

# The Two Kingdoms and the Social Order: Political and Legal Theory in Light of God's Covenant with Noah\*

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Many Reformed writers before and into the twentieth century viewed broader cultural activity, particularly political and legal life, through a doctrine of the two kingdoms. This doctrine asserts that God's rule of the world is twofold, a preservative and temporary reign over civil life and a redemptive reign over his church that will be consummated in the heavenly Jerusalem. According to this paradigm, Christians should indeed be actively and righteously involved in the many arenas of human culture, but, in their political and legal activity, they serve as agents of God's general and providential rule of this present world—not as agents of his redemptive work in advancing the eschatological kingdom of Christ. Specifically, I focus on the postdiluvian covenant with Noah in Genesis 8:20–9:17. I argue that the Noahic covenant provides substantive theological foundation for believers seeking to build a political or legal theory consistent with Christian truth, offering crucial rudiments from which Christian legal and political theorists can build using their own prudence and expertise.

Reformed social thought over the past century has been largely dominated by the “neo-Calvinist” movement, which conceives of Christian cultural activity as a participation in the redemption of all creation through Jesus Christ. One of the many attractive things about neo-Calvinism is its interest in the broad spectrum of human culture and its promise of identifying distinctively Christian ways of thinking about and pursuing its various tasks.<sup>1</sup> The neo-Calvinist movement, however, arguably represents a deviation from older patterns of Reformed social thought in certain respects. Many Reformed writers before and into the twentieth century viewed broader cultural activity, particularly political and legal life, through a doctrine of the two kingdoms. This doctrine asserts that God's rule

of the world is twofold, a preservative and temporary reign over civil life and a redemptive reign over his church that will be consummated in the heavenly Jerusalem. According to this paradigm, Christians should indeed be actively and righteously involved in the many arenas of human culture, but, in their political and legal activity, they serve as agents of God's general and providential rule of this present world—not as agents of his redemptive work in advancing the eschatological kingdom of Christ.

For purposes of this article, I assume that such a two-kingdoms doctrine was at least a common strain in Reformed theology during its first four centuries.<sup>2</sup> I also assume that there is a plausible biblical argument to be made in defense of approaching the Christianity-and-culture debate from a two-kingdoms perspective.<sup>3</sup> In light of these assumptions, it is reasonable to conclude that the two kingdoms doctrine is worthy of reconsideration by Reformed Christians today after many decades of largely overlooking it. This does not mean that this doctrine should be, or even can be, recovered in exactly the form in which it was articulated in the early generations of Reformed theology, especially because these early theologians worked in a context of Western Christendom that is far removed from the present context and embraced some of its assumptions that few contemporary Reformed Christians would adopt. I also assume that the core idea of God's twofold reign—redemptively over his church and providentially over the broader activities of civil society—is conceivable in a variety of cultural contexts and is subject to being recovered, refined, and reapplied today.

One question that may arise about an attempted recapturing of a Reformed two-kingdoms doctrine is whether viewing civil life through the lens of God's providential, but not redemptive, work provides any helpful theological foundation for Christians seeking to develop a political or legal theory. In this article, I argue that it does. Specifically, I focus on the postdiluvian covenant with Noah in Genesis 8:20–9:17. God made this covenant with the entire created order, including all human beings and promised to preserve the world until its end but offered no promise of redemption.<sup>4</sup> As such, this covenant provides important theological basis for asserting the reality of God's preservative and providential reign over this world that is distinct from his redemptive work. I argue that the Noachic covenant provides substantive theological foundation for believers seeking to build a political or legal theory consistent with Christian truth. It does not itself establish a full-orbed theory, leaving many significant questions unanswered, yet it offers crucial rudiments from which Christian legal and political theorists can build using their own prudence and expertise.

This article proceeds by addressing three key topics for any political or legal theory: the place of religion in public life, the idea of justice, and the nature of legitimate authority.

## Religion

There are at least two fundamental questions dealing with issues of *religion* that a political-legal theory must address: (1) What role, if any, does God play in one's theory as the founder and governor of the social order? (2) What sort of religious commitment, if any, should be promoted among or even required of people who participate in the social order? The answers to these questions profoundly shape how we understand subsequent issues. In this opening section, I propose answers to these questions and then reflect on their implications for the contentious issues of liberalism, secularity, and natural law.

The first question is what role God should play in a political-legal theory built on the Noahic covenant. God is the one who established the Noahic covenant in Genesis 9, and thus legitimate political and legal life owes its existence to divine ordination. God says, "I establish my covenant with you" (Gen. 9:9; cf. 9:11, 12, 17). He refers to it as "my covenant" (9:9, 11, 15). God does not ask Noah's permission nor does he negotiate its terms. The covenant's origin is God's decree alone. Furthermore, God is the ongoing governor of this covenant and provides its moral boundaries. The opening of the account of this covenant describes God's promise to refrain from striking down every living creature as he had done in the flood and to preserve the regular cycles of nature (8:21–22). The end of the account states that God will see the rainbow and remember his pledge to withhold the flood waters (9:12–16). God is also the moral governor of the human race, which lives under the covenant. He commands the human race to be fruitful and multiply (9:1, 7) and ordains that human beings themselves administer the just punishment for murder (9:5–6). A political-legal theory built on the Noahic covenant, therefore, requires a crucial place for God as the originator and governor of the social order. At a basic level, there can be no sense of religious neutrality or human autonomy in such a theory.

The second question is inevitably more controversial: What sort of religious commitment should be promoted or required within the social order? The answer suggested by Genesis 9 is *none*. God made the Noahic covenant with "you [Noah and his sons] and your offspring after you, and with every living creature that is with you" (9:9–10). The whole human race is God's covenant partner. The text makes no distinction between believers and unbelievers, but God promises to preserve them in their common social life. Additionally, God gives three

basic commands in the covenant: to be fruitful and multiply (9:1, 7), to refrain from eating meat with blood in it (9:3–4), and to administer justice against the wrongdoer (9:5–6). These are precisely the same issues—procreation, eating, and ruling—about which God gave instructions in the creation mandate of Genesis 1:28–30. The imperatives of the Noahic covenant, therefore, come to people not as redeemed by God but as created and preserved by him. The imperatives come to people not *as believers* but *as human beings*. The distinguishing characteristic of human beings identified in the Noahic covenant is that God made them in his image (9:6). To be a divine image-bearer is not a privilege of believers alone but of all people by virtue of their creation (1:26–27). The fact that the social order exists by God’s covenantal ordination does not mean that a person must acknowledge this fact as a prerequisite for participation.

Therefore, a political-legal theory built on the Noahic covenant, while acknowledging God’s ordination and governance of the social order, properly envisions a social order marked by toleration of various religious professions and the equal standing of all people in social life. More pointedly, this tolerance and equal standing are not things *conceded* by such a political-legal theory on utilitarian grounds but are things *positively affirmed* as part of God’s covenantal decree. This does not mean that religious diversity in society is something to be celebrated as such or that Christianity is not the one true religion. Nor could this mean that every kind of conduct someone might defend on religious grounds ought to be permissible, or that extremely difficult social controversies will not arise due to fundamental differences in religious conviction among members of society. Disagreements about religious matters do produce intractable disputes about the proper structure of our common social life. This raises very important practical questions about how Christians should negotiate these situations and make the most appropriate and effective arguments in religiously pluralistic settings. Such questions go beyond the scope of this article. What a Noahic legal and political *theory* suggests is that any quest to impose religious uniformity is not a proper option. In principle, legal and political life is designed for all, and procedures and policies meant to exclude or marginalize some people should be avoided as far as possible.

How do these basic considerations bear on controversial questions about liberalism, secularity, and natural law? A Noahic political-legal theory has good reason to take a *qualifiedly* positive view of each of these ideas.

First, a Noahic political-legal theory may embrace the basic tenets of a qualified liberalism. I use the term *liberalism* not in the colloquial sense of leftist political views but, generally, in the classical sense. More specifically, in view here is the basic liberal idea that the multitudes should be brought together in a

common social life apart from their sharing a common religious or metaphysical commitment. Is this an attractive or even a viable idea? A Noahic political-legal theory should find this liberal idea both attractive and viable but only so long as it is a *pragmatic* or *penultimate* liberalism rather than an *ideological* or *ultimate* liberalism.<sup>5</sup> A great danger of the liberal tradition is its tendency to wed the idea that a social order can exist without all its participants being united by a common religious or metaphysical creed to the idea that moral and political issues ought to be religiously and metaphysically neutral or even that there is no real religious or metaphysical truth at all. In the latter sort of liberalism, religious convictions may be tolerated as a private matter but political discourse can and ought to be conducted independently of such convictions. A basic (and ironic) problem with such a perspective is that believing religious conviction should be only a private matter not encumbering one's social life is itself a kind of religious or metaphysical conviction that entails the rejection of key aspects of the teaching of many of the world's major religions. Such an ideological or ultimate liberalism is simultaneously illiberal at its core. It expands the practical desire for people to get along in civil society despite religious differences into a metaphysical conviction that religion ought to be politically and legally irrelevant. This cannot be attractive to a political-legal theory built on a conviction that God founded and governs the social order through a covenant with the human race. Such liberalism is not even viable because, in the name of religious neutrality, it is fundamentally biased against Christianity and many other religions.

Yet, a Noahic political-legal theory may find a pragmatic or penultimate liberalism attractive. From a Noahic perspective, the alternative to the failures of ideological liberalism need not be pining for the lost days of Christendom. A Noahic theory must reject a religiously skeptical metaphysic but upholds the *practical* goal of a social order in which people of many religious convictions participate in a common cultural life. Such a goal should be attractive because of the nature of the Noahic covenant God ordained. Because this covenant is temporary and provisional, it must not become attractive as an end in itself. Such a goal must also be viable, as fragile and tenuous as the fabric of a religiously diverse society inevitably is; it is viable because God has promised that he himself will maintain (to *some* degree) order and regularity in the world despite diversity of religious commitment.

Similar conclusions are appropriate with respect to the question of secularity. The term *secular* has nefarious connotations among many believers, and some Christian thinkers have strictly warned us against the division of life into the "sacred" and the "secular."<sup>6</sup> Such a warning is understandable and emerges out of legitimate theological concerns. Nevertheless, unqualified rejection of the

secular strips Christianity of a profoundly important concept for understanding the world. A Noahic political-legal theory must indeed reject an *ideological* secularity (or “secularism”) but may support a *penultimate* secularity, or what David Novak calls “finite secularity.”<sup>7</sup> By an ideological secularism, I mean the conviction that there is nothing sacred; all of reality must be viewed apart from the existence of God and theological truth. Alternatively, by a penultimate or pragmatic secularity I mean the acknowledgement of a social space that is not holy or religiously particularistic without denying the existence of the holy or denying that God himself rules this secular social space. As the perfectly good word *liberal* has been hijacked by political leftists, so the perfectly good word *secular* has been hijacked by religious skeptics. Why should secular not be able to refer to the *saeculum*, that is, this present age—in Christian terms, the age preceding the second coming of Christ? Secular need not mean godless. Secular may simply refer to the common social space that is distinct from the holy social space that Christ has formed in his church; it may refer to the life of this present age that is distinct from the life of the age to come in the new creation.

A penultimate or finite secularity is an eminently useful and even necessary idea. The Noahic covenant has created common social space in which God commissions all human beings to family life, eating, and upholding justice. It governs an age that is temporary and passing, enduring only while “the earth remains” (Gen. 8:22) and distinguished from the everlasting heavenly kingdom, the “holy city” (Rev. 21:2) inchoately manifest today in a “holy nation” that is the *church* (1 Peter 2:9). In acknowledging a penultimate or finite secularity, a Noahic political-legal theory upholds an idea that should be of great value to Christians. A holy (nonsecular) social order could only be attractive to Christians so long as they themselves are in charge. Because the New Testament calls Christians “sojourners and exiles” in the world (1 Peter 2:11), rather than its rulers, Christians do not have the privilege of defining what the holiness of society would look like. A nonideological secularity, therefore, serves for Christians’ protection. Holiness is an all-encompassing concept. It is much better for Christians to live in a social order marked by a penultimate secularity in which space is reserved for them to exist as the church and to profess their ultimate convictions than to live in a social order that claims all-encompassing authority over its participants. (Think, for example, of Christians in the Middle East faced with secularist or Islamist alternatives.)

I also argue that a Noahic political-legal theory properly acknowledges the importance of natural law, rightly understood. Natural law gets at the idea that human beings are able to perceive their basic moral obligations through their natural faculties such as reason and conscience, as they are confronted by the

created order in which they live. Much of the Protestant world in recent generations has taken decidedly negative views of natural law, though lately many Protestants are coming to renewed appreciation of how common natural law was for centuries in their own traditions and are wondering whether it should have a place again in our moral and social thinking.<sup>8</sup> A Noahic political-legal theory requires distinctions among concepts of natural law. Some natural law theories, which might be somewhat imprecisely termed “Enlightenment” theories, are motivated by the desire to do ethics apart from divisive religious convictions solely by means of autonomous human reason. Other concepts of natural law—such as historic Protestant theories—have seen natural law as *God’s own* law made known through natural *revelation*.

A Noahic political-legal theory must reject the former concept of natural law unqualifiedly, but it properly embraces the latter concept. In the Noahic covenant, God both preserves an objective order of nature and upholds human beings as his image-bearers with the subjective capacity to know this world and their obligations within it.<sup>9</sup> God gives existence and meaning to the things known, and the knowers are obligated to understand and respond as God requires. Thus, while the Noahic covenant belies any notion of an autonomous natural order, it also provides strong foundation for the idea that the natural order is meaningful and comprehensible (because God himself created and sustains it) and for the idea that human beings have the rational and moral power to comprehend the truth that confronts them in nature (because they bear the image of this God).

Along these lines, natural law is appropriately recognized as normative authority for the social order. Most of the moral imperatives of Scripture are imposed on God’s redeemed covenant people as the proper response to his special grace toward them. In distinction, the imperatives of the natural law are imposed on all people as the proper response to God’s preserving grace in the Noahic covenant. To put it another way: Most biblical commands are presented as the appropriate response of *believers*; the requirements of the natural law are the appropriate response of *those created in the image of God*. Thus, because a Noahic political-legal theory envisions a social order designed for all people, as human beings, various appeals to natural law as normative authority in public life are entirely appropriate in a way that various appeals to biblical commands *per se* ordinarily are not.<sup>10</sup>



## Justice

I now turn to my second main topic, *justice*, a crucial issue for any political or legal theory. What justice is and how to attain it are controversial questions, but justice as an ideal is almost universally honored. In Genesis 9:5–6, the Noachic covenant conveys at least three crucial ideas about justice. First, Genesis 9:5 indicates that God himself is concerned about justice in the social order and is its ultimate enforcer: “For your lifeblood I will require a reckoning.” Second, in Genesis 9:6 (italics mine) God commissions human beings themselves to enforce justice in their interrelationships: “Whoever sheds the blood of man, *by man* shall his blood be shed.” Finally, Genesis 9:6 communicates the principle that should guide the human pursuit of justice: “Whoever *sheds the blood of man*, *by man shall his blood be shed*.” This is the *lex talionis*, or law of retribution. Its most famous form is “eye for an eye, tooth for a tooth;” here it takes the form “blood for blood.” All three things that Genesis 9:5–6 tells us about justice are significant, but I focus on the third. Because human beings should enforce justice as instruments of God’s justice, how should a Noachic political-legal theory understand the nature of justice in light of the talionic principle in Genesis 9:6?

It may seem regrettable to have to ask such a question. Is not the *lex talionis* the stuff of primitive societies obsessed with honor and vengeance and thus unpromising for developing a compelling social theory? On the contrary, the prominence of the *lex talionis* in Genesis 9:6, especially when read in its larger covenantal context, provides a substantively rich foundation for a concept of justice—a justice whose ideal is proportionate retribution, yet is forbearing and flexible in practice.

First, the *lex talionis* expresses the important legal principle of proportionate justice: The response to a wrong should match the harm done. As William Ian Miller puts it, “the eye/tooth statement perfectly captures the rule of equivalence, balance, and precision in a stunning way. It holds before us the possibility of getting the measure of value right.”<sup>11</sup> People widely agree that when one person harms another some sort of punishment and/or compensation is required by justice, but it is often arduous to measure the harm inflicted. How does one determine the value of the harm when I lose my eye due to your violent act? What is an eye worth? Well, it is difficult to think of anything more nearly equivalent than another eye. Here, then, is a concept of justice as equivalence and proportionality.

In addition to proportionality, the *lex talionis* also highlights the idea of retributive justice. The formula of Genesis 9:6 identifies three people: the wrongdoer, the victim, and the one who metes out punishment. In contemplating the just outcome following the crime, however, Genesis 9:6 focuses not on the victim but



only on the wrongdoer and the one who punishes. The latter should shed the blood of the wrongdoer to give him his just desserts. Even the appeal to the image of God at the end of 9:6 reinforces this focus. Most people assume that the appeal to the image serves to explain the status of the innocent victim (i.e., murder is so bad because it kills an image-bearer), but more likely the appeal serves to explain the authority a human being has to execute the punishment (i.e., human beings can justly punish one another because they image a God who brings just punishment). I address this question again below, but suffice it to say for now that the *lex talionis* in Genesis 9:6 focuses on retributive justice, that is, ensuring that the wrongdoer receives a proportionate harm as recompense for his deed by someone properly authorized to deal it out. Nicholas Wolterstorff has recently wrestled with the question of whether justice should be conceived of as “right order” (which focuses on people’s duties that promote a rightly ordered society) or as “inherent rights” (which focuses on the just claims that each person has to certain liberties or goods).<sup>12</sup> Genesis 9:6 focuses on the just retribution due to the one who failed his duty not to kill, rather than upon the just compensation or restoration of the victim. This, it seems to me, highlights the concept of justice as right order. Though critics of our criminal justice system often cast a cloud of suspicion over ideas of retribution and punishment, a Noahic understanding of justice will recognize that people have responsibilities and should suffer proportionate harm in response to violating them.

Yet, an analysis of justice in light of the Noahic covenant cannot end here. Although I do not concur with all his arguments, Wolterstorff makes an overall compelling case that something crucial is lost if we abandon the notion of inherent natural rights. Furthermore, advocates of the restorative-justice movement raise valid concerns that even if punishment of wrongdoers should constitute some part of our justice system, compensation for victims and mending broken social relationships must also play a significant role in it.<sup>13</sup> The statement of talionic retributive justice in Genesis 9:6 does not leave us unable to account for such concerns. The *lex talionis* is surprisingly nuanced. Two factors indicate that restoring the well-being of victims is within the purview of the *lex talionis*.

First, the *lex talionis* provides an appropriate expression of the just desire for vengeance experienced by victims of human wrongdoing. Though supposedly enlightened modern minds may see the desire for vengeance as ignoble and necessary to suppress, the *lex talionis* arguably reflects a more profound understanding of human nature. Most people naturally desire vengeance, and such desire can be righteous.<sup>14</sup> I am a human being created in the image of God, and to harm me is objectively wrong, not just subjectively inconvenient to me. For me to desire disproportionate vengeance against the one who wrongs me is

selfish and unrighteous, but historically the *lex talionis* served precisely to prevent disproportionate vengeance. By providing a lawful and measured outlet for the desire for vengeance, the *lex talionis* is actually more sensitive to the victim's harm and what it will take to restore him and break down lingering ill-will than are visions of justice that treat vengeance as too depraved to be honored.

Second, the *lex talionis* shows profound concern for the restoration of victims through its ability to provide for material compensation. Even if we recognize the propriety of providing an outlet for vengeance for victims, we cannot ignore the fact that they often also need compensation for pain, medical bills, lost wages, or the like. This may seem to be a fatal weakness of the *lex talionis*. As satisfying as it may be for one who has lost his arm because of another's cruelty to see that person lose his arm, there is still the glaring fact that he can no longer practice his profession (suppose he is a concert pianist) and needs to feed his family. The historical evidence indicates, however, that societies in which the talionic principle was judicially prominent regularly enforced it through monetary compensation rather than hacking off body parts.<sup>15</sup> In such cases, the threat of literal enforcement hanging in the background could effectively help to establish the monetary value of a particular harm. How many dollars is an eye worth? If we knew how many dollars an assailant is willing to pay to keep his eye and how many dollars a victim is willing to accept to forgo the right to take his assailant's eye, we can probably figure out a good answer to that question.<sup>16</sup>

Through a nuanced application of the *lex talionis*, therefore, a Noahic political and legal theory can and should account simultaneously for concerns of proportionate retribution against wrongdoers and adequate compensation for victims. We should consider at least one more related question: Is there a place for *mercy* in a Noahic concept of justice? The context of Genesis 9:6 indicates that it depends on what is meant by "mercy." There is no proper place for forgiveness, but much room for forbearance.

There is no place for forgiveness to mitigate the strict principle of talionic justice because political and legal life transpires under the auspices of the Noahic covenant.<sup>17</sup> The forgiveness of wrongdoing stands in tension with the claims of justice unless a satisfactory atonement is provided, but the Noahic covenant provides no such satisfaction. The Lord Jesus Christ, through the blood of the new covenant, has indeed provided perfect satisfaction for the sins of his people, the citizens of the kingdom of heaven. Within this kingdom, the claims of justice have been stilled and righteousness is established. The kingdom's constitution, the Sermon on the Mount, therefore forbids the execution of the *lex talionis* and commands turning the other cheek (Matt. 5:38–42). The church, as the present manifestation of this kingdom (Matt. 16:18–19), conducts its discipline not in

order to mete out just punishment by means of coercion but in order to bring about repentance and reconciliation among brothers and sisters by means of the word of God (see Matt. 18:15–20; 1 Cor. 5; Gal. 6:1–2). Christ laid down his life for his church (Eph. 5:25–27), not for the state. The church loves because God loved it first in Christ (1 John 4:9–11), and therefore it forgives lavishly. However, civil magistrates, as servants of the Noahic covenant, have no rightful basis to forgive the wrongdoer. This holds for Christian magistrates too, insofar as they act on the law’s behalf and under its authority.<sup>18</sup>

Yet, there is a place for forbearance to temper the strict demands of justice in a Noahic political-legal theory. The Noahic covenant does not administer redemptive, forgiving grace, but it is permeated by so-called common grace. This covenant is grounded not in the perfect satisfaction of God’s justice in the cross of Christ but in the temporary postponement of final judgment upon a wicked world (Gen. 8:21–22; 9:11, 15). As God himself remains just, while withholding the full manifestation of that justice, so his image-bearers, called to administer justice (9:6), rightly temper their pursuit of strict and unyielding justice. Not every single wrong in this world can be justly punished, and not every wrong must be. Forbearance, not forgiveness, is the proper virtue to temper the strict demands of retributive justice in a Noahic political-legal theory.

This also suggests that civil law should be prudential, flexible, and approximate. There is no calculus for determining when and how forbearance ought to stay the hand of strict justice. The wise judgment of legislators and judges must have leeway to define and interpret the law in ways that respect the ever-shifting peculiarities of societies. The Noahic ideal of justice that is proportionate, retributive, restorative, and forbearing can only be implemented imperfectly. In civil society, we must be content with incremental improvements and finding ever better approximations of the ideal. The perfect accomplishment of justice and perfect satisfaction of its demands are found only in the kingdom of heaven through the death and resurrection of Christ.

## Authority

Another classic concern of political and legal theory is *authority*. A social order involves coordinated activity among the many, and thus it requires recognizing certain people as having authority to define, interpret, and enforce the law. From where exactly does their authority arise? Why do these certain people, and not others, have this authority? What are the limits of their authority and under what circumstances are others released from their obligation to obey? This section cannot address all these questions but presents some general parameters for a

notion of authority in a Noahic political-legal theory. The identity of human beings as image-bearers of God, I argue, provides both the foundation for the existence of authority and the boundaries for its proper exercise.

Romans 13:1–7 has loomed large in Christian thinking about law and politics, being the only extended New Testament text addressing the character of civil government. This text teaches straightforwardly that civil magistrates have authority, which is granted by God and consists (at least in part) in punishing wrongdoers by the power of the sword. It also states the obligation of Christians to obey these magistrates. Yet, Romans 13 leaves significant questions about authority unanswered. For one thing, it does not explain when or how God has bestowed such weighty authority on human beings. Romans 13 simply states that magistrates have authority from God; it acknowledges an authority already present in the world. It also does not specify the limits of magistrates' authority. Scripture makes clear elsewhere that civil authority is not absolute (e.g., Acts 4:18–20), but Romans 13 does not define where the boundaries are. In short, Romans 13 does not explain how God bestowed civil authority or specify its limits. We are left to wonder whether other biblical texts provide this information that Romans 13 seems to take for granted. The covenant with Noah indeed addresses these issues.

I mentioned earlier that though the appeal to the image of God in Genesis 9:6 is commonly assumed to provide the rationale for why murder is bad, it more likely explains why human beings have the authority to punish wrongdoers. The verse itself is ambiguous. The phrase “for God made man in his own image” could explain either why it is “*by man*” that the murderer’s blood will be shed or why the just response to murder is capital punishment. The first interpretation is compelling. By the time readers of Genesis come to chapter 9, the concept of the image of God is already rich with meaning. In the announcement of God’s creation of man in his image in 1:26–27, the central idea of the image is that human beings are the royal representative of God, authorized to exercise dominion on God’s behalf in this world: “Let them have dominion over the fish of the sea and over the birds of the heavens and over the livestock and over all the earth and over every creeping thing that creeps on the earth.”<sup>19</sup> God had exercised supreme rule over the world in creating and ordering it, and now he makes human beings, in his likeness, to rule under him. True, there would be nothing inappropriate about appealing to the image to explain the magnitude of the crime of murder. It is more in harmony with Genesis 1 to interpret the reference to the image in Genesis 9:6 as pointing to humanity’s royal dominion and, therefore, as explaining why *man* has the authority to administer justice.<sup>20</sup>

A Noahic political-legal theory, therefore, should understand civil authority as derived from the original human authority grounded in the image of God. The specific authority of magistrates to bear the sword and bring wrath on the wrongdoer (described in Romans 13) is rooted in the general authority of human beings as image-bearers to exercise dominion and thus to administer the justice of the *lex talionis*. This means that the existence of authority in human social life is something *natural*. God did not come to the human race at some point in history and, by an act of his will, grant authority to people who never had it before. Human authority does indeed derive from God, but by natural law rather than positive law, by an act of creation rather than a later decree. Jean Porter is thus correct to explore the question of legal authority as a question of natural law and thus to see authority as a “natural relation,” which rests “ultimately in God’s wisdom as expressed in the free act constituting us as creatures of a specific kind.”<sup>21</sup> The social order God reinstated after the flood is one fit for the kind of human creatures meant to inhabit it.

The Noahic covenant thus helps to explain one of the issues unaddressed in Romans 13: God has bestowed the civil authority on human beings to bear the sword through the natural endowment of being created and sustained in his image (though there is no space here to delve into the large issue of how to recognize which particular human beings rightfully hold civil office). Furthermore, the Noahic covenant also addresses the other previously mentioned issue unaddressed in Romans 13, namely, the proper limits of civil authority. As those whose authority is derived from the general human office of being God’s image-bearer, civil magistrates are limited in their authority most broadly by the necessity of operating under the law of the God they image. Beyond this perhaps obvious point, three other important considerations create boundaries for their exercise of authority.

First, their authority is representative in nature and must be exercised for the common good, not personal gain. Because the authority to extract just recompense from the wrongdoer originates in the image of God (Gen. 9:6), and each individual is an image-bearer, then at a basic level each person has the authority to take an eye from one who has taken his eye. A mature and stable social order in which, under most circumstances, we do not allow each person to extract his own vengeance is nevertheless grounded in this natural reality. When a legislator establishes specifies rules for resolving disputes and when a judge determines their application to particular disputes, they exercise the disputing parties’ own authority, on their behalf and for their good, ensuring that justice is really done and that the stronger or smarter party does not usurp the rightful claims of the other party. If a government official acts on his own behalf and against the rightful claims of those under his authority, his action comes detached from the

natural authority possessed by all who bear God's image and is really no longer authority but merely an assertion of power.

Second, the authority of civil officials is limited by the recognition of other rightful authority existing within the social order. The inherently *social* nature of the image of God sets boundaries on political and judicial authority. Government officials must deal with the people they govern not merely as individuals but as social units and must recognize the rightful authority inhering in these social units. Genesis 9:1–7 is terse and does not provide a list of legitimate social units, but it does deal with one, the family, insofar as it begins and ends with the command to be fruitful and multiply. An aspect of bearing God's image and the general human commission to exercise dominion in the world is the bearing and rearing of children. From creation, God made man, in his image, both male and female (Gen. 1:27), with a procreative task (1:28)—to be fulfilled within discrete family units (2:22–24). Furthermore, as the fifth commandment reminds, authority structures must exist within the family. By acknowledging the task of the family, the Noahic covenant indicates that civil authority cannot usurp the lines of familial authority. The integrity of the family sets strong limits on the rightful conduct of government officials, and whatever rightful authority that belongs to other legitimate social units that we may be able to identify sets further limits on governmental action.

Third and finally, the authority of civil officials is limited by the fact that, in the words of Oliver O'Donovan, "the authority of secular government resides in the practice of judgment."<sup>22</sup> O'Donovan does not intend to advocate a minimalist libertarian government but does mean to strip government of pretensions to sovereignty. As acts of judgment, its actions are reactive, pronouncing retrospectively on actions performed within a community.<sup>23</sup> Although O'Donovan himself does not consider it, the covenant with Noah offers interesting corroboration of his general claims. The coercive civil authority described in Genesis 9 is a *response* to injustice performed in the course of events, not a proactive attempt to create an earthly utopia (though it does, in O'Donovan's words, "*clear space prospectively*" for future actions in the community<sup>24</sup>). The presence of this idea in the Noahic covenant does, however, cast doubt on O'Donovan's belief that Christ's exaltation is what has stripped civil government of all authority except rendering acts of judgment.<sup>25</sup> To the contrary, the authority of judgment ascribed to magistrates in Romans 13 is similar to that described in Genesis 9:6, where such authority is *natural*, grounded in human creation in God's image.<sup>26</sup>

That civil authority is limited to acts of judgment by nature and not by a post-resurrection decree of God is evident from a point argued above: The legitimate authority of government officials is derived from the general authority possessed

by all people as image-bearers. Thus, civil officials must govern in a way that acknowledges other peoples' image-bearing identity. At the heart of being an image-bearer, furthermore, is the exercise of dominion in this world (Gen. 1:26–28). Therefore, if members of the human community lose freedom to pursue their various dominion-exercising tasks at the hands of a proactive government that seeks to do it for them, they become less than human, slaves in creation rather than masters of creation. Seeing the government's task as fundamentally one of retrospective judgment rather than prospective action protects the ongoing freedoms and responsibilities of all human beings from being hoarded in the hands of a few. The image of God in Genesis 1 and 9 implies that parties other than the government should spearhead the real action and progress in the social order.<sup>27</sup> Civil government then has the important task of passing judgment on injustices occurring within this action and thereby facilitating just action in the future.

## Conclusion

As Christians reflect on the past century of Christian social thought, they have the privilege not only of contemplating its strengths but also of pondering how it might be strengthened for the new challenges awaiting the generations to come. I have assumed here that the two-kingdoms doctrine has a significant place in the pre-twentieth-century Reformed tradition and that a plausible biblical case can be made for why this doctrine should be reconsidered, refined, and reapplied in Reformed social thought today. If that challenge is taken up, it will provide rich theological resources for Reformed believers seeking to develop a political or legal theory consistent with their Christian convictions. The postdiluvian Noahic covenant, through which God preserves and governs the present world and its social order, offers substantive foundations for building such theories and for faithfully and prudentially reflecting on matters of religion, justice, and authority in public life.



## Notes

- \* This article is an adaptation of the “Faith and Reason Lecture” given at Patrick Henry College in Purcellville, Virginia, in February 2011. Thank you to the Patrick Henry community for their hospitality and thoughtful interaction with the ideas expressed here. (Note: All Scripture quotations are taken from the English Standard Version unless otherwise noted.)
1. Among significant recent works that introduce the neo-Calvinist perspective at an accessible level, see Cornelius Plantinga Jr., *Engaging God’s World: A Christian Vision of Faith, Learning, and Living* (Grand Rapids: Eerdmans, 2002); Albert M. Wolters, *Creation Regained: Biblical Basics for a Reformational Worldview*, 2nd ed. (Grand Rapids: Eerdmans, 2005); and Michael W. Goheen and Craig G. Bartholomew, *Living at the Crossroads: An Introduction to Christian Worldview* (Grand Rapids: Baker Academic, 2008).
  2. For a detailed argument in defense of this assumption, see David VanDrunen, *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought* (Grand Rapids: Eerdmans, 2010).
  3. In defense of this assumption, see David VanDrunen, *Living in God’s Two Kingdoms: A Biblical Vision for Christianity and Culture* (Wheaton: Crossway, 2010).
  4. Among significant Reformed theologians who have viewed the Noahic covenant as a covenant of preservation or common grace, distinct from the redemptive covenant of grace revealed in various ways throughout biblical history, see Herman Witsius, *The Economy of the Covenants between God and Man: Comprehending a Complete Body of Divinity*, 2 vols., trans. William Crookshank (1822; reprint, Phillipsburg, NJ: P&R, 1990), 2.239 (originally published in 1677); Wilhelmus à Brakel, *The Christian’s Reasonable Service*, 4 vols., trans. Bartel Elshout (Ligonier, PA: Soli Deo Gloria, 1992–1995), 4.384 (originally published in 1700); A. Kuyper, *De Gemeene Gratie*, 3 vols. (Kampen: Kok, 1945), 1:11–100 (originally published in 1902–1905); Herman Bavinck, *Reformed Dogmatics*, vol. 3, *Sin and Salvation in Christ*, trans. John Vriend (Grand Rapids: Baker, 2006), 218–19 (originally published in 1895–1901); Geerhardus Vos, *Biblical Theology: Old and New Testaments* (Grand Rapids: Eerdmans, 1949), 56, 62–63; Meredith G. Kline, *Kingdom Prologue: Genesis Foundations for a Covenantal Worldview* (Overland Park, KS: Two Age Press, 2000), 164, 244–62; and Michael Horton, *God of Promise* (Grand Rapids: Baker, 2006), chap. 6.
  5. For a similar suggestion, see Glenn A. Moots, *Politics Reformed: The Anglo-American Legacy of Covenant Theology* (Columbia: University of Missouri Press, 2010), chap. 12. See also David VanDrunen, “The Importance of the Penultimate: Reformed Social Thought and the Contemporary Critiques of the Liberal Society,” *Journal of Markets & Morality* 9, no. 2 (Fall 2006): 219–49.

6. For example, see Wolters, *Creation Regained*, 10–11, 53–58, 65, 74.
7. David Novak, *The Jewish Social Contract* (Princeton: Princeton University Press, 2005), 5; see also 121–22, 203.
8. For example, see Stephen Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics* (Grand Rapids: Eerdmans, 2006); J. Daryl Charles, *Retrieving the Natural Law: A Return to Moral First Things* (Grand Rapids: Eerdmans, 2008); VanDrunen, *Natural Law and the Two Kingdoms*; and *Natural Law: A Lutheran Reappraisal*, ed. Robert C. Baker and Roland Cap Ehlke (Saint Louis: Concordia, 2011).
9. See a more detailed argument in David VanDrunen, “Natural Law in Noahic Accent: A Covenantal Conception of Natural Law Drawn from Genesis 9,” *Journal of the Society of Christian Ethics* 30, no. 2 (2010): 131–49. David Novak, whose work has stimulated my own thought on these issues, has developed a theory of natural law in connection with traditional Jewish ideas about the seven Noahide commands; see especially *Natural Law in Judaism* (Cambridge: Cambridge University Press, 1997). Only in more recent books, however, has he shown real interest in the Noahic covenant and its importance for natural law and universal moral obligation, though this line of thought still seems to me underdeveloped in these works. See *Covenantal Rights: A Study in Jewish Political Theory* (Princeton: Princeton University Press, 2000), 84–85; and Novak, *The Jewish Social Contract*, chap. 2.
10. To mention a few examples, God gave the Ten Commandments to define the appropriate response of *Israel* after he had brought them out of the land of Egypt (Exod. 20:2); Jesus gave the moral exhortations of the Sermon on the Mount to his *disciples*, showing the way of the kingdom of heaven (Matt. 5:1); and Paul delivers his commands to *members of the church*, as a consequence of their having been, for instance, raised up with Christ and seated with him at God’s right hand (Col. 3:1–17). This does not mean that the moral commands found in such biblical texts are necessarily irrelevant for other people. However, it does mean that the commands as presented in these verses cannot be imposed *per se* on the religiously pluralistic public square.
11. William Ian Miller, *Eye for an Eye* (Cambridge: Cambridge University Press, 2006), 30.
12. See Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008), especially part 1.
13. For example, see Christopher D. Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment* (Grand Rapids: Eerdmans, 2001).
14. Among significant studies, see Miller, *Eye for an Eye*; Jeffrie G. Murphy, *Getting Even: Forgiveness and Its Limits* (Oxford: Oxford University Press, 2003); Peter A. French, *The Virtues of Vengeance* (Lawrence: University Press of Kansas, 2001); and Susan Jacoby, *Wild Justice: The Evolution of Revenge* (New York: Harper & Row, 1983).

15. For discussion of this issue particularly with respect to the *lex talionis* in the Old Testament Mosaic law, see Joe M. Sprinkle, “*The Book of the Covenant*”: *A Literary Approach* (Sheffield: Sheffield Academic Press, 1994), 94–95; and Jonathan Burnside, *God, Justice, and Society: Aspects of Law and Legality in the Bible* (Oxford: Oxford University Press, 2011), 276–77.
16. See Miller, *Eye for an Eye*, chap. 4.
17. For a different opinion, see Oliver O’Donovan, *The Ways of Judgment* (Grand Rapids: Eerdmans, 2005), chap. 6.
18. For more extensive argument on these points, see also David VanDrunen, “Bearing Sword in the State, Turning Cheek in the Church: A Reformed Two Kingdoms Interpretation of Matthew 5:38–42,” *Themelios* 34 (November 2009): 322–34.
19. For some relevant exegetical arguments, see, for example, J. Richard Middleton, *The Liberating Image: The Imago Dei in Genesis 1* (Grand Rapids: Brazos Press, 2005), chap. 2; W. Randall Garr, *In His Own Image and Likeness: Humanity, Divinity, and Monotheism* (Leiden: Brill, 2003), chap. 7; and David J. A. Clines, “Humanity as the Image of God,” in *On the Way to the Postmodern: Old Testament Essays, 1967–1998*, vol. 2 (Sheffield: Sheffield Academic Press, 1998), 482–95.
20. For further argument in support of this interpretation, see Steven D. Mason, “Another Flood? Genesis 9 and Isaiah’s Broken Eternal Covenant,” *Journal for the Study of the Old Testament* 32, no. 2 (2007): 192–93; Garr, *In His Own Image and Likeness*, 163; and Meredith G. Kline, *Kingdom Prologue*, 252–53.
21. Jean Porter, *Ministers of the Law: A Natural Law Theory of Legal Authority* (Grand Rapids: Eerdmans, 2010), xv, 5.
22. O’Donovan, *The Ways of Judgment*, 3.
23. O’Donovan, *The Ways of Judgment*, 8–9.
24. O’Donovan, *The Ways of Judgment*, 9 (emphasis in original).
25. O’Donovan, *The Ways of Judgment*, 4–5. See also O’Donovan’s argument in *The Desire of the Nations: Rediscovering the Roots of Political Theology* (Cambridge: Cambridge University Press, 1996).
26. For another critique of O’Donovan’s claim, based on the idea of authority as natural (though different from my analysis in some important ways), see Porter, *Ministers of the Law*, 226–34.
27. See a similar point in O’Donovan, *The Ways of Judgment*, 61.