

DR. JOHN CALVIN'S TREATMENT ON THE CIVIL MAGISTRATE IN HIS *INSTITUTES*

A Summary of the Civil Magistrate's Duty

“The duty of magistrates, its nature, as described by the word of God, and the things in which it consists, ... extends to both tables of the law... Hence in Scripture holy kings are especially praised for restoring the worship of God when corrupted or overthrown, or for taking care that religion flourished under them in purity and safety. On the other hand, the sacred history sets down anarchy among the vices, when it states that there was no king in Israel, and, therefore, everyone did as he pleased (Judges 21:25). This rebukes the folly of those who would neglect the care of divine things, and devote themselves merely to the administration of justice among men; as if God had appointed rulers in his own name to decide earthly controversies, and omitted what was of far greater moment, his own pure worship as prescribed by his law. Such views are adopted by turbulent men, who, in their eagerness to make all kinds of innovations with impunity, would fain get rid of all the vindicators of violated piety. In regard to the second table of the law, Jeremiah addresses rulers, “Thus saith the Lord, Execute ye judgment and righteousness, and deliver the spoiled out of the hand of the oppressor: and do no wrong, do no violence to the stranger, the fatherless, nor the widow, neither shed innocent blood” (Jer. 22:3). To the same effect is the exhortation in the Psalm, “Defend the poor and fatherless; do justice to the afflicted and needy. Deliver the poor and needy; rid them out of the hand of the wicked” (Psalms 82:3, 4). Moses also declared to the princes whom he had substituted for himself, “Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Ye shall not respect persons in judgment; but ye shall hear the small as well as the great: ye shall not be afraid of the face of man, for the judgment is God’s” (Deut. 1:16). I say nothing as to such passages as these, “He shall not multiply horses to himself, nor cause the people to return to Egypt;” “neither shall he multiply wives to himself; neither shall he greatly multiply to himself silver and gold;” “he shall write him a copy of this law in a book;” “and it shall be with him, and he shall read therein all the days of his life, that he may learn to fear the Lord his God;” “that his heart be not lifted up above his brethren” (Deut. 17:16-20).”

The Civil Magistrate as Protector of Those under His Jurisdiction

“As it is sometimes necessary for kings and states to take up arms in order to execute public vengeance, the reason assigned furnishes us with the means of estimating how far the wars which are thus undertaken are lawful. For if power has been given them to maintain the tranquility of their subjects, repress the seditious movements of the turbulent, assist those who are violently oppressed, and animadvert on crimes, can they use it more opportunely than in repressing the fury of him who disturbs both the ease of individuals and the common tranquility of all; who excites seditious tumult, and perpetrates acts of violent oppression and gross wrongs? If it becomes them to be the guardians and maintainers of the laws, they must repress the attempts of all alike by whose criminal conduct the discipline of the laws is impaired. Nay, if they justly punish those robbers whose injuries have been afflicted only on a few, will they allow the whole country to be robbed and devastated with impunity? Since it makes no difference whether it is by a king or by the lowest of the people that a hostile and devastating inroad is made into a district over which they have no authority, all alike are to be regarded and punished as robbers. Natural equity and duty, therefore, demand that princes be armed not only to repress private crimes by judicial inflictions, but to defend the subjects committed to their guardianship whenever they are hostilely assailed. Such even the Holy Spirit, in many passages of Scripture, declares to be lawful.”

The Duty of Private Citizens to Civil Magistrates

“...if we have respect to the word of God, it will lead us farther, and make us subject not only to the authority of those princes who honestly and faithfully perform their duty toward us, but all princes, by

whatever means they have so become, although there is nothing they less perform than the duty of princes. For though the Lord declares that a ruler to maintain our safety is the highest gift of his beneficence, and prescribes to rulers themselves their proper sphere, he at the same time declares, that of whatever description they may be, they derive their power from none but him. Those, indeed, who rule for the public good, are true examples and specimens of his beneficence, while those who domineer unjustly and tyrannically are raised up by him to punish the people for their iniquity. Still all alike possess that sacred majesty with which he has invested lawful power. I will not proceed further without subjoining some distinct passages to this effect. We need not labour to prove that an impious king is a mark of the Lord's anger, since I presume no one will deny it, and that this is not less true of a king than of a robber who plunders your goods, an adulterer who defiles your bed, and an assassin who aims at your life, since all such calamities are classed by Scripture among the curses of God. But let us insist at greater length in proving what does not so easily fall in with the views of men, that even an individual of the worst character, one most unworthy of all honour, if invested with public authority, receives that illustrious divine power which the Lord has by his word devolved on the ministers of his justice and judgment, and that, accordingly, in so far as public obedience is concerned, he is to be held in the same honour and reverence as the best of kings...

But in that obedience which we hold to be due to the commands of rulers, we must always make the exception, nay, must be particularly careful that it is not incompatible with obedience to Him to whose will the wishes of all kings should be subject, to whose decrees their commands must yield, to whose majesty their sceptres must bow. And, indeed, how preposterous were it, in pleasing men, to incur the offence of Him for whose sake you obey men! The Lord, therefore, is King of kings. When he opens his sacred mouth, he alone is to be heard, instead of all and above all. We are subject to the men who rule over us, but subject only in the Lord. If they command anything against Him let us not pay the least regard to it, nor be moved by all the dignity which they possess as magistrates—a dignity to which no injury is done when it is subordinated to the special and truly supreme power of God. On this ground Daniel denies that he had sinned in any respect against the king when he refused to obey his impious decree (Dan. 6:22), because the king had exceeded his limits, and not only been injurious to men, but, by raising his horn against God, had virtually abrogated his own power. On the other hand, the Israelites are condemned for having too readily obeyed the impious edict of the king..."

Subordinate Magistrates as Protectors When the Higher Magistrate is Unjust

"Although the Lord takes vengeance on unbridled domination, let us not therefore suppose that that vengeance is committed to us, to whom no command has been given but to obey and suffer. I speak only of private men. For when popular magistrates have been appointed to curb the tyranny of kings (as the Ephori, who were opposed to kings among the Spartans, or Tribunes of the people to consuls among the Romans, or Demarchs to the senate among the Athenians; and perhaps there is something similar to this in the power exercised in each kingdom by the three orders, when they hold their primary diets). So far am I from forbidding these officially to check the undue license of kings, that if they connive at kings when they tyrannize and insult over the humbler of the people, I affirm that their dissimulation is not free from nefarious perfidy, because they fraudulently betray the liberty of the people, while knowing that, by the ordinance of God, they are its appointed guardians."

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