**Reformation, Sovereignty and Nations**

**Introduction to Political Thought of the Reformation and Enlightenment**

Context – Assumption of religious authority – religion and politics intertwined

**Main Themes**

The Nation

Sovereignty (Absolute / Limited)

Obligation (Legitimacy of Resistance)

Toleration (Freedom of Conscience)

The Reformation and religious conflict

**St Augustine (354-430)**

*The City of God* – a Christian commonwealth

Belief in the necessity of church and state together

Earthly city versus heavenly city

imperium versus sacerdotium - Temporal versus Spiritual Authority

Both from Natural Law, so in principle no conflict.....

**Diet of Worms (1122)**

Investiture Controversy. Who has the power to license priests? King or Pope

Stalemate – ends with Pope appointing Priests and King having a say in appointing Bishops

Centuries old power struggle between Kings and Pope

Does the Pope have the power to depose a King?

Great Chain of Being and ‘natural’ hierarchy

Pope and Holy Roman Emperor

**Thomas Aquinas (1225-1274)**

Drew on Aristotle to formalise natural law

End of man is to serve God

Social practices fit with the Natural Law

Rulers are constrained by Natural Law

Natural Law is God’s Reason in the world

**Pope Boniface VIII (1235-1303)**

1302 *Unam Sanctum* - Papacy as sovereign source of all rightly held power

**Marsilius of Padua (1275-1342)**

1324 *Defensor Pacis*

Used Aristotle to attack the idea of Papal power

Separated reason and philosophy from revelation (they need not cohere)

Religion has social effects so requires social regulation

Faith is the province of the church not the political

Human law is not derived from divine law, but is separate from it (reason)

Law and authority come from the people

The clergy have no independent source of authority

God judges in heaven – Secular authority in this life

Church and hierarchy are human creations so may be re-organised

**Conciliar Theory**

Does the Pope alone have authority on spiritual matters or does a Church Council have ultimate authority

Councils of Constance (1414-18) and Basel (1431-49) – seek church unity by creating a system of rules that bind all including the Pope: Never fully implemented.

**Nicholas of Cusa (1401-1464)**

1433 *De concordantia catholica* – a council knows better than any one individual – authority comes from consent

A conceptual battle between ‘rules’ or ‘constitutions’ and personal absolutism

Conciliarism defeated - Papal absolutism

What the Pope claimed in religion, Kings claimed in the nation

**Options:**

**Church is superior to State**

**State is Church**

**Church is subordinate to State**

**Martin Luther (1483-1546)**

The end of Christendom

*95 Theses* at Wittenberg, 1517

‘The Roman Church has become the licentious den of thieves, the most shameless of all brothels, the kingdom of sin, death and hell’ (Luther, 1520)

Lutheran Doctrine – the priesthood of all believers – each master of own conscience – grace and justification by faith alone –scriptural authority

Challenge to Church hierarchy – creation of strong groups of religious minorities in states

The practical result of this is a debate about the relationship between the church and the state – But the early Protestants did not want to separate church and state

The break with Rome created the space for the state to grow

Increased power of Kings

1) Freedom of conscience (Toleration?) Luther rejected toleration for extreme groups and was happy to suppress Anabaptists and ban the Catholic Mass. He argued: ‘Heresy can never be kept off by force. For that another tool is needed, and it is another quarrel and conflict than that of the sword. God’s word must contend here. If that avail nothing, temporal power will never settle the matter, though it fill the world with blood.’ (On Secular Authority).

2) Sovereignty – rejection of external authority – focus on state. Luther created state backed Lutheran churches.

3) Resistance – struggle with the idea of opposing secular authority Luther and Calvin cannot accept resistance – Buchanan and Knox do. This a feature of the circumstances – both Luther and Calvin secure, Knox and Buchanan require revolution - But Luther and Calvin worried that resistance is wicked.

‘I will side always with him, however unjust, who endures rebellion and against him who rebels, however justly.’

God sets magistrates over us - Magistrates have the power to reform the church

But content of religion a matter of individual conscience

The meaning of the Bible is plain and evident

**The Reformation**

**Jean Calvin (1506-1564)**

*The Institutes* (1536/1559)

Systematic protestant theology – election and pre-destination – rule of the ‘saints’

Geneva, Holland, Scotland, America

Geneva and the Calvinist church/state – theocracy – ‘democratic’ church government imposed by Calvin

Opposed the union of church and state on the grounds that the Church must be free to impose discipline – social monitoring – Puritanism – excommunication and loss of civil rights – practical result was that Church and state became identical

No resistance – Passive obedience (Execution of Servetus (1553))

Calvin regarded it as a duty to prosecute heretics and use the force of law to punish them

**John Knox (1514-1572)**

1558 in exile and under threat of execution

*First Blast of the Trumpet Against the Monstrous Regiment of Women*

No Woman can succeed to the throne – Scripture declares women unfit to rule

*The Appellation to the Nobility and Estates*

If a King is an idolater (Catholic) then the people must ‘constrain’ him in the interest of the nation

Idea that Kings owe their power to election

Resistance is a duty

Moreover we have a general duty to kill all idolaters

Idea that the Church is superior to the state

1561 Knox debates with Mary Queen of Scots

Queen’s Catholicism is a madness that endangers her people and she must expect to be constrained in her interest and theirs

**Resistance**

1562 French Wars of Religion

In the French wars of religion there were 3 positions – Papal Loyalists, Gallican Catholics, Protestants

1572 St Bartholomew’s Day Massacre of Huguenots (Protestants)

Development of theories of Resistance

Huguenot arguments were historical/constitutional, religious and conceptual – rights based

Resistance theories were met with counter-theories demanding obedience

**Vindiciae Contra Tyrannos (1578)**

Rulers were servants of the people – Kings are elective

The Vindiciae includes a two-fold contract:

God – King and People

King – People

Can coerce a heretical King if he fails in his duty to the people or to God

Can distinguish between a King and a Tyrant (no regard to law or piety)

But point is not that King cannot persecute on religious grounds, it is that he can only do so for true religion

No one person may rebel: must be the people united behind a magistrate – a communal right

Vindiciae republished constantly in 17th Century England – 1638 publically burned at Oxford

**Biblical Arguments:**

*Romans 13.2* ‘whosoever resisteth the power, resisteth the ordinance of God and will be damned’

*Matthew 22:21* ‘Render therefore unto Caesar the things which are Caesar’s; and unto God the things that are God’s’

*Deuteronomy 17:15* ‘Thou shalt in any wise set him king over thee, whom the LORD thy God shall choose: one from among thy brethren shalt thou set king over thee...’

**Historical Arguments:**

Kings originally elected by a Council – no historical record of absolutism (Francis Hotman’s *Francogallia* 1573)

**Contract Arguments:**

From Protestant Theology

King promises to govern lawfully - people obey lawful King – Coronation Oath renews – if King breaks contract then people are freed from obligation

Resistance to a tyrant by ‘magistrates’

Fear of anarchy

**George Buchanan (1505-1582)**

*De Iure Regni apud Scotos* - The Rule of Kings among the Scots (1568/79)

Does not use Scriptural argument

Power is derived from the community – The King is a delegate - his power is exercised in line with the law of the land

Obligation is contingent on the King doing his duty

The coronation ‘Band’

People acting together under the magistrates may depose and kill a King.

**Jean Bodin (1529-1593)**

Response to Resistance theory in *Six Books of the Republic* (1576)

Avoids religion

Catholic, but nationalist

Problem is the unity of the nation

Problem of civil war answered by a sovereign with absolute power

Bodin’s definition of a ‘republic’ – ‘the rightly ordered government of a number of families and of those things which are of common concern by a sovereign power’

Sovereign power is required to control families

Subjection of Sovereign = citizen

Sovereign power is identified as the power to make laws that bind all subjects

Sovereign cannot be bound by law and cannot bind successors

Needs power to enforce law

This power does not require a contract – it cannot be divided

Absolutism – But the sovereign is limited by the law of nature and is subject to God: he has duties to protect natural law, family and property.

Toleration of all Christians

NB Bodin does not link absolutism to a grant from God

But: Sovereign bound by God’s law – must fulfil role

But: No resistance even if he fails to fulfil role

NB Incoherent on resistance

Tends to support Monarchy – sovereignty indivisible in one person

**Treaty of Westphalia (1648)**

Ends 30 year war

Confessional war

Results:

Establishes state boundaries – ends universalist claims of papacy – makes rulers internally sovereign

**Hugo Grotius (1582-1645)**

*The Laws of War and Peace* (1625) - Grotius ‘secularises’ the natural law tradition and applies to war between states

‘what we have been saying would have a degree of validity even if we should concede that which cannot be conceded without the utmost wickedness that there is no God’

A deductive Science of law that can be used to assess actual laws

Functional necessities of politics – deduction from these – axiomatic truths

Ius Gentium

Important because nations now disagree without one Church

**Samuel Pufendorf (1632-1694)**

*Laws of Nature and Nations* (1672)

Synthesises individualism and natural law

Used thought experiments like the State of Nature to identify the natural law

Contract theory