CALVIN IN THE PUBLIC SQUARE
The Calvin 500 Series
CALVIN
IN THE
PUBLIC
SQUARE

LIBERAL DEMOCRACIES,
RIGHTS, AND CIVIL LIBERTIES

DAVID W. HALL
To Ann,

who is likely the greatest woman in history
and who has done an absolutely phenomenal job in rearing our three
wonderful children.

Without her love, support, advice, friendship, and humor, these books
and many other aspects of ministry would never have come about.
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Standing on the Shoulders of Previous Giants

Below is one man’s study of how one man’s thought became a movement that changed the political landscape of modernity. Of course, the political involvement and ideas of John Calvin neither can nor should be expected to answer all or even the most begging current questions in this field. Calvin was, to be sure, not a political scientist or a campaign strategist. However, in addition to stirring the republicanizing wave that crested on the shores of most Western governments before and after the Enlightenment, his varied theological applications yield much political prudence. It is that wisdom, both practical and theoretical, that is valued and explicated in this work.

Numerous scholars have traced Calvin’s political ideas.\(^1\) Some have focused on the socioeconomic impact (M. Weber), while others have

highlighted his ties to medieval thought (Q. Skinner), his fueling of a burgeoning democratic movement (R. Kingdon), and his impact on the development of Western law and human rights (J. Witte, Jr., D. Kelly et al.); and, of course, critics too numerous to cite accuse him of inhibiting liberty, humanity, or knowledge.

Compared with the heft of Calvin’s international and multigenerational influence, seldom have the written words of a pastor fostered so much sustained political impact. Douglas Kelly extols the virtue of the “sober Calvinian assessment of fallen man’s propensity to seize, increase, and abuse power for personal ends rather than for the welfare of the many.” He further evaluates: “Governmental principles for consent of the governed, and separation and balance of powers are all logical consequences of a most serious and Calvinian view of the biblical doctrine of the fall of man.” While probably overstating (thinking of Calvin as “wholly medieval” and as advocating an “aristocratic theocracy in which he was dictator”), notwithstanding, historian Franklin Palm recognized Calvin’s contribution as “emphasizing the supremacy of God and the right of resistance to all other authority . . . [H]e did much to curb the powers of kings and to increase the authority of the elected representatives of the people.” Further, Palm noticed Calvin’s belief in the “right of the individual to remove the magistrate who disobeys the word of God. . . . Consequently, he justified many revolutionary leaders in their belief that God gave them the right to oppose tyranny.”


3. Palm, Calvinism and the Religious Wars, 32.
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Recently, John Witte Jr. has noted how “Calvin developed arresting new teachings on authority and liberty, duties and rights, and church and state that have had an enduring influence on Protestant lands.” As a result of its adaptability, this “rendered early modern Calvinism one of the driving engines of Western constitutionalism. A number of our bedrock Western understandings of civil and political rights, social and confessional pluralism, federalism and social contract, and more owe a great deal to Calvinist theological and political reforms.”

In various parts of the Calvin corpus of literature, he addresses the following questions, which are of vital interest to modernity and political theorists:

• Is the state or are its governors sovereign?
• What form should the government take?
• Is democracy an absolute?
• Who pays for government and how/how much?
• Who functions as governmental leaders?
• How much of human life should government cover?
• What other valid spheres should the government respect (family, church, school)?
• May citizens resist their government? Under what limitations or conditions?

His political writings were, to be sure, in part the culmination of a tradition. They followed decades of Renaissance thought and sat perched atop centuries of medieval and Scholastic theological reflection on political principles. We would not wish to be understood as suggesting that Calvin worked in isolation in formulating his principles; it was common for leading theologians of the period—leaders in society in that day—to expound matters of state. However, the subsequent expansion and replication of his thought by his followers virtually created a new trajectory of political discourse. It is no exaggeration to observe that before Calvin, certain political principles were viewed as radical; while after him, they

became widely acceptable. Thus, this volume treats not only Calvin’s thought but also the subsequent Calvinism, particularly with its impact on politics and human government.

Before observing his own teachings on political matters, we need to look at historical context. To provide this, the pages below in these opening chapters summarize important theological developments prior to him along with a short biography of Calvin.

**Augustine**

Calvin neither wrote in a vacuum nor originated all ideas frequently associated with his name. He would be quick to confirm that the best ideas stand on the shoulders of previous giants. One of the fathers on whom Calvin relied most was St. Augustine of Hippo (354–430), certainly the dominant theologian in many religious matters for centuries. Even in Calvin’s day, Augustine’s shadow loomed large over discussions about matters of state. The classic work that addresses these matters, *The City of God*, attempted to illustrate the rival and antithetical strains characteristic of belief and unbelief (and, in this case, its impact on politics) throughout the history of mankind. For him, one city was organized around the prowess and pride of man, complete with its materialism, violence, unbelief, lust for domination, and oppression; on the other hand, the *civitatis Dei* was characterized by a profound love for God, valuing of the eternal over the temporal, high ethical standards, and equitable treatment of neighbors. Interestingly, Augustine’s very taxonomy draws upon a political unit: the city. The recognition that people would organize themselves in civilized units, such as cities, occurred early. An ardent believer in human depravity and the limitations of the goodness of man, Augustine saw the necessity of government as a restraining mechanism for the good society. Augustine did not expect non-Christian thought to spawn good civil government, nor to be the seat of liberty: “Sinful man [actually] hates the equality of all men under God and, as though he were God, loves to impose his sovereignty on his fellow men. He hates the peace of God which is just and prefers his own peace which is unjust. However, he is powerless
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not to love peace of some sort. For, no man’s sin is so unnatural as to wipe out all traces whatsoever of human nature.”

Augustine’s City of God was an apology for the Christian church and its ethical values. In answer to the secular critics who sought to blame the fall of the Roman Empire on Christian beliefs and practices (Rome fell during the reign of Honorarius, a Christian emperor), Augustine strove to demonstrate instead that the seeds of societal corruption rested in the very morals and concepts of pre-Christian Roman paganism. For Augustine, Rome’s fall was but another chapter in the unfolding providence of God—a theme that would become a Calvinistic calling card. There was no reason to think that the Roman Empire, complete with its stunning collapse, should necessarily be seen as an apocalyptic fulfillment. It was perhaps merely the latest instance of God “bringing princes to naught and reducing the rulers of this world to nothing. No sooner are they planted, no sooner are they sown . . . than he blows on them and they wither and a whirlwind sweeps them away like chaff” (Isa. 40:23–24 NIV). Changes among the administrations of the City of Man were but epiphenomena—not the real substrata of important history. Nations would rise and fall, and those accessions and declensions were part of the plan of God. Nonetheless, Augustine refused to categorize a government as exclusively pro-God or anti-God, each having mixed strains of justice and injustice.

One Augustine scholar clarifies: “These two cities, divided on moral ground, co-exist within the same political and geographical limits. The civitatis terrena [earthly city], comprising all the cities that have existed, presently exist, and ever will exist in actuality, carries within itself the two mystical cities or societies . . . . Moreover, no external sign reliably identifies them as members of one or the other mystical city . . . . Consequently, the whole of human history, past, present, and future is marked by the co-existence of both moral types in all times and places.” George J. Lavere has observed Augustine’s refusal to identify strictly the City of God with

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a particular nation or institution. In so doing, Augustine does not accept the dilemma maintained prior to his writing.

Prior to Augustine, the two primary options were (1) to follow Origen (185–254) and Eusebius in blessing the Roman Empire as the divine means of God’s providence and (2) to follow Hippolytus and other apocalypticists in viewing the Roman Empire as the satanic incarnation of the beast predicted in Revelation 13. Ambrose, Jerome, and other theologians tended to adopt the first view, while persecuted Christians such as Cyprian, Tertullian, and other martyrs tended to see a fundamental enmity between church and state. As Augustine reflected on these two major options, he split the horns of the dilemma and adopted a transformational view. Rather than condoning the Roman state as the means of God’s decree, and instead of seeing the state as the instrument of the Antichrist, Augustine preferred to minimize the state’s importance in the overall evaluation. Calvin would later broadcast a similar approach.

For Augustine, the task of the state was “remedial and protective,” and “a corrective device for the restraint of self-centered human beings.” He saw the state as a necessary but unnatural institution, insofar as it was erected primarily to restrain sin after the fall. Human governments, according to Augustine, had their origin in the consequences of the fall, not in the order of creation.

Seeing the Edenic fall as the origination of human governments inherently delimited both the successes as well as defeats that Christians might experience in political matters. Such a view necessarily de-emphasizes the political, or restores it to its proper perspective as less than all-dominating. Christians in the fifth century needed this reminder, as do Christians of all centuries. Too close identification of any earthly polis with the heavenly polis, as both Augustine and Calvin taught, is a danger to avoid.

In his analysis of the absence of Roman justice, Augustine commented:

It follows that, wherever true justice is lacking, there cannot be a multitude of men bound together by a mutual recognition of rights; consequently, neither can there be a “people” in the sense of Scipio’s definition. Further, if there is no “people,” there is no weal of the

7. Ibid., 141.
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“people,” or commonwealth, but only the weal of a nondescript mob undeserving of the designation “the people” . . . . If a commonwealth is the weal of the people, and if there is no people save one bound together by mutual recognition of rights, and if there are no rights where there is no justice, it follows beyond question that where there is no justice, there is no commonwealth . . . . Justice is the virtue which accords to every man what is his due. What, then, shall we say of a man’s “justice” when he takes himself away from the true God and hands himself over to dirty demons? Is this a giving to each what is his due? If a man who takes away a farm from its purchaser and delivers it to another man who has no claim upon it is unjust, how can a man who removes himself from the overlordship of the God who made him and goes into the service of wicked spirits be just? 8

“What fragment of justice can there be in a man who is not subject to God?” queried Augustine. “And if there is no justice in a man of this kind, then there is certainly no justice, either, in an assembly made up of such men. As a result, there is lacking that mutual recognition of rights which makes a mere mob into a ‘people,’ a people whose common weal is a commonwealth . . . . Careful scrutiny will show that there is no such good for those who live irreligiously, as all do who serve not God but demons . . . . I consider sufficient to show that, on the basis of the definition itself, a people devoid of justice is not such a people as can constitute a commonwealth.” 9

In sum, Rome had substituted power for justice.

Augustine was a pioneer in asserting that the divine will was more foundational in human affairs than even the greatest of human governments. According to Augustine (and Calvin later), “Divine Providence alone explains the establishment of kingdoms among men.” 10 Even the Roman Empire did not rise and fall apart from the sovereignty of God, and those attempting to account for the rise and fall of governments were counseled not to ignore the active outworking of the provident will of God in nations: “God allows nothing to remain unordered and he knows all things before they come to pass. He is the Cause of causes, although not

8. Augustine, City of God, 469.
10. Ibid., 99.
of all choices.” He applies this directly in that God gave rise to strong leaders in the early Roman Empire: “The power to give a people a kingdom or empire belongs [to God]. . . . The one true God, who never permits the human race to be without the working of his wisdom and his power, granted to the Roman people an empire, when he willed it and as large as he willed it. It was the same God who gave kingdoms to the Assyrians and even to the Persians. . . . It was this God, too, who gave power to me, to Marius and Caesar, to Augustus and Nero, to the Vespasians,” etc. Contrary to the notion of human government being autonomous, Augustine asserted that the sovereign God raises and fells rulers, even though they may not be believers. Nothing escapes his decree.

Augustine also followed the Old Testament precept that the most fundamental unit of government was the home: “[E]very home should be a beginning or fragmentary constituent of a civil community.” He spoke of three main spheres of civil government: “First we have the home; then the city; finally the globe. And, of course, as with the perils of the ocean, the bigger the community, the fuller it is of misfortunes.”

He also provided an early form of nullification of legitimacy, if a ruler lapsed into tyranny: “But if the prince is unjust or a tyrant, or if the aristocrats are unjust (in which case their group is merely a faction), or if the people themselves are unjust (and must be called, for lack of a better word, a tyrant also), then the commonwealth is not merely bad . . . but is no commonwealth at all. The reason for that is that there is no longer the welfare [the weal] of the people, once a tyrant or a faction seizes it.”

Augustine cast an enormous shadow over the next centuries of theology. His impact on Calvin is well known and should not be underestimated. Until the time of Aquinas, even perhaps until the dawn of the Reformation, the political wisdom of Augustine was the dominant paradigm in medieval constructions.

11. Ibid., 103.
13. Ibid., 463.
15. Augustine, City of God, 446.
16. Ibid., 74.
Politico-Theology from Augustine through Aquinas

During what is sometimes referred to as the Dark Ages, there was little recorded development in the theology of the state. The primary reason was that Christendom had attained a consensus on many matters of political custom. Moreover, with the absence of sustained external threat, there was little motivation to further refine Christian views of the state. In pre-democratic Europe, Christian thought was content with a feudal economy, a variety of city-states, and a morality compatible with the Decalogue. Thus, the latter half of the first millennium saw little deviation or progress beyond the concepts of Augustine and little challenge to the loose premodern confederations that were more similar to Old Testament forms of government than modern bureaucracies.

However, it is difficult to cite either a novel development or a political theologian of note between AD 600 and 1000. Most of the systematic theology (and contrary to much modernistic hubris, there was much systematic theologizing) in this period was devoted to fundamental matters of anthropology, soteriology, and polemics, rather than heavily skewed toward ethical or political concerns. Meanwhile, the market was free not so much by design, but because it was virtually unmonitored.

Medieval views on the state had progressed rather unobtrusively over time. Following his crowning as king of England in 1066, William the Conqueror ordered that popes not be recognized in England without his approval, a striking retreat for the separation of church and state. As an illustration of the commingling of powers, the Constitutions of Clarendon (1164) under Henry II were ratified by the English clergy, who voluntarily restored to the king civil authority over the church. This intrusion was protested by Thomas à Becket, who left the realm in protest—only to be murdered six years later.17 A little later in Germany, Emperor Frederick I (reigned 1152–90) asserted that the state was of divine origin, as was the church, therefore coining the phrase “Holy Roman Empire” to signify the Christianization of the state. Carl Volz notes: “The revival of Roman law by Irnerius at Bologna around 1100 provided a theory of temporal

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sovereignty that elaborated on Justinian’s Code, which had said, ‘God set the Imperial dispensation at the head of human affairs . . . [and t]he Emperor is not bound by statutes.’”

John of Salisbury

Until the twelfth-century work by John of Salisbury, the political theology of Augustine reigned over Western formulations. Twentieth-century theologian J. T. McNeill asserted that virtually all the political theorizing between Cicero’s De Republica (56 BC) and Jean Bodin’s The Republic (1576) was written by Christians with definite first principles and biblical perspectives in mind. As a consequence, “it was inevitable that theological writers should make political theory a province of theology.”

Many of the ideas espoused by Augustine were echoed in John of Salisbury’s pre-Reformation work Policraticus. In several key respects, John of Salisbury was probably a more accurate precursor to Calvin than was Aquinas. In seven books comprising a quarter-million words, John of Salisbury (1115–80) provided the Middle Ages with a courageous argument to limit government. Thus, even prior to the Magna Carta (1215) and Aquinas, John of Salisbury affirmed that truth and obedience were not owed to an unjust ruler. He continued Augustine’s line of reasoning when he wrote: “It is not permitted to flatter a friend, but it is permitted to delight the ears of a tyrant. For in fact him whom it is permitted to flatter, it is permitted to slay. Furthermore, it is not only permitted, but it is also equitable and just to slay tyrants.”

He carefully delineated the difference between the tyrant and the lawful ruler, saying that “the latter is obedient to law and rules his people by a will that places itself at their service, and administers rewards and burdens within the republic under the guidance of law in a way favorable to the vindication of his eminent post . . . While individuals merely look after individual affairs,

18. Ibid., 111.
20. Ibid.
princes are concerned with the burdens of the entire community.”22 In the same section, he concluded that “the authority of the prince is determined by the authority of right, and truly submission to the laws of princes is greater than the imperial title, so it is the case that the prince ought to imagine himself permitted to do nothing which is inconsistent with the equity of justice.”23 Thus, a moral standard was to govern political conduct and limit the scope of the ruling class. The prince, as Calvinists would later insist, was to be a servant to the law and not employ the law for his own pleasures.

Furthermore, John of Salisbury urged the prince to follow the Deuteronomic pattern and to keep the Mosaic law before him as inviolable. “All censures of law are void,” wrote John, “if they do not bear the image of divine law.”24 Thus, the canonical Scriptures were to inform the practice of politics. The prince was to keep God’s moral norms and guard his law. Upon coronation, the prince, following Old Testament precedent, was to write by hand a copy of the law and draw applications from it. He was not to stray to the left or to the right of it; the ruler’s duty was laid out according to biblical standards.

During the century after John of Salisbury, the Magna Carta (1215), the formation of the Helvetic Confederation (1291), and the proto-Scottish independence movement offered further expressions of premodern republicanism. With an Augustinian plow, these events further tilled the soil for Calvin’s work.25

The Magna Carta

Although it is seldom admitted by secularists of our day, medieval views were fairly well developed and robust. One of the highlights of medieval government was the Magna Carta.26 When clause 39 of the Magna

22. Ibid., 28.
23. Ibid., 29.
24. Ibid., 41.
25. Another important force in undermining excessively centralized governments was the Conciliar movement. Beginning with the Councils of Pisa (1409) and Constance (1415), and leading up to the Reformation, various ecclesiastical trends, such as the Conciliar movement, either reflected or led the incipient decentralizing tendencies.
26. Volz summarizes some of the tension surrounding this document, which established the principle that the king is under the law: “King John is especially known for his struggle with Pope Innocent III over the selection of the archbishop of Canterbury. Exercising the
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Carta asserted that no person, regardless of status or condition, should be removed from his land, “nor taken, nor imprisoned, nor disinherit[ed], nor put to death, without being brought in Answer by due Process of Law,” that sentiment became so universal as to be contained later in:

- British law (“No freeman shall be taken or imprisoned, or be dis-seised of his freehold, or liberties . . . but by lawful judgment of his peers”; Magna Carta, clause 29, 1225 charter);
- American Colonial law, e.g., the 1641 Massachusetts Body of Liberties, the 1647 Rhode Island code of laws, and charters from South Carolina, Virginia, Pennsylvania, Maryland, and New Jersey all contained references to this notion; \(^27\)
- The Fifth Amendment to the United States Constitution (“No person shall be held to answer for a capital . . . crime, unless on a presentment or indictment of a Grand Jury, . . . nor be deprived of life, liberty, or property, without due process of law”); and
- The United Nations’ mid-twentieth-century Universal Declaration of Human Rights (“All are equal before the law and are entitled without discrimination to equal protection of the law. . . . No one shall be subjected to arbitrary arrest, detention, or exile. Everyone is entitled in full equality to a fair and public hearing . . .”; Articles 7, 9, 10). \(^28\)

This revolutionary advance against political monopolism occurred when British nobles forced King John to approve the document with his seal at the meadow at Runnymede, south of Windsor, on June 15, 1215. \(^29\)

William Swindler notes that eleven of the thirteen original Colonies reiterated some aspect of the Magna Carta. William F. Swindler, Magna Carta: Legend and Legacy (Indianapolis: Bobbs-Merrill, 1965), 224.
\(^28\) Quoted in Sir Ivor Jennings, Magna Carta and Its Influence in the World Today (Prepared for British Information Services by the Central Office of Information, 1965), inside back cover.
\(^29\) Some historians debate whether the Magna Carta should be dated at 1215 or at 1225. King Henry III’s charter of 1225 is the most frequently quoted in British constitutional
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Shortly after the coercion subsided, King John asked Pope Innocent III to revoke the charter (which he did on August 24, 1215), but when John died a year later, the nobles rapidly reissued similar versions of the original under the name of England’s young Henry III. Later, in exchange for permission to increase taxation, Henry III, of his own volition, reissued similar charters in 1225. This 1225 version rests at the head of the British statute roll. Since that time, this agreement between the ruler and the ruled has been acknowledged as a pillar of free government. Helen Cam comprehended the unreversed advance in political wisdom portended by this event at the Magna Carta’s 750th anniversary: “Never before had a king of England been compelled to authenticate a document which, as he said, took the crown off his head and subjected him to five and twenty overkings. The event, without precedent, set a precedent.”

Reflecting the medieval theology of its time, this document was a benchmark of civic liberties, rooted in the Christianity of the day. The Great Charter addressed subjects ranging from inheritance laws to the payment of widows’ debts, and from fair standards of trade (using only the “London quarter” for the measure of wine) to judicial protocols. This signal event, rather than indicating the crudity of unenlightened people (clause 42 included an early form of open immigration policy, with the exception that clause 51 banished foreign knights and mercenaries), was a sign of maturity in political thought. Moreover, this thirteenth-century British landmark was an example of the impact of Christian teaching on matters of government.

Witnessing to its religious fabric, the Magna Carta’s preamble explicitly refers to the counsel of the clergy, including Stephen, Archbishop of Canterbury, and other bishops. Some experts believe that if the charter was not actually drafted by Archbishop Stephen Langton, he had at least been the animating force behind it. It begins with an overt religious affirmation (“John, by the Grace of God, King of England”), and places

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history, although the original (in 1215) was no doubt the first attempt to articulate these liberties. See Jennings, *Magna Carta*, 9–10. This article refers to the original 1215 version. Cam (and others; cf. Swindler, *Legend and Legacy*, 82) dates the completion of the original agreement at June 19, 1215. Cam, *Event or Document?*, 9.


the signers in impressive company for an eternal purpose: “We, in the
presence of God, and for the salvation of our own soul, and the souls of
all our ancestors . . . to the honor of God, and the exaltation of the Holy
Church and amendment of our Kingdom . . .” The purpose of the charter
was to confirm certain essential constitutional agreements for posterity.
Civic instability and flux were to be avoided by written covenants such
as this one.

One of the first clauses granted freedom to the English church to
elect its own leaders—an idea that was heretical for its day but one that
later stood at the vanguard in other Reformation movements. The free
church was to have a prominent role in politics, and one of the clauses
even guaranteed that the king could summon archbishops, bishops,
abbots, and other nobles for counsel. One of the earliest instances of the
idea of legitimate resistance to control without consent was exhibited in
this 1215 document. Further, the Magna Carta made plain that trials
were to be fair, fines were not to be levied for inconsequential matters
(as if the state were all-important), personal property was not to be
confiscated without remuneration, taxes were to be raised only by “com-
mon counsel,” and imprisonment was not to be allowed without “legal
judgment of [the person’s] peers or by the laws of the land.” Moreover,
previous unjust fines or confiscations of property were to be remitted,
and a representative council of twenty-five barons was created “for GOD
and for the amendment of our kingdom.”

This pinnacle of premodern thought broke ground, although it did
not create an international movement at first. Only with the return in
Calvin’s time to “biblical religion and its distinctive views of Deity, nature,
man, and government, did people begin to grasp the idea of limited power
in the state. . . . It was in this period that biblical attitudes toward secular
power, and many other things, suffused the whole of European culture,
and thereby created the institutions of the free society.”32 The Swiss city
councils in Basel, Zurich, Bern, Lausanne, and Geneva, which blossomed
centuries later, were the fruit of the Magna Carta.33 Winston Churchill

33. Of course, the Magna Carta came about only after John was pressured into returning liberties to lower magistrates, similar to struggles documented in later chapters in this
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estimated later, in a 1956 quote: “Throughout the document it is implied that there is a law which is above the King and which even he must not break. This reaffirmation of a supreme law and its expression in a general charter is the great work of the Magna Carta; and this alone justifies the respect with which men have held it.”

Others would follow the path pioneered at Runnymede. Later, William Wallace (even if not quite as swashbuckling as Mel Gibson’s Braveheart) would lead the Scots to resist another English king. What began as a council of twenty-five barons at Runnymede’s meadow later expanded into a global movement supporting responsive and free government.

Puritans in seventeenth-century England would revive the Magna Carta as part of their justification for the overthrow of monarchy. Prior to the surge of Puritan political thought in England, medieval advances had set the stage for limited reform. In A History of Political Theories from Luther to Montesquieu, William Dunning argued that the propriety of councils to blunt the power of tyranny had become an acceptable notion by Calvin’s time. From the Magna Carta on, these political notions would dominate. Earlier, medieval constitutionalists had asserted that “the king, while subject to no man, is always subject to law.”

Notwithstanding, Dunning admitted that such rights of Englishmen prior to the seventeenth century were neither well defined nor clearly expressed in constitutions. The period from these medieval constitutionalists and the Magna Carta until the seventeenth century saw halting strides toward popular sovereignty. Principled formulation for limited government, however, was not grounded in lasting theoria nor accepted by the masses until after the Reformation.

Thomas Aquinas

Among the works of the great Scholastic theologians, the fullest and most mature discussions of these matters occur in those of Thomas Aquinas (1224–74). Paul Sigmund summarizes as follows:

volume. To put it succinctly: few rulers voluntarily cede political power back to citizens, unless held accountable.

In the century before Aquinas wrote, the intellectual life of the West had suddenly come alive. Philosophical speculation and argument developed rapidly, stimulated by the teaching and writing of Peter Abelard in Paris. John of Salisbury’s *Policraticus* was evidence of the revival of political theory. Gratian’s canon law collection (1139) provided the texts for the use by canon lawyers in the service of the papal centralization. . . . The twelfth-century revival of the study of Roman law at Bologna helped to give the emergent states of Western Europe a legal foundation. . . . In England a “common law” had been forged by the king’s justices. . . . The first representative institutions were beginning to meet in inchoate form.35

Aquinas composed two works that discussed matters of state: *Politicorum Expositio* (Commentary on Politics of Aristotle, 1265–71) and *De Regimine Principum* (On Kingship or The Governance of Rulers) in 1272–74.36 His *Summa Theologica* also addressed the status and nature of divine law. Aquinas argued that the precepts of the Decalogue, if rightly understood, were indispensable.37 In fact, Aquinas’s political theory sought to preserve the absolutes of the moral law as long as they were applied consistently with the intent of the Author: “Precepts admit of dispensation, when there occurs a particular case in which, if the letter of the law be observed, the intention of the lawgiver is frustrated.”38 An example of the application of the “general equity” of the law is: “The slaying of a man is forbidden in the decalogue, in so far as it bears the character of something undue.”39 Thus, capital punishment was permitted, but not to the overthrowing of the intent of the sixth commandment.

Aquinas also recognized that the judicial precepts of the law were not necessarily to be replicated by all states: “But if the state or nation

36. Ibid. Sigmund states that Aquinas was asked by the king of Cyprus to write this work in 1265. Aquinas worked on this until the king’s death in 1267, when Thomas apparently set the work aside. Cf. ibid., 14.
38. Ibid., Q 100, art. 8.
39. Ibid.
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pass to another form of government, the laws must needs be changed. For democracy, which is government by the people, demands different laws from those of oligarchy.”40 However, Aquinas also believed that “the best ordering of a state or of any nation is to be ruled by a king; because this kind of government approaches nearest in resemblance to the Divine government, whereby God rules the world from the beginning.”41 Aquinas considered rulers essential insofar as “man needs someone to direct him towards his end.”42 Interestingly, he interpreted Proverbs 11:14, “Where there is no ruler, the people will be dispersed”—a hierarchical interpretation considerably different from most modern translations.

St. Thomas is more accurately understood, however, as advocating a constitutional monarchy synthesized with certain democratic elements. Like Calvin after him, for the best ordering of the state, Aquinas suggested that the form of government should combine the best elements of various schemes:

Accordingly, the best form of government is in a state or kingdom, wherein one is given the power to preside over all; while under him are others having governing powers: and yet a government of this kind is shared by all, both because all are eligible to govern, and because the rulers are chosen by all. For this is the best form of polity, being partly kingdom, since there is one at the head of all; partly aristocracy, in so far as a number of persons are set in authority; partly democracy, i.e., government by the people, in so far as the rulers can be chosen from the people, and the people have the right to choose their rulers.43

Aquinas, as would Calvin, viewed the Mosaic government as an early incarnation of democracy: “Such was the form of government established by the Divine Law. For Moses and his successors governed the people in such a way that each of them was ruler over all. . . . Moreover, seventy-two men were chosen, who were elders in virtue . . . so that there was an

40. Ibid., Q 104, art. 3.
41. Ibid., Q 105, art. 1.
43. Ibid., Q 105, art. 1. In 1556, John Ponet would affirm: “For where that mixed state was exercised, there did the commonwealth longest continue.”

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element of aristocracy. But it was a democratical government in so far as the rulers were chosen from all the people.”

The purpose of government for Aquinas was “to promote the welfare of the territory... Thus the more effective a government is in promoting unity in peace, the more useful it will be... Therefore government by one person is better than by many.” He also averred that “in nature, government is always by one.” St. Thomas argued that human communities were best ruled by an individual, and those that were enjoyed the most peace, justice, and affluence. Sounding very Aristotelian, Aquinas opined, “Just as government by a king is best, so government by a tyrant is the worst. Democracy stands in opposition to polity as indicated above, since both are governments by the many. Oligarchy is opposed to aristocracy, since both are governments by the few. Kingship is the opposite of tyranny since both are governments by one person.” Following this scheme, he concludes that “tyranny is more harmful than oligarchy and oligarchy is more harmful than democracy.”

Following his review of various forms of government in the Roman Empire, he argues in On Kingship that tyranny is more likely to evolve from a mutant democracy than from even a poor monarchy. Aquinas both warned of the great dangers that can attend excessive democracies and cautioned that frequently a subsequent tyrant takes his predecessor’s oppression to new and higher levels. In his Summa, however, he noted: “A tyrannical law, since it is not in accordance with reason, is not a law in the strict sense, but rather a perversion of law. However, it has something of the character of law to the extent that it intends that the citizens should be good. It only has the character of a law because it is a dictate of a superior over his subjects and is aimed at their obeying law—which is a good that is not absolute but only relative to a specific regime.”

St. Thomas believed that “by its nature sedition is a mortal sin and all the more serious because sedition opposes the common good rather than the private good.” Notwithstanding, “Tyrannical government is unjust because it is directed not to the common good but to the private good of

44. Ibid., Q 105, art. 1.
45. Ibid., St. Thomas Aquinas, 17.
46. Ibid., 18.
47. Ibid., 48.
the ruler…. Therefore the overthrow of this kind of government does not have the character of sedition—unless perhaps it produces such disorder that the society under the tyrant suffers greater harm from the resulting disturbance than from the tyrant’s rule.” 48 Earlier in his *Commentary on the Sentences of Peter Lombard* (1256), Aquinas stated that Christians were not obligated to obey “someone whom it is legitimate and even praiseworthy to kill.” Antedating the Reformation teaching by Theodore Beza (Calvin’s disciple) and the *Vindiciae Contra Tyrannos*, 49 Aquinas argued that Christians are “obliged to obey authority that comes from God but not that which is not from God…. Whoever seizes power by violence does not become a true ruler and lord, and therefore it is permissible when the possibility exists for someone to reject that rulership . . . .” 50

Aquinas was in many ways the pinnacle of medieval theology of state. The Middle Ages were full of growth and development in political theology. Rather than adopting the historical revisionism, which frequently portrays medieval clerics as “agents of repression,” the medieval church proved to be “the institution in Western history that did the most to advance the cause of constitutional statecraft. This resulted from its constant readiness, in the spirit of the Hebrew prophets, to challenge the might of kings and emperors if they transgressed the teachings of religion.” 51

### Pre-Calvinist Micro-Republics

By the fourteenth century, weak institutions began to wear thin. Corruption in both civil and ecclesiastical affairs began to call out for reform. The early Renaissance was an expression, in part, of the needed reform in economics and politics. With the rise of guilds and with lurches

48. Ibid., 165.
49. Junius Brutus wrote: “The Holy Scripture does teach that God reigns by his own proper authority and kings by derivation—God from himself, kings from God—that God has a jurisdiction proper; kings are his delegates. It follows then, that the jurisdiction of God has not limits, that of kings is bounded; that the power of God is infinite, that of kings confined; that the kingdom of God extends itself to all places, that of kings is restrained within the confines of certain countries.” Junius Brutus, *A Defense of Liberty against Tyrants*, trans. Harold J. Laski (Gloucester, MA: Peter Smith, 1963), 67–68.