvin is following Scotus’s moral psychology, then his standoffishness toward the idea of free will is congruent with his claim that post-lapsarian humanity has lost the *affectio iustitiae*, since Scotus claims that *affectio iustitiae* is the source of the will’s “inborn liberty” (*libertas ingenita*) insofar as it is by reason of the *affectio iustitiae* that the will “is able to will some good not oriented to itself.” (Boler, “Transcending the Natural: Duns Scotus on the Two Affections of the Will,” *American Catholic Philosophical Quarterly*, 67.1 [1993], 109). Boler sees Scotus’s view as an “implicit criticism” of the Aristotelian school represented by Aquinas, for whom the distinction between what is commodious (good *for us*) and what is truly just (good *per se*) is meaningless, since this school conceives of the moral life as “an extension or refinement of a project of self-realization and/or eudaimonism” (“Transcending the Natural,” 110).

Calvin’s two kinds of goods also parallel Scotus’s *bonum sibi* (the good “relative to the nature of the willer” that corresponds to the *affectio commodi*) and *bonum in se*, the good in itself (*Ibid.*, 111).

Some of Calvin’s choice of language in his argumentation on these matters also echoes Duns Scotus. For instance, compare Calvin’s claim in his argument against free will in *Inst.* 2.2.26 that the “desire for well-being natural to men no more proves freedom of the will than the tendency (*affectio*) of metals and stones toward perfection of their essence proves it in them,” with Scotus’s claim that “the natural appetite is no more an elicited act of the will [i.e., a free act] than is the natural appetite in a stone” (quoted in *Duns Scotus on the Will and Morality*, [Washington: The Catholic University of America Press, 1986], 156).

Where Calvin differs from Scotus is that Scotus thinks that if *affectio iustitiae* is not present, there can be no sin, because sin requires free choice, which in turn requires the ability to choose between the conflicting pulls of *affectio iustitiae* and *affectio commodi*.

The key term in this definition is the phrase “as such.” To understand why, one must understand the distinction Broad makes between what he calls moral motive-components of action and non-moral motive components:

[It is a] plain psychological fact that the belief that a certain course of action would be right does exercise a certain attraction or compulsion on most people and thus provides them with a motive-component for doing it. Still more obvious is it that the belief that a certain course of action would be wrong exercises a certain repulsion or inhibition on most people and thus provides them with a motive-component against doing it. Sometimes every other feature in alternative A is such as would make one prefer it to B. To do A might benefit me and other people, and to do B might injure me and other people. But to do A would involve breaking a promise which I gave, after due consideration, to a person who is now dead and therefore cannot release me. If I believe that it is wrong to break a promise given under those conditions, this one feature in A may make me reject it and choose B. I am not at present considering such cases from an ethical point of view; all that I am concerned with here is the psychological fact that they happen and are perfectly familiar. All civilized languages have words like “ought,” “duty,” “obligation,” etc. All these words refer to the fact that the supposed rightness of an action gives rise to a motive-component for doing it, and that the supposed wrongness of an action gives rise to a motive-component against doing it, and that these specifically moral motive-components may conflict with others which arise from one's belief about the non-moral characteristics of the action ... we must notice that non-moral motive-components, based on the attractiveness or repulsiveness which an action derives from the non-moral characteristics which we believe it to have, will generally co-exist and co-operate with components of moral attraction and moral repulsion. In consequence of this a person may often think that he is being moved by purely moral motives when really his total motive for choosing or rejecting an alternative contains both moral and non-moral motive-components. And we may sometimes mistake a purely non-moral motive, such as desire for comfort or safety, for the moral motive of desire to do what is right as such.⁹⁴

The “conative disposition,” as Broad defines it here, is the disposition to do what is right *because* one believes it to be right *as such*, and for no other reason. And if this is what we mean by “conative disposition,” then Bosco is indeed correct to say that such a disposition, which is equivalent to what I have called inclination (1) above, is lacking from Calvin's account of conscience, and therefore also lacking from his account natural law.

But Calvin nevertheless affirms the importance, within the context of his discussion of natural law, of a second kind of conative disposition or natural inclination, not toward what

⁹⁴ Broad, “Conscience and Conscientious Action,” 117-118.

is good “as such” but toward what is good insofar as it brings us some advantage or improves our wellbeing or condition. Broad would call this a “non-moral motive component” for acting.

Aquinas’s account has no place for any distinction between these two kinds of motivation. The fact that we are motivated to do something because it is good *for us* rather than from pure duty (whatever this might look like) does not, for Aquinas, make such a motive “non-moral.”

Calvin is more equivocal, at times appearing to completely dismiss the moral value of our natural inclination to seek our own wellbeing, at other times suggesting that it does have a moral value, albeit a lesser value than the disposition to the good *per se* which is absent from the fallen psyche.

Two passages from Calvin’s work that Bosco cites in support of his argument that Calvin’s theory of conscience lacks a conative component, in fact reinforce the point I have made here.

Firstly, Bosco cites the passage from Calvin’s Romans commentary with which we began our investigations in this chapter, in which Calvin argues that when Paul says the distinction between good and evil is “written on the heart,” heart should be taken for mind or intellect rather than for the appetite. But even Calvin’s explanation of natural law in this text, one that seems to have been crafted precisely in order to exclude an Aquinas-type natural law theory, nevertheless begins by taking as its starting point the observation that “spontaneously and without counsel, all nations are inclined (*inclinitae*) to make laws.” And the same passage ends by identifying the good (*bonum*) with the desirable (*expetibile*). Of what use would it have been for Calvin to say that we have some fundamental conceptions of what is right and good, if such a conception of the “good” did not include the aspect of pursuit-worthiness that Aquinas argues is fundamental to its *ratio*? And if such a conception did not, in fact, motivate the pursuit of the good by the will on account of such a conception? A definition of the good

that did not include these components would not, in fact, have explained why all nations are spontaneously inclined to make laws. Calvin appears to have at least an inchoate understanding of the dilemma here, which is why he includes the aspect of desirability in his explanation of the good at the end of the passage.

Secondly, Bosco cites some remarks of Calvin's in Book II of the *Institutes* to the effect that, "if the whole man lies under the power of sin, surely it is necessary that the will, which is its chief seat, be restrained by the stoutest bonds,"⁹⁵ and "so depraved is [man's] nature that he can be moved or impelled only to evil."⁹⁶ Yet both of these remarks come after (and, in the case of the first remark, *directly* after) Calvin's approbation of the teaching of "the philosophers" that "all things seek good through a natural instinct," and his affirmation that "man is impelled to seek after good by an impulse of nature."⁹⁷

Even in these passages, Calvin does not deny the existence in fallen humanity of a conative disposition in the way Broad describes it. He merely denies fallen humanity's ability to act in accordance with this disposition. Calvin's concern here seems to be to argue that the existence of our natural inclination to the good of our own well-being does not prove the will's freedom to choose the good purely because it is good. This still places Calvin at odds with Aquinas – for whom the distinction between these two kinds of willing the good is incoherent – but the difference is less stark than might seem to be the case if one fails to advert to the distinctions I have outlined here.

Calvin affirms, with "the philosophers," that "all things seek good through a natural instinct," but he distinguishes this "instinct" from "uprightness of will." The Thomistic distinction between *inclinatio* as dispositive and *appetitus* as motive is illuminating here. Calvin does not, for the most part, use the same terminology, but the conceptual framework seems similar:

⁹⁵ *Inst.* 2.2.27.

⁹⁶ *Inst.* 2.3.5.

⁹⁷ *Inst.* 2.2.26.

“To sum up, as much as man desires (*appetat*) to follow what is good, still he does not follow (*sequitur*) it.” Calvin does affirm that there is a natural, post-lapsarian disposition toward (or “desire” for) the good (i.e., Aquinas’s *inclinatio*) but appears to rule out actual movement toward the good⁹⁸ (Aquinas’s *appetitus*) without the “impulsion of the Holy Spirit.”

Bear in mind that Calvin himself takes the trouble to define his terms in this passage, and to distinguish desire or appetite from movement of the will properly speaking: “Now ‘appetite’ in this context does not denote the proper movement (*motus*) of the will, but natural inclination (*inclinatio*).”⁹⁹ So Calvin himself wants to distinguish between the inclination of the will and the will’s motion.

Calvin says that after the Fall the will “is so bound by wicked desires (*pravus cupiditatibus*) that it cannot strive (*appetere*) after the right.” Yet Calvin has just previously, in the same chapter of the *Institutes*, said that there is “implanted (*insitum*) in human nature some sort of desire (*desiderium*) to search out the truth,” and that we are “by nature captivated by love of truth” and a “longing (*appetentia*) for truth.”¹⁰⁰ He certainly affirms the continuation of a *disposition* and orientation toward the good of truth, even if we are no longer capable of “seeking and finding truth”: i.e., even if the disposition is frustrated in its operation. Calvin offers these remarks as evidence, not of the continuing soundness of the human will, but of the continuing soundness of reason. Nevertheless, his use of language, which describes the continuing soundness of the will insofar as the will *inclines* reason to seek truth, betrays his apparent claim that the will has lost its original integrity, its ability to “strive after the right.”

Consider, for instance, the following passage from Calvin’s *Commentary on the Psalms*:

⁹⁸ *Inst.* 2.3.5: “Because of the bondage of sin by which the will is held bound it cannot move (*movere*) toward the good.”

⁹⁹ *Inst.* 2.2.26. My translation: “Nam et appetitus hic non proprius voluntatis motus, sed naturalis inclinatio.”

¹⁰⁰ *Inst.* 2.2.12.

It has been customary in all ages for heathens, who look upon religion as a fable, when compelled by stern necessity, to call upon God for help. Did they do so in jest? By no means; it was by a secret natural instinct (*arcano naturae instinctu*) that they were led to reverence God's name, which formerly they held in derision. The Spirit of God, therefore, in my opinion, here narrates what frequently takes place, namely, that persons destitute of piety and faith, and who have no desire (*optarent*) to have anything to do with God, if placed in perilous circumstances, are constrained by natural instinct (*natura duce et magistra impelli*), and without any proper conception of what they are doing (*sine ... meditatione*), to call on the name of God ... our natural instinct (*naturae sensus*) drives us to God for help, when we are in perplexity and peril.¹⁰¹

Note that Calvin talks about two levels of motion of the will here. On one level a person can have “no desire to have anything to do with God.” Indeed, such a desire can take the form of a wish, an active choice (*optare*) against having anything to do with God. But on another more primal level a person's will can be moved by a “natural instinct” which operates prior to cognition, or, as Calvin puts it in the absence of “proper conception,” and such instinct remains oriented to an objective good.

In another passage, in his *Commentary on Philipians*, Calvin again appears to deny the existence of any post-lapsarian inclination toward the good whatsoever:

There are, in any action, two principal departments – the inclination (*voluntas*), and the power to carry it into effect (*potentia effectus*). Both of these [Paul] ascribes wholly to God ... Nor is there any reason to doubt that this division has the same force as if Paul had expressed the whole in a single word; for the inclination is the groundwork; the accomplishment of it is the summit of the building brought to a completion ... [The scholastics] toil hard in their schools to reconcile with the grace of God free-will ... which might be capable of turning itself by its own movement, and might have a peculiar and separate power, by which it might co-operate with the grace of God. I do not dispute as to the name, but as to the thing itself. In order, therefore, that free-will may harmonize with grace, they divide in such a manner, that God restores in us a free choice, that we may have it in our power to will aright. Thus they acknowledge to have received from God the power of willing aright, but assign to man a good inclination. Paul, however, declares this to be a work of God, without any reservation. For he does not say that our hearts are simply turned or stirred up, or that the infirmity of a good will is helped, but that a good inclination is wholly the work of God. Now, in the calumny brought forward by them against us – that we make men to be like stones, when we teach that they have nothing good, except from pure grace, they act a shameless part. For we acknowledge that we have from nature an inclination, but as it is depraved through the corruption of sin, it begins to be good only when it has been renewed by God. Nor do we say that a man does anything good without willing it, but that it is only when his inclination is regulated by the Spirit of God. Hence, in so far as

¹⁰¹ *Comm. Pss.* 107:6 (*CO*, 32:137).

concerns this department, we see that the entire praise is ascribed to God, and that what sophists teach us is frivolous – that grace is offered to us, and placed, as it were, in the midst of us, that we may embrace it if we choose; for if God did not work in us efficaciously, he could not be said to produce in us a good inclination.¹⁰²

But Calvin is more ambiguous here than he at first appears. He says that we “have from nature an inclination” which has been “depraved through the corruption of sin.” But his principal concern in fact seems to be to deny that we have the capacity to effect our own “movement” toward the good by “a peculiar and separate power.”

Calvin affirms in numerous places that, subsequent to the Fall, humans remain inclined toward certain objective goods – life, reproduction, social order, and so on – so in what sense is it that Calvin thinks we lack the power to carry our inclinations into effect, and in what sense are these inclinations themselves corrupted?

What he seems to me to mean is that although we still seek the same objects, we no longer seek them *because* they are objectively good, but because they are advantageous to us. Calvin thinks we retain inclinations to certain goods *materialiter*, but we have lost the inclination to *the good formaliter*. Whenever we act in accordance with divine law, therefore, our mode of action is necessarily wrong, because it does not spring from a true love of the good but is only in conformity “with the law of God in regard to the mere outward actions.”¹⁰³

6.4. PROVIDENCE AND INCLINATION

6.4.A. The Moral Value of Fallen Inclination

Although our natural inclination to the good of our own well-being is not of salvific value to the individual, this does not mean that it is devoid of moral value.

The basic principle governing Calvin’s thought on this issue is one I have already mentioned, to which he avers in Book II of the *Institutes*. That is, where God’s grace does

¹⁰² *Comm. Phil.* 2:13 (CO, 52:31-32).

¹⁰³ *Comm. Eph.* 4:17.

not regenerate, it is nevertheless still at work, restraining and bridling the worst excesses of human perversity:

In every age there have been persons who, guided by nature, have striven toward virtue throughout life. I have nothing to say against them even if many lapses can be noted in their moral conduct. Or they have by the very zeal of their honesty given proof that there was some purity in their nature ... These examples, accordingly, seem to warn us against adjudging man's nature wholly corrupted, because some men have by its prompting not only excelled in remarkable deeds, but conducted themselves most honorably throughout life. But here it ought to occur to us that amid this corruption of nature there is some place for God's grace, not such grace as to cleanse it, but to restrain it inwardly. For if the Lord gave loose rein to the mind of each man to run riot in his lusts, there would doubtless be no one who would not show that, in fact, every evil thing for which Paul condemns all nature is most truly to be met in himself ... If every soul is subject to such abominations as the apostle boldly declares, we surely see what would happen if the Lord were to permit human lust to wander according to its own inclination. No mad beast would rage as unrestrainedly; no river, however swift and violent, burst so madly into flood. In his elect the Lord cures these diseases in a way that we shall soon explain. Others he merely restrains by throwing a bridle over them only that they may not break loose, inasmuch as he foresees their control to be expedient to preserve all that is. Hence some are restrained by shame from breaking out into many kinds of foulness, others by fear of the law – even though they do not, for the most part, hide their impurity. Still others, because they consider to be an honest manner of life profitable, in some measure aspire to it. Others rise above the common lot, in order by their excellence to keep the rest obedient to them. Thus God by his providence bridles perversity of nature, that it may not break forth into action, but he does not purge it within.¹⁰⁴

Three important features of this passage should be noted, and I will elaborate on each of these in turn.

Nature as Disorder

Firstly, Calvin conceptualises “nature” in terms of disorder or chaos. Calvin describes nature without divine intervention as a violent and unpredictable state, like a “mad beast” or a torrent of raging, swollen floodwaters. Nature is defined as that which stands in need of being tamed and restrained.

¹⁰⁴ *Inst.* 2.3.3.

Bohatec famously noted that Calvin was possessed by a *Pathos der Ordnung* (“passion for order”).¹⁰⁵ The other side of this coin, however, is that Calvin is also gripped by an intense fear of disorder.¹⁰⁶ He sees the Fall, fundamentally, as the entry of disorder into creation.¹⁰⁷ In fact, he defines “the fall of Adam” as “the subversion of ... well-constituted order.”¹⁰⁸ From humanity, this subversion spreads like a contagion throughout the whole of creation, until “there is nothing certain” except that “all things are in a state of disorder,” as Calvin explains in his *Commentary on Jeremiah*:

We throw heaven and earth into confusion by our sins. For were we in right order as to our obedience to God, doubtless all the elements would be conformable, and we should thus observe in the world an angelic harmony. But as our lusts tumultuate against God; nay, as we stir up war daily, and provoke him by our pride, perverseness, and obstinacy, it must needs be, that all things, above and below, should be in disorder, that the heavens should at one time appear cloudy, and that continuous rains should at another time destroy the produce of the earth, and that nothing should be unmixed and unstained in the world. This confusion then, in all the elements, is to be ascribed to our sins ... heaven and earth are often in great disorder, that many things happen unseasonably, as though God had no care for us, because we provoke him by our sins, and thus confound and subvert the order of nature.¹⁰⁹

We have already seen how this analysis enters into Calvin’s thinking about human desire. Even good desires (i.e., desires directed toward things that are objectively good) become disordered after the Fall and are in need of being “restrained.”¹¹⁰ Calvin constantly frets about desires which are “boundless”¹¹¹ and “unbridled,”¹¹² about desires that “[overflow] without measure” and need to be subjected to “measure” and “control.”¹¹³ This analysis, again, flows from his view of the causes of the Fall. “Eve erred,” Calvin says, in that her “desire of knowledge” was not regulated by “the measure of ... the will of God.”¹¹⁴ Consequently,

¹⁰⁵ Bohatec, *Calvin und das Recht*, 62.

¹⁰⁶ Bouwsma, *John Calvin*, 33-35, 73-76. See also Methuen, “Natural Order or Order of Nature?” 18.

¹⁰⁷ Schreiner, *Theater of His Glory*, 30f.

¹⁰⁸ *Comm. Gen.* 3:1.

¹⁰⁹ *Praelect. Jer.* 5:25.

¹¹⁰ *Comm. Isa.* 6:11.

¹¹¹ *Inst.* 3.7.8.

¹¹² *Inst.* 3.20.44.

¹¹³ *Inst.* 3.10.3

¹¹⁴ *Comm. Gen.* 3:5

human society, just like the natural order, constantly threatens to descend into anarchy and chaos, as Schreiner explains:

Not only has disorder penetrated the physical elements of creation, but the historical sphere is now also characterized by moral disorder. The threatening image of water recurs when Calvin described this dangerous confusion in history. The world, he said, is engulfed by a “flood of iniquity” which must be continually restrained by God lest it rush forth and engulf the earth. Just as the devil subverted legitimate order in the fall, so now the wicked are always trying to create disorder in society ... For Calvin, the continual wars, injustices, revolutions, and changes in society are evidences of the moral disorder which invaded the world after the fall and have since then permeated the historical sphere ... avarice and ambition continually threaten to destroy the ordered bonds of society; everyone now “wishes to go his own way” to seek power and private profit.¹¹⁵

God as Bridler

Secondly, Calvin sees God’s providence primarily in negative terms. In a fallen world, providence is a force which “bridles” nature, holding it back from flowing along the destructive course it would otherwise follow. God is like a charioteer who decides how much rein to give or withhold.

As a result of “the sad disorder which followed the fall of Adam,” Calvin teaches, “the whole machinery of the world would have instantly become deranged, and all its parts would have failed had not some hidden strength supported them.” Calvin says that although creation naturally inclines (*naturaliter inclinēt*) to disarray, God brings it under obedience by means of a secret instinct (*arcanum instinctum*):¹¹⁶

[H]ence comes the alacrity of the sun and moon, and of all the stars in their constant courses, hence is the sedulity of the earth’s obedience in bringing forth fruits, hence is the unwearied motion of the air, hence is the prompt tendency to flow in water. God

¹¹⁵ Schreiner, *Theater of His Glory*, 29, 85, see also 86-87. Bohatec (*Bude und Calvin*, 393-395) on the other hand situates Calvin’s concern for order within the context of an alleged Stoic humanism borrowed from Cicero. On this reading, Calvin’s concern for social order is not primarily driven by a negative fear of disorder, but by a conviction that all of humanity forms one great harmonious community, with God as Father. Natural law, consequently, is the harmonious integration of the component parts of this community. As attractive as this reading is, I do not think it has enough textual support to compete with the argument put forward by Schreiner and others.

¹¹⁶ *Comm. Rom.* 8:20 (*CO*, 49:152-153).

has given to everything its charge; and he has ... by a distinct order commanded what he would to be done.¹¹⁷

This bridling action of God applies, too, to the relationship between humanity and the animal kingdom:

We see indeed that wild beasts rush violently upon men, and rend and tear many of them in pieces; and if God did not wonderfully restrain their fierceness, the human race would be utterly destroyed. Therefore, what we have said respecting the inclemency of the air, and the irregularity of the seasons, is also here applicable. Savage beasts indeed prevail and rage against men in various ways, and no wonder; for since we perversely exalt ourselves against God, why should not the beasts rise up against us? Nevertheless, the providence of God is a secret bridle (*Dei Providentia arcanum est fraenum*) to restrain their violence. For, whence does it arise that serpents spare us, unless because he represses their virulence? Whence is it that tigers, elephants, lions, bears, wolves, and other wild beasts without number, do not rend, tear, and devour everything human, except that they are withheld by this subjection, as by a barrier? Therefore, it ought to be referred to the special protection and guardianship of God, that we remain in safety. For, were it otherwise, what could we expect; since they seem as if born for our destruction, and burn with the furious desire to injure us? Moreover, the bridle with which the Lord restrains the cruelty of wild beasts, to prevent them falling upon men, is a certain fear and dread which God has implanted in them, to the end that they might reverence the presence of men.¹¹⁸

Just as the disorder introduced into the physical world by the Fall also comes to characterise the “natural” state of human society, so the same view of providence-as-bridle is applied by Calvin to moral and social questions. The continued existence of the social and political realm, no less than the continued existence of an orderly cosmos, is taken by Calvin as evidence for the sustaining hand of God’s providence. Hence, Calvin describes the function of civil government, instituted by God, in similar terms as those he uses to describe God’s activity in the physical realm: in terms of restraint, order, and boundary, holding back a near-unstoppable torrent of evil and chaos.¹¹⁹ Thus, Calvin says that we can see by observing the world – both physical and social – at one and the same time both the ever-threatening chaos

¹¹⁷ *Ibid.* See also *Comm. Pss.* 135:7.

¹¹⁸ *Comm. Gen.* 9:2 (*CO*, 23:143-144).

¹¹⁹ *Inst.* 4.20.2, 4-5, 23. The fact that the purpose of human institutions is to bridle rather than cleanse explains why Calvin thinks that, depending on circumstances, human law can tolerate and even give a qualified endorsement to that which, considered in itself, is seriously unjust. See Tuininga, “‘Because of Your Hardness of Heart’: Calvin and the Limits of Law,” *Scottish Journal of Theology*, 69.3 (2016).

of nature, and the continuing beneficence and love of God in acting to restrain that chaos.¹²⁰

As Schreiner, again, explains:

[Calvin's] ... concern was ... to use the idea of natural law as a way to explain the continuation of society after the devastating effects of the Fall. The recurrence of metaphors depicting the restraint of chaos and wickedness, so frequent in his discussions of providence, reveals that Calvin was keenly aware of the interconnection between the preservation of the cosmic and societal realms. Like nature, the continuation of the civil realm was due to God's providence and the continual bridling of disorder.¹²¹

The Natural Order as Nature's Own Bridle

Thirdly, this bridling and restraining activity of God, while in some sense clearly going against the grain of nature (i.e., by forestalling the state of affairs that would come to pass if nature were left to its own devices), is not a miraculous or supernatural activity that overrides the natural order. God's bridling of nature is a work that that God achieves by means of that same nature he seeks to bridle. Or, put another way, God restrains the excesses of nature by principles that are interior to nature itself.

Calvin says, for example, that some people have "excelled in remarkable deeds," not as a result of being moved by supernatural forces, but by the "promptings" of their own nature. Despite human nature's slide into depravity after the Fall, people still often pursue an "honest manner of life," not as a result of miraculous divine intervention, but simply because it is "profitable" – it is to their own advantage, conducive to their own well-being, to do so. In a sense it is through human nature itself that God acts to bridle human nature's worst possibilities.

¹²⁰ *Comm. Jer. 5:25*. Calvin tends, however, to be much more reticent about the possibility of discerning the hand of providence in the historical order, compared to the natural order. See Schreiner, "Exegesis and Double Justice in Calvin's Sermons on Job," *Church History*, 58.3 (1989), 327. For Calvin, Divine Providence is both manifest (in nature) and hidden (in the events of history).

¹²¹ Schreiner, *Theater of His Glory*, 79.

Recall what I said earlier about how, in his biblical commentaries, Calvin often explains important points of morality in terms of a “natural sense” (*sensus naturae*) or “secret natural instinct” (*arcano instinctu naturae*) that urges people toward good or holds them back from evil.

Like Aquinas’s *inclinatio naturalis*, the *sensus naturae* operates at a pre-cognitive level.¹²² Calvin thinks that on one level a person can make a deliberate choice *against* a particular good, while on another level a person’s will can be moved by a “natural instinct” which remains oriented to that good, and operates, prior to cognition, in the absence of “proper conception.”¹²³ *Instinctu* and *sensus*, which designate the second, pre-cognitive level of operation, are clearly not being used by Calvin merely as synonyms for conceptual knowledge of morality.¹²⁴

A comparison shows that in terms of practical ethics, Calvin’s *sensus naturae* covers broadly the same matters as Aquinas’s *inclinatio naturalis*:¹²⁵

¹²² As with Aquinas’s *inclinatio naturalis*, the fact that Calvin traces his account of the natural law back to a pre-rational part of human nature does not mean that his account is anti-rational. It does not mean, as Herdt argues (“Calvin’s Legacy,” 425), that Calvin thinks that “the fall has rendered participation in providence through reflective reason impossible.” The fact that Calvin is happy to write page after page of reasoned reflections on the alleged moral implications of God’s providence ought to be sufficient proof of this.

¹²³ *Comm. Pss.* 107:6. See also *Comm. Pss.* 81:7; *Praelect. Jonah.* 3:6-8 (*CO*, 42:256); *Praelect. Dan.* 6:20 (*CO*, 41:22). Bohatec (*Calvin und das Recht*, 13ff) seems to have come close to realising this point. He notes that Calvin “traces back the individual clauses of the Jewish law to natural feeling (*die einzelnen Bestimmungen der jüdischen Gesetze auf das natürliche Empfinden zurückgeführt*),” and prefers terms such as “Empfiden” or “Rechtsgeföhls,” which has intuitive connotations, to describe Calvin’s view of our grasp of the natural law. Yet Bohatec never articulates the significance of his choice of terms.

¹²⁴ Calvin’s dim view of post-lapsarian free will, along with his affirmation of the continued function of natural instinct in a fallen world, means that to be logically consistent he must place the operation of instinct prior to reason. Recall that for the Western tradition flowing from Lombard (a tradition in which both Aquinas and Calvin – for all his reservations – ultimately stand) there are two components of the will: inclination and choice. For Aquinas (*ST*, 1a2ae, 9, 1) will-as-inclination is prior to intellect, but the intellect is prior to will-as-choice. The will-as-inclination moves all human faculties – including the intellect – in their operations. Indeed, without an inclination toward their particular operation, the faculties themselves would not exist. Without an inclination toward knowledge, there would be no intellect. But the intellect moves the will-as-choice by furnishing it with knowledge on the basis of which it makes specific choices in specific situations. The point being, if the *sensus naturae* were *not* pre-cognitive – if it was moved by the intellect rather than being prior to intellect – then logically it would be “will” in the sense of choice, not will in the sense of inclination. Since Calvin does not think unbelievers have the power of choice in a complete sense, let alone the power to consistently make good choices in such a way as to yield the kind of observable social patterns that Calvin is discussing, the phenomenon he is discussing must surely operate at a level prior to intellect.

¹²⁵ Dowey suggests (*Knowledge of God*, 263) that *sensus naturae* is a phrase used by Calvin “most frequently where the sense is affected by an almost physical revulsion” at offences such as incest. But the

	Aquinas's <i>Inclinatio Naturalis</i>	Calvin's <i>Sensus Naturae/Instinctu Naturae</i>
Human Life	“[I]n man there is first of all an inclination to good in accordance with the nature which he has in common with all substances: inasmuch as every substance seeks the preservation of its own being, according to its nature: and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law.” ¹²⁶	We have a natural desire to preserve our own existence, which cannot be eradicated; ¹²⁷ the sense of nature forbids murder ¹²⁸ and natural impulses restrain us from harming our neighbours; ¹²⁹ the sense of nature prompts us to particular reverence for the lives of our closest kin, ¹³⁰ directs us to offer hospitality to strangers. ¹³¹
Marriage/Reproduction/Family Formation/Rearing Offspring	“[T]here is in man an inclination to things that pertain to him ... according to that nature which he has in common with other animals: and in virtue of this inclination, those things are said to belong to the natural law ... such as sexual intercourse, education of offspring and so forth.” ¹³²	Natural instinct leads us to marry ¹³³ and reproduce; ¹³⁴ to form and maintain family bonds; ¹³⁵ prompts parents to care for children ¹³⁶ and children to obey parents; ¹³⁷ forbids polygamy ¹³⁸ and various immoral sex acts ¹³⁹ as well as behaviour considered gender-inappropriate. ¹⁴⁰

table below, and the examples given in Chapter 1, show that Calvin's use of the concept is much broader. While its scope does not cover every imaginable point of ethics, it does cover all domains of ethics (familial, political, religious, sexual, etc).

¹²⁶ *ST*, 1a2ae, 94, 2. See also 1a2ae, 41, 3; *In Iob*, C14, L4.

¹²⁷ *Praelect. Dan.* 3:18; *Comm. 2 Cor.* 5:4.

¹²⁸ *Comm. Gen.* 9:5 (*CO*, 23:146).

¹²⁹ *Comm. Isa.* 9:19; *Praelect. Zech.* 8:16-17.

¹³⁰ *Comm. Gen.* 29:13 (*CO*, 23:401); *Comm. Gen.* 37:18 (*CO*, 23:485); *Comm. Gen.* 37:25; *Harm. Law*, II, Deut 25:17 (*CO*, 24:554); *Comm. Pss.* 106:37 (*CO*, 32:131); *Praelect. Hos.* 13:2 (*CO*, 42:477).

¹³¹ *Comm. Gen.* 18:2 (*CO*, 23:250); *Harm. Law*, IV, Num 20:14 (*CO*, 25:240).

¹³² *ST*, 1a2ae, 94, 2.

¹³³ *Comm. Gen.* 38:8 (*CO*, 23:495).

¹³⁴ *Comm. Pss.* 127:3 (*CO*, 32:324)

¹³⁵ *Harm. Law*, III, Deut 5:16 (*CO*, 24:603); *Praelect. Amos.* 1:11-12; *Comm. Rom.* 1:31.

¹³⁶ *Praelect. Ezek.* 16:20.

¹³⁷ *Comm. Gen.* 24:3; *Harm. Law*, III, Deut 5:16 (*CO*, 24:603); *Praelect. Jer.* 29:3-6; *Comm. 1 Cor.* 7:37.

¹³⁸ *Comm. Gen.* 31:50 (*CO*, 23:433).

¹³⁹ *Harm. Law*, II, Lev 21:13 (*CO*, 24:455); *Harm. Law*, III, Lev 20:18 (*CO*, 24:659); *Praelect. Ezek.* 18:5-9; *Praelect. Amos* 2:7 (*CO*, 42:25-26).

¹⁴⁰ *Harm. Law*, I, Num 6:5 (*CO*, 24:305).

Political Society	“[T]here is in man an inclination to good, according to the nature of his reason, which nature is proper to him: thus man has a natural inclination ... to live in society: and in this respect, whatever pertains to this inclination belongs to the natural law ... for instance, to shun ignorance, to avoid offending those among whom one has to live.” ¹⁴¹	The sense of nature dictates orderly hierarchy in society ¹⁴² and respect for civil authority; ¹⁴³ natural instinct prompts us “to act towards others, as we wish to be dealt with ourselves”; ¹⁴⁴ dictates equitable treatment of others. ¹⁴⁵
Religion	“[M]an has a natural inclination to know the truth about God;” ¹⁴⁶ “it is a dictate of natural reason in accordance with man's natural inclination that he should ... use certain sensibles, by offering them to God in sign of the subjection and honour due to Him ... consequently the offering of sacrifice is of the natural law.” ¹⁴⁷	“There is within the human mind, and indeed by natural instinct (<i>naturali instinctu</i>), an awareness (<i>sensum</i>) of divinity”; ¹⁴⁸ natural sense prompts us to worship and honour God ¹⁴⁹ and to pray to God. ¹⁵⁰

¹⁴¹ *ST*, 1a2ae, 94, 2.

¹⁴² *Inst.* 4.5.1; *Harm. Law*, II, Num 3:5 (*CO*, 24:444).

¹⁴³ *Comm. Gen.* 16:8

¹⁴⁴ *Comm. Gen.* 47:20. See also *Comm.* 1 Cor 9:1

¹⁴⁵ *Comm. Gen.* 29:14 (*CO*, 23:401). See also *Praelect. Hab.* 2:6 (*CO*, 43:541) and *Comm. Gen.* 47:20. Much has been written about the place of “equity” in Calvin’s moral theology. Haas (*Concept of Equity*, 1997) calls it “the basic principle of natural law” (124) and “the theme of central importance in Calvin’s social ethic” which “directs the implementation of love in the Christian life so that one renders to others what is their due” (123). Equity is “the interpretive rule that leads us to understand the true meaning of the biblical commands and law” (106). But precisely because Calvin’s concept of equity seems all-encompassing, it is lacking in specificity. Calvin shies away from explaining exactly what “equity” entails. For example, in a lengthy discussion of usury he says that “in what cases, and how far it may be lawful to receive usury upon loans, the law of equity will better prescribe than any lengthened discussions” (*Harm. Law*, III, Exod 22:25 [*CO*, 24:680-683]). Equity here seems to function as something felt, or as a skill the principles for the exercise of which cannot be fully articulated, rather than as a discrete ethical principle capable of being grasped, summarised, and taught. Haas (125) raises the possibility that “equity” performs the same function in Calvin’s moral theology as “prudence” performs in the moral theory of Aquinas. But prudence in Aquinas also has no specific subject domain, since it is the role of prudence to direct the exercise of all the other virtues (see *ST*, 2a2ae, 47, 7-8); Herbert McCabe likens Aquinas’s “prudence” to Jane Austen’s “good sense” (*God Still Matters* [London: Continuum, 2002], 152-165).

¹⁴⁶ *ST*, 1a2ae, 94, 2. See also 1a2ae, 109, 3 and *In Pss.* 8 (we have a *naturalem instinctum* for God).

¹⁴⁷ *ST*, 2a2ae, 85, 1.

¹⁴⁸ *Inst.* 1.3.1.

¹⁴⁹ *Comm. John* 5:23 (*CO*, 47:115).

¹⁵⁰ *Comm. 1 Tim.* 2:8 (*CO*, 52:274).

This continuing reality of our inclination to objective goods the pursuit of which redound to our own temporal advantage – even in the absence of our original created inclination to *the good per se* – is, Calvin teaches, itself a product of God’s providence:

[W]henever we are prompted to choose something to our own advantage, whenever the will inclines to this, or conversely when our mind and heart shun anything that would otherwise be harmful – this is of the Lord’s special grace. The force of God’s providence extends to this point: not only that things occur as he foresees to be expedient, but that men’s wills also incline to the same end.¹⁵¹

Divine providence, Calvin says, is the “determinative principle for all human plans and works,” but this does not mean that the plans of providence function in the manner of a *Deus ex machina*. Rather, God works “inwardly in men’s minds.”¹⁵² He bridles nature by means of nature. In the moral order, this means God is at work restraining the possibilities of sin through the continuing presence of the natural law in our instincts and in our conscience.

Providence, Natural Law, and the Elect

There is another feature of Calvin’s thought on Divine Providence vis-à-vis natural law which, although not present in the passage we have been unpacking from the *Institutes*, is nevertheless worthy of note, because it answers the question of why God should seek to restrain moral disorder to begin with. After all, if the reprobate are destined for destruction, why not simply allow them to run riot according to their perverse inclinations, thus even more amply meriting their predestined condemnation?

Calvin speaks in some contexts of the obedience of unbelievers to the natural law as being pleasing to God. For instance, commenting on the Prophet Jeremiah’s commendation of the pagan Rechabite clan, Calvin says:

Here the Prophet, that he might affect the Jews more deeply, promises a reward to the sons of Jonadab, because they obeyed their father; and he promises them a blessing

¹⁵¹ *Inst.* 2.4.6. See also 2.4.7.

¹⁵² *Inst.* 1.18.2

from God ... God promises generally a reward to all who keep the Law, for every command has in general connected with it the hope of reward; but this is in a special manner added to the Fifth Commandment: "Honor thy father and thy mother, that thou mayest prolong thy life," etc ... if the Rechabites had followed the command of their father in a thing unlawful, they would have been worthy of punishment; but as this precept, as we have shewn, was not inconsistent with God's Law, God approved of their obedience. But the laws which are made for the purpose of setting up fictitious modes of worship are altogether impious, for they introduce idolatry ... Such was not the object of Jonadab; for what he commanded his posterity was useful, and referred only to things of this life ... And thus this truth may stand, that the obedience of the Rechabites pleased God, because nature itself requires that children should obey their parents; and we also know that God often rewards the shadows of virtues in order to shew that virtues themselves are pleasing to him.¹⁵³

One might draw a parallel here with Aquinas's observation that there are two ways of fulfilling God's commandments. One can fulfil the commandments, Aquinas says, merely "as regards the substance of the act," but with an unworthy motive (or, at least, without the presence of a worthy motive). A classic example given by Roman Catholic moralists would be the rich man who gives alms to the poor motivated by vanity instead of generosity. Or one can fulfil the commandments "not merely as regards the substance of the act, but also as regards the mode of acting, i.e. their being done out of charity."¹⁵⁴

Aquinas says that this second way of fulfilling the commandments (and, in the final analysis, it is surely only by acting on the basis of correct motives that a person really "fulfils" the commandments in a complete sense) is impossible without grace: "neither in the state of perfect nature, nor in the state of corrupt nature can man fulfil the commandments of the law without grace."¹⁵⁵

Presumably, however, Aquinas would agree that a state of affairs in which some people fulfil the commandments both according to substance *and* motive, and in which some people fulfil the commandments according to their substance *only*, is a morally preferable state of affairs to one in which the latter group cease observing the commandments at all. It is always, surely, a morally *good* thing to refrain from injuring one's neighbour, even though

¹⁵³ *Praelect. Jer.* 35:18-19.

¹⁵⁴ *ST*, 1a2ae, 109, 4.

¹⁵⁵ *Ibid.*

it is *better* to refrain from injuring one's neighbour out of neighbourly love than from fear of punishment.

The fact that Aquinas thinks it is impossible to fulfil the commandments “as regards the mode” (i.e., motivated by charity) without divine grace, and that he says this is impossible even in “the state of perfect nature” (by which he means human nature “as it was in our first parent before sin”¹⁵⁶), suggests that Aquinas does not think that the natural law requires the perfect fulfilment of the commandments, with the right motives, but only the fulfilment of their outward substance.

For Calvin, however, both substance and motive are part of the natural law. He says that what the written law required of the ancient Israelites included not only the outward act but also the interior disposition of the heart highlighted explicitly by Christ's teaching:

From the very nature of the law we must conclude, that God, who gave it by the hand of Moses, spoke to the hearts, as well as to the hands and to the eyes. True, our Lord quotes the very words of the law; but he does so in accommodation to the view which was generally taken of them by the people ... Christ charges [the religious leaders] with turning into a political scheme the law of God, which had been given for the government of the heart.¹⁵⁷

Thus, the preaching of Christ in the Sermon on the Mount (“you heard it said ... but I say to you”) is not, Calvin argues, the preaching of a “New” Law that replaces the “Old” Law of Moses, but the most complete revelation of the correct interpretation of the one divine law which has natural, Mosaic, and evangelical manifestations. Christ's preaching enables those who, through faith, accept the authority of that preaching, to understand the original scope of the natural law. Hence, Calvin regards distinctively Christian ethical dictates such as loving enemies as being dictates of nature:

It is astonishing, that the Scribes fell into so great an absurdity, as to limit the word neighbour to benevolent persons: for nothing is more obvious or certain than that God, in speaking of our neighbours, includes the whole human race. Every man is devoted

¹⁵⁶ *ST*, 1a2ae, 109, 2.

¹⁵⁷ *Harm. Evangel.* I, Matt 5:21.

to himself; and whenever a regard to personal convenience occasions an interruption of acts of kindness, there is a departure from that mutual intercourse, which nature itself dictates. To keep up the exercise of brotherly love, God assures us, that all men are our brethren, because they are related to us by a common nature ... charity, which God requires in his law, looks not at what a man has deserved, but extends itself to the unworthy, the wicked, and the ungrateful. Now, this is the true meaning which Christ restores, and vindicates from calumny; and hence it is obvious, as I have already said, that Christ does not introduce new laws, but corrects the wicked glosses of the Scribes, by whom the purity of the divine law had been corrupted.¹⁵⁸

Given that Calvin thinks both the right act and the right motive are required even by the bare natural law,¹⁵⁹ and that the depraving effect of original sin on the will means it is not possible for the unregenerate to act on the basis of correct motives, this raises the question of how Calvin thinks unbelievers can really “please” God through an instinctive obedience to the outward substance of the law. However, Calvin’s observation that the purpose of God’s blessing on the Rechabites was to “affect the Jews more deeply,” suggests an answer: namely, that although Calvin thinks obedience to the substance of natural law is of little use to unbelievers themselves (particularly since it is more instinctive than reflective), it is nevertheless conducive to the overall plan of Divine Providence which is focused on the welfare of God’s own covenant people.

Calvin’s remarks on the meeting between Jacob and Esau in his *Commentary on Genesis* illustrate this point:

And Esau ran to meet him. That Esau meets his brother with unexpected benevolence and kindness, is the effect of the special favour of God. Therefore, by this method, God proved that he has the hearts of men in his hand, to soften their hardness, and to mitigate their cruelty as often as he pleases: in short, that he tames them as wild beasts are wont to be tamed; and then, that he hearkened to the prayers of his servant Jacob ... God, indeed, works in various ways, and does not always incline cruel minds to humanity; but, while they rage, he restrains them from doing harm by his own power: but if it is

¹⁵⁸ *Harm. Evangel.* I, Matt 5:43.

¹⁵⁹ These two kinds of obedience correspond to the two kinds of good we have just been discussing. The fact that Calvin thinks both goods, both kinds of obedience, are necessary to the integral fulfilment of the natural law helps, in part, to explain why there are such divergent opinions among Reformed theologians as to whether Calvin even *has* a natural law theory. Some say natural law governs large domains of his ethical thought, others say his discussion of natural law is merely hypothetical. Complete knowledge and fulfilment of the natural law, since it includes right motive (i.e., pursuit of the good *because* it is good) is indeed a mere hypothesis of our original pre-fallen nature. But outward obedience, the simulacrum of natural law properly speaking, remains after the Fall.

right, he can as easily render them placable towards us; and we here see that Esau became so towards his brother Jacob. It is also possible, that even while cruelty was pent up within, the feeling of humanity may have had a temporary ascendancy. And as we see that the Egyptians were constrained, for a moment, to the exercise of humanity, although they were rendered nothing better than before, as their madness, which soon afterwards broke out, bears witness: so it is credible that the malice of Esau was now under constraint; and not only so, but that his mind was divinely moved to put on fraternal affection. For even in the reprobate, God's established order of nature prevails, not indeed in an even tenor, but as far as he restrains them, to the end that they may not mingle all things in one common slaughter. And this is most necessary for the preservation of the human race. For few are so governed by the spirit of adoption, as sincerely to cultivate mutual charity among themselves, as brethren. Therefore, that men spare each other, and do not furiously rush on each other's destruction, arises from no other cause than the secret providence of God, which watches for the protection of mankind. But to God the life of his own faithful people is still more precious, so that he vouchsafes to them peculiar care. Wherefore it is no wonder, that for the sake of his servant Jacob, he should have composed the fierce mind of Esau to gentleness.¹⁶⁰

We see here several of Calvin's key themes in relation to natural law.

Firstly, the "order of nature" is situated within a theological discussion of God's providence, with providence – in a fallen world – being seen less as a positive force that directs creation to a particular end or *telos*, and more as a negative restraint or bridle.

Secondly, although Calvin refers to God's "special" operation, nevertheless his restraint is not miraculous in the sense of taking place outside or beyond the established natural order. Rather, it is *by means of* the order of nature that God's special providence often works. Calvin speaks in a direct way of God's involvement with Jacob and Esau – he has "the hearts of men in his hand ... as he pleases" – but God's "hand" in this case is the "order of nature" apparent in the natural "fraternal affection" between siblings. It is not a supernatural miracle.¹⁶¹

¹⁶⁰ *Comm. Gen. 33:4 (CO, 23:449-450).*

¹⁶¹ Calvin frequently rails against the idea of a "watchtower" Deity who is uninvolved with the quotidian affairs of his creatures. This has led some to deny that he has any concept of secondary causality. T. F. Torrance (*Calvin's Doctrine of Man*, 29), for instance, claims that for Calvin "all secondary causation is highly suspicious, and has no real place in theology." While Calvin's thought on this is complex, I do think the idea that he wishes to *deny* secondary causality is a category error. Rather, Calvin wants to *affirm* that God is personally and intimately involved in events that appear to us to follow – and indeed which do follow – the order of nature, just as much as God is personally and intimately involved in events that appear to us as miraculous because they involve the suspension of that order. In both cases, God orders events to achieve aims pre-ordained by Divine Providence. This does not mean that Calvin denies the fact of secondary causation in the created order or places its normal operations outside the scope of providence.

Thirdly, and most importantly, although the natural law pertains to humanity as such, including the “reprobate” represented by Esau, Calvin, unlike Aquinas, situates the purpose of natural law within God’s special care for his covenant people. Esau’s rage against Jacob was constrained by God through the common operation of natural fraternal affection, but the purpose of this constraint was to preserve the safety of Jacob, the inheritor of the covenant promise. The endurance of the natural law after the Fall ensures that there is generally a tolerable minimum of social and political order even in a fallen world, which creates the conditions for God’s elect, if not to flourish, then at least to survive. It is through, and by means of, “the preservation of the human race” as a whole through the natural law that God often exercises his particular, covenantal care for “his own faithful people.”

6.4.B. The Sovereign-Subject Relation in Aquinas’s Account of Natural Inclination

All of this might seem somewhat removed from the thought of Aquinas, who is usually understood as placing the emphasis on natural law as *our* means of participating in the providence of God, rather than as *God’s* means of effecting his providential purposes through us. Pryor, for example, argues that whereas for Calvin natural law continues to function “due in large part to the human instinct of self-preservation, an instinct left by God due to his gracious character,” Aquinas focuses on “human participation in the divine.”¹⁶² And Herdt argues that:

[T]he relation between the natural law and our final end is ... conceived quite differently by the two thinkers. For Calvin, the accent falls on obedience to God’s commands. For Aquinas, in contrast, the accent falls on rational creatures’ participation, both by nature and by grace, in God’s activity of directing all things to Godself.¹⁶³

But I think this contrast, while true up to a point, should not be taken too far.

¹⁶² Pryor, “God’s Bridle,” 235-252. See also VanDrunen, “Medieval Natural Law,” 91f.

¹⁶³ Herdt, “Calvin’s Legacy,” 423-424.

Cunningham points out that although the primary meaning of *inclinatio* in Aquinas's ethics denotes a movement toward an end that originates within the agent, it also has an important "extrinsic" sense connoting "one agent inclining another agent."¹⁶⁴

This extrinsic sense is suggested by the very meaning of the Latin verb *inclino*: "to cause to lean, bend, incline, turn a thing."¹⁶⁵ The verb is, in a sense, relational, implying both something which is inclined and something which causes it to incline – i.e., that *toward which* it inclines. Whereas the Greek ὀρμή denotes a motion that originates within the moving body, the cause of the movement in uses of *inclino* can be intrinsic, extrinsic, or both at the same time. There is an echo of this in English usage: if I bow – *incline* my body – in the presence of the Monarch, the cause of my so inclining is: (a) my own decision to bow, an interior impulse (intrinsic cause), (b) the majesty of the Monarch (extrinsic cause), which causes me to incline in the Monarch's presence, but not in the presence of others, and (c) a Sovereign-subject relation between *my* Monarch and I, which is both intrinsic and extrinsic.

As the Sovereign-subject analogy suggests, the "extrinsic" sense distinguishes Aquinas's use of *inclinatio* from Aristotle's ὀρμή in part by its explicitly theological connotations. God is the Ruler who causes us to incline this or that way, and in so doing brings about the plans of Divine Providence.

In the Treatise on Law, the first definition of natural law Aquinas offers defines natural law as a participation by humans in the eternal law (the "idea of the government of things in God")¹⁶⁶ which comes about from the eternal law "being imprinted (*impressione*) on them" by God,¹⁶⁷ the Sovereign of the universe (*universi gubernatur*).¹⁶⁸ From this "imprint" humans "derive their respective inclinations (*inclinaciones*) to their proper acts and ends."¹⁶⁹

¹⁶⁴ Cunningham, *Natural Inclination in Aquinas*, 71.

¹⁶⁵ Deferrari, *Lexicon of Saint Thomas Aquinas*, 530.

¹⁶⁶ *ST*, 1a2ae, 91, 1.

¹⁶⁷ *ST*, 1a2ae, 91, 2.

¹⁶⁸ *ST*, 1a2ae, 91, 1.

¹⁶⁹ *ST*, 1a2ae, 91, 2.

In the *Prima Pars*, discussing the government of the universe in a general sense, Aquinas also says that “every inclination of anything, whether natural or voluntary,” is “a kind of impression from the first mover.” He compares it to “the inclination (*inclinatio*) of the arrow towards a fixed point” which “is nothing but an imprint (*impressio*) received from the archer.” Every agent, whether it is capable of moving itself or not, moves toward a “divinely appointed end, as though of its own accord.”¹⁷⁰

A little further along in the same discussion of divine government, Aquinas avers that this extrinsic sense of *inclinatio* applies equally to rational and free creatures. Asking whether it is possible for God to move the will of free creatures, Aquinas observes that “to will is nothing but to be inclined (*inclinatio*) towards the object of the will” (i.e., the good *per se*, as opposed to this or that particular good). “But to incline (*inclinare*) towards the universal good belongs to the First Mover,” Aquinas notes. Therefore, God moves the will in two ways. Firstly, and most obviously, since God is the Supreme Good, he moves the will simply by *being* the preeminent instance of that to which the will, by its very nature, is attracted. But secondly, the fact that the will has this kind of nature in the first place – the fact it is a good-pursuing faculty – is a result of Divine action insofar as it is God who gives the will the particular “interior inclination (*interius inclinando*)” that characterises it. In the same passage, Aquinas deploys his own Sovereign-subject analogy, comparing the Divine action of appointing the end of the faculty of willing to the way in which, “in human affairs,” it belongs “to him that presides over the community [to direct] his subjects to the common weal.”¹⁷¹

The extrinsic sense of *inclinatio* helps us to make sense of important features of Aquinas’s natural law theory. Aquinas observes that “according to the order of natural inclinations, is the order of the precepts of the natural law.”¹⁷² But it is not immediately clear

¹⁷⁰ *ST*, 1a, 103, 8.

¹⁷¹ *ST*, 1a, 105, 4.

¹⁷² *ST*, 1a2ae, 94, 2.

exactly what the link is that Aquinas is trying to draw between the inclinations and the precepts. Jensen characterises Aquinas's thought as follows:

God has a plan, called the eternal law, which he impresses upon creatures by way of natural inclinations. Human beings become aware of this plan through its effects, which are the natural inclinations. Humans become aware of the plan as it applies to themselves through their own natural inclinations. This knowledge is called the natural law.¹⁷³

On this view, the relation between the inclinations and the precepts is akin to the relationship between raw material and an artisanal product. The inclinations are the raw material upon which reason reflects in order to fashion the precepts which govern action.

Similarly, Craig Boyd argues that each "inclination has a precept of the natural law to govern it." For instance, the sexual inclination is "governed" by the precept of the Decalogue forbidding adultery.¹⁷⁴ If, for Jensen, the inclinations are akin to inert matter, for Boyd they are akin to unruly schoolchildren who can only hope to grow into responsible adults by subjection to the ramrod-like discipline of the precepts.¹⁷⁵ Indeed, it is precisely this latter view of inclination that leads some critics to object to Aquinas's insistence that our natural inclinations have moral content.¹⁷⁶

But, as Cunningham notes, once "the blinders of English usage of 'inclination' and 'incline' are set aside," it becomes clear that precepts and inclinations are not two separate aspects of Aquinas's natural law theory that operate at different levels, but two ways of saying the same thing: "commanding is *through* inclining and ... in the case of natural inclination, the *inclinatio* is the result of a command – i.e., of God's command."¹⁷⁷ Natural inclination,

¹⁷³ Jensen, *Knowing the Natural Law*, 60.

¹⁷⁴ Boyd, *Recta Ratio* and the Decalogue in the Moral Theory of St. Thomas Aquinas, PhD Dissertation, Saint Louis University, 1996, 57.

¹⁷⁵ A similar view is expressed by the Roman Catholic moralist Romanus Cessario: "We are brought to conclude that the virtue of vengeance is required *to moderate the natural inclination* to eliminate what we consider harmful to ourselves and to those whom we love so that this does not develop into the vicious quality of cruelty." See "Freedom and Satisfaction," Pagan and Auer (eds.), *The Human Person and a Culture of Freedom* (Washington: American Maritain Association, 2009), 220 [emphasis mine].

¹⁷⁶ Verhey, "Aquinas and Calvin," 91-92.

¹⁷⁷ Cunningham, *Natural Inclination in Aquinas*, 59.

for Aquinas, “is at the same time God’s inclining of the thing and the thing’s inclining of itself.”¹⁷⁸ Thus, in *De Potentia*, Aquinas remarks:

God is said in two ways to command. In one way by speaking either interiorly (*spiritualiter*) or outwardly through a created substance: and thus he commanded Abraham and the Prophets. In another way by inclination (*modo inclinando*): thus it is related that he commanded a worm to consume the ivy. In this way he commanded Semei to curse David, by inclining his heart (*cor eius inclinavit*).¹⁷⁹

Another feature of Aquinas’s natural law theory that the extrinsic sense of *inclinatio* helps us to make sense of is the emphasis on command in Aquinas’s general definition of law:

[T]he definition of law may be gathered; and it is nothing else than an ordinance of reason for the common good, made by him who has care of the community, and promulgated.¹⁸⁰

Aquinas’s definition of law is heavily reliant on the Sovereign-subject analogy. All law, for Aquinas, has the essence of a command. Although some commentators emphasise that Aquinas defines law firstly as an “ordinance of reason” rather than as a command, this can be a misleading observation. Aquinas defines law as an “ordinance of reason” precisely because he sees reason as being in the position of command among the other human faculties:

It belongs to the law to command and to forbid. But it belongs to reason to command, as stated above. Therefore law is something pertaining to reason.¹⁸¹

Aquinas’s emphasis on the role of reason in law-making is not intended to contrast with a view of law that emphasises the command-obedience relationship between superior and subordinate. It is in fact intended to reinforce such a view. Law pertains to reason because law is about commanding and forbidding. The “as stated above” in this passage is a reference

¹⁷⁸ *Ibid.*

¹⁷⁹ *De Potentia*, 1, 6, ad. 4.

¹⁸⁰ *ST*, 1a2ae, 90, 4.

¹⁸¹ *ST*, 1a2ae, 90, 1, sc.

to Aquinas's earlier insistence in the *Prima Pars*, in his discussion of the relationship between intellect and will, that to command is an act of the reason.¹⁸²

Because his usage of *inclinatio* suggests to many readers an almost exclusive focus by Aquinas on the interiority of the knowledge of the natural law, few commentators expound at length on the relationship between Aquinas's discussion of natural law and his general definition of law. The extrinsic sense of *inclinatio* helps to make that relationship clear. The inclining of the subject to the good designated by the Sovereign *is* the Sovereign's act of command. Thus, Aquinas says that members of a family are "inclined" through the "precept" of the *paterfamilias*, comparing the *paterfamilias*'s act of commanding to the way in which God inclines creatures through implanting in them a directive principle of motion toward their respective ends:

For just as any member of the household is inclined (*inclinatur*) to act through the precept of the head of the family (*praeceptum patrisfamilias*), in a similar fashion any natural being is disposed by its own nature. Now the nature of each thing is a kind of inclination implanted in it by the first mover, who directs it to its proper end.¹⁸³

Aquinas speaks, too, in the Treatise on Law, of a human legislator "inclining" his subjects to action by human law:

Now those who are subject to a law may receive a twofold inclination from the lawgiver. First, in so far as he directly inclines (*directe inclinatur*) his subjects to something; sometimes indeed different subjects to different acts; in this way we may say that there is a military law and a mercantile law.¹⁸⁴

Moreover, Aquinas's concept of *inclinatio* as at one and the same time extrinsic and interior (and therefore unavoidably known to the subject) connects his doctrine of natural law founded upon natural inclinations with his general stipulation that a law must be sufficiently promulgated in order to be binding on those subject to it:

¹⁸² *ST*, 1a, 17, 1, sc.

¹⁸³ *Metaphysica*, XII, L12, 2634.

¹⁸⁴ *ST*, 1a2ae, 91, 6.

The impression of an inward active principle is to natural things, what the promulgation of law is to men: because law, by being promulgated, imprints on man a directive principle of human actions.¹⁸⁵

The usual account of Aquinas's view of inclination is, as Cunningham notes, of something "strictly internal, one and the same with nature conceived as a source." But for Aquinas, *inclinatio* is not simply a first-person tendency or urge. It is the "divine inclining of the thing, albeit through the thing's nature."¹⁸⁶

In other words, just as Calvin's account of natural law is grounded in the ultimate purposes of God which he pursues in part by means of instincts he himself has implanted in our nature, Aquinas's account of natural law takes as its point of departure not our participation in God, but God's activity working in our nature by means of God's own *impressio*. Nor can Aquinas be said to be less concerned with the notion of "obedience to God's commands" in connexion with the natural law, even though he expresses this concern with the aid of a philosophical framework in which Calvin has little interest.¹⁸⁷

¹⁸⁵ *ST*, 1a2ae, 93, 5, ad. 1.

¹⁸⁶ Cunningham, *Natural Inclination in Aquinas*, 169-172.

¹⁸⁷ Greater focus on the extrinsic sense of natural inclination may also throw light on an oft-neglected but long-running debate about whether, and in what sense, it is appropriate to think of Aquinas as advocating "divine command theory." Literature on this question has thus far tended to bypass Aquinas's doctrine of inclination. See Stiltner, "Who can Understand Abraham? The Relation of God and Morality in Kierkegaard and Aquinas," *The Journal of Religious Ethics*, 21.2 (1993); Ramsey, "Divine Commands and Arbitrariness," *Religious Studies*, 31.2 (1995); Boyd, "Is Thomas Aquinas a Divine Command Theorist?," *The Modern Schoolman*, 75 (1998); Dougherty, "Thomas Aquinas and Divine Command Theory," *Proceedings of the American Catholic Philosophical Association*, 76 (2003).

CONCLUSION

Let us conclude by returning to the six key questions I identified in the introduction, though I shall answer them here in roughly the reverse order to that in which they were originally posed.

One question, which we looked at in Chapters 5 and 6, concerns the moral status of natural inclinations.

Aquinas grounds natural law in “the order of natural inclinations,” whereas Calvin appears to argue that natural law is rooted not in the will or affections, but the intellect.¹

Although this dissertation is the first analysis of this problem, the divergence has been noted by both Reformed and Catholic scholars. Verhey says that Calvin’s natural law theory should be preferred to Aquinas’s, because Aquinas relies on “submoral” inclinations that do not offer “trustworthy guidance.”² On the Catholic side, MacIntyre argues that Calvin’s God is a “cosmic despot” who issues “arbitrary fiats,” and “whose commandments we cannot interpret as designed to bring us to the *τέλος* to which our own desires point.”³

There are three possible solutions to this problem. The first is to accept that, for all their convergence on the practicalities of what natural law enjoins and forbids, the theoretical underpinning of the theories of natural law put forward by Aquinas and Calvin are irreconcilable. Aquinas would be a eudaimonist whose ethics are grounded in a vision of the Good as the horizon of desire in view of which lesser desires derive their impulsive force, and in light of which rational reflection about the choices necessary to attain the objects of those desires becomes possible. Calvin would be seen as putting forward a new, Reformed

¹ Interestingly enough, in his analysis of faith Calvin inverts this order of relation between intellect and will. Faith is essentially a “disposition” (*affectu*), “more of the heart than of the brain ... and more of the disposition than of the understanding (*cordis esse magis quam cerebri et affectus quam magis intelligentiae*)” (*Inst.* 3.2.8). If the person of faith is ruled by (rightly-ordered) dispositions rather than by pure reason, does this indicate something about Calvin’s view of what is originally “natural”?

² Verhey, “Aquinas and Calvin,” 92.

³ MacIntyre, *Short History of Ethics*, 119.

version of natural law that nods heavily in the direction of divine command-style voluntarism. I reject this characterisation because it does not do justice to the entirety of Calvin's thought on natural law as I have sought to explain it in this study.

The second possibility is to adopt the interpretation of Aquinas put forward by those like Brock, according to which Aquinas, like Calvin, foregrounds rational apprehension of moral duties over against pre-rational inclinations. Chapter 5 offers solid reasons for rejecting this view. The idea that an inclination toward X is caused by the intellect's recognition of X as good sounds reasonable enough until one considers that X must mean the object of an inclination, since, if X were not the object of an inclination, it would not, by definition, be good. This interpretation of Aquinas, therefore, entails the claim that having an inclination toward X is caused by reason's recognition that we have an inclination toward X – a contradiction in terms. Aquinas teaches that “all those things to which man has a natural inclination, are naturally apprehended by reason as being good.”⁴ It is because we have an inclination to X that reason apprehends X as good. Reason can only apprehend “as being good” something that already moves the appetite as an end, since the capacity to move the appetite as an end is in fact what it means for something to be good.⁵

The third possibility, which I defend in Chapter 6, is that Calvin's thought on these matters shares the same essential features as Aquinas's. Calvin's claim that the natural will's inclination to the good was obliterated by the Fall has been noted, and critiqued, by scholars like Hoitenga. What has not been sufficiently noted is that Calvin distinguishes between different kinds of good – the good in itself, and the good “of condition” – and consequently, between different kinds of inclination. While human nature has lost its inclination to the good in itself (i.e., the inclination to do what is right *because* it is right) as a result of the Fall, it retains an inclination to what is good *for self*,⁶ or, to put it in classical terms, an inclination to

⁴ *ST*, 1a2ae, 94, 2.

⁵ *ST*, 1a, 5, 6.

⁶ Aquinas, too, says that “by natural appetite each desires what is good *for self*.” *ST*, 1a, 60, 3 [emphasis mine].

its own flourishing or happiness. Calvin tends to limit this inclination to the realm of “earthly” things, and its operation is only partial, but when all is said and done, and despite the severer rhetoric, his thought is not categorically different from Aquinas on this point.

The first shared feature of the profile of natural law, then, is that discussions about natural law are grounded in a broadly eudaimonist vision which sees statements about goodness not as assertions of sheer obligation, but as statements about the intrinsic desirability of certain behaviours or states of affairs given their relation to human flourishing. Moreover, for both Calvin and Aquinas, the most fundamental relation of our nature to those things that conduce to our flourishing lies in our being inclined to them appetitively or affectively, and not simply in a bare intellectual awareness of their rightness in an abstract, speculative sense.

For Calvin, however, the continuing flourishing of the created order after the Fall tends to be conceptualised negatively, as a measure of relief from a ruinous state of disorder that would otherwise dissolve nature. Flourishing, in this sense (a word which Calvin himself, to be clear, does not use), is less about the whole of humanity moving toward its *telos*, and more a case of ensuring the survival of the faithful.

Both Calvin and Aquinas also see this natural human flourishing within a larger context of Divine Providence, and both use inclination (or, for Calvin, *sensus naturae*) as a way of explaining how people act under their own volition while at the same time ultimately acting for ends designated by God.

The next set of questions concerned the relationship between natural law and conscience, the relationship between natural law and the Decalogue, and the noetic effects of sin. These questions are related to one another and were therefore dealt with together partly in Chapter 2, but mainly in Chapters 3 and 4.

An argument made by many interpreters of Calvin is that, while the cosmos has an

objective moral order, and while this order could be discerned by the created intellect of primal humanity, depravity has now corrupted the intellect to such an extent that knowledge of the natural law is only a hypothetical possibility, not a real one. Such interpreters who compare Calvin and Aquinas marry this argument with the claim that Aquinas has an excessively rosy view of the effect of the Fall on human nature which disregards the depraving effect of original sin on the intellect.

Since it is observably the case that human beings remain capable, after the Fall, of knowing right from wrong in at least some instances, such interpreters offer two possibilities to explain this.

One possibility is that Calvin views conscience as a third faculty, distinct from intellect and will. By means of conscience we have a native knowledge of morality. The second possibility is that knowledge of the natural law, having been lost with the Fall, is revealed again to humanity in the Decalogue. Again, such interpreters of Calvin as compare him with Aquinas on this point combine these readings of Calvin with a contrasting picture of Aquinas, who is seen as placing less emphasis on the role of conscience or on the role of the Decalogue in the moral life, respectively.

Bound up in this knot of assertions and counter-assertions are, in effect, six separate claims:

- (1) For Calvin, natural knowledge of morality is rendered more or less impossible after the Fall because of his view of the noetic effects of sin.
- (2) Aquinas, on the other hand, believes that original sin leaves our pre-lapsarian moral reasoning powers more or less intact.
- (3) Calvin thinks that post-lapsarian knowledge of the natural law comes to us through the medium of conscience.
- (4) Aquinas, however, places little or no emphasis on the role of conscience in mediating to us a knowledge of natural law, because it is through reason that we

discern right from wrong.

- (5) For Calvin, knowledge of the natural law is obliterated by the Fall and can now only be recognised in hindsight, with the assistance of special revelation (specifically, the Decalogue).
- (6) For Aquinas, the Decalogue has, at best, a supplementary function in relation to our knowledge of the natural law, which is available to us anyway through our own reason.

With regard to (1), I have argued strongly throughout that this reading of Calvin, while understandable in the light of certain texts, is badly misconceived. Were it to be true, Calvin could not really be said to have a natural law theory in the classical sense, since, as I argued in the introduction, belief in the intelligibility of natural law is a key commitment of this tradition.

For Calvin, the most fundamental purpose of natural law in a fallen world is that, by furnishing us with ineradicable knowledge of morality, it deprives us of the excuse of ignorance.⁷ By removing all excuse, the accusation of injustice against a God who damns those without faith is also removed, since, with or without faith, all people are naturally aware of the law of God – the natural law – which they repeatedly violate. It is, in many ways, a morally repugnant view, but it is, I submit, Calvin’s view. It is true that Calvin places a greater emphasis on the effect of the Fall than does Aquinas, but it is precisely because of that emphasis that Calvin accentuates, to a much greater extent than Aquinas, our post-lapsarian knowledge of the natural law, since it is by means of this knowledge that we are rendered inexcusable. In this connexion, one need only compare the enormous range of practical issues on which Calvin invokes the natural law, whereas Aquinas, for all that has been written about

⁷ This is not, of course, the original purpose of the law. For Calvin, the fact that the law ministers condemnation “is accidental, and proceeds ... from the corruption of men” (*Harm. Law*, III, Deut 30:19 [CO, 25:56]). But there is a sense in which, given the loss of humanity’s original state, this “accidental” purpose has become, in reality, the fundamental “nature of the Law ... in itself” (*Harm. Law*, I, Exod 19:16 [CO, 24:201]).

his thought on the subject, almost never appeals to natural law to establish the morality or immorality of particular practices.

Regarding (2), I have also argued, in Chapter 2, that this is a misreading of Aquinas. The account of natural law in the *Summa* needs to be read, in light of Aquinas's biblical commentaries, as a narrative. The role of natural law within that narrative is to highlight, by its own failure, our need for other forms of law, particularly biblical law. If our knowledge of the natural law had not been seriously damaged by the Fall, biblical law – which is Aquinas's focus in the Treatise on Law of the *Summa* – would be largely superfluous.

With respect to (3) and (4), it is true, I think, that Calvin places a greater emphasis on the role of conscience in the moral life than his medieval predecessors, although Calvin's emphasis on conscience as an immediate, intuitive knowledge of morality is in many ways more in keeping with the patristic tradition than the somewhat obscure debates of the scholastics on the relationship between *synderesis* and *conscientia*.

This does not mean, however, that the distance between Calvin and Aquinas is quite as wide as some envisage. Aquinas's concept of *synderesis* is simultaneously part of his theory of natural law and part of his theory of conscience, even if the discussion of *synderesis* does not appear in the articles on natural law in the *Summa*. While it is true that *synderesis* is theoretically an aspect of reason, it is an aspect of Aquinas's theory of practical reason, not speculative reason, and *synderesis*, too, is immediate and intuitive, so the claim that Aquinas grounds knowledge of the natural law in "reason" (i.e., the speculative intellect) as opposed to conscience is wide of the mark.

One further point worth addressing in this connexion concerns the relationship between the view of conscience outlined in Chapters 3 and 4, and the view of the moral status of natural inclinations described in Chapters 5 and 6.

Both Calvin and Aquinas emphasise that the fundamental pull that sets the moral life in motion comes from our inclinations toward those behaviours or states of affairs that

constitute our flourishing. Whereas conscience, for both Calvin and Aquinas, is a matter of knowledge rather than of inclination. But the relationship between inclination and conscience is, I think, different for each.

For Aquinas, our inclinations determine the fundamental goals of the moral life, *conscientia* is the reasoned judgment by which we make decisions in concrete cases about how to realise these goals, and *synderesis* is the habit of those basic principles that make reasoned judgments about right and wrong possible. Between *synderesis* and *conscientia*, as I explained in Chapter 3, there are another, fuller set of naturally known moral precepts (which can be seen expressed in written form in the Decalogue) that allow us to make moral judgments, although the precise status of these is left indistinct by Aquinas.

For Calvin, it seems to me that the role envisaged for *sensus naturae* is more extensive than Aquinas's *inclinatio naturalis*. *Sensus naturae* does not just give us a fundamental orientation toward basic goods. It disposes us toward a range of highly specific behaviours, although, like *inclinatio naturalis*, this disposition is prior to reason. For instance, Aquinas says that "whatever is a means of preserving human life ... belongs to the natural law" by reason of our inclination to seek the preservation of our own being. The inclination itself, note well, is not an inclination toward whatever preserves human life. It is an inclination to self-preservation, in light of which we then understand that whatever preserves human life belongs in some way to the natural law. For Calvin, however, the *sensus naturae* in and of itself not only gives us an ineradicable disposition to self-preservation, but inclines us not to murder other people, disposes us to offer hospitality to strangers, and so on.

The purpose of conscience for Calvin is twofold. Conscience, to be sure, gives us a certain knowledge of abstract moral principles. But much more importantly for Calvin, the role of the conscience is to pass judgment on individual acts. Thus, in the eight definitions of conscience in Calvin's work I list in Chapter 4, only one definition (the seventh) can be taken as mainly concerned with knowledge of moral principles, while the others are all concerned

with judging the possessor of the conscience for his or her actions in light of those principles. It is incorrect, therefore, to see *sensus naturae* “as a synonym for conscience.”⁸ *Sensus naturae* and conscience are related but distinct aspects of Calvin’s ethics, insofar as the *sensus naturae* is affective and dispositive, whereas conscience is a noetic apprehension of the law and a medium of awareness of God’s judgment of us in light of that law.

Finally, as regards (5) and (6), there seems to me to be no fundamental difference between Calvin and Aquinas on the relationship between the natural law and the Decalogue. Both view the Decalogue as a privileged written expression of the kind of natural moral precepts which are known by all people, with or without access to revelation. The claim that the identification of the natural law with the Decalogue is an innovation of Calvin’s vis-à-vis the medieval tradition recurs in Reformed scholarship with some frequency. The only explanation I can offer for why this misperception has arisen is that often those discoursing on Aquinas’s natural law theory – both Catholic and Protestant – read no further than q. 94 of the *Prima Secundae*, even though, as I argue in Chapters 2 and 3, the entire Treatise on Law, and especially the discourse on biblical law, is essential to understanding how Aquinas thinks about natural law.

We can, then, add another three shared features to our profile of Christian natural law. Firstly, it is knowable; secondly, the psychological medium of this knowledge is the conscience; thirdly, the Decalogue constitutes a privileged expression of the content of the natural law, against which other expressions can be measured.

Lastly, the first two key questions I outlined in the introduction, which I dealt with in Chapters 1 and 2, concerned the function of natural law within systematic theology. There are those who say natural law plays no role within Calvin’s theology. And there are those who concede

⁸ Dowey, *Knowledge of God*, 263. Bohatec, whom Dowey criticises for separating conscience and *sensus naturae* (in *Calvin und das Recht*, 8, 13), is in my opinion correct to do so.

that it does play a role but limit this role to the aforementioned function of rendering unregenerate humanity without excuse for sin by blocking appeals to ignorance. Calvin is contrasted on this point with Aquinas, who is said to see natural law instead as leading people to “the good life.” Again, I think these assertions are misreadings of Aquinas or Calvin, or of both.

For Calvin, we are justified by faith through the mercy of God. The negative corollary of this is that apart from faith all are damned. But how can this sentence of damnation be just? This is where knowledge of the natural law comes in, as part of the “first proof of condemnation.”⁹ Its purpose is fundamentally apologetic, rather than ethical.

Aquinas also focuses, albeit more obliquely, on the theme of inexcusability which we saw expressed by Augustine and Ambrose in the introduction. Whereas Calvin thinks that it is our knowledge of the law that condemns us, by removing the excuse of ignorance, for Aquinas it is the fact of our ignorance that is condemnatory, insofar as this ignorance is itself a product of prior guilt on our part. The theme of inexcusability, therefore, is another aspect of their shared profile of natural law.

But for Aquinas there is also a more positive side to the story. Natural law affords “knowledge of sin and ... experience of one’s impotency,” but also functions as an “inducement to ... seek Christ.” The failure of the character of natural law in Aquinas’s narrative prepares the way for the heroic entry of biblical law.

For both Calvin and Aquinas, appeals to knowledge of the natural law form an essential part of a negative proposition which functions as the counterpart of a positive proposition. For Calvin, the positive proposition is that salvation comes through the gospel. The negative counterpart is that apart from the gospel all are condemned. Natural law is an essential component of the *damnationis argumentum*. For Aquinas, the inadequacy of the

⁹ *Comm. Rom.* 1:18.

“state of the law of nature” shows why we stand in need of the “power of the Gospel grace.” For both, natural law is, as it were, part of the bad news that makes the good news good.

The fact that Calvin’s primary purpose for natural law is to render humanity inexcusable has been noted by others in the past. What has not previously been noted is the connection I explained in Chapter 1 between this primary purpose of natural law and Calvin’s first use of law. More broadly, the way in which Calvin seems to integrate his thought on natural law with his teaching on the threefold use of the law has also gone unnoticed.¹⁰

Recall that for Calvin, the three uses of the law are as follows:

(1) The first use is itself split into two functions: law shows “God’s righteousness.”

Secondly, by means of showing God’s righteousness, the contrasting unrighteousness of humanity is spotlighted, and thus the law “warns, convicts, and ... condemns.”¹¹

(2) The second use is to protect society as whole by functioning as a “bridle” on unruly individuals.¹² By “fear of punishment,” the law works “like a halter to check the raging and otherwise limitlessly ranging lusts of the flesh.”¹³

(3) The third use is the use that “which pertains more closely to the proper purpose of the law.” By daily instruction in the law, believers “make fresh progress toward a purer knowledge of the divine will.” The law helps believers to “learn more thoroughly each day the nature of the Lord’s will to which they aspire, and to confirm them in the understanding of it.”¹⁴

¹⁰ While writing this conclusion, I became aware of one exception: Ryan Reed’s recent study on Calvin and eudaimonia. Reed notes in passing that because “natural law ... is the moral law as it is known by all persons ... all three uses of the law also apply fully to the natural law.” However, because natural law is not the focus of Reed’s study, the relationship of natural law to each of the three uses is, understandably, left unexplored. Reed, “Seek Nothing Elsewhere Than in Him”: John Calvin on Happiness and the Highest Good, PhD Dissertation, Knox College/University of Toronto, 2019, 117.

¹¹ *Inst.* 2.7.6.

¹² *Inst.* 2.7.11.

¹³ *Inst.* 2.7.10.

¹⁴ *Inst.* 2.7.12.

Chapter 1 unpacks how natural law is part of the way in which Calvin explains the working of the first use of the law. After all, it is not only believers with access to the revealed moral law who need to be convicted of their unrighteousness. “[B]y our instruction in the moral law we are rendered the more inexcusable,”¹⁵ and the first means of this instruction, common to all humanity, is natural law. It is by means of natural law, fundamentally, that the first use of the law does its work: to secure the conviction of the whole of sinful humanity by rendering it inexcusable, and in the process to show God’s righteousness.

The connection I drew between Calvin’s thought on natural law and his thought on providence in Chapter 6 also shows how natural law is part of the way in which Calvin conceptualises the second use of the law. The *sensus naturae* is the operation of the bridling power of providence in respect of human behaviour. Whereas civil law controls behaviour from without, by coercive force, the natural instincts of human nature are a bridle that works interiorly.

What, then, of the third use of the law? In a sense, this question answers itself when one considers the context in which Calvin wrote. The Reformation, it has been said, marks the beginning of the end of Christendom, but the process of disintegration was centuries long, and Calvin, who lived at the very beginning of this process, was as much a man of Christendom as was Aquinas. Certainly, Calvin’s life’s work was as a preacher and teacher within the Church. Most of his extant works are sermons and commentaries written to help fellow believers understand Scripture, or catechetical works like the *Institutes*. He was a pedagogue, and almost everything he said of which we have a record was said to other Christian believers. As Peter Barth notes, we do not find in Calvin any kind of social ethic that addresses humanity in general, but rather, all his teaching – including his ethical and political teachings – are intended to function as guidance for the Christian community.¹⁶

¹⁵ *Inst.* 2.7.3.

¹⁶ P. Barth, *Das Problem der natürlichen Theologie*, 39-40.

If Calvin mentions natural law at all, then – and he mentions it quite a lot – this very fact proves that he saw a pedagogical purpose for it, at least within the Christian community.

In other words, the relation of natural law to the third use of law hinges on the strength of my arguments regarding the first and second uses. If I am correct that Calvin uses natural law for apologetic purposes, deploys it as an aspect of this thought on justification, and works it into his account of Divine Providence, then Calvin clearly thought that knowledge of the natural law could be of use for the edification of those who “long to obey God.”¹⁷

This also suggests, however, and I think on this Aquinas and Calvin agree, that if there is to be any positive didactic use of natural law within the context of moral instruction, such a use would be most appropriate within the context of the Church, rather than as an attempt at a moral grammar that is allegedly common to those with and without faith. “The deepest lessons of nature,” as Butler says, “are reserved for the regenerate.” For both Calvin and Aquinas, “God's greatest glory is visible only to those who have eyes to see.”¹⁸

¹⁷ *Inst.* 2.7.12.

¹⁸ Butler, “God’s Visible Glory,” 21.

NOTE ON TRANSLATIONS

Quotations from works of Thomas Aquinas in Latin are from the *Corpus Thomisticum*, unless there is a separate edition of a particular work in Latin listed below, in which case quotations will have been taken from the latter.

Quotations in English from the *Summa Theologiae* are from the translation by the Fathers of the English Dominican Province unless specified otherwise in the footnotes.

Quotations from works of John Calvin in Latin are from the *Calvini Opera*, apart from quotations from the *Institutes*, which are taken from Tholuck's 1874 edition unless otherwise noted. Quotations in English from the *Institutes* are from the Battles translation. Due to constraints of space, references to both English and Latin works in the same footnote are only provided when the specific Latin terminology might have a bearing on the overall argument being made.

The exception to this rule is quotations from Calvin's *Harmony of the Law*. The texts have been rearranged by Calvin out of biblical order, and, unlike the *Harmony of the Gospels*, the *Calvini Opera* does not provide a table for finding the correct biblical reference. Therefore, I have provided references to the *Calvini Opera* whenever the *Harmony of the Law* is cited, even though the quotations themselves are generally taken from the existing English translation.

Where I consider existing English translations of primary source material to be unsatisfactory, or where there is no existing translation, I have made my own, with the original text in a footnote. These are always specified as being my own translations.

Quotations from secondary sources in languages other than English are in all cases my own translation, and so are not specified. The original text, however, is provided in the footnotes.

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ABBREVIATIONS

Full details of editions used are in the bibliography.

CCSL	<i>Corpus Christianorum, Series Latina</i>
CO	<i>Calvini Opera</i>
Comm.	Calvin's biblical commentaries
Comp. Theol.	Aquinas, <i>Compendium of Theology</i>
CD	Barth, <i>Church Dogmatics</i>
De Div. Quaest.	Augustine, <i>Miscellany of Eighty-Three Questions</i>
De Lib. Arb.	Augustine, <i>The Free Choice of the Will</i>
Ennar. Pss.	Augustine, <i>Expositions of the Psalms</i>
Ep.	<i>Epistolae</i>
Harm. Evangel.	Calvin, <i>Harmony of the Gospels</i>
Harm. Law	Calvin, <i>Harmony of the Law</i>
In Gal.	Aquinas, <i>Commentary on Galatians</i>
In Iob	Aquinas, <i>Commentary on Job</i>
In Rom.	Aquinas, <i>Commentary on Romans</i>
Inst.	Calvin, <i>Institutes of the Christian Religion</i>
JI	Justinian, <i>Institutes</i>
PL	Migne, <i>Patrologia Latina</i>
Praelect.	Calvin's biblical lectures
SCG	Aquinas, <i>Summa Contra Gentiles</i>
ST	Aquinas, <i>Summa Theologiae</i>
Super Sent.	Aquinas, <i>Commentary on the Sentences of Peter Lombard</i>
Tr. Ps.	Hilary of Poitiers, <i>Commentary on the Psalms</i>

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