

Calvin Speaks



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THE COURT OF FINAL APPEAL

Part II

(Title not in original manuscript)

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

Summary of the First Half

The perversity of men is such that there would be no end of appeals against criminal sentences were there no final court. God, Who shows here His concern for just civil government, establishes such a final verdict, and enforces it with the death penalty. This law shows us that controversies at law are to be swiftly concluded, and not dragged on and on. It also shows us that God intends us to have a civil government, that such government is good, given because we need it, and that God Himself gives laws to that civil government. It is not any trifling appeal which can be forwarded to the supreme court of judges and Levites, but only matters of life and death and of trespass.

Church and State were separate in the Old Covenant. The Levites were to assist the judge in rendering criminal decisions, but as experts on the Law, not as fellow judges. Again we see that it is God's Law which must rule. Popery perverts this teaching to argue that no one may disagree with the doctrinal decisions of the Pope. By this line of reasoning the Pope seeks to usurp the crown rights of our Lord Jesus Christ, Who alone is King of the Church. Moreover, this verse does not concern doctrinal quarrels, but criminal justice.

The Law of God the Standard of Judgment

We must weigh well the things that are contained here. It is said that the priest must judge according to the Law of God. By this it is shown that our Lord does not lay the bridle loose on the neck, either of all the priests together or of the judge which was in those days in the place of a king, but that all of them ought to be subject to the Law; and it is shown that (as I said before) God meant to reserve sovereign authority to Himself, so that men should receive definitive sentences at His mouth, and that the persons who were to give the sentence should be but as instruments of His Holy Spirit and expounders of His Law. Therefore, let us mark well that God did not intend that men should do

anything of their own devising, but that His Law should bear sway, especially in Jerusalem, as opposed to any other place.

But now let us see what the Pope does, and What the bastardly Councils have done, to which he would tie us. Their claim is that the Holy Spirit governed them, for they leave the Holy Scripture alone, Of course, they gave it the honorable title of God's Word, but when they meant to determine what they thought good, was it according to what God has declared? No; rather, they took another rule, which is that the Church cannot err because it is governed by the Holy Spirit, and that as touching the Holy Scripture, it leads us into perfection but we must mount up yet higher, for if we do not have revelations from the Holy Spirit, it comes to nothing. If a man keeps himself to what is contained in Holy Scripture, this is an imperfect thing as far as they are concerned; but as for that which is determined by the Church, that must be held inviolable, and no man must in any wise speak against it. Again, they say, the Holy Scripture is a wax nose, which a man may twist every which way, and there is no certainty in it; but when the Church has once pronounced a thing there is no more doubt in it. After that manner the whole rabble of them went to work, so that they have trodden the Holy Scripture underfoot. Although they grant verbally that it proceeded from God, yet they have treated it as if it were the mere ABCS and as ordinary in its teaching, while the revelations that have been given to them are much higher doctrines. These blasphemies they have not been ashamed to utter, and their books are full of them. They go so far as to say (as I noted before) that the Holy Scripture is a pliable thing, so that if we should stick with what is therein contained, our faith would never be certain, every man following his own fancy. Seeing that they came to such extremity in their statements, it can easily be perceived that the Holy Scripture bore no sway among them.

But on the other hand it is said that the High Priest must be a judge, not only in matters concerning the Spiritual government of the Church, but also in civil cases; and that

he must follow the law, though the case concern only the temporal jurisdiction . If it be so, what is to be done when they have to deal with the Law of God? When the case concerns the salvation of men's souls, religions, and faith, which are things that transcend all the whole world, shall men at that point forsake the Holy Scriptures? Shall men in those cases overrule matters at their own conveniences, as if they would say, "This seems good to me; this the Holy Spirit has revealed to me?" Do you not see how God is shamefully mocked by this? So then, let us mark well that our Lord did not mean to give infinite power either to the priests or to the judges, but that he has sent them and referred them back to His Law that they might judge according to the same, Indeed, here one might reply that people will say, "It is not according to God's Law unless the exposition that is given of it is according to my own liking." And truly, heretics are so willful that they can never be convicted. Even though the Scripture be shown to them, and the texts set down clearly and infallibly; yet they will still not cease contending, even when their own consciences condemn them, as St. Paul says (Tit. 3:11). All this is true, but those in authority must not abuse this fact, as if it were lawful for them to say, "This is the law; let it be followed."¹⁰ Nevertheless, the Pope and all his clergy have left the Holy Scripture; and what should we do, then, except go back to this rule, that seeing God would have the temporal jurisdiction to be governed by His Word,¹¹ there is much more reason that the Church should not be otherwise governed than by the Holy Scripture. Wherever temporal judges are, they are lawmakers, but they do not have liberty to make new laws for the Spiritual government of the Church.

To make it short, men must hold their peace. All mouths must be stopped. Men must content themselves with that which is set down by Moses, by the Prophets, and by the Apostles, and on that men must rest entirely. Seeing that God has not authorized men to be lawmakers with respect to the Spiritual government of the Church, let us conclude that it is not lawful for us to turn away from the Law and from the Holy Scripture, but that we must hold ourselves to it. And so you see what we have to note respecting this text, where it is said that the priests and the judge in office at that time shall judge according to the Law of God.

And, as a matter of fact, I have declared a little already that we ought to receive Jesus Christ as our Judge as well as our High Priest. For Jesus Christ has a double office, insomuch that in addition He is also our Chief Prophet, from Whom we ought to receive all our doctrine and fetch all truth; He is also our Sovereign King and High Priest (Is. 7:14; Heb. 1:2,3; 2:17). Insofar as they¹² represented His person, being as it were His shadows and figures, it behooved them to follow this Law. But since there are now no longer any such shadows and figures (as I have said before) because the Son of God has come into the world, the old priesthood is passed away and the old kingdom is abolished. Therefore, let us be content to have an inferior order, which is that civil government be so maintained that God's Law always has the principal sway, and that all men meanwhile have regard for what is lawful for them.

When kings and princes and magistrates make laws, let

them understand that if they make them out of their own heads it is a perverting and confounding of all things. For God says, "It is by Me that magistrates discern what is good and expedient" (Prov. 8:15,16). Therefore, let them call upon the Spirit of God, that He may give them wisdom and discretion to make good and appropriate laws. And let them that sit in the seat of justice refer themselves to God and seek to be ruled by His Holy Spirit.¹³ Let them that have the Spiritual jurisdiction know that it is not lawful for them to meddle any further than with the preaching of God's Word and to speak as out of His Mouth, and to deliver the doctrine faithfully which is contained in the Law and the Gospel. Let them hold themselves within those bounds and take no further matters upon themselves. Thus you see in what way we ought to put this doctrine to use.

The Death Penalty for the Rejection of Authority

And it is said expressly *that men shall submit to the sentence given them by the judges and priests, and that any party which will not submit shall be put to death because of his pride*. On this basis the Pope needs to establish that it

⁹Since Calvin has already stated that Church *and* State were separate in the Old Testament, it seems that in this sentence he is paraphrasing the position of the Roman Church. The Pope is ruler both of the Church and of a civil state. In his own civil state, he is supposed to rule according to law. Why, then, does he not respect the higher Law of God, especially when that Law addresses Spiritual matters?

¹⁰In other words, those in authority should not use the fact that heretics will not submit to Scripture as an excuse to invent their own laws. The heretics try to confuse the interpretation of Scripture, and render it vague. Using this as an excuse, a magistrate may decide to ignore Scripture and invent his own laws, so as to say, "This, what I say, is the law; let it be followed." Two sentences later Calvin states that the magistrate, even in the Christian era, is bound to the Law of God as his rule.

¹¹Calvin at some points distinguishes the moral Law from the judicial Law, and says that the judicial Law is no longer binding on the Church. What Calvin *means*, however, by "judicial Law" is open to question. Throughout this sermon, and here in this sentence as well, Calvin makes clear that the magistrate is to enact the laws and penalties of the God's Law as given to Israel. Calvin assumes that God's Law cannot be improved on. Above, in the section entitled "False Claims of Popery," Calvin speaks of a "civil law for the country of the Jews," and identifies this as the arrangement of one Temple and one High Priest in the land. Twentieth century Calvinism would most likely regard this arrangement as a "ceremonial" law, but Calvin calls it a civil law. From this it seems that when Calvin says the "judicial Law of Moses" is no longer binding in the Christian era, he has reference to the particular political arrangements of the Mosaic economy: high priest, king, central sanctuary, and the like. The criminal laws and the penalties God enacted for particular crimes, these Calvin regards as permanent, and apparently as part of the moral law.

¹²That is, the Old Testament officers.

¹³Calvin's statements here must not be taken in an Anabaptistic sense. He does not mean that the magistrate should pray for some mystical leading by the Spirit apart from the Word. Rather, Calvin always puts the Word and Spirit together. When Calvin enjoins the magistrate to cell on the Spirit of God, this is a way of saying that the magistrate should study the Scripture prayerfully. To be ruled by the Spirit, for Calvin, is to be ruled by the Word. Here again, Calvin calls upon the Christian magistrate to be ruled explicitly by the Mosaic Law.

is not lawful in any wise to stand against the things that have been determined by the councils. What? Behold, the Pope has sat as chief of the council and the bishops and prelates have consented to it, and will a man dare come and set himself against it and say that it was wrongly decreed? Oh, that would be an intolerable crime indeed! God will not permit such pride to be borne within His people, Now this line of reasoning, as I have shown before, can easily be overthrown, for this text treats of matters of law, not of doctrine. God has delivered His Law, and has said that men must not turn aside from it either to the right hand or to the left. So much so, that when Moses gave his instructions to Joshua, he said to him, "You are to follow whatsoever is contained in the Law, and swerve neither to one side nor to the other" (Deut. 31:8; Josh. 1:7). Now observe, Joshua has been ordained chief judge, to hold the people in the good order; he is their head, and represents the Lord Jesus Christ; yet for all that, Moses does not say to him, "You are to do whatever your mind gives you to do, and whatsoever is good and right in your own eyes." Rather, Joshua is told, "You are to do the same as the lowest of the people, submitting yourself to the teaching which is given you for the guiding of the Church." So then, as regards God's service and religion, we see how the Law has always borne sway, and all men were to have their ears open and ready to receive whatever is there set forth, and that no man might presume to stand against it or overrule it, or make the people murmur against it.

Now therefore, since there is nothing here concerning anything other than matters of law, how they ought to be ended, and of the pacifying of quarrels which otherwise would be interminable between man and man, the resolution of the matter is very easy, namely that if a man stand against a definitive sentence, his intention is to pervert all order and he is an enemy to mankind and worse than a thief. He who robs or murders shall be punished, and yet his breaking of the law is only in some single point; but as for him that breaks the whole civil order, he opens the gate to theft, to murder, and to all sorts of confusion. He intends to eliminate all humanity and humility among men. Therefore, he should be taken as an enemy of all goodness; and (as St. Paul says, Rem. 13: 2) those who would create such disorder among men are not setting themselves at war against mere creatures but make war against the living God, because all rule is from Him. So then it is not a surprise to find it written that the party which disobeys the sentence of the supreme court should be cut off from among the Israelites.¹⁴

This sentence reminds us of something we have noted previously, namely that our Lord makes so great account of earthly government that He will have it maintained even with men's lives. Man's blood is precious to God, for men are shaped after His image; but He will not put up with everything a man does, but will have him stoned, put to death, if he is disobedient to civil order. Therefore, there is no comparison by which we can judge how precious and holy a thing in God's sight the authority is which He has given to judges and magistrates. For if any man steps up against it, he will die for it. Some will ask, "Why, is a man's life worth no more than that?" To which we reply, "Yes,

but do you so lightly esteem the image of God, which shows forth more fully in magistrates because God has printed His mark on them?"

Again, what is the life of one man in comparison to the lives of a hundred thousand? For the whole nation will perish irremediably if this order is not maintained, that there be magistrates and that men yield obedience to them. For those men who cannot find it in their hearts to be governed, would become devils if there were no order of government holding them in fear of their superiors. Everything would fall into havoc. So then, it is not without cause that God has ordered that the party should die who is disobedient to the order of law. And therefore, so much the more ought we to yield to what is here told us, and humble ourselves before it, and to bow down our necks willingly and obediently to such as hold the sword of justice. For in doing so, we offer to God such sacrifice as is acceptable to Him, and He receives it, as we see in this text. And if we disobey those men whom He has set up in office, we are His enemies and make war against Him, as I said before, and we shall have an Adversary too mighty for us to overcome.

He purposely speaks of pride here, for it is not possible that a man should be so stubborn as to withstand the public magistrate, and as to overthrow the order of the commonwealth, unless he be carried away with pride and devilish audacity. How can we prevent this rebelliousness against magistrates? Let each of us study to acquire a proper lowliness of mind. For if we are not puffed up with pride, then all men will certainly keep on their courses and things will be quiet among us. What, then, is the reason why order is so perverted among us? It is because men can not find it in their hearts to yield to reason and permit laws to rule over them. Consequently, let those who are appointed magistrates take care that they maintain their estates, and endeavor to beat down such pride, and let all men meekly submit themselves to the order which God has appointed.

And Moses has noted this matter of pride to show that when God uses such severity and rigor against such disobedience, it is not without cause. For we must not simply look at their disobedience, but go further and see that they are taken with an overweening estimation of themselves, that they are full of pride and spitefulness, and that if there were any meekness in them it would be shown by their submitting themselves under the hand of God. But, seeing they are full of pride and intolerable arrogance, so that they will bow neither to God nor to man but reject all authority, it is not to be wondered at that God commands such persons to be put to death.

Consequences of this Law's Enforcement

And then he says expressly, *you will put away evil from Israel*. For, as noted yesterday [Sermon 103], when wickedness is allowed it ruins all things, and a general infection follows after it. At the outset the greatness of the evil that comes from pardoning a crime is not perceived. "Well, we let it go by for once." Yes, it seems only for once. But

¹⁴ The Law actually requires the death penalty, not a mere excommunication, which is what the term "cut off" seems to mean in the Scripture. Calvin goes on to make this plain.

afterwards it infects everyone because the pardon has fostered evil, and men did not step in to redress matters speedily, and so God steps in to **punish** our negligence. Now then, let us mark well that this is the reason Moses warns us here that if we allow wickedness to settle in, it will poison and infect everything before matters can be corrected? and that it is too late to do anything about it when the infection has gotten the upper hand.

Also, he notes it as exemplary, *that others will hear about it and will be afraid, and by that means pride will be corrected.* First of all we see from this that pride is an odious vice before God, seeing that He uses such a violent remedy that men answer for it with their lives. .

Second, let us also mark that those punishments which we are to execute are to be examples. This is the reason why it is said that those who spare an offender by leaving his crime unpunished are guilty of undoing the whole nation, for as a result other people fall into the same iniquities. When people see a wicked deed committed, and the criminal not punished for it, every man takes liberty to do the same. Therefore let us take warning from these examples, that we may be able to apply them to our own instruction, and when we see the prideful punished let us learn thereby to walk in meekness. And although it would be better for every man to learn this for himself, instead of by beholding the punishing of others, yet all the same it is a great grace of God when He teaches us by other men's sufferings.

Let us further note that if we continue without amendment when we see punishments executed by the authority of God, I say that if we continue without amendment our sin increases so much the more. God warns us by a great many instructions and by the chastisements which He

executes, and we make no account of them; now is it any wonder if in the end we see our Lord send such great and excessive disorders that we do not know where to turn? Then, let us learn to profit in this schooling as often as God lifts up His hand to punish the wicked, and let us understand that He teaches us by their example. For this reason let each of us bow and yield to obey Him with true humility,

Prayer

Now let us fall down before the majesty of our good God with acknowledgment of our sins, beseeching Him to make us feel them more and more, so that all of us may seek to frame our lives according to the righteousness that He shows us, and not need to be drawn to it by the earthly sword, but rather that the sword of God's Word may have such power in our hearts that it may make us sacrifice ourselves to God, killing all our fleshly lusts, and renewing us to that kind of life characterized by a wholehearted desire to have God reign over us, and that we may be wholly reformed according to His will, and that we may always follow the orderly policy and Spiritual government of His Church; and that all those things which He has ordered for our benefit may be so maintained and observed that both great and small may submit themselves to them. Further, that it may please Him to grant this grace not only to us but also to all peoples and nations of the earth, rescuing all poor and ignorant people out of the bondage of errors and darkness wherein they are held, that so they may be brought to the knowledge of His truth; and that for this purpose it would please Him to raise up true and faithful ministers of His Word, and so forth.