

Johannes Althusius, Federalism and Consent*

Althusius, a German who spent much of his life in Emden, is largely unknown today, but it is not without reason that he has been called the “father of modern federalism”.ⁱ He took the seeds provided by Calvin and Beza and planted them in the field of politics. His major work *Politica Methodice Digesta*, written in 1603 and enlarged in 1610 and 1614. Following the methods of Ramist rhetoric, it was influential in his time as a systematic republican politics, but was only translated into English and published in 1995.ⁱⁱ

Althusius was more systematic than his predecessors and also far more radical. A tyrant is one who violates “word and oath”. Half a century before the execution of Charles I of England he affirmed that “absolute power is tyrannical” and a dictator can be justly killed when his tyranny is incurable.ⁱⁱⁱ However, what is more interesting than this case in point is his systematic overview, which is the most complete expression of reformational politics ever to have been formulated. Standing at the dawn of the modern era his system is thought provoking for those who are in another period of similar change today, even if his thought as a whole was eclipsed by the rise of national state sovereignty with its structures of pyramidal centralised power.

Daniel Elazar affirms that “the road to modern democracy began with the Protestant Reformation in the sixteenth century, particularly among those exponents of Reformed Protestantism who developed a theology and politics that set the Western world back on the road to popular self government, emphasizing liberty and equality.”^{iv} Althusius’ importance is that he synthesises the political experience of the Holy Roman Empire and the political ideas of covenant theology. In his treatise, he presents “a comprehensive theory of federal republicanism rooted in a covenantal view of human society... It presents a theory of polity building based on a compound political association established by the citizens through

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their primary associations on the basis of consent rather than a reified state imposed by a rule or an elite.

For Althusius politics is above all symbiosis, or lives running together. Here is the definition from the opening lines of his work.

“Politics is the art of associating (*consociandi*) men for the purpose of establishing, cultivating, and conserving social life among them. Whence it is called ‘symbiotics’. The subject matter of politics is association (*consociatio*) in which those who live together pledge themselves each to the other, by explicit or tacit agreement, to mutual communication of whatever is useful and necessary for the harmonious exercise of social life. The end of political man is holy, just, comfortable, and happy symbiosis, a life lacking nothing either necessary or useful.”^v

At the end of the modern era with its abuses of power, oppression and victims without end, and at a time when politicians’ politics are a subject of scepticism or indifference, this declaration of intent comes as a breath of fresh air. It is to be noted that political life is not primarily the exercise of power, but the art of living together. As a means to develop living together, it has at heart association or bonding. This is accomplished by a pledge, an oath of agreement, in which men function in such a way as to give themselves to each other, according to their differing functions. This is the basis for “communication”, not just verbal exchange, but of all that is useful to build a common social life in harmony. Communication is sharing of life. Living together by means of mutual agreement and consent for the common good experienced in a shared life has as its end justice, peace and happiness. Behind Althusius’ definition we can hear echoes of the second table of the Decalogue but also of Jesus’ summary of the law, which takes in its scope loving one’s neighbour as oneself. Apart from this we find the reformational notions of covenant, mutual agreement, freedom and the sharing of benefits which fuel the democratic ideal.

At the heart of Althusius’ republic, *res publica*, stands the notion of justice, to be achieved by equity in agreement and balanced social relationships. Liberty is safeguarded by a series of checks and balances in the private and public spheres. Althusius’ suggests that the body politic be organised around five sorts of associative life, two private and three public.

These permanent structures allow individuals to have access to social life, to be represented and to preserve fundamental freedoms.

In the realm of private associations Althusius indicates the centrality of the family and the *collegium*. Because man is created in the image of God, he stands in relation to others because of his genetic heritage and his basic human gifts. Because they are related to the creation, these forms of association are more permanent and supportive of human life than public associations which may come and go. So humans do not stand as naked apes in the jungle of life with no vis-à-vis other than the monolithic political state. Man shares first of all with his next of kin in a narrow or broader sense within a social tissue structured by common heritage, culture and story. By his vocation in the *collegium*, man forms associations to fulfil his calling in the use of his gifts. These may include guilds, academic institutions, churches, trades unions and all kind of private associations based on a common interest.^{vi} These “clubs” have rites of initiation and rules of membership based on mutual interest and consent to engage in activity together. “Communication among colleagues is the activity by which an individual helps a colleague, and so upholds the plan of social life set forth in covenant agreements.” For Althusius, unlike Bodin, these are not activities of citizenship, but of brotherhood. Althusius gives many biblical examples.

The public realm is comprised of three arenas, the city, the province and the commonwealth, based not on ties of human relations or consent to a common interest, but on representation, delimited by geographic locality. Public associations are to be constituted and structured like building blocks by a process of direct representation. Thus families and *collegia* are represented in cities, cities in provinces and provinces in the commonwealth. Cities and provinces are particular federations, differing from the *res publica* which is a universal association. Sovereignty is vested in the people in such a way that popular sovereignty determines what is universal. A senate or similar governing body represents the people through delegates from the private associations which provide the basis for representation in the public associations. Thus there is a separation of the private and the public spheres with different kind of executive powers, but there is also a continuity established through representation in the common good.

By contrast with Spinoza who took the Old Testament to only apply to Israel in its land, Althusius sees the Biblical commonwealth constituted as a federation of tribes founded on a covenant, under a common constitution of law, as being the prime model for federalism.^{vii} The constitution is best established by the common consent of the people expressed by a Senate, which has the right of legislating for public associations. A chief executive may preside over the communication of things, services and rights. Thus “administration and government of a commonwealth is nothing other than the execution of law. Therefore this law alone prescribes not only the order of administering for the magistrate but also the rule of living for all subjects.”^{viii} Althusius considers the foundation of the law to be common to all human beings, a law of nature, which has specific expression in the Decalogue, and which is applied in proper law (*lex propria*), drawn up by the magistrate on this basis.^{ix}

This is a comprehensive view of federal republicanism with its basis in a covenantal view of human society in which participation, consent and communication are capital. The emphasis on association is essentially a rejection of statism with a concentration of power in a particular instance. Sovereignty is vested in the people. As D. Elazar has commented: “Althusius has provided a proper application of the biblical model. For the Bible, only God is ultimately sovereign. Politically however, sovereignty is vested with the people who possess operational sovereignty within the framework of God’s constitution... The constitutional document and the network of associations, symbiotic relations and communications of things, services and right/law are in a sense the best protection against tyranny and for what we would today call human rights.”^x

Conclusion

What can be learned for today from the heritage of reformational thinking? In the complexity of the modern world, if it is impossible, undesirable even, to attempt to transfer the past into the present, some principles may serve to stimulate reflection on political themes. For the sake of debate lets try and imagine a few of Althusius’ reactions if they turned up

today. I think they would go something like this:

1. Life is more than politics. It is a rich tissue of sharing relationships based on a multitude of agreements that allow individuals to aspire to freedom in the exercise of their activities whether familial, cultural, religious, economic or ludic. All of life is politics but governmental meddling in areas where it has no place can only lead to a stultifying lack of social diversity, which is ironically reinforced by modern individualism.
2. Politics is more than power. Proper politics involves sharing. Communication of information and transparency is the *bête noire* of modern democracies, with their secret services, decisions taken for “reasons of state” while the truth is too often hidden from the public by a media smoke-screen.
3. Our ‘tyranny’ became your dictatorial totalitarianisms or your statist myths. The reformational view of the exercise of sovereignty is the best answer to absolutism. Better than the popular sovereignty of the French revolution or the state sovereignty of the post-hegelians, is the view of sovereignty exercised in different spheres in which “different developments of social life have nothing above themselves but God... the State has nothing to command in their domain.”^{xi} Concentrations of power in anonymous centralised state institutions are dangerous. “Responsibility and authority are not channelled through one institution.” True leaders with authority in different areas of social life exist in the interests of servanthood.^{xii}
4. Beware of the European Union. It is potentially dangerous, if it leads to concentrations of power in a presidium or in the hands of anonymous bureaucrats. However, it can be a great blessing as a *res publicae*, an association of associations (*consociatio consociationum*) in which the people as a whole find meaning. A new principial and structured federalism is necessary to legitimise the European project.
5. Concern must be expressed for mediating forms of association with autonomous life between the State and the individual – families, cultural associations, labour unions and ecclesiastical institutions – in which liberty of association and conscience are the basis of consent.
6. The religious question. Economics is not everything, no more than politics. The present religious vacuum has serious implications, as nature abhors a vacuum. A new

transcendence is the need of the hour, one that can provide a foundation for law and justice. “God’s word must rule, but in the sphere of the State only through the conscience of the persons invested with authority.”^{xiii} The separation of Church and State is the New Testament model as both have, under God, a different calling. Where did the Christian church in the West lose the way?

ⁱ See H. Woldring, ‘The Constitutional State in the Political Philosophy of Johannes Althusius’, *European Journal of Law and Economics* 5 (1998:2) 123-132 and J. Coffey, ‘Johannes Althusius’ on the web site of the Jubilee Centre.

ⁱⁱ J. Althusius, *Politica*, Indianapolis, Liberty Fund, 1995, edited and translated by F. S. Carney with an introduction by D. J. Elazar. The best available discussion about Althusius in general is by Daniel J. Elazar, ‘The multi-faceted covenant. The Biblical approach to the problem of organizations, constitutions, and liberty as reflected in the thought of Johannes Althusius.’ It is accessible as a paper of the Jerusalem Center for Public Affairs on internet. Martin Buber was also influenced by Althusius, particularly in his *Kingship of God*, New York, Harper and Row, 1967.

ⁱⁱⁱ *Ibid.*, 191, 199.

^{iv} *Ibid*, xxxv.

^v *Ibid*, 17

^{vi} *Ibid*, 28ff.

^{vii} *Ibid*, xxxvi.

^{viii} *Ibid*, 134

^{ix} *Ibid*, 139.

^x Elazar, ‘The multi-faceted covenant’, art. cit.

^{xi} Abraham Kuyper’s view of ‘sphere sovereignty’ in his *Lectures on Calvinism*, 91.

^{xii} P. Marshall, *Thine is the Kingdom. A Biblical Perspective on the Nature of Government and Politics Today*, London, Marshalls, 1984, 50, 57, 59.

^{xiii} Kuyper, 104.