


John Calvin as 'public theologian' in view of his 'Commentary on Seneca's de Clementia'

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During the 16th century, Europe underwent fundamental sociopolitical changes, which challenged theologians and the church to respond theologically. In light of the celebration of the Reformation (1517–2017) and the theme of this conference, this contribution presents Calvin as a 'public theologian'. To this purpose it is necessary to define 'public theology', describe the sociopolitical changes which challenged theologians during the 16th century, and lastly to focus on Calvin's contribution to the discourse. Because of the vast amount of material that is available, this contribution is limited to Calvin's first publication, his 'Commentary on Seneca's De Clementia'. Calvin's fundamental understanding of law and justice, as well as his theological engagement with sociopolitical issues, made him a public theologian par excellence. Calvin's legal training surfaced whenever he addressed the authorities, for instance, when pleading the case of persecuted Protestants. He had a fundamental understanding of issues such as justice and freedom. The rights, responsibilities and obligations of government and people should always remain in balance. Sociopolitical transformation, as experienced in South Africa during the last three decades, requires of theologians to engage theologically with relevant issues. In this, Calvin set a remarkable example.

Introduction

Since 1994, many conferences¹ were hosted by various South African institutions on topics such as human rights, racism, poverty, social justice, social cohesion and Ubuntu. These conferences, as well as robust discourse in parliament and frequent media reports on corruption, raised questions on how theologians and the church should respond to sociopolitical challenges. The complexity of the situation often leads to superficial, hesitant and subdued ecclesial and theological response. This is far removed from the way theologians like Martin Luther and John Calvin responded to the sociopolitical transformation which swept across Europe during the 16th century. They not only responded theologically to issues such as justice (*iustitia*), fairness (*aequitas*), humanity (*humanitas*) and the common good (*commune bonum*), but also looked for ways and means to implement measures which were to the benefit of the poor and marginalised people (see Song 2012).

This does not mean that the transformation of society stood central in Calvin's theology, as is sometimes claimed. Calvin was cautious not to confuse the penultimate and ultimate realities with each other. However, it is not to be disputed that Calvin was existentially and theologically engaged with the sociopolitical changes which swept across Europe.

Looking at the history of the 16th century Reformation from the perspective of public theology, many theologians from that era (Roman Catholic, Lutheran and Reformed) could be regarded as 'public theologians'. Bromell (2011) defines public theology as a critical reflection on faith and its implications for society. Furthermore, it employs relevant evidence and reasonable arguments to engage with competing claims and conflicting ideas in the public sphere. According to Bromell, a lecture in public theology is different from a sermon or public witness by a faith community. Public theology is not a direct expression of faith. It is a second-order reflection that thinks critically within a specific context about the sociopolitical implications of Christian faith. It focuses in particular on the ethical and political implications of religious self-understanding. Public theology is not an easy option for theologians who want to do something practical. It is a proper academic discipline which builds on a sound knowledge of philosophy as well as historical and systematic theology. Bromell (2011:5) concludes: 'What is public theology? Critical thinking, with others, about religious faith and public life'.

1. See, for instance, the *World Social Science Forum 2015* held in Durban under the patronage of UNESCO (<http://www.wssf2015.org/>)

Mannion (2009:122) describes various definitions and approaches to public theology. He points out that there had always been public theology or 'theology in the public square'. Jesus Christ preached in public places and confronted the authorities (civil and religious) with their moral bankruptcy, explaining the values of the kingdom of God (Mannion 2009:128). This was continued during the early development of the Christian church (the best known example being the apostle Paul's discussion of a Christian's relation to the government and emperor in Rom 13). Augustine's *City of God* is a classic text, written in the context of a Roman Empire which was in decline, facing major political, social and moral collapse. During the Medieval and Reformation eras, there was a continual stream of theologians who struggled with questions of how faith should relate to evolving patterns of social and political change. These included theologians such as Thomas Aquinas (1225–1275), Marsilius of Padua (1275–1342), William of Ockham (1288–1348), Margery Kempe (1373–1438), Ignatius de Loyola (1491–1556) and Mary Ward (1585–1645), to name just a few.

Mannion (2009) writes:

The various waves of 'reformation' across Europe – from the figure of Johan Hus in Bohemia (c. 1372–1415) and the Hussites after him, to the later reformation movements – were charged with political tension and social implications from the outset and changed the political, social and of course the theological and ecclesiastical landscape forever ... Luther and Calvin sought to experiment with new forms of how religion should relate to wider society and to the 'public' and civic realm in particular. (p. 132)

The same point is made by Haight (2005:81) when he argues that during the Reformation, it became clear that the relationship between the church and society is forever dynamic and changing, resulting in a particular ecclesial identity. No church or religion ever functions or exists in isolation. Society influences the identity of the church and shape of faith, and *vice versa* religion also influences the identity of society.

Most would agree that public theology is social, political and practical in nature. Mannion (2009:122) is of the opinion that the 'best public theology involves theological hermeneutics in the service of moral, social and political praxis'. In public theology, questions of ethics, ecclesiology and being church with integrity is of constant importance. This was illustrated to the point during the 20th century in Nazi Germany, especially by theologians like Dietrich Bonhoeffer and Karl Barth as well as the Barmen Declaration which became a classic text of public theology (Mannion 2009:137). The *Belhar Confession* could also be included in this line of classical texts.

During the last three decades, public theology has become so popular that it is impossible to give a complete overview (see Mannion 2009:126–132). It is enough to mention that it is an area of theology where one has to tread carefully to avoid the pitfalls of generalisation, lack of nuanced historical discourse, exclusivism, hypocrisy and a pessimistic world view. Public theology should celebrate life in its fullness.

Calvin discussed the relationship between the civil and spiritual realms in various publications, importantly Book IV of his *Institutes*. In light of the celebration of the Reformation (1517–2017), this contribution will focus primarily on Calvin's views on law and justice as articulated in his first publication, his *Commentary on Seneca's De Clementia*.

Calvin's fundamental understanding of law and justice, as well as his theological engagement with sociopolitical issues, made him a public theologian par excellence. If we agree that public theology is 'critical thinking about faith and public life' (Bromell) and 'theological hermeneutics in the service of moral, social and political praxis' (Mannion), Calvin could be regarded as a public theologian still relevant in the 21st century.

Contrary to some negative perceptions associated with Calvin's theology, Rodriguez (2008:119) is of the opinion that Calvin's theology could actually serve as a model for contemporary public theology because of his ability to relate issues of faith with the sociopolitical challenges of his time. Song (2012:4) is of the opinion that the *Accra Confession* (adopted by the 24th General Council of the World Alliance of Reformed Churches in Ghana 2004)² could be regarded as a positive interpretation of Calvin's theology within a 21st century context of globalisation, a growing divide between rich and poor and the ecological crisis. In response to the *Accra Confession*, an international consultation was held in Geneva (2004) on the impact of Calvin's economic and social thought. The final statement, drafted by Elsie McKee and delivered by Edouard Dommen, is an indication that scholars are increasingly of the opinion that Calvin's theology is still relevant to contemporary sociopolitical issues.

The few textual examples from Calvin's *Commentary on Seneca's De Clementia* presented in this contribution were chosen to illustrate how relevant Calvin's views still are and how it could assist theologians and churches to make a meaningful contribution to the discourse on rule of law, a constitutional state, the bill of rights and other legal issues which presents itself on a daily basis.

Context of the 16th century

Every new generation has to face a new world. This was true for *Homo erectus* and is still true for *Homo digitalis* of the 21st century (see Saxberg 2015). Looking at the history leading up to the 16th century Reformation, one is struck by the radical sociopolitical changes that took place and how common people, politicians, businessmen and theologians tried to deal with change.

Biéler ([1961] 2005:3–10) gives an overview of the transformation which swept across Europe since the beginning of the 13th century. The Turkish invasions, establishment of new trade routes, developments in ship building and waterways, growth of an artisan and merchant class in cities,

²The text of the *Accra Confession* is to be found at <http://wcr.ch/acra/the-acra-confession>

the collapse of the feudal system, urbanisation, new farming methods, migrant labour and growing poverty were all part of the Medieval landscape. In 1315, Louis X freed all his serfs, because 'all men are equal'. The serfs received their freedom but were deprived of their livelihood because all of a sudden they lost their right to utilise land owned by the king.

The Hundred Years' War (1340–1453) had a major impact on Europe. The war destroyed the ancient structures of governance based on the inherited rights of the nobility. The war also created a stimulus for rising nationalisms, as exemplified by the story of Jeanne d'Arc (1412–1431). If war was not enough to decimate the population, the Black Death reduced whole cities to ghost towns and destroyed social structures. Rebellion and sedition brewed among the common people.

In these revolutionary circumstances, theologians responded in different ways. Some tried to enforce and strengthen existing ecclesial and social structures, and others believed that reform was necessary. Leading up to the Reformation, theologians like John Wycliffe and Jan Hus worked for the transformation of church and society (see Fudge 2010; Schaff 1915). Both of them were involved in political matters, based on the conviction that a Christian may not remain silent on issues such as justice, the welfare of fellow human beings and the common good. Wycliffe was highly critical of the powers of clergy in civil society as well as the church's enormous wealth and ownership of property (Wyclif [1384] 1904). The Council of Constance (1415) declared both heretics and ordered their writings to be destroyed. The Council further ordered Wycliffe's remains to be unearthed from consecrated ground and burnt. This order was executed in 1428. His ashes were strewn in the river Swift. Hus was burnt at the stake during the Council.

Jan Hus' publication *De Ecclesia*³ had a fundamental influence on Martin Luther, especially in his understanding of the church and civil authority. Next to the question of justification, the relation between spiritual and earthly matters became the second major theme in Luther's work (Bornkamm 1979:314). Even before 1517, in his lectures on Romans 13, he grappled with questions of ecclesial and civil government. He is of the opinion that civil authorities are responsible for maintenance of good order, without which the church will find it difficult to exist. With reference to Romans 13 and 1 Peter 2, he argues that political authority comes from God and whoever resists authority is resisting the divine order of things (see Lohse 1995:167). In a letter to Melancthon (dated 13 July 1521), he reflects on political matters and again expressed the opinion that all temporal power is granted by God and as such should be respected.⁴ Luther consistently distinguished between the two kingdoms and two regiments and between the kingdom of God governed by spiritual means and earthly kingdoms governed by laws of men.

3. A translation of the *De Ecclesia* with introduction by D.S. Schaff (1915) can be found at http://lollardsociety.org/pdfs/Hus_De_Ecclesia.pdf

4. WA Br. 2 Nr. 418, pp. 356–361: '*Potestas a Deo est, et ordinationi Dei resistit, qui potestati resistit, et: 'minister Dei est'*'.

On the contrary, Luther was confronted with the harsh realities of poverty and vast numbers of peasant farmers who were landless and had lost the opportunity to make a decent living. He himself was a descendent of a long line of peasant farmers, as was his son (Bornkamm 1979:322). In 1525, the '*Zwölf Artikel der schwäbischen Bauernschaft*' appeared (Zahrnt 1983:134). The peasant farmers were ready to rise up against the authorities. They presented these articles to Luther to advise them, to which he responded with *Ermahnung zum Frieden auf die zwölf Artikel der Bauernschaft in Schwaben*.⁵

In this document, Luther maintains the fundamental respect for civil authority, and even more, he points out to the protesting farmers that they are mistaken in their understanding of both the kingdom of God and earthly kingdom, if they think they can use the gospel to justify political violence (Zahrnt 1983:135). He calls leaders who incite their followers to political violence and bloodshed 'false prophets who act violently under the pretence of Christian freedom', a clear reference to Thomas Müntzer, one of the leaders of the Radical Reformation (Bornkamm 1979:325). Thus, the title of the document: *Ermahnung zum Frieden ... A call to peace*.

Bornkamm (1979:323) points to three reasons why Luther rejected violent rebellion: (1) An armed rebellion would be destructive to the kingdom of God, the church of Christ and hamper the proclamation of the Word; (2) there will be unnecessary bloodshed and loss of life and (3) it would jeopardise the spiritual well-being of both the peasant farmers and those who would subject them by force. Luther opposed political violence not only from a theological perspective but also from a pastoral perspective. Luther was correct in his assessment of the looming danger and destruction of the *Bauernkrieg*. The Peasants' War of 1524–1525 involved 300 000 Central European peasant farmers, workers and artisans of whom almost 100 000 were slaughtered in battle or by execution. It was the largest general uprising of common people in the history of Europe. The peasants achieved none of their goals. Only the French Revolution (1789–1799) could compare in scope to the *Bauernkrieg*.

Calvin: A revolutionary and/or man of peace?

It was in such revolutionary and dangerous times that John Calvin entered the scene. The sociopolitical transformation of Europe since the 15th century loomed large and challenging before Calvin. Europe was embroiled in nothing less than a revolution that left nothing untouched. The 16th century Reformation was part of larger processes of transformation and the development of early modernity. It has often been debated whether the Reformation had been revolutionary in character (see Schulze 1985 for a discussion of R.M. Kingdon's views on the revolutionary character of the Reformation); whether the reformers merely *responded* to change or actually *initiated* transformation amidst the growing swell of discontent and civil strife.

5. WA 18, pp. 291–334.

In Calvin's case, it was not only general sociopolitical issues that demanded his attention but also the tension-filled relation between the church and council of Geneva. The interaction between church and government in Geneva contributed to a more nuanced articulation by Calvin, as well as a basic awareness of the difference between the temporal and eternal, between the spiritual and earthly realms and between God's righteousness and human law.

In the history of the 16th century, there were few better equipped and able to respond to the sociopolitical challenges of the time than Calvin (Allen 1961:49). Over the past century, a vast amount of literature had been published on topics relating to Calvin's social involvement, his understanding of church and government and the influence Calvin had on the development of modern democracy (see, for instance, Allen 1961; Bauer 1965; Biéler [1961] 2005; Bohatec 1937; De Visser 1926; Hancock 1989; Hopfl 1991; Witte 2007).

At the start of the 20th century, Max Weber (see discussion in Biéler [1961] 2005:423–430) proposed that Calvin and Protestants, in general, were fundamentally capitalist in their world view. The *summum bonum* was the acquisition of wealth through hard work and profit. Biéler (p. 437) rejects Weber's thesis by pointing out that Weber's analysis is focussed on samples centuries after Calvin, which might have had some Calvinistic origin but could not be equated to Calvin's own views. Even more, many of the early capitalist structures were already in place by the time Calvin appeared on the scene. As such, it is a mistake to identify Calvin as the father of capitalism. The same argument may be followed in the case of democracy and social welfare. By the time Calvin came to Geneva, democracy and the support of poor and sick people were already well established (see Innes 1983, *Social concern in Calvin's Geneva*). Through his life, Calvin participated actively and practically in various social issues but also reflected critically and articulated his views in terms of theological hermeneutics.

On the contrary, it is also important to note that Calvin not only reacted to sociopolitical issues but also in some instances initiated actions. According to Balsarak (2013:160), one of the myths that surround Calvin is the view that Calvin was a man of order and peace who did not get involved in 'dirty politics'. This creates a strange dichotomous view of Calvin: His ideas were sometimes revolutionary, but the man himself was a man of order and peace. Although Calvin could by no means be described as a radical revolutionary, Balsarak (2013:171) points out that Calvin trained and sent insurgents (pastors) into France even though it was against the law, supported secret cells of individuals who held views which were clearly seditious and supported an armed uprising against the French king. As the political situation changed, Calvin became more insistent that the lower magistrates not only had the right to resist tyranny, but actually had the duty to do that. This is articulated in the first edition of his *Institutes* (1536) where he makes the point that the magistrates had the duty to protect the people against tyranny (CO 1:248).

It became much more prominent after Charles V crushed the Schmalkaldic League in the late 1540s and the Augsburg Interim of 1548 which he regarded as the work of Satan, especially in his sermons on the Old Testament prophets (Balsarak 2013:169–170).

One could conclude that Calvin's context was one of change and sometimes terrifying dangers. He responded intellectually as well as in practical ways. The extent of his social engagement through publications is massive, covering thousands of pages published over three decades. As the sociopolitical events unfolded, Calvin adapted and in some instances became more radical in his views. After his death, this trend continued with the French Huguenots, especially after the Bartholomew Day Massacre in Paris in 1572.

Calvin's commentary on Seneca's De Clementia (1532)

Calvin's intellectual engagement with questions of justice, humanity and clemency is to be found from his very first publication, the *Commentary on Seneca's De Clementia* (CO V/I)^{6,7} of 1532. At the time of its publication, Calvin was only 23 years old and living in Paris, pursuing his studies in Greek and Hebrew and reading Augustine's *De Civitate Dei*. He was a man of learning, who rapidly assimilated what he read with a strong desire to publish his own ideas (Ganoczy 1987:75). He returned to Paris after he completed his legal studies in Orléans and Bourges. In 1528, he studied under Pierre de l'Estoile (Wendel 1978:23) who left an indelible impression on Calvin's mind and fundamentally influenced his understanding of justice and law.

During 1529, Calvin moved to Bourges where he studied under the famous Italian jurist, Andrea Alciati (1492–1550). The University of Bourges was founded by Louis XI in 1463 (Wendel 1978:24) to promote the rational grounds for the absolute monarchy (*ius majestatis*). Despite Alciati's elaborate and verbose theories on the absolute and divine power of kings, Calvin never accepted it. The classic riposte of Calvin to Absolutism is to be found in the phrase 'the people do not exist for the sake of the king, the king exists for the sake of the people' as formulated by Calvin's successor in Geneva, Beza ([1574] 1956).

Calvin's *Commentary on Seneca's De Clementia* was published before he left the Roman Catholic Church to join the Reformation movement. It was only a year later, during 1533, that he converted to the reformation movement (see Dreyer 2014:3). In a technical sense, he wrote the *Commentary* not as a theologian but as a young aspiring scholar and typical French humanist lawyer (Allen 1961:49). Calvin clearly had an interest in sociopolitical issues, although there is no indication that he published his *Commentary on Seneca's De Clementia* in reaction to the persecutions by Francis I and Charles V (Wendel 1978:27), or in aid of some political agenda. At this

6.CO V/I: Calvin ([1866] 1532).

7.Translations of Latin texts follow Battles and Hugo (1969).

time, Calvin was just a young humanist intellectual with the ability to reflect critically on fundamental issues concerning justice, humanity and the common good (Van Eck 1992:11–12).

But still the question remains: Why did he choose Seneca and why the *De Clementia*? There are several theories why Calvin chose to enter the academic discourse with such a publication (see overview in Hugo 1957:80–115). Some are of the opinion that Calvin was a typical humanist of the time who had to prove his superior intellect; some that Calvin had a predilection for Seneca's Stoic philosophy because of his own moralistic inclination; and some are of the opinion that Calvin responded to Erasmus's challenge to young academics with his negative attitude towards Seneca in his 1529 Basel edition of Seneca's works (see Hugo 1957:113). Was there more to Calvin's choice of material than a young academic's vanity to take on the great Erasmus and prove him wrong?

Hugo (1957:103) refers to the often quoted words of Calvin in a letter to his friend Daniel (22 April 1532) in which he expressed the hope that his publication could serve the common good (*quod publico etiam bono forte cessurum sit*). Hugo (as Wendel – see above) agrees with Kampschulte over Doumergue that this should not be interpreted as a veiled appeal to Francis I on behalf of Calvin's French compatriots in Paris who were persecuted because of their religious convictions. It should rather be understood as a hopeful dream that it might serve justice and the common good of the French public, which could also include the French Protestants whose trials and persecution Calvin had been quite aware of.⁸ Based on this, it seems that Calvin, even as a young academic, had been mindful of sociopolitical issues. Calvin's *Commentary* was more than 'self-promoting' and to 'demonstrate to the intellectual world his abilities as a classically trained scholar and jurist' (Blacketer 2009:181).

Hugo (1957:115) comes to the conclusion that Calvin chose Seneca for his entry into the academic world because he felt an affinity to Seneca's reasoning and views on justice, humanity and clemency. Seneca's description of the juridical relationship between the emperor (government) and his people gave Calvin a grip on the changes happening all around him and assisted the articulation of a Christian response.

Being human is to feel pity and compassion

Lucius Annaeus Seneca, the author of *De Clementia*, had been appointed as tutor to the young Emperor Nero. During 55–56 AD, he wrote down some ideas as instruction to Nero, based on the Stoic principle of self-discipline and restraint. In chapters 4–6 of the second part of the *De Clementia*, Seneca makes the observation that in general people with a compassionate attitude are regarded as 'good' people. He is,

8. Just for interest sake, we should keep in mind that Calvin started his studies in Paris at the Collège de la Marche in August 1523, aged 14. In the same month (in Paris), an Augustinian monk with the name Jean Vallière was burnt at the stake because he supported the heretic *Luthériennes* (Balke 1977:15). Calvin had been exposed to persecution of Protestants from an early age.

however, not *ad idem* with such a view. He regarded it as 'weak' if someone, especially a king or a judge, would see somebody suffer and become troubled and agitated by the suffering, because it would blind such a person to wise and correct decisions. Practically, it means that a judge could be blinded by his compassion which might result in incorrect judgement and sentencing (CO V/I:156).⁹ Seneca paints an idealised picture of the wise and Stoic person: He should engage his fellowman in a kind manner, without being affected personally. He should distance himself from people and their suffering, without being unkind (Van Eck 1992:12–13).

In his *Commentary*, Calvin enters into debate with Seneca on various issues related to the concept of clemency. Calvin did not share Seneca's view that an unaffected and distant approach to suffering was the correct one. At times he contradicts Seneca (i.e. *De Clementia* I/XVII and II/VII), quoting from early Greek and Roman authors to substantiate his own views (see Backus 2003:17). Calvin writes in his *Commentary* CO V/I:154¹⁰ that feeling compassion and pity are virtues even for a judge. Nobody could be regarded as a good person who is not compassionate. Calvin's argument (contra Seneca) is that the rational act of clemency (*clementia*) by a judge or king could not be dislocated from pity (*miser cordia*), as if the rational process should not be influenced by emotions.

In his commentary on *De Clementia* I/III (CO V/I:41),¹¹ Calvin agrees with Vopiscus that clemency is the greatest and most heroic virtue, a sign of true humanity (*humanitas*). Being human (*humanus*) implies a life of virtue; it has ethical implications, not the least being compassionate. For Calvin, reason and emotions are not mutually exclusive, in fact – it is what makes us human. We are human because we feel and reason. Being human and acting with humanity (*humanitas*) includes treating people with kindness, fairness and compassion (Van Eck 1992:7).

Calvin used arguments from various writers to strengthen his argument against the Stoic concept of the 'unmovable spirit' (Van Eck 1992:13). Calvin argues for a real involvement

9. Salustius in oratione Caesaris: *Omnes homines qui de rebus dubiis consultant, ab odio, amicitia, ira atque misericordia vacuos esse decet. Haud facile animus verum providet, ubi illa officiant* ... Sallust, in Caesar's speech: It becomes all men, who deliberate on dubious matters, to be influenced neither by hatred, affection, anger, nor pity. The mind, when such feelings obstruct its view, cannot see what is right.

10. *Illud sane nobis persuasum esse debet, et virtutem esse misericordiam, nec bonum hominem esse posse, qui non sit misericors, quidquid in suis umbris disputent otiosi isti sapientes: qui an sapientes sint nescio, ut verbis Plinii utar: homines certe non sunt. Hominis est enim affici dolore, sentire, resistere tamen, et solatia admittere, non solatiis non egere* ... Obviously we ought to be persuaded of the fact that pity is a virtue, and that he who feels no pity cannot be a good man – whatever these idle sages may discuss in their shady nooks. To use Pliny's words: I know not whether they are sages, but they certainly are not men. For it is man's nature to be affected by sorrow, to feel, yet to resist, and to accept comforting, not to go without it ...

11. *Bene cohaeret orationis filium. In praecedentibus sic clementiam hominum naturae convenire diserebat, ut hominem non esse contenderet, qui non simul clementi esset ingenio, atque ad mansuetudinem propenso. Est enim clementia vere humanitas: cuius participem esse, nihil aliud est, quam esse hominem. Nunc quod propius est scopo, addit esse virtutem heroicam, sine qua imperare principes non possint: sicut Vopiscus ait, primam esse rerum dotem* ... The thread of the discourse holds together well. In what went before he so asserted that clemency agrees with the nature of men, that he would contend that man is not man who is not at the same time of a clement disposition and inclined to gentleness. For clemency is truly humaneness: to partake of which is nothing else than to be a man. Now because it is more proper to his purpose, he adds that it is a heroic virtue, without which princes cannot rule: just as Vopiscus says: The greatest of all gifts ...

with people and their suffering, not only practically but also emotionally and intellectually. Seneca called emotions of pity a 'sickness of the soul' (CO V/I:155),¹² while Calvin regarded it as fundamental to real clemency. He calls on Augustine¹³ to support his argument that compassion means nothing if we do not share the misery of others by helping them.

Another important aspect of Seneca's *De Clementia* is his understanding of *humanitas*, of a common humanity. Common humanity was not particular to Stoic philosophy, but an integral part of Greek philosophy since the time of Alexander the Great and the understanding of individuals as citizens of the world (*kosmopolitès*). Even slaves, the lowest stratum in ancient societies, should be regarded as part of one common humanity. In the *De Clementia* I/XVIII (CO V/I:118),¹⁴ Seneca points out that slaves should be treated in terms of what is equitable and right (*aequi bonique*), although by law masters had the right to punish slaves severely. In his commentary on this section, Calvin affirmed this notion with reference to Cicero, when he states '*est etiam erga infimum hominum genus servanda iustitia*' [even the lowest of human race should be dealt with justly]. With reference to Budaeus, Calvin distinguished between the law, which could be applied harshly, and justice, where clemency and fairness could play a role. The important question is not so much about the laws, but about justice, equity and what is right. The Stoic understanding of *humanitas* found a permanent place in Calvin's theology. For Calvin, no human existence was possible without community, without being human for one another, without compassion and fellowship. In his later theological works, Calvin grounded the notion of a common humanity in terms of man created in the image of God (Van Eck 1992:14–15).

From Seneca commentator to theologian

One aspect of Calvin's theology which remained important was his understanding of natural law as well as the relationship between law and ethics (see Backus 2003:7–26; Bohatec 1934:3–93). Calvin's legal background stayed with him all his life, although it went through certain developments. Irena Backus' analysis of Calvin's *Commentary on Seneca's De Clementia* (Backus 2003:15–25) points to five recurring themes in Calvin's later theological works:

12. *Misericordia est aegritudo animi ob alienarum miseriarum specie: aut tristitia ex alienis malis concepta, quae accidere immerentibus credit ...* Pity is a sickness of the mind brought about by the sight of the distress of others, or sadness caused by the ills of others which it believes come undeservedly ...

13. *Augustinus libro IX. de Civitate ... Quid utem est, inquit, misericordia, nisi alienae miseriae in nostro corde compassio, qua utique si possumus, subvenire cogimur? ... Augustine Book IX of the De Civitate ...* What then is pity, but a compassion in our hearts for another's misery, by which we are compelled to give whatever help we can ...

14. *Servis imperare moderate, laus est: et in macipio cogitandum est, non quantum illud impune pati possit, sed quantum tibi permittat aequi bonique natura, quae parcere etiam captivis et pretio paratis iubet. Quanta iustus his iubet, tanto iustus hominibus liberis, ingenuis honestis, non ut mancipiis abuti, sed his quos gradu antecedit, quorumque tibi non tradita servitus, sed tutela ...* It is praiseworthy to use authority over slaves with moderation. Even in the case of a human chattel you should consider not how much he can be made to suffer without retaliating, but how much you are permitted to inflict by the principles of equity and right, which require that even captives and purchased slaves should be spared. With how much more justice do they require that free, freeborn, and reputable men should not be treated as mere chattels, but as those who, outstripped by you in rank, have been committed to your charge to be, not your slaves, but your wards ...

- the importance of *summum ius* and *aequitas*
- man as a social animal
- the triple use of the law
- relationships between head of household and its members
- the respective functions of kings, tyrants and magistrates.

Backus (2003) agrees with Schreiner (1991) that:

the concept of one law of divine origin underlying all legislation was borrowed by the Romans from the Greeks and particularly from Stoic philosophy and eventually became commonplace in Roman legal theory and in Christian thought. (p. 8)

It was also part of Calvin's theology. He never developed a theology of natural law, but made it part of his doctrine on divine providence.

One example will suffice to illustrate why Calvin's *Commentary on Seneca's De Clementia* should not be dislocated from his later theological works, even though the way Calvin applied certain concepts changed with time. According to Backus (2003:16), Calvin imported the concept of *summum ius* into his *Commentary* (I/II) where he comments on Seneca's explanation that clemency could save the innocent from unjust punishment. In his later theological works, he places the *summum ius* in opposition to *aequitas*, especially when he speaks about divine justice. Backus formulates it as follows:

He (Calvin) thus defines God's justice in sermon 19 on Deuteronomy 4 as God's relinquishing His *summum ius* or His absolute rigor of judgment. If God wanted to apply His law in its full rigor, he argues, then there would be nothing to stop Him, and human beings would have no option but to carry it out. However, God knows that humans are incapable of carrying out his law to the letter, and he therefore moderates it by remitting their sins freely. The idea of God's relinquishing his right to judge with utmost severity constitutes a leitmotif in Calvin's works. (p. 8)

In other words: God does not judge humanity in terms of the *summum ius*, but in terms of *aequitas*. In Roman law, the term normally refers to justice, where justice is applied in a fair, equitable and humane manner in which extenuating circumstances are also considered. God takes it into consideration that man is incapable of perfect obedience to the law. In the same way, Calvin argues that no earthly judge should apply justice without *aequitas* and *clementia*.

Concluding remarks

Calvin's attention to both theology and law became a trademark of early Calvinism (Witte 2010:1). Theologians and jurists, in many 16th century communities, formed the backbone of local leadership. As reformed catechisms and confessions developed, so new charters of rights influenced by reformed theology appeared. As a theologian, Calvin remained a 'human rights lawyer', pleading the case of persecuted Protestants (Witte 2010:2). As in his *Commentary on Seneca's De Clementia*, he pleads in the first edition of his *Institutes of Christian Religion* (Calvin [1863] 1536,

CO Vol. I/II:77)¹⁵ for gentleness and mercy for those persecuted, even Muslim believers. He pleads not only for freedom and clemency, but also responsible behaviour by the people. The rights, responsibilities and obligations of government and people should always remain in balance.

Bolt (2000) is of the opinion that:

Calvinism is noted for being a decidedly political kind of Christianity. To the degree that is permissible to speak of a 'central motif' of Calvinism, it would have to be a distinctly political metaphor, the sovereignty of God, with its concrete Biblical expression, the kingdom of God. (p. 205)

Concepts of justice differ from time to time and culture to culture. As Plato's *Republic* justice had been articulated in terms of divine law, natural law, social contract, utilitarian purposes, distributive justice, retributive justice and restorative justice. The South African Constitution and justice system makes provision for *inter alia* distributive and restorative justice.

To what extent are theologians able to enter a very technical and sophisticated discourse on justice and equity? Could they contribute appropriately and theologically? Many are of the opinion that theologians and the church should stay away from 'political' issues simply because theologians are not adequately equipped to enter into an academic debate on law, justice and sociopolitical issues. Abraham Kuyper was of the opinion that the church lacks the competence to make any substantial contribution to public policy (see Bolt 2000:207) Churches and theologians tend to become involved in contemporary issues in practical ways. When they do enter the public debate, their contributions are based more often than not on intuition rather than theological reflection or technical knowledge.

We should be careful to imagine a direct link between Calvin and modern democracy. On the one hand, there is no doubt that Calvin and the way he engaged sociopolitical issues had a fundamental effect on the development of modern democracy and political liberties. On the other hand, there is such a vast difference in contexts between Calvin and contemporary society that it is quite difficult to transplant ideas and terminology in a simplistic manner.

What is important, to my opinion, is to understand that reformed theology is intrinsically, almost genetically, predisposed to sociopolitical engagement. The fact that Calvin reflected on justice, law, human dignity, clemency and many

15.... *debemus tamen contendere quibus possumus modis, sive exhortatione ac doctrina, sive clementia ac mansuetudine, sive nostris ad Deum precibus, ut ad meliorem frugem conversi, in societatem ac unitatem ecclesiae se recipiant. Neque ii modo sic tractandi sunt, sed Turcae quoque ac Saraceni, caeterique verae religionis hostes; tantum abest ut probandae sint rationes, quibus eos ad fidem nostram adigere multi hactenus moliti sunt, dum aqua et igni, communibusque elementis illis interdicitur, cum omnia illis humanitatis officia denegant, cum ferro et armis persequuntur ... We ought to strive by whatever means we can, whether by exhortation and teaching or by mercy and gentleness, or by our own prayers to God that they may turn to a more virtuous life and may return to the society and unity of the church. And not only are excommunicants to be so treated, but also Turks and Saracens, and other enemies of religion. Far be it from us to approve those methods by which many until now have tried to force them to our faith, when they forbid them the use of fire and water and the common elements, when they deny them to all offices of humanity, when they pursue them with sword and arms' (see translation in Witte 2010:3).*

more in a critical and theologically responsible manner makes him a 'public theologian', still relevant in the 21st century.

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