



Calvin and Human Rights

加爾文與人權



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賴信道

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摘要

這篇文章將探討約翰加爾文的著作與在歐洲的加爾文團體中有關人權觀念發展之間的歷史關聯，並且隨後試圖與在台灣的情境作某種聯繫。關於人權是首先在啓蒙時期與世俗理性主義影響下所發展出來的，這樣的一個普遍主張是有它的局限性。反而，正如在早期歐洲宗教改革時期對宗教自由的追求，那樣對宗教自由的追求其實才真正為普世人權預備了更寬廣的教義發展與道路。而加爾文對教會與社區社會結構的獨特見解（介於路德與極端重洗派之間），與宗教改革精神所帶出的行動與模式都為人權發展播下苗床。儘管加爾文的著作在這個領域的重要性，但是它仍受到嚴重的局限，特別是受限於過於倚賴簡單與不全備的聖經觀點（如以十誡作架構），使得在處理多元性社群的問題上顯得不足。從上述的這些局限中鼓勵我們繼續追求普世的世界人權。

關鍵詞：

加爾文、人權、民主、十誡、啓蒙運動、宗教自由



Abstract

This article will examine the historical connection between the work of John Calvin and the development of the idea of human rights in Calvinist communities in Europe, and will subsequently draw a tentative connection with the context in Taiwan. It will begin by noting the limitations in the widespread belief that human rights were developed first during the Enlightenment period and under the influence of secular rationalism. This paper will show that the pursuit of freedom of religion, as it developed during the early European Reformation, prepared the way for the development of broader doctrines of universal human rights. This will then lead into a presentation of Calvin's unique stance on the social structure of the church community (as a middle way between Lutheran and Anabaptist extremes), and the way in which this Reformed disposition acted as a seedbed for further rights development. While Calvin's work in this area was important, it still suffers from important limitations, particularly an inability to deal with pluralistic communities and an over-dependance on a simplistic and truncated view of biblical law (as framed in the Decalogue). These limitations encourage us to continue moving ahead in the pursuit of universal human rights.

Keywords:

John Calvin, human rights, democracy, Decalogue, Enlightenment, religious liberty



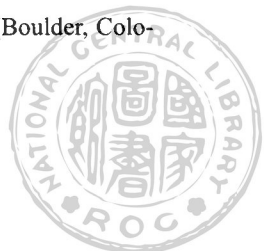
I. A Very Brief History of Universal Rights¹

Theologians working in the field of human rights often find that, in certain circles, their suggestions of a connection between the Christian faith and human rights will be met with a great deal of skepticism. There are several reasons why claims of a connection between the Christian faith and universal human rights tend to be controversial, not least of which is the growing belief that the world of faith and the socio-political world are to be seen (and always maintained) as mutually exclusive domains.² Yet the suspicion surrounding claims to a connection between faith and human rights goes deeper than a simple secular desire to understand “personal” faith and the “public” sphere as disconnected entities. I would suggest that the two main reasons for suspicion arise from a misconception about the birthplace of universal human rights (as occurring only first during the period of the Enlightenment), and from the church’s own checkered past as an occasional human rights abuser. Since these assumptions and opinions often bar the way to any further discussion of the church’s influence on human rights development (let alone discussion of Calvin’s important contribution to the field), it is worth taking a quick look at these two areas of concern.

Until quite recently in Western Europe and North America, there tended to be an assumption that universal human rights were only first developed during the period of the Western Enlightenment, (with particu-

1 This paper was originally presented at the Taiwan Theological College and Seminary, Taipei, on 24 November, 2009, commemorating the five-hundredth anniversary of the birth of John Calvin. Parts of this paper still reflect the original form of this presentation. Furthermore, this paper presents a number of insights which are the result of research performed with the Taiwan Foundation for Democracy; I would like to thank the TFD for their generous sponsorship.

2 Interestingly, this reflects the long-standing two-language hypothesis popular in the discussion between the natural sciences and theology. For discussion, cf. Ted Peters, “Science and Theology: Toward Consonance,” in *Science and Theology: The New Consonance*, ed. idem (Boulder, Colorado: Westview, 1998), 11–39, esp. 17–18.

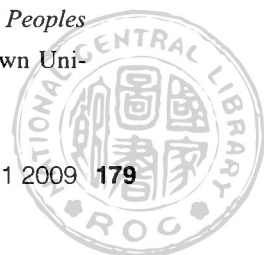


lar attention on a range of thinkers such as John Locke and Jean-Jacques Rousseau, among others). As a multifaceted period of European intellectual history (beginning in the late seventeenth century and then flowering in the eighteenth century), the Enlightenment was characterized by a range of different movements toward secular reason, particularly reason as it was embodied in the individual human being. This focus on ideas of rationalism and individualism turned Enlightenment thinkers (particularly Voltaire and Diderot in France) away from the authority and traditions of the church. Indeed, the very name “Enlightenment” implied this liberating break from the church: humanity had escaped from the black cave of the so-called “Dark Ages,” had left the darkness of religious thinking and superstition behind and moved into the light of reason and rationality. As the German philosopher Immanuel Kant famously wrote: the Enlightenment was “man’s release from his self-incurred immaturity” through the use of one’s own reason and without guidance from others.³ To be “enlightened” thus meant leaving behind external authorities, particularly the teachings of the church, and meant putting our faith in our own wisdom and rationality. This was particularly so in the French Enlightenment which understood itself as pursuing “a desire for human affairs to be guided by rationality, rather than faith, superstition or revelation, [and to adopt] a worldview based on science, and not tradition.”⁴ Many introductory textbooks on human rights will suggest that it was this Enlightenment focus on secular rationality and the importance of the individual that led to the development of individual human rights.⁵

3 Immanuel Kant, “An Answer to the Question: ‘What is Enlightenment?’” in *Kant’s Political Writings*, ed. Hans Reiss (Cambridge: Cambridge University Press, 1991), 54.

4 Dorinda Outram, *The Enlightenment*, 2nd ed. (Cambridge: Cambridge University Press, 2005), 3.

5 Thankfully, this trend is beginning to change, with several recent works and research communities focussing to varying degrees on the role of the Christian Church (as well as other faith traditions) in the early development of modern human rights. Cf. here e.g. John S. Nurser, *For All Peoples and All Nations: The Ecumenical Church and Human Rights* (Washington: Georgetown Uni-



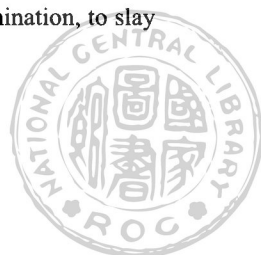
Therefore, to suggest that the concept of universal human rights took shape under the influence of Christian (and later Protestant churches) decades, if not centuries, before the beginning of the Enlightenment seems to be a controversial claim. But under closer examination, this is exactly what we find.

My argument here is not that rights were unknown before the Christian era, but rather that they experienced significant development under the influence of Christian ideology. We can trace the broad outline of this development within the ancient world and specifically in the Judeo-Christian traditions themselves.

It was certainly not uncommon in the ancient world for certain privileges and rights to be linked with *citizenship* of a particular community. We even have first-hand evidence of such rights in the New Testament, for example the right given to Roman citizens to be spared scourging and flogging.⁶ Particularly interesting in the Old Testament legal codices is that the circle of entitlement for a broad range of rights — ranging from financial and economic rights (e.g. against usury) to subsistence rights (e.g. rights to food) — was expanded to include not only *citizens* of Israel, but *residents* of Israel as well: for example, that Israel should not oppress the stranger among them, since they too were strangers in Egypt (cf. e.g. Exod 22:21; 23:9, among many examples). Of course, those non-Israelites who lived outside Israel's borders and outside of the scope of Israel's genetic or ancestral blessing, did not share the same rights and were thus still subject

versity Press, 2005); Micheline Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley: University of California Press, 2004), or the human rights research at Emory University's Center for the Study of Law and Religion.

6 Cf. here the long and intricate procedures surrounding the interrogation and trial of Paul (Acts 21:17–26:32, esp. 22:22–29), procedures which needed to be cautiously observed due to his rights as a Roman citizen. We also see this in Roman literature, such as Cicero's objections against mistreating Roman citizens: "To bind a Roman citizen is a crime, to flog him an abomination, to slay him almost an act of murder" (Cicero, *Verrine Orations*, 2.5.66).



to oppression, abuse and even genocide at Israel's hands. This underlying, broad focus on the exclusive rights of an exclusive community (based on a general belief in the exclusivity of God's love for his chosen community) was then seriously challenged with the rise of the Jesus Movement, which defined itself as breaking away from such concepts of national or racial exclusivity and focussing instead on God's love for both Jew and Gentile, and thus the implications of that love for all peoples. With the deconstruction of the Jewish ideology of exclusivism and its corresponding concept of divine favoritism,⁷ the path was prepared (in principle) for the universalization of rights based not on exclusive citizenship or residence in a particular community but on the universalization of God's love for all peoples and nations.

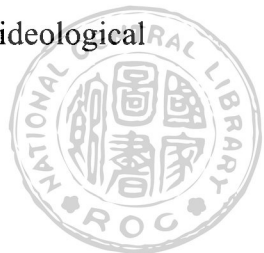
The next two millennia in the continuing development of universal rights within this new church is something we cannot address here (though I will return to this below primarily with regard to the Reformed and Calvinist traditions). However, the central issue here is that once we are aware of this ancient Christian framework of universalized rights, we see that the modern system of rights in the West did not simply emerge from an intellectual vacuum during the eighteenth century. Nor I think are we then surprised that great Enlightenment thinkers such as John Locke and Jean-Jacques Rousseau would pick up the influences of their Protestant, Calvinist homes and repurpose the ideals of universal rights and universal human dignity before God for their modern, more secular communities. Indeed, modern studies, such as Nurser's analysis of the way in which the United Nations Declaration of Human Rights was developed and promoted under the influence and guidance of the worldwide ecumenical church, are beginning to disassemble the outdated idea that the Christian faith had little to contribute to the development of modern human rights.⁸

7 Cf. e.g. Acts 10:34, Rom 2:11, Eph 6:9, Col 3:25.

8 See note 5 above.



I noted above that the shift to a Christian conception of God's love of all people, Jew and Gentile, and his lack of favoritism prepared the way for rapid development in the idea of universal human dignity and rights — in principle. This brings us to the second reason why a claim about the connection between church and human rights may sound controversial, namely that at times during its two-thousand-year history, the church appeared as a human rights abuser rather than a human rights defender. We need to be honest at this point: many people in this world have been oppressed, tortured, and killed, and many voices and ideas have been silenced or suppressed by so-called Christians who thought they were defending the church, defending doctrinal truth, defending social righteousness, or even defending God. There may be an unspoken Protestant desire to hint (subtly or not so subtly) that the greatest and deadliest offenses in the history of the church — crusades and inquisitions — were carried out by Catholics. But Protestants are hardly innocent here either. With regard to the last century alone, we could speak in general terms of the involvement of Protestant churches in the persecution of minorities in Nazi Germany, in South Africa's apartheid period, or in the British colonization of Australia. But when we turn to the topic of Calvin and human rights, we can no longer even speak in generalities: Calvin's personal involvement in the execution of the "heretic" Servetus forces us to confront a concrete case of religious persecution not only within the Reformed and Calvinist tradition but by the founder of those traditions himself — an act of persecution that must be kept in mind in any discussion of Calvin's influence on human rights. If then even Calvin, together with Protestant and Catholic churches, can participate in rights abuse, how can we argue that Christianity, and particularly Calvin and the Presbyterian Church, were supporters of the development of human rights? This is a complicated question which needs a complicated answer, one which examines individual cases of abuse in detail and tries to tease out the theological or ideological

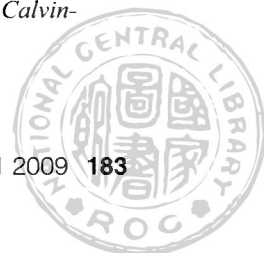


bases of abuse (an examination which is far too extensive to be attempted here⁹). Let me just note two points here: First, it is important that we distinguish between the institution of the church as an organization and the individual's who compose the church. At times, a single church community can do harmful things while individuals within the church fight against it, trying to seek reform and change. At other times, it is a small number of individuals or leaders within a church who push harmful policies while the church as an institution refuses to follow their example.¹⁰ Churches, as with secular communities, are not uniform or homogenous; thus painting particular church communities with a single broad brush does a disservice to their internal complexity and multifaceted nature. When we examine the history of individual human communities (including all-too-human church communities), we find both these movements often occurring simultaneously: compulsion and restraint, hostility and reform, aggression and critique.¹¹ If

9 However, see my forthcoming edited volume, *Forensic Theology*, for an attempt to address these issues in a global context.

10 Thus I think it is no coincidence that, for example, both in Nazi Germany and in the apartheid era in South Africa, critique and reform of these church alignments to oppressive policies came from within the community of faith itself.

11 This is certainly not a situation limited to communities of faith, but is also common in the political sphere, as we can see from discussions of nationalism and attempts to distinguish between a nation's national identity (and its [particularly, foreign] policies) and the internal motivations and identities of its diverse citizens. Adam Smith noted this difficulty with complex and contradictory identities and pursuits between nations and citizens in 1759: "There is many an honest Englishman, who, in his private station, would be more seriously disturbed by the loss of a guinea, than by the national loss of Minorca, who yet, had it been in his power to defend that fortress, would have sacrificed his life a thousand times rather than, through his fault, have let it fall into the hands of the enemy" (Adam Smith, *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie [Oxford: Clarendon, 1976], 192). See also J. L. Talmon, *The Origins of Totalitarian Democracy* (New York: Praeger, 1965) for a discussion of the ambiguous nature of the French Revolution as acting to promote both liberal democracy and totalitarian fascism (quoted in John Witte, Jr., *The Reformation of Rights: Law Religion, and Human Rights in Early Modern Calvinism* [Cambridge: Cambridge University Press, 2007], 1).

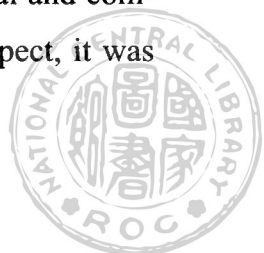


we would want (perhaps, foolishly) to attempt to write a general rule, we might say that the character of any church is often related to the environment and times in which that church finds itself: when a church is dominant and powerful in society, it is open to being abusive; when it is itself weak and oppressed, it does better at focussing on its Christological mission of service.

This brings us to the second point: When we look at the history of the Reformation and Calvin's church reforms we find the most impressive development in human rights arising from that time when the young church was experiencing persecution and change. As the churches of the Protestant Reformation, including Calvin's own church, often found themselves in dangerous and life-threatening situations, existing as minorities in a hostile and often deadly environment, the churches needed to do all they could to defend their existence — which often meant presenting theological arguments to defend their right to exist and their right to believe in God in whichever way they saw best.

II. Calvin's Unique Heritage

At this point, we should admit that none of this history of the development of rights is particularly unique or peculiar to Calvin or to those Reformed and Presbyterian traditions which grew from his work. In this respect, the interest of the Calvinist churches in claiming particular human rights for their members and their new Protestant communities was simply mirroring the example of other European Protestant communities, in particular the Lutheran and Anabaptist/Mennonite communities which had already made significant moves to thematize the relationship between church and state and its impact on the rights and duties of the individual and community. But while Calvin's work may not be unique in this respect, it was



still special; and it was special for three reasons.

Calvin did not enter onto a blank historical slate of church reform but was thrown into a context that had already been shaped by Lutheran and Anabaptist influences. Yet with respect to the structures of local polity and church rights, these Lutheran and Anabaptist influences stood at different ends of the spectrum. Thus the first aspect that made Calvin's approach to rights and social polity particular was his attempt to steer a middle course between the Lutheran and Anabaptist approaches by taking aspects of their views and combining them in a unique way. When we examine the early Reformation era, we find (generally speaking) that Lutherans of Calvin's day tended to subordinate the church to the state while, at the other end of the spectrum, the Anabaptists sought to separate the church completely from the power and control of the state, thus withdrawing the church from both state and society.¹² What Calvin achieved was the mapping of a middle way: from the Lutherans he adopted the belief that each local polity should be a uniform Christian commonwealth that adhered to the principles of the Bible and natural law; from the Anabaptists he took the conviction that there should be a basic separation of the offices and operations of both church and state, leaving the church to be a self-governing polity, free of state interference.¹³ Yet Calvin also brought church and state into a dynamic and mutual relationship, arguing that church officials and state officials were to play complementary legal roles in the creation and support of local Christian communities as well as in the development and growth of each Christian citizen.¹⁴ In this way, Calvin recognized the importance not only of individual believers but also of the communities they created together. He saw the usefulness of the church in helping to build strong Christians,

12 Witte, *The Reformation of Rights*, 4.

13 Witte, *The Reformation of Rights*, 4.

14 Witte, *The Reformation of Rights*, 4.

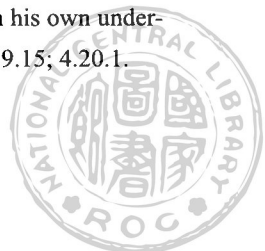


and the importance of the state in building strong communities.

This fed into the second special feature of Calvin's approach, namely the development of a two-track moral system. Much of Calvin's thinking was characterized by a series of dualities: between an earthly kingdom and a heavenly kingdom, between a political and spiritual life, body and soul, flesh and spirit, between the first table of the law and the second (with reference to the Decalogue). This system of dualities directly reflects an underlying dualistic anthropology, i.e. an understanding of the human being as composed of body and soul. This inner duality is then referred to differing areas of jurisdiction covered by different God-given legal codes: one for the spiritual kingdom, the other for the earthly or political kingdom. As Calvin writes: "There are in man, so to speak, two worlds, over which different kings and different laws have authority."¹⁵ This underlying anthropological duality expressed itself in divisions between church and state, individuals and communities, and thus necessitated a two-track system of morals: *civil norms* (a form of morality for dealings with and within the state) and *spiritual norms* (a form of morality for Christian life in the church).¹⁶ Civil norms were those laws which applied to all people in a community, regardless of their faith. These civil norms set up a basic "morality of duty," a duty

15 Calvin, *Institutes* (1536), 6.13. In the same passage: "there is a twofold government in man: one aspect is spiritual, whereby the conscience is instructed in piety and in reverencing God; the second is political, whereby man is educated for the duties of humanity and civil life that must be maintained among men. These are usually called the 'spiritual' and the 'temporal' jurisdictions (not improper terms) by which is meant that the former sort of government pertains to the life of the soul, while the latter has to do with the concerns of the present life — not only with food and clothing but with laying down laws whereby a man may live his life among other men honorably and temperately. *For the former resides in the mind within, while the latter regulates only outward behavior.* The one we may call the spiritual kingdom, the other the political kingdom" (emphasis added).

16 In his later work as well, Calvin maintained this division between a "spiritual kingdom" and a "political kingdom," effectively merging the Lutheran two kingdoms theory with his own understanding of the Catholic two-swords theory. Cf. e.g. Calvin, *Institutes* (1559), 3.19.15; 4.20.1.



to follow the law — and it was the job of the state to enforce and to punish those civil norms. In addition to these civil norms, Calvin also spoke of spiritual norms, or spiritual morals, which were to be kept separate from the civil norms of the state. Whereas the civil norms led to a “morality of duty,” the spiritual norms led to a “morality of aspiration”: a list of moral demands placed on Christians which stemmed from the faith and to which Christians were expected to aspire.¹⁷ Whereas the state was responsible for enforcing civil norms, it was the job of the church to teach and enforce these spiritual norms.¹⁸ For Calvin, and the churches that followed in the Calvinist tradition, this moral law with regard both to the earthly and spiritual realms was best summarized and expressed in the first and second tables of the Decalogue.¹⁹

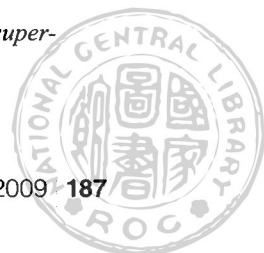
The final special feature of Calvin’s approach comes from the unique way in which he set up the order, structure and freedom of the church by combining three important features: (a) the rule of law, (b) democratic processes, and (c) spiritual liberty. Let us take a brief look at each one:

If Calvin was to be able to protect the church community from interference by the state, then he would need a highly detailed set of laws and structures to shape and order that community. If disputes and arguments arose, they could then be dealt with in the church, which would preserve the church’s independence. This strong focus on the rule of law also ensured that the church could not be hurt by some of its own more influential members, who might otherwise redirect the purpose and mission of the church. All the church rules were discussed and made known to each church mem-

17 Cf. Witte, *The Reformation of Rights*, 4.

18 For an excellent historical analysis of the gradual development of Calvin’s two-track moral system, cf. *ibid.*, 42–76.

19 Cf. here e.g. Calvin, *Institutes* (1559), 2.7.1; 2.8.1; 4.20.15; *Ioannis Calvinii opera quae supersunt omnia*, ed. G. Baum, et al (Brunswick, 1863–1900), xxiv: 262–724; xxvi: 236–432.

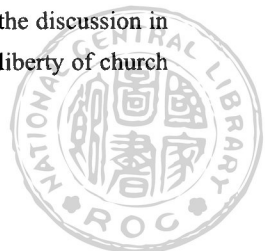


ber, and each member knew what their responsibilities and duties were.

This focus on the rule of law was strengthened by Calvin's insistence on democratic government within the church. Each church officer was to be elected by the church, and there were to be regular general meetings where members of the church could come together to discuss their worries and concerns. We should not forget how radical and significant this was in Calvin's day; nor should we forget what democracy implies: If one has a church democracy, and if one has regular democratic meetings to discuss the faith and life of the church, then what this reflects is *a willingness to change* that system, to change one's old ways and doctrines and to be open to new insights. It means that the church is established, *purposefully*, to be more flexible, and to be ready to address its problems. Here we truly see the break away from the earlier Catholic approaches, and the effect of Calvin's famous principle: *semper reformanda ecclesiae*, that the church should always be reforming. Furthermore, even more vital is that this democratic approach meant *an acceptance of criticism within the church*. Debate and reform necessarily mean that we look critically at the church, and are reminded of our duties constantly to think about areas of renewal and reform.

This leads us to the final point: a focus on spiritual liberty and freedom. There cannot be democratic structures without an opportunity to discuss and critique the church; and there can be no ability to discuss and critique without the freedom of conscience to develop such critiques and to voice them in public. Thus the ecclesiology that Calvin developed allowed for the freedom of each member not only to elect the church's officers, to debate and to discuss the doctrines and life of faith, but, most importantly, the freedom to remain unconvinced by the doctrines of the church and thus finally free to leave the church.²⁰

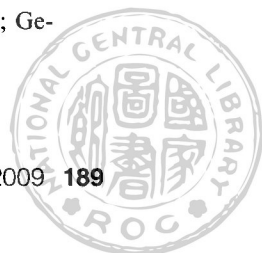
20 In Calvin's early work, cf. e.g. *Institutes* (1536), 6.4; 6.6–8; 6.13–14; 6.32. Cf. the discussion in Witte, *The Reformation of Rights*, 45–47. While Calvin's focus on the spiritual liberty of church



III. Freedom of Religion as a Gateway to Further Rights

Given this very brief overview of the development of universal rights from a Christian theological perspective, and Calvin's development of a structure supportive of rights, it may still be argued that the most the church could have contributed to human rights development was in the area of religious freedom. But if we stop and consider for a moment what religious freedom entails in practice, then we find that mere freedom of religious consciousness is (and should only ever be) the first step. By itself, the freedom to *believe* is not enough if there is not also the freedom to *practice* based on those beliefs. In this respect, what we find is that freedom of religion functions as a gateway to a multitude of other rights in the life of a believing community. This was certainly evident in the Reformation communities that Calvin established, and was well appreciated by those communities that followed. We see this awareness of the distinction between simple liberty of conscience and the rich life of practice in the words of a Calvinist pamphleteer, from the period of the Dutch Revolt during the second half of the sixteenth century:

members developed over the years, his attribution of spiritual liberty to those outside the church seemed to narrow in scope over the same time. In his 1536 *Institutes*, Calvin advocated the use of clemency and moderation, "exhortation and teaching ... mercy and gentleness ... [and] our own prayers to God" in winning over those outside the church, stating: "And not only are excommunicants to be so treated, but also Turks and Saracens, and other enemies of religion. Far be it for us to approve those methods by which many until now have tried to force them to our faith, when they forbid them the use of fire and water and the common elements, when they deny them to all offices of humanity, when they pursue them with sword and arms" (2.28). Sadly, Calvin removed this demand for clemency from his later editions of the *Institutes*, a change which was noted and criticized by Sebastian Castellio (*De haereticis an sint persequendi* [1553; Geneva, 1954], 108).



I know that they promise freedom of conscience provided there is no public worship and no offence is given, but this is only to trap and ensnare us. For it is well known that conscience, which resides in people's minds, is always free and cannot be examined by other men and still less be put under their control or command. And in fact, no one has ever been executed or harassed merely on grounds of conscience, but always for having committed some public act or demonstration, either in words, which are said to be an offence, or in acts which are described as exercise of religion. There is no difference between so-called freedom of conscience without public worship, and the old rigours of the edicts and inquisition of Spain.²¹

What was very clear to the Reformers was the strict differentiation between a desired theological right to believe, and *the right to act on that belief*. What these Calvinist Reformers understood is that by itself, the freedom to believe is not enough if there is not also the freedom to allow that belief to shape the lives of individuals and their communities. If one demands practices, then this also means: freedom to assemble, freedom to travel, freedom to speak what one believes, to worship, to evangelize, to learn and be taught, freedom to raise children in accordance with one's beliefs; even the freedom to act toward others in compassion (in the sense of establishing hospitals and social welfare for those whom the state may declare beyond helping). We may list these under individual freedoms, but there must also be group or communal freedoms, or rights for the church as a community of individuals. These include the right of a church to worship and to govern itself (rather than being controlled by the state or by external parties), freedom of association, the right of a church to own common prop-

21 Marnix of St. Aldegonde(?), "Discourse of a Nobleman" (1584), in *Texts Concerning the Revolt of the Netherlands*, ed. E. H. Kossman and A. Mellink (Cambridge: Cambridge University Press, 1974), 264–266.



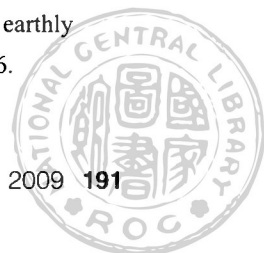
erty (such as church buildings), the right to organize and fund charities such as hospitals and orphanages, and also, vitally, freedom of the press (in the publishing of religious books, church newsletters, Bibles and hymn books in what may be a forbidden language). The Calvinist Reformers discovered that the freedom of religion quickly showed itself to be a gateway into many more rights: not only individual, religious rights, but also the democratic rights of social organizations.

However, there is an important caveat here. This “gateway function” can only work if religion is understood (I would argue: properly) in a practiced, embodied, and social sense. If religion is bound solely within the sphere of the spiritual, and located in the personal inner conscience of the individual believer, then the power of spiritual liberty to effect the social development of rights will be lost. For this reason, it is clear that Enlightenment and rationalist attempts to reduce religion to a matter of internal contemplation alone can be detrimental to social rights development. Yet in this respect, too, attempts to understand religion via a strictly segregated “two kingdoms” framework will also derail the ability of spiritual liberty to act as a motor for further rights development.²² At this point, we must be clear about those areas where we need to grow and develop beyond the heritage that Calvin has left us.

IV. Reforming Calvin

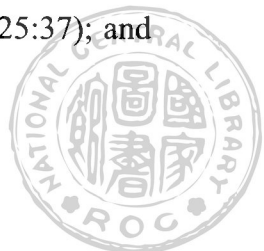
I believe that those in the Reformed, Calvinist and Presbyterian traditions can be proud of the religious heritage Calvin has left them. Furthermore, I think it is evident that in our modern political discussions about our

²² While Calvin does pursue a dualistic understanding, he is clear about the necessity for Christians to carry their faith and conscience directly over into the public and political sphere of the earthly kingdom. Cf. e.g. Calvin, *Institutes* (1559), 2.7.12, 2.8.6, 2.8.51, 3.3.9, 3.6.1, and 3.17.5–6.



societies and nations (not just our churches) we would do well to remember Calvin's triple focus on the rule of law, democracy and individual liberty. But this is not to say that Calvin's approach does not contain difficulties, or that it is perfectly useful for today's contexts in its original form. I would like to point very briefly to just four areas where I think Calvin's reformed system is itself still in need of reform.

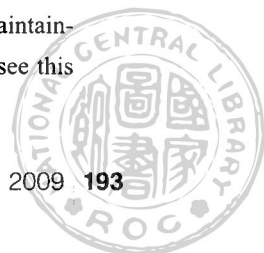
The first overt problem comes to light in Calvin's structuring of his moral law, specifically in his over-dependence on the Decalogue. The biblical witness contains a vast array of differing laws, as well as an interpretation on the validity and usefulness of those laws. Given Calvin's legal, academic background and his desire to counter Anabaptist antinomianism, it is understandable that Calvin would search out a strong, biblical, jurisprudential basis. But from a Christian and a human rights perspective, it is neither clear that a return to the Old Testament, and particularly to the Decalogue, is at all helpful for the development of a "perfect summary" of God's law. Furthermore, it is clear that the Decalogue cannot live up to such high expectations, which would see it as the "fullest expression" of God's moral law (even just within the bounds of the Old Testament!). Let me present one example of this deficiency: An overview of the Old Testament legal codices reveals a broad range of legal themes, including (as was mentioned above) a range of laws ensuring subsistence rights for the weak and for margin-dwellers, such as for the widow, the orphan and the stranger — to leave the gleanings of the harvest for the hungry (Lev 19:9; 23:22); prohibitions against taking a second harvest of one's vineyard or taking the fallen fruit of the vine, produce which should be left for the poor (Lev 19:10); rights for the hungry to pluck grain and grapes and to eat "all they want" even before the harvest (Deut 23:24–25); prohibitions against financial oppression of the weak (Exod 22:25; Lev 25:35–36; Deut 23:19; among many others); the rights of the poor to warmth and clothing (Exod 22:26), to cheap food (Lev 25:37); and



countless more. All these many laws (what we might call diaconal laws), provide a basis for an expansive understanding of subsistence rights, and can be summarized in the words of Exod 22:22–24: “Do not take advantage of a widow or an orphan. If you do and they cry out to me, I will certainly hear their cry. My anger will be aroused, and I will kill you with the sword; your wives will become widows and your children fatherless.” Yet none of these many diaconal laws are represented in the Decalogue, which instead focusses narrowly on the property rights of Israel’s property holders: you shall not kill me, you shall not steal my wife, you shall not steal my possessions, or desire my house or property. Once we have the breadth of the Old Testament canon of laws in sight, we can see just how artificially narrow and constrained the Decalogue prohibitions are.²³ This insufficiency of the Decalogue as a summary of God’s law (certainly for the Old Testament, but also for the entire biblical canon) can only lead to serious skews in the development of a system of human rights, specifically a shift away from a focus on the wholeness of the human being to a concentration on the rights of property-holders alone.²⁴ From a Christian perspective, we would want

23 This is the argument presented most forcefully by Frank Crüsemann, *Bewahrung der Freiheit: Das Thema des Dekalogs in Sozialgeschichtlicher Perspektive* (Kaiser Traktate 78; München: Kaier, 1983), see esp. 28–35; and Frank Crüsemann, *The Torah: Theology and Social History of Old Testament Law* (Minneapolis: Fortress, 1996). For a contrasting position, cf. Patrick D. Miller, *The Way of the Lord: Essays in Old Testament Theology* (Grand Rapids: Eerdmans, 2007), 17–36, esp. 30–31. Yet despite Miller’s attempts to argue for the sufficiency of the Decalogue, we cannot avoid a conclusion that, in its redacted form and without the inclusion of diaconal laws, the Decalogue fails to offer anything resembling the “fullest expression” of God’s moral law.

24 This is not simply an academic, theological problem but has had a noticeable impact on current human rights discourse. The Puritan focus on the sufficiency of the Decalogue to act as a summary of the divine law was also transported with them into North America where it became an important component in the historical, legal culture of the United States of America. Thus, when this jurisprudential culture expresses itself through demands for “property rights” (in international fora such as the World Intellectual Property Organization) while simultaneously maintaining long-term opposition to subsistence rights (such as a right to food), it is difficult to see this



to ensure that a focus on the law does not divert us toward a legalism which blinds us to Jesus' demand that we love our neighbor.

Second, apart from such theological problems, we also find more practical, social problems with Calvin's approach to social politics. For example, Calvin assumed that each social community would maintain a single, common and shared religion, thus allowing for a degree of mutual rule between the church and social governments, or between the spiritual kingdom and the earthly kingdom. Indeed, Calvin's assumption of homogenous faith communities would be in line with the *cuius regio, eius religio* ideal of the Peace of Augsburg (1555), which would seek to maintain the religious purity of social states in accordance with the decision of each state's ruler. Calvin had instituted a church polity based upon the pillar of religious liberty, but it was in the sense that members not only had the right to disagree with the church but, if they failed to find agreement, were free to go live elsewhere. While an idealized religious and social homogeneity may have been understandable and arguable for Calvin's day (though never actually practicable), such ideals are no longer useful for dealing with the fine complexities of our modern pluralist communities, where our lives, our cities and nations are shared with people of different faiths.

Third, because of Calvin's assumptions regarding uniform social communities, he also assumed that the church and government would work together in the pursuit of God's moral law, with the church ruling over spiritual norms while the state controlled civil norms. But what was less clear was what should be done when the church and government were in deadly conflict. When the state turned on the church and began killing its members (as it soon did in France, and the Netherlands after Calvin's death), the only

disposition as merely coincidental. On the consistent US challenges to the human right to food, cf. here e.g. the discussion in *Freedom from Want: The Human Right to Adequate Food*, George Kent (Washington: Georgetown University Press, 2005), esp. 156–162.



advice Calvin had left for facing such persecution — namely to pray for better rulers, flee to other regions, or to die as a martyr²⁵ — was not seen by the church as sufficiently helpful. Thus negotiating these deadly conflicts with the state would be a task that was then taken on by Calvin's later followers, particularly Theodore Beza²⁶ and Johannes Althusius²⁷.

Finally, part of this difficulty and tension between the state and the church also arose from Calvin's own idealistic attempt to divide between civil and spiritual laws based upon a dualistic anthropology. Today, dualistic theological anthropologies are falling out of favor, with attention moving toward more biblically sound, holistic concepts of the person.²⁸ The advantage with holistic concepts of the person is that they do not try to create or define artificial and idealized separations in the human person and, by extension, the state. As holistic human beings, we live a life of faith within the social communities in which we are located. Given this mutual embodiment between the individual and society, it becomes difficult to offer strict and mutually exclusive jurisdictions, one concerned with civic laws and the other with spiritual laws. This difficulty was already apparent in Calvin's day. For many laws and regulations it was often unclear who should have jurisdiction. Indeed, in his later life, the mixture of these two realms in Cal-

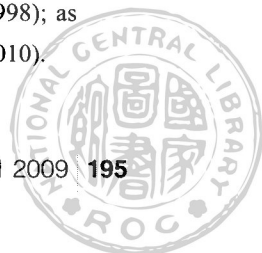
25 See e.g. Calvin's discussion in *Institutes* (1536), 6.54–56 as well as *Institutes* (1559), 4.20.31–32.

Interestingly, Calvin seems to hold together here Lutheran subordination to the state together with the Anabaptist focus on martyrdom. On the latter, see e.g. Hans-Jürgen Goertz, *The Anabaptists* (London: Routledge, 1988), esp. 127–128.

26 See esp. Theodore Beza, *Concerning the Rights of Rulers Over Their Subjects and the Duties of Subjects Toward Their Rulers*, trans. Henri-Louis Gonin (Pretoria, Sth Africa: HAUM, 1956).

27 For an overview of Althusius' work in the context of the Dutch Revolt, see Witte, *The Reformation of Rights*, 143–207.

28 Cf. e.g. N. Murphy, *Bodies and Souls, or Spirited Bodies?* (Cambridge: Cambridge University Press, 2006); W. S. Brown, N. Murphy, and H. Malony, eds., *Whatever Happened to the Soul? Scientific and Theological Portraits of Human Nature* (Minneapolis: Fortress Press, 1998); as well as S. Lakkis, *Reforming Christian Anthropology in a Post-Soul Era* (forthcoming, 2010).



vin's thinking became more apparent, and opened the way for the execution of Servetus.²⁹ How are these laws to be divided: if Servetus disagrees with Calvin on the doctrine of the Trinity, is that a church offense? But if such heresy produces tensions and hostility in society, does that mean his heresy is now a civil offense worthy of civil punishment, namely execution?

V. Moving Ahead

Allowing for the issues outlined above, I think there is good reason for the Presbyterian Church in Taiwan to celebrate the five-hundredth anniversary of Calvin's birth, and to be grateful for the heritage that Calvin has left it. As a church community in Taiwan, I think it is especially important that the heirs of Calvin's heritage keep focussing on these deep church traditions and genes regarding the rule of law, democracy and individual spiritual liberty — and to keep encouraging their governments to remember these aspects as well. However, in summary I would encourage Calvin's heirs also to remember two additional points.

First, this Calvinist tradition reminds us that it is vitally important that we defend the right to freedom of religious practice, and not just to settle for simple, so-called “freedom of conscience.” Oppressive governments can always promise an already inalienable freedom to think, but without a correlated freedom to act on that belief, such freedom of conscience remains meaningless. From the Calvinist tradition we have seen how such freedom of religion can act as a gateway to a multitude of other rights — so long as the faith is always understood properly as something which encompasses both the ideals of conscience and the practices of this embodied life. For those neighboring countries where human rights are less developed, the

29 See for example the expansive jurisdiction of magistrates to enforce both tables of the Decalogue, *Institutes* (1559), 4.20.9, 4.20.3 as well as 2.8.11–12.



church in Taiwan should act not only as a role-model but also as a motor for further rights development based on an underlying conviction of religious liberty.

Finally, in our discussion of rights in the context of our pluralist communities, I hope that the church (despite its minority status in Taiwan) can always remember the importance of *universal* human rights — our love for each neighbor, and the love of God for *all* human beings. Occasionally caught up in doctrines of exclusivity, the Calvinist traditions have not always remembered this universal love of God and have slipped into the role of rights abusers. But as Christians, as the body of Christ on earth, our spiritual gift is to see others with the eyes of Christ, to love others with the heart of Christ, and to serve others (both inside and outside the church) with the hands of Christ — to search out and defend each member of Christ's family, including each lost child of God.