

THE EMERGENCE OF

*Liberty*

IN THE MODERN WORLD

THE INFLUENCE  
OF CALVIN  
ON FIVE  
GOVERNMENTS  
FROM THE 16<sup>TH</sup>  
THROUGH 18<sup>TH</sup>  
CENTURIES



DOUGLAS F. KELLY

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Emergence of Liberty  
in the Modern World



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Douglas F. Kelly

  
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To  
MARTHA McCrummen Fraser Kelly,  
my daughter,  
with love and appreciation

*Tell out, my soul, the greatness of His might!  
Powers and dominions lay their glory by;  
Proud hearts and stubborn wills are put to flight,  
The hungry fed, the humble lifted high.*

*Tell out, my soul, the glories of His Word!  
Firm is His promise, and His mercy sure.  
Tell out, my soul, the greatness of the Lord  
To children's children and for evermore!*

(From the hymn-paraphrase of the Virgin Mary's *Magnificat*,  
adapted from *The New English Bible*, by  
the Rev. Timothy Dudley-Smith, Bishop of Norwich.)



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# Preface

THIS BOOK was originally inspired by my participation in the Jurisprudence Panel of the Christian Legal Society, which began meeting in the early 1980s. Legal scholars and theologians of the major Christian traditions that have been influential in American history (such as Anglican, Baptist, Lutheran, Mennonite, Reformed, and Roman Catholic) met together from time to time for several years. Our basic task was to attempt to understand what our respective Christian traditions had historically understood and practiced concerning law, authority, liberty, and responsibility, and especially their norms for church-state relations. There was also some thought that as we shared these denominational particularities together as a panel, we might be able to forge some general guidelines for Christian lawyers, judges, and others, who wished to discern what is just in contemporary struggles affecting religious liberty.

In the end of our sessions, our panel was unable to complete its ambitious program. But I think all who participated were greatly stimulated by one another “as iron sharpens iron” in their research on the questions of form and freedom in relation to the missions of church and state. While we did not secure the funding to finish the task of publishing a volume on each tradition, several members of the panel (or experts chosen by them) have since that time indeed been stimu-

lated to issue monographs giving guidance on controversial matters touching law and liberty in their own tradition. Such material is now becoming available and will, we trust, make a contribution to religious liberty in years ahead. This particular volume, which deals with the integral role of Calvinism in the emergence of liberty from the sixteenth to the eighteenth centuries, is part of the literature spurred by those earlier efforts. It is hoped that this book and other material like it may in some way help fulfill the original vision by providing clearly researched material from the past to give light to those who are facing issues of civil and religious liberty in the present and future.

Although the Jurisprudence Panel was no longer meeting by the time I wrote this volume, so that their counsel was not available to me, I was greatly helped by Curran Tiffany, who had guided the earlier work of the panel. After a notable legal career, Mr. Tiffany has worked with both the Christian Legal Society and the National Association of Evangelicals, particularly on matters relating to religious liberty and the intersecting roles of church and state. He willingly gave of his time to go over the entire manuscript and offered many helpful criticisms and suggestions, which have, I believe, considerably strengthened the final product. Any mistakes or other weaknesses that remain, however, are mine and not his.

I wrote this volume during a sabbatical leave in 1988, which was kindly granted to me by the Administration and Executive Committee of Reformed Theological Seminary, Jackson, Mississippi, where I teach. Many friends helped in various ways to make it possible for us to spend this study leave in Scotland. The Young Seekers Sunday School Class of First Presbyterian Church in Jackson, led at that time by Dean Fulghom, assisted us, as did Arthur Stringer, Charles Williams, Bo Bowen, George Whitten, and several others, including an anonymous black Baptist church in Jackson. Friends in Dillon, South Carolina, helped make our preparations to leave easier. Some of them are Phil Brown, Harry Gibbons, Jim Atkins, John E. Hobeika, William Hobeika, and Bruce Price. I also record with gratitude the kind assistance of Florence Baptist Temple in Florence, South Carolina, whose pastor is Dr. William T. Monroe. Friends in both the First Presbyterian Church and Second Presbyterian Church of Yazoo City, Mississippi, stood with us, as did the Rev. William

Fulton, pastor of the United Methodist Church in Thorndale, Texas.

In Edinburgh we were blessed to stay in pleasant accommodations through the good offices of Rev. Dr. Frank Gibson and to work at Rutherford House, then directed by Dr. Nigel Cameron. Miss Janella Glover, administrative secretary at Rutherford House, was of constant help to me in my work. Ros Mills of Melbourne, Australia, (now Mrs. Christopher Thorne) served as our children's nanny during our sabbatical and afterward. The Rev. William Still of Aberdeen and Miss V. G. S. Cornish-Browne of the same city encouraged us in many ways during our stay in Scotland.

My thinking on the connections between Calvinist theology and experience and the rise of modern liberty was enriched and stimulated more than I can say by personal discussions with many British and American scholars in various related fields of study. Professor Francis Lyall of the Faculty of Law in Aberdeen University gave me many insights and fruitful bibliography, as did Dr. William Storrar, then a Church of Scotland minister in Carluke (and author of *Scottish Identity: A Christian Vision*), now of the University of Edinburgh. We met several times with great profit to me. Professor of American History, Mark Noll, of Wheaton College sharpened my thinking in areas related to the American constitutional experience. Christian writer and modern-day reformer Jean-Marc Berthoud of Lausanne shared insights on the historic Christian background of Western liberty. Several discussions with Professors Thomas F. Torrance and Ronald S. Wallace in Edinburgh shed light in more than one area of this field of study. Professor Torrance also kindly read through and critiqued the complete manuscript. Dean Courthial (now retired from the Faculty of Theology at Aix-en-Provence) read over the manuscript and particularly gave helpful criticisms of the chapter on the French Huguenots. Lord MacKay of Clashfean, Lord High Chancellor of the United Kingdom, generously gave of his time to read through the third and fourth chapters in this volume.

Of course, I make no claim of having the approval of these scholars for the views offered in this book. I cannot fail to thank them for their help, but would not wish to charge them with any of the mistakes or peculiarities of this volume. The final responsibility for this work, for whatever it is worth, must rest at my door. And at our very



best, in the words of St. Paul, “. . . we know in part . . .” (I Cor. 13:9).

The Rev. Steve Froelich of Reformed Theological Seminary entered the text of this book into the computer. Dr. Luder Whitlock, President of Reformed Theological Seminary, and Mr. Lyn Perez, Vice President of Reformed Theological Seminary in Orlando, Florida, have encouraged me through this entire process. Thom Notaro of Presbyterian and Reformed Publishing Company has given sound guidance through the final editorial stage. My student assistant, Russ Ragon, has been of great help in correcting page proofs. From first to last, I thank all of these talented friends from the bottom of my heart.

# Introduction

THIS VOLUME traces the development of Calvinist thought on church-state relations and related subjects from the sixteenth through the eighteenth centuries in five different governments (four countries and one city-state). First, we study the emergence and development of the thought of John Calvin in the context of the Genevan city-state during the mid-sixteenth century. Second, we trace the radicalization, systematization, and slight secularization of Calvin's thoughts on civil resistance and constitutional rights among his French Huguenot followers during the 1570s. In the third chapter, we survey the development of aspects of Calvin's thought relating to covenant concepts of church and state in Scotland from the mid-sixteenth century through the eighteenth. Chapter 4 charts the struggles and results of the Calvinist Puritan experiment, which was part of the English revolution of the seventeenth century. The final chapter traces the influence of these varied national Calvinist experiences on the American colonies leading up to the War of Independence and constitutional settlement in the late eighteenth century.

In this volume we do not study the Netherlands, another country heavily influenced by Calvinism, largely because, through the eighteenth century the Dutch historical experience and church-state theory was not substantially different from the French Huguenot and

Scottish. In the nineteenth century however the work of the great Dutch Calvinist scholars William Groen Van Prinsterer and Abraham Kuyper represented the greatest development in Calvinist thought on law, authority, and church-state questions since the time of Calvin, Knox, and the French Huguenot tractarians. But since this study restricts itself to the sixteenth through the eighteenth centuries, the remarkable developments of nineteenth-century Dutch Calvinist thought must be reserved for another volume.

## John Calvin and Geneva

A RECENT BIOGRAPHER of John Calvin has noted that secular historians, with their great interest in the pivotal significance of the sixteenth century for the modern world of capitalism, science, revolution, democracy, secularism, and empiricism, have generally neglected the seminal importance of Calvin in that time of massive transition.<sup>1</sup> The significance of Calvin's work is probably even less apparent in the contemporary disciplines of law and political science. The generally secular intellectual environment of our times sees religious concerns as peripheral to the central questions of law and authority, economics, and politics. That makes it difficult for us to transport ourselves back into the pre-Enlightenment atmosphere of Renaissance and Reformation Europe, when relationships between God and man or church and state were crucial to interpreting and shaping profound changes in the economic, cultural, and political spheres of life.

It is of course necessary to penetrate this earlier world of sixteenth-century thought and action if we are to understand our own political institutions—their origins and their foundational assumptions concerning law and right, order and authority, tolerance and freedom, or individualism and collectivism. The thought and work of John Calvin form one of the most powerful responses to the great European upheaval generally known as the Protestant Reformation.

Calvin's work not only constituted a *response* to revolutionary forces that were abroad when he came into prominence as a religious leader; it also *contributed* greatly to that European upheaval. His theology, the institutions that it engendered, and the questions it raised have played a major part in shaping all of the post-Reformation world.

Calvin and the Calvinist legacy continue to bear an influence—perhaps the stronger and deeper for the very fact that its roots are largely unperceived—on nearly all the major issues that have both guided and periodically agitated Western nations. For example, concerning the proper ordering of society such issues would include: religious and civil liberties; the interrelations, stability, and change of ecclesiastical and civil structures; and the issues of ultimate authority, or of right and wrong. Repeated attempts to deal with these questions, so important to Calvin and his successors, have taken varying forms over the generations. The approach of Calvin himself, and then the developments among his French Huguenot successors and the still different Scottish Reformers, English and New English Puritans, and at length American colonial patriots, demonstrate definite continuities, strong differences, and above all, historical adaptations to the shifting realities of the cultures in which the theological-intellectual heritage was being lived out. These related but varying approaches stemming from John Calvin must be considered part of the vital sinews, which—for all their hiddenness—have helped to hold together a skeletal system of political, economic, and religious life in the Western nation states for the last four hundred years.

### Calvin's Lifelong Political Concern

John Calvin was born in Noyon, Northern France, in 1509 and died in Geneva in 1564. Although primarily a scholar, theologian, and preacher, as well as ecclesiastical statesman, he showed a strong political concern throughout his entire life. This political interest was evident even before his conversion (which seems to have occurred about 1533-34),<sup>2</sup> as we may note in his 1532 *Commentary on Seneca's De Clementia*. That commentary is in many respects an example of the sixteenth-century humanist genre of "a mirror for princes," which is

concerned with equity for the people. Calvin's concern for a good form of government increased over the next four years, a time during which he was converted. He went on to produce his first edition of *The Institutes of the Christian Religion* in 1536. Ford Lewis Battles has suggested that the first edition of *The Institutes* can be understood as a sort of political treatise.<sup>3</sup> Its overriding concern with proper government is shown in the opening epistle, in which Calvin dedicated *The Institutes* to King Francis I of France (in effect, an apology for the persecuted evangelicals in France). This same governmental concern is dealt with again in considerable detail in the last chapter, "On Freedom, and Ecclesiastical and Civil Power."

In the middle and later years of his life, Calvin would write many letters to leading political figures in various parts of Europe, as well as regularly commenting on the shifting political situation in letters to his personal friends. He dedicated various commentaries to rulers as an encouragement to continue the work of Reformation in their countries. The commentaries on the Canonical Epistles honored Edward VI of England; the commentary on Isaiah was dedicated to Elizabeth I; and those on Hebrews to Sigismund, king of Poland.

Calvin's interest in statecraft went well beyond the ecclesiastical ramifications. After he had drafted the *Ecclesiastical Ordinances* for Geneva in 1541, the satisfied town councils asked him to take time off from his preaching ministry in order to codify the purely civil and constitutional laws of Geneva.<sup>4</sup> Calvin was well able to handle the complex details and overarching principles of legal codification because of his earlier training as a lawyer under some of the most famous legal scholars of his day. His Renaissance education, which combined both theological-philosophical and legal scholarship, goes far toward explaining the lifelong and fruitful marriage in his thought and activity between theological and legal concerns.

## Medieval and Renaissance Influences

In 1523, at age fourteen, Calvin began his higher education in Paris, first at the College de la Marche, where he had the great advantage of tutoring in Latin by the renowned Mathurin Cordier.

Soon Calvin transferred to that stronghold of conservative orthodoxy, the College de Montaigu, which was frequented by such sixteenth-century notables as Erasmus, Ignatius Loyola, and Rabelais. Of great theological (and indeed, legal) influence on young Calvin here was the Scots Scotist, conciliar theologian and historian, John Major (or Mair), one of the last and greatest of the late medieval scholastic scholars. The initiation Major gave Calvin into the medieval and patristic Catholic heritage, his explication of more recent conciliar themes, his realist epistemology, and his own intensely practical approach to theology gave to Calvin's fertile and powerful mind a lasting orientation, which—for all his rejection of "papisty" and "the schoolmen"—profoundly shaped his thought and actions to the last.<sup>5</sup>

For centuries Protestant historiography has tended to neglect the influence of late medieval Catholicism upon the Reformers, but in recent decades this lacuna is being filled in by such scholars as F. Wendel,<sup>6</sup> H. Oberman,<sup>7</sup> T. F. Torrance,<sup>8</sup> and R. Kingdon.<sup>9</sup> The renewal of interest in the Reformers' late medieval Catholic heritage aids us in tracing very important continuities (and discontinuities) between Calvin and the Western Catholic tradition. These are particularly apposite to an understanding of Calvin's continually interrelating theology and law. Calvin's teacher, Major, like his more famous student, also combined an avid interest in civil questions and constitutional history, with an erudite commitment to ancient Catholic theology as interpreted through the Scotist and Ockhamist traditions. Major was a significant conciliarist theologian. He believed in the supreme authority of a general council of the church over the pope, with the foundational assumption that constitutional law is for the benefit of the people, rather than for the pleasure of the ruler.<sup>10</sup> As we shall later see, this conciliar, constitutional thought would become very important in the approach of Calvin, and even more so in that of his French Huguenot and Scots followers. In this regard, Major's *History of Greater Britain* became (especially after the time of Calvin) a much mined treasure store for both the late sixteenth-century Reformers and Roman Catholic Counter-Reformation scholars, united in a desire to find historical examples of people deposing unjust kings within a framework of constitutive law and custom.

In the more strictly theological sphere, Calvin seems to have been deeply influenced by Major's hostility to medieval allegorical interpretations of Scripture in favor of "the literal interpretation." In the words of T. F. Torrance:

The literal sense is essential, for it is upon it alone that we can build doctrine. . . . That is why it is so important to take account of the scope of the Scriptures and to square every passage with the context, not only with the immediate context of the passage in question, but with the whole context of the Gospel. . . . The literal sense is achieved through contextual and comparative exegesis, for that establishes the real as distinct from a merely accidental . . . meaning.<sup>11</sup>

Of course, Calvin's exegetical work was to become far more indebted to the Northern European Christian Humanist Renaissance thinkers, such as Guillaume Bude, Lefevre d'Etaples, and Erasmus. But undoubtedly Major opened the way that Calvin followed (and Major rejected) into the critical historico-literary, linguistic interpretation of texts developed by the "Revival of Learning." Renaissance man that Calvin in certain respects was, his learning at the feet of John Major anchored him into the Catholic tradition in his scriptural interpretation long after he had formally broken with the Roman Church, as any reading of his *Institutes of the Christian Religion*, *Tracts and Treatises*, and *Commentaries* will show. For Calvin as for Major:

Interpretation takes place properly only within the context and history of the Church's tradition. The understanding of the Scriptures must be "squared" with the decisions of the councils, the teaching of the great doctors of the past . . . especially through the work of the fathers and councils. . . .<sup>12</sup>

Calvin's theology and statesmanship are marked in one other significant way by the example and teaching of Major, for which Major was indebted to Duns Scotus: theology is a *scientia practica*.<sup>13</sup> The practical rather than speculative nature of theology was to involve Calvin in a plethora of activities and controversies that Major could scarcely have dreamed of.

Calvin's skills as an interpreter of ancient texts were to be keenly refined when, at the behest of his father, who decided his son must



study law rather than prepare for the priesthood, Calvin left Paris for the University of Orleans in about 1528. He studied there under Pierre de l'Etoile, "the keenest jurisconsul of all the doctors of France" in the estimation of Beza (the successor of Calvin at Geneva).<sup>14</sup> Then in 1529 Calvin moved to the University of Bourges to hear the lectures of the brilliant Italian legal scholar Andrea Alciati, who was also an accomplished humanist.<sup>15</sup>

L'Etoile was continuing in the older tradition of teaching Roman law on the basis of Justinian's *Pandecta* and with the assistance of Accursius's *Glossa Magna*, with the assumption that modern problems could be handled by reference to details and principles drawn from this thousand-year-old code. Alciati on the other hand attacked this approach, for as Skinner states:

As the immediate applicability of Justinian's Code began to appear increasingly problematic, it no longer seemed at all obvious that the essence of any proper legal training ought to consist of glossing the contents of the Code and applying the results directly to prevailing circumstances. . . . The basic aim ought rather to be that of studying the history and development of the indigenous laws and customs of one's own country.<sup>16</sup>

As Calvin's early letters show, he definitely preferred l'Etoile, and yet he was marked by Alciati. Torrance says of his debt to the latter, ". . . he was nevertheless indebted to him for initiating him into research into the classical and cultural sources of legal and social institutions and in reinforcing the need for a purer Latinity and a better literary taste."<sup>17</sup> Calvin drew something more from Alciati and l'Etoile that reinforced his Scotist commitment to a combination of the theoretical and the practical (i.e., *scientia practica*).

. . . perhaps the most important thing that Calvin learned from l'Etoile and Alciati was the danger of a schism in legal science between theory and practice, and between rhetoric and logic, and that abstract formalism among humanists must be avoided as much as among scholastics.<sup>18</sup>

Perhaps even more important to Calvin than his legal studies, in both Orleans and Bourges, was his fuller exposure to the Humanist

Revival of Learning and to currents of Lutheranism. He studied Greek under the German Melchior Wolmar, who was by this time a Lutheran. Soon after coming to Bourges, and perhaps owing to his personal freedom of choice after the death of his father, Calvin returned to Paris in order to pursue literary studies at the College Royal—an institution founded by King Francis I and encouraged by the great humanist Bude. There he continued his studies in Greek under Danes and commenced Hebrew under Vatable.

Calvin was all his lifetime a thinker concerned to integrate various fields of knowledge—the ultimate goal of *scientia practica*. It is clear that his drawing together of legal and literary humanist studies would raise certain questions for his now growing interest in the original texts of Scripture: “Why should not the literary and source criticism of biblical texts reveal new yet old substance as it had revealed in the study of legal texts?”<sup>19</sup> But before he turned in earnest to biblical exposition, Calvin wrote his first book, *A Commentary on Seneca’s De Clementia*. This was in 1532, generally considered to be shortly before his conversion to evangelical Christianity.

This first published work demonstrates Calvin’s reliance upon the historical, critical, and literary tools of the European Renaissance, especially as used by Erasmus, Bude, and Valla. Wendel writes:

In reading his *Commentary* one can hardly refrain from comparisons with the method used in the *Paraphrases* of Erasmus, and above all in the *Annotations* of Guillaume Bude on the *Pandecta*. Like Bude, Calvin begins with a rather long philological explanation, he appeals to grammar and logic, he points out the figures of rhetoric, draws upon his knowledge of antiquity to collect parallel quotations from other ancient writers and from Seneca himself.<sup>20</sup>

## Calvin Becomes Protestant

Wendel,<sup>21</sup> T. H. L. Parker,<sup>22</sup> and others have shown that later and after his conversion, Calvin “further refined this method and applied it to the Scriptures themselves.” The acceptance of this Calvinian method of integrating humanist literary, historico-critical methodology with research into the meaning of the scriptural texts

continues to this day among Christian and Jewish scriptural exegetes of various theological persuasions.

True, Valla had already employed the humanist method in his *Annotations* upon the New Testament and Erasmus was following him along that path: but it was Calvin who first made it the very basis of his exegesis and in doing so founded the modern science of exegetics.<sup>23</sup>

Calvin's ability to handle ancient texts and his integrative mode of thinking when later joined to his newly found evangelical faith caused him to be continually sought out by others as a teacher (as he himself later wrote).<sup>24</sup> In spite of his natural shyness and his desire to live a life of scholarly quietude,<sup>25</sup> he was now marked out as "... a man of action and he could not draw back into a life of detached study and contemplation."<sup>26</sup>

Owing to Calvin's part in Nicolas Cop's Lutheran-inspired Rectoral Address at the University of Paris on All Saints' Day, 1533, he had to flee to avoid prosecution by the authorities. His flight from France would become a permanent one after "the affair of the placards" in October of 1534, in which "Lutheran" placards were posted in public places, provoking strong reaction by the religious and civil authorities, who saw it as seditious activity. After visits in various directions, and having experienced firsthand persecution by the civil powers of his native land for his religious convictions, Calvin headed to Basle.

While in Basle, Calvin wrote the first edition of his monumental work (published in 1536), which he would keep revising until 1559, *The Institutes of the Christian Religion*, with its prefatory letter to Francis I of France, to which we have already referred. The historical situation Calvin addresses in this letter clearly influenced his political and theological approach for the rest of his life. Francis I was in the strange situation of persecuting the Protestants in France even while he was in league with the Protestant princes of Germany against their common rival, Emperor Charles V of the Holy Roman Empire. Thus Francis I had to give some explanation to the German princes as to why he was persecuting their fellow Protestants in his own country. His answer was simple: he depicted the French Protestants as sheer anarchists. He classed them with the Anabaptists, who, as the ruling

powers at that time understood it, wished to overthrow all government (especially after the events concerning the polygamous kingdom of Munster).

Calvin of course was determined to show that true Protestants were loyal to the civil magistrate and were in no sense political revolutionaries. This desire to vindicate fellow evangelicals from the charge of political radicalism is undoubtedly part of the reason why Calvin was exceptionally conservative all of his life in strongly opposing revolutionary movements against bad rulers. As we shall see later, Calvin eagerly dissociated himself from John Knox's more radical stand for civil resistance in Scotland in the late 1550s. Calvin's thought underwent some evolution on this point in the 1560s, however, during the religious wars in France.

### Calvin's Difficult Relationship with Geneva

Not only would Calvin's views on law and authority be shaped by the situation in France; they would also be filtered through the political exigencies of the republican city-state of Geneva, where in 1536 he settled as "teacher," and eventually as leading pastor. Calvin's first period of ministry in Geneva was to last for only two years because of his embroilment in the troublesome political and religious scene there. Geneva had recently and successfully revolted against its ruling Catholic bishop and his supporter, the Duke of Savoy. It then became largely dependent upon the domineering Protestant city of Berne. Geneva itself was then controlled by four "syndics" and several town councils, including a "general council," which was an assembly of all the citizens. For all practical purposes, the system tended to be one of aristocratic representation, as Williston Walker has shown.<sup>27</sup>

Although they had declared for the Reformation, the people of Geneva apparently wished to keep the new ecclesiastical power weak, lest they lose control over their own affairs now that they were rid of bishop and duke. The situation was also complicated by the fact that most of the reform leaders were incomers from France, of whom the native Genevans were at least somewhat suspicious. However, since Geneva had broken with Roman Catholicism, an official confession

and a new ecclesiastical organization were needed. Calvin endeavored to supply this by submitting a series of articles to the town councils in January of 1537. These articles would require an official confession of faith by all of the inhabitants, which is typical of Calvin, and unlike the Anabaptists and the majority of post-eighteenth-century Protestant denominations, which held to an ecclesiastical community consisting of believers rather than of all inhabitants of a particular region. Here, as in many other significant areas, Calvin remained loyal to those aspects of the medieval Catholic tradition which were faithful to Scripture despite his formal break with the Roman ecclesiastical system, much of which he felt violated the Word of God and against which he directed a continuing polemic. Calvin and his fellow Reformers thus considered themselves to be true Catholics, although not Roman Catholics.

The factor in these articles that brought controversy with the town councils to a head was Calvin's insistence (also in line with traditional Catholic practice) that the church should have the right to exclude unworthy persons from the Lord's Supper, and to excommunicate them, if necessary. Geneva, in which the civil authorities largely controlled the church, was not ready for this since they interpreted it as an interference with their power to govern public morals. These matters were put to a vote in February of 1538, and Calvin's side lost, though the controversy continued. Shortly afterward Calvin and his Reformed associates were ordered to leave town. Yet church-state relations continued to be a crucial practical, as well as theological, concern in Calvin's life.

Calvin took refuge for the next three years in the Reformed city of Strasbourg, under the tutelage of the distinguished Reformer, Martin Bucer. Bucer influenced Calvin theologically and politically as well as personally (actually helping to find a good wife for him!). While in Strasbourg Calvin led a parish of French-speaking Protestants. He also took part in a number of Lutheran-Reformed, and Protestant-Catholic colloquies, where he came to know many of the leading religious leaders of Europe, including Luther's successor, Melancthon. He revised his *Institutes* while there (1539) and published other works.

Calvin's close contacts with the German Lutheran churches led him to criticize them on two counts. First, he felt their liturgy was too

dependent upon Catholic tradition and not sufficiently reformed according to scriptural principles. Even more importantly, as Wendel states, ". . . his ideal of a Church, not independent of the State, but autonomous and free to act in its own sphere, came into conflict at every instant with the strict dependency to which the German Churches were subjected by the political power. . . ." <sup>28</sup>

By 1541 the political situation had changed in Geneva so that Calvin was invited back to take charge once again of the Reformed church in that troubled city. He would remain there until the end of his life in 1564. As the price for his returning, the city authorities had to indicate their willingness for him once more to draft constitutional regulations by which the church was to be guided, for—as he wrote to Farel—"the church cannot stand firm unless a government is constituted as prescribed to us by the Word of God and observed in the early church."<sup>29</sup> Out of this came Calvin's *Ecclesiastical Ordinances*, adopted by the general council of the citizens in November of 1541.

The central issue of this legislation was that of the church's authority to act in its own proper sphere, free from the control of the civil magistrate (though not totally independent of it). The church's freedom in its own house was centered in its right to excommunicate spiritual offenders from ecclesiastical privileges. Calvin insisted that the church, rather than the town council, should have this right.<sup>30</sup> He won his point, but only in a limited sense. The final text of the *Ordinances* was so ambiguous that the civil authorities left open the door for continued interference by the town council in church discipline.<sup>31</sup> It took nearly fifteen more years of often bitter controversy between the Geneva Reformed ministers and the civil magistrate to establish the church's right of spiritual discipline (with the ultimate authority of excommunication).

The ecclesiastical details of these *Ordinances* need not concern us. Calvin borrowed from Martin Bucer his four orders of ministry:<sup>32</sup> pastors, teachers, elders, and deacons. Yet two points, however, do require comment. First, Calvin still allowed the civil magistrate the authority to adjudicate doctrinal controversies among the ministers,<sup>33</sup> "which indicates that he had no belief in full independence of church from state." Second, Calvin set up something essentially new in Reformed Protestantism (as John T. McNeill has pointed out<sup>34</sup>): the

consistory, or church session, which was to have the authority to determine fitness for admission to the Lord's Supper. The consistory was formed of both ministers and lay elders approved by the town council. Severe tensions periodically surfaced between the church consistory and the town council over their respective jurisdictions, especially in various controversies coming to a head in the elections of 1548 and 1553. These elections were lost by the partisans of Calvin and his consistory, but when the supporters of Calvin later won the elections of 1555, the issue was settled in favor of the spiritual authority of the session to discipline offenders.

Although these elections of 1555 finally gave the Calvin party preponderant control, Geneva did not become then, nor was it ever, a theocracy. As Wendel has ably stated:

. . . one could no more speak of an annexation of the Church by the Magistracy than of a preponderance of the Church over the civil power. The distinction between the two powers was the foundation of the entire edifice. Each of these autonomous powers, State and Church, was conceived as issuing from the Divine will. . . . it is therefore inaccurate to speak, as people often do, of a theocratic confusion of powers. . . . each power had, theoretically at least, its well-defined domain.<sup>35</sup>

Basil Hall once pointed out that far from being a theocratic dictator, "Calvin in Geneva had less power either in theory or in practice than had Archbishop Whitgift in England, and less again than had Archbishop Laud, or Cardinal Richelieu in France, for he had neither the authority of their office nor the consistent and powerful political support which they received."<sup>36</sup> Though even after 1555 Geneva did not become a theocracy, it was thereafter looked upon by its ministers as a much more Christian city. This was so especially after the 1561 revision of the *Ecclesiastical Ordinances*, which strengthened the consistory while safeguarding "the distinction shown to us in the Holy Scripture between the sword and authority of the Magistrate, and the superintendence that the Church should exercise, to bring all Christians to the obedience and true service of God."<sup>37</sup> Various scholars have noted that "the distinction and yet the close union of Church and State which Calvin achieved with the precision possible in the

self-governing city state was an important factor in the spread of Calvinism.”<sup>38</sup>

## Calvin's Belief in “Two Kingdoms”

Underlying the long years of struggle to establish authority in the consistory lay Calvin's view that “the two powers, civil and religious, ought to be complementary”<sup>39</sup> and that “minister and magistrate seem to be the parallel officers of a body at once ecclesiastical and political.”<sup>40</sup> As Calvin wrote in a letter of 24 October 1538:

As the magistrate ought by punishment and physical restraint to cleanse the church of offenses, so the minister of the Word should help the magistrate in order that fewer may sin. Their responsibilities should be so joined that each helps rather than impedes the other.<sup>41</sup>

Calvin wrote at some length in his *Institutes* on the concept of “two kingdoms,” civil and spiritual. He dealt with the purposes, parts, and forms of civil government, the various types and uses of law, and the limitations of civil authority. Throughout these discussions he constantly related civil government and law to the spiritual realm. In his pivotal twentieth chapter of Book 4 of the *Institutes*, Calvin begins by asserting that man is under a twofold government: civil and spiritual. He states that while “Christ's spiritual kingdom and the civil jurisdiction are things completely distinct,”<sup>42</sup> Gospel freedom by no means liberates men from the proper control of civil magistrates. Unlike what he understood the Anabaptists to be saying,<sup>43</sup> Calvin denied that “the whole nature of government is a thing polluted.” Rather, “civil government has as its appointed end, so long as we live among men, to cherish and protect the outward worship of God, to defend sound doctrine of piety and the position of the church, to adjust our life to the society of men, to form our social behavior to civil righteousness, to reconcile us with one another, and to promote general peace and tranquility” (4.20.2).

Calvin then classified civil government into three parts: “the magistrate, who is the protector and guardian of the laws; the laws, according to which he governs; the people, who are governed by the



laws and obey the magistrate (4.20.3). Referring particularly to Romans 13:1-4, Calvin makes clear that the magistrate is ordained by God (4.20.4) and that it is anarchic for Christians to reject the magistracy owing to its coercive character (4.20.5, 7). Magistrates are responsible for maintaining "both tables of the Law" (4.20.9), which includes fostering piety. To carry out their duties, force may be necessary and appropriate (4.20.10), even war (4.20.11), and of course taxes (4.20.13).

Clemy Vautier has remarked that unlike both St. Thomas Aquinas and the later Huguenot theorists such as Beza (whom we shall consider in our next chapter), Calvin devotes no attention to the question of the legitimacy of the establishment of any particular civil form of government. (In contrast the Huguenots claimed legitimacy for a government insofar as it was founded in the consent of the people).<sup>44</sup> For Calvin, even if a civil order were established by force, one is not absolved from obedience to it. In the words of Cheneviere, "In the very place where the superficial observer sees only the fortuitous game of someone's ambition or of merely human courage or weakness, the believer ought to recognize the hand of God—even in those affairs which strike him as the most unjust" (my translation).<sup>45</sup> Calvin's interpretation of the meaning of Romans 13 and I Peter 2:13f. on this point is succinctly summarized by Vautier:

Since St. Paul teaches that the Power is ordained by God, that magistrates are established by him, submission is thus due to them—pure and simple. The very existence of the Power gives it the right to demand obedience. This is the source of all actual legitimate authority. (My translation.)<sup>46</sup>

While not concentrating on the human origins of civil government, Calvin does briefly notice three major forms of civil orders: monarchy, aristocracy, and democracy (4.20.8). While admitting the legitimacy of all, he does state his preference: "I will not deny that aristocracy, or a system compounded of aristocracy and democracy, far excels all others." Bohatec suggests that Calvin has derived this combination of a nonhereditary aristocracy-democracy from Aristotle's *Politics*,<sup>47</sup> but that the reason he prefers it is biblical or theological: man is a fallen creature and abuses power.

Therefore, men's fault or failing causes it to be safer and more bearable for a number to exercise government, so that they may help one another, teach and admonish one another; and if one asserts himself unfairly, there may be a number of censors and masters to restrain his willfulness (4.20.8).

Calvin deals with the abusive propensities of monarchs in detail in his Sermon XXIX on I Samuel 8:11-22:

For as Scripture teaches us, a well-constituted republic is a singular benefit of God, while on the other hand, a disordered state with wicked rulers and perverters of law is a sign of divine wrath against us. . . .

Thus even though the world today is inundated with a flood of impiety and iniquity, let us not wonder if we see so much plundering and robbery of people everywhere, and kings and princes thinking they deserve everything they want, simply because no one opposes them.<sup>48</sup>

In his sermons on II Samuel (preached in 1562, during the period of the religious wars in his native France), Calvin paints a most unflattering portrait of kings and their corrupt courtesans.<sup>49</sup> In Sermon XIV, he states, concerning David's many wives: "Beyond the fact that he committed adultery for its own sake, was the customary attitude of princes that they ought to be privileged to do wrong above everyone else." Sermon 18 says: "Pride blinds [princes] so totally that they think they ought to be put in the rank of God."

This sober Calvinian assessment of fallen man's propensity to seize, increase, and abuse power for personal ends rather than for the welfare of the many would be developed and applied far more systematically by Calvin's heirs in France, Scotland, and colonial America, as we shall see in later chapters. Governmental principles for consent of the governed, and separation and balance of powers are all logical consequences of a most serious and Calvinian view of the biblical doctrine of the fall of man. But some generations would pass before these consequential concepts were clearly drawn out and defined, under the impact of varying historical circumstances and intellectual currents.

Calvin's ideal of an aristocratic democracy—involving the many in order to limit the inevitable tendency to abusive misrule by the one—seems to owe something to the Old Testament practice of electing kings. In his commentary on Micah 5:5, he takes the term “shepherds” in the sense of civil authorities, and notes:

For the condition of the people most to be desired is that in which they create their shepherds by general vote (*communibus suffragiis*). For when anyone by force usurps the supreme power, that is tyranny. And where men are born to kingship, this does not seem to be in accordance with liberty. Hence the prophet says: we shall set up princes for ourselves; that is, the Lord will not only give the Church freedom to breathe, but also to institute a definite and well-ordered government, and establish this upon the common suffrages of all.<sup>50</sup>

He pursues this theme in his sermon on I Samuel 8:11-22, where he discusses at length the utter foolishness of the Israelites in rejecting decentralized government by patriarchal elders for a hereditary monarchy: “Well, a formerly free people who sought royal dominance and subjected themselves willingly to it and thus gave up their liberty really deserves no better.”<sup>51</sup> Calvin's desire for an elective, representative, republican type of government, was certainly influenced by his many years of writing and preaching on the Old Testament. The regular practice (especially in the Northern Kingdom) of popular elections and deposition of kings in view of a higher “covenant” with God defined, bound, and limited civil power and human relationships within the theocratic, Israelite community. Local Old Testament rule by councils of patriarchal elders “sitting in the village gate,” as well as the prototypical council of seventy elders raised up to help Moses in the wilderness, undoubtedly entered Calvin's thought about proper civil polity. He was also heavily influenced by the Swiss experience of what Harold Berman has called “the communitarian character” of urban law, which developed after the rise of Western European cities in the twelfth century and following. These biblical and more recent historical events implied “that political power was ultimately vested in the whole body of citizens.”<sup>52</sup> And as Bouwsma states:

He shared the civic humanists' hatred of the Roman Empire for subverting the Republic, and he drew from Augustine the character-

ization of "almost all large kingdoms" as "great robberies." Such views were closely related to the actual pluralism of contemporary Europe.<sup>53</sup>

Yet Calvin in his writings did not systematically develop the implications of this power in the people for representative, elective principles of civil government any more than he had done with the implications for civil government of the fact of man's fallenness. His French Huguenot successors, however, and others after them, were to pursue this, and thus would be opened an important chapter in modern political history.

## Calvin's View of Law

After his discussion of the magistrate (whether of monarchical, aristocratic, or democratic appointment), Calvin moves on to discuss the law by which the magistrate is to rule the people. He discusses first "the law of God published by Moses" and then the "common laws of nations." He follows Aquinas (*Summa Theologiae* I IIae lxxxix 4) in dividing the Mosaic legislation into moral, ceremonial, and judicial laws (*Institutes* 4.20.14), holding that "there is in them that pertains to us, and what does not." The moral law is the only one of the three types with abiding validity. It is

. . . contained under two heads, one of which simply commands us to worship God with pure faith and piety; the other, to embrace men with sincere affection. Accordingly, it is the true and eternal rule of righteousness, prescribed for men of all nations and times, who wish to conform their lives to God's will. For it is his eternal and unchangeable will that he himself be indeed worshipped by us all, and that we love one another (4.20.15).

The moral law is summarized in the Ten Commandments and in the law of love (Lev. 19:18; Deut. 6:5; Matt. 22:37-39). In *Institutes* 2.8.1 Calvin speaks of the moral law as "that inward law . . . engraved upon the hearts of all" which "asserts the very same things that are to be learned from the two Tables." He then explains that this moral law is "natural" to all humanity in that it is engraved on their consciences:

For our conscience does not allow us to sleep a perpetual insensible sleep without being an inner witness and monitor of what we owe God, without holding before us the difference between good and evil and thus accusing us when we fail in our duty. But man is so shrouded in the darkness of errors that he hardly begins to grasp through this natural law what worship is acceptable to God (2.8.1).

Calvin immediately adds that because of our dullness and arrogance, "The Lord has provided us with a written law to give us a clearer witness of what was too obscure in the unwritten natural law . . ." (ibid.). Although the unwritten natural law tends to be obscure, it is still a legitimate source of civil authority, since it is divinely imprinted on the consciences of all (4.20.16). It gives rise to "equity," and "this equity alone must be the goal and rule and limit of all laws" (ibid.). This doctrine of equity is basic for Calvin's teaching that there is equal validity in different civil polities and systems of law.

He states, "Whatever laws shall be framed to that rule, directed to that goal, bound by that limit, there is no reason why we should disapprove of them, howsoever they may differ from the Jewish law, or among themselves" (4.20.16). In other words, Calvin denies that the whole Old Testament Jewish legislation is or should be binding on the civil polity of all nations:

For there are some who deny that a commonwealth is duly framed which neglects the political system of Moses, and is ruled by the common laws of nations. Let other men consider how perilous and seditious this notion is; it will be enough for me to have proved it false and foolish (4.20.14).

Thus non-Judaic forms of legislation are legitimate for other countries:

. . . every nation is left free to make such laws as it foresees to be profitable for itself. Yet these must be in conformity to that perpetual rule of love (4.20.15).

That which is universally binding is the basic principle of equity summarized in the Ten Commandments and the law of love, revealed in writing to the Jews and in the conscience to all others. Calvin

asserts that the other two basic types of Old Testament law, ceremonial and judicial, are no longer binding on any country. The ceremonial has been fulfilled in the person and work of Christ (4.20.15 and 2.7.16) and the judicial is not authoritative on the nations since the general principle of equity underlying it has to be adapted to differing situations and differing times. "Therefore, as ceremonial laws could be abrogated while piety remained safe and unharmed, so too, when these judicial laws were taken away, the perpetual duties and precepts of love could still remain" (4.20.15).

In *Institutes* 4.20.16, Calvin gives examples of legitimate variations in the criminal laws among the nations. These variations do not have to come from the Old Testament legislation, but rather are to be an expression of the divinely given natural law. Calvin's *Commentary on Romans* (1:21-22; 2:14-15) deals in more detail with the divine imprinting of the natural law on men's hearts.<sup>54</sup> Thus, with Calvin, positive law of the various nations is more directly related to his conception of natural law than it is to Old Testament legislation. But lest we misinterpret Calvin's teaching on natural law, it is important to remember the proviso of John T. McNeill:

In all this Calvin has no notion of modern secular interpretations of natural law. It is part of the divine endowment of the natural man, impaired indeed, but not obliterated by sin, evident in common concepts of justice and in the inner voice of conscience.<sup>55</sup>

Calvin would have found unthinkable the statement of Hugo Grotius in the *Prolegomena* to his *De Iure Belli ac Pacis* (1625), that "the legal principles so identified [as natural law] would have a degree of validity even if there were no God."<sup>56</sup> As Francis Lyall points out, Grotius meant that even apart from the assumption of the existence of God: "Reason would deduce such principles from a consideration of the nature of man, and from his need of society. Others acted on that observation, and drove a wedge between 'natural law' and any religious source. This was not, however, a sudden or a complete change of emphasis."<sup>57</sup>

Other Reformers such as Bucer<sup>58</sup> and Pierre Viret, Calvin's ministerial colleague in Lausanne,<sup>59</sup> maintained rather a closer connection between specific Old Testament legislation (especially "civil") and the

positive law of nations, and many Puritans, such as John Cotton of England and then New England would later do the same.<sup>60</sup> And in a recent study of the teaching on God's law in Calvin's thought, Jean Carbonnier argued that Calvin's thinking on the subject of law developed toward a more positive view of the continuing validity of Old Testament judicial law.<sup>61</sup> Carbonnier holds that this development is demonstrated in Calvin's sermons on Deuteronomy (preached from 1555).

Carbonnier quotes as an instance Calvin's discussion of the Jubilee year (in his second sermon on Deuteronomy chapter XV, C.O. XXVII, 315): "Hence we see that this law, although it was particularly binding on Israel when they were under its servitude, still today contains a doctrine which is very useful for us." Citing a number of other passages in these sermons,<sup>62</sup> Carbonnier summarizes by stating that by the mid 1550s, Calvin believed that the judicial laws of Moses "constituted a supplement to (natural) law towards which (positive) law should properly tend to move."<sup>63</sup> He comments that article 25 of the *Confession of La Rochelle* (1559), which was strongly influenced by Calvin, includes this same emphasis on the usefulness of "the ceremonies and figures of the law" for daily life, although their actual practice ceased with the coming of Christ.<sup>64</sup>

Although Calvin may well have developed a new emphasis by the late 1550s on the practical usefulness of Old Testament legislation, it is very doubtful that he changed his mind on the essentials. For if he had, there would have been time to have rewritten the relevant sections in his final revision of his *Institutes* in 1559 (which he did not). In short, Calvin negates the continuing obligation of Old Testament judicial and ceremonial law; yet, unlike Martin Luther, he holds a very positive view of the value of the moral law for the Christian life and for all human life.

Calvin mentioned three uses of the moral law: First, by showing us God's righteousness, it condemns our sinfulness and drives us to Christ (2.7.6, 8, 9). Second, by causing fear of punishment, it restrains evil men from sin (2.7.10, 11). And third, it is a positive guide for the Christian life (2.7.12). For Luther, the condemning function of the law is its chief use, whereas for Calvin, its condemnation is " 'accidental' to its true purpose,"<sup>65</sup> which is positive guidance to the Christian.

This emphasis on the “third use” of the law gives the only proper context in which we may interpret Calvin’s lifelong concern with both ultimate authority and proximate legal structures: it is to restore fallen man back into the image of God for the glory of Christ. Thus Calvin says in his section on “the sum of the law”:

Now it will not be difficult to decide the purpose of the whole law; the fulfillment of righteousness to form human life to the archetype of divine purity. For God has so depicted his character in the law that if any man carries out in deeds whatever is enjoined there, he will express the image of God, as it were, in his own life (2.8.51).

The ultimate purpose of the law is the same as the ultimate purpose of all institutions of both “spiritual” and “civil” realms: to glorify God, who is the source of all law, authority, and grace, by redeeming man in Christ. That is why in Calvin’s view of society, the church is so central. Without a grasp of this centrality of church and redemption we cannot understand the agenda that motivates his particular approach to various types of law and polity. Nor can we understand the powerful sway that his approach to church and state exercised on his own generation and generations to come.

## The Centrality of the Church in Society

Ronald S. Wallace has explained the centrality of the church and of redemption in Christ for Calvin’s approach to human politics and society in general:

Calvin believed that what happens when humanity is redeemed in Christ gives us a true picture of what was meant to happen originally in society in its natural form. For grace always tends to reveal and restore the original form of nature. Therefore he found the ideal human order described for him in Paul’s account of the Church in the New Testament. . . . In Geneva he wanted even civil society to reflect as far as it could the pattern of . . . the Church. Earthly citizenship was to be patterned on heavenly citizenship. . . .

His first concern in Geneva was therefore to create at the heart



of the city a community of the faithful in Christ whose ways of actual forbearance, love, and forgiveness would provide a pattern for the rest of civil society.<sup>66</sup>

Calvin believed that the responsibility the church had to Christ, its Head, determined many aspects of its relationship to the civil magistrate. The church was responsible to preach the Word of God faithfully and to administer purely the sacraments (in the Protestant view, baptism and the Lord's Supper). In the earliest sections of his *Institutes*, Calvin shows that while God has revealed himself in nature and in man's conscience, man because of his sin misinterprets and perverts this divine revelation: "... each one of us privately forges his own particular error . . . we forsake the one true God" (1.5.11). Thus God gives us the written Word of God so that we may truly know him. "Just as old or bleary-eyed men and those with weak vision . . . can scarcely construe two words, but with the aid of spectacles will begin to read distinctly; so Scripture, gathering up the otherwise confused knowledge of God in our minds, having dispersed our dullness, clearly shows us the true God."

Calvin immediately adds this important clause, showing the crucial relationship of Scripture, revelation, and church: "This, therefore, is a special gift, where God, to instruct the church, not merely uses a mute teacher but also opens his own most hallowed lips." (1.6.1). In other words, God himself through the preaching of his Word speaks in his church. Thus God's ultimate purpose for this world, to redeem a multitude of humanity to his image in Christ, can only be fulfilled through the church, where Scripture is preached: "Now, in order that true religion may shine upon us, we ought to hold that it must take its beginning from heavenly doctrine and that no one can get even the slightest taste of right and sound doctrine unless he be a pupil of Scripture" (1.6.2). Calvin adds that it takes the internal witness or illumination of the Holy Spirit within the human heart to convince someone of the divine truth of Scripture (1.7.4).

Calvin saw the church as the locus where Christ makes himself known to humanity (and thus redeems it to God's image) not only in the ministry of the Word, but also in the sacraments. He understood baptism and the Lord's Supper to be "signs and seals" of the vital union