

Calvin's Political Theology in Context¹

Calvin was a man of the Church so his political doctrine stems from his ecclesiology, in response to both the Papal doctrine on the delegate power of the magistrates, and the Lutheran subordination of the Church to the civil authorities. He was not concerned with discussing the best possible regime, but rather with preparing a theological justification of civil power that would make it depend exclusively on God, not on the people. I will hold that Calvin states the people's function is merely instrumental: they accept the authority chosen by God, but do not institute it. The only really relevant element is that both political vocation and the transmission of power that is indispensable to it, derive uniquely and exclusively from God. The discrepancies apparent in different authors' interpretations can be clarified by recovering the context of his argumentation. This is the objective of this article.

Keywords: John Calvin, Geneva, modernity, protestant reformation, resistance theory.

1. Introduction: A Man of the Church

Each epoch has its political Calvin. At the end of the 19th century and beginning of the 20th, he was described as a theocrat because of his defense of the subordination of civil power to the clergy in doctrinal and moral issues. Eugène Choisy, for example, referred to Geneva, politically, as a *bibliocracy*, as it was the Bible that governed the city, not the ecclesiastical hierarchy as would be the case if it had been a theocracy. However, as Georges Goyau responded, what was under discussion was not only the political inspiration of doctrine, but who was responsible for interpreting scripture. Charles Mercier considered the political theory of the French reformer to be based mainly on the idea of authority. Doumergue himself, after saying that Calvinian doctrine tended toward

¹ Acknowledgements

democracy, admitted –although he considered it to be an exaggeration– that the foundation that the reformer attributed to civil society and, therefore, to its laws, is none other than the Decalogue. This is something that Chenevière insisted on when he recalled that the reformer accepted neither popular sovereignty nor the idea of individual rights, and, even less, the theory of natural law.¹

All this has little to do with the discussion that occupied some specialists since the 40's until the beginning of the 21st century. In continuity with the work of John McNeill during the 1940s and 1950s, Calvin is now represented as one of the men who forged republicanism and democracy; or even a revolutionary because he insist that divine obedience precede political obedience so he became a source for radical political resistance, as Roland Boer claims; Ralph Hancock argues that, by presenting the domains of faith and reason as the work of God, while simultaneously holding that these were separate spheres, Calvin was able to reconcile reason and faith, so that all believers could throw themselves into achieving their mundane objectives while, at the same time, conferring a religious-moral meaning upon them. In his multiple works on Protestant law, John Witte links the reformer's thinking to the appearance of modern constitutionalism. Matthew Tuininga asserts that Calvin political theology lead to liberalism; Mark J. Larson, on his part, situates him among the fathers of republicanism and of the American Revolution. Similarly, Dale Van Kley states that, because Calvin's theology was strongly desacralized, it would have promoted the criticism of monarchy by divine right and, precisely because of this, he could be considered to be one of the fathers of the French Revolution. Others more prudently, such as Harro Höpfl, hold that the reformer's work distills an aristocratic inclination and, to prove it, refer to the Calvinian ecclesiastical government, or to the Genevan political model. For Robert Kingdon, however, it was the analogy between the ecclesiastical model and the political model,

developed by Theodore Beza and Jean Morely, that inspired the origins of democratic Calvinian doctrines.²

However, if it were necessary to describe Calvin in some way, it would be as a man of the Church.³ His interest in political theory, in itself, was absolutely minor in relation to his effort to create a new (dogmatic and legal) ecclesiastical model that could replace the Roman Catholic one, without reducing the church to its minimum institutional expression, as Luther proposed.⁴ As a result, it was the State that had to adapt to divine law, as only in this way could the role of politics be positively justified.⁵ The implantation of this model was not straightforward, and was only achieved after years of open struggle with the “republicans” *Enfants de Genève*, who favored maintaining control over the religious and moral affairs of the city. There was an inevitable tension between the political model of the Genevan magistracy, on the one hand, and Calvin's linked view of religion and politics. In the former, the civil power was in charge of both civil law and the moral and ecclesiastical discipline of the city, model followed in Zurich, Berne, Basel...

I will first present the religious and political framework that Calvin found upon arrival in Geneva, paying special attention to the ecclesiastical model operating in the city which prompted Genevans to initially reject Calvin's alternative view (§2). Then, I will discuss why the Genevan magistrates were compelled to request Calvin's help, despite that first rejection, and the subsequent consequences for the organization of the city's church. Calvin only accepted on the condition that a number of legal reforms on religion and morals would be implemented. From this historical context emerges a third way between the ecclesiastical models of Catholic cities, on the one hand, and Bern, on the other (§3). Calvin's political stance stems from his ecclesiology, in response to both the Papal doctrine on the delegate power of the magistrates, and the subordination of the

Church to the Swiss civil authorities. Then I will discuss the foundations of Calvin politics (§4): the origin of power and its legitimacy, as well as the functions performed by the magistrate as interpreter and executor of God's will. The last section (§5) addresses resistance theory and the role the people play in it, a crucial point to understand the purported Calvinist origins of modern democracies. I will discuss both the conceptual articulation of this doctrine and its historical context (§6), showing in the closing section how Calvin's resistance theory was interpreted by his contemporaries who revolted against civil authorities.

A short historical journey through these disagreements is a good way to contextualize the French reformer's political proposal, as his position regarding power and its limits and obligations, as well as the role of the people in the process of political legitimation, can only be understood against this backdrop.

2. The Triumph of the Calvinian Political-Religious Model

On 21 May 1536, the Genevans adopted the reformed faith by unanimous vote of the *General Council*. On 7 August 1536, just one and a half months after the adoption of the Reformation, the Republic of Geneva was constituted politically. Following the lead of the Swiss cities, Geneva handed all the old episcopal functions, including the ecclesiastical organization of the new religion, to the civil powers. This is the main reason why Guillaume Farel, even though he had been preaching in Geneva since 1532, had not managed to establish an ecclesiastical organization capable of participating in decision-making regarding morals and customs in the city. In the month of July in 1536 and at Farel's request, Calvin arrived equipped with the first edition of the *Institutes of the Christian Religion* and with an ecclesiology that was quite different from those in effect in Lake Léman's city. On 10 November 1536, a *Confession of Faith*⁶ that indicated the need for *Ordonnances ecclésiastiques*, was presented to the Geneva Small Council.⁷

Among the areas that he intended to recover for the Church were marriage and, of course, excommunication: a *sacred measure instituted by the Lord* to punish thieves, rebels, assassins, drunks, and idolaters, according to Calvin.⁸ These are not minor attributions, as both the institution of matrimony and the authority for excommunication were crucially important in civil life.⁹ In fact, in Lutheran countries, excommunication was the prerogative of the civil powers. The German jurist theologians who succeeded Luther, such as Philippe Melancthon (1497-1560), Johann Oldendorp (c1486-1567), and Johannes Eisermann (c1485-1558) held that both regulating the visible Church by means of laws and paying, supervising, and disciplining the Church's ecclesiastical officers were functions of the magistrate.¹⁰ However, where Luther only accepted one power of the Church, namely the doctrinal power linked to preaching and administering the sacraments, Calvin claimed that the Church could make its own laws and judge whether its members (both clergy and laity) were acting according to these laws. Indeed, the function of the pastor, as described in the 1541 *Ordinances*, was not only to preach the gospel and administer the sacraments, but to participate in maintaining order and discipline.¹¹

However, the wounds inflicted on the city by the episcopal power were still too fresh, and so it was not only the Genevan magistracy but the citizens themselves who refused to submit themselves to the dictates of a Church, even if it was no longer the Catholic Church. Faced with Farel's and Calvin's refusal to preach according to Berne theological inspiration, they were expelled from Geneva on 23 April 1538. Their expulsion was confirmed on 26 May. But Calvin's exile did not last long. Taking advantage of the confusion caused in the Genevan Church by Calvin and Farel's departure, the Roman Cardinal Iacopo Sadoletto tried to stir up the people against their ministers via a letter in which he exhorted them to recover their former Catholic faith and

bow down to the papacy.¹² In order to defend their doctrinal –and political- independence, the Genevans appealed to the people of Berne who, in turn, asked Calvin to write a response to Sadoletto. Their fundamental goal were to prevent Catholic countries from terminating Geneva's independence. Political and religious independence went hand in hand: theological debates had practical implications. Sadoletto not only wanted to save the Genevan's souls, but to gain back the city for the Catholics. Despite being an exile, Calvin agreed to defend them, thus making his return to the city possible. He received the invitation to return to Geneva on 13 September 1541. Encouraged by Farel and the pastors in Zurich,¹³ he decided to accept the invitation, but not without imposing certain conditions: he would only return if the magistracy committed itself to granting the city an ecclesiastical constitution. On 20 November 1541, the General Council approved the *Ecclesiastical Ordinances (Ordonnances ecclésiastiques)*, conceived and drawn up by Calvin himself to give the Church of Geneva its own organization.¹⁴ Considering the motives for his expulsion, what is surprising is that his petition was accepted. Therefore, the dispute between Calvin's supporters and his detractors never turned on the acceptance of the Protestant Reformation, or on the need for the existence of a censor of the city's morals and customs, but on whether this censor was a civil or an ecclesiastical body, as Höpfl points out.¹⁵

Therefore, to obtain this authority for his Church, Calvin needed to obtain political support. He obtained it from an increasingly large number of French refugees with political asylum in Geneva who had become members of the bourgeoisie. It is important to remember that Genevans obtained citizenship by birth, a fact that entitled them to participate in the city's political institutions, while the members of the bourgeoisie obtained the same rights –with the exception of the possibility of entering the city Senate or Small Council- by donating a considerable sum of money or through their services as

lawyers or ecclesiastical ministers. In fact, given their superior preparation, there were more and more French pastors in Geneva. Many Genevans began to be concerned about this, as control of the pulpits was decisive when it came to shaping public opinion.¹⁶ Indeed, during the first twenty years of the Reformation in Geneva, 250 bourgeoisie were admitted; during the three following years, bourgeois rights were given to 460. Their children born in the city obtained this recognition automatically. From 1546 onward, the incipient majority that was forming on the pastors' side was obvious to the old Genevans. In 1555, this support tipped the urns and the city councils were occupied mainly by Calvin's supporters. Berne, on its side, interceded in favor of Calvin's political opponents by granting them safeconducts, banned Calvin's books, and, in 1556, refused to renew its alliance with Geneva. Faced the threat of invasion by the Duke of Savoy, this circumstances forced them to retract their decision. A new agreement between Berne and Geneva was signed in 1558. In 1559, Calvin applied for Genevan bourgeois status, and in 1561, the new *Ecclesiastical Ordinances* consolidated the church's prerogative regarding excommunication.

In fact, the excommunication had been a bone of contention between civil and ecclesiastical authorities for over twenty years.¹⁷ Since Calvin's adversaries were not opposed to the Reformation, but to the Calvinian ecclesiastic model, quite different from the Berne (Lutheran) model regarding ecclesiastical jurisdiction.¹⁸ It is not surprising, then, that the former members and family relations of the *Enfants de Genève* party were the ones who became defenders of a civil monopoly on excommunication.¹⁹ The issue was not resolved until 1560, when an *Edict of Excommunication* was published in which the Church's jurisdiction over this issue was finally acknowledged.²⁰ The reformer's ecclesiological model was no longer a theoretical project; it had become a historical reality. As historian Alain Dufour points out, Geneva, which until then had been a city

allied with the Swiss, entered history as Calvin's city.²¹

This is the context in which the French reformer revisited his first edition of the *Institution de la religion chrétienne*, published before Calvin arrived in Geneva. But his greatest concern was not to discuss the best possible regime, but to prepare a theological justification of civil power that would make it depend exclusively on God, not on the people. The consequence would not be to free the rulers from the influence of the theologians but exactly the opposite, to articulate their functions and obligations as protectors of the true religion.

3. The Foundations: Political Doctrine

When John Neville Figgis published his essay on *The Divine Right of Kings* in 1896, he described political theoreticians' rejection of the doctrines that stated that the Pope was the only legitimate repository of political power, as only he could be considered the Vicar of Christ. In response, the theoreticians of the divine right of kings held that all power has a divine origin and that the mediation of the Church or of the people was not necessary in the process of political legitimation, as God himself delegated it directly. Then, they added the absence of authorities' responsibility to third parties, except for God himself, and, finally, the prescription of non-resistance.²² It is true that this last aspect would be modulated by the Protestant theoreticians, but the main nucleus of the doctrine can be applied to them with no problem. As least, it is true in the case of Calvin.

When those who bear the office of magistrate are called gods, let no one suppose that there is little weight in that appellation. It is thereby intimated that they have a commission from God, that they are invested with divine authority, and, in fact, represent the person of God, as whose substitutes they in a manner act (IRC IV, 20, 4).

As can be seen, Calvin holds that all authority –whether political, ecclesiastical, or domestic– receives its power *directly from God*. This is the reason why political

authorities can be called vicars and divine deputies.²³ He goes so far as to say that their function is sacred (*tressacrée*) and that politics is not an effect of sin, but rather the will of Providence. Even more, the main role of the magistrates is to carry out the providential government of God on earth, as the rulers are his instruments, his hands. This delegated power is why they can and must dictate laws (legislative power), pass edicts (executive power), and carry out justice (judicial power).²⁴

These ideas are a constant in the reformer's work beginning with his first commentary in 1532 on Seneca's *De Clementia*.²⁵ Indeed, in his commentary on the Spanish philosopher's text, Calvin's attention is not concerned about the model of government but about the origin and function of the authority, as such. Of course, where Seneca speaks of fortune, Calvin assumes that he is speaking of God,²⁶ but he has no problem accepting that the prince (the political authority) obtains his power from the gods and that, precisely because of this, he is accountable only to the divinity.²⁷

At the same time, the text says that political authority is, above all, the guardian of public affairs, defined by its function, independently of its name or –and it is the same thing- the kind of government that it leads: the authorities could be kings, dictators, emperors, consuls...²⁸ The content of this political function will now be discussed in detail.

3.1. The Legislative Function of the Magistrate

For Calvin, the State is a divine institution, the means chosen by God to maintain order in the world and to facilitate human coexistence –i.e., to punish the villain and protect the virtuous–. In order to fulfil this function of protection and order, the magistrate acts as a legislator. The law consists of two clearly differentiated parts: one is the letter of the law –ordinance, constitution, legal form- and the other refers to the fairness with which it must be applied. Thus, the Calvinian magistrate, as Irena Backus recalls, is obligated to

adequate the law to the circumstances, so that means a non-literalist application of the law.²⁹ However, the Christian State is not only a State that has fair and equal legislation, but rather a State in which the laws conform to Christian doctrine.

Calvin acknowledges that, if sin did not exist, knowledge of natural law would have provided human beings with knowledge of God's own law and, therefore, of our moral and religious obligations. However, after the fall, natural law does not empower people to recognize their obligations to God or to their fellow men; only Scripture does this.³⁰ Therefore, even though the main purpose of civil law must be to follow this second set of the Ten Commandments (promote the public articulation of love toward one's fellow man) something more is, however, required in a Christian society: *fairness must be subordinated to pietas*, the objective of the First Table of the Law, which summarize the primacy of God.³¹

It is vain, therefore, to talk of righteousness apart from religion. Such righteousness has no more beauty than the trunk of a body deprived of its head. Nor is religion the principal part merely: it is the very soul by which the whole lives and breathes. Without the fear of God, men do not even observe justice and charity among themselves. [...] In the First Table, accordingly, he teaches us how to cultivate piety, and the proper duties of religion in which his worship consists; in the second, he shows how, in the fear of his name, we are to conduct ourselves towards our fellow-men.³²

Therefore, the Christian magistrate must not only legislate, but must also shape into laws the maxims contained in Christian moral law. Thus, Calvin insists on the need for rulers to read the gospels and hear sermons and preaching often.³³ In the *Institution*, Calvin provides examples of the magistrate's legislative function. It is well-known that divine law prohibits homicide; so all countries punish homicide, even though they do not do so in the same way. Divine law prohibits the thief, and so it is punished in all nations, although in some cases the guilty person is whipped, in others, he is exiled and in some,

the robber is even condemned to death. That is, moral law indicates the ends, while fairness gives them different forms depending on the country in which and the time at which the legislation is created, and positive law consists of this last aspect.³⁴ The form of the law *does not really matter*. What is important is that it respects the reason for which it was given, its final objective. Thus, legislation can be inspired by the Bible as a whole, as a political document to compared with, as Calvinian hermeneutics has shown is possible when divine precepts are interpreted as synecdoches.³⁵

The influence of these ideas can be observed in Genevan legislation, as Calvin himself participated actively in creating the *Civil Ordinances* adopted by the General Council on 23 January 1543.³⁶ The ordinances that were passed contained legal measures that, according to Calvin, involved the existence of an evangelical freedom that is possible only in this city of Geneva, a sufficient reason to encourage immigration.³⁷ As the reformer himself acknowledged, the Kingdom of God is present in Geneva –although not exclusively.³⁸ And it was in the small city of Léman that the magistrate did, in fact, become the defender of the Tablets of the Law: he preserved the tranquility and public order, favored common peace, and defended the honor of God to the same extent to which he protected his church:

[...] it is assigned, so long as we live among men, to foster and maintain the external worship of God, to defend sound doctrine and the condition of the Church, to adapt our conduct to human society, to form our manners to civil justice, to conciliate us to each other, to cherish common peace and tranquility.”³⁹

3.2. *The Magistrate, Executor of the Divine Will*

Indeed, together with legislative power, the magistrate acts as judge and executor of justice: not only does he pass edicts and laws but he pursues those who do not follow them and punishes the guilty parties appropriately. Calvin does not cease to insist that magistrates are the only holders of coercive power (*ius gladii*), the objective of which is

to defend those who live according to the gospel and punish transgressors, as he reminds the reader in his comments on the First Letter to Timothy.⁴⁰ Judging is, then, a function that the magistrates carry out in the image of God-the judge. Thus, they are even granted the authority to impose the death penalty.⁴¹

In fact, sin is not the reason for the foundation of the State, but the reason for the existence of the authority and the coercion of the penal law, whose end is to control the effects of the evil on the social body. This fact is particularly important, as it must not be forgotten that Calvin also defended the existence of a properly ecclesiastical penal law (*discipline*).⁴² Indeed, Calvin felt that the Church could, on its own, purge the sins committed by the faithful and, to this end, considered that it should exercise the power of excommunication. However, Calvinian ecclesiastical coercive authority is exclusively of a *spiritual* order: the Church was empowered to reprehend and excommunicate, that is, expel the sinner from the community of faith momentarily until he was rehabilitated, but had no material or physical coercive power to apply sentences such as torture, prison, or death. These were punishments imposed by the civil power alone, even though many times what the civil power did was use civil sentences to reinforce the cases previously judged by the Church⁴³.

So both institutions, the State and the Church, are titleholders of civil penal law and disciplinary penal law, respectively. But only one of these penal systems can claim the exercise of corporal punishment; the other can only claim spiritual punishment⁴⁴. *Ius gladii* belongs exclusively to the State, so the Church cannot claim it for itself⁴⁵. Nor can any private person do so.

3.3. *The People*

The first duty of subjects towards their rulers, is to entertain the most honourable views of their office, recognising it as a delegated jurisdiction from God, and on that account receiving and reverencing them as the ministers and ambassadors of God.⁴⁶

The quotation that begins this section makes the obligation of every private person in relation to his or her rulers quite clear. It is justified by the Pauline mandate presented in Rom. 13, but also by invoking the Fifth Commandment regarding filial respect, that is, appealing to the moral law of the Decalogue.⁴⁷ Then, it does not matter whether the authority is familial, domestic, political or ecclesiastical: the obligation to respect its authority remains unscathed and it must be followed not through fear of a superior but through respect and fear of God.⁴⁸

No one can resist the authorities without at the same time resisting God. Consequently, it is not strange that Calvin holds that it is impossible for a private person to confront or resist public authority.⁴⁹ Calvin's perspective, of course, does not imply that the people and the magistrates do not have mutual obligations. But this obligation does not depend on a contract: the people's obedience to political authorities is an obedience that is mediated by the obedience due to God's law, just as the magistrate's good government is a duty contracted with the people by divine imposition. The final reason for this mutual obligation is theological: the man was thrown out of paradise for being rebellious, so only God can restore subordination to authority and only He can be, in turn, the guarantor of the exercise of public power.

It is necessary to add political motives to the general theological foundation of obedience. The mistrust that the political authorities showed toward the Reformed ideas was quite well founded, in view of the effects of the Anabaptist subversion in Europe. The dilemma that Calvin faced was to present a political doctrine that made it possible to save spiritual and ecclesiastical freedom and, at the same time, to manage to reinforce Christian subjection to the political powers. In order to achieve this aim, he declared the divine character of political authority and founded the duty of obedience in moral law (the Fifth Commandment).⁵⁰ With these conditions, it was hard to justify resistance to the

magistrate, even if he did not fulfil its obligations. Therefore, private and popular insurgences were condemned as a principle. Following Christian tradition, the exception was if divine authority itself was questioned, or the true church persecuted. The duty of obedience had to be weighed against the biblical mandate to obey God before human beings (Acts. 5, 29).

4. Institutional Resistance

According to Calvin, if people are victims of a bad magistrate, all they can do is pray and accept his government as a divine punishment for their sins.⁵¹ But if the ruler turns against divine law, his very legitimacy is questioned.⁵² Nevertheless, resistance against an impious ruler would not be particular or popular, but always institutional, that means led by public authorities legitimately exercising their functions. One impious leader invested with divine authority can only be opposed by another equally invested leader. As Calvin observed when he commented on the Pauline Epistle to the Romans, the apostle refers to authorities in plural when he speaks of the granting of divine power, not of authority in singular.⁵³ Therefore, the act of resist corresponds exclusively to the authority, in this case, the *inferior magistrates*:

For when popular magistrates have been appointed to curb the tyranny of kings (as the Ephori, who were opposed to kings among the Spartans, or Tribunes of the people to consuls among the Romans, or Demarchs to the senate among the Athenians; and perhaps there is something similar to this in the power exercised in each kingdom by the three orders, when they hold their primary diets). So far am I from forbidding these officials to check the undue license of kings, that if they connive at kings when they tyrannise and insult over the humbler of the people, I affirm that their dissimulation is not free from nefarious perfidy, because they fraudulently betray the liberty of the people, while knowing that, by the ordinance of God, they are its appointed guardians (*tuteurs*).⁵⁴

This passage constitutes a *locus classicus* for those who attempt to find arguments in favor of a constitutionalist theory of resistance in Calvin. Without going any further, the specificity of the Reformation's contribution to the theory of resistance has recently been defended by Mario Turchetti, based on a study of Protestant ideas regarding tyrannicide.⁵⁵ The key to this contribution, according to Turchetti, is to be found in a novel exegesis of the Pauline passage in the Epistle to the Romans in which it is established that obedience is only due to the authorities who work in favor of the general interest. Thus, the ruler who works to his own benefit can be identified as a manifest tyrant. In this way, a *constitutionalist* theory of resistance would be consolidated, a theory that would confer upon the *General States* the authority to rebel against the tyrant. The *Vindiciae contra Tyrannos* (1579), attributed to Philippe Duplessis-Mornay and Hubert Languet, is a canonical example of this position. Other authors, particularly Quentin Skinner, hold that the Protestant contribution to the theory of resistance depended on canonical Roman medieval bases. Thus, for example, the statement that the inferior magistrates had *ius gladii* would derive from the interpretation that medieval civilists had given of the Roman *merum Imperium* in constitutional terms⁵⁶: if all the electors of the Empire had coercive power as had the emperor, then they could resist him when he failed to observe the terms of his general oath.⁵⁷ In this way, the popular magistrates studied by Calvin were officers elected by the people, with a direct responsibility to their electors.⁵⁸ The Carlyles⁵⁹ argued that the constitutionalist character of Calvin's position was doubtful. Walter Ullmann said so, in a debate with P. Stein against H. Lloyd's thesis. Ullmann insisted that we should take into account the Roman juridical sources to interpret Calvin's words about this issue.⁶⁰ Roy Benert, for his part, went so far as to hold that, from 1550 onward, Calvinist political literature unanimously accepted the right to resistance against kings, with the representative institutions mediating. This

representation could be done by admitting that the community as a whole had the original power of resistance, by introducing the mediation of ordinary judges with authority to inspect the king's actions against the law, or by having a representation of nobles and other officials when it was necessary to rebel against the tyrant, depending on the case.⁶¹

Following Walter Ullmann, we believe that the use of the concept *guardian* – *tutors* in the Latin version of the passage– suggests, rather, a thesis that is opposite to the one held by those who assumed the presence of a popular sovereignty in Calvin. Given his legal training⁶², the French reformer can be assumed to have known how to use the concept *tutor* with its proper legal meaning, as was common in medieval canonistics and romanistics which had converted the magistrate into a *tutor regni*. This meant giving political meaning to the function of protection and of guardianship that a superior exercises over an inferior or, in Roman legal terms, that an elder holds over a younger person. With that in mind, Calvin must have been aware that, when he applied the term *tutor* to the inferior magistrate, he was alluding to the legal incapacity of the minor who was under his guardianship, in other words, the political incapacity of the people.⁶³ Because of this, even if it is true that Calvin holds that God uses the people to elect the political authorities, their function is merely instrumental. The people accept the authority chosen by God but they do not institute it. At the same time, the kind of government through which political authority acts does not matter at all, in Calvin's eyes, as it depends on the circumstances and the context.⁶⁴ The only really relevant thing is that both political vocation and the transmission of power that is indispensable to it, derive uniquely and exclusively from God. It is very hard, therefore, to attribute a democratic character to his doctrine.

As can be seen, the discrepancy in the interpretation has its roots, for the most

part, in the point of view adopted toward a text. But it might be possible to clarify his intention by recovering the context in which Calvin was presenting his argumentation.

5. Conclusion: The Practice of Resistance

The death of Henry II left his son Francis II, a fifteen-year-old adolescent who governed with the support of his mother, Catherine of Médici, in power. Catherine of Médici, in turn, was supported by the house of Guise, nobles who did not belong to the lineage of the princes of the blood (*princes du sang*),⁶⁵ as a way to check the aspirations of Antoine de Bourbon, king of Navarre, to the throne. During Francis's reign various anti-Protestant edicts were published and the Amboise conspiracy and the *affaire de Maligny* (the Lyon conspiracy) took place. The so-called *conjuratation d'Amboise* (March 1560) was the answer to the problem of the minority of the king: if the king is a minor and, therefore, has not yet been legitimately established on the throne, can he delegate a power which he does not have? If the answer is negative, the next question appears right away: if the king's ministers (the Guise) lack legitimacy –not being princes of the blood and with the king unable to delegate a power which he does not possess–, is it obligatory to obey them?⁶⁶ The religious and the political causes comes together. What made the Guise politically hateful to many, it was not only their illegitimacy or their solitary way of governing –disregarding the parliaments– but their project to return to the religious homogenization.

The Amboise conspiracy was not backed either by Antoine de Bourbon or by his brother, Louis de Condé. It was guided by Jean du Barry, lord of La Renaudie, a noble from Périgord. Nor was it a conspiracy encouraged by Calvin. The reformer trusted in the conversions of nobles as a motor to introduce the Reformation. For example, during 1558 Jean Macar (husband of one of Calvin's nieces) served as the intermediary between the reformer and François de Coligny, lord of Andelot and elder brother of Gaspard de

Coligny. What is more, pastors of noble origin were trained to be sent to the courts that agreed with the new ideas: François Morel, lord of Collonges, was sent to the court of the Duchess of Ferrara, where he became chaplain, and François Le Gay, lord of Boisnormand, was sent to the court of Jeanne d'Albret (Joan III of Navarre), to reinforce the queen's commitment to the Reformation. Theodore Beza was in charge of visiting the court of Navarre on numerous occasions. Calvin was, therefore, convinced that it would be much easier for the nobles to listen to pastors from their own social background and that their conversion or sympathy would help to bring the new doctrine into their countries of origin and consolidate it peacefully. As Kingdon has said, the Amboise conspiracy represented the failure of Calvin's project because, for the first time, the reformer lost control of the process of politicization of the French Reformation movement. And the issue is that, despite his absolute refusal to support the uprising, many of the conspirators were nobles who were refugees in Geneva and maintained contact with the aristocrats of the city during the rebellion: Ardoin de Maillane and Charles Ferré, as well as Adrien de Briquemault, lord of Villemongis, for example, lived in the city and were in daily contact with the Genevan pastors and with Calvin himself.⁶⁷

The Amboise conspiracy ended with 1,500 dead and the Duke of Guise (Francis I of Lorraine), appointed general lieutenant of the kingdom on 17 March 1560. This is the context of Calvin's Sermon on Genesis, preached on 23 March 1560. Its French editor, Max Engammare, stated that it constituted a justification of armed resistance to this idolatrous tyranny.⁶⁸ In fact, the concept *monarchomachs* that Engammare introduced in the title of his article would make us think that Calvin accepted popular intervention. However, in both the Genesis text and in the letter that Calvin sent to Admiral Gaspard de Coligny in April 1561,⁶⁹ the reformer made it clear that he refused to support any violent revolt, although he did indicate one exception: *if it were led by princes of the*

blood (or inferior magistrates). In addition, in this specific case, he added that the nobility had to obtain the agreement of Parliament. Without these conditions, the insurrection was not justified and was an absurd spilling of blood that did not follow God's laws:

I admitted, it is true, that if the princes of the blood demanded to be maintained in their rights for the common good, and if the Parliament joined them in their quarrel, that it would then be lawful for all good subjects to lend them armed assistance. The man afterwards asked me, if one of the princes of the blood, though not the first in rank, had decided upon taking such a step, we were not then warranted to support him. I again gave him an answer in the negative with regard to this supposition.⁷⁰

Nevertheless, while Calvin did not support the *Amboise conspiracy* because it was not headed by princes of the blood but by La Renaudie (despite the support of Adrien de Briquemault), he did support the *affaire de Maligny*, as its promoter was the king of Navarre, Antoine de Bourbon, which explained the difference in the reformer's attitude in this case.⁷¹ It must not be forgotten that Antoine was the first prince of the blood and Navarre, for Calvin, was always the great hope of the French Reformation. Only he could transform a private rebellion into a public military operation with a view to the salvation of the French State. Only by assuming that the Navarrese king had agreed to lead this military missive, can the active collection of funds to support the revolt among the churches in France be understood, a collection that was carried out by the reformer himself and to which he added considerable sums from his own assets.

The problem was that things were not done promptly enough in Navarre, added to which in Lyon (Maligny), on the contrary, action was too precipitate. In addition, paralyzing the offensive action once it had been started was very complicated, with more than two thousand soldiers mobilized in the city, and the result was an absolute failure: the annihilation of the rebels and prison for Louis de Borbón, prince of Condé (Antoine's brother).⁷²

After the death of Francis II, things became even more complicated. The policy of tolerance toward the Protestant religion demonstrated by Catherine de Médici in the *Edict of Janvier*, 17 January 1562, is an attempt at pacification that was roundly rejected by the Duke of Guise, instigator of the first of the Wars of Religion, known as the massacre of Vassy (March 1, 1562), in which more than fifty Protestants died and another hundred were wounded while they worshipped. After the massacre of Vassy, Antoine de Boubon decided to cast his fate with the Catholic band, although no one really knows what his intention was when he made this decision. What is known is the following: ten years of religious wars ended in the massacre of the *Night of Saint Bartholomew* in 1572, which symbolized the brutality of the persecutions.⁷³

There is no doubt that these wars and the religious persecution of Protestants by the French crown are what explain the turning point in the Calvinian doctrine of resistance after the reformer's death in 1564. From that time onward, the political doctrine of the French Protestants was not the same, and the theory of popular power changed the theory of resistance held by Calvin until then considerably. However, the fact that they are different doctrines does not mean that they were not at all influenced by the French reformer. The evolution of ideas does not only happen showing closeness to the preceding interpretations, but by modulating them and even inverting them. This is necessary, given that Theodore Beza, François Hotman, and Duplessis Mornay had to respond to the problems of their time, which were different from the ones that Calvin had faced.

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¹ Choisy, *La Théocratie à Genève au temps de Calvin*, 61; Goyau, *Une ville-église: Genève*, vol. 1, 46; Mercier, «L'esprit de Calvin et la démocratie», 5-53; Doumergue, *Jean Calvin, les hommes et les choses de son temps*, vol. 4, 192; Chenevière, *La pensée politique de Calvin*.

² McNeill, J. T. «The Democratic Element in Calvin's Thought»; Kingdon and Linder *Calvin and Calvinism: Sources of Democracy?*; Hancock, *Calvin and the Foundations of Modern Politics*; Larson, *Calvin's Doctrine of the State*; Hall, *Calvin in the Public Square*; Boer, *Political Grace*; Tuininga, *Calvin's political theology and the public engagement of the Church*; Van Kley, *The Religious Origins of the French Revolution*; Höpfl, H. "The Ideal of *Aristocratia Politiae Vicina* in the Calvinist Political Tradition"; Witte, *The Reformation of Rights*; Kingdon, "Calvinism and Democracy: Some Political Implications of Debates on French Reformed Church Government, 1562-1572".

³ If we read Calvin's texts in context, he seems more conservative than revolutionary: God is the ultimate source of authority, the people does not have any political legitimacy whatsoever, and the Bible should inspire every aspect of our morality and social life. See Steinmetz, *Calvin in Context*.

⁴ This is not the proper place to refer to Calvin's ecclesiology, but the reader should keep in mind that his political thinking can only be understood in a more general dogmatic and ecclesiological context. Author's paper.

⁵ Among the authors who defend this interpretation of Calvin are Höpfl, *The Christian Polity of John Calvin*, and Chenevière, *La pensée politique de Calvin*.

⁶ The Council ordered 1,500 copies of the Confession to be distributed throughout the city so that the people could become familiar with its contents. *Confession de la foi* (CO 22, 85-96). CO sent to J. Calvin, *Joannes Calvini opera quae supersunt omnia* (CO).

⁷ Cf. section 17 of the *Confession* (*Confession de la foi*: CO 22, 92).

⁸ Cf. section 19 of the *Confession* (*Confession de la foi*: CO 22, 93).

⁹ Article 4 (CO 10, 13-14). From his sojourn in Basel, his refuge after fleeing France, his native country, he had learned both the need to implant ecclesiastical discipline (including excommunication) and the inappropriateness of allowing the political power to assume these functions. According to Kuhr, both doctrines appear in the theology of the Basel Reformer, Johannes Oecolampadius (1482-1531). See Olaf Kuhr, "Calvin and Basel: The significance of Oecolampadius and the Basel Discipline Ordinance for the Institution of Ecclesiastical Discipline in Geneva".

¹⁰ See Witte, *Law and Protestantism*, 119-175; Berman, *Law and Revolution: The Impact of the Protestant Reformations on the Western Legal Tradition*, 77-99.

¹¹ Unlike Luther, for whom the only ecclesiastical powers were the authority to preach and teach, Calvin not only acknowledges the magisterial and sacramental powers of the church, but also considers a jurisdictional power (*jurisdictio fori*) with legislative and judicial capability. This jurisdictional dimension is the key to explaining the role played by the Calvinist church viz a viz the State and its differences with respect to other Protestant creeds.

¹² Sadolet's letter is dated 18 March 1539, and titled *Ad senatu populumque genevensium*. Calvin's response was published in Strasbourg in September of that same year. A recent edition of Calvin's letter: (Calvin 1995). An analysis of the controversy can be read in Cadier "Sadolet et Calvin".

¹³ The pastors of Zurich insisted on reminding Calvin of Geneva's strategic importance for the Reformed faith given its location between Germany, France and Italy, (CO 11, 86-188: letter dated 4 April 1541).

¹⁴ The initial draft of the text of the 1541 *Ordonnances ecclésiastiques* can be found in the complete works of the reformer (CO 10, 15-30). This is the edition promulgated by the magistracy and that included additions to Calvin's project that were meant to guarantee the primacy of the civil power in matters of discipline. This edition, altered by the magistracy, can be read in *Calvin, homme d'Église*, 27-46. Similarly:

<http://www.regard.eu.org/Livres.5/Calvin.homme.d.Eglise/00.Table.php> (last access on February 2018). However, the magistracy added an article to Calvin's original project, that insisted on reducing ecclesiastical jurisdiction to preaching the gospel. This article was not included in Calvin's original project and was added in its entirety by the magistrates to the official text (*Ordonnances ecclésiastiques* in *Calvin, homme d'Église*, 45).

¹⁵ See Höpfl, *The Christian Polity of John Calvin*, 115.

¹⁶ Regarding the importance and consequences of the admission of the French into the bourgeoisie, cf. W. Naphy, *Genevan Reformation*, 121 and ff. Regarding the negative image that Genevans had of the French, see Lambert, *Preaching, Praying and Policing*, 495 and ff.

¹⁷ Any man who had been excommunicated could not be a godfather at a baptism. And that involved an enormous difficulty on social relations among families in the 16th century (cf. Lambert, *Preaching, Praying and Policing*, 260-61). Also, the ministers hold extreme social control over the children, to the point that the parents of the newborns had to give biblical names to their children, under threat of excommunication, despite the fact that, previously, autochthonous names, related to the Catholic tradition and the list of saint's feast days, had predominated there. Clearly, this measure could not be pleasing to Genevan citizens, who saw their ancestral onomastic family links disappear as a result of the measures adopted by the pastors. Regarding the problem between the magistracy and the pastors about the imposition of biblical names, cf. Naphy, *Calvin and the Consolidation of the Genevan Reformation*, 144 and ff.

¹⁸ This fact is widely acknowledged by historians: Lambert, *Preaching, Praying and Policing*, 495; Naphy, *Genevan Reformation*, 43; Monter *Calvin's Geneva*, 70.

¹⁹ According to Kingdon, civil interrogation was an *inquisitorial process* based on insistence and the repetition of questions about the case, not on a comparison of the reasonings of the accused and representatives of the community, in the style of the English courts: Kingdon, *Adultery and Divorce in Calvin's Geneva*, 22 and ff.

²⁰ *Édicts passez en Conseil des deux cens, le vendredi neuvième de Février 1560, pour déclaration des précédens, touchant l'élection des Anciens et l'excommunication.* (CO 10, 120-124).

²¹ See Dufour, «Le mythe de Genève au temps de Calvin», 517. Along the same lines, Kingdon, *Geneva and the Consolidation of the French Protestant Movement, 1564-1572*, Chap. 2. A present-day discussion of the Genevan myth can be read in Lambert, *Preaching, Praying and Policing*, 482 and ff.

²² Figgis, *The Divine Right of Kings*.

²³ IRC IV 20, 6-7; IRC IV 20, 9. IRC: *Institution de la religion chrétienne*. The critical English edition of *Calvin's Institutes*, in *John Calvin Collection* has been used. Book, chapter, and paragraph will be cited. The same expressions are used by Luther: the magistrate is called the deputy of God, while his function is described as divine, father of the community, image and figure of Christ's authority, pious jurist: cf. Witte, *Law and Protestantism*, 111 and ff.

²⁴ IRC IV 20, 6.

²⁵ The critical English edition of Battles and Hugo, *Calvin's Commentary on Seneca's De Clementia* in the *John Calvin Collection* has been used. Regarding Seneca: Stacey, *Roman Monarchy and the Renaissance Prince*; Griffin, *Seneca: A Philosopher in Politics*.

²⁶ *Calvin's Commentary on Seneca's De Clementia* I, 1.2, 20.

²⁷ "Therefore, the prince should consider that he has received his administration of the people from the gods, and is sometime to render an account thereof to them" (*Calvin's Commentary on Seneca's De Clementia*, I, 1.4, 28).

²⁸ "As for example, kings, emperors, dynasts, tetrarchs, marquises, satraps; or in our own time, emperors, kings, dukes, barons, counts, viscounts; and among free peoples, consuls, praetors, dictators, censors, and the like" (*Calvin's Commentary on Seneca's De Clementia* I, 4.3 67).

²⁹ See Backus, «Calvin's Concept of Natural and Roman Law». Also, Bohatec, *Calvin und das Recht*, 128-129. Evidently, this is not a novel contribution by Calvin, as the concept of fairness is shared by the entire western legal tradition, although with differences and degrees in its application and interpretation.

³⁰ IRC II, 2, 24 ; IRC II, 3, 5. In this sense, Fuchs defines Calvinist ethics as *biblical ethics*: Fuchs, *La morale selon Calvin*, 113.

³¹ Calvin affirms our incapacity to know and want what is morally good, as expressed by natural

law. Such incapacity is compensated by the biblical mandates that, according to Calvin, should be incorporated into the positive legislation of Christian republics.

³² IRC II, 8, 11.

³³ This insistence is palpable in his *Sermons sur le V livre de Moyse nommé Deutéronome*, some 200 sermons given by Calvin from Wednesday, 20 March 1555 to Wednesday, 15 July 1556, which fill five volumes of his complete works (CO 25-29). Despite being directed toward the Genevan public and not toward scholars, they constitute, in a way, a short theological treatise on legislation according to Jean Carbonnier: Carbonnier, «Droit et théologie chez Calvin». Also, Pitkin “Calvin's Mosaic Harmony: Biblical Exegesis and Early Modern Legal History.”

³⁴ IRC IV, 20, 16.

³⁵ Calvin denied the literal interpretation of the Bible (IRC IV, 20, 14), which does not mean that the Bible cannot be taken as a political document in which to find inspiration. In this sense, Craig analyzes the *Geneva Bible* and the notes in the margins that authors such as Knox, Goodman, and Gilby made on issues such as obedience or the role of women in government, referring to the regimes of Queen Mary Tudor and Elizabeth: Craig, «The Geneva Bible as a Political Document.»

³⁶ «Édit sur la chose publique de la ville» (*Registres du Conseil*, Volume 36, fol. 122; quoted in Chenevière, *La pensée politique de Calvin*, 210, n. 38). Regarding Calvin's influence on the wording and the comparison between his projects and the formulas included in the *Political Ordinances*, see Roget, *Histoire du peuple de Genève*, vol. 2, 64-68,

³⁷ Letter to M. de Falais: October 14, 1543 (CO 11, 628-31) and letter to Mme de Falais: October 14, 1543 (CO 11, 631-32).

³⁸ See his letter to a French dignitary (perhaps Charles de Jonvillers): 18 October 1548 (CO 13, 61-63).

³⁹ IRC IV 20, 2. It is noteworthy that this paragraph, in which Calvin attributes the functions of defender of God and his Church to the magistrate, does not appear in the 1545 IRC, but was added in the 1559 *Institution*, once Calvinian doctrine and the reformer's ecclesiological model were a reality in Geneva.

⁴⁰ Com. 1 Tim. 2, 2 (CO 52, 266-68). Similarly, IRC IV, 20, 4.

⁴¹ Cf. IRC IV, 20, 6 and 10.

⁴² Regarding the Calvinian penal law : Carbonnier, «Le Droit de punir et le sens de la peine chez Calvin», as well as her unpublished work, *Le droit de punir chez Calvin*, *Memoire de Maîtrise*.

⁴³ Author's paper.

⁴⁴ Calvin does not accept that ecclesiastical laws involve the conscience of the faithful or that they have any relation to the Christians salvation in light of *sola fides*. No legislation is admitted other than that which is Scripture based. Penal disciplinary law is not coercive other than in a spiritual sense, and its norms are not universal, in contrast to Catholic penal legislation. However, whereas Luther only acknowledged the power linked to preaching and the administration of sacraments as the Church's authority (a restatement of the power of order, one can hold), Calvin acknowledged as well a judicial and legislative power that recovered part of the jurisdiction formerly granted to civil power in the Lutheran tradition. Author's paper.

⁴⁵ With William of Ockham (*Breviloquium de principatu tyrannico*) and Marsilius of Padua (*Defensor Pacis*), Calvin is also a precursor of the Weberian thesis according to which the monopoly of the legitimate use of physical force belongs to the State: Weber, *The Profession and Vocation of Politics* in *Weber*, 310

⁴⁶ IRC IV, 20, 22.

⁴⁷ Regarding the fifth commandment: IRC II, 8, 36.

⁴⁸ IRC IV, 20, 22.

⁴⁹ IRC IV 20, 23.

⁵⁰ IRC IV, 20, 27, 28 y 29.

⁵¹ IRC IV 20, 29.

⁵² IRC IV, 20, 32.

⁵³ IRC IV, 20, 7. This exegesis is also followed by Theodore Beza: Vaillancourt, «Le recours à la Bible: les versets tyranniques au XVIe siècle».

⁵⁴ IRC IV 20, 31.

⁵⁵ Turchetti, *Tyrannie et tyrannicide de l'Antiquité à nos jours*, 374-417

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- ⁵⁶ Skinner, *The Foundations of Modern Political Thought: The Age of Reformation*, 123 and ff.
- ⁵⁷ A full exposition of this discussion can be found in Onory, *Fonti canonistiche dell'idea moderna dello stato*, 61 and ff.
- ⁵⁸ A similar point of view on Calvin's thesis can be found in McNeill «The Democratic Element in Calvin's Thought». Also, Strohl, «Le droit à la résistance d'après les conceptions protestantes.»
- ⁵⁹ Carlyle, *History of Mediaeval Political Theory in the West*, vol. 6, 266.
- ⁶⁰ The discussion took place in the *Journal of Ecclesiastical History* 32 (1981): Lloyd "Calvin and the Duty of Guardians to Resist," 65-67; Stein, "Calvin and the Duty of Guardians to Resist: A Comment" 69-70; Ullmann, "Calvin and the Duty of Guardians to Resist: A Further Comment" 499-501.
- ⁶¹ See Benert, *Inferior Magistrates in Sixteenth-Century Political and Legal Thought*, 115 and ff.
- ⁶² Calvin studied Roman and possibly canon law in Orléans and Bourges. For an evaluation of this formation, see Monheit, "Guillaume Budé, Andrea Alciato, Pierre De L'Estoile: Renaissance Interpreters of Roman Law; also, *Idem* «Young Calvin, Textual Interpretation and Roman Law».
- ⁶³ See Ullmann, «Calvin and the Duty of Guardians to Resist» 501.
- ⁶⁴ IRC IV 20, 8
- ⁶⁵ The power of the Guise in the French court stemmed from Francis II's marriage to Mary Stuart, niece of the Guise. Through this marriage, the Guise became uncles of the young king and, after his death, lost their influence.
- ⁶⁶ Regarding the conspiracy of Amboise, see Jouanna and Boucher *Histoire et dictionnaire des Guerres de Religion*, 52-69.
- ⁶⁷ See Kingdon, *Geneva and the Coming of the Wars*, 74. Chapter VII is devoted wholly to the Amboise conspiracy. Also, regarding the political role of the Huguenot party, see Daussy, "The Elites and the Politicisation of the French Reformation: The Work of Robert M. Kingdon and the Origins of the Huguenot Party", 37-51.
- ⁶⁸ This is the Sermon on Genesis included in this volume. Regarding its interpretation: Engammare, «Calvin monarchomaque?
- ⁶⁹ In this letter, Calvin was defending himself against accusations that he had in fact supported the conspiracy. I want to thanks to Karin Maag to this comment.
- ⁷⁰ "To the Admiral de Coligny. An Account and Solemn Disavowal of the Conspiracy of Amboise," letter 588, in *John Calvin Collection*.
- ⁷¹ As can be seen in the letter in Latin that Calvin wrote to Beza on 10 September 1560 (CO 18, 177-180, Num. 3243). A complete reconstruction of this correspondence between Calvin and Beza and its context can be read in Dufour, "L'affaire de Maligny."
- ⁷² Later freed, Condé led the Protestant troops in the first religious war of 1562. It is because he was its leader, as a prince of the blood, that Kingdon considers this war to have been accepted by the group of reformed Protestants and accepted without reservation by Calvin (Cf. Kingdon, *Geneva and the Coming of the Wars*, 69). Similarly, Dufour, «Le mythe de Genève au temps de Calvin» 506-507. In the same sense, Turchetti, *Tyrannie et tyrannicide*, 409-15.
- ⁷³ The religious wars lasted thirty-six years (1559-1598), but they worsened after the Saint Bartholomew massacre. Regarding this massacre, see Jouanna, *La Saint-Barthélemy*.