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## Zwinglian–Calvinist Debate on Church Discipline in the Pays de Vaud

### *Abstract*

The article discusses a theological debate on church discipline between Calvinist pastors living in the French speaking territory of Pays de Vaud and the Zwinglian City-state of Berne from the mid-1530s to 1560. From 1536 Pays de Vaud belonged to the Bernese protestant administration but consisted primarily of French refugee pastors allegiant to Calvin and his ideas. They Calvinists of Pays de Vaud questioned the civil magistrate's right to interfere into church affairs especially into the practice of church discipline, such as exclusion from the Lord's Supper and excommunication from the congregation. According to the Zwinglian establishment of Berne the right for exclusion and excommunication belonged to the civil magistrates. In the Calvinists' view the appropriate administrator of the exclusion and excommunication was the Genevian-type consistory, consisting of both clerical and civilian elected members.

Noteworthy significance can be attributed to the events in the Pays de Vaud. On the one hand, banished from Bernese territory most of the Calvinist pastors of Vaud were sent to reinforce the French underground evangelical movement. The Calvinists' failure in the Pays de Vaud turned Calvin's attention to France by which the Calvinism became a world phenomenon.

On the other hand, from this struggle emerged a theological justification for the state's supremacy over church affairs, namely by Wolfgang Musculus' *De Magistratibus*. Interestingly, this justification played a more important role in later times than in the actual controversy: Thomas Erastus, the builder of the territorial state-church of the Palatinate, John Withgift, the archbishop of Canterbury and the protector of Tudor-Absolutism against the Puritans, and the Dutch Remonstrants all were influenced by the teaching of Musculus.

The goal of this paper is to present how the two controversial sides regulated its church affairs and, in addition, to show the highpoint of the debate between Calvin's Vaudois adherers and the Bernese Magistrate for the government of the church, especially for the right of excommunication.

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“Right worshipful, puissant, and honourable Seigneurs, I learned yesterday, through the advoyer, that you are dissatisfied with me, as if I were the cause of many differences...”

Calvin’s letter to the Magistrate of Berne (March, 1555)<sup>2</sup>

In February 1536, Bernese troops led by the old *Schultheiss*, Hans Franz Nägeli, marched into the city of Geneva and freed it from the economic, political, and military pressures of Savoy, which sought rule of the city for a long time.<sup>3</sup> A Reformed city since 1528, Berne also provided relief for those Genevians who urged the reformation of the church in Geneva. Nevertheless, after initial euphoria, the Genevians had to realize the advent of political and religious independence had not yet come with the arrival of the Bernese: they received only new lords. The mightiest city state of the Swiss Confederation protected its rights and privileges over all affairs of public life, including the sphere of the church. The clash with Calvin, who advocated for a church government autonomous from the state, was unavoidable, especially in the Pays de Vaud – the French-speaking territory north of the Lac Léman, which belonged to the Bernese administration but which consisted primarily of French refugee pastors allegiant to Calvin and his ideas. Here a longstanding controversy emerged, in the words of Helmut Kressner: the struggle “des zwinglianischen Staatskirchentums mit der calvinischen Theokratie.”<sup>4</sup>

This permanent struggle in the Pays de Vaud catalyzed the forming of Calvin’s ideas of the church and state relationship, from which a wide array of religious independence movements, such as of the French Huguenots, the Dutch Geuzen, the Hungarian hajdúk, and the English and American Puritans, later took ideological nourishment. On the other hand, from this struggle emerged a theological justification for the state’s supremacy over church affairs, namely by Wolfgang Musculus’s *De Magistratibus*. Interestingly, this justification played a more important role in later times than in the actual controversy: Thomas Erastus, the builder of the territorial state church of the Palatinate, John Withgift, the archbishop of Canterbury and the protector of Tudor-Absolutism against the Puritans, and the Dutch Remonstrants all were influenced by the teaching of Musculus.<sup>5</sup>

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<sup>2</sup> John Calvin (Geneva) to the Magistrate of Berne (Berne), March 1555, in Jules BONNET (ed.): *Letters of John Calvin*, Vol. 3., Burt Franklin, New York, 1858. 160.

<sup>3</sup> Kurt GUGGISBERG: *Bernische Kirchengeschichte*, Paul Haupt, Bern, 1958. 191.

<sup>4</sup> Helmut KRESSNER: *Schweizer Ursprünge des anglikanischen Staatskirchentums*, C. Bertelsmann, Güttersloh: 1953. 53.

<sup>5</sup> KRESSNER: *Schweizer Ursprünge*, 71–72.

The goal of this paper is to present how the two controversial sides regulated its church affairs and, in addition, to show the highpoint of the debate between Calvin's Vaudois adherers and the Bernese Magistrate for the government of the church, especially for the right of excommunication. Besides the wide array of secondary sources, the confessional documents of the Reformed Church of Berne, including the *Zehn Schlussreden*, the *Reformationsmandat* of 1528, and the *Berner Synodus* of 1532, Calvin's letters and the related chapters of his *Institutes*, and, finally, the 1578 English translation of Wolfgang Musculus's *Loci Communes* will be discussed as primary literature.

### 1. Berne and the "zwinglianisches Staatkirchentum"

In order to strengthen their hold on the recently occupied Pays de Vaud, the Bernese fully intended to use their new state ideology, the Reformation.<sup>6</sup> The evangelization of the former subjects of Catholic Savoy was considered a kind of crusade in Berne. Evangelical pastors were sent to local congregations; local councils were manipulated; and disputes were held to persuade the reluctant Vaudois to accept the evangelical faith alongside the Bernese authority. The Reformed party was so well prepared and organized that there was never any question about the outcome. After the Disputation of Lausanne, on Christmas Eve December 1536, the Reformation edict was officially pronounced in the Pays de Vaud.<sup>7</sup>

Characterizing the Bernese church policy, Bernard Bundeshagen writes, "Was aber Bern besonderen betrifft, so gehört es recht eigentlich zu dem spezifischen seiner Geschichte, dass mehr als irgendwo der Staat sich in allen kirchlichen Bewegungen auf her-vorstechende Weise beteiligt findet."<sup>8</sup> The Bernese secular government liked to intervene into church matters even before the Reformation, and after the Council ratified the "Reformationsmandat" in 1528, the magistrate tightened its grip on the territorial church and pastors all the more.<sup>9</sup> The "Gnädige Herren" of Berne considered themselves committed to secure the salvation of their subjects, or in the very least to secure the people's certainty about it. They acted severely against all felt or actual opposition, which could disturb their subjects' tranquility regarding their salvation or call into question their authority over the territorial church. Furthermore, the magistrate considered the Disputation of 1528 and the *Berner Synod* of 1532 to determine all religious questions forever, and they introduced their confessions in the newly occupied lands as the absolute norm for

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<sup>6</sup> GUGGISBERG: *Bernische Kirchengeschichte*, 192.

<sup>7</sup> Bruce GORDON: *The Swiss Reformation*, Manchester University Press, Manchester, 2002. 159.

<sup>8</sup> Bernard BUNDESHAGEN: *Die Konflikte des Zwinglianismus, Luthertums und Calvinismus in der Bernischen Landeskirche von 1532–1558*, Bern, 1842. 6.

<sup>9</sup> GORDON: *Swiss Reformation*, 107.

church renewal. According to the word of a committed Bernese theologian, “the Disputation’s acts are the left, while the Holy Scripture is the right hand of God.”<sup>10</sup> The council did not give place for the *adiaphoron*: if someone dared oppose the Bernese church policy, then he opposed the Bernese state itself.

It would be a fruitless attempt to search for such a detailed circumscription of church order as the Genevian *Ecclesiastical Ordinances of 1541* in the Bernese Reformed Church’s documents, especially in the *Zehn Schlussreden*, the *Reformationsmandat* of 1528, and the *Berner Synodus* of 1532. These documents contain mostly principles and directives about the church and state relationship, primarily adapting Zwingli’s view on this issue, which asserts that church government is subordinate to the secular government. Accordingly, the main body of the Bernese ecclesiastical jurisdiction, the *Chorgericht*, was not instituted by the common consent of seculars and church leaders; rather, it was issued only by the Magistrate of Berne, regulated by magisterial edicts, as can be traced in the *Akten-sammlung* of Berne in that period.<sup>11</sup>

Bearing in mind Zwingli’s contribution to the breakthrough of the Reformation in Berne, it is not surprising that the example of Zurich was determinative also in the practical consolidation of Berne’s Reformed Church. To study the ecclesiastical law system of Zurich, one of the most significant and famous members of the Bernese *Kleiner Rat*, Niklaus Manuel Deutsch, travelled personally to Zurich.<sup>12</sup>

It is also no accident that Zwingli dedicated his main treatise on the church and state relationship, the *Von göttlicher und menschlicher gerechtigkeit* (30 July 1523), to influential Bernese officials.<sup>13</sup> In the 1520s, anxiety proliferated in the leading circles of the aristocratic republic as they feared the possibility of the Reformation causing anarchy or diminishing their power. This suspicion was strengthened by the opponents of the Reformation, who blurred the borders between drastic social endeavors of the radical reformers and the moderate reformers, in order to blacken the latter, who did not aim for extensive social changes but only supported the purification and renewal of the church. Moreover, the “Gnädige Herren” of Berne gradually extended their power over church jurisdiction

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<sup>10</sup> Cited in Kurt GUGGISBERG: *Calvin und Bern*, in: Martin HAAS – René HAUSWIRTH (eds.): *Festgabe von Leonhard von Muralt, Berichthaus, Zürich, 1970*. 267. Similar reference to the Bernese mentality can be found in Calvin’s letter to Bullinger, 26th June 1548, in: BONNET: *Letters of John Calvin*, Vol. 2., 172.

<sup>11</sup> R. STECK – G. TOBLER: *Aktensammlung zur Geschichte der Berner-Reformation*, K. J. Wyss Erben, Berne, 1923. Nr. 1706; Nr. 1715; Nr. 1717; Nr. 1829; Nr. 1875; Nr. 2190.

<sup>12</sup> Hans Rudolf LAVATER: *Zwingli und Bern – 450 Jahre Berner Reformation Beiträge zur Geschichte der Berner Reformation und zu Niklaus Manuel*, Historischer Verein des Kantons Bern, Bern, 1980. 89.

<sup>13</sup> Huldrych ZWINGLI: *Divine and Human Righteousness*, in: H.W. PIPKIN – E.J. FURCHA (eds.): *Huldrych Zwingli’s Writings*, Allison Park, 1984. 3.

even before the reformation, and they were determined to guard their gained privileges over church affairs.<sup>14</sup> Zwingli knew Bernese support was essential for the further fate of the *Eidgenossenschaft's* Reformation; even more, he realized that showing the Bernese both how to free themselves definitively from the episcopal jurisdiction of the bishops of Constance and Lausanne and how can they practice more control over their territorial church would effectively help bring the Bernese over to the Reformation's cause. Accordingly, in his treatise addressed to the Bernese, Zwingli attempted on the one hand, to calm down the worried potentates by emphasizing that the Reformation would not diminish their power or cause anarchy: "In this [work] you will see that the gospel of Christ is not over against the magistrate and that it does not cause dissension for the sake of temporal goods."<sup>15</sup> On the other hand, Zwingli shows that the Reformation would, in fact, make the Magistrate even more powerful: "Rather, it [the gospel of Christ] strengthens the magistrate, teaches it what is right, and maintains it in harmony with the people."<sup>16</sup> Thus, the institution of the Reformation would teach the people obedience in addition to granting control of territorial church affairs into the Magistrate's hands—an ascertainment the Bernese liked to hear.

However, the warning extended to the pastors and every subject alike, that they must obey the Magistrate, is a frequent characteristic of the *Berner Synodus*, and it permits pastors to admonish even the Magistrate, when they commit injustice: "Gott will unsere Weltweisheit auf mancherlei Weise brechen, zu Zeiten auch durch einen einfältigen und ungelehrten Menschen, einen solchen wenig geachteten Dorfpfarrer. ... Wie ehren ist es, wenn eine Obrigkeit großmütig gering achtet, was wider sie geredet wird, und nicht jede Sache aufs ärgste aufnimmt."<sup>17</sup> Moreover, it is even better when pastors expose the Magistrate's shortcomings than for them to keep silent. One can „eher einen in seinen Strafen viel zu grob zufahrenden Menschen zu ertragen, als einen stummen Hund, wie der Prophet solche Leute nennt, der zu allen Lastern schweigt."<sup>18</sup> Despite this permission, the *Gnädige Herren* of Berne did not often tolerate criticism of person or policy, especially by those under their authority. For example, when Pierre Viret urged the institution of the Genevian *Ecclesiastical Ordinances* in the Pays de Vaud for the first time in 1548, not only his church political intention but his critique of the Bernese bailiffs' selfish policy with confiscated church properties generated the indignation of the Bernese Magistrate all the

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<sup>14</sup> Walther KÖHLER: *Zürcher Ehegericht und Genfer Konsistorium*, M. Heinsius, Leipzig, 1932. 308–357.

<sup>15</sup> ZWINGLI, *Divine and Human Righteousness*, 4.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Berner Synodus in Synodalrat der Evangelisch-reformierten Kirche des Kantons Bern: Dokumente der Berner Reformation Berner Synodus mit den Schlussreden der Berner Disputation und dem Reformationsmandat*, Paul Haupt, Bern, 1978. 94–95.

<sup>18</sup> *Berner Synodus*, 95.

more, provoking retaliations for the reformer of Lausanne.<sup>19</sup> The Bernese ruled with an iron fist over their own pastors, which often soured their lives. Jodocus Kilchmeyer and Johannes Haller, growing accustomed to the circumstances of their former service place, Zurich, perceived their Bernese service as a heavy burden. Ambrosius Blaurer, reformer in Constance, rejected the invitation of the Bernese twice, fearing the proverbial servitude enforced by the Bernese Council, while Jodocus Kilchmeyer, as the “erster Pfarrer” of the Berne Minster, was satisfied with the lowest office offered to him in Zurich simply so he could leave Berne.<sup>20</sup>

Ironically, in Calvin’s eyes Jodocus Kilchmeyer was one of the truest personifications of the tyrannical Bernese church policy, against whom he raised outcries in more letters. In connection to the aforementioned case of 1548, Calvin’s encouraging letter to Viret contains reference to Kilchmeyer: “...I further fear that we may suffer a heavy penalty if, by servile dissimulation, we strengthen the tyrannical power which barbarous men already usurp. We may serve *Jodocus, and other such beasts*, provided only they form no barrier to our serving Christ; but when the truth of God is trodden down, woe to our cowardice if we permit this to be done without protest.”<sup>21</sup> In order to respond to the crisis of 1548, an assembly gathered in Lausanne, where Jodocus and another Bernese pastor were sent to “solve the problem.” Calvin writes about Jodocus’s “threatening, interrogating, fear and fight awaking” behavior even more when he summarizes that event to Bullinger: “Jodocus, however, and Ebrard, what brother of giants I know not, who had been sent, were so grossly violent in their invectives, that they were presently compelled to betake themselves home.”<sup>22</sup> At the end of the assembly, without finding common consent, the gathered pastors “were ordered to go away and have done with their Calvinism and Buceranism.”<sup>23</sup> Experiencing the aggressive action of the Bernese, Calvin even concludes: “What have we profited by shaking off the tyranny of the Pope?”<sup>24</sup>

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<sup>19</sup> John Calvin (Geneva) to Pierre Viret and Guillaume Farel (Lausanne), (9 May 1548) in: BONNET: *Letters of John Calvin*, Vol. 2., 165.

<sup>20</sup> GUGGISBERG: *Calvin und Bern*, 267.

<sup>21</sup> John Calvin (Geneva) to Pierre Viret (Lausanne), 15 June 1548, in: BONNET: *Letters of John Calvin*, Vol. 2., 167.

<sup>22</sup> John Calvin (Geneva) to Heinrich Bullinger (Zurich), 26 June 1548, in: BONNET: *Letters of John Calvin*, Vol. 2., 171.

<sup>23</sup> *Ibid.*: 172.

<sup>24</sup> *Ibid.*

Theoretically, the *Berner Synodus* represents a kind of „Zwei-Regimenten-Lehre.“ God governs the world by “zweierlei Regiment,” the spiritual and the temporal, institutionalized in the office of the “Diener des Geistes, die rechten christlichen Prediger” and the “Gnädige Herren and andere Obrigkeiten.” Both of them are legitimized by God and have different tasks, yet Christian individuals are subjected to both. “Der Christ gehört unter beide: nach seinem Gewissen unter das Geistliche ...; aber nach seinem Leib und Gut gehört er unter das Schwert und die äußerliche Verwaltung.”<sup>25</sup> Although a Christian already belongs to the kingdom of heaven, however, he is still obliged to obey the temporal authorities as long as he lives in “der irdischen Wohnung, dem Leib.”<sup>26</sup>

One particular chapter (Kapitel 28) warns pastors that they must not make adherents from simple believers. “Ein Diener Christi hat sich niemanden zu unterwerfen, weder Untertanen noch Obrigkeiten, und hat sich nicht selbst gross aufzulassen”<sup>27</sup> – a dangerous and uncomfortable possibility, which the Bernese later saw actualized in Calvin’s behaviour and goals. In addition, the *Berner Synodus* calls upon the pastors not only to obey the temporal authorities but also to preach that everybody must obey the Magistrate, knowing the corrupted human nature, “von Natur aus sind die Untertanen ihrer Obrigkeit und die Armen den Reichen gegenüber aufrührerisch, ungehorsam und widerspenstig.”<sup>28</sup> The Berner Synodus’s frequently returning emphasis on obedience was surely not composed in consideration of a future appearance of a Calvin-like rebel but finds its explanation in the rise of Anabaptism alongside the magisterial reformers, which stated that the true believers can break from the temporal power’s bonds, having their real citizenship in the kingdom of heaven.

Helmut Kressner properly calls the Bernese state perception as “zwinglianisches Staatskirchentum,” because the Bernese church policy was built primarily on the Zurich reformer’s thought, though in some cases the Bernese exceeded even his master.<sup>29</sup> Zwingli gave to the people the “ius resistendi,” the right to depose the unjust and ungodly rulers. “Dass man die Obrigkeit aber absetzen kann, zeigt uns das deutliche Beispiel Sauls, den Gott verstieß, obwohl er ihn zuerst erwählt hatte. Ja, wenn man die übermütigen Könige nicht absetzt, wird das ganze Volk dafür gestraft.”<sup>30</sup> On the contrary, representing a stronger understanding of the temporal authority, the *Berner Synodus* denies any right for resistance to the Magistrate, citing the same example of David and Saul but yielding an entirely different result: „Gott auch solche, die gegen unbillige Könige ungehorsam

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<sup>25</sup> Berner Synodus, 98.

<sup>26</sup> Berner Synodus, 98.

<sup>27</sup> Ibid.: 92.

<sup>28</sup> Ibid.: 97.

<sup>29</sup> KRESSNER: Schweizer Ursprünge, 53.

<sup>30</sup> Ulrich ZWINGLI: *Auslegen und Gründe der Schlussreden*, in: Emil EGLI (ed.): *Huldreich Zwinglis Sämtliche Werke*, Vol. 2., Berlin–Leipzig–Zürich, 1905–1991. 343.

waren, gestraft hat, bis er diese dann selber verwarf und absetzte. Das beispielhafte Verhalten Davids gegenüber Saul, den Gott abgesetzt hatte und den, solange er König war, David doch geehrt und verschont hat, ist wohl bedenken.<sup>31</sup>

Accordingly, the *Berner Synodus* did not contain such a detailed circumscription of the church order as Calvin's *Ecclesiastical Ordinances* of 1541. It declares mostly principles and directives about the church and state relationship, governed mostly by magisterial edicts and not a mutually accepted church constitution. Worked out by Wolfgang Capito and Berchtold Haller, the *Berner Synodus* is based strongly on Zwingli's view on this issue, or –accommodating to the Bernese Magistrate's claims – even exceeding it in favor of the state. The practical accomplishment of the Bernese confessional documents' principles and directives for the church order will be discussed below by the example of the reformed church of the Pays de Vaud.

## 2. Geneva and the “calvinische Theokratie”

The 1541 *Ecclesiastical Ordinances* of Geneva made clear significant differences between Calvin and the Bernese in the understanding of church government. The claim that the *Ordinances* does not mirror the will of only an earthly institution, such as a city council or a church body, but the will of God derived from the Word as well appear in its title and beginning sentence without delay: “The spiritual government *such as our Lord showed and instituted by his Word* should be reduced to good order,” and “[t]here are four orders of office *instituted by our Lord* for the government of his Church.”<sup>32</sup> Bearing in mind Calvin's and his followers' adherence to other doctrines, such as the predestination, which Calvin considered “the heavenly doctrine of Christ,”<sup>33</sup> and about which he declared, “we are prepared to seal with our blood,”<sup>34</sup> a similar behavior in the case of church order is not surprising. Calvin understood the church order he drafted as the revealed will of God, which, in turn, made martyrs from those who fought for it and the servants of Satan from those who opposed it. This identification of his cause with God's appears frequently in his letters, where, for example, he calls the church's right over excommunication “the truth of God” and identifies the attack against his party as an assault against Christ's

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<sup>31</sup> Berner Synodus, 98.

<sup>32</sup> John CALVIN: *Ecclesiastical Ordinances*, in: J. K. S. REID (ed.): *Theological treatises*, Westminster Press, Philadelphia, 1954. 58.

<sup>33</sup> John Calvin (Geneva) to the Pastors of Berne (Berne), May 1555, in: BONNET: *Letters of John Calvin*, Vol. 3., 173.

<sup>34</sup> The Pastors of Geneva (Geneva) to the Magistrate of Berne (Berne), 4 October 1554, in: BONNET: *Letters of John Calvin*, Vol. 3., 75.



teaching: “At this time both numerous servants of Christ and his doctrine itself are assailed.”<sup>35</sup>

In the *Ordinances*, the four orders “instituted by our Lord” are the order of pastors, doctors, elders, and deacons. The two most important offices of the pastors are proclaiming the Word of God and administering the sacraments; moreover, the clergy have the task of enjoining “brotherly corrections” along with the elders as the members of the Consistory.<sup>36</sup> After listing the criteria, which make eligible a person to be ordained as a pastor, the *Ordinances* outlay the institution of the pastors. Emphasizing the revealed characteristic of the church order, Calvin appeals to the example of ancient church practice, “for it is the only practice which is shown us in Scripture.”<sup>37</sup> This appeal to early church custom was a central argument of the Genevians in the controversy over the church government, whose Bernese refutation by Wolfgang Musculus will be discussed below. Otherwise, even Calvin did not hold the example of the ancient church as binding in every case. For example, when he writes about the imposition of hands during the pastors’ ordination, which he claimed the apostles and ancient Church alike observed, he concludes that since this custom “has been perverted into much superstition it is better to abstain from it.”<sup>38</sup>

The conduct of church affairs in Geneva was not, in fact, entirely in the hands of church office bearers or ecclesiastical bodies. According to the *Ordinances*, the right for expressing opinion and, in some cases, initiating action was reserved for the ecclesiastical bodies, though the right for the final decision remained always in the hands of the secular government. Accordingly, the election of new pastors was practiced by the other pastors (Calvin takes an already existing pastoral body for granted), who then presented their candidate to the Council, which examined him and, if it found him appropriate, received and accepted him.<sup>39</sup> This procedure was prescribed also for the appointment of the doctors, whose office was teaching both children and adults. However, the *Ordinances* do not circumscribe the accurate process of their election: they were also appointed by the common consent of the Council and the pastors. In this way, the Council proposed someone to be a doctor, and then the pastors, along with two members of the *Petit Conseil*, examined him before the Council made the final decision considering the pastor’s opinion. As for appointing the elders, the key persons in the practice of church discipline, the eligible candidates were confined to the members of the different councils. Two from the *Petit Conseil* (one of them had to be from the four Syndics, the highest level of the city government), four from the *Conseil des Soixante*, and six from the *Conseil des Deux Cents* were

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<sup>35</sup> John Calvin (Geneva) to Pierre Viret (Lausanne), 15 June 1548, in: BONNET: *Letters of John Calvin*, Vol. 2., 167.

<sup>36</sup> CALVIN: *Ecclesiastical Ordinances*, 58.

<sup>37</sup> *Ibid.*: 59.

<sup>38</sup> CALVIN: *Ecclesiastical Ordinances*, 59.

<sup>39</sup> *Ibid.*

elected. First, the *Petit Conseil* made the nominations and then conferred with the pastors about them; final approval came from the *Conseil des Deux Cents*. After one year of evaluation, the *Petit Conseil* confirmed their appointment.<sup>40</sup> The process for the deacons, who were responsible for the care of the impoverished, was similar to that of the elders, although they were not to be members of any of the councils.<sup>41</sup>

The persons of the elders were crucial in Geneva, because they formed the body of the Consistory together with the pastors. The Consistory, as it is also prescribed by the *Ordinances*, assembled every Thursday morning in order “to see that there be no disorder in the Church and to discuss together remedies as they are required.”<sup>42</sup> According to the *Ordinances*, the Consistory had the right to lay somebody under a ban, which meant excluding him or her from the Lord’s Supper “until a change of life is seen in them.”<sup>43</sup> When someone persisted unchanged, however, the Consistory was obliged to report the case to the secular Magistrate, which could then decide on further measures, including punitive sanctions, such as flogging, banishment from Genevian territory, and, as in the case of Servet, even capital punishment. Because the elders were also members of the councils, the borders between spiritual and temporal authority blurred, and the practice of secular punishment was not often absent.<sup>44</sup> Since the Consistory had no official authority to subpoena, the secular government assigned them city officers were to summon those whom they wished to admonish; moreover, they also had the right to enter and search private homes.<sup>45</sup>

Because of mingling secular and spiritual authorities, the Consistory could make use of secular punishments not only for moral transgressions but also, at times, “unorthodoxy,” which Calvin had the privilege of defining; this arrangement, of course, could manifest serious consequences for the further civil life of an “errant,” as seen in the case of Pierre Caroli, or Hieronymus Bolsec, who was even arrested at the end of a controversial “Bible study.” Besides excommunication, which resulted in the banishment from the city, even the ban from communion was a similarly serious punishment. In addition to the spiritual afflictions, such as the dubiety of salvation, social humiliation could also distort normal social routines and business. The banned could not act as god-parents, or, more importantly, either marry or be assured of poor relief and access to the hospital.<sup>46</sup> Such an encroachment by the spiritual power into the civil sphere could have caused offense in Berne.

Officially Calvin attended the meetings of the Consistory only as one of the ordained pastors of the city; however, his enormous theological and legal knowledge, eloquence,

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<sup>40</sup> Ibid.: 63–64.

<sup>41</sup> CALVIN: *Ecclesiastical Ordinances*, 64–65.

<sup>42</sup> Ibid.: 70

<sup>43</sup> Ibid.: 71

<sup>44</sup> Karl HEUSSI: *Az egyháztörténet kézikönyve*, Osiris, Budapest, 2000. 329.

<sup>45</sup> CALVIN, *Ecclesiastical Ordinances*, 70.

<sup>46</sup> John WITTE Jr. – Robert M. KINGDON: *Sex, Marriage, and Family in John Calvin’s Geneva – Courtship, Engagement, and Marriage*, Eerdmans, Grand Rapids, 2005. 67.

and will power exalted him over the other members and highly influenced the Consistory's decisions. Nevertheless, his influence was never borderless, not even after the turn of 1555 when most of his followers came to power. Calvin's fight for the church's freedom was not confined to a fight against the Bernese; even the Genevian council issued at times decisions that met his resistance. For example, the pastors' participation in the practice of excommunication was not always evident in Geneva. A letter for 1543 sheds some light on the delicate relationship of Calvin and the Genevian Council. Calvin writes, "While we were met in consistory, the Syndic [one member of the Consistory delegated from the *Petit Conseil* was also a member of the four Syndics of the city] brought us word that the Senate [*Petit Conseil*] retained in its own hand the right of excommunication. I immediately replied that such a decree could only be ratified by my death or banishment."<sup>47</sup> Calvin asked for a special meeting with the *Petit Conseil*, and reports then "[w]ithout any difficulty I have got what I asked for..."<sup>48</sup>

In another case, writing to his only influential Bernese friend, Nicholas Zurkinden, Calvin, describes the Genevian Council's behavior towards him: "The Senate, moreover, are never accustomed to send for me except when they are in difficulty for want of counsel."<sup>49</sup> Writing about his own restraint behavior in political affairs, the correspondence also reveals that Calvin received criticism for not holding full Genevian citizenship: "Though rarely I meddle with these political matters, and am dragged on to them against my inclination, yet I sometimes allow myself to be persuaded to take part in them, when necessity requires it";<sup>50</sup> he continues, "I have so carefully abstained from the management of affairs, which they loudly accuse me of ambitiously usurping, that I am a stranger in this city."<sup>51</sup>

In Geneva, the highest city offices were occupied by the first-class citizens (*citoyen*), who had to be born in the city; only they were eligible to be a member of one of the three Councils (*Petit Conseil*, *Conseil des Soixante*, *Conseil des Deux Cents*), the real première of Genevian politics. Only in 1559, five years before his death, did Calvin become a second-class citizen of Geneva (*bourgeois*). By that time, his legal status was "resident alien" (*habitant*), unable to be appointed to public office-bearer, to bear arms, or to vote, and only permitted to serve lecturers or pastors.<sup>52</sup> In the beginning (during his first stay in Geneva, 1536–1538), Calvin was so insignificant in Geneva that the functionary, who granted his

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<sup>47</sup> John Calvin (Geneva) to Pierre Viret (Lausanne), the day before Easter 1543, in: BONNET: *Letters of John Calvin*, Vol. 2., 377.

<sup>48</sup> *Ibid.*: 378.

<sup>49</sup> John Calvin (Geneva) to Nicholas Zurkinden (Berne), 21 February 1556, in: BONNET: *Letters of John Calvin*, Vol. 3., 250.

<sup>50</sup> *Ibid.*: 249.

<sup>51</sup> *Ibid.*: 250.

<sup>52</sup> Alister E. MCGRATH: *A Life of John Calvin*, Blackwell, Oxford, 1990. 108.

salary, did not even know his name, so Calvin was written into the register as “ille gallus.”<sup>53</sup> Not even later, when the Genevian government fell into the hands of Calvin’s local supporters by the increasing number of French refugees (in 1555), did Calvin hold an influence over his own followers to give him totalitarian control over the city.<sup>54</sup>

Still, a dark image of Calvin’s Genevian “rule” lives in putative conceptions, which represent him as a “religious dictator” (Stefan Zweig) or a “theocratic tyrant” who used his spiritual authority to extend power even over the temporal government,<sup>55</sup> who had in his city burning stakes, daily executions (Honoré de Balsac), and even children beheaded on account of disobedience (Aldous Huxley).<sup>56</sup> András Sütő, the Transylvanian Unitarian playwright, imagines Calvin bending over a map of Europe, marking with tiny flags those cities already joined to the Reformation and those still waiting to be reformed.<sup>57</sup>

Was Calvin really a theocrat? He was not insofar as a theocracy denotes clergy or some other ecclesiastical body exercising temporal power. Geneva has never become Savonarola’s Florence.<sup>58</sup> True, Calvin did have an enormous spiritual authority in the city, but the characteristic of the Genevian church government—founded on common consent of spiritual and temporal authorities that always left the last word to the temporal—did not grant him the legal devices needed to establish such a dictatorship. Calvin was a theocrat in the theological and etymological senses of the word: the state acknowledged that all power derives from God. For Calvin, of the everyone is subject to the temporal authority, instituted by God, which had the right and obligation to execute God’s anger on all wrongdoing. Whenever the temporal power carries out this assignment, it glorifies and worships God, but when it does not fulfill this role: “we must obey God rather than men” (Acts 5:29 KJV).<sup>59</sup>

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<sup>53</sup> Jean CADIER: *Kálvin*, Református Zsinat Sajtóosztálya, Budapest, 1980. 73.

<sup>54</sup> William G. NAPHY: *Calvin and the Consolidation of the Genevian Reformation*, WJK, Louisville, 2003. 208.

<sup>55</sup> FAJTH Tibor, *Svájc*, Panoráma, Budapest, 1980. 478.

<sup>56</sup> Aldous Huxley asserts it without any documentation – MCGRATH: *Calvin*, 105.

<sup>57</sup> SÜTŐ András: *Csillag a máglyán* [Star on the Stake], Bucuresti, 1975.

<sup>58</sup> HEUSSI: *Az egyháztörténet kézikönyve*, §71 t u.

<sup>59</sup> John CALVIN: *Institutes of the Christian Religion*, Eerdmans, Grand Rapids, 1970. 676.; and Stefan BILDHEIM: *Calvinistische Staatstheorien*, Peter Lang, Frankfurt am Main, 2001. 34.

Thus, the extremist evaluation of Calvin's Genevian role is historically improper. He was not iron-handed tyrant of the city, the "master of fear," but neither was he an apolitical contemplative, who stepped aside from public issues. Rather, he argued very harshly for the sake of the revealed evangelical truths; he frequently used his political connections and authority in order to protect his case. Still, an extremist evaluation of his person can be refuted: Calvin did not dream of a state led by the clergy or ecclesiastical office holders, but he did dream of a state led by the will of God.

### 3. The Clash in the Pays de Vaud

After the 1536 annexation of Pays de Vaud, the *Berner Synod's* directives and principles were applied to the consolidation of the church order in that territory as well. Three months after the Reformation Edict was pronounced in the Pays de Vaud on the Christmas Eve of 1536, on 14 March 1537, the pastors of the territory were summoned for a constitutional synod led by the Bernese Kaspar Megander, who brought a complete scheme of ecclesiastical organization representing the will of the Bernese Magistrate. Accordingly, the head and supreme authority of the Vaudois church would be the *Synod*, which would meet whenever the need arose, but it could only be convoked on the authority of the Bernese civil government and would be inferior to the rigid control by the Council of Berne. On the next level stood the *classe* consisting of all local church pastors in a given area; each *classe* was to meet monthly and with a presiding dean, often an instrument of the Bernese policy. Six *classe* was organized in the Pays de Vaud, which was supposed to supervise the doctrine and morals of its pastors as well as secure loyalty to the rites and customs authorized by the Church of Berne. At the bottom of the hierarchy was the consistory, consisting the pastors and elders of each local parishes. The Vaudois consistories did not have the right of ban and excommunication; their only weapon of church discipline was admonition.<sup>60</sup> The execution of ban and excommunication was in the local bailiffs' (*Vogt*) hand, appointed by the Bernese Magistrate.<sup>61</sup>

Being the biggest and most influential class, the *classe* of Lausanne had particular privileges, such as the right to appoint pastors. Except Lausanne, every pastor in the Pays de Vaud was appointed with the ratification of the Bernese Magistrate by the ministers of Berne. Even in Lausanne, those who were elected had to have the approval of the Bernese civil and ecclesiastical authorities.<sup>62</sup>

This scheme of the Vaudois ecclesiastical constitution, which was subsequently adopted not only under pressure but also by that initial euphoria the freed Vaudois felt

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<sup>60</sup> Robert Dean LINDER: *The Political Ideas of Pierre Viret*, Droz, Geneva, 1964. 35.

<sup>61</sup> GORDON: *Swiss Reformation*, 159.

<sup>62</sup> LINDER,; *Viret*, 36.

towards their liberators, secured the Bernese influence on every level of the church discipline, from the local parishes to the Synod. This infiltration of the civil power into spiritual matters troubled those who advocated a separation of church and state, with the church having responsibility for its own government and discipline, such as Calvin's adherents in Lausanne, Viret and Béza.

The well-known Theodor Béza was the professor of Greek at the Academy of Lausanne during this period (1549–1558), while the most significant figure of this clash was Pierre Viret.<sup>63</sup> Born in the village of Orbe, twelve miles north to Lausanne, Viret was the only major figure of the Vaudois reformation, who was also a native of Vaud. He had been studying theology in the Collège Montaigu, Paris, Alma Mater of Calvin and John Knox as well, where he was influenced by Lutheranism. In 1531 he had to flee from the city and find refuge in his birthplace, Orbe. At that time Guillaume Farel, financed by the Bernese, toured the countryside, spreading the evangelical reformation on the territory of the Catholic Savoy. By his ordination, the twenty-year-old Viret became the reformed pastor of Orbe on 6 May 1531, as well as an itinerant preacher, backed by Bernese money and power. In 1533, the Bernese asked him to go to Geneva in order to aid Farel in establishing the Reformation there. After they succeeded, Viret went to Lausanne, where he bore the brunt of the local breakthrough of the Reformation on 1 October 1536. Thereafter, the Bernese appointed him pastor of the Lausanne church, alongside with Pierre Caroli. Viret met Calvin for the first time in Basel in 1535. He was also present when Calvin came to Geneva in 1536, witnessing how Farel persuaded Calvin to stay. Even more, Viret actively helped Calvin return from exile in 1541; their correspondence testifies to their mutual friendship.<sup>64</sup>

Yet in 1548, Viret tried to institute a Genevian-like ordinance in the congregations of the Pays de Vaud. Consequently, he was ordered to appear before the Bernese Magistrate, which generated a rumor throughout Geneva that he was deposed from Lausanne. Calvin asked permission from the Genevian Council to travel to Berne in order to intervene in Viret's case personally. The Genevian Council approved his request, even financing his travel, but by the time Calvin arrived in Berne, Viret had already left three days earlier. The process of the case was unclear even for its participants, as Calvin wrote: "I

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<sup>63</sup> For Viret's life see: Robert Dean LINDER: *The Political Ideas of Pierre Viret*, Droz, Geneva, 1964 and Rudolf PFISTER: *Pierre Viret, 1511–1571*, in: *Zwingliana*, 11., 1961. 1., 321–345.

<sup>64</sup> E. g. see John Calvin (Geneva) to Pierre Viret (Lausanne), June 1548, in: BONNET: *Letters of John Calvin*, Vol. 2., 166.; John Calvin (Geneva) to Pierre Viret (Lausanne), 4th January 1551, in: BONNET: *Letters of John Calvin*, Vol. 2., 289.; John Calvin (Geneva) to Pierre Viret (Lausanne), 16 March 1558, in: BONNET: *Letters of John Calvin*, Vol. 3., 379.; John Calvin (Geneva) to Pierre Viret (Lausanne), 28 August 1558, in: BONNET: *Letters of John Calvin*, Vol. 3., 456.

have not yet been able to understand the result of your proceedings.”<sup>65</sup> Then Viret was only admonished by the Bernese Magistrate, who later, in May 1548, sent Jodocus Kilchmeyer “and other beasts,”<sup>66</sup> “brothers of giants”<sup>67</sup> to Lausanne who declared to the gathered Vaudois pastors, “[w]e have ... the Bernese disputation from which we form our judgment of you and all your affairs”<sup>68</sup> and ordered the termination of their Calvinism and Buceranism.

Other counter-measures followed. However, the Berner Synodus itself contains a particular chapter (Kapitel 38 – “Dass man freundschaftlich miteinander die Schrift vergleichen soll”) urging pastors and even common believers to have regular meetings for discussions “mit jedermann über unser Evangelium, gegen den Papst.”<sup>69</sup> In response, the Bernese Magistrate abolished the colloquia, the weekly meetings of the Vaudois pastors by an edict on 2<sup>nd</sup> September 1549. Besides the aforementioned chapter of the *Berner Synodus*, the weekly colloquia of the pastors were prescribed in the Genevian *Ecclesiastical Ordinances* as well, providing possibility to maintain the unity of the pastors and discuss the actual problems.<sup>70</sup> The Bernese rightly recognized that these gathering not only fostered discussion of spiritual matters but also became the hotbeds of resistance against them; thus, the Bernese decided to end them. Both Viret, the *classe* of Lausanne, and Calvin protested this measure in vain. Even Calvin’s Bernese contacts, who in other cases behaved moderately towards the Genevians, namely Haller and Musculus,<sup>71</sup> were against the colloquia, about which rumors spread in Berne that the French pastors were more absorbed in studying wine-cups than Scripture at these gatherings.<sup>72</sup>

Why did the Genevians and Calvin’s Vaudois party adhere to the church’s right of excommunication so severely? For them, the exercise of church discipline was essential for proper administration of the Lord’s Supper. However, the Bernese magistrates ruled over their pastors and territorial church with iron fist: they were more tolerant towards common believers and exercised the ban from communion and excommunication not

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<sup>65</sup> John Calvin (Geneva) to Pierre Viret (Lausanne), 9 May 1548, in: BONNET: *Letters of John Calvin*, Vol. 2., 166.

<sup>66</sup> John Calvin (Geneva) to Pierre Viret (Lausanne), 15 June 1548, in: BONNET: *Letters of John Calvin*, Vol. 2., 167.

<sup>67</sup> John Calvin (Geneva) to Heinrich Bullinger (Zurich), 26 June 1548, in: BONNET: *Letters of John Calvin*, Vol. 2., 171.

<sup>68</sup> *Ibid.*: 172.

<sup>69</sup> *Berner Synodus*, 110.

<sup>70</sup> CALVIN: *Ecclesiastical Ordinances*, 60.

<sup>71</sup> “From my confidence in your friendship, I expostulate the more freely with you and my friend Haller. For I am persuaded that some things which trouble me are displeasing to you also.” John Calvin (Geneva) to Wolfgang Musculus (Berne), 28 November 1549, in: BONNET: *Letters of John Calvin*, Vol. 2., 252–253.

<sup>72</sup> *Ibid.*: 251.

nearly as often or as severely for minor moral transgressions as the Genevians did. For Vaudois Calvinists, the Bernese defiled the church's chastity by their overindulgence and partiality when they let the trespassers of God's law come to the Lord's Table; in their view, the strict exercise of the church discipline was needed to practice communion properly.<sup>73</sup> Accordingly, a mass of displeased Bernese subjects living close to the border began to wander to Geneva to participate in "proper" communion—a practice that disturbed the Bernese who ordered their bailiffs to prohibit this "pilgrimage."<sup>74</sup>

After the "Revolution of 1555," Viret could have considered Geneva as a firmer hinterland for his further fight and come up with the church's right for ban and excommunication again. After the Bernese deposed four pastors of the *classe* of Thonon, who touched the doctrine of predestination in their sermons in February 1558, the indignant Viret decided to take a drastic action, announcing he would not administer the Eucharist that coming Easter unless the current system of church discipline was practiced by a joint committee of ministers and lay officials; this meant by a Genevian-like Consistory.<sup>75</sup> He would no longer be badgered into serving the Lord's Supper to unworthy communicants by civil authorities.

Calvin did not fuel the conflict; he even tried to persuade Viret to leave Lausanne and settle in Geneva. He concludes, however: "follow cheerfully where necessity calls, or rather drags you, because when we have discharged our duty nothing is better than the testimony of a good science."<sup>76</sup>

Surprisingly, the Bernese seemed to be ready for a compromise, perhaps because they wanted to muzzle Viret with issuing privileges to his congregation. Accordingly, Lausanne was allowed to convene the consistory daily until Easter in order to instruct and admonish the unworthy participants for the proper administration of the Easter Holy Communion. However, by this decision Lausanne became the most privileged congregation in the Pays de Vaud, but the power of excommunication still remained in the hands of the secular authority.<sup>77</sup>

Encouraged by the partial Lausanne success, Viret persuaded the *classe* of Lausanne to publish a document on 27 May 1558, urging the accreditation of the right for excommunication for all consistories of the Pays de Vaud. In this pursuit he went too far. On July 1558, the Bernese not only rejected their proposal, but also reissued their old edict

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<sup>73</sup> HEUSSI: *Az egyháztörténet kézikönyve*, 327.

<sup>74</sup> John Calvin (Geneva) to Heinrich Bullinger (Zurich), 24 February 1555, in: BONNET: *Letters of John Calvin*, Vol. 3., 152.

<sup>75</sup> GUGGISBERG: *Bernische Kirchengeschichte*, 221.

<sup>76</sup> John Calvin (Geneva) to Pierre Viret (Lausanne), 16 March 1558, in: BONNET: *Letters of John Calvin*, Vol. 3., 415.

<sup>77</sup> LINDER: *Viret*, 37.



against the proclamation of predestination and any other form of “Calvinism”; furthermore, they ordered Viret and eleven fellow ministers to appear before the Magistrate of Berne on 15 August 1558. There, they were given the choice of submission or dismissal. Then, upon the advice of Béza, Viret and his colleagues decided to submit. Abandoned by Béza, who in the autumn of 1558 left his academical professorship in Lausanne not only for the newly founded Genevian Academy but also by the pressure of the situation, a spirit of martyrdom grew in Viret. Calvin attempted to persuade him to leave again, fearing his stubbornness would bring the anger of the Bernese not only upon the head of Viret but also upon the heads of others: “But you do not judge rightly in supposing you alone are assailed from all quarters, since the whole force of the storm will also fall back upon us.”<sup>78</sup>

After futile negotiations and vague promises by the Bernese, Viret again announced that the Lausanne church would not celebrate the Lord’s Supper on the coming Christmas unless Berne consented to reconsider his proposal regarding church discipline.<sup>79</sup> The pastors of Lausanne were then summoned to Berne before Christmas, where they were given the promise to discuss in the near future church discipline, if only Lausanne would celebrate the Communion at Christmas. Viret and his colleagues accepted the Bernese promise, but since they arrived back to Lausanne only on 23 December, they decided that it was too late to hold consistorial instruction for the participants in Christmas communion; thus, they postponed the Eucharist until the New Year’s Day service, giving themselves more time for preparation. This change of the agreement was understood in Berne as a slap in the Bernese Magistrate’s face. On 20 January 1559, the enraged Bernese removed Viret from the position of chief pastor of Lausanne and forever banished him from his native land, the Pays de Vaud.<sup>80</sup> He found refuge in Calvin’s Geneva, where he was always very popular, until his health was so poor that upon the doctors’ advice, who prescribed a climate change, he left for South-France. In Nîmes, Montpellier, Lyon, and finally in Pau, Viret became an ardent preacher of the French Reformation until his death on 4 April 1571.<sup>81</sup>

After Béza and Viret left, the *classe* of Lausanne was summoned to Berne (23–25 February 1559), and they were given the choice between the Reformation of the “Gnädige Herren” or deposition. The native Vaudois chose submission, while the majority of those pastors, who fled from French in order to find refuge in the Protestant Bernese territory, chose banishment, thereby leaving the quarter of the parishes in the Pays de Vaud vacant and in turmoil. Except for Jean la Comte, all of the professors of the Academy of Lausanne

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<sup>78</sup> John Calvin (Geneva) to Pierre Viret (Lausanne), 28 August 1558, in: BONNET: *Letters of John Calvin*, Vol. 3., 458.

<sup>79</sup> PFISTER: *Viret*, 330.

<sup>80</sup> LINDER: *Viret*, 38.

<sup>81</sup> *Ibid.*: 39–51.

left for the newly founded Academy of Geneva.<sup>82</sup> Deprived from their leaders and threatened with the banishment of their colleagues, the remaining pastors never again attempted to argue the secular government's right over the excommunication and other church affairs.

The Magistrate of Berne gained an overwhelming victory in which their main weapon was the incontestable right to appoint and depose pastors—a device used to eliminate inconveniences and threaten the others and which resulted in the banishment of forty pastors from the Pays de Vaud over fifteen years.<sup>83</sup> The fight between the “zwingli-anisches Staatkirchentum” and the “calvinistische Theokratie” was not an ideological one insofar as it did not take place between theologians and on disputations. Berne turned the cold shoulder to theological reasoning and justification and responded with strict magisterial measures to every challenge attempting to dispute its privileges over the church.

#### 4. The Aftermath of the Battle – Forming Theological Justification

Only after the highpoint of the debate did the Bernese begin looking for an ideological justification for their church policy, especially for the execution of excommunication and the appointment of the pastors.

*Vor allem galt es, daneben die strenge, unnachgiebige Politik des Magistrats zu rechtfertigen; eine Arbeit, die um so dringlicher war, als das Gerücht umging, die nach Genf Übergesiedelten bereiteten eine apologetische Schrift vor. Auf Berner Seite war der Aufgabe, eine theoretische, d. h. theologische Rechtfertigung der magistralen Kirchenpolitik zu liefern, niemand besser gewachsen als Wolfgang Musculus, der Professor für Theologie.”<sup>84</sup>*

Wolfgang Musculus (1497–1563) became acquainted with the Lutheranism as a Benedictine monk of Lixheim, Lorraine. He joined the Reformation in Strasbourg, where he was highly influenced by Bucer and Capito, and then became one of promoters of the Reformation's breakthrough in Augsburg as the theological counselor of the Augsburg Council. After the *Augsburg Interim* of 1548, he found refuge in Berne. There, as the *professor theologiae* at the Bernese *Hohenschule*, he avoided church politics. He was among those few people in Berne who Calvin could call his friends (the others were Berchtold Haller and Nicholas Zurkinden, the *Stadtschreiber*). While all his commentaries became

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<sup>82</sup> PFISTER: *Viret*, 331.

<sup>83</sup> James Thomas FORD: *Wolfgang Musculus on the Office of the Christian Magistrate*, Güttersloher Verlag, Güttersloh, 2000, 164.

<sup>84</sup> KRESSNER: *Schweizer Ursprünge*, 59.

quite popular, his *Commentary on Psalms* was most esteemed by Calvin as well, and the Bernese published his main systematic theological work under the title *Loci Communes* in 1560.<sup>85</sup> The last chapter of this work, entitled *De Magistratibus*, contains, in Kressner's view, the "theologische Rechtfertigung der magistralen Kirchenpolitik" of Berne.

Notably, James Thomas Ford<sup>86</sup> observes that many of Musculus's arguments appearing in the *Loci Communes* had already been used in other tracts, namely in the "*Widerlegung etlicher gegenwürf*" and the "*Confutation und Ablainung*," by which Musculus attempted to prove the Augsburg Council's *ius reformandi* in the 1530s. Apparently, revising his former treatises written against Catholics, Musculus reshaped the *De Magistratibus*, accommodating to the present situation and composed a theological treatise vindicating the secular government's right to intervene into church affairs.

Firstly, looking for Scriptural arguments, he disputes the Genevian view that the only example of the proper church order and adequate church-state relationship shown in the Scripture is the example of the ancient church.<sup>87</sup> According to the Genevians, the New Testament lacked instances of Christians seeking a magistrate's intervention into religious matters; contrarily, the people of the New Testament frequently had to resist the secular government, according to the Word: "We ought to obey God rather than men" (Acts 5: 29 KJV)<sup>88</sup> Thus, New Testament times did not evidence the assumption that secular government would have authority over church matters, in the case of appointment of pastors, for example. "But you will say, that it was otherwise handled in the primitive Churches, when the Bishops or Presidents of Churches were chosen by the ministers and common people" as the opinion of the Genevian theologians is shown in the *Loci*.<sup>89</sup>

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<sup>85</sup> For Wolfgang Musculus's life see: Marc van WIJNKOOP LÜTHI: *Reformator, Europäer, Flüchtling – Wolfgang Musculus – eine Entdeckung und eine Ausstellung in der Münsterkapelle Bern*, in: *Der kleine Bund* 219 (20 September 1997); Marc van WIJNKOOP LÜTHI: *Wolfgang Musculus und die römische Kirche*, in: Marc van WIJNKOOP LÜTHI (ed.): *Musculiana*, Zur Paraburi, Thun, 1999.; Rudolf DELLSPERGER (ed.): *Wolfgang Musculus (1497–1563) und die oberdeutsche Reformation*, Akademie Verlag, Berlin, 1997.; Paul Josiah SCHWAB: *The Attitude of Wolfgang Musculus towards Religious Tolerance*, Mennonite Press, Scottsdale, 1933.

<sup>86</sup> James Thomas FORD: *Wolfgang Musculus on the Office of the Christian Magistrate*, in: *Archiv für Reformationgeschichte*, 91., 2000. 149.

<sup>87</sup> CALVIN: *Ecclesiastical Ordinances*, 59.

<sup>88</sup> CALVIN: *Institutes*, 676.

<sup>89</sup> Wolfgang MUSCULUS: *Common places of Christian religion, gathered by Wolfgangus Musculus, for the vse of such as desire the knowlledge of godly truth. Translated out of Latine into English, by Iohn Man of Merton Colledge in Oxforde. Herevnto are added two other treatises, made by the same author, one of othes, and an other of usury. VVith a most perfect and plenti-full table. Seene and allowed according to the order appoynted in the Queenes Maiesties iniunctions*, Henry Bynneman, London, 1578. 1311.

Musculus argues the contemporary church-state relationship is not comparable to the New Testament times, since the Apostles and first Christians had no Christian Magistrate: “The estate of the Church was such at that time, that the ministers could be no otherwise chosen bycause they had no Christian Magistrate.”<sup>90</sup> Musculus even refers to an exegetical guiding principle in his argument: the interpretation of the Scripture is not accurate, when the contents are torn out from their original context; he contends, “[i]f you list to loke backe to cal to remembrance that doings of those dayes, you must loke backe withal to the condition of estate of those dayes.”<sup>91</sup> Therefore, the practice of the apostolic church, which appears in the New Testament accounts, did not provide the exemplar for Christian government, since the magistrate was not Christian at that time. Had the institution been a Christian, the leaders of the early Church would have appealed to it in church matters as they really did after Constantine made the secular government Christian. Although in his previous treatises (*Widerlegung etlicher gegenwürffand Confutation und Ablainung*) Musculus appeals often to the Constantinian Era, this line of argument is not strongly represented in the *De Magistratibus*. Here, he appeals to Emperor Justinian alone, who felt entitled to intervene in internal church affairs by his law on baptism and catechumen education of the Gentiles and the Jews.<sup>92</sup>

As Musculus did not hold the New Testament record of the Apostles’ attitude toward the secular government prescriptive but merely descriptive, he needed Scriptural support for his own opinion, so he turned to the Hebrew monarchy of the Old Testament. He lists Old Testament leaders and kings, namely Moses, Joshua, Samuel, David, Salomon, Asa, Josaphat, Ezechias, Josias, and Joas, who exercised authority over church matters, such as over the appointment of religious office-bearers, the punishment of religious evildoers, the administration of the cult’s property, and even religious renewal.

The first of them was Moses “the firste generall Magistrate of the Israelites, who did represent not the person of a Priest, whiche was put unto Aaron, but of the superior power, lyke unto the authoritie of a King, whiche did gyve the order of all religion in the people of God, and did appoint onto Aaron and to the other of the Levites what they should do, and what eschew.”<sup>93</sup> Accordingly, Moses was in charge in both secular and religious matters since God gave him the Commandments instead of Aaron, declaring that “the charge of the institution and governaunce in religion dothe belong unto the Magistrate.”<sup>94</sup> Notably, Calvin also refers to Moses in his *Institutes*, though he does not

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<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> MUSCULUS: *Common Places*, 1312.

<sup>93</sup> Ibid.: 1300.

<sup>94</sup> Ibid.

emphasize Moses' joint secular-spiritual leadership, only that he was appointed as a ruler by God.<sup>95</sup>

Musculus highlights primarily the Old Testament leaders' responsibility for the appointment of priests and other religious office-bearers, which relate to the Genevian claim that placed the appointment of pastors on the common consent of the clerical body and the secular magistrate.<sup>96</sup> With the example of David Musculus contends, "He appointed Priestes, Levites, Singers and Dorekeepers, to minister in the tabernacle of the Lorde. He caused the temple to be builded unto the Lorde, and appointed all the ministeries and offices of the same. And forasmuche as he knewe that this is the principall charge whiche belongeth unto kings and magistrates, that the religion of God be well ordered."<sup>97</sup> The Old Testament kings also played a key role in internal religious questions, such as the compilation of the canonical writings, for Joshua "compiled the wordes of the covenat into the booke of Gods law,"<sup>98</sup> and Joas took part in the establishment of the Deuteronomy, which further strengthened the case for the magistrate's right to intervene in doctrinal question as well.<sup>99</sup>

Moreover, the Hebrew monarchs exemplified how the secular magistrate should prosecute the case of religious renewal, positing, "And Asa king of Juda, havving the charge of religion, did rid away the idols out of all the lande of Juda and Benjamin, and out of the cities whiche he had taken in the mount of Ephraim, and did dedicate the Aulter unto the Lord, which was before the gate of the Lorde."<sup>100</sup> Interestingly, Musculus' account of Josaphat's reformist activity is very similar to the way in which the Reformation spread in the 16<sup>th</sup> century world, especially in those places where rulers solicited its spread, as in Pays de Vaud. Josaphat delegated "Princes," secular office-bearers, to preach in the cities of Judah, then sent Levites and priests with them, "havving the booke of the Lordes lawe with them, and went aboute al the Cities of Juda, and instructed the people."<sup>101</sup> In the case of Ezechias, Musculus explicitly states that the faithful magistrate has the *ius reformatandi*, or the right to prosecute the Reformation of the church: "Ezechias also that moste godly king, folowyng the footsteps of his father David, employed hys chiefe and speciall care to the reformation of religion."<sup>102</sup>

Furthermore, Musculus emphasizes that the Old Testament magistrate's involvement in church affairs was possible only since they were faithful to the Lord.

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<sup>95</sup> CALVIN: *Institutes*, 658.

<sup>96</sup> CALVIN, *Ecclesiastical Ordinances*, 59.

<sup>97</sup> MUSCULUS, *Common Places*, 1301.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*: 1303.

<sup>100</sup> *Ibid.*: 1302.

<sup>101</sup> *Ibid.*

<sup>102</sup> MUSCULUS: *Common Places*, 1302.

*When the Kings be wicked and adversaries to godlynesse, the charge of religion commeth to the Priests and Elders of the people. [...] And when they became also corrupte, the power of the charge and order of religio was put over by Christe himself unto the Apostles, and to the ministers of the worde, until the tyme that Kings and Princes beganne to understande the truth of God, to believe in the Lord, and to serve him.*<sup>103</sup>

Although in most cases Musculus committed himself to the scripture principle, his main argument for the state's supremacy over the church comes not from the Scripture. Appealing to natural law, Musculus likens the Christian magistrate to a *pater familias* who sets his house in order and maintains discipline. In the *Loci Communes*, the natural law argument even comes before the weak scripture argument: "Is not the power whiche the father hath over his children, grounded upon the lawe of nature, whiche the holy scripture dothe also confirme? And who can deny, but that is dothe chiefly belong unto him, to bring up his children with all diligence and care in the true religio of God, in whiche standeth their whole salvation and felicitie?"<sup>104</sup> Just as the father governs the religious affairs of the home, so also should the magistrate control the religious situation in his territory. This argument originated with Brucer, who composed it in written form in 1535, in his "*Dialogi*." "Was seind aber nun die obren gegen iren underthonen? Vätter. Und die obren vätter, die mehr gwalt über ire underthonen haben, dann sunst kain besonderer vater über seine kinder."<sup>105</sup>

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<sup>103</sup> Ibid.: 1304.

<sup>104</sup> Ibid.: 1299.

<sup>105</sup> Martin BUCER: *Dialogi oder Gespräch von der Gemeinsame und den Kirchenübungen der Schriften, und was yeder Oberkait von ampts wegen auss Göttlichem befehl an denselbigen zu versehen un zu besseren gebüre*, in: Robert STUPPERICH (ed.): *Martin Bucers Deutsche Schriften*, Güttersloh, 1960. 2.

Moreover, Musculus uses another argument rooted in natural law. Accordingly, two authorities cannot exist over one people at the same time, unless one becomes superior or inferior to the other. "There shoulde be two contrarye authenticall authorities and powers in one people, two dyvers and sundry lawgivings and governaunces, unlesse they be one under the other, no more than there may be two heads to one body."<sup>106</sup> From these two authorities, the secular magistrate's authority is superior to the church, but at the same time the sanctity of the church consecrates it. For him, there is no reason to segregate the church from the Christian state: both of them belong to God, both of them contains consecrated people, both of them are holy. He explains, "[a]nd the magistrate himselfe is holye also and not prophane, and his power holy, his lawes holy, his sword holy, whiche is the revenger of the reprobate and wicked, in serving the moste high Lorde and lawgiver, iudge and revenger of all evill."<sup>107</sup> Thus, there is no reason to question the state's involvement in church matters, for the two are one and the same: "The distinction of ecclesiasticall and prophane lawes, canne take no place amongst Christians."<sup>108</sup> Notably, Musculus' ascertainment is not far from Calvin, who also held the secular government sacred, declaring, "Wherefore no man can doubt that civil authority is, in the sight of God, not only sacred and lawful, but the most sacred, and by far the most honorable."<sup>109</sup> Likewise, Calvin appeals to kings of the Old Testament, and when appealing to Moses he even uses the same example, the institution of the judges. Nevertheless, the goal of Calvin's appeals are not to permit temporal leaders intervention church affairs, but only to demonstrate that the temporal authorities derive their power from God, as "invested with divine authority."<sup>110</sup>

Even though Calvin and Musculus thought similarly about the secular power's origins and characteristics, they imagined the Magistrate's behavior and duties towards the church differently. For Musculus the sacred Christian Magistrate, instituted by God, naturally has the right to intervene in most intimate church life. For Calvin, the magistrate's spiritual duty is to form outer circumstances; thus, the civil sphere and civil jurisdiction must be transformed in order to please God, all the while giving and securing autonomy for the church in inner affairs. He comments, "[t]hey are the ordained guardians and vindicators of public innocence, modesty, honor and tranquility, so that it should be their only study to provide for the common peace and safety."<sup>111</sup> This obligation alone is their ministry to God, nothing more.

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<sup>106</sup> MUSCULUS: *Common Places*, 1308.

<sup>107</sup> *Ibid.*: 1309.

<sup>108</sup> *Ibid.*

<sup>109</sup> CALVIN: *Institutes*, 654.

<sup>110</sup> CALVIN: *Institutes*, 653.

<sup>111</sup> CALVIN: *Institutes*, 658.

## 5. Concluding Remarks

It is hardly possible to compare the *Berner Synodus* and the *Ecclesiastical Ordinances*, which represent almost two entirely different genres. The *Synodus* composes only general principles, which were transplanted into the practice by those measures only the Council alone instituted, which adapted these principles freely and according to its own interests; the *Ordinances*, however, consisted of concrete prescriptions based on the common consent of the pastors and the councils of Geneva. While in Geneva the common consent was actualized on every level of church government and clergy, even holding in many cases the right to initiate, in Berne the secular magistrate had both the first and the final word. In theory, both sides represented the same tenets: a distinction between the spiritual and the temporal realms, an emphasis on the freedom of conscience influenced only by God and not worldly powers, and the perception of the secular authority as the guardian of the church.<sup>112</sup> Nevertheless, in practice there was a difference in understanding exactly what this guardianship over the church mean entailed. In Geneva it meant that the secular government helped the church deal with its affairs even with secular measures, as in the case of the church ban and excommunication, which resulted in secular punishment as well; in contrast, this guardianship meant for Berne that the secular government had total control over church affairs, from the appointment of pastors to the exercise of church discipline. Still, even Geneva did not provide the church complete autonomy from the state; instead, the church had to fight daily for independence, indebted primarily not to the geniality of the councils but to Calvin's personal authority and convincing power; in Berne and the Pays de Vaud, however, the church had no freedom to decide over its own affairs, as witnessed in Viret's attempt to institute a Genevian-like system in Bernese territory—a pursuit foredoomed to failure.

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<sup>112</sup> *Berner Synodus*, 38.; MUSCULUS;: *Common Places*, 1309.; CALVIN: *Institutes*, 658.



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