

# Calvin Speaks



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## THE COURT OF FINAL APPEAL Part 1 (Title not in original manuscript)

Sermon 104. 19 November 1555. Deuteronomy 17:8-13.

8. If there arise a matter too hard for you in judgment, between blood and blood, between plea and plea, and between stroke and stroke, *being* matters of controversy, within your gates;<sup>1</sup> then you shall arise and go up to the place which the LORD your God shall choose,

9. And you shall come to the priests the Levites, and to the judge that shall be in those days, and inquire; and they shall show you the sentence of judgement.

10. And you shall do according to the sentence which they of that place which the LORD shall choose shall show you; and you shall observe to do according to all that they inform you;

11. According to the sentence of the law which they shall teach you, and according to the judgment which they shall tell you,<sup>2</sup> you shall do; you shall not decline from the sentence which they shall show you, *neither* to the right hand nor to the left.

12. And the man that will do presumptuously, and will not hearken to the priest that stands to minister there before the LORD your God, or to the judge, even that man shall die; and you shall put away the evil from Israel.

13. And all the people shall hear, and fear, and do no more presumptuously.

Here we are shown how to end matters at law. Forasmuch as when men are at controversy, we see that they are so willful and hard-hearted that by their own good wills they would never come to any termination; God declares that it was His will that there should be some sovereign court of justice among His people, against the sentence whereof there should be no appeal. True it is that all peoples are taught by nature to do so. For if it were lawful to make continual appeals, men's perversity is such (as I have noted before) that their controversies would never come to any end. Therefore, it is requisite that there should be some certain stopping point, and that is what our Lord has set forth in this text.

Again, as touching civil government, this order is something we can easily avail ourselves of, forasmuch as this

order, which nature <sup>3</sup> follows throughout the whole world, is here ratified by the mouth of God; and this should be well marked. For since God has humbled Himself so much as to show us the order of civil government, we must conclude that He allows it to exist; otherwise He would not meddle with it and it would be dishonoring to His majesty. Do we then see that our Lord in His law has treated of that order which we ought to observe among ourselves?<sup>4</sup> Let us assure ourselves thereby, that it is a thing which He approves of and likes well. Make that one point.

Again, since we see after what fashion He will have us to behave ourselves, and has set the same down particularly, it is yet a greater confirmation. And as for judges which are set in authority and preeminence, let them understand that their doings are an acceptable sacrifice to God, because He bears record thereof in His law; and let the people also conform themselves so much the more willingly thereto.

<sup>1</sup> The New American Standard Version translates: "If any case is too difficult for you to decide, between one kind of homicide or another, between one kind of lawsuit or another, and between one kind of assault or another, being cases of dispute in your courts, . . ."

<sup>2</sup> The NASV has: "According to the terms of the law which they teach you, and according to the verdict which they tell you, . . ."

<sup>3</sup> Calvin's appeals to "nature" reveal a terminological hangover from medieval Natural Law theory. Calvin conceives of natural law as identical to Biblical law in content, but mediated through natural revelation rather than through sacred Scripture. That non-Christian nations do conform in limited ways to the provisions of Divine law is beyond dispute, but *why* this is so, *how* it comes to pass, is a matter of continuing discussion among Calvin's heirs. For a helpful summary treatment of the whole subject, see Henry Van Til, *The Calvinistic Concept of Culture*, published by Baker Book House.

<sup>4</sup> The reader should mark carefully what Calvin is saying here. He argues against the anarchistic wing of Anabaptism that civil government is ordained by God. He goes further and says that God has "shown us the order of civil government," so that at this place, at least, Calvin is saying that the Bible gives God's law for the state. Calvin closes by exhorting the modern Genevan state to hearken to these "Mosaic" precepts.

For this reason, we must understand that the perverting thereof<sup>5</sup> is a rebelling against God, and a despising of Him. Thus we see now how needful a doctrine it is for us, and how greatly to our edifying, that our Lord has declared that there should be one chief court of justice for men to rest upon, that they might not be continually in doubt.

#### Controversies to be Concluded Speedily

Nevertheless, we must note that our Lord would not admit appeals in all cases indiscriminately among His people. For He stipulates, *if there happen any hard case, whereof the judgment is doubtful and not easy to be determined*, because the judges (namely the inferior judges of every city) are mired down in it. Why this provision? Because it would have been too great a hardship for the people to have had to repair to Jerusalem for every trifling matter of whatever kind. We see (as I have said before) that there are some insatiable men who can always be counted on to singe themselves so that they may scald others. Indeed, we shall find some so spiteful that though they should devour their very fingers in the process, yet they will go forward with their suits at law, and when they have wasted away their substance will even hazard their own lives in order to procure trouble for their adversaries. Seeing then that such people are manifestly carried away with rage, or at least with the desire for revenge, it is good to bridle them. And that is the reason why God did not have all cases come to Jerusalem. He had established a good order, namely that there should be justice in every city, and men of understanding to give judgment of such matters as were to come to trial before them—provided always that the case was not hard and doubtful.

So, let us mark that it was God's will that the controversies should be ended with speed, without troubling the parties too much. And seeing that His intent was such, we ought to frame ourselves thereto as much as possible. And therefore, if men intend to establish a good order of government, and such as God allows,<sup>6</sup> let them follow this rule: that quarrels be not allowed to continue between man and man, but that if there be any controversy they may soon be set at one again, so that the suit at law is not prolonged nor men transferred over from one to another,<sup>7</sup> but that things may be so ordered that the parties are not allowed to continue following their own inordinate wills. True it is that this vice cannot be so thoroughly corrected that no remnant of it is left. All the same, we must go as near to the mark as we possibly can, seeing that our Lord directs us thereto,

#### The Necessity for Magistrates

Again, if a man intends to provide for the pacifying of quarrels among men so that might may not overcome right, you see that ordinary justice cannot be dispensed with. For inasmuch as God had chosen the people of Israel, it is certain that He provided the best means that could be devised for maintaining them in peace and concord. And as a matter of fact, they were all of one lineage, descended from the race of Abraham; and therefore inasmuch as there

was such a brotherhood among them, it ought to have been easier for them to live at peace with one another. Further, seeing themselves separated from the rest of the world and being gathered together into one body in the name of God, they ought to have put up with one another out of reverence for that holy bond. Yet notwithstanding, for their further preservation, God ordained that there should be judges in every city. Let us then conclude that as long as men live here below, they cannot dispense with magistrates, because of their infirmities.

It is true, of course, that every man ought to carry the Law in his heart, and each man ought to do all men right of his own accord; but as a matter of fact we are blind and our affections carry us away, and besides that, we do not subdue our understanding, nor do we hold our lusts captive as we ought to do. Therefore, we have need of a bridle for them. And that is what I mean when I say we ought to love the estate of civil government and to revere it, namely because it is a necessary means of maintaining mankind in this world, and without it all things would go to horrible confusions, so much so that we would not only become as dogs and cats, but be worse than wild beasts.

Greatly therefore ought we to bewail our state, seeing that (as I have showed before) we which bear the image of God cannot use our freedom to behave ourselves according to reason and equity. Yet notwithstanding, seeing we are so sorely corrupted, we must understand that God's remedying of our diseases after that fashion is a point of His singular goodness towards us. But beyond this, if we want to see to it that men not scratch out one another's eyes nor eat up one another, let us follow the rule which our Lord shows us here, namely that there be justice in every city and in every other place, and that such as bear the sword do watch so that no man oppress another, no man work any outrage or injury, and no man presume further than is lawful. Mark that for one point.

#### The Supreme Earthly Court

Now let us come to that which is here set down concerning appeals: *If there arise any doubtful and difficult case, bet ween cause and cause, wound and wound, or blood and blood.* . . . It is as if He should say, if there be any cause either criminal or civil whereof there arises doubt, and man cannot decide it by giving definitive sentence on it, let them resort to the high court. We see from this that appeals are allowed for matters of life and death and also for matters of trespass. And now let us see whither God would have men appeal: to Jerusalem. It is true that He does not as yet

<sup>5</sup> Calvin seems to mean the perverting of God's laws, but he may be referring to the perverting of the order of rulers ruling over their subjects.

<sup>6</sup> From this passing remark it is clear that Calvin does not consider any and all political orders to be allowed by God. "Common grace" cannot be used to justify tyrannical or ungodly civil governments.

<sup>7</sup> That is from one court to another. Calvin is opposing just the type of endless litigation so common in modern America. The right to a speedy trial is one of the privileges constitutionally guaranteed to all Americans, but it has become a farce and a joke in these latter days. Calvin encourages us to reform our society according to the specific precepts of Divine law.

name the place, because it was not pointed out at that time; but He says, *you will go up*, and when Moses speaks in such language he is speaking prophetically, because Jerusalem was situated higher than all the rest of Israel. But until the Ark of the Covenant was placed there, it was needful for them to resort to the place where that was.

Again, there is here no mention of a king. For the time was not yet come that God would set up a kingdom among that people; such an establishment awaited the person of David. Yet notwithstanding, there were always judges, according to the pattern we see as Joshua succeeded Moses, and consequently the rest of the judges unto Samuel, at which time the people desired to change their state. Therefore, until Samuel's time there was this order among them, that God raised up certain judges in Israel, which represented the estate of a king until the actual kingdom was established. That is what Moses meant in this statement, when he said that men should resort to the judge which would be at that time ruling in Israel.

Additionally, it was his will that the High Priest with his fellow priests, the Levites, should have authority to give sentence of judgment. And why? he adds, *because they could give sentence according to the Law of God*. And upon that final sentence of theirs he would have men to rest: *and if any man disobeyed it, he should be punished with death, that by that means pride might be corrected in Israel*. Now we see what God intended to command concerning appeals. There were judges in every city, but yet there was one above them all, in the degree of a prince; not that it descended by inheritance, but that whomever God raised up by His Holy Spirit, it behooved him to govern the people.

And we see that thus it came to pass afterwards. Whenever the people fell away from God it was to their own confusion, and as soon as He had pity on them again, He raised them up judges once again, as the ancient histories show us (Judges 2:17, 18). There were indeed some interruptions at such times as the people deserved to be punished, so that everything fell into havoc and they were given over into bondage to the tyranny of the infidels which were their enemies; but as soon as God condescended to gather them home again, there was a new judge set up again.

And here we see once again that it is a token of God's presence when we have an order of justice among us, so that there are men to govern us who walk in the fear of God and execute their charge faithfully. It is as if God came down to us and showed us His face. On the other hand, when the order of government is perverted it is as though God turned His back to us. If the magistrates be corrupted and pervert all right and equity, or if tyrants get dominion over us, let us understand that God forsakes us and withdraws Himself from us, and is minded to make us feel His absence by such evidence of His wrath, and that we have good reason to mourn. But if we see law flourishing and that there are men who fear God and are willing to execute the laws, it is as if God made His face to shine upon us and declared His love toward us, and that He is minded to maintain us under His protection. This serves to make us love the estate of worldly government the better, seeing it is

such a token of the goodness of our God and of His fatherly love towards us.

As I said before, the high priest and the tribe of Levi were appointed to be judges in all hard cases. It may seem strange at first sight that God would have the priesthood to intermeddle in civil government, for they are two things far differing. We know that when Aaron was ordained to be the high priest, Moses had the government of the people. Now the priesthood went by inheritance (Ex. 28:1, 43), but the civil government did not (Deut. 31:7, Josh. 1:2). Moses left his own children as private persons without any public authority, and Joshua, who was not of any kin or alliance to him, was his successor. The same order continued afterward, so that God raised up whom He thought good, now one of one tribe and now one of another, it behooved the priests to hold themselves contented with the spiritual government of the Church, and not to take upon themselves the civil governments.

Why then does God here set them in the highest court? Undoubtedly it was to ordain a council for him that was to be the chief judge, and to hold the people in greater awe, as if it had been said that all appeals should come before God. For (as I have declared previously) men are very reluctant to give their consents to obey sentences that are against them. Therefore, to the end that no man should stand in contention, God says that there shall be a sovereign judge, who shall at least have sway in the judgment of all hard cases and such as are given in the form of judgment. And so that things may be judged according to His Law, the high priest and the order of the Levites shall be present there. Now we know that they were expounders of God's Law. For with that condition was the priesthood given to them, namely that they should be God's angels and messengers, as the prophet Malachi speaks of them (Mal. 2:7). And therefore, when men asked counsel at their mouths it was not to have some doting dream of man's device, but to have the certain understanding of God's Law. That, then, was the reason why the chief authority of judgment was committed to the order of the priests with the judge whom God had set up,

#### False Claims of Popery

But before we go any further, let us note that under pretense of this text the Pope lifted up his horns and usurped such tyranny as we have seen him use in the Church of God. He reasons in this way: Seeing that the chief authority of judgment was given to the priests, it is to be concluded that there ought to be one head over all the Church. Again, since the sentence of the high priest was to be held without any gainsaying, the things that are deter-

<sup>8</sup> Calvin makes it plain here that church and state were separate in the Old Testament. Both were under God, both under the Bible, but they were separate institutions, with separate spheres, duties, powers, and officers. Saul and Uzziah were each cursed by God for trying to unite church and state (1 Sam. 13:8-14; 2 Chron. 26:16-21). The Westminster Confession of Faith (23:3) stated that the civil magistrate, "for the better effecting" of his judgment, "has power to call synods, to be present at them," citing 2 Chron. 19:8-11; 2 Chron. 29, 30; and Matt. 2:4. Thus, the church may prophesy to the state, and the state may solicit the advice of the church, but they may not be mixed.

mined by the Apostolic See (as they term it) ought likewise to be held without gainsaying, and it is a deadly and unpardonable sin to counter anything pronounced by the Pope. But here we have two things to consider, which are sufficient to resolve all such childish arguments.

*First*, the governing of the whole world by one man and the governing of some one country or province by one man are not the same thing. God here made a civil law for the country of the Jews. And we know that at that time there was but one Temple and that it was not lawful for them to worship God or to offer sacrifice unto Him in every city (Deut. 12:5; 16:5-6). If a man built an altar, it was an abomination and that city had to be razed. The reason why God did this was to hold the people in the unity of one faith. So, just as *there* was but one Temple in the land of Jewry, so was there but one high priest. But must this be extended to the whole world? No, not so. There must be many more, for what one mortal man nowadays is able to wield so great a charge? Again, suppose there should only be one Temple built in the midst of the whole world, so that men would have to come running to it from four or five thousand miles away in order to worship God. Is it not obvious how absurd that would be? Thus, it is gross axgrinding to conclude thus: There was but one Temple and one high priest in all Jewry, therefore there ought to be the like throughout the whole world. For then there ought to be made also some little nook where men might assemble together so that they should not have to travel more than a four or five day journey from home. But such would be impossible, and moreover contrary to nature. So much for point one.

*Second*, let us mark that the Levitical priesthood has come to an end and was put down by the coming of our Lord Jesus Christ into the world. Moreover, the high priest was a figure and shadow of our Lord Jesus Christ, and therefore it would be an abolition or putting away of the truth if men should have a high priest to be the universal head of the Church, as the Pope would make men believe. It is said that there was one high priest, one chief judge, yes and one king in Israel. Now if a man will conclude from this that there ought to be one high priest throughout the whole world, there must also be but one chief king, and thus all commonwealths should be cast down and the order which as of now is distinctly set among kingdoms, dukedoms, and free cities, should be but a confusion, cursed by God. What a mess we should be in then!

Nay, we must go to the chief point of all, which is that thereby our Lord Jesus Christ should be robbed of His right (Matt. 18:18; Phil. 2:9; Heb. 8:13). For now that He is come, the Kingdom is established everlastingly in His Person, and He is set over all the empires and kingdoms of this world. Also, He has taken upon Himself the everlasting priesthood, over all order and government of the Church. Not that there should no longer be any more bishops and shepherds, as the Scripture speaks of them, but that Jesus Christ be the only Head, and the remainder be inferior members, that the body be governed in such a way that all things may be subject to Him of whom it is said, "This is My well-beloved Son; hear Him" (Matt. 17:5). And so we see that the Pope is a traitor, who robs Jesus Christ of His sovereignty by making himself high priest over the Church of God.

And by the way, is it alleged that there must be some way to end quarrels and controversies that might arise respecting religion, the answer is that just because there is an order set up for this purpose, it does not follow that there has to be one man set over all the rest; rather, they should assemble together with one common accord, as we have seen has been done in the past. It is true that the men of olden times had a certain order in the Church for the great provinces, namely that there were certain Patriarchs, but it was never agreed on that there should be one head over all the Church as long as there was any purity of gospel or any tolerable government. But as soon as things were confounded after a barbarous or rather brutish manner, then did the Pope lift up his horns. Indeed, he strove for a long time against the bishop of Constantinople; but however the case stood then, it soon fell out after all things were corrupted and confounded, and men knew no longer what the government of the Church meant.

So then, let us mark that when it is said that it is requisite that there should be some recourse for the pacifying of church quarrels and for the determining of criminal cases, and so it is good that there should be a chief court of prerogative for the appealing of strife and contention in doctrine; yet it does not follow that only one man ought to have supremacy over the whole world, for (as I have shown before) That is quite contrary to nature. What remains, then? That men assemble together and that Jesus Christ bear the chief sway among them.

(To be continued)