

Thomas Aquinas and John Calvin on *tyrannice regere, morem gerere et resistere*

Nico P. Swartz

Director: Unit for Legal Historical Research
Dept. Roman Law, Legal History and Comparative Law
Faculty of Law, University of the Free State

P.O. Box 319

BLOEMFONTEIN 9300

swartznp.rd@ufs.ac.za

Opsomming

*Die uitoefening van staatsgesag sluit altyd morele verantwoordelikheid in. Staatsgesag is daardie gemeenskaplike belang wat hoër is as dié van die individu. Sonder gesag is geen gemeenskap moontlik nie en dit vereis verstandige en regverdige mense wat gesag voer oor die res. Die organiese begrip van die staat beteken dat ooreenkomstig die slagspreuk *Salus reipublicae suprema lex* (die heil van die staat is die hoogste reg), die belange van die individu ondergeskik is aan dié van die staat. 'n Hoër gesag word egter aan mense verleen wat uitstyg bokant dié van die staat. Indien die staat met die algemene belang voor oë bestuur word, is só 'n bewind regverdig en geskik om mense vry te maak (want *quantum ad vim directivam legis* (die gesag van die staat is rigtinggewend)). Met hierdie rigtinggewende gesag is die regeerder aan die reg onderworpe, maar sou hy hierdie mag in eie belang aanwend, en nie om die welvaart van die gemeenskap te bevorder nie, is dit nie meer regverdig nie, en kom dit op magismisbruik neer. Die regeerder het die bevoegdheid om die onderdane met sy rigtinggewende maatreeël te beheer, maar beskou hom as bokant die reg verhewe (*princeps legibus solutes*). Dit gebeur sodra die stadium bereik word dat die gesagsposisie vir persoonlike gewin aangewend, en nie vir die welvaart van die gemeenskap wat aan die regeerder onderworpe is nie. So 'n regeerder word 'n tiran genoem, wat die bevolking onderdruk, eerder as om met geregtigheid te regeer. Thomas Aquinas beklemtoon die feit dat die middel teen tirannie in die hande van die kollektiewe gemeenskap geleë is en nie soseer by die oordeel van die enkeling nie, terwyl*

Calvyn vereis dat 'n tirannie verduur moet word. Met ander woorde, Thomas Aquinas bepleit vernet teen gesag, terwyl Calvyn dit nie doen nie. Beide is egter van mening dat geen hoop op menslike tussenkoms gevestig kan word nie, en dat toevlug by God gesoek moet word. Hulle stem egter saam dat 'n gepaste straf vir die tiran is om hom daardie hoogste seën wat die beloning vir 'n goeie regeerder is, te ontnem.

1. Thomas Aquinas

1.1 Aquinas on tyrannice regere

Political rule may at times be just or unjust. In the case of a tyrant it is unjust. The tyrant rules the community in his own particular interest and not for the common good.¹ Thomas Aquinas says this is a travesty of government which can no longer be just. He contends once again that tyrants are warned by God (*De Regimine Principum*, liber primus, caput 1; *Prophetia Ezechielis* xxxiv, 2). According to Thomas Aquinas, a tyrant oppresses the people instead of ruling justly (*De Regimine Principum*, liber primus, caput 1). A government by a tyrant is the worst form of rule. The power of a tyrant (an unjust ruler) is exercised to the detriment of the community, because it substitutes his private interest for the common welfare of the citizens. In the case of a tyranny, the gratification of one man only is considered (*De Regimine Principum*, liber primus, caput 1, 3). The tyrant oppresses his subjects in various ways. If he (the tyrant) is a slave of avarice, he steals from his subjects. Thomas Aquinas says: “*Rex justus erigit terram, vir avarus destruet eam.*” (A just king makes rich the earth, but the miser destroys it) (*De Regimine Principum*, liber primus, caput iii; *Liber Proverbiorum* xxix, 4). If, on the other hand, he is prone to anger, he will shed blood heedlessly: “*Principes eius in medio eius quasi lupi rapientes praedam ad effundendum sanguinem [...]*” (The princes in their midst are like wolves ravaging their prey, to the shedding of blood) (*De Regimine Principum*, liber primus, caput iii; *Prophetia Ezechielis* xxii, 27). Under such government death comes, not in satisfaction of justice, but violently and because of unbridled passion. In such circumstances there is no security, no law. Such oppression, says Thomas Aquinas, does not weigh only upon the material welfare of the subjects; their spiritual welfare is also threatened (*De Regimine Principum*, liber primus, caput iii).

1 Thomas Aquinas. *De Regimine Principum*, liber primus, caput 1. “When government is unjustly exercised by one man who seeks personal profit from his position instead of the good of the community subject to him, such a ruler is called a tyrant.”

Tyrants sow discord between their subjects. They prohibit all that makes for harmony among men and all such activities which normally produce familiarity and confidence among them. They also take steps to prevent anyone from becoming powerful or rich, for they judge their subjects by their own evil consciences. Thomas Aquinas says: “*Sonitus, terroris semper in auribus eius, et cum pax sit (nullo scilicet malum ei intentante) ille semper insidias suspiciatur.*” (The sound of terror is ever in his ears, and even when there is peace (that is when no evil is intended towards him), he is ever suspicious of plots) (*De Regimine Principum*, liber primus, caput iii, *Liber Job* xv, 21)).

Because of the malice of tyrants men are lured away from the perfection of virtue. Thomas Aquinas says: “[...] *regnantibus impiis, ruinae hominum.*” (When the wicked reign, men are ruined) (*De Regimine Principum*, liber primus, caput iii; *Liber Proverbiorum* xxviii, 12). And again: “*Cum impii sumpserint principatum, gemet populus quasi sub servitute deductus.*” (When the wicked shall bear rule, the people shall mourn), and again (*De Regimine Principum*, liber primus, caput iii; *Liber Proverbiorum* xxviii, 28): “*Cum surrexerint impii, abscondentur homines.*” (When the wicked rise up, men shall hide themselves) (*De Regimine Principum*, liber primus, caput iii). Thomas Aquinas says that a man who exercises authority, not according to reason, but according to the desire of passion, in no way differs from an animal. He declares: “*Leo rugiens et ursus esuriens princeps impius super populum pauperem.*” (As a roaring lion and a hungry bear, so is a wicked prince over the poor people) (*De Regimine Principum*, liber primus, caput iii; *Liber Proverbiorum* xxviii, 15). So men flee from tyrants as they would from a ravenous animal (*De Regimine Principum*, liber primus, caput iii).

1.2 Aquinas on *morem gerere*

Thomas Aquinas says that the end of law is the common welfare. Laws should be formulated, not in view of some particular interest, but for the general benefit of the citizens (*Summa Theologica* 1a2ae, q. 96, a. 1). Laws enacted by men are either just or unjust. Laws may be unjust if they are contrary to divine goodness: such as tyrannical laws enforcing idolatry, or any other transgression of the divine law. Thomas Aquinas warned that such laws may under no circumstances be obeyed (*Summa Theologica* 1a2ae, q. 96, a. 4). For it is said in (*Actus Apostolorum* v, 29): “[...] *Oboedire oportet Deo magis quam hominibus.*” (We must obey God rather than man).

Thomas Aquinas contends that law has two essential characteristics: the first, that of power to compel (constrain) (*quantum ad vim coactivam legis*); the second, that of a rule directive of human action (*quantum ad vim directivam legis*) (*Summa Theologica* 1a2ae, q. 96, a. 5 ad 3um). With regard to the constraining force of

the law, a ruler is said to be above the law. So it is said that the prince is above the law, because if he should act against the law nobody can bring a condemnatory judgment against him. A parallel reading appear in *Liber Psalmorum* 1: 6): “*Tibi soli peccavi*, [the Gloss explains] “*rex non habet hominem qui sua facta diiudicet.*” (To thee only have I sinned) and (there is no man who can judge the actions of a king). But with respect to the directive power of a law, a ruler is voluntarily subject to it, in conformity with what is laid down [in the *Decretales*, I, ii, 6]: “*Quod quisque iuris in alteram statuit, ipse eodem iure uti debet. Et Sapientis dicit auctoritas: Patere legem quam ipse tuleris.*” (Whoever enacts a law for another should apply the same law to himself. And we have it on the authority of the wise man that you should subject yourself to the same law which you promulgate) (*Summa Theologica* 1a2ae, q. 96, a. 5 ad 3um). Thomas Aquinas also tells that in the *Codex*, the Emperors, Theodosius and Valentinian, have written to the Prefect Volusianus: “*Digna vox est maiestate regnantis, legibus alligatum se principem profiteri: adeo de auctoritas iuris nostra pendet auctoritas. Et re vera maius imperio est subiicere legibus principatum.*” (It is a saying worthy of the majesty of a ruler, if the prince professes himself bound by the laws: for even our authority depends upon that of the law. And, in fact, the most important thing in government is that power should be subject to laws) (*Summa Theologica* 1a2ae, q. 96, a. 5 ad 3um). Thomas Aquinas says the Lord reproves those who ‘say and do not do’; and who bind heavy and insupportable burdens for others, but with a finger of their own they will not move them. According to Thomas Aquinas, a ruler is not free from the directive power of the law, but should voluntarily and without constraint fulfill it (*Summa Theologica* 1a2ae, q. 96, a. 5 ad 3um).

Thomas Aquinas says that in human affairs it is necessary that superiors impose their will upon inferiors, by virtue of the authority established by God (*Summa Theologica* 2a2ae, q. 104, a. 1). But, according to Thomas Aquinas, there can be two reasons why a subject is not obliged to obey his superior in everything; first, by virtue of the command of some higher power. It is the case when the emperor commands one thing and God another – one should ignore the former and obey the latter (*oboedire oportet Deo magis quam hominibus*) (*Summa Theologica* 1a2ae, q. 96, a. 4). The second reason, is that the subject is not obliged to obey his superior, when the latter commands something concerning matters over which he has no authority (*Summa Theologica* 2a2ae, q. 104, a. 5).

But in those matters which regard the ordering of human affairs and actions, a subject is bound to obey his superiors by virtue of their particular authority. Consequently the soldier obeys his general in matters of war, the slave his master with respect to the tasks allotted to him, the son his father with regard to the discipline and management of family life (*Summa Theologica* 2a2ae, q. 104, a. 5).

What Thomas Aquinas actually says is that man is bound to obey secular rulers to the extent that the order of justice requires. If rulers have no just title to power, but have usurped it, or if they command things to be done which are unjust, their subjects are not obliged to obey them (*Summa Theologica* 2a2ae, q. 104, a. 6 ad 3um; *Commentum in quattuor libros sententiarum magistri Petri Lombardi*, liber secundus, dist. 44, q. 2, a. 2). Thomas Aquinas mentions that there can be no duty of *morem gerere* (obedience) towards a person whom it is permissible or even praiseworthy to kill. He mentions that Cicero in the (*De Officiis* I, 26) justifies those who killed Julius Caesar, because he usurped the imperial powers like a tyrant. To such, then, no *morem gerere* (obedience) is owed. But, says Thomas Aquinas against the above arguments, servants must be subject to their masters, and he concludes that those who resist power, resist the ordinance of God. These perceptions resound in the first (*Epistola B. Petri* ii, 18) and the second (*Epistola B. Pauli AD Romanos* xiii, 2) respectively. It is therefore, according to Thomas Aquinas, not permissible to resist the ordinance of God, neither, therefore, is it permissible to resist the secular power (*Commentum in quattuor libros sententiarum*, liber secundus, dist. 44, q. 2. a. 2).

With regard to the abuse of authority, Thomas Aquinas states that in such a case, there is not only no obligation to obey the authority, but one is obliged to disobey it, as did the holy martyrs who suffered death rather than obey the impious commands of tyrants (*Commentum in quattuor libros sententiarum*, liber secundus, dist. 44, q. 2, a. 2).

1.3 Aquinas on resistere

Thomas Aquinas is of the opinion that if a tyranny is not excessive, it is wiser to tolerate it in limited measure, at least for a time, rather than to run the risk of even greater perils by opposing it. There is a distinct possibility that those who take action against a tyrant may fail in their object, and only succeed in rousing the tyrant to greater savagery. A community sometimes succeeds in deposing a tyrant with the help of some other ruler, who then seizes absolute power. However, fear of sharing the fate of his predecessor may drive him to even greater severity against his new subjects. It is often the case with tyranny that a new tyrant is worse than the previous. For the newcomer abandons none of his predecessor's cruelties, but plans even greater oppression in the evil of his heart. Thomas Aquinas says: "When the Syracusans all desired the death of Dionysius, there was an old woman who continually prayed that he would survive her. The tyrant, coming to know of this, asked why she acted in this way; and she replied: 'When I was yet a girl we were oppressed by a tyrant, and I desired his death; he was slain, but was succeeded by another who oppressed us even more harshly; and

again I was greatly pleased to see the end of his reign. But he was succeeded by you, who are an even harsher ruler. So I fear that if you are taken from our midst you will be succeeded by one who is even more terrible.”²

If, however, tyranny becomes so excessive as to be intolerable, Thomas Aquinas argues that it would be an act of virtue for the more powerful citizens to kill the tyrant. He cited the example of Ehud, who slew Eglon, King of the Moabites, because he oppressed the people of God with dire bondage: and for this he was made a judge of the people. Thomas Aquinas states nevertheless that the decision to assassinate a tyrant must rest with a collective and not the individual. He contradicts himself when he goes on to argue that the act of killing another does not agree with Apostolic teaching (*De Regimine Principum*, liber primus, caput vi). Moreover, Peter teaches us to obey not only good and temperate rulers, but also to bear reverence to those who are ill-disposed (I Peter ii, 19): “*Haec est enim gratia, si propter Dei conscientiam sustineat quis tristitias patiens injuste.*”

Thomas Aquinas reasons that a community should not be accused of disloyalty for opposing a tyrant. He avers that a tyrant lays himself open to such treatment by his failure to discharge the duties of his office as governor of the community. The subjects are no longer bound by their oath to him. Thomas Aquinas produces two examples of the community of deposing a tyrant: The Romans deposed Tarquinius whom they had previously accepted as king, because of his and his children’s tyranny. Also Domitian and his brother Titus, were slain by the Roman Senate because of their tyranny (*De Regimine Principum*, liber primus, caput vi).

If, on the other hand, the right to appoint a king over a certain community belongs to some superior, Thomas Aquinas contends, then the remedy against tyrannical excess must be exacted from him. The Jews lodged a complaint with Caesar Augustus against Archelaus, when the latter began to rule in the place of his father, Herod, in Judea and had begun to emulate his father’s evil ways. His power, was first curtailed and half of his kingdom was divided between his two brothers. Thomas Aquinas avers when this proved insufficient to restrain his tyranny, he (Archelaus) was exiled by Tiberius Caesar to Lyons (*De Regimine Principum*, liber primus, caput vi).

2 *De Regimine Principum*, liber primus, caput vi. “[Unde] Syracusi quondam Dionysii mortem omnibus desiderantibus, anus quaedam ut incolumis et sibi superstes esset, continue orabat; quod ut tyrannus cognovits, cur hoc faceret interrogavit.” Tum illa: “Puella, inquit, existens, cum gravem tyrannum haberemus mortem ejus cupiebam quo interfecto, aliquantum durior successit; eius quoque dominationem finiri magnum existimabam: tertium te importuniorum habere coepimus rectorem. Itaque sit u fueris absumptus, deterior in locum tuum succedet.”

Thomas Aquinas finally is of the opinion that if there is no hope of human aid against tyranny, recourse must be made to God. It is in God's power to turn the cruel heart of a tyrant to gentleness. Thomas Aquinas says: "*Cor regis in manu Dei, quocumque voluerit inclinabit illud.*" (The heart of the king is in the hand of the Lord; whithersoever He will He shall turn it) (*De Regimine Principum*, liber primus, caput vi; *Liber Proverbiorum* xxi, 1). It was God who converted the cruel king, Nebuchodonosor, that he openly confessed the divine power: "*Nunc igitur, inquit, ego Nebuchodonosor laudo, et magnifico, et glorifico regem coeli, quia opera eius vera et viae eius iudicia, et gradientes in superbia potest humiliare.*" (Now indeed, he said, I Nebuchodonosor do praise and magnify and glorify the King of heaven because all his works are right and just, and them that walk in pride he is able to abase) (*De Regimine Principum*, liber primus, caput vi; *Prophetia Danielis* iv, 37).

2. John Calvin

2.1 The *Institutio*

The *Institutio* of Calvin dates back to 1536. It revolves around the city's (Geneva) politics and social life. Beyond its political and social significance, the *Institutio* also is a conclusive theological textbook, because the Word of God penetrates all aspects of social life and civilian affairs in Geneva. The essence of the *Institutio* is Calvin's admonition that princes and officials are obliged to conserve "the true form of public religion" and to regulate the lives of the subjects (*societas*) by excellent laws. In serving the Word of God the *Institutio* was indeed germane to society and its civilian order and life. The *Institutio* in fact comprises Calvin's most comprehensive treatment of the civil government and political authority. It is to the *Institutio* that we must now turn our attention in order to explain Calvin's political ideas on *tyrannice regere, morem gerere et resistere*.

In his *Institutio* Calvin identifies two forms of government: the one spiritual (*regnum spirituale*) and the other political (*regnum politicum*). In this article the author will discuss only the *regnum politicum*. The *regnum politicum* concerns the civilian and political order, and regulates outward behaviour. It embodies and regulates laws whereby man may live his life, honorably, temperately and with holiness among his fellow men.

2.2 Calvin on *tyrannice regere*

On those who bear the office of magistrate, it is intimated that they have a commission from God. They are invested with divine authority and represent therefore the person of God. According to Calvin the office of magistrate was committed to them by God, to serve Him in their office, to exercise judgment, not

for man, but for God. To the same effect Calvin affirms in (*Institutes of the Christian Religion*, book iv, chapter xx, 4; *Liber Proverbiorum* viii, 15, 16): “*Per me reges regnant, et legum conditores justa decernunt; per me principes imperant, et potentes decernunt justitiam.*” (By me kings reign, and princes decree justice. By me princes rule, and nobles, even all the judges of the earth). Calvin mentioned that it is not to human perverseness that supreme power on earth is lodged in kings and other governors, but by Divine Providence. He says: “[Offices] of rule [are] amongst the gifts of God [...]” (*Institutes*, book iv, chapter xx, 4). Calvin stresses that rulers are the ministers of God, *Dei enim minister est* (*Institutes*, book iv, chapter xx, 4; *Epistola B. Pauli Romanos* xiii, 4). He calls this office government (*gubernationes*) (*Institutes*, book iv, chapter xx, 4; *Epistola B. Pauli ad Corinthios* I xii, 28). Herewith civil authority, is not only sacred and lawful, but the most sacred, and by far the most honourable, of all stations in mortal life.

Calvin therefore states that the power of the ruler must be made subject to Christ. He avers that it does not mean that the rulers must abdicate their authority (*Institutes*, book iv, chapter xx, 5). They have been appointed ministers of the divine justice: “[If] they remember that they are the viceregents of God, it behoves them to watch with all care, diligence, and industry, that they may in themselves exhibit a kind of image of the Divine Providence, guardianship, goodness, benevolence, and justice” (*Institutes*, book iv, chapter xx, 6). Rulers must therefore fear God (*Institutes*, book iv, chapter xx, 6; *Liber Deuteronomii* 1; 16). Herein they are regarded as the ambassadors of God and must one day render an account of the office entrusted to them. It implies, according to Calvin, that the ruler must exercise his office justly “for if they sin in any respect, not only is injury done to the men whom they wickedly torment, but they also insult God himself” (*Institutes*, book iv, chapter xx, 6).

Calvin asks, how can magistrates be at once pious and yet shedders of blood? He says it belongs not to the pious to afflict and hurt (*Institutes*, book iv, chapter xx, 10). Calvin says in the words of Solomon: “It is an abomination to kings to commit wickedness; for the throne is established by righteousness” (*Institutes*, book iv, chapter xx, 11). He says again: “He that justifieth the wicked, and he that condemneth the just, even they both are an abomination to the Lord”, and again, “an evil man seeketh only rebellion” (*Institutes*, book iv, chapter xx, 10).

But God acts permissively towards the wicked, when it is said that the reprobate are set apart to execute the work of God. Calvin avers that “God worketh in the hearts of men to incline their wills as he pleaseth, whether to good, of his mercy, or to evil, according to their deserving, and that they by his judgment, sometimes open, sometimes hidden, but always just [...]” (Torrance 1958 (vol. 3): 149).

Calvin immediately adds the qualification, that “the malice is not his.” (Torrance 1958 (vol. 3): 149).

2.3 Calvin on *morem gerere*

Calvin asks in paragraph 17 (*Institutes*, book iv), how far ought obedience to proceed? He is of the opinion that Christians are forbidden to take revenge. This idea is not at variance with the words of Christ: “Whosoever shall smite thee on thy right cheek, turn to him the other also, and if any man will sue thee at the law, and take away thy coat, let him have thy cloak also (*Evangelium Secundum Matthaeum* v: 39, 40).³ Christians must do good to those who injure them, and pray for those who curse them,⁴ and strive to overcome evil with good (*Epistola B. Pauli ad Romanos* xii, 20, 21).⁴ Calvin reasons that against the dishonesty and injustice of wicked men, the Christian ought to live a quieter and secure life (*Institutes*, book iv, chapter xx, 17, 19).

Calvin states that the first duty of subjects towards their rulers, is to recognize their rulers (offices) as a delegated jurisdiction from God. Peter says: “[...] *regem honorificate*” (Honour the king). (1 *Epistola B. Petri Apostoli* ii, 17), and also Salomon: “*Time Dominum, fili mi, et regem [...]*” (My son, fear thou the Lord and the king) (*Liber Proverbiorum* xxiv, 21). Rulers are ministers and representatives of God and must be honoured and obeyed: “*De eerste plicht der onderdanen jegens hun overheden is deze, dat ze aangaande hun ambt een zo eerbiedig mogelijke opvatting hebben, daar ze immers erkennen, dat het een rechtsbevoegdheid is hun door God opgedragen, en dat ze hen daarom eren en eerbiedigen als Gods dienaren en gezanten*” (*Institutes*, book iv, chapter xx: 22). The obedience renders to princes and governors are similar to that offered to God, inasmuch as their power is from God. As Paul says: “Whosoever [...] resisteth the power, resisteth the ordinance of God” (*Epistola B. Pauli ad Romanos* xiii, 1, 2).⁵ Peter also says: “Submit yourselves to every human creature [ordinance of man]” (1 *Epistola B. Petri Apostoli* ii, 13).

Authorities are not allowed to wickedly abuse their power, which was given to them for the benefit and service of others (*Institutio*, book iv, chapter xx: 12).

3 “*Ego autem dico vobis, non resistere malo; sed si quis te percusserit in dexteram maxillam tuam, praebe illi et alteram. Et ei qui vult tecum iudicio contendere, et tunicam tuam tollere, dimitte ei et pallium.*”

4 “*Sed si esurierit inimicus tuus, ciba illum; si sitit, potum da illi. Hoc enim faciens, carbones ignis congeres super caput ejus. Noli vinci a malo; sed vince in bono malum.*”

5 “*Omnis anima potestatibus sublimioribus subdita sit; non est enim potestas nisi a Deo; quae autem sunt, a Deo ordinatae sunt. Itaque qui resistit potestati, Dei ordinationi resistit; qui autem resistunt, ipsi sibi damnationem acquirunt.*”

They must therefore not impose tyrannical burdens upon the people. According to Calvin authorities must not exercise unrestrained power. But what if they do? Calvin explains that if authorities and rulers do exercise unrestrained power to the injury and detriment of the subjects, citizens nevertheless owe reverence towards all rulers in the highest degree, even to the utmost: “[...] *dat men alleen de rechtvaardige overheden gehoorzaamheid behoeft te betonen, dan redeneert ge dwaas.*” (*Institutie*, boek iv, hoofdstuk xx, 29). Calvin therefore put an extremely high premium on *morem gerere* (obedience). In the sense that even when the citizens are tormented by a savage prince or hounded for the sake of their faith by a ruler who is impious and sacrilegious, they must still obey him, because *morem gerere* (obedience) to and honour of authorities are God’s command (*Institutio*, boek iv, chapter xx, 22).⁶

It is not for man to remedy such evils. Unbridled despotism is the Lord’s to avenge (*Institutio*, boek iv, chapter xx, 31). The only remaining recourse is to implore of the Lord for help: “*Daarom, indien wij door een hardvochtige vorst weed gekweld worden, indien wij door een hebzuchtige of weelderige beroofd en geplunderd worden, indien wij door een zorgeloze veronachtzaamd, en eindelijk door een goddeloze en heiligschennende gekweld worden ter wille van onze vroomheid, dan moet in de eerste plaats de herinnering in ons opkomen aan onze zonden, die zonder twijfel door zulke geselen des Heren gekastijd worden [...] Verder moet ook deze gedachte in ons komen, dat het niet aan ons staat om zulke rampen te genezen; maar dat ons slechts dit overblijft, dat we de hulp des Heren inroepen, in wiens hand de harten der koningen en de neigingen der koninkrijken zijn.*” (*Institutie*, boek iv, hoofdstuk xx, 29; *Liber Proverbiorum* 21: 1). For God holds the hearts of kings and the changing of kingdoms in his hands (*Institutio*, boek iv, chapter xx, 29; *Liber Proverbiorum* 21: 1).⁷

2.4 Calvin on resistere

Calvin says we cannot resist the magistrate without resisting God (*Institutio*, boek iv, chapter xx, 23). The ruler who maintained our safety is the highest gift of God’s beneficence. They derive their power from none but Him. Calvin stresses

6 *Institutio*, boek iv, hoofdstuk xx, 22. “[...] *eerste plicht der onderdanen jegens hun overheden is deze, dat ze aangaande hun ambt een zo eerbiedig [...] dat het een rechtsbevoegdheid is hun door God opgedragen, en dat ze hen daarom eren en eerbiedigen als Gods dienaren en gezanten.*”

7 *Institutio*, boek iv, hoofdstuk xx, 29. “*Hij is de God, die zal staan in de vergadering der goden, en oordelen zal in het midden der goden (Ps. 82: 1); voor wiens aangezicht zullen nedervallen en vergaan alle koningin en rechters der aarde, die zijn Christus niet gekust hebben (Ps. 2: 12), die onrechtvaardige wetten hebben geschreven, om de armen in het gericht te onderdrukken en de zaak der nederigen geweld aan te doen, om de weduweën tot buit te hebben en die wezen te plunderen*” (Jes. 10: 1).

the fact that those who rule for the public good, are true examples and specimens of his beneficence, while those who dominate unjustly and tyrannically are raised up by him to punish the people for their iniquity. An impious king is a manifestation of the Lord's anger (*Institutio*, book iv, chapter xx, 25).

Calvin says that even an individual of the worst character, one most unworthy of all honour, if invested with public authority, receives that illustrious divine power which the Lord has by his word bestowed on his ministers. It is said (*Prophetia Danielis* ii, 37, 38) (about Nebuchadnezzar): "Thou, O king, art a king of kings: for the God of heaven hath given thee a kingdom, power, and strength, and glory. And wheresoever the children of men dwell, the beasts of the field and the fowls of the heaven hath he given into thine hand, and hath made thee ruler over them all"⁸ Again Daniel says to Belshazzar: "The most high God gave Nebuchadnezzar thy father a kingdom, and majesty, and glory, and honour: and for the majesty that he gave him, all people, nations, and languages, trembled and feared before him" (*Prophetia Danielis* v, 18, 19).⁹ Calvin says because of these Biblical verses, the people were bound to obey the ruler and could not lawfully resist. He cited the words of Samuel: "To such a degree will kings indulge in tyranny, which it will not be for you to restrain. The only thing remaining for you will be to receive their commands, and be obedient to their words" (*Institutio*, book iv, chapter 26). Calvin is of the opinion that even the most iniquitous of kings are appointed by the same degree as just kings. He cited the words of Our Lord: "I have given the kingdom to Nebuchadnezzar; therefore serve him and live [...] Whenever God raises any one to royal honour, he declares it to be his pleasure that he should reign" (*Institutio*, book iv, chapter xx, 28). Thus David, when already king elect by the ordination of God, and anointed with his holy oil, though causelessly and unjustly assailed by Saul, holds the life of one who was seeking his life to be sacred, because the Lord had invested him with royal honour. David says: "The Lord forbid that I should do this thing unto my master, the Lord's anointed, to stretch forth mine hand against him, seeing he is the anointed of the Lord" (*Institutio*, book iv, chapter xx, 28). According to Calvin we owe this feeling of reverence and even piety to all our rulers.

8 "Tu rex regum es, et Deus caeli regnum, et fortitudinem, et imperium, et gloriam dedit tibi; Et omnia in quibus habitant filii hominum, et bestiae agri: volucres quoque caeli dedit in manu tua, et sub ditone tua universa constituit: tu es ergo caput aureum."

9 "O rex, Deus altissimus regnum et magnificentiam, gloriam et honorem dedit Nabuchodonosor, patri tuo; Et propter magnificentiam quam dederat ei, universi populi, tribus, et linguae, tremebant et metuebant eum: quos volebat, interficiebat, et quos volebat, percutiebat, et quos volebat, exaltabat, et quos volebat, humiliabat."

3. Application

The main criticisms leveled at South African security laws are the wide discretion in the hands of state organs and officials. This view is embedded in them by virtue of the maxim *Salus reipublicae suprema lex*. This maxim also implies the *quantum ad vim coactivam legis* rule, where the ruler or authority is said to be above the law. The application of the *Salus reipublicae suprema lex* and the *quantum ad vim coactivam legis* rule, find expression in *State v Essop and Others* 1973 2 SA 815 (T), wherein this maxim (*Salus reipublicae*) is described as “the safety of the State is the supreme law of the state”. This maxim perpetuates the notion that the ruler possesses *plenitudo potestatis*. The *plenitudo potestatis* suggests tyrannical rule if authority is not exercised justly. According to the maxim *Salus reipublicae* any claim of the citizen might be ignored by the ruler by virtue of state security (*salus reipublicae* or *publica utilitas*). The maxim *salus reipublicae* (and *publica utilitas*) are offsets for tyranny and leads to the power to compel (*quantum ad vim coactivam legis*) by the tyrant. The tyrant is therefore regarded as *princeps legibus solutus* (above the law) (*Inst. Inst.* 2.17.8). This implies that to meet an emergency and protect the State, the prince may tyrannically override private interests, levy extraordinary taxes and apply whatever other means he considers necessary. In *Krohn v The Minister of Defence* 1915 AD 191 210, the maxim *salus reipublicae suprema lex* implies that it becomes necessary for the military authorities to assume control and to take the law into their own hands for the very purpose of preserving that constitution which is the foundation of all the rights and liberties of its subjects. When such a state of things arises in any district, the ordinary rights and liberties of the inhabitants are subordinated to the paramount interests of the State. But somewhere in the same case Chief Justice Innes declares that there is an inherent right in every [...] individual to use all means at its disposal to defend himself when his existence is at stake. This notion is congruent with Thomas Aquinas’s theory of *resistere*. The theory of *resistere* of Thomas Aquinas has come to its rightful place when it culminates in the new Constitution, upon which the courts depend. Under the new Constitution, the civil State is instituted to protect and improve all the rights of its members. It acts against its natural function, if it harms rather than helps a single one of its members for the sake even of benefiting all the others, or proposes to attain the good of some of them, even the elders or the majority, and not that of all. The right to *resistere* which is guaranteed to the individual by the Constitution and the courts seems to be in favour of Thomas Aquinas’s political theory. Unfortunately Calvin does not maintain a right of *resistere*. Unlike Thomas Aquinas, Calvin put an extremely high premium on *morem gerere* (obedience), which make that he could not uphold a theory of

resistere. Whereas Thomas Aquinas stresses that tyrannical laws (such as maxims, *Salus reipublicae*, etc.) may under no circumstances be obeyed, Calvin is of the opinion that even the worst tyrant must be obeyed, because if you resist the tyrant, you resist God. Thomas Aquinas hold similar views (stresses), but is, like Calvin, of the opinion that we must obey God rather than man. The distinction between Calvin and Thomas Aquinas is that Calvin is rather absolute with regard to *morem gerere* (obedience). According to Calvin the citizen must obey the ruler. There is no way out for him. Tyrannical rule must be endured. Thomas Aquinas would rather furnish his views on *morem gerere* in the sense that there are reasons (which appear in the text) why a subject is not obliged to obey his superior in everything. It seems that Thomas Aquinas, unlike Calvin hold a clear theory of *resistere*. But Thomas Aquinas do it rightfully so by law. He says if rulers have no just title to power, but have usurped it, or if they command things to be done which are unjust, their subjects are not obliged to obey them. Calvin rather stresses that *morem gerere* (obedience) to and honour of authorities are God's command.

Thomas Aquinas and Calvin is *ad idem* that when there is no human aid against tyranny, recourse must be made to God. Thomas Aquinas, as well as Calvin, say tyranny is a punishment for sin and that, by divine permission, the impious are allowed to rule. But Thomas Aquinas stresses that God promises to good rulers, not an earthly, but a heavenly reward. A tyrant, however, is deprived of that supreme blessedness which is the reward of a good king.

Bibliography

- AQUINAS, THOMAS. 1256. *Commentum in quattuor libros sententiarum*.
 1267. *De Regimine Principum*.
 1265-1274. *Summa Theologica*.
 1922. *Biblia Sacra*, Vulgata Editionis Sixti V Pontificis Maximi Jussu
 Recognita et Clementis VIII. Parisii: Apud Garnier Fratres, Bibliopolas.
- CALVIN, JOHN. 1931. *Institutio*. Johannes Calvijn *Institutie*. Vertaald door Dr. A. Sizoo. Delft: W.D. Meinema N.V.
 1958. *John Calvin's tracts and treatises*. In defence of the reformed faith. Historical notes and Introduction by T.F. Torrance. Grand Rapids, Michigan: WM. Eerdmans Publishing Company.
 1964. *Institutes of the Christian religion*. Transl. by Beveridge, Henry. Vol. II. Grand Rapids, Michigan: W.M. Eerdmans Publishing Company.
 s.a. *Institutio Iustinianus*, 2.17.8.
- SOUTH AFRICAN COURT CASES
Krohn v The Minister of Defence, 1915 AD 191.
State v Essop, 1973 2 SA 815 (T).
- TORRANCE, T.F. 1958. Historical notes and Introduction. In: *John Calvin's tracts and treatises. In defence of the Reformed faith*. Grand Rapids, Michigan: WM Eerdmans Publishing Co.