Chapter 18

Calvin's Doctrine of the 'Civil Government': Its Orienting Power in Pluralism and Globalization

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'In history's page his reputation wavers, As party hate or favour sway the scale'. This line of Schiller about Wallenstein[1] could also apply to Calvin.

On the one hand, the great Reformer was not only a highly learned exegete of scripture and the author of the most important dogmatics of the Reformation. He is rightly honoured above, and along with, other Reformers and political leaders of his time as a central figure of the 'history of freedom in early modernity'.[2] It was precisely for this role that the Reformer Calvin, with his broad knowledge of law and the humanities, was dedicated a large monument in Geneva on his 400th anniversary in 1909. The development of modern science, historical–critical exegesis, the struggle for the separation of powers with regard to law and politics, including the right to resistance, and the beginnings of modern democracy owe a great deal to Calvin's work.

On the other hand, it was reportedly not without reason that Calvin, quite unlike Luther, was only honoured with a monument 400 years after his birth. His activities in Geneva had been too ambiguous – there was his rigid intolerance, his church discipline not based on the scriptures, his religious–moral harassment, mortification and persecution of his fellow human beings and even their execution. The names of 'Castellio and Calvin' became, respectively, synonyms for 'tolerance and intolerance', not least through Stefan Zweig's publication.[3] The names of 'Calvin and Servetus' represent the history of the terrible temptation to enforce religious convictions at all cost, including the death penalty.

The following thoughts on Calvin and the strengths of reformed theology do not aim to opt for one or the other profile or 'reputation'. Rather, they are meant to help us understand the range and tensions in Calvin's personality and his activities. It is against this background that they intend to emphasize some groundbreaking theological insights at the end of his

main work, insights that can still today serve as a model in the contexts of pluralism and the ecumenical movement.

Orientation in complex conflict situations

Whoever wants to grasp Calvin's character and work in person-to-person relations or conflicts, such as Calvin and Gruet, Calvin and Castellio, Calvin and Servetus, will end up with a vague and indeed wrong idea. Likewise, any effort to understand the Reformer and his merits only in his conflict with Roman Catholic theology and the papacy will fail. Calvin's great achievement with regard to ecumenism and world history, and in particular his controversial actions in his second period in Geneva (1541–1564), have to be appreciated against the background of a multifaceted situation of conflict.

The religious and theological controversy with the teaching of the church is an important element, but it is only one element of conflict among many others. Calvin, along with the other Reformers of high standing, entered this internal church conflict by insisting on the radical orientation to scripture (*sola scriptura*) and on the clearer knowledge of Christ (*solus Christus*). He met with strong resistance from the recognized academy – strongly represented in Calvin's environment by the Sorbonne theologians in Paris. The reform of the universities, institutions of higher learning and the educational system as a whole, including elementary schools and spiritual education in families,[4] intensely conducted by Luther, Melanchthon, Bucer, Calvin and other Reformers, cannot be overestimated as a motor for the modern history of freedom. The Reformation was a gigantic revolution of education. In going 'back to the source' with regard to history and philology, it offered an early form of, and a parallel to, the revolutionary turn to experiments in the modern sciences. 'The Reformation and the scientific movement were two aspects of the historical revolt which was the dominant intellectual movement of the later Renaissance. The appeal to the origins of Christianity, and Francis Bacon's appeal to efficient causes as against final causes, were two sides of one movement of thought'.[5]

In addition to the quarrels in the areas of church and theology, and in the fields of the academy and educational institutions, there were massive conflicts on the levels of law and politics that essentially contributed to the questionable and repulsive phenomena of the Reformation in Geneva. On the one hand, Calvin, time and again, had to grapple with the bourgeoisie in Geneva, which was not willing, without a struggle, to give up the religious, moral and political freedoms brought by the Reformation or to let them be drastically restricted.[6] On the other hand, he had to fight against the resentment that 'the French' (Huguenots) met with in Geneva. They had

come in large numbers and, as refugees, depended on the Swiss support. 'For the period from October 1538 until October 1539 it is for instance documented that the hospital in Geneva supplied more than 10,000 needy strangers at least with the most basic goods before the attempt was made to encourage the majority to move on'.[7] In order to appreciate the enormous charitable achievement of the Geneva population, we have to remember that the city then had hardly more than 10,000 inhabitants.

On the one hand, the citizenry and the congregation in Geneva were diaconically challenged to the utmost, the more so as there was the constant threat and visitation of the plague. On the other hand, they felt religiously and morally controlled and regulated by an increasingly strong group of 'French' pastors and persons educated in law. Since even in these conflicts, Calvin, in agreement with the leading Reformers, spoke up for the separation of powers and for the secular authorities' rights to govern, this was bound to result in an agitated and complicated history of the changing demarcations and coalitions between the secular and the clerical powers. The need emerged for an ever new adjustment from both sides of the competences and claims to power. This process was bound to result in a heightened loss of orientation and a heightened rigidity in the areas of religion, politics and morals. Time and again, the normative claims of the religious and political groups, institutions and of their spokesmen had to be examined, rejected or strengthened with reference to the law and in moral and political experiments.

It is with disapproval or horror that we note, 'In 1555, church discipline was exercised eighty times, one year later there were already twice as many cases, and from 1557 to 1561 the number tripled. In 1559 more than three hundred persons were excommunicated from time to time'.[8] Calvin's rigorous attitude will not be utterly condemned by a circumspect view, taking into account the extreme normative tensions and the explosive mix produced by the inclinations to exploit them simultaneously through chaos and through tyranny. During Calvin's activities in Geneva, there was a boiling mixture of normative fighting on the way towards a church organized in a Protestant, freedom-loving manner, and to a pluralistic society that, correctly understood, had differentiated functional systems and a representative democracy. Strongly supported by law and education, the religious and political forces had to recognize, to strengthen and, at the same time, to restrain each other. For all participants, this was an extremely demanding process with lots of potential for conflict.

In addition to the manifold conflicts among the internal societal interest groups and powers, there were international tensions and resentments. People rightly did not want to give up local traditions and privileges. They wanted to preserve, perhaps even to optimize, but by no means to jeopardize many

good, old customs and orders. Reformation yes – but please, in measured steps. Thus, the slogan could have run. Time and again, the Swiss cities came to agreements on how to proceed in matters of religion, law and politics. We must not underestimate the fear of being overcome and burdened by negative developments in Germany, in France or other parts of Europe. This also accounted for the unsettled attitude of the religious and political spokesmen in Geneva towards Calvin and 'the French' whom he had integrated into the spiritual leadership.

Any attempt to generate a final and balanced picture of Calvin's character against this background will probably be doomed to failure. Over against this, an examination and critical acclaim of the amazing final chapter in his main work, *Institutes of the Christian Religion*,[9] is illuminating with regard to Calvin's clear orientation in the complex conflict situations in the religious and political fields.

Calvin's doctrine of civil government

As early as in Book III of the *Institutes*, Calvin had differentiated between 'spiritual government' and 'civil government'. The former teaches human consciences piety and the worship of God; it is concerned with the soul and the heart. The latter government trains humans 'in the duties of humanity and of civil life which are to be observed among human beings', and it is concerned with 'what belongs to the present life', above all with the 'outer morals'.[10] At the end of the *Institutes*, Calvin surprisingly does not take up the doctrine of 'spiritual government' in order to link it with an end-time eschatology and thus to correspond to the classical dogmatic course from creation to the 'final things'. The last chapter deals with the doctrine of 'civil government'.

Calvin was well aware of the confusion that he thus provoked with a book that was essentially meant to serve 'spiritual instruction in faith'. In this final chapter, Calvin wants to protect faith from all those who aim at overthrowing the external order in barbarous ways, and from those who want to entrust the worldly powers alone with it. Both sides fail to recognize that the civil government is also given by God. Both sides thus jeopardize and even destroy the 'purity of faith'.[11] Calvin sees the danger that the freedom in faith given in Christ is not grasped clearly or that an indifference towards the civil orders or even an effort to get rid of them wrongly appeals to spiritual freedom as a witness.

In this chapter, it rapidly becomes clear that Calvin radically rejects any populist mobilization of force to bring down public order. If one separates his statement that precisely for this reason scripture particularly

orders us 'to honor the king' (Prov. 8.15; 1 Pet. 2.17), because this power of a single person 'is the least pleasant of all',[12] then the superficial impression is quickly established that Calvin radically rejected anarchy, but was kindly disposed towards the monarchy. His division of the chapter – to treat the authorities first, then the laws and, lastly, the people and their 'obedience' to the authorities[13] – easily strengthens this wrong impression. This approach completely fails to recognize the subtlety as well as the radicality of Calvin's doctrine of civil government. In fact, Calvin develops a momentous doctrine of the right to resistance, even the duty to resist a tyrannical and unjust government. He does caution against the 'devilish arrogance' of anarchy, but emphasizes in a milder yet no less insistent way that magistrates appointed by the people are 'to withstand, in accordance with their duty, the fierce licentiousness of kings'. For 'if they wink at kings who violently fall upon and assault the lowly common folk', they 'dishonestly betray the freedom of the people, of which they know that they have been appointed protectors by God's ordinance'.[14]

Calvin perceives various forms of such 'magistrates of the people', as he puts it, for instance within the three estates. It is extremely important to him to institutionalize resistance, to develop forms of transmitting responsibility from the beginning and, in the long run, to aim at the juridification of the new order. He is not so much led by the search for an alternative to unsuccessful risings, such as that against the Spartan kings or the Peasants' War, as by a comprehensive theological view of God's reign over the world in the history of humankind.

The *cantus firmus* of Calvin's explanations regarding civil government is the statement in Acts 5.29, 'We must obey God rather than men'. If the authorities – in whatever form – command anything against God, 'let it go unesteemed. And here let us not be concerned about all that dignity which the magistrates possess; for no harm is done to it when it is humbled before that singular and truly supreme power of God'.[15] Calvin cites with approval several biblical examples of a refusal of obedience and resistance to the king. On the one hand, he is aware of the danger to those who resist, 'The wrath of a king is as messengers of death', Solomon says (Prov. 16.14). But he also sees the danger that people 'with no authority' want to place themselves in God's place who, however, 'broke the bloody scepters of arrogant kings and ... overturned intolerable governments. Let the princes hear and be afraid'.[16]

Calvin is concerned with nothing less than the understanding of responsible human life under God's reign of the world. In order to follow his thought, we have to shed several well-established but wrong perceptions and opinions.

1. The mistake of a fixation on one country only, on one form of government only and on one explosive situation only

Calvin not only develops a 'global view' in the sense of a perspective on the political situation in Europe at the time. On the basis of his comprehensive biblical knowledge, he also develops a perspective on the world of the dimension of human history. This perspective confronts him with very different forms of government of varying quality, but also of varying degrees of danger. He himself prefers the aristocracy among the forms of government or 'a system compounded of aristocracy and democracy', since the separation of powers is to be welcomed and can best achieve not only the protection and advancement of freedom, but also the stabilizing balance of 'freedom and moderation'.[17] In our late-modern pluralistic societies, the balance of powers between systemic forms in politics, the economy, law, education, religion and other parts of the society, on the one hand, and the civil societal associations, on the other, corresponds to such a constellation envisaged by Calvin.[18]

This broad view enables Calvin to appreciate advantages and see disadvantages in forms of government in their times and locations without having to give up clear standards for development. The comprehensive biblical orientation, however, also enables him to discuss the highly vexing fact that despots such as Cyrus and even Nebuchadnezzar are regarded as tools in God's hand, which means that political conditions that are deplorable in many respects must not be imagined to be somewhere beyond God's reign over the world. The failure of the despots before God's mandate is then hidden – as is sensitivity for the fact that tyranny is often connected with shortcomings on the part of those who suffer from it.[19] For instance, they can become guilty because of indifference in this situation or because of their failure to act against the oppression. It is this connection of delusion and blindness that is veiled by the second mistake.

2. The mistake of perceiving the power of the authorities remoto Deo

This mistake occurs on the basis of the good intention not to identify or confuse Christ's kingdom and civil governments; it is based on the good intention to clearly differentiate between God's government and worldly government. However, this important differentiation must not become a separation. Calvin cites a number of biblical witnesses according to which the authorities are appointed by God and figures holding public responsibility and power are regarded as not only approved, but also chosen by God. In some biblical traditions, he even connects human beings destined to become *imago Dei* with becoming 'servants to divine justice' in their public responsibility and 'tools of divine truth'.[20]

On the one hand, he makes it clear that election to this, as he puts it, 'royal office' must not be confused with the 'Apostolic ministry' to which Christ appoints human beings. On the other hand, he should have brought out more clearly that, while human rule can be arbitrary, forcible and detached from God's will, it can only have an effective existence under the power of 'divine admission'. Important corrections of Calvin's doctrine of predestination and providence should also be made at this point. However, his concern to regard no worldly power as withdrawn from God's judgement is to be accepted unconditionally. The converse conclusion that any rogue regime is to be attributed to God's will, or even that all public power is to be identified with the kingdom of Christ, must, with Calvin, be persistently criticized and rejected.

Any authoritative power has to be measured by whether, first, it strives to protect and further God's justice and the worship of God corresponding to its appointment and, second, it is willing to serve 'justice', in particular the protection of the weak, as well as 'the law' and thus public order and social peace.[21] In order to be able to fulfil their duty, the authorities have to be equipped with power, including the bloody use of force when they pursue crime and wage war. Calvin restricts war to the defense of one's country ('without obeying the ambitions') and demands that a balance between 'too much strictness' and 'too much mildness' be found in the persecution of crimes.[22] Time and again, Calvin makes such suggestions to find a balance in border situations, and he defines them in more detail with sensitive references to the given contexts.[23] Thus, the authorities are by all means to collect taxes and, if necessary, emphasize their dignity through a certain 'magnificence of their household'. However, they are to beware of 'tyrannical predaciousness' and keep in mind the fact that they administer 'possessions of the entire people' and that these possessions are above all 'supports of public necessity'.[24]

3. The mistake of confusing the kingdom of Christ and civil government

From the beginning of the *Institutes*, Calvin emphasizes that a religious reference to God's majesty *remoto Christo* leads into ambivalence and finally into despair. It is only in Christ and in the power of his Spirit that we realize God's love in his election and providence. It is only in the unity with Christ that we reach the knowledge of faith and the peace of heart and soul. The 'Apostolic instructions' of Jesus Christ and the New Testament seem to contradict many directions to establish civil government. Not to resist evil, not to retaliate, after being struck on the right cheek to turn the other cheek (Mt. 5.39), Paul's condemnation of lawsuits (1 Cor. 6.5ff) – Calvin regards these and numerous other instructions as 'apostolic' pointers to a life of Christian discipleship and the kingdom of God.[25]

It is important to Calvin that both love for God and love for one's neighbour are factors that have to guide the establishment of civil government under the difficult conditions of public life. His differentiation between the 'inward preparation of the heart' for eternal life and 'activity in public' requires further theological reflection, especially since at certain points he considers interdependencies and transitions between both regimens. Here, the difficult difference and assignment of 'law and gospel' and his teaching of the *tertius usus legis* come into view.

In his biography, Christoph Strohm has rightly emphasized that Calvin, the great theologian and exegete, cannot be understood without Calvin the humanist and jurist. The final chapter of the *Institutes* bears impressive witness to this connection. Calvin sees Paul's rejection of lawsuits in the congregation as tackling excessive litigation. In his opinion, the establishment and the fostering of civil government that allows itself to be strengthened by the apostolic instructions of Christ in the love of God and one's neighbour will have beneficial effects on the way individuals deal with the law.

The accused is to appear before the court without bitterness, and the plaintiff is to make his complaint without greed, acrimony, vindictiveness and hate. A truly just handling of the conflict can only happen if each of them treats 'his adversary with the same love and good will as if the business under controversy were already amicably settled and composed'.[26]

Calvin states that such a (so to speak) 'cool' handling of legal contentions and conflicts is likely to strike many people as a 'wonder'. However, in the realm of civil government it would hold up a mirror, and reveal a glimpse of the reality that Christ's government is about. True love of our neighbour develops from our stance of loving God and willingness to give thanks for God's creative goodness and to give God the glory. This love seeks to empower and honour our neighbour without ignoring or calling into question the foundations of our common life. It has a clear orientation even in complex situations of conflict. It calmly engages ethics, the law, politics, education and religion with all their inner tensions and conflicts. After all, it sees all these ordering powers as directed not only towards loving our neighbour in a practical sense, but also towards forms and formations of community life that are pleasing to God. True love of our neighbour is thus always and primarily focused on glorifying God: *Ad majorem Dei gloriam.*

Notes

1. Prologue, *Wallenstein's Camp*, 1789, translation 1830 (anon.).
2. Christoph Strohm, *Johannes Calvin. Leben und Werk des Reformators*, Munich: C. H. Beck 2009, 7 (in the following referred to as: Strohm, *Calvin*).

3. Stefan Zweig, *Castellio gegen Calvin. Ein Gewissen gegen die Gewalt*, Vienna: Herbert Reichner Verlag, 1936.
4. Cf. Strohm, *Calvin*, 64f (see note 2).
5. Alfred North Whitehead, *Science and the Modern World* (1926), Glasgow: Collins 1975, 19.
6. Highly instructive with regard to this aspect: Strohm, *Calvin*, 41ff, 60ff (see note 2).
7. Strohm, *Calvin*, 67 (my translation). For the following, cf. ibid., 68ff.
8. Strohm, *Calvin*, 90 (my translation), following William G. Naphy, *Calvin and the Consolidation of the Genevan Reformation*, Manchester/New York: Manchester University Press 1994, 178ff.
9. Calvin, *Institutes of the Christian Religion*, The Library of Christian Classics, vol. XX and XXI, transl. by F. L. Battles, ed. by J. T. McNeill, Philadelphia/London: Westminster Press/S.C.M. Press 1960.
10. *Inst.* 3 19.15.
11. *Inst.* 4 20.1.
12. *Inst.* 4 20.7.
13. *Inst.* 4 20.3.
14. *Inst.* 4 20.5 and 20.31.
15. *Inst.* 4 20.32.
16. *Inst.* 4 20.32 and 20.31.
17. *Inst.* 4 20.8.
18. See Michael Welker, *Kirche im Pluralismus*, Gütersloh: Kaiser 1995, 2nd ed. 2000.
19. See Calvin's detailed exegetical and historical considerations in *Inst.* 4 20.25-29.
20. *Inst.* 4 20.4, 20, 6f.
21. Cf. Calvin with regard to both tables of the law, *Inst.* 4 20.9.
22. *Inst.* 4 20.10-12.
23. See the subtle considerations in *Inst.* 4 20.16; but also Strohm, *Calvin*, with regard to Calvin's knowledge in law and historical exegesis, 22ff and 119ff (see note 2).
24. *Inst.* 4 20.13.
25. Cf. *Inst.* 4 20.19-21, but also 20.1.
26. *Inst.* 4 20.18.

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