

## The Contribution of Calvin and Calvinism to the Birth of Modern Democracy

*Mario Turchetti*

The most widely held view is that Calvin's inspiration for organizing the church of Geneva — his life's work — and, at least to a degree, organizing Genevan society, came from an aristocratic conception of the tainted power of democracy. However, not all researchers, even the highest authorities on his doctrine, agree. Some of them instead think that the reformer gave a decisive launch to what was to become modern democracy, because he had carved out the elements of fundamental freedoms. The leading proponent of this view may be Émile Doumergue (1844-1937), who dedicated a monumental work to Calvin's life, showing the work of the "founder of modern freedoms."<sup>1</sup> According to this viewpoint, Calvinist ideas spread to the four corners of the Protestant European world, particularly in French- and English-speaking countries, including the American colonies, where modern democracy took root. After more methodologically rigorous research, Jakobus M. Vorster arrives at a similar conclusion: Calvin "provided a

1. "Fondateur des libertés modernes" was the title of his speech given on November 18, 1898, at the Faculty of Protestant Theology at Montauban (edited in 1898). Cf. Doumergue, *Jean Calvin*. Other works "favorable" to this theory, but with each author's own nuances, are Troeltsch, *Bedeutung des Protestantismus*; Troeltsch, *Soziallehren*; Froidevaux, *Ernst Troeltsch*; Baron, *Calvins Staatsanschauung*; Baron, "Calvinist Republicanism"; Koenigsberger, "Organization of Revolutionary Parties"; Walzer, *Revolution of the Saints*; Skinner, *Foundations of Modern Political Thought*.

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This essay contains parts of a fuller text that could not be included here for editorial reasons.

sound basis on which Reformed theology can contribute to the establishment of an ethos of human rights in the present society.”<sup>2</sup> Many historians oppose this view, judging it to be inconceivable that Calvin could have contributed in any way to modern democracy, as he himself was a defender of the aristocracy and against any democratic trend. Charles Mercier wrote that “it would be a serious mistake to claim to discover a precursor to modern democracy in Calvin.”<sup>3</sup> “Calvin opposes everything coming under what we have called democratism,” insists Marc-Édouard Chenevière. “The central dogma of democratism is, in fact, popular sovereignty. Yet the profoundly theocratic doctrine taught by Calvin is absolutely opposed to the doctrine of popular sovereignty.”<sup>4</sup> Faced with very different opinions, so rich in nuance, but which we do not believe to be opposing, moderate positions are drawn. I will mention that of Robert M. Kingdon, one of the leading experts in the political doctrine of Calvin and the Genevan institutions of his time. Having studied the debate between Calvin and Jean Morély (ca. 1524-1594), one of his disciples who was the most attached to the democratic method of organizing the church, Kingdon notes the aversion of Calvin and Theodore Beza (1519-1605), his right-hand man, to this method, and, taking everything into account, concludes that “the quarrel illustrates neatly one of the many perennial problems in the relations between state and church.”<sup>5</sup> At the end of another study dealing specifically with this matter, he says, with more precision and after the same consideration, that “Calvinism marked a decisive step in the evolution of Christianity towards democracy by creating a representative ecclesiastical government.”<sup>6</sup>

2. Vorster, “Calvin and Human Rights,” p. 218. Cf. Koetsier, *Natural Law and Calvinist Political Theory*; Little, “Religion and Human Rights”; Egmond, “Calvinist Thought and Human Rights.”

3. Mercier, “L’esprit de Calvin et la démocratie,” p. 30. For historians less favorable or not favorable, cf. the in-depth research of Lagarde, *Recherches sur l’esprit politique de la Réforme*; Chenevière, *La pensée politique de Calvin*; Sabine, *History of Political Theory*.

4. Chenevière, *La pensée politique de Calvin*, p. 178.

5. Kingdon, “Calvin and Democracy,” p. 401. I thank Mr. Kingdon for sending me his personal copy of an opuscle printed for students, which I recommend reading: Kingdon and Linder, eds., *Calvin and Calvinism*. In this “moderate” field, cf. Bohatec, *Calvin’s Lehre von Staat und Kirche*; Foster, “Political Theories”; McNeill, *History and Character of Calvinism*; McNeill, “Democratic Element in Calvin’s Thought”; McNeill, “John Calvin on Civil Government”; McNeill, “Calvinism and European Politics”; Monter, *Studies in Genevan Government*; Monter, *Calvin’s Geneva*; Linder, “Rezension zu Douglas F. Kelly,” p. 911.

6. Kingdon, “Calvin et la démocratie,” p. 54; a “very favourable” collection of texts by

## Synchronic and Diachronic Analysis

On the subject of Calvinism, it is pertinent to note that many authors, faced with the objective difficulty of placing Calvin’s sixteenth-century theological and political ideas into other eras, have decided to take into account Calvin’s disciples, his spiritual successors and epigones, to study the possible relationship with modern democracy through them, through the development of their ideas in the face of the various and sometimes dramatic circumstances of history. Those are the most fascinating results, because they show how the ideas evolved differently when submitted to different situations that could not have been predicted at the outset, in Calvin’s doctrine and his historical circumstances. Certainly, in this method, the question of history requires some thought, particularly with regard to methodology. Even so, there is no proof that Calvin would have changed his doctrine if he had been faced with Cromwell’s English Independents in the 1640s, or with the Puritan settlers in Pennsylvania in 1776, or even with the Parisian revolutionaries in 1789, not to mention if he had been confronted with the nineteenth-century doctrine of liberal Protestantism. The vanity of such speculations is evident: we would be leaving history and entering the realm of historical fiction. To avoid falling into the trap of these “badly formed” questions, the historian will attempt to measure the reach of the ideas at the moment in history that they flowed into the mind of their inventor. I therefore let Calvin express himself in his own words and not through the prism of our preferences or commentaries. That is synchronic analysis. Second, I will follow the evolution or change in meaning that contemporary authors, including some most faithful Calvinists, have attributed to Calvin’s doctrines under differing circumstances. That is diachronic analysis.

Following these methodological precisions (other authors consulted for this study appear to have hardly addressed this point), I have chosen for the purposes of this essay to expound on a significant and central aspect of Calvin’s contribution to modern democracy — the conscience and its freedom — despite knowing that in Calvin’s time it was not accorded the status of a right subject to public law, as it is today. I believe that in freedom of conscience, Calvin gave the future of humanity a vital element;

Marc Liénhard, Lucien Carrive, Liliane Créte, André Encrevé, Jean Baubérot, and Alain Boyer are to be found in Viallaneix, ed., *Réforme et Révolutions*.

he gave the religious and political identity of a person a “free” conscience, so that person could therefore behave as an accomplished citizen in civil society and in the legal state.

### Calvin’s Notion of Democracy

Focusing my attention on “modern democracy,” rather than looking at the building of the current state systems claiming to be democracies, I look at the founding notions of democracy during the period when it was being formed, becoming first a theory and then a program. The two classic references are still John Locke (1632-1704) and Jean-Jacques Rousseau (1712-1778), whose intellectual training, though different in each case, must have felt the effects of Calvinism to a certain degree, even if they could not define themselves as Calvinists. These founding elements bring us to the basic tenets of democracy, such as nation, community, equality, election, representativeness, citizenship, individual rights and duties, and many others like them. These were and are the basis of the notion and form of a republic, with the differences stemming from being a democracy, on the one hand, and, on the other, the doctrinal, legal, and political system for modern freedoms.<sup>7</sup>

Before looking at Calvin’s text, we should consult one of the major sources, one that all intellectuals of the time knew by heart. It is essential to quote — in a note — a passage from Aristotle (384-322 BCE), because he sheds light on Calvin’s use of the words *politia*, in Latin, *policie*, in French.<sup>8</sup>

7. Cf. Doumergue, “Calvin, le fondateur des libertés modernes,” pp. 21-49.

8. In quoting this text, we remain conscious of the political terminology of both Aristotle’s Greek and Guillaume de Moerbeke (ca. 1215-1286), who in around 1260 was the first to review and render into Latin the key words of Aristotle’s politics, in the terms that his friend Thomas would then comment on. Aristotle’s Greek and Guillaume’s Latin are shown in brackets. Here is the page, which will be useful for us hereafter, taken from *Politics*, III, 7.2-5 (page numbers from the Bekker edition: 1279 a 26-b 10):

But inasmuch as “constitution” (*politeta; politia*) means the same as “government” (*politeuma; politeuma*), and the government is the supreme power in the state, and this must be either a single ruler or a few (*oligo; pauci*) or the mass (*polloi; multi*) of the citizens, in cases when the one or the few or the many govern with an eye to the common interest (*to koinon sumpheron; ad commune conferens*), these constitutions must necessarily be right ones (*orthas politetas; rectas politias*), while those adminis-

For now we will simply note the three elements that the Greek philosopher highlights. (1) Democracy is considered to be a deviant form of government. (2) The term *politia* specifies unequivocally Aristotle’s view on the best form of mixed government and, therefore, had been included in Latin, as a neologism, by Guillaume de Moerbeke in the thirteenth century. Nicole Oresme (d. 1382; translator of *Nicomachean Ethics*) translated it as *policie* in the fourteenth century, as did Christine de Pizan (1363–ca. 1430; *Le livre du Corps de Policie*) in the fifteenth century. This word has unfortunately not been used in French since Rousseau, who had tried to reuse it spelled *politie* (*Contrat social*, III, 8; for obvious reasons, the word *police* — from the Latin *politia* and the Greek *politeia*, according to Littré — is not suitable; but we may be tempted to use *politie*, in moderation). The term had also drawn the attention of Thomas Aquinas (ca. 1224-1274), who translated it into Latin as *respublica*.<sup>9</sup> (3) We will find this passage of Aristotle’s in Calvin’s writings again and again; he summarized it faithfully.

tered with an eye to the private interest of either the one or the few or the multitude are deviations (*parekbaseis; transgressiones*). For either we must not say that those who are part of the state are citizens, or those who are part of the state must share in the advantage of membership. Our customary designation for a monarchy that aims at the common advantage is “kingship”; for a government of more than one yet only a few “aristocracy” (either because the best men rule or because they rule with a view to what is best for the state and for its members); while when the multitude (*plethos; multitudo*) govern the state with a view to the common advantage, it is called by the name common to all the forms of constitution, “constitutional government” (*politeia; omnium politiarum politia*). (And this comes about reasonably, since although it is possible for one man or a few to excel in virtue, when the number is larger it becomes difficult for them to possess perfect excellence in respect of every form of virtue, but they can best excel in military valor, for this is found with numbers; and therefore with this form of constitution the class that fights for the state in war is the most powerful, and it is those who possess arms who are admitted to the government.) Deviations from the constitutions mentioned are tyranny corresponding to kingship, oligarchy to aristocracy, and democracy to constitutional government; for tyranny is monarchy ruling in the interest of the monarch, oligarchy government in the interest of the rich, democracy government in the interest of the poor, and none of these forms governs with regard to the profit of the community.

We use this translation as is, even though we do not agree with the usage of the terms *constitution* and *constitutional* because of their anachronism.

9. Thomas Aquinas, *In octo libros politicorum Aristotelis expositio*, p. 139: “Sed quando multitudo principatur intendens ad utilitatem commune, vocatur respublica, quod est nomen commune omnibus politiis.”

One thing is significant: in his immense body of work, Calvin only used the word *democracy* once, when dealing with the debate over the form of government best adapted for societies of people (and which is not democracy). Calvin observes that “this question admits of no simple solution but requires deliberation, since the nature of the discussion depends largely upon the circumstances. And if you compare the forms of government among themselves apart from the circumstances, it is not easy to distinguish which of them excels in usefulness, for they contend on such equal terms.” And he adds this thought, which is not contained in the Latin text: “There are three kinds of civil government; namely, Monarchy, which is the domination of one only, whether he be called King or Duke, or otherwise; Aristocracy, which is a government composed of the chiefs and people of note; and Democracy (*democratie*), which is a popular government, in which each of the people has power.”<sup>10</sup>

Wanting to include this classic quotation, Calvin probably felt obliged to use the word *democracy* (*democratie*), for the first and final time in the foundation of his doctrine.<sup>11</sup> This uniqueness arouses our curiosity about the significance given to it by the author, who goes on to add that “it is true that a King or other with dominion can easily descend to being a tyrant. But it is just as easy when people of note have the superiority, for them to conspire to raise up an iniquitous dominion; and again it is even easier, when the people have the authority, for sedition” — this is, word for word, the quotation from Aristotle. Taking account of the corruptibility of each, Calvin seemed to show a timid preference for the mixed form of aristocracy and *politie*; he doesn’t use the term *democracy*.

It is true that if we compare the three forms of government as I laid out above, the preeminence of those who govern with the people at liberty, would be best [in the Latin edition of 1559, Calvin wrote: *Equidem si in se considerentur tres illae, quas ponunt philosophi regiminis formae, minime negaverim vel aristocratiam, vel temperatum ex ipsa et politia statum, aliis omnibus longe excellere*]; not indeed in itself, but because

10. *Inst.* IV,20,8 (French edition of 1560: CO 4,1133; Latin edition of 1559: CO 2,1098). All quotations from the *Institutes* of 1559 refer to *Institutes of the Christian Religion* (1559), trans. F. L. Battles (Philadelphia/London, 1960).

11. And, we will add, in French. Calvin of course knows the Latin word, which he uses to describe ancient Rome, once in his commentary on Seneca’s *De clementia* (CO 5,32) and a second time in his exegesis of the prophecy of Daniel (Lecture on Dan. 2:44; CO 40,604).

it very rarely happens that kings so rule themselves as never to dissent from what is just and right, or are possessed of so much acuteness and prudence as always to see correctly.<sup>12</sup>

It is therefore not in and of itself that the combination of aristocracy and *politie* would be the best, only insofar as it would guarantee good government where the monarchy could not do so. What therefore should we think of the aristocracy itself? “Owing, therefore, to the vices or defects of men, it is safer and more tolerable when several bear rule, that they may thus mutually assist, instruct, and admonish each other, and should any one be disposed to go too far, the others are censors and masters to curb his excess.”<sup>13</sup>

Aristocracy would be the most tolerable form of government (*magis tolerabile plures tenere gubernacula*) on condition that its members could help each other by controlling and censoring each other, to avert the danger of seeing the aristocracy descend into oligarchy (*in paucorum factione*).

### Democracy or Aristocracy in Electing Pastors?

The most direct application of this concept is reflected in Geneva’s electoral systems in all their different forms. Charles Mercier, whose position I am aware of, excludes any democratic tendency of Calvin’s and refutes anybody holding such an opinion.<sup>14</sup> Mercier recognizes that, while Calvin

12. French Edition of 1560 = CO 4,1134; Latin edition of 1559 = CO 2,1098. It is surprising that one of the foremost scholars of Calvin’s political doctrine could have ignored this subtlety, giving the translation of this Latin passage as follows: “For if the three forms of government which the philosophers discuss be considered in themselves, I will not deny that aristocracy, or a system compounded of aristocracy and democracy (*vel aristocratiam vel temperatum ex ipsa et politia statum*) far excels all others”; McNeill, “John Calvin on Civil Government,” p. 37. If Calvin had wanted to write *democratiam*, he would not have written *politia*. Be that as it may, the difference between the Latin (1559) and the French (1560) from the same Calvin is worthy of attention. The error or the confusion between *democratie* and *politia* is fairly widespread, as demonstrated in the article by Meier et al., “Demokratie,” p. 837 and especially pp. 840-42.

13. CO 4,1134. This alludes to the “grabot,” a custom in all Genevan committees, companies, and institutions: an annual meeting dedicated to mutual criticism known as “grabot.”

14. “Supporters of the latter interpretation appear to us to have not always sufficiently distinguished the principles of ecclesiastical and civil government, professed by Cal-

did not give believers the right of suffrage, he consolidated an electoral practice that validated the role of the people's representatives — though, we might add, the people of the parishes had the ability to tacitly approve or reject the chosen candidates. Nonetheless, the author remarks that “this essentially aristocratic concept of society appears notably in the appointment of elders or presbyters.”<sup>15</sup> In my view, this judgment seems quite balanced, in spite of a certain, possibly inescapable, anachronism, as for a twentieth-century historian it is not easy to evaluate with certainty the so-called democratic concepts of the sixteenth century. Having said that, this judgment becomes even more plausible when compared to a similar criticism made by certain of Calvin's disciples, reproaching him for using methods that were not very democratic in ecclesiastical organization and for having aristocratic tendencies, particularly in depriving believers of their right of direct suffrage for the election of ministers. The most sensational case was that of Jean Morély — whom I mentioned earlier — whose *Traité de la discipline ecclésiastique* (Lyon, 1562) was met with such disapproval that it was burned in the public square in 1563 on the orders of the council. Unlike Calvin, who had always insisted on the clear distinction between civil and ecclesiastical governments, Morély establishes an analogy between them to demonstrate that, according to the word of God as set out in scripture, the type of government desired was a democratic one. This “democratic government” is not to be considered in the abstract, in the forms that it took in the distant republics of Athens and Rome, but becomes feasible when adapted to the requirements of the various congregations according to the models given in the holy scripture, which is able to provide it with a body of laws and an organizational system.<sup>16</sup> The theory was also refuted by Antoine de la Roche-Chandieu (1534-1591; *La confirmation de la discipline ecclésiastique observée des églises réformées du royaume de France, avec la réponse aux objections proposées à l'encontre* [Geneva/La Rochelle, 1566]), who tried to dismantle the central theory of the analogy between the two powers.

vin, on one hand, from his constant preoccupation with defending the essential freedoms of the governed people, on the other hand. The distinction is however crucial in this matter. One can believe in what we call individual freedoms in politics, without proclaiming the people's right to govern themselves; which is strictly speaking the essence of the democratic regime”; Mercier, “L'esprit de Calvin et la démocratie,” p. 30.

15. Mercier, “L'esprit de Calvin et la démocratie,” p. 33.

16. See Kingdon, “Calvin and Democracy,” p. 397.

Nobody synthesized this argument better than Theodore Beza, in a letter written in 1571, which is precious because it also summarizes the process for the election and removal of ministers. In this letter, Calvin's successor explains to Heinrich Bullinger (1504-1575), Zwingli's successor, the intrigues of those who wished to sow discord in the churches of Zurich and Geneva. In particular, Beza denounces Morély's slander and that of his fellows, who accused him of having “in some way introduced oligarchy or tyranny into the Church, those who had refused to establish the most confused and pernicious democracy therein (quasi oligarchiam aut tyrannidem in Ecclesiam invehant, qui perturbatissimam et seditiosissimam democratiam stabilire in Ecclesia recusarint).” On the contrary, Beza explains to his counterpart in Zurich, the churches of France “have always had and continue to have in common with us the aristocratic principle of the Consistory (aristocratiam Consistorii nobiscum communem)”<sup>17</sup> — a shocking sentence that rightly attracted the attention of historians.<sup>18</sup>

The significance of this letter goes beyond the chronological boundaries of the matters discussed within it, because it incisively sets out the terms that form the basis of the debate between Presbyterians and Congregationalists, between aristocratic principles and democratic principles that are sometimes difficult to distinguish. While it was already being formed at that time, this debate among Puritans would take on considerable proportions in English-speaking countries during the seventeenth century, and continue in the New World. There is considerable literature showing the continuance of this debate, the consequences of which are linked on the one hand to the troubles in England that led to the Glorious Revolution, and on the other hand, to the American Revolution.<sup>19</sup> But the

17. Theodore Beza's letter to Heinrich Bullinger, Geneva, November 13, 1571, in *Correspondance de Théodore de Bèze*, vol. 12, no. 871, pp. 215-27, here p. 220.

18. Cf. Kingdon, *Geneva and the Consolidation of the French Protestant Movement*, pp. 209-15.

19. On the relationship between continental Calvinism and English political thought, cf. Cremeans, *Reception of Calvinistic Thought in England*; Salmon, *French Religious Wars in English Political Thought*; Collinson, *Elizabethan Puritan Movement*; Mosse, *Holy Pretence*; Hill, *Society and Puritanism in Pre-Revolutionary England*; Flynn, *Influence of Puritanism in the Political and Religious Thought of the English*; Mosse, *Struggle for Sovereignty*; Howse, *Saints in Politics*; Morris, *Political Thought in England*. On the origins of democracy with regard to Puritanism in the Old and New World, cf. Simpson, *Puritanism in Old and New England*; Mead, “William Brewster and the Independents”; Miller and Johnson, eds., *Puritans*; Miller, *New England Mind*; Perry, *Puritanism and Democracy*; Johnson, ed., *Foundations of Democracy*.

farther we get from Calvin's time, the more we must call on Calvinism, looking at the works of the disciples, a reasonable step and one that offers elements of continuity from one century to another right up to the present day.

Let us stay with Calvin's texts and try to understand how the notion of freedom is developed in the author's reasoning, as he departs from Christian freedom to reach freedom of conscience.

### The Conscience and Its Freedom

Calvin dedicates a chapter of his *Institutes* to "Christian liberty." He uses the phrase *libertas christiana*, which Paul had used (1 Cor. 10:29; 2 Cor. 3:17) to mean the Christian's freedom from servitude and the ceremonies of the Law, the Law of Moses. Over the centuries, the fathers of the church, such as Jerome (347-420), Augustine (354-430), and Ambrose (339-397), and the theologians of the Middle Ages, such as Bernard of Clairvaux (ca. 1090-1153), Peter Abelard (1079-1142), and Thomas Aquinas, worked to clarify the notion of *conscientia* more than that of *libertas christiana*, so the former thereby acquired particular theological importance as the preferred place for faith.<sup>20</sup> But it was the sixteenth-century reformers who gave center stage to freedom of conscience. Martin Luther (1483-1546), Huldrych Zwingli (1484-1531), Philipp Melancthon (1497-1560), and Calvin outlined a doctrine of Christian freedom that gradually became a doctrine of freedom of conscience. To find the shift from one to the other, let us follow Calvin, who began by explaining his doctrine:

Christian freedom, in my opinion, consists of three parts. The first: that the consciences of believers, in seeking assurance of their justification before God, should rise above and advance beyond the law, forgetting all law righteousness. . . . The second part, dependent upon the first, is that consciences observe the law, not as if constrained by the necessity of the law, but that freed from the law's yoke they willingly obey God's will. . . . The third part of Christian freedom lies in this: regarding outward things that are of themselves indifferent, we are not bound before God by any religious obligation preventing us from

20. Turchetti, "À la racine de toutes les libertés: la liberté de conscience."

sometimes using them or other times not using them, indifferently. And the knowledge of this freedom is very necessary for us.<sup>21</sup>

Close to the "heart" and the "soul," the conscience is deep down inside the human being and in direct contact with God. Like "a keeper assigned to man, that watches and observes. . . . Hence that ancient proverb: conscience is a thousand witnesses,"<sup>22</sup> the conscience rules the believer's internal judgment mechanism, whose first concern is his or her justification and salvation. That is why it can be raised above the Law (the Old Testament Law of Moses), "forgetting all law righteousness" of "outward things" and themselves "indifferent," because it must account only to God. It is free in the sense that it must obey only the word of God. While, on the one hand, it is subject to divine will and ruled by it, on the other hand, it remains free with regard to any external or human law when those are not in accordance with divine law. This happens when human law does not follow the natural equity and natural law, which are akin to divine law. So that we do not lose ourselves in the midst of all these laws, let me try to clarify things and explain which laws the conscience can freely disobey and, on the other hand, which laws it must obey.

### The Law of Moses, Moral Law, Equity

When Calvin affirms that the conscience is free from the Law of Moses, he refers to its three constituent parts: the "moral, ceremonial, and judicial laws." With regard to the two other laws, "the ceremonial law of the Jews was a tutelage," while "the judicial law, given to them for civil government . . . had something distinct from that precept of love. Therefore, as ceremonial laws could be abrogated while piety remained safe and unharmed, so too, when these judicial laws were taken away, the perpetual duties and precepts of love could still remain."<sup>23</sup> In this regard the conscience is freed from all obligation.<sup>24</sup> With regard to customs, little store should be set by

21. *Inst.* III,19,2-7; CO 4,344, 346, 349. See Lecler, "Liberté de conscience"; Dufour, "La notion de liberté de conscience," pp. 15-20; Millet, "Le thème."

22. *Inst.* IV,10,3; CO 4,761.

23. *Inst.* IV,20,14-16; CO 4,1143-44.

24. We note that Calvin added a comment at this point, into which a modern reader might read a principle destined to have a great democratic future: "But if this is true, surely

their value with regard to “ceremonial and judicial laws,” which can “be changed or abrogated,” but instead by what they entail with regard to “the true holiness of morals,” that is to say, moral laws. Moral law “is the true and eternal rule of righteousness, prescribed for men of all nations and times,” because it contains “two heads, one of which simply commands us to worship God with pure faith and piety; the other, to embrace men with sincere affection.” Moral law thus laid out is enriched by another element, equity, for which Calvin underlines the prerogatives when one must decide the validity of laws in general. We must observe two elements in all laws: “the constitution of the law, and the equity on which its constitution is itself founded and rests. Equity, because it is natural, cannot but be the same for all, and therefore, this same purpose ought to apply to all laws, whatever the object.” By drawing out one by one the characteristics of God’s law, which surpass those of simply natural law, and by highlighting their permanence and validity for all people in all times, the author makes a link between these various characteristics and the conscience: “It is a fact that the law of God which we call the moral law is nothing else than a testimony of natural law and of that conscience which God has engraved upon the minds of men. Consequently, the entire scheme of this equity of which we are now speaking has been prescribed in it. Hence, this equity alone must be the goal and rule and limit of all laws.”<sup>25</sup>

The conscience reveals to us the elements of God’s law, particularly equity, which it must find in human laws in order to know whether they are to be obeyed or not. That is the responsibility of the individual, the citizen and the believer, who are intrinsically linked, whose conscience is both free to obey God’s law immediately and to obey man’s law after judging it to be equitable. Obeying civil laws “motivated by conscience” is an instruction given to us by Paul (Rom. 13:1-6), referring implicitly to good and just laws.

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every nation is left free to make such laws as it foresees to be profitable for itself. Yet these must be in conformity to that perpetual rule of love, so that they indeed vary in form but have the same purpose” (CO 4,1144).

25. *Inst.* IV,20,16; CO 4,1145.

### “Heavenly Regime and Earthly Ordinance”

It is in these terms that we can understand the dual religious and civil register in which Calvin explains the dual attitude of the conscience when faced with the duty to obey, because “human and civil jurisdictions are quite different from those which touch the conscience.” His explanation of the two areas of action becomes even more coherent when paired with the distinction made by the theologian between ecclesiastical government and civil government — in other words, between the “heavenly regime and earthly ordinance.” With regard to the heavenly regime, which is more specifically the realm of the conscience, if “conscience refers to God,” we are in the presence of a “clear conscience”: “A good conscience, then, is nothing but inward integrity of heart.”<sup>26</sup> Meanwhile, in the “earthly” governed by human laws, the conscience can act as a shield to protect ourselves from these laws “if they were passed to lay scruples upon us”; sometimes, in this world that is under “the densest darkness of ignorance,” it is like a “tiny little spark of light,” lighting the way to show us that “man’s conscience [is] . . . higher than all human judgments.” In fact, “God still willed that some testimony of Christian freedom appear to rescue consciences from the tyranny of men.” The conscience, as Calvin describes it, becomes the defender of the individual from the encroachments of an oppressive power, even if the author does not describe it in those terms. “For if we must obey rulers not only because of punishment but for conscience’ sake, it seems to follow from this that the rulers’ laws also have dominion over the conscience. Now if this is true, the same also will have to be said of church laws.” Calvin maintains a prudent but firm attitude when specifying that two things must be taken into consideration.

I answer, that the first thing to be done here is to distinguish between the genus and the species. For though individual laws do not reach the conscience, yet we are bound by the general command of God, which enjoins us to submit to magistrates. And this is the point on which Paul’s discussion turns — viz. that magistrates are to be honoured, be-

26. *Inst.* III,19,16; CO 4,360. The phrase is repeated again in the text in Book IV,10,4; CO 4,761, as follows: “Therefore, just as works concern men, so the conscience relates to God in such a way that a good conscience is nothing but an inward uprightness of heart. In this sense, Paul writes that ‘the fulfilment of the law is love, out of a pure . . . conscience and faith unfeigned [1 Tim 1:5]’.” These two paragraphs are in fact identical.

cause they are ordained of God (Rom. 13:1). Meanwhile, he does not at all teach that the laws enacted by them reach to the internal government of the soul, since he everywhere proclaims that the worship of God, and the spiritual rule of living righteously, are superior to all the decrees of men. Another thing also worthy of observation, and depending on what has been already said, is, that human laws, whether enacted by magistrates or by the Church, are necessary to be observed (I speak of such as are just and good), but do not therefore in themselves bind the conscience, because the whole necessity of observing them respects the general end, and consists not in the things commanded.<sup>27</sup>

### Obedience to Civil Laws

As we can see, obedience to civil laws is due to the magistrates insofar as they are good magistrates. The second consideration is that “all human laws (I speak of good and just laws) do not bind the conscience,” but these must be observed in consideration of “the general end, that there should be good order and ordinance among us.” Calvin could not have said any more about freedom of conscience, even though he only used that phrase twice in all of his writings, on the same page, to reiterate that “a pious and ready inclination to obey” ecclesiastical edicts in order to “cherish mutual charity” takes nothing away from the “freedom of conscience”: “The conscience will not cease to be free and frank.”<sup>28</sup> There was no need to repeat the expression itself more often, because his argument had already built a solid theory of the conscience and its freedom.

Therefore, when it comes to the conscience, Calvin is faultlessly precise and coherent. The conclusions we can draw from one chapter — in this case, Book IV, Chapter 10, on the power of the church and the tyranny of the pope — join those that we can draw from another chapter, one more specific about disobedience and resistance, in Book IV, Chapter 20, *in fine*, as I have already mentioned. The discussion on the subject of the conscience and its liberty in the field of politics is inevitably linked to the question of knowing “how much deference private individuals ought

27. *Inst.* IV,10,5; CO 4,763.

28. *Inst.* IV,10,31; CO 4,794.

to yield to their magistrates (*supérieurs*), and how far their obedience ought to go.”<sup>29</sup> We already know the reasoning and the answer, so they do not need to be repeated here. I would, however, like to suggest several reflections on the essence of Calvin’s doctrine on the freedom of conscience and its scope, which sometimes goes beyond what its author had imagined.

### The Contradictions (or “Vitality”) of a Doctrine When Put to the Test of Time

While recognizing that he owed much to his predecessors, Luther and particularly Melancthon, in drawing up his theory on the freedom of conscience, Calvin had given center stage to a creature that — we could say — would develop a life of its own and could not die with its author. This is also true for other things, including Calvin’s contribution to modern democracy. By separating the two spheres, the religious and the political, the conscience became a separate protagonist in the history of nations, asserting itself both in moral theology, as a place deep down inside for the action of individual will, and in political law, as an individualizing identity of the legal person. If — following Calvin’s prescriptions — in religious life the conscience should free itself from the Law of Moses and the tyrannical regulations of the papacy, it would acquire an autonomous status in political life giving it the right to obey only the equitable laws of just and God-fearing magistrates, to “commit the judgement to the matter of the magistrate (*remonstrer au supérieur/ad magistratum cognitionem deferre*),”<sup>30</sup> to

29. *Inst.* IV,20,17; CO 4,1146.

30. *Inst.* IV,20,23; CO 4,1152-53: “Under this obedience, I comprehend the restraint which private men ought to impose on themselves in public, not interfering with public business, or rashly encroaching on the province of the magistrate, or attempting anything at all of a public nature. If it is proper that anything in a public ordinance should be corrected, let them not act tumultuously, or put their hands to a work where they ought to feel that their hands are tied, but let them leave it to the cognisance of the magistrate, whose hand alone here is free. My meaning is, let them not dare to do it without being ordered. For when the command of the magistrate is given, they too are invested with public authority. For as, according to the common saying, the eyes and ears of the prince are his counsellors, so one may not improperly say that those who, by his command, have the charge of managing affairs, are his hands.” *Ibid.*, CO 2,1111: “If anything in a public ordinance requires amendment, let them not raise a tumult, or put their hands to the task — all of them ought to keep their

resist the iniquitous edicts of kings by applying the “exception or rather the rule” intrinsic to the Petrine precept (“We must obey God rather than men” [Acts 5:29]). In highlighting the elements of contestation, which are the structures leading toward future democracies, we should not lose sight of the fact that, in Calvin’s construction, they were joining a theory of civil obedience due to the magistrate and respect for the established order. There is no contradiction if we consider these elements to have arisen from an exceptional situation, as Calvin understood it. There may, however, be a contradiction between the theory and the practice, that is to say, between Calvin’s claims in writing his doctrine on the freedom of conscience and their application in his own life. To examine this aspect — which could interest some readers — we must look at the question as a historian, being sure to make allowances and, to begin with, not placing Calvin in a role as precursor or prophet, which would lead us into error just as it has many researchers who were stubbornly convinced that they could prove that Calvin was the father of modern democracy.

### The Conscience and Its Rights

We have discussed the autonomy of the conscience — an element with great significance for future democracies — but Calvin never used this term, just as he never used the phrase “rights of the conscience.” Why? Because he did not need to. He had provided all the essential ingredients for the conscience to have its obvious rights. The proof of this is that his contemporaries, and even his adversaries, had taken note of this element of the Calvinist movement, by including the right in a royal edict of 1563, the Edict of Amboise (Arts. 1, 4 and 6), which ended the first civil war. This inclusion, as I have noted elsewhere,<sup>31</sup> marks a shift in French legislative language: the disappearance of the term *heretic* to describe “those of the new religion,” a forerunner of the expression “those of the so-called reformed religion.” Calvin’s Protestant contemporaries spoke about the rights of the

hands bound in this respect — but let them commit the matter to the judgement of the magistrate (*ad magistratus cognitionem deferant*), whose hand alone here is free.” In the interests of brevity, we have not examined this important passage, for which see Millet, “Le thème,” p. 33.

31. Turchetti, “À la racine de toutes les libertés,” pp. 627-28. Cf. Turchetti, “Une question mal posée.”

conscience, which they put at the center of their claims (*vindiciae*) throughout the civil wars of the sixteenth and seventeenth centuries. Provisionally recognized by the Edict of Nantes in 1598, these theological rights would once again take their place at the forefront of the political scene with the progressive erosion of the liberal clauses of the edict, and be more solemnly proclaimed toward the end of the seventeenth century in the titles of famous works such as *Droits des deux Souverains en matière de Religion, la Conscience et le Prince* (1687, by Pierre Jurieu [1637-1713]) or *Réflexions sur les droits de la conscience* (1697, by Élie Saurin [1639-1703]). Even the rights of the “mistaken” conscience or the conscience of the heretic convinced of his orthodoxy were confirmed: that is what Pierre Bayle (1647-1706) calls “true freedom of conscience,” since “error disguised as truth binds us to the same things as truth.” But we must pause here to retrace our steps and open the chapter on contradictions, which I have already said a few words about.

### Freedom of Conscience: For All Consciences?

When Calvin was creating his doctrine of Christian freedom, he knew that the Reformed believers of France were living under a regime of persecution. By putting forward his theories, he was sure to contribute to the advancement of the gospel and of reform in the kingdom, because, by trying to make freedom of conscience acceptable, he wanted the authorities to accept freedom of worship. Yet, when he dealt with the conscience, he spoke about the conscience of humans in general and the conscience of believers in particular. Which believers? — believers of all confessions? The question may seem rhetorical, but for the author and his followers it was undoubtedly about the conscience of Reformed believers, that is to say, those professing the true religion (“since of two religions, only one can be the true religion”), perhaps that of recognized Protestants, such as Lutherans or Zwinglians, and questions remained over that of papists. As for the conscience of the anti-Trinitarians, the Anabaptists, and the heretics of all kinds, there was no doubt. What historians have called the “exclusivity” of Calvin’s religion was not without foundation, because, with regard to freedom of conscience and certainly with regard to freedom of worship, the reformer of Geneva only thought of the Reformed. This exclusivity — which for those of us today with little sense of history, would appear to be

a failing — at the time was a great support, particularly for the persecuted, as they were thus reassured of the validity of their endurance, being witnesses to the true faith. If we say that Calvin asked himself this question, which is unlikely, he should have specified in his writings that when he spoke of freedom of conscience, he meant freedom of conscience for the Reformed. Why did he not do this? Because it was obvious. But the message was interpreted differently by other readers of his works, including some of his disciples — to name but one to represent them all, Sebastian Castellio (1515-1563). He, having worked with Calvin as a minister in Geneva, decided to move to Basel. The Michael Servetus episode and its repercussions, particularly the debate that followed, reveals the ambiguity in Calvin's doctrine on freedom of conscience that I wish to highlight.

Castellio advocated freedom of conscience throughout his life; he had taken the doctrine straight from the source, from Calvin himself. The controversy that flared up between master and disciple, and that was one of the most violent of the century, centered on freedom of conscience, which Castellio (the author of *Traité des hérétiques* in 1554) extended to all men, to all believers, and maybe even to heretics. This is why, when he implemented this principle by publishing his *Conseil à la France désolée* during the first civil war (October 1562: "admit two Churches into France"), he attracted even greater anger from Calvin, for whom Castellio's action amounted to "opening the door to all kinds of heresy." Modern readers might wonder what caused this argument, since Castellio simply wanted what the reformers wanted, the freedom to worship in France. That is one thing that all the histories of the Wars of Religion have trouble explaining, which is why they sidestep the question.<sup>32</sup> In 1562, the situation was not the same as it was in 1598: the aim of Calvin and his associates was not to be "tolerated," but rather to change the religion of the kingdom in order to achieve confessional unity, a "reformed" concord. Later on, toward the end of the civil wars, their goals would be — if I may be so bold — scaled down.

It is nevertheless the case that Castellio was right: he had found the fault in Calvin's doctrine on freedom of conscience, even if his interpretation was different from that of the master, the author of the *Institutes*. What Calvin implied in his pages — freedom of conscience for the Reformed — was not there to help the reader. I could of course discuss the

32. Cf. Turchetti, "Calvin face aux tenants de la concorde."

work and its interpretations. What I would say here is intended as innocent provocation, to underline a point of doctrine whose effects have been "catastrophic" for the history of Calvinism. In addition, we could find proof of the historical relevance of what we are saying here in the judgment of Calvin's closest collaborator, Theodore Beza, who perfectly understood the dangers that his master's doctrine on freedom of conscience could be exposing itself to: "Would we say that freedom of conscience should be permitted? Not in the least, if it means the freedom for everyone to worship God however they please: that is a diabolical dogma (est enim diabolicum dogma)."<sup>33</sup>

Beza too had been right and his interpretation, we must admit, coincided with Castellio's, although with a diametrically different assessment. Let us put it another way. According to Beza, who followed Calvin's doctrine to the letter, the conscience in question was that of the Reformed, while for Castellio it was the conscience of everybody. They were thus both Calvinists, but in very different ways! To conclude this aspect of the contradictions between the theory and the practice (contradictions that in some way prove the vitality of his ideas), that is, between the innocence of a doctrine forged to edify humanity and the dramatic circumstances of life imposing on its implementation, we turn to irony. The irony of the "heterogeneity of purpose" meant that the principle of freedom of conscience, which was destined for a dazzling future in modern democracy and judged worthy of inclusion in the various declarations of human rights from 1776 to the present day, was implemented in the form conceived and spread by Castellio and not as originally created by Calvin. However — risking a gloss — we could say that what was to become known as Castellionism is at its origin simply pure Calvinism.

### And the Erroneous Conscience?

In conclusion, let us return to a subject which, because of its significance, is linked to modern democracy: the erroneous conscience. Toward the end of the seventeenth century, this debate inflamed theologians and French-

33. Theodore Beza's letter to Andreas Dudith, Geneva, June 18, 1570, in *Correspondance de Theodore de Bèze*, vol. 12, no. 780, pp. 168-85, here p. 179. On this issue see the article by Dufour, "La notion de liberté de conscience," p. 15.

speaking Protestant intellectuals in France and the Netherlands, while for the English-speakers, who were also very involved in the reflections on freedom of conscience, it was rare (with John Locke and his set), and for Catholics it was tangled up in the doctrines of probabilism, laxism, tutorism, and probabillorism. In France the Calvinists were divided into three streams, explains Élie Saurin: the Indifferent, led by Bayle; the Intolerant, represented by Jurieu; and the Moderately Tolerant, also known as Charitably Zealous, a group Saurin was proud to belong to. The debate on this matter was to have an immediate effect on a political level, because its outcome would dictate, on the one hand, the resolution of the problem of religious tolerance, and on the other hand, the legality of the persecutions and the legitimacy of the revocation of the Edict of Nantes. Having re-examined in turn the bold speculations of Thomas Aquinas on the conscience blinded by insurmountable error, Bayle astonished his readers when he claimed, with implacable logic, that an error disguised as truth had all the same rights as truth. This was like putting orthodoxy and heresy on an equal footing: equal rights between an enlightened conscience and an erroneous one, parity between orthodoxy and heresy, equivalence between truth and insurmountable error.<sup>34</sup> According to this theory, freedom of conscience was clearing a new path to take it on the road to a new freedom, religious freedom, the freedom to profess all religions — another pillar of modern democracy.

### Toward Parity for Truth and Error

Aware of how much this perhaps inevitable turn toward religious freedom would have displeased Calvin, we arrive at the threshold of another chapter on the contradictions or “vitality” of Calvin’s ideas when put to the test of time. Which obliges us once again to take a step back. Let us pause to consider an author who could — cautiously, of course — play the role of Calvin: Pierre Jurieu, who believed himself to be a *Calvinus redivivus*.<sup>35</sup> At the dawn of the Age of Enlightenment, the doctrine of

34. See Turchetti, “La liberté de conscience et l’autorité du Magistrat.”

35. I could not share, without criticism, Jurieu’s opinion of himself (an opinion categorically refuted by Ms Elisabeth Labrousse, which I clearly remember discussing with her at a Colloquium on Jurieu). I come to this author because his ideas enter my discussion at a

freedom of conscience was fatally implicated in an intellectual climate where skepticism and “indifferentism” (in the form of Latitudinarianism) seemed to rule. Bayle embodied this trend, according to his adversaries, among whom Jurieu seemed to occupy the place of honor. The latter fought “the great source of delusion for our libertines” bitterly, saying that the erroneous conscience had the same rights as the orthodox conscience. In the same way, on a political level, he refuted the consequence categorically, that is to say, “that an idolatrous Prince has the same right to defend idolatry as an orthodox Prince for truth.”<sup>36</sup> Jurieu understood perfectly that, after the Revocation, the tolerants, like Bayle, wanted to establish the rights of the erroneous conscience at the expense of those of the prince to ease the lot of the persecuted Protestants. But this enlargement of freedom of conscience represented an injustice, because even Jews, Turks, and pagans could benefit from it — not to mention what it would mean depriving sovereigns of their right to intervene in religious affairs; that would be to “relieve the kings of France and Spain of the authority to chase Papism from their States, as the kings of England and Sweden have done. . . . Be assured that this must happen here.”<sup>37</sup> This is one of Jurieu’s reflections that would seem to join Calvin’s view of a certain notion of religious tolerance, which would nevertheless give way to the perception of their respective adversaries, who were also Calvinists in their own way: first Castellio, then Bayle.

### “The Sovereignty of the People” — The First Formulations, the First Debates

In these same debates at the end of the seventeenth century, another idea, perhaps the idea dearest to the supporters of modern democracy, comes to light: “popular sovereignty.” In various controversial writings, such as his *Lettres Pastorales*, Jurieu reexamined and developed the theory drawn up by Calvinists, direct disciples of Calvin, such as François Hotman (1524-

certain point. In addition, one should recognize that there are elements in his method of imposing his ideas and in his attitudes that remind us of Calvin, for better or worse, but always with a certain affinity.

36. Jurieu, *Des droits des deux Souverains*, pp. 285-87, 289, 294.

37. Jurieu, *Des droits des deux Souverains*, pp. 283-84; cf. Turchetti, “La liberté de conscience,” p. 343.

1590), Theodore Beza, Innocent Gentillet, George Buchanan (1506-1582), Junius Brutus, and others in the 1570s, in the heat of the wars of religion after the St. Bartholomew's Day Massacre. Now, in the heat — we can use the image again — of the Revocation, the ideas of the disciples of yesteryear became more explicit. Jurieu conferred on them such fire and aggression that he would even attract the disapproval of his Protestant contemporaries themselves. In the middle of the reign of Louis XIV (1638-1715), he wrote *Les soupirs de la France esclave* “with a view . . . to reignite in the hearts of the French the spirit of freedom that Tyranny has extinguished,” because it was common knowledge that “the Court of France has built its Despotic Power” by diminishing the “Freedom of the People” to the point of abolishing “the Nation's General Assemblies, where the Sovereign Power lay.”<sup>38</sup> This is why he wanted to show “the extremes to which Tyranny had gone, the means it used to establish and preserve itself.”<sup>39</sup> As a result of his extraordinary historical, legal, and political knowledge, Jurieu proposed “reforming the State,” regenerating the monarchy that was at that time reduced, in his view, to a pitiful level, which was “an effect of the Despotic and Arbitrary Power that is pure Tyranny.”<sup>40</sup> The basis of his theory was that “the Sovereign Power” should be put back “into the hands of the People and of Assemblies composed of their Deputies,” the people should be given back their rights and their liberty, which irresponsible kings, particularly “Louis the fourteenth, the most imperious and authoritative of all the kings,” had taken away from them.

In the works of Calvinist authors of that period, we find expressions like “freedom of Peoples,” and calls for “sovereign power” of which the people are guardians. Could we say that these contributed to modern democracy? Yes, of course, though it is important to note that they were writ-

38. Jurieu, *Les soupirs de la France*, pp. 296-97.

39. Jurieu, *Les soupirs de la France*, p. 543.

40. Jurieu, *Les soupirs de la France*, p. 107. In this and many other writings, using phrases such as this one about “the infidelity with which the Court supports the Tyranny of its Despotic Power,” with numerous variations, Jurieu showed that he could no longer distinguish between despotism and tyranny, in fact just like other authors of this time. On this important historical confusion, important because it prevented thorough political analysis, not to mention the resulting improper usage of the “tyrannicide” theory, see my study of comparative terminological history, Turchetti, “Droit de Résistance à quoi?” pp. 831-77. Jean Hubac does not appear to have recognized this confusion — which Jurieu was not the only one to display — in his otherwise very interesting article: Hubac, “Tyrannie et tyrannicide selon Jurieu,” pp. 583-609.

ing around a century before the Revolution, for which the idea has not yet appeared. It is not surprising that this theory of popular sovereignty (*ante litteram*, the origin of which is commonly said to be the Age of Enlightenment) must have hurt the ears of the Catholics and all those who were close to royal politics. In fact, first Jacques Bénigne Bossuet (1627-1704) did not hesitate to virulently oppose the theory of popular sovereignty in his *Avertissements aux Protestants sur les lettres du Ministre Jurieu contre l'Histoire des variations* (Paris, 1689). But within the scope of our research, it is the reaction of another Calvinist that interests us more: Pierre Bayle, who refuted the positions of his fellow Protestant on the basis of the same sources, with a view, like him, to protecting the interests of the Protestants in France. As for knowing which of them was the more Calvinist of the two, an analysis of their works — which we can do here — could tell us, at least to a degree. What were the arguments that led to such contrast between the two Calvinists? Bayle laid the blame on the “Republican lampoons” and the “Satirists,” “infected with Political Heresies,” who supported the “Sovereignty of the people.”

The main reason that leads you to teach that Sovereignty comes from the people, and that they only ever give it up for the faculty of atonement, or rather that they always confer it like a stronghold moving its Crown on the charge of reversion, is that you believe you can easily justify civil wars and the destitution of Kings with this theory. Yet beware, Sir, as if only the whole multitude of the people had the right to inspect and examine the conduct of the Prince, and that of his People; if it was necessary for each individual person to submit to the will of the Court, even when they found it unjust: it would only be possible to remedy the disorder of the Government through the rebellion of an infinite number of individuals, which would render your theory completely absurd.<sup>41</sup>

The Protestants in exile, who were waiting for the time to return to France, did not realize that by spreading “Monarchomach dogmas” in their lampoons, renewed by the new “Presbyterien dogma of the accountability of Monarchs,” they were undermining the principles of their own religion and declaring themselves to be in substance enemies of the state. The numerous references to the “parricide of Charles the First” led the au-

41. Bayle, *Avis important aux Refugiez sur leur prochain retour en France*, pp. 133-34.

thor to question the basis of the Presbyterian theories like that of George Buchanan, applied by the Independents according to the suggestions of John Milton, which are both in an anonymous text, printed in Magdeburg in 1550, *Du droit des Magistrats sur leurs sujets*, and in another text printed in 1579 under the pseudonym Stephanus Junius Brutus, *Vindiciae contra tyrannos*. Bayle refuted the theories of these two authors with arguments from the most subtle political philosophy, after which he could more easily demolish the theories that were attached to it, those of Jurieu, Jean Claude, and other makers of “insurgent pamphlets” that were circulating in France and elsewhere at the time. In particular, he attacked the new dogma of the sovereignty of the people.

Where then is this supposed Sovereignty of the people that you have been so extolling for several months; this most monstrous, favoured illusion, which at the same time is the most pernicious dogma with which we could infatuate the world? Those for whom you have revived it from the graves of Buchanan, Junius Brutus, and Milton, the infamous Cromwell apologist, would be greatly embarrassed, if the inhabitants of Great Britain wanted to use the gift that you are offering them: as if this Sovereignty means that the people can force Monarchs to give an account of their administration, and nominate Commissioners for this, it can also mean the examination by other Commissioners of the conduct of a Convention or a Parliament. Who can deny it? And what could be more ridiculous than claiming that the Sovereignty of a people gives it the right to oppose a king but not an Assembly of around four or five hundred people?<sup>42</sup>

To expose the vicious circle in which the theories of “inferior Magistrates” and the right to resistance were fatally engaged, Bayle also relied on the argument of another Calvinist, the author of *De jure belli ac pacis*, Hugo Grotius (1583-1645), wanting to warn his fellow Protestants against their ideas, which were a threat to their very survival.

42. Bayle, *Avis important aux Refugiez sur leur prochain retour en France*, pp. 86-87.

### Freedom of Conscience First in the Secular Democracy of the Twentieth Century

Let us stop here, resisting the pull of these fascinating pages, to ask ourselves another question at the end of our study. At the end of the seventeenth century, just before entering the age of revolutions and Enlightenment, we are faced with two streams of thought both claiming to represent Calvinism, and which were battling for recognition, particularly in the kingdom of France: one, through resistance, in the footsteps of Beza-Buchanan-Jurieu; the other, through tolerance, in the footsteps of Castellio-Grotius-Bayle. Which side would Calvin have come down on? This is a question that cannot be answered, we admit. Let us try to change the terms. On the basis of what we know of him through his writings, we would say that both of these lines of conduct would find supporting points in his doctrine, especially if we remember not only the famous last page of the *Institutes*, which alludes to the right to resistance, but also the dozens of preceding pages, discussing the duty of obedience. Let us note that both of these streams are essential for modern democracy to blossom and would be prolonged, on the one hand, in the affirmation of the right to revolution — in the United Provinces, in England, in the United States, and in France — and on the other hand, in the affirmation of human rights. Of course, Calvin is not alone in these various processes, which we are unavoidably outlining far too simply. But it is without doubt that among the numerous legal, theological, and political elements that contributed to both of these developments, there is a place for Calvin and Calvinism. We believe we can definitely discern his mark in the idea that is at the heart of both of these streams of thought: freedom of conscience. This idea made its way, in particular — not alone, of course<sup>43</sup> — in the incisive form that Calvin gave it, through the centuries between debates and revolutions, to establish itself, at the beginning of the twentieth century, at the heart of the most areligious (not anti-religious) and atheological (not antitheological) law that there could be, to serve as the perpetual foundation of the “dogma” of laicism. We find it in its essential brevity, as power-

43. In other denominations and particularly among Catholics, there is considerable debate on freedom of conscience in very different forms; for an initial introduction to it in Catholic theology, cf. Baucher, “Liberté morale.” Readers should also look at what is perhaps the best account of the issue from the perspective of ecclesiastical law and moral philosophy, Ruffini’s treatise *La libertà religiosa*.

ful as it is profound, in the first line of the first article of the French Constitution: "The Republic ensures freedom of conscience. It guarantees the freedom to worship with only the restrictions decreed hereafter in the interest of public order."<sup>44</sup>

We now reach another important conclusion for our subject, Calvin and modern democracy, touching on the primordial element that is at the heart of every human being, that place deep down inside. Freedom of conscience is now destined to be affirmed in its legal status as a subjective and inalienable right that is worthy of appearing in constitutions and in conventions and declarations on human rights, the rights of women, and the rights of the child. It is so central that it would be worthy of its own convention or declaration on the rights of the conscience.<sup>45</sup> It is in light of this experience that we should consider perfecting the structures of modern democracy.

*Translated from French by Victoria Mendham, Bath, UK*

44. Act of December 9, 1905, on the separation of church and state, Chapter 1, Principles, Article 1. Cf. Passy, *Soyons laïques!*

45. Cf. Turchetti, "La liberté de conscience," p. 798.