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## Calvin the Lawyer

John Witte, Jr.

### Abstract

*For all of his fame as a theologian and biblical commentator, John Calvin was first and foremost a jurist. Calvin's attention to both theology and law would become a trademark of early Calvinism. Early modern Calvinists believed in law, as a deterrent against sin, an inducement to grace, and a teacher of Christian virtue. It is this legal side of Calvin's Reformation that this chapter probes. It focuses on two main dialects at work in Calvin's thought -- the first balancing liberty and law, the second balancing church and state. These two dialects intersected. For Calvin it was the responsibility of the church and state, separately and together, to protect and promote the law and liberty of Geneva. And, in turn, it was Geneva's commitment to the rule of law and regime of liberty that allowed church and state to separate yet cooperate in the governance of a Christian republic.*

**Keywords:** John Calvin, law, rights, liberties, Geneva, church, state, uses of law, Consistory, religious freedom, sovereignty, jurisdiction, Christian republic, Bible, conscience

### Introduction

For all of his fame as a theologian and biblical commentator, John Calvin was first and foremost a jurist. He studied law in Bourges and Orléans, taking his licentiate (roughly a master's degree) around 1531. He was pursuing advanced studies in law and related humanist subjects in Paris before having to flee the city and abandon his studies.<sup>1</sup> Calvin's first introduction to theology, his 1536 *Institutes of the Christian Religion*, was named after the standard introduction to law in his day, the *Institutes of*

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<sup>1</sup> Josef Bohatec, *Calvin und das Recht* (Graz, 1934); Basil Hall, "John Calvin, the Jurisconsults, and the *Ius Civile*," in *Studies in Church History*, ed. G.J. Cuning (Leiden, 1966), 202-16.

*Justinian*. His first major reforms in Geneva were new laws – the 1541 Ecclesiastical Ordinances, the 1542 Edict of the Lieutenant, and the 1543 Ordinances on Offices and Officers, constitutional laws that together defined the new structure, power, and relations of church and state in Protestant Geneva. He drafted major new ordinances thereafter on marriage, children, social welfare, public morality, education, and other topics – more than 100 new ordinances all told.<sup>2</sup> He left outlines of comprehensive new codes of civil and criminal law and procedure and fragments of new laws on property, inheritance, and commerce.<sup>3</sup> He left dozens of formal legal opinions (*consilia*) that gave crisp answers to specific legal questions and hundreds of private letters that dispensed legal advice and discussed legal topics with leading lawyers.<sup>4</sup> He sat as a judge in thousands of cases that came before the consistory of Geneva during his lifetime.<sup>5</sup> And Calvin dealt with many intricate legal and political questions in his *Institutes*, commentaries, and sermons.

Calvin's attention to both theology and law would become a trademark of early modern Calvinism. Theologians and jurists together formed the leadership of many Reformed communities in the sixteenth to eighteenth centuries. For every new Calvinist catechism there was a new Calvinist code of law, for every fresh confession of faith a new charter of rights. Early modern Calvinists believed in law – as a deterrent against sin, an inducement to grace, a teacher of Christian virtue. Early modern Calvinists also believed in liberty – structuring their churches and states alike to minimize the sins of their rulers and to maximize the liberties of their subjects.

It is this legal side of Calvin's Reformation that I would like to probe a bit in this chapter. I focus on two main dialectics at work in Calvin's thought – the first balancing liberty and law, the second balancing church and state. These two dialectics intersected. For Calvin it was the responsibility of the church and state, separately and together, to protect and promote the law and liberty of Geneva. And, in turn, it was

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<sup>2</sup> See *Les sources du droit du canton de Genève*, ed. Emile Rivoire and Victor van Berchem, 4 vols. (Aarau, 1927-1935), partially translated in John Witte, Jr. and Robert M. Kingdon, *Sex, Marriage, and Family in John Calvin's Geneva*, 3 vols. (Grand Rapids, MI 2005- ) [hereafter SMF].

<sup>3</sup> CO 10/1:125-146.

<sup>4</sup> For *consilia*, see CO 10/1:153-266, translated as *Calvin's Ecclesiastical Advice*, trans. Mary Beaty and Benjamin Farley (Louisville, KY, 1991). For correspondence, see CO 1-9 with partial translations in Jules Bonnet, *Letters of John Calvin*, ed. Jules Bonnet, trans. D. Constable and M.R. Gilchrist, 4 vols. repr. ed. (New York, 1972) and in SMF. See esp. Calvin's many exchanges with Theodore Beza, Germain Colladon, Hugo Donnellus, Guillaume Farel, François Hotman, Carolus Molinaeus, and Pierre Viret on technical legal and political questions.

<sup>5</sup> See *Registres de la compagnie des pasteurs de Genève au temps de Calvin*, ed. Jean-Francois Bergier and Robert M. Kingdon, 2 vols. (Geneva, 1964); *Registres du Consistoire de Genève au Temps de Calvin*, 21 vols., gen. ed. Robert M. Kingdon (Geneva, 1996- ).

Geneva's commitment to the rule of law and regime of liberty that allowed church and state to separate yet cooperate in the governance of a Christian republic.

## Liberties and Rights

We begin with John Calvin the lawyer – more particularly, John Calvin the human rights lawyer. Calvin learned a lot about rights (*iura*) and liberties (*libertates*) from the Roman civil law and the Catholic canon law that he studied as a young French law student in the 1520s.<sup>6</sup> He learned more from the many Lutheran reformation ordinances and legal textbooks that he read as a new convert to the Protestant cause in the early 1530s.<sup>7</sup> It is thus no surprise that Calvin opened his first major theological publication, the 1536 edition of the *Institutes of the Christian Religion*, with a loud Luther-like call for freedom: freedom of conscience, freedom of exercise, freedom of assembly, freedom of worship, freedom of the church, and attendant public, penal, and procedural rights for church members. Calvin's opening dedication of his *Institutes* to King Francis I was, in reality, a cleverly drafted lawyer's brief on behalf of Protestants who were being persecuted by church and state authorities alike.

Only one paragraph after his glowing tribute to this "most mighty, illustrious and glorious" monarch of France, Calvin launched into his legal argument. He cleverly singled out those abuses of Protestants that defied widely-recognized rights and freedoms of his day, particularly criminal procedural rights.<sup>8</sup> Calvin protested the widespread and unchecked instances of "perjury," "lying slanders" "wicked accusations," and the "fury of evil men" that conspired to incite "public hatred" and "open violence" against believers. He protested that "the case" of the Protestants "has been handled with no order of law and with violent heat rather than judicial gravity." He protested various forms of false imprisonment and abuses of prisoners. "Some of us are shackled with irons, some beaten with rods, some led about as laughing stocks, some proscribed, some most savagely tortured, some forced to flee." He protested the many procedural inequities. Protestants are "fraudulently and undeservedly charged with treason and villainy." They are convicted for capital offenses, "without confession or sure testimony." "[B]loody sentences are meted out against this doctrine without a

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<sup>6</sup> On rights in civil law and canon law, see Brian Tierney, *The Idea of Natural Rights: Studies in Natural Rights, Natural Law, and Church Law, 1150-1625* (Grand Rapids, 1997); John Witte, Jr., *The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism* (Cambridge, 2007) [hereafter RR]. For Calvin's exposure to this, see Josef Bohatec, *Budé und Calvin: Studien zur Gedankwelt des französischen Frühhumanismus* (Graz, 1950).

<sup>7</sup> See my *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge: Cambridge University Press, 2002).

<sup>8</sup> On these, see John H. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, France* (Cambridge, Mass., 1974); Adhemar Esmein, *A History of Continental Criminal Procedure with Special Reference to France*, repr. ed. (South Hackensack, NJ, 1968).

hearing." He protested the bias of judges and the partiality of judicial proceedings. "Those who sit in judgment ... pronounce as sentences the prejudices which they have brought from home." He protested the intrusions on the church's freedoms of assembly and speech. "The poor little church has either been wasted with cruel slaughter or banished into exile, or so overwhelmed by threats and fears that it dare not even open its mouth." All these offenses stood diametrically opposed to basic political freedoms recognized at the time both in the Empire and in France. "[A] very great question is at stake," Calvin declared to King Francis: "how God's glory may be kept safe on earth, how God's truth may retain its place of honor, how Christ's kingdom may be kept in good repair among us."<sup>9</sup>

Later on in his same 1536 *Institutes*, Calvin called for the freedom not just of Protestants, but of all peaceable believers, including Catholics, Jews, and Muslims. He denounced the forced baptisms, inquisitions, crusades, and other forms of religious persecution practiced by the medieval church and state.

[W]e ought to strive by whatever means we can, whether by exhortation and teaching or by mercy and gentleness, or by our own prayers to God, that they may turn to a more virtuous life and may return to the society and unity of the church. And not only are excommunicants to be so treated, but also Turks and Saracens, and other enemies of religion. Far be it from us to approve those methods by which many until now have tried to force them to our faith, when they forbid them the use of fire and water and the common elements, when they deny them to all offices of humanity, when they pursue them with sword and arms.<sup>10</sup>

Over the next twenty-five years, Calvin continued to build his case for freedom. His touchstone was the Bible, especially those many passages on freedom, in the letters of St. Paul: "For freedom, Christ has set us free." "You were called to freedom." "Where the Spirit of the Lord is, there is freedom." "For the law of the Spirit of life in Christ has set [you] free from the law of sin and death." "You will know the truth, and the truth will make you free." "You will be free indeed." You all have been given "the law of freedom" in Christ, "the glorious liberty of the children of God."<sup>11</sup>

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<sup>9</sup> *Ioannis Calvini Institutio Religionis Christianae* (Basel, 1536), translated as John Calvin, *Institution of the Christian Religion*, trans. Ford Lewis Battles (Atlanta, 1975), dedicatory epistle [hereafter *Institutes* (1536)].

<sup>10</sup> *Ibid.*, 2.28.

<sup>11</sup> Galatians 5:1, 13; 2 Corinthians 3:17; Romans 8:2; John 8:32, 36; Romans 8:21.

Calvin's lectures, sermons and commentaries on these biblical passages on liberty fill scores of pages of his collected writings. "There is nothing more desirable than liberty," he wrote. Liberty is "an inestimable good," "a singular benefit and treasure that cannot be prized enough," something that is worth "more than half of life." "There is nothing more desirable than liberty." Liberty is "an inestimable good," "a singular benefit and treasure that cannot be prized enough," something that is worth "more than half of life." "How great a benefit liberty is, when God has bestowed it on someone." Calvin emphasized the importance of political suffrage and the franchise in the political community. The "right to vote," he once said, is the "best way to preserve liberty." "Let those whom God has given liberty and the franchise use it." "[T]he reason why tyrannies have come into the world, why people everywhere have lost their liberty ...is that people who had elections abused the privilege." "[T]here is no kind of government more salutary than one in which liberty is properly exercised with becoming moderation and properly constituted on a durable basis."<sup>12</sup>

In his later years, Calvin also began to speak at times about the subjective "rights" (*iura, droits*) of individuals, in addition to their "liberties" or "freedoms" (*libertates, libertés*). Sometimes, he used such general phrases as "the common rights of mankind" (*iura commune hominum*), the "natural rights" (*iura naturali*) of persons, the "rights of a common nature," (*communis naturae iura*), or the "the equal rights and liberties" (*pari iura et libertates*) of all.<sup>13</sup> Usually, he referenced more specific subjective rights. He spoke, for example, about the "rights of Christian liberty," the "rights of citizenship" in the Kingdom of God or in heavenly Jerusalem, and, one of his favorite expressions, the "right of adoption" that Christians enjoy as new sons and daughters of God and brothers and sisters in Christ. He referenced "the right to inhabit," "the right to dwell in," and "the right and privilege to claim the territory" that Yahweh gave to the chosen people of Israel. He mentioned "Paul's rights of Roman citizenship." He spoke frequently, as a student of Roman law would, about property rights: "the right to land," and other property, "the right to enjoy and use what one possesses," the "right to recover" and the "right to have restored" lost or stolen property; the "right to compensation" for work; the right "to sell," "to bequeath," and to "inherit" property, particularly in accordance with the "natural rights of primogeniture." He spoke of the "right to bury" one's parents or relatives. He also spoke frequently of the "marital" or "conjugal" rights of husband and wife, and the "sacred," "natural," and "common" "rights" of parents over their children – in particular, the "right" and "authority" of a father to "name his child," "to raise the child," and to set the child up in marriage. He spoke in passing about the "sacred right of hospitality" of the sojourner, the "right of asylum" or of "sanctuary" for those in flight, the "right of redemption" during the year of Jubilee, and

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<sup>12</sup> *Institutes* (1559), 3.19.1-8, 14; Serm. Gen. 39:11; Serm. 1 Sam. 8, 17; Comm. Harm. Law Deut. 15:1-11; 17:14-18; 24:7; Serm. Deut. 16:18-19; 18:14-18; *Institutes* (1543), 20.7.

<sup>13</sup> Comm. Gen. 4:13; Comm. Harm. Law Num. 3:5-10, 18-22, Deut. 5:19; Comm. Ps. 7:6-8; Lect. Jer. 22:1-3, 22:13-14; Lect. Ezek. 8:17; Comm. I Cor. 7:37.

the “natural rights” and “just rights” of the poor, the needy, the orphans, and the widows.<sup>14</sup> Rights talk became increasingly common currency in Calvin’s Geneva -- and even more so in early modern Calvinist communities thereafter. It is telling anecdote that by 1640, Calvinists had defined, defended, and died for every one of the rights that would ultimately appear in the American Bill of Rights of 1791.

### **Laws and the Limits of Liberty**

But Calvinist rights talk was never divorced from duties talk. The whole point of having rights and liberties, Calvin insisted, was to enable a person to discharge the duties and responsibilities of the faith. As Calvin put it: “We obtain liberty in order that we may more promptly and more readily obey God in all things” spiritual and temporal.<sup>15</sup> Freedoms and commandments, rights and duties belong together in Calvin’s formulation, balancing and bolstering each other. Subjective rights claims must always be grounded in an objective right order.

Calvin spent a great deal of time defining this right order. Sometimes he described this as a natural order, an order of nature, or an order of creation. Sometimes he used more anthropological language: our human conscience, the inner voice, our natural sense of right and wrong. More often, he described it as a divine, spiritual, moral, or natural law. What he basically meant, by this unsystematized gaggle of terms, is that set of norms that transcend and legitimize the positive laws of human authorities. God, he believed, has written this natural law on the hearts and consciences of all persons, rewritten it in the pages of Scripture, and summarized it in the Decalogue or Ten Commandments.

Calvin and his followers often used the Decalogue to define the natural rights of each person. The First Table of the Decalogue, Calvin said, prescribes natural duties that each person owes to God – the duty to honor God and God’s name, to observe the Sabbath day of rest and holy worship, to avoid false gods and false swearing. The Second Table prescribes natural duties that each person owes to neighbors -- to honor one’s parents and other authorities, not to kill, not to commit adultery, not to steal, not to bear false witness, not to covet. Each person’s natural duties toward God in the First Table can be recast as that person’s natural religious rights: the right to honor God and God’s name, the right to rest and worship on one’s Sabbath, the right to be free from false gods and false oaths. Religious rights, said Calvin, are “inherent human rights,” “part of our human nature,” which church, state, and neighbor alike must respect. Our religious rights are also extensions of God’s divine rights: the “eternal right of God

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<sup>14</sup> For detailed citations to these terms in Calvin’s writings, see RR, 57-58 and my *God’s Joust, God’s Justice: Law and Religion in the Western Tradition* (Grand Rapids, MI, 2006), 31-48.

<sup>15</sup> Comm. I Peter 2:16; *Institutes* (1559), 3.17.1-2; 3.19.14-16; 4.10.5.

himself, to be properly worshipped and glorified," as Calvin put it.<sup>16</sup> Each person's natural duties towards a neighbor in the Second Table, in turn, can be cast as a neighbor's natural rights to have those duties discharged. One person's duties not to kill, to commit adultery, to steal, or to bear false witness thus gives rise to another person's rights to life, property, fidelity, or reputation. Calvin hinted strongly in this direction in his many writings on the Decalogue. His followers spun out elaborate Decalogue-based theories of rights with this basic argument -- beginning with Christopher Goodman and Theodore Beza in the 1550s and 1560s.<sup>17</sup>

For Calvin, the Decalogue and other natural law formulae proved useful not only to define and ground each person's natural rights and liberties. They also proved useful to delimit and direct these rights and liberties to the loving service of God, neighbor, and self. Calvin, in fact, developed an innovative theory of what he called "the uses" of the natural or moral law for individuals and communities. He had introduced this uses of the law theory already in his 1536 *Institutes*,<sup>18</sup> but he expanded it greatly in his later writings, especially as he wrestled with the many provisions of the Torah, and the treatment of the law in Paul's letters to the Romans and Galatians. The "uses of the law" theory addresses the question what the law of God is really good for in this new dispensation of grace. Law is no longer a pathway of salvation; after Christ salvation comes only through faith in God's grace. Should the law be discarded by Christians as useless? No, said Calvin. The law of God remains useful in governing our individual and collective lives and guiding the exercise and enjoyment of our liberties. Calvin distinguished three such uses.

First, God uses the moral law civilly -- to restrain the sinfulness of non-believers, those who have not accepted his grace. "[T]he law is like a halter," Calvin wrote, "to check the raging and otherwise limitlessly ranging lusts of the flesh.... Hindered by fright or shame, sinners dare neither execute what they have conceived in their minds, nor openly breathe forth the rage of their lust." The moral law imposes upon them a "constrained and forced righteousness" or a "civil righteousness." Though their consciences are "untouched by any care for what is just and right," the very threat of divine punishment compels sinners to obey the basic duties of the moral law -- to fear God, to rest on the Sabbath, to avoid blasphemy, idolatry, and profanity, to obey authorities, to respect their neighbor's person, property, and relationships, to remain sexually continent, to speak truthfully of themselves and their neighbors.<sup>19</sup>

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<sup>16</sup> Lect. Dan. 6:22; Serm. 2 Sam. 1:1-4.

<sup>17</sup> See RR, 121-41.

<sup>18</sup> *Institutes* (1536), 1.33; see also *Calvin's Commentary on Seneca's De Clementia*, trans. Ford Lewis Battles and A.M. Hugo (Leiden: E.J. Brill, 1969), 1.2.2 (Latin text, 24-25, Battles and Hugo trans., 73-77); 1.22.1 (Latin text, 124-126, Battles and Hugo trans., 301-307).

<sup>19</sup> *Institutes* (1559), 2.7.10; 2.8.6-10; 4.20.3.

God coerces sinful consciences to adopt such "civil righteousness" in order to preserve a measure of order and liberty in the sin-ridden earthly kingdom. "Unless there is some restraint, the condition of wild beasts would be better and more desirable than ours," Calvin wrote. Persons need the God-given constraints of conscience in order to survive in "a public community." "Liberty would always bring ruin with it, if it were not bridled by the moderation" born of the moral law. And again: "We can be truly and genuinely happy not only when liberty is granted to us, but also when God prescribes a certain rule and arranges for a certain public order among us so that there may be no confusion."<sup>20</sup>

Second, God uses the moral law theologically -- to condemn all persons in their conscience and to compel them to seek his liberating grace. By setting forth a model of perfect righteousness, the moral law "warns, informs, convicts, and lastly condemns every man of his own unrighteousness." The moral law thereby punctures his vanity, diminishes his pride, and drives him to despair. Such despair, Calvin believed, is a necessary precondition for the sinner to seek God's help and to have faith in God's grace. "[I]t is as if someone's face were all marked up so that everybody who saw him might laugh at him. Yet he himself is completely unaware of his condition. But if they bring him a mirror, he will be ashamed of himself, and will hide and wash himself when he sees how filthy he is." The moral law is that mirror. It drives persons to seek the cleansing "spiritual liberty" that is available to them through faith in God's grace -- the liberty of conscience from the condemnation of the moral law.<sup>21</sup>

Third, God uses the moral law educationally -- to teach believers, those who have accepted his grace, the means and measures of sanctification. "We are not our own," Calvin wrote, quoting St. Paul. "[T]he faithful are not given liberty to do whatever seems good to them and that each one follow his own appetite." Even the most devout saints, though free from the condemnation of the moral law, still need to follow the commandments "to learn more thoroughly ... the Lord's will [and] to be aroused to obedience." The law teaches them not only the "civil righteousness" that is common to all persons, but also the "spiritual righteousness" that is becoming of sanctified Christians. As a teacher, the law not only coerces them against violence and violation, but also cultivates in them charity and love. It not only punishes harmful acts of murder, theft, and fornication, but also prohibits evil thoughts of hatred, covetousness, and lust. Such habits of "spiritual righteousness" are to imbue all aspects of the life of the believer -- spiritual and temporal, ecclesiastical and political, private and public. Calvin stressed that Christians must take their faith and conscience directly into public life as "ambassadors and stewards of the treasure of salvation, of the covenant of God, ... of

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<sup>20</sup> Lect. Jer. 30:9; *Institutes* (1559), 2.7.10

<sup>21</sup> *Institutes* (1559), 2.7.6-9; 3.19.3-6; Comm. Gal. 5:13; Comm. Gal. 3:19; Serm. Deut. 5:23-27.



the secrets of God." By so doing, they not only allow God's glory and image, but they also induce its sinful citizens to seek God's grace.<sup>22</sup>

The natural or moral law, as Calvin described it, thus provides two tracks of moral norms – “civil norms” which are common to all persons, and “spiritual norms” which are distinctly Christian. These norms, in turn, give rise to two tracks of morality -- a simple morality of duty demanded of all persons regardless of their faith, and a higher morality of aspiration demanded of believers in order to reflect their faith. This two-track system of morality corresponded roughly to the proper division of jurisdiction between church and state, as Calvin saw it. It was the state's responsibility to enforce mandatory civil norms, to help achieve at minimum the civil use of the law. It was the church's responsibility to teach aspirational spiritual norms, to help achieve all three uses of the law.

### **Law, Liberty, and the State**

Calvin based this division of legal labor on an innovative theory of church and state. Both the church and the state are separate legal entities, Calvin argued. Each institution has its own forms of organization and order, its own norms of discipline and rule. Each must issue positive human laws on the basis of God's natural law and in extension and application of these enduring moral norms. Each must play a distinctive role in the enforcement of Godly government and discipline in the community, and in the achievement of the "uses" of God's law. Each provides "external means or aids through which God invites us into communion with Christ, and keeps us there."<sup>23</sup>

Calvin described the political rulers and laws of the earthly kingdom in largely general and homiletic terms following Protestant conventions of his day. God has appointed political rulers to be his "vice-regents," "vicars," and "ministers" in the earthly kingdom. Indeed, wrote Calvin citing Psalm 82:6, "those who serve as magistrates are called 'gods'." They are vested with God's authority and majesty. They are "called" to an office that is "not only holy and lawful before God, but also the most sacred and by far the most honorable of all callings in the whole life of mortal men." They are commanded to embrace and exemplify clemency, integrity, honesty, mercy, humanity, humility, grace, innocence, continence, and a host of other Godly virtues.<sup>24</sup>

Political rulers must govern the earthly kingdom by written positive laws, not by personal fiat. Their laws must encompass the biblical principles of love of God and neighbor, but they must not embrace biblical laws per se. Instead, "equity alone must

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<sup>22</sup> Serm. Deut. 5:4-7, 22; *Institutes* (1559), 2.7.12; 2.8.6; 2.8.51; 3.3.9; 3.6.1; 3.17.5-6; Comm. I Peter 1:14.

<sup>23</sup> *Institutes* (1559), subtitle of book 4.

<sup>24</sup> *Ibid.* 6.33-35; 6.39; Geneva Catechism (1536), item 21 on "Magistrates."

be the goal and rule and limit of all laws," a term which Calvin used both in the classic Aristotelian sense of correcting defects in individual rules if they work injustice in a particular case, and in his own sense of adjusting each legal system to the changing circumstances and needs of the local community. Through such written, equitable laws, political rulers must serve to promote peace and order in the earthly kingdom, to punish crime and civil wrongdoing, to protect persons in their lives and properties, "to ensure that men may carry on blameless intercourse among themselves" in the spirit of "civil righteousness."<sup>25</sup>

Calvin was more innovative in arguing that the structure of political governments must be "self-limiting" so that "rulers are check-mated by their own officers" and offices. Such inherent political restraints rarely exist in a monarchy, Calvin believed, for monarchs, too, often lack self-discipline and self-control, and betray too little appetite for justice, prudence, and Christian virtue. "If one could uncover the hearts of monarchs," Calvin wrote late in his life, "he would hardly find one in a hundred who does not likewise despise everything divine." Thus, "it is safer and more tolerable that government be in the hands of a number of persons who help each other," such as prevails in an aristocracy, or even better in "a [mixed] system comprised of aristocracy, tempered by democracy." What Calvin had in mind was rule by the "best characters," by the spiritual and moral elite, who were elected to their offices by the people. Mere division of political authority, however, was an insufficient safeguard against political tyranny. Calvin thus encouraged all magistrates to govern through local agencies, to adhere to precedent and written rules, to divide their power among various self-checking branches and officials, to stand periodically for elections, to hold regular popular meetings in order to give account of themselves and to give air to popular concerns.<sup>26</sup>

The purpose of political government and law is, in essence, to help God achieve the civil use of the moral law -- to cultivate civil restraint and civil righteousness in all persons, if necessary through the coercive power of the sword. Calvin described this function in various ways. Magistrates are "ordained protectors and vindicators of public innocence, modesty, decency, and tranquility; their sole endeavor should be to provide for the common safety and peace of all." Magistrates have as their "appointed end" "to adjust our life to the society of men, to form our social behavior to civil righteousness, to reconcile us one with another, and to promote general peace and tranquility."<sup>27</sup> Calvin made clear that the magistrate's cultivation of the civil use of the law was inherently limited.

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<sup>25</sup> *Institutes* (1536), 1.33; 6.36-37; 6.48-49; *Institutes* (1559), 4.20.

<sup>26</sup> Serm. 2 Sam. 1-4; Serm. Job 10:16-17; 19:26-29; 34:138; Serm. Deut. 17:16-20; 18:14-18; *Institutes* (1559), 4.20.9-11, 31; Comm. Rom. 13:1-10.

<sup>27</sup> *Institutes* (1559), 4.20.2, 9.

It is true that when magistrates create laws, their manner is different from God's. But then their purpose has to do only with the way we govern ourselves with respect to the external civil order to the end that no one might be violated and each might have his rights [protected] and have peace and concord among men. That is their intention when they create laws. And why? [Because] they are mortal men; they cannot reform inner and hidden affections. That belongs to God.<sup>28</sup>

The best means for the magistrate to help cultivate the civil use of the moral law, said Calvin, is through direct enforcement of the provisions and principles of the Decalogue. The magistrate is the "custodian of both tables" of the Decalogue, said Calvin.<sup>29</sup> He is responsible to govern both the relationships between persons and God, based on the First Table of the Decalogue, and the multiple relationships among persons, based on the Second Table. Thus the magistrate is to promulgate laws against Sabbath-breaking, blasphemy, heresy, "idolatry, sacrilege against God's name, against his truth, and other public offenses against religion" that violate the principles of the First Table. He is "to defend the worship of God, and to execute vengeance upon those who profanely despise it, and on those who endeavor ... to adulterate the true doctrine by their errors." The magistrate is also to promulgate laws against homicide, theft, adultery, perjury, inchoate crimes, and other forms of immorality that violate the principles of the Second Table. By so doing, the magistrate coerces all persons, regardless of their faith, to respect and maintain the "civil righteousness" or "public morality" dictated by God's moral law.<sup>30</sup>

Calvin was convinced that, through this exercise of Godly moral authority, the state magistrate enhances the ambit of liberty. By teaching each person the rudiments of Christian morality, even if by force, the magistrate enables those who later accept Christ to be "partially broken in, ... not utterly untutored and uninitiated in Christian discipline" and discipleship. By upholding minimal standards of Christian morality, the magistrate protects the "public manifestation of religion" and provides a public and peaceful space for Christianity and the church to flourish. By purging the community of overt heretics, idolaters, and blasphemers, the magistrate protects the Godly character of the community and the sanctity of the Church and its members. Individual Christians and the church as a whole thus enjoy greater freedom to exercise the Christian faith.<sup>31</sup>

Calvin did not enhance the magistrate's civil jurisdiction over religious and moral matters without establishing safeguards. First, magistrates were not "to make laws ...

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<sup>28</sup> Serm. Deut. 5:17.

<sup>29</sup> *Institutes*, 4.20.9. See also *ibid.*, 2.8.11-12; *Comm. Harm. Law Deut.* 10:12-13, Deut. 6:5, 19:18.

<sup>30</sup> *Institutes* (1559), 4.20.3; *Lect. Dan.* 4:1-3.

<sup>31</sup> *Institutes* (1559), 2.8.10; 4.20.3.

concerning religion and the worship of God."<sup>32</sup> They were only to enforce God's law on religion and worship, especially as it was set forth in the First Table of the Decalogue and interpreted by the church authorities.

Second, Christian subjects were to resist magistrates who prescribed religious and moral duties that directly contravened the First Table of the Decalogue. "Earthly princes lay aside all their power when they rise up against God," Calvin wrote. "We ought rather to spit on their heads than to obey them when they are so restive and wish to rob God of his rights."<sup>33</sup> To be sure, said Calvin,

we must obey our princes who are set over us. Even though they torture us bodily and use tyranny and cruelty toward us, it is necessary to bear all this, as St. Paul says. But when they rise against God they must be put down, and held of no more account than worn-out shoes.... When princes forbid the service and worship of God, when they command their subjects to pollute themselves with idolatry and want them to consent to and participate in all the abominations that are contrary to the service of God, they are not worthy to be regarded as princes or have to any authority attributed to them. And why? Because there is only one foundation of all the power of princes -- that God has set them in their places. When they wish to tear God from his throne, can they be respected?<sup>34</sup>

"While we are commanded to be obedient to our superiors," Calvin continued, "the exception still remains that this must not detract from any of those prerogatives which belong to God, which have already been treated in the First Table. For we know that the service by which God is worshipped must precede everything else." For a Christian in good conscience "to resist tyrannical edicts and commandments which forbid us to give due honor to Christ and due worship to God" is not to be "rebellious against kings, for they be not so exalted, that they may go about like giants to pull God out of his seat and throne."<sup>35</sup>

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<sup>32</sup> Ibid., 4.20.3.

<sup>33</sup> Lect. Dan. 6:22. See also discussion of the "rights of God" to have the duties of the First Table discharged in Comm. Harm. Law Ex. 1:15-22, 10:21-29, 12:4-14, 20:1-6, 23:13, 20-23, 25-31, 28:1-43, 33:1-23; Numb. 31:1-54; Deut. 5:8-10, 13:12-17, 17:12-13, 21:23, 23:9-14.

<sup>34</sup> Lect. Dan. 6:22.

<sup>35</sup> Comm. Harm. Law Deut. 5:16; Comm. Acts 5:29, 17:7; Serm. 1 Sam. 26:22-25. For other texts and context, see RR, 48-55, 114-17.

Third, magistrates were not to trespass or abridge the God-given rights and liberties of their subjects. To the contrary, said Calvin, “God empowered the magistrate to protect the rights of everyone” and called him to “pass uniform and consistent laws” to ensure that “no one suffered violations of his persons or property.” It was “nefarious perfidy,” Calvin repeated in his 1559 *Institutes* for magistrates “to violently fall upon and assault the lowly common folk” and “dishonestly betray the freedom of the people, of which they know that they have been appointed protectors by God’s ordinance.”<sup>36</sup>

Fourth, magistrates were not to enforce God’s laws indiscriminately. “We must not always reckon as contentious the man who does not acquiesce in our decisions, or who ventures to contradict us,” said Calvin. “We must exercise moderation; so as not instantly to declare every man to be a ‘heretic’ who does not agree with our opinion. There are some matters on which Christians may differ from each other, without being divided into sects.”<sup>37</sup>

Finally, magistrates were always to enforce God’s laws equitably. They must seek to adjust their punishments to the capacities of each subject and the dangers of that person’s crime. “All teachers have ... a rule here which they are to follow ... modestly and kindly to accommodate themselves to the capacities of the ignorant and the unlearned.”<sup>38</sup>

This is what he [Isaiah] means by the metaphor of the bruised reed, that he does not wish to break off and altogether crush these who are half-broken, but, on the contrary, to lift up and support them, so as to maintain and strengthen all that is good in them. We must neither crush the minds of the weak by excessive severity, nor encourage by our smooth language anything that is evil. But those who boldly and obstinately resist ... must be broken and crushed.<sup>39</sup>

### **Law, Liberty, and the Church**

While God has vested in the state the coercive power of the sword, Calvin argued, God has vested in the church the spiritual power of the Word. God calls the members of the church to be his priests and prophets -- to preach the Gospel, to administer the sacraments, to teach the young, to gather the saints, to care for the

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<sup>36</sup> Serm. Deut. 25:1-4; Calvin, *Inst.* (1559), 4.20.31; Serm. I Sam. 8:11-22.

<sup>37</sup> Serm. 1 Cor. 11:6; Comm. Titus 3:10.

<sup>38</sup> Comm. Rom. 1:14.

<sup>39</sup> Lect. Isa. 42:3. One person whom Calvin did “crush” was Michael Servetus. See detailed sources and discussion of this infamous episode in RR, 67-70, 89-102.

needy, to communicate God's Word and will throughout the world. The church is to be a beacon of light and truth, a bastion of ministry and mission. Just as pious Christians must take their faith into the world to reflect God's image and glory, so the church must take its ministry into the world to project God's message and majesty for all persons to behold.<sup>40</sup>

God has established his church with a distinct and independent polity, Calvin argued. The church's responsibilities must be divided among multiple offices and officers. Ministers are to preach the word and administer the sacraments. Doctors are to catechize the young and to educate the parishioners. Elders are to maintain discipline and order and adjudicate disputes. Deacons are to control church finances and to coordinate the church's care for the poor and needy. Each of these church officials, Calvin believed, is to be elected to his office by fellow communicant members of the congregation. Each is subject to the limitation of his own office, and the supervision of his fellow officers. Each is to participate in periodic congregational meetings that allow members to assess their performance and to debate matters of doctrine and discipline.<sup>41</sup>

God has vested in this church polity three forms of legal power (*potestas*), said Calvin. First, the church holds *doctrinal power*, the "authority to lay down articles of faith, and the authority to explain them." Included herein is the power to set forth its own confessions, creeds, catechisms, and other authoritative distillations of the Christian faith, and to expound them freely from the pulpit and the lectern. Second, the church holds *legislative power*, the power to promulgate for itself "a well-ordered constitution" that ensures (1) "proper order and organization," "safety and security" in the church's administration of its affairs; and (2) "proper decency" and "becoming dignity" in the church's worship, liturgy, and ritual. "When churches are deprived of ... the laws that conduce to these things," said Calvin, "their very sinews disintegrate, and they are wholly deformed and scattered. Paul's injunction that 'all things must be done decently and in good order' can be met only if order itself and decorum are established through the addition of observances that form a bond of union." Third, and "most importantly," said Calvin, the church has *jurisdictional power*, the power to enforce laws that help to maintain discipline and to prevent scandal among its members.<sup>42</sup>

The church's jurisdiction, which is rooted in the power of the keys, must remain "wholly spiritual" in character, Calvin insisted. Its disciplinary rules must be "founded upon God's authority, drawn from Scripture, and, therefore, wholly divine." Its sanctions must be limited to admonition, instruction, and, in severe cases, the ban and excommunication -- with civil and criminal penalties left for the magistrate to consider

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<sup>40</sup> *Institutes* (1559), 4.1.1-17; Serm. Deut. 5:22.

<sup>41</sup> *Ibid.*, 4.3; Ecclesiastical Ordinances (1541), in CO 10/1:15-30.

<sup>42</sup> *Institutes* (1559), 4.1.5; 4.8.1; 4.10.27-38; 4.11.1; see further *De Scandalis*, in CO 8:1-84.

and deliver. Its administration must always be "moderate and mild," and left "not to the decision of one man but to a lawful assembly" -- ideally a consistory court, with proper procedures and proper deference to the rule of law.<sup>43</sup>

The consistory was a unique institution created by Calvin, and it would become one of the signature institutions of early modern Calvinism. In Calvin's Geneva, the consistory was a hybrid of church-state authority. It was made up of two dozen men who sat on two benches. On one bench sat all the ordained pastors of the city, headed by Calvin as their moderator. On the other sat twelve elected lay commissioners called "elders." The consistory met once a week in sessions that before long stretched out for several hours. The consistory participated in the enforcement of the city's laws governing spiritual and civil life. Fully two thirds of the consistory case load in Calvin's day dealt with issues of sex, marriage and family. Fornication and adultery, disputed engagements, family quarrels and domestic abuse were the most common issues.

Cases came before the consistory in a variety of ways. Sometimes they came on the initiative of an individual who sought relief. A jilted fiancée who wanted to have her engagement contract enforced or her dowry returned. A man who claimed his wife was cheating on him and wanted a divorce. A woman who limped into court with blackened eyes and broken teeth asking for protection from her abusive husband. A child whose parents threatened to disinherit him unless he married a woman he did not want. A poor person who was felt unjustly banned from the local hospital and wanted a bed. A businessman who felt his partner had embezzled his funds. A renter whose landlord refused to fix the window. In these cases, which numbered in the hundreds each year, the consistory acted as a mediator, seeking to resolve the dispute amicably among the parties, and referring suspected criminal activity like battery, adultery, and embezzlement to the city council for criminal investigation and possible prosecution.

Other cases began on the initiative of a government official. Sometimes they alerted the consistory to a serious need like poverty, sickness, unemployment, loneliness, neglect, or some comparable need that the consistory could address. More often, the complaint was about some moral irregularity – non-attendance or disruptiveness at worship services, failure to pay tithes, suspicion of polygamy, concubinage, or prostitution, public drunkenness, mixed public bathing, or non-marital cohabitation, wild or blasphemous songs, obscene speech, plays, or publications, a raucous party or wedding featuring dancing and debauchery. Occasionally more serious offenses like rape, battery, sodomy, kidnapping, mayhem, torture, or homicide were also reported, though most of these cases went directly to the city council. In all of these cases, the consistory served more as a grand jury and preliminary hearings court. The consistory had wide subpoena to summon and investigate parties, witnesses, and

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<sup>43</sup> Ibid., 4.10.5, 30; 4.11.1-6; 4.12.1-4, 8-11; CO 10/1:207-208, 210-211.

documents. Complicated cases could go on intermittently for months, sometimes a year or two. The consistory would compile a detailed record and then reach a decision. Roughly half the cases each year were disposed of by use of spiritual sanctions alone - a private confession followed by a "remonstrance," a public confession or reparation before the congregation, a temporary ban from communion to induce remorse and confession. Here the Consistory resolved to achieve the theological and educational uses of the law. If the Consistory found an individual to be guilty of particularly offensive behavior, or unduly recalcitrant or resistant to remorse, confession, and reparation, they would send that person to the Council for criminal punishment or civil redress. Here the consistory resolved to achieve at least the civil use of the law. In many of these cases, particularly the complicated ones, Calvin's legal skills shone through. His advice usually carried the consistory, and he was usually tapped to issue the remonstrances, to draft the complex orders, to write consilia for further guidance, or to report on serious legal cases to the city council.

Despite their cooperation, through the consistory, in achieving these uses of the law, Calvin insisted on a basic separation of church and state, even quoting Ephesians 2:14 to call for a "wall of separation" between the two. "There is a great difference and unlikeness between the ecclesiastical and civil power" of the church and state, said Calvin. "A distinction should always be observed between these two clearly distinct areas of responsibility, the civil and the ecclesiastical." The church has no authority to punish crime, to remedy civil wrongs, to collect taxes, to make war, or to meddle in the internal affairs of the state. The state, in turn, has no authority to preach the Word, to administer the sacraments, to enforce spiritual discipline, to collect tithes, to interfere with church property, to appoint or remove clergy, to obstruct bans or excommunications, or to meddle in the internal affairs of a congregation. When church officials operate as members of civil society, they must submit to the civil and criminal law of the state; they cannot claim civil immunities, tax exemptions, or privileges of forum. When state officials operate as members of the church, they must submit to the constitution and discipline of the church: they cannot insist on royal prerogatives or sovereign immunities. To permit any such interference or immunity between church and state, said Calvin, would "unwisely mingle these two [institutions] which have a completely different nature."<sup>44</sup>

Calvin's principle of separation of church and state bore little resemblance, however, to modern American understandings of "a high and impregnable wall between church and state."<sup>45</sup> Despite his early flirtations with the radical political implications of Luther's two kingdoms theory, Calvin ultimately did not contemplate a "secular society" with a plurality of absolutely separated religious and political officials within them. Nor

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<sup>44</sup> Institutes (1559), 3.19.15; 4.11.3-16; 4.20.1-4; Consilia, CO 10/1:215-217, 223-224; Ecclesiastical Ordinances (1541), CO 10/1:15-30.

<sup>45</sup> *Everson v. Bd. of Education*, 330 U.S. 1, 16 (1947).



did he contemplate a neutral state, which showed no preference among competing concepts of the spiritual and moral good. For Calvin, each community is to be a unitary Christian society, a miniature *corpus Christianum* under God's sovereignty and law. Within this unitary society, the church and the state stand as coordinate powers. Both are ordained by God to help achieve a godly order and discipline in the community, a successful realization of all three uses of the moral law. Such conjoined responsibilities inevitably require church and state, clergy and magistracy to aid and accommodate each other on a variety of levels. These institutions and officials, said Calvin, "are not contraries, like water and fire, but things conjoined." "[T]he spiritual polity, though distinct from the civil polity does not hinder or threaten it but rather greatly helps and furthers it." In turn, "the civil government has as its appointed end ... to cherish and protect the outward worship of God, to defend sound doctrine of piety and the position of the church ... and a public manifestation of religion."<sup>46</sup>

### Summary and Conclusions

Let's step back now to survey briefly what enduring legal and theological contributions Calvin made to the Western tradition of law, politics, and society. Calvin's theory of Christian liberty provided the cornerstone for the constitutional protections of liberty of conscience and free exercise of religion advocated by later Protestants in France, the Netherlands, England, Scotland, and America. His theory of moral laws and duties inspired a whole range of later Calvinist natural law and natural rights theories. His references to "the common rights of mankind," "the rights of our common human nature," and "the equal rights and liberties" of all provided normative traction for the later development of a robust Calvinist theory and law of public, private, penal, and procedural rights for all peaceable persons. His theory of coequal and cooperative clerics and magistrates provided a strong foundation for later constitutional protections of both separation and accommodation of church and state. His theory of the moral responsibilities of both church and state to the community lay at the heart of later theories of social pluralism and civic republicanism.

One of Calvin's most original and lasting contributions to the Western rights tradition lay in his restructuring of the liberty and order of the church. Calvin combined ingeniously within his ecclesiology the principles of rule of law, democracy, and liberty.

First, Calvin urged respect for the rule of law within the church. He devised laws that defined the church's doctrines and disciplinary standards, the rights and duties of their officers and parishioners, the procedures for legislation and adjudication. The church was thereby protected from the intrusions of state law and the sinful vicissitudes of their members. Church officials were limited in their discretion. Parishioners

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<sup>46</sup> Serm. 1 Sam. 11:6-10; *Institutes* (1559), 4.11.1; 4.20.2-3.

understood their duties. When new rules were issued, they were discussed, promulgated, and well known. Issues that were ripe for review were resolved by proper tribunals. Parties that had cases to be heard exhausted their remedies at church law. Disgruntled individuals and families that departed from the church left their private pews and personal properties behind them. Dissenting congregations that seceded from the fold left their properties in the hands of the corporate body. To be sure, this principle of the rule of law within the church was an ideal that too often was breached, in Calvin's day and in succeeding generations. Yet this principle helped to guarantee order, organization, and orthodoxy within the Reformed church.

Second, Calvin urged respect for the democratic process within the church. Pastors, elders, teachers, and deacons were to be elected to their offices by communicant members of the congregation. Congregations periodically held collective meetings to assess the performance of their church officers, to discuss new initiatives within their bodies, to debate controversies that had arisen. Delegates to church synods and councils were to be elected by their peers. Council meetings were to be open to the public and to give standing to parishioners to press their claims. Implicit in this democratic process was a willingness to entertain changes in doctrine, liturgy, and polity, to accommodate new visions and insights, to spurn ideas and institutions whose utility and veracity were no longer tenable. To be sure, this principle did not always insulate the church from a belligerent dogmatism in Calvin's day or in the generations to follow. Yet this principle helped to guarantee constant reflection, renewal, and reform within the church – *semper reformanda ecclesiae*, a church dedicated to perpetual reformation.

Third, Calvin urged respect for liberty within the church. Christian believers were to be free to enter and leave the church, free to partake of the church's offices and services without fear of bodily coercion and persecution, free to assemble, worship, pray, and partake of the sacraments without fear of political reprisal, free to elect their ministers, elders, deacons, and teachers, free to debate and deliberate matters of faith and discipline, free to pursue discretionary matters of faith, the adiaphora, without undue laws and structures. To be sure, this principle, too, was an ideal that Calvin and his followers compromised, particularly in their sometimes undue empowerment of the consistory and their brutality toward persistent dissenters like Michael Servetus. Yet this principle helped to guarantee constant action, adherence, and agitation for reform by individual members of the church.

It was Calvin's genius to integrate these three cardinal principles into a new ecclesiology. Democratic processes prevented the rule-of-law principle from promoting an ossified and outmoded orthodoxy. The rule of law prevented the democratic principle from promoting a faith swayed by fleeting fashions and public opinions. Individual liberty kept both corporate rule and democratic principles from tyrannizing ecclesiastical minorities. Together, these principles allowed the church to strike a unique perpetual balance between law and liberty, structure and spirit, order and innovation, dogma and adiaphora. And together they helped to render the pluriform

Calvinist church remarkably resilient over the centuries in numerous countries and cultures.

This integrated theory of the church had obvious implications for the theory of the state. Calvin hinted broadly in his writings that a similar combination of rule of law, democratic process, and individual liberty might serve the state equally well. What Calvin adumbrated, his followers elaborated. In the course of the next two centuries, European and American Calvinists wove Calvin's core insights into the nature of corporate rule into a robust constitutional theory of republican government, which rested on the pillars of rule of law, democratic processes, and individual liberty.

A second major contribution that Calvin and his followers made to the Western tradition was their healthy respect for human sinfulness, and the need to protect institutions of authority from becoming abusive. Calvinists worked particularly hard to ensure that the powerful offices of church and state were not converted into instruments of self-gain and self-promotion. They emphasized the need for popular election of ministers and magistrates, limited tenures and rotations of ecclesiastical and political office, separation of church and state, separation of powers within church and state, checks and balances between and amongst each of these powers, federalist layers of authority with shared and severable sovereignty, open meetings in congregations and towns, codified canons and laws, transparent proceedings and records within consistories, courts, and councils. And, if none of these constitutional safeguards worked, later Calvinists called for resistance, revolt, and even regicide against tyrants. Calvinists were in the vanguard of the great democratic revolutions of France, Holland, England, and America fought in the later sixteenth to later eighteenth centuries.

A third and final major contribution that Calvinists made to the Western tradition was their integrative theory of rights. Early modern Calvinists insisted that freedoms and commandments, rights and duties belong together. To speak of one without the other is ultimately destructive. Rights without duties to guide them quickly become claims of self-indulgence. Duties without rights to exercise them quickly become sources of deep guilt.

Early modern Calvinists further insisted that religious rights and civil rights must go together. Already in Calvin's day, the reformers discovered that proper protection of religious rights required protection of several correlative rights as well, particularly as Calvinists found themselves repressed and persecuted as minorities. The rights of the individual to religious conscience and exercise required attendant rights to assemble, speak, worship, evangelize, educate, parent, travel, and more on the basis of their beliefs. The rights of the religious group to worship and govern itself as an ecclesiastical polity required attendant rights to legal personality, corporate property, collective worship, organized charity, parochial education, freedom of press, freedom of contract, freedom of association, and more. For early modern Calvinists, religious rights and civil rights are fundamentally interdependent.

And early modern Calvinists insisted that human rights are ultimately dependent on religious norms and narratives. Calvin and his immediate followers, as we saw, used the Decalogue to ground their theories of religious and civil rights. This would remain a perennial argument. Later Calvinists grounded their theories of rights in other familiar doctrinal heads, including the doctrine of the Trinity, the creation, and the resurrection. Some human rights, they argued, are temporal expressions of what Calvin had called the “eternal rights of God.” These are the rights of God the Father, who created humans in his own image and commanded them to worship him properly and to obey his law fully. They are the rights of God the Son, who embodied himself in the church and demanded the free and full exercise of this body upon earth. And they are the rights of God the Holy Spirit, who is “poured out upon all flesh” and governs the consciences of all persons in their pursuit of happiness and holiness.

Human rights are in no small part the right of persons to do their duties as image bearers of the Father, as prophets, priests, and kings of Christ, as agents, apostles, and ambassadors of the Holy Spirit. As image bearers of God, persons are given natural law, reason, and will to operate as responsible creatures with choices and accountability. They are given the natural duty and right to reflect God’s glory and majesty in the world, to represent God’s sovereign interests in church, state, and society alike. As prophets, priests, and kings of God, persons have the spiritual duty and right to speak and to prophesy, to worship and to pastor, to rule and to govern on God’s behalf. As apostles and ambassadors of God, persons have the Christian duty and right to “make disciples of all nations” by word and sacrament, by instruction and example, by charity and discipline.

Further rights structures fall under the doctrine of creation. Calvinists saw in the story of God’s creation and division of each creature “after its own kind,” an original warrant for pluralism. This was not just the plurality of responsibilities that God gave Adam and Eve to name the many creatures, to eat of some trees but not others, to “be fruitful and multiply” themselves into new forms, to dress and keep the Garden of Paradise in various ways. Calvinists eventually imputed to the order of creation structural or social pluralism – the basic division of divine authority and responsibility in the structures of family, church, and state. They also imputed to the order of creation a legal or normative pluralism – the basic division of laws and orders governing each person’s relationships to God above them, to persons beside them, and to nature below them. They even imputed to the order of creation a confessional or religious pluralism – the reality that God in his sovereignty can “walk and talk” with each and every human being as he once did with Adam and Eve in Paradise, and that each person draws his or her own conclusions of faith from these divine encounters. It was the need to respect and protect God’s sovereign relationships with each and every other human being that eventually led Calvinists to embrace the freedom of every peaceable believer in God.