

Calvin as adviser to the civil legislator

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Calvin's law-making activity was not confined to ecclesiastical questions. His legal training led the Genevan authorities to seek his assistance in drafting civil texts. He is said to have taken part in the preparation of ordinances on the offices and officers of the Republic, as well as of civil edicts governing the organisation of justice and certain matters of private law.¹

These texts organise the administration of justice, define the powers of the magistrates and lay down rules of procedure. They contribute to the legal certainty the Republic needed in order to attract and retain merchants and refugees. An organised judiciary, magistrates with defined powers and known procedures: these elements, already sought by the merchants of the medieval fairs, became characteristics of the Genevan state.

Calvin was also consulted on questions of marriage, a field in which the Reformation had profoundly altered the applicable law. The Genevan ordinances on marriage govern the conditions for the validity of unions, betrothals, parental consent and the grounds for divorce.² Matrimonial law has significant implications for property: it determines the matrimonial property regime, succession rights and the transmission of fortunes. Family wealth management, which would become one of the specialities of the Geneva financial centre, rests on this legal foundation.

Calvin's influence on Genevan civil law should not be overstated. The Republic's normative texts were the product of negotiations between the councils, the magistrates and the pastors, and they took over a large part of the earlier customary law. The presence of a humanist-trained jurist among the legislator's advisers nevertheless contributed to the clarity and coherence of these texts. Within a few decades, the Republic of Geneva was able to equip itself with a body of rules suited to its status as a sovereign state.

Worked example. A refugee merchant settling in Geneva in the 1550s had, in order to carry on his business fully, to obtain the status of habitant and then, possibly, to purchase the bourgeoisie. He had to know the ordinances governing the trades, weights and measures, credit and the courts. In the event of a dispute with a debtor, he applied to the magistrates of the Republic under a procedure laid down by the edicts. Each step had a cost, in time and in money, but each step was defined. The example, schematic though it is, shows that the predictability of the rules constitutes a competitive advantage for a financial centre seeking to attract foreign economic actors.

1 Notes

1. Cuttat, “La constitution de l’Édit de 1570 à Genève”, *Forum historiae iuris* (2022, forhistiur.net): from 1537 onwards, Calvin deployed an “immense legal activity” devoted to the ecclesiastical ordinances and the political edicts; the Civil Edicts of 1543 laid down the essentials of private law; the political edicts were revised in 1568, and the edict of 1570 transferred the fiscal competence of the General Council to the smaller councils. ↩
2. John Witte Jr., “John Calvin on Marriage and Family Life” (johnwittejr.com): the Calvinist reform of marriage required parental consent, the publication of banns, public celebration in church, registration and witnesses; it abolished compulsory celibacy and admitted divorce for adultery or malicious desertion, available to both spouses; the Consistory and the Council shared the policing of marriage. ↩

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